

**Rowley Planning Board  
Regular Meeting Minutes  
Rowley, Massachusetts**

August 14, 2013, 7:30 p.m.

Town Hall Annex - 39 Central St., Rowley, MA

**Those present: Chairman Curt Bryant, Vice Chairman Cliff Pierce, Jean Pietrillo, David Jaquith, Steven Kassiotis, Associate Member Chris Thornton, Technical consultant Larry Graham, Town Planner Katrina O'Leary.**

7:35 p.m.: Chairman Bryant calls the meeting to order.

Public Hearing– Site Plan Review - 111 Newburyport Turnpike, Artistic Landscapes, Inc.

Pierce motions to open the public hearing. All members vote in favor. Public Hearing is opened.

Chairman Bryant reads the legal notice that was published on July 31 and August 7, 2013 in the Town Common for this public hearing. William Holt, presents the Site Plans for 111 Newburyport Turnpike on behalf of the applicant, Tony Hurley. He introduces Rob Nixon who is also assisting with the necessary permitting for this property and business. Holt describes the property and the proposed layout of building, parking, and utilities. Pierce asks about lot coverage because it appears that the applicant may have exceeded the maximum lot coverage allowed by zoning. Holt points out that a portion of the parking lot is gravel and they are also making use of pervious pavers on another portion. Pierce asks if the Conservation Commission has any objection to the proposed plan and Holt answers that they are working on it.

Bryant reads letters from the following departments: Conservation Commission, Fire Department, Police Department, Board of Health, and the Municipal Lighting Plant. Pierce asks the applicant if they have reviewed site distances in terms of exiting and entering the site. Holt answers in the affirmative. Pierce notes that the building is labeled as proposed retail building and asks that the building be labeled with the correct use. Pierce asks if all equipment and supplies are going to be located within an enclosed area and Holt answers in the affirmative. Holt explains that vehicles will be inside the building and there will be a chain link fence around the perimeter. Bryant asks if the applicant would consider using slats in the chainlink fence. There is an existing stone wall in the front and along the rear.

Pierce asks if the board is considering a site visit. Members feel that they should conduct a site visit. Bryant asks that the entrance and exit be staked out before the board conducts a site visit. The board decides to schedule a site visit after they receive HL Graham's review. O'Leary asks if the board would like comments on the proposed lighting and illuminated sign. The board asks that Frank Marchegiani to review the lighting. Holt tells Larry Graham that they are in the process of requesting a curbcut from Mass DOT.

**Pierce motions to continue the public hearing to September 18, 2013 at 7:30 pm. Motion passes.**

Approval Not Required Plan – 420 Newburyport Turnpike – Ipswich Bay Glass

**Pierce motions to waive the Planning Board's requirements for the minor deficiencies found on the plan. Kassiotis seconds. All members vote in favor.**

**Pierce motions to endorse the plan as one not requiring approval under the subdivision control law. Kassiotis seconds. All members vote in favor.**

Meetinghouse Village/Cindy Lane – Abuzahra – Request for Tripartite Extension

Bryant explains that they have received a letter from Attorney Mullen which explains the reason that this subdivision has not yet been completed which necessitates another tripartite extension approval from the board. The case is still held up with the state office of Environmental Protection. Pierce asks how they know that the amount left in the tripartite is adequate to cover the cost of construction. The last estimate was done back in 2009 by John Moran.

**Pierce motions to grant a 6 month extension of the tripartite agreement and adds that if in 6 months the Planning Board is in receipt of a letter from John Moran stating that the funds held are in a sufficient amount, the board will agree to extend the tripartite another 6 months. Jaquith seconds the motion. All members vote in favor.** The board signs the extension and O’Leary notarizes the document.

Market Basket

Bryant updates the board on progress made on the fence and screening behind Market Basket. He explains that the Selectmen had Town Counsel review the board’s decision on this special permit modification. The board is in receipt of a Town Counsel recommendation that the board holds a special permit public hearing. The board agrees to discuss this topic at their next meeting.

Down River Icecream

Jaquith recuses himself from discussion. The board has received a request from the owner of DownRiver Ice cream for the balance of the funds held for review of this site plan project. Bryant explains that the building inspector has also sent a letter to the board stating that the handicap railing was installed incorrectly. However, the board has already sent a letter to the building inspector stating that the project has been completed according to the Planning Board’s Site Plan decision. **Bryant motions to refund the remaining \$103.00 to the owner of Downriver Icecream. Pierce seconds. Bryant, Pierce, and Pietrillo vote in favor. Kassiotis is against. Motion passes.**

Residences at Rowley Country Club

Jill Mann, representing the applicant, Ralph DiGiorgio, explains that they are before the board for several items. First, the Conservation Restriction has been approved by the state and is in its final stages of being accepted by the Conservation Commission and the Selectmen. O’Leary explains to the board that the applicant only had to send the copy of the Conservation Restriction that had been reviewed and redlined by the state to the Planning Board to fulfill the condition in their decision pertaining to the first occupancy permits. The Planning Board does not have to approve the changes made to the CR. Jill Mann also submits drawings of the Gazebo design to the Planning Board and explains that this structure will hide necessary pump equipment.

DiGiorgio asks the board if their temporary access road can be used to bring equipment into the site while the project is tied into the Town water lines. He isn’t sure about this being necessary and Bryant asks him to think about it and get back to the board on September 18.

Larry Graham notes that there seems to be a contradiction in the decision and has also found other areas that should be modified. For instance, the entrance island cannot be installed until the end so that heavy equipment can access the site. The board agrees to have him review these changes and propose a modification to the decision in time for the next board's meeting.

**Jaquith motions to approve the gazebo design. Pierce seconds. All members vote in favor.**

#### Gurczak Lane – Taking of Surety

Bryant explains that after numerous attempts, it is apparent that the developer of Gurczak Lane cannot finish the subdivision. He asks the board to consider voting to ask the Selectmen to place an item on the warrant to take the surety remaining for this subdivision in order for the Town to finish the remaining work items. **Pierce motions to send a letter to the Selectmen asking that the taking of the Gurczak Lane surety be placed on the Fall 2013 Town Warrant. Jaquith seconds the motion. All members vote in favor.**

#### Annual Employee Evaluation – Town Planner Katrina O'Leary

Bryant explains that the board will be conducting an annual evaluation of Katrina O'Leary, Town Planner, as she was employed on July 9, 2012. He proposes that the board vote individually on each item listed on the printed evaluation form. Pierce notes that the directions say that "excellent" ratings should be saved for employees that have worked for at least 1-2 years for the Town. General discussion takes place and members give excellent ratings for many of the evaluation items. Bryant feels that in the area of cooperation there may be room for improvement and proposes that a "good" rating be given. Other members disagree, but feel that Bryant has more experience working with O'Leary. Jaquith feels that the one area that a "good" rating be given is in the area of "initiative" because he feels there are other subjects in Town that the Town Planner could be reviewing. Other members disagree and point to several examples of O'Leary taking initiative. **Jaquith motions to give O'Leary a "good" rating on number VIII. "initiative." There are no seconds. Motion fails. Jaquith motions to give O'Leary an "excellent" rating on initiative. Pierce, Pietrillo, Kassiotis second. Motion passes. Bryant motions to give O'Leary "good" rating for the item numbered VII. "Cooperation." Jaquith seconds. All vote in favor. Bryant motions to give O'Leary an "excellent" rating on the rest of the items; III. Job Knowledge, IV. Job Performance, V. Job Productivity, VI. Dependability, IX. Work environment & Safety, X. Overall Performance Level. Pierce seconds the motion. All members vote in favor.** Bryant will fill out the rest of the form and after O'Leary signs it he will deliver it to Personnel Director Deborah Eagan. O'Leary thanks the board for the evaluation and promises to work on any weaknesses cited by the board in the coming year.

Approval of Minutes – July 17, 2013: Three small changes are made to the minutes. **Pierce motions to approve the minutes as changes. All members vote in favor and motion passes.**

Adjournment: **Jaquith motions to adjourn at 10:20 pm, seconded by Jaquith. All members vote in favor.**

Documents provided at the meeting and available in the PB office:

Minutes of 7/17/2013

PB Expense account

Minutes accepted at the 9/18/2013 meeting.