

Planning Board

February 29, 2012 Meeting

The Planning Board held a regular meeting on Wednesday, February 29, 2012 at 7:30 p.m. in the Town Hall Annex, 39 Central Street, Rowley, MA. The following members were present: Curt Bryant, Chairman; Cliff Pierce, Vice Chairman; Jean Pietrillo, Clerk; and Dave Jaquith. Also in attendance was Larry Graham, from H. L. Graham Associates in Ipswich, MA., who is the consultant to the Board. Chairman Curt Bryant called the meeting to Order at 7:30 p.m.

7:30 p.m. Public Hearing on Proposed Zoning Amendments
(Zoning District Map; Outdoor Retail Display
and Accessory In-Law Apartments)

Members of the Zoning Review Committee that were present for this public hearing were Bob Merry (Selectman); Cliff Pierce (Planning Board); Dave Jaquith (Planning Board); Don Thurston (Zoning Board of Appeals); Tom Heidgerd (Zoning Board of Appeals); Ken Ward (Inspector of Buildings); and Katrina O'Leary (Administrative Assistant).

Curt read aloud the legal notice. The legal notice advertising this public hearing was published in The Town Common on Wednesday, February 8, 2012 and on Wednesday, February 15, 2012.

Cliff stated that there are three (3) proposals for the Board to consider.

Article 1 is an amendment to the Zoning District Map by transferring approximately 35,200 s.f. of property at 406 Haverhill Street from the Business/Light Industry District to the Retail District.

Cliff explained that the property is bisected by the zoning line. The zoning line also bisects the existing building on the property so that part of it is in the retail district and part of it is in the business light industry district. This makes it difficult to enforce the zoning bylaw. This transfer of property will square-off the retail district to include all of the building and all of the pavement area.

Ken Ward, the Inspector of Buildings, stated that the main reason for this amendment is that the zoning line splits the lot and splits the building; it's very confusing.

Katrina O'Leary, the Administrative Assistant to the Zoning Review Committee, presented a new map that was colorized to show the area to be transferred over to the retail district. The previous map wasn't colorized and it was difficult to see what portion of the lot was being transferred.

Article 2 is a revision to Sections 4.2.3(a) and 4.6.2(a) of the Zoning Bylaw to allow retail stores to have outdoor display areas; and also deleting Section 8.5 of the Zoning Bylaw, which is the "New Single Family Dwelling Limitation".

Cliff stated that the new single family dwelling limitation was a limit on the number of building permits that could be issued. It expired on May 6, 2009 and the Supreme Court ruled that a similar type of rate of development bylaw was illegal.

Article 3 is to delete the existing Section 6.6 (Accessory In-Law Apartments in the Central, Outlying and Residential Districts) of the Zoning Bylaw and replacing it with a new Section 6.6 (Accessory In-Law Apartments).

Cliff stated that this new Section 6.6 makes the bylaw fair and equitable, and it also eliminates the requirement that accessory in-law apartments can only be created in single family dwellings and located on lots that were both in existence prior to January 1, 1990. Some other new general requirements of this bylaw are that that the floor area of the apartment may not exceed 700 s.f., and Section 6.6.3.3 that states the record owner shall file the special permit and a declaration of covenants with the Registry of Deeds.

A motion was made and seconded (Pietrillo/Pierce) to adopt the proposed zoning changes and to send them to Town Meeting for final approval. So voted unanimously.

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8:00 p.m. Francisco Lepe d/b/a El Tapatio Restaurant
300 Newburyport Turnpike
Continued public hearing on Site Plan Application

Bob Griffin, from Griffin Engineering in Beverly, MA., was present and represented the applicant for this continued public hearing. Francisco Lepe, the applicant, and Scott Silver, one (1) of the property owners from the Jells Group in Topsfield, MA., were both present for this continued public hearing. Also in attendance was Ken Ward, the Inspector of Buildings.

Bob Griffin submitted a revised site plan that had the revisions highlighted in yellow on it. The revised site plan is on 11 X 17 sheets, consists of four (4) pages, and is revision number three (3), dated March 9, 2012.

Curt stated that the septic system for the tavern/pub (Rowley Roadside Grille & Pub) was approved in 2010; the Planning Board was under the impression that this approved septic system was for this restaurant, and it's not. Curt stated that the flow calculations for the pub are different from what a restaurant requires. The septic system for the pub was never built.

Curt asked if there would be parking over the septic system, and stated that the approved septic system for the pub is not designed to be parked on. Scott Silver stated that he wants to have a septic system that can be parked on.

Ken Ward stated that the Board of Health told him that the septic system designed for the pub is not adequate for the restaurant. The restaurant needs a larger septic system and it needs to be kept out of the Municipal Water Supply Protection District.

Curt stated that the applicant (El Tapatio) has not submitted a formal request for a parking waiver.

Cliff stated that he had read in the paper that Cathy's is closing, and he asked if this were true. Scott Silver replied that it was. Cliff commented that this would impact the parking short term.

Bob Griffin reviewed the changes on the revised site plan that he had submitted earlier. The parking chart, page C-1, has been revised to include the number of future parking spaces behind the restaurant; the total number of future parking spaces on site is 147. The parking chart has also been revised to include a waiver request for the total number of off-street parking spaces. The guardrail along the northerly property line, near the four (4) foot dropoff area, has been extended further along the property line and continues towards Route 1 until you reach the two (2) foot area droffoff, see page C-1, plan note number 12. The specifications for the three (3) new light standards and lamps in the front parking area have been included on the photometric plan, page C-2. The photometric plan shows little to no light trespass. A proposed landscaping plan and a site signage plan have been included, page C-3.

Curt asked about snow storage for the site. Bob Griffin stated that the snow would be pushed to the rear of the site.

Larry stated that the revised site plan addresses most of his concerns, as detailed in his letter to the Board, dated February 17, 2012; the only concern not addressed is the parking. Larry stated that he prefers the plan he saw on February 27, 2012 that utilizes an area of the Yankee Pine property for parking, and he stated that this plan also has a better circulation flow.

Larry recommended to the Board that they approve the site plan for El Tapatio restaurant, and allow them to open with 96 parking spaces, because they only need 82, conditional upon a plan for full build-out being kept on file in the Planning Board office.

Curt recommended to the members that this public hearing be continued to March 28, 2012. Francisco Lepe asked if the process could be expedited because he wants to open the restaurant; another month will delay his opening.

Larry stated that he could do a draft decision for the Board for the next meeting.

A motion was made and seconded (Bryant/Pietrillo) to continue this public hearing to the March 14, 2012 meeting at 7:30 p.m. So voted unanimously.

Matthew Cummings, Cummings Architects - Informal discussion regarding an amendment to an approved site plan for Parker River Community Preschool, 181 Main Street

Matt Cummings, from Cummings Architects in Ipswich, MA, and Jennifer Rita-Shaw, the owner of the Parker River Community Preschool, were both present for this informal discussion.

Matt Cummings submitted a packet of information with a cover letter to the Planning Board, dated February 28, 2012. This information includes plans showing minor additions to the existing building and elevations of the building from different angles with the additions. Matt Cummings asked if these minor additions could be considered an amendment to an approved site plan, or would they need to file a whole new site plan. Curt stated that the proposal could be filed as an amendment to an already approved plan. The other members agreed.

Matt Cummings asked that since they would be filing the proposal as an amendment to a site plan, would they need to file the minimum fee for the site plan, which is \$1,000, or could the Board waive it down to \$500.

A motion was made and seconded (Pierce/Pietrillo) to reduce the filing fee for the amended site plan to \$500. So voted unanimously.

A motion was made and seconded (Pierce/Pietrillo) to waive the review of the application by Larry Graham. So voted unanimously.

Dave stated that he would like to see a landscaping plan for the front of the building. Cliff agreed with Dave.

The public hearing for the amendment to the site plan has been tentatively scheduled for March 28, 2012 at 8:00 p.m., pending the actual filing of the application.

Discuss FY2013 Planning Board budget and Department re-organization

Curt distributed copies of his proposed budget for fiscal year 2012 to the members. The Town Planner position is going to be a level 9 non-union position.

Cliff stated that he wasn't sure what this would mean for MaryAnn and the Union. Curt stated that he wanted the Board to vote on his proposed budget, and not to discuss anything else.

A motion was made and seconded (Jaquith/Pierce) to approve the budget for fiscal year 2013 which funds the newly created position of Town Planner and eliminates the position of Administrative Assistant. So voted unanimously.

Schedule public hearing for Site Plan and Special Permit applications filed by John & Karen Gorman, 103 Haverhill Street

The public hearing for the Site Plan and Special Permit applications filed by John & Karen Gorman, 103 Haverhill Street has been scheduled for March 28, 2012 at 7:30 p.m.

Informal discussion regarding Sheehan Estates/Gurczak Lane

Curt stated that Gurczak Lane is not a Town accepted street, and the residents are concerned because the street lights have been turned off. The residents would like the lights back on. The developer hasn't paid the electric light department to keep the street lights on. The Town is holding a cash bond for about \$22,000 for this subdivision.

A motion was made and seconded (Pierce/Pietrillo) to authorize Larry Graham to track down the developer, Joe Pelich, and to report back to the Board on his progress. So voted unanimously.

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Adjournment

There being no further business to come before the Board, a motion was made and seconded (Pierce/Pietrillo) that the meeting be adjourned. So voted unanimously.

The meeting was adjourned at 9:40 p.m.

Minutes accepted at the Planning Board's August 22, 2012 meeting.