

**Rowley Planning Board
Regular Meeting Minutes
Approved Jan. 22, 2014**

Rowley, Massachusetts
November 20, 2013, 7:30 p.m.
Town Hall Annex - 39 Central St., Rowley, MA

Those present: Chairman Curt Bryant, Vice Chairman Cliff Pierce, Jean Pietrillo, Stephen Kassiotis

**David Jaquith (absent)
Associate Member Chris Thornton (absent)**

Attendees: William Holt, Anthony Hurley

7:30 p.m.: Chairman Bryant called the meeting to order.

7:30 p.m. Site Plan Review - 111 Newburyport Turnpike, Artistic Landscapes LLC – Anthony Hurley, Scheduled Site Visit

Chairman Bryant asked Anthony Hurley to respond to the modifications to the original plan (COPIES ATTACHED). William Holt introduced himself as the engineer on the project. He said modifications were made and variances noted on the plan as requested. He said variances were approved by the ZBA for parking in both the front setback and rear setback, for storage and for a sign slightly larger than usually allowed. Hurley said there were grading concerns from Mass Highway and the entrance and exits will be regraded to 2%. Hurley said there is an existing street light and they will add an additional light of the same size and type at the entrance if required.

Steve Kassiotis asked where the entrance sign is located, how far back from the street. He said he is concerned as to whether people leaving the property will be able to see cars coming over the hill. Holt said the sign will be 14 ½ feet back. Bryant asked if there is an apron in that area and whether they had received permission for curb cuts. Holt said there is an apron and they have received permission from Mass. Highway based on a previous plan. Hurley said the State wanted a 20 foot entrance rather than an 18 foot. He said the right hand turn will have a 30 foot radius rather than the original 23 foot radius. He said the drawings represent what the State requested. Holt said they may need more lighting for the entrance. Bryant asked if the sign is a daytime sign. Hurley said it will be internally lit. Cliff Pierce said they do not have the required permit. Bryant proposed Hurley come back later to resolve the sign permit, but they need to get the Site Plan and Use done now. Pierce agreed regarding the sign. He said he has no issue with the extra lighting on the landscaping and asked if any of the other members of the Board did. No one did.

Holt said they have also modified the fencing which will now be 6 feet high, not 7 feet, and will have evergreen shrubs in front to screen it. He said there will be two gates. Bryant asked if he had spoken to the Fire Chief. Hurley said he had and there will be lock boxes with a key to the gate and the building. Holt said they have a prepared plan for septic, infiltration and drainage and will be installing liquid propane tanks rather than natural gas. He said they will tie into the water service but will install a well 100 feet from the septic system for irrigation. Holt said the building inspector said they do not need sprinklers for the building. He said the existing water line servicing the house on the property will be sufficient to service the building as well. Holt said a complete set of plans with the elevations will be given to the building inspector. He said they are also adding additional "one-way" signs and "exit only" and "entrance only" will be painted on the roadway. Holt said the labeling as "zone 2" has been corrected as 90% of the property is in the water shed protection district. He said they are going before the Conservation Commission for a storm water permit.

Kassiotis expressed his concerns for the entrances and exits and asked if a lane could be added to the road for entering the property. Holt said the drop-off is too steep. He said Mass. Highway reviewed and approved the plans. Kassiotis asked how much traffic would be entering. Jean Pietrillo asked what type of delivery trucks there would be and if they would be large tractor trailers. Hurley said they might receive large deliveries a couple of times a year. Kassiotis asked about clients. Hurley said his clients would prefer that he go to their properties to discuss landscaping plans and to walk their site. Holt said it is not a retail business. Bryant said the entrance will not be an issue for small vehicles and there can be more discussion if the business is expanded. Holt said Mass. Highway has criteria they use. Bryant asked Larry Graham to comment. Graham said a separate lane is not warranted or Mass. Highway would have required it.

Graham asked Chairman Bryant if he would like him to go over the items discussed in the previous session. Graham said the following items have been addressed:

1. Up-facing lights under 86-47 – satisfied they will be in compliance, no variance needed
2. Street light at the entrance – Graham said he would like the plans to reflect that the additional light will be there and the Board can vote to remove it if not necessary.
3. Condition of approval from Fire Chief
4. Condition of addition of lock boxes
5. Condition of approval of Board of Health
6. Architectural plans, if the Board is satisfied
7. Sign location- Graham said he would like to see it further south, closer to the entrance, to avoid the possibility of missing the entrance. Hurley said he was planning to landscape the area. Graham, the Board and Holt agreed to relocate the sign 15 feet closer to the entrance.

Graham said there are nice changes in the grade of the entrance from 2% down to 4%. He said he would like to see 40 feet of guardrail. He said the 15 feet of guardrail on the southerly edge is not needed. Hurley asked if the guardrail has to be continuous or if he could do it in sections

with plants between them. Graham said that would be fine as long as the space between the guardrails wasn't 10 feet.

Graham said that to close the hearing he would request the submittal of the final plans and he will draft a certificate of vote.

Hurley asked if the Board would be voting on the plans tonight. Bryant said they would schedule the vote for the meeting of December 4, 2013. Pierce said the Planning Board would vote on the decision based on the revisions to the plans that were discussed tonight. Bryant said Holt and Hurley have done good work on a difficult site.

Chairman Bryant called for a motion to close the hearing. Pierce so moved, Pietrillo second, all in favor – (3-1) Bryant – aye, Pierce –aye, Pietrillo – aye, Kassiotis - no

David Jaquith – absent
Chris Thornton – absent

Regular Business

1. Subdivision Approval Not Required Plans; if any

Chairman Bryant called forth Donna and Eugene Pikul to discuss two parcels on Red Gate Road. Donna Pikul presented a completed Form A, a copy of the original deed for the total property before it was divided into parcels 8 and 9 on Assessor's map 30, Municipal Lien Certificates for both parcels and the original easement to the Town from 1977 (COPIES ATTACHED). She said they are selling parcel 8 to Tendercrop Farm and they do not want a problem with the dump property, parcel 9, which they will retain ownership of, but the total 18 acres is still recorded as one lot combined with parcel 8. Jean Pietrillo asked if the original plan stipulated "no development". Donna Pikul said only up to the line of the parcel containing the dump area. Eugene Pikul asked if they can leave that whole parcel out since it should have been separated. Cliff Pierce asked Larry Graham if they could just write on the deed that it has been split into two parcels.

Pierce made a motion to approve the Form A application for Map 30, Parcel 8, Steve Kassiotis second, all in favor – aye (4-0).

The members signed the Form A application. Donna Pikul asked if they were all set with the Planning Board and were told they just need to see a lawyer to have the documents recorded.

2. Discuss Fox Meadows Condominium subdivision permit and request to change street name

Chairman Bryant said the Board has received letters from the Fox Meadows Condominium Association requesting a street name change. He said more research has to be done regarding

the issue. Bryant said there are written comments from the Police and Fire Chiefs (COPIES ATTACHED). He asked that the members review the information before the next meeting. Bryant said there is a single family house on the property with a different address and the owner objects to the name change. Jean Pietrillo asked if all the owners would have to change their deeds. Cliff Pierce said he didn't think that would be necessary. He said the property with the single family home is a land-locked parcel and he doesn't know how that happened.

Bryant read a letter dated November 12, 2013 into the record from Principal Assessor Sean McFadden (COPY ATTACHED). Pierce said just changing the name of a private road won't make it an accepted road. Pietrillo said she may have to recuse herself from the discussion since she knows the owners of the single family home.

3. Review application from Grenier Associates to the ZBA for nonconforming special permit for dog day care facility

Chairman Bryant said a request has been received from Grenier Associates to change 317 Haverhill Street from a conforming retail use to a nonconforming use as a dog day care center. Cliff Pierce said you can't change a conforming to a nonconforming, you can only change a nonconforming to another nonconforming use. Bryant said the request states that there are two buildings, one is residential and the other would be used as the dog day care and would not be detrimental. Pierce said the residence is nonconforming in the retail district and that must be what they are requesting to change to another nonconforming use. He recommended letting the Zoning Board of Appeals deal with it. Jean Pietrillo agreed. Bryant said property is next to Bachelder Brook, which is a tributary of the Mill River, which runs into the estuary. He said the upstream areas need to be protected. (COPY OF APPLICATION ATTACHED)

4. Review letter from Larry Graham re: Market Basket

Chairman Bryant asked the members to please read the draft of the letter for the Selectmen re: Market Basket and Larry Graham's summary of his observations. Bryant said the documents are in their packets and he would like to vote on the letter on December 4th. (COPIES ATTACHED)

5. Correspondence
None

6. Update on Town Planner search

Chairman Bryant said the Committee is narrowing down the applications for the Town Planner position on Friday and Tuesday to present to the Board. He asked for comments from Cliff Pierce and Jean Pietrillo. Pietrillo said they had a lot of great, qualified applicants. Bryant said the process is to first do a preliminary screening of the applications, then to hold interviews and the last step will be to present the finalists for interviews in a public meeting.

7. Approval of Minutes
 - a. 10/30/2013 meeting

Chairman Bryant asked for a vote to approve the minutes of Oct. 30, 2013. Cliff Pierce asked to vote on the minutes at the next meeting. Bryant thanked Amy Lydon, Asst. Town Administrator for all her assistance with the minutes and other Planning Board issues.

8. Planning Office
 - a. Bills Payable, Expense Report

None.

9. Review meeting schedule – December 4, 2013 public hearing on Institution for Savings Special Permit Modification and Site Plan review and tentatively interviewing the finalists for the position; December 18 tentative

Chairman Bryant said the next meeting is Dec. 4, 2013 and he expects to interview the finalists for the Town Planner position at the meeting on Dec. 18, 2013.

10. Adjournment

Chairman Bryant called for a motion to adjourn. Cliff Pierce, so moved; Jean Pietrillo, second; all in favor – aye (4-0).

Meeting adjourned at 9:00 p.m.

ATTACHMENTS

- modifications to plan for 111 Newburyport Turnpike
- Red Gate Road: Form A, a copy of the original deed, Municipal Lien Certificates for both parcels 8 & 9 on Map 30 and the original easement to the Town from 1977
- application from Grenier Associates to the ZBA for nonconforming special permit for dog day care facility
- draft of the letter to be sent to the Board of Selectmen re: Market Basket and Larry Graham's summary of his observations.

Respectfully submitted,

Doreen Glowik

Asst. Town Administrator