

Rowley Planning Board
Regular Meeting
Minutes (DRAFT)

Rowley, Massachusetts
January 22, 2014 – 7:30 pm
Town Hall Annex – 39 Central St., Rowley, MA

Those Present: Chairman Curt Bryant, Vice Chairman Cliff Pierce, Jean Pietrillo, Stephen Kassiotis, Associate Member Chris Thornton, Town Planner Kirk Baker

Absent: David Jaquith

Others present: Melissa Ogden, Attorney on behalf of Rowley Village Green; Said and Jehad Abuzahra on behalf of their own application.

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

7:30 pm – Request for reducing bond amount for Residences at Rowley Country Club

Bryant introduces the Board's Engineering Consultant, Larry Graham's, memo recommending the new amount. Kassiotis contends that reducing the amount is letting the applicant off too easy. He says that for a project such as the Rowley Country Club, bonding in the amount of \$100,000 is more appropriate.

Thorton agrees that such an amount as requested by Kassiotis would be safe but that the Board is constrained by the stipulations of the zoning bylaw which allows for reductions commensurate with the amount of work completed.

Bryant further points out that Graham follows a methodology when he determines the bond amounts which includes a 20%, cost-prevailing wage, contingency to be reflected in the reduced amount.

Melissa Ogden, speaks on behalf of the request. She presents a memorandum sent to the Board requesting the reduction. The Board members note they have already received the information. Ogden notes that 27 of the 36 total homes have been sold or are under contract.

Cliff Pierce makes a motion to approve the bond reduction. Jean Pietrillo seconds the motion. The Board votes 4-1 to approve the motion, with Steve Kassiotis opposing.

7:45 Discussion - Cindy Lane Street Acceptance

Bryant introduces the Cindy Lane issues and states that the purpose of tonight's meeting is for discussion which will hopefully lead to a "road map" to getting Cindy Lane (and Belle Circle which is off Cindy Lane) accepted as a Town road, if at all possible, at the time of the upcoming May 2014 Town Meeting.

Cliff Pierce notes that the Board will need an assessment from John Morin, the Town's Engineering Consultant for the project.

Said Abuzahara speaks on behalf of his request to move forward towards Street acceptance. He states that the State Courts have validated his easement rights which was a process that was drawn out over a period of ten years. He then explain how Farmhouse Realty "gave him" the connector road which is still under dispute with the Department of Environmental Protection (DEP). Abuzahra then explains how John Darling, associated with the adjacent Farmhouse Subdivision to the north, dropped the appeal in regards to the easement rights issue and appealed the Rowley Conservation Commission's Order of Conditions pertaining to the connector road with Wilson Pond Lane. Abuzahra states that the property on which the connector is located is tied up in DEP proceedings but also maintains that funds to cover completion of the connector is accounted for in the Tripartite Agreement (TPA) still being held by the Town. The Board notes that the TPA is set to expire on February 28th, 2014 and must be renewed prior to that date.

Bryant states that the best way to move this forward will be to coordinate a meeting which involves all relevant players such as John Morin, Ron O'Keefe of the Highway Department. Pierce notes the project has so many complications that requesting guidance from the Town Attorney would be a good idea. Thorton notes that the Technical Consultant fee account must be replenished.

Abuzahra writes a check cover the amount and gives it to Baker for processing. The Board requests that Baker coordinate the above-cited meeting over the next week and that he confirm the deadlines for getting this item on the Town Meeting Warrant. Abuzahra states he will have his attorney at the meeting and will await Baker to let him know when the meeting will take place.

Other Business:

Town Planner Schedule:

Baker announces that his final schedule will be Mondays (9am-4pm), Wednesdays (9am-5pm), and Thursdays (9am-4pm) with public office hours being 9am to 12:30 pm to correspond with Conservation Commission and Board of Health public office hours.

Town Annual Report:

Baker presents the Town Annual Report to the Planning Board. He states that he used last year's format and updated the Board's activities for the current fiscal year by reviewing the previous year's agendas and minutes. The Board members find the report acceptable for submittal to the Town Administrator for publication.

Correspondence:

Baker presents a memo from Colleen Bailey, from the Department of Conservation and Recreation (DCR), which contains required text amendments to the Town's Floodplain District Bylaw.

Pierce notes that this is a good time to announce that the Zoning Review Committee will be meeting the next Tuesday to consider the amendment to the Floodplain District Bylaw in addition to other bylaw updates such as a bylaw for Registered Marijuana Dispensaries and a bylaw to incorporate Indoor Recreational Facilities.

Minutes:

Bryant announces his appreciation of those who worked to catch up on the minutes from November and December 2013. The Board votes to approve minutes from:

- November 20th - motion by Pierce/Pietrillo seconds – All in favor and the motion passes.
- December 4th – motion by Thorton/Pierce seconds - All in favor and the motion passes.
- December 9th – motion by Pierce/Thorton seconds - All in favor and the motion passes.

Kassiotis states he does not have the December 18th minutes. Bryant announces they will wait to approve those minutes at the next meeting.

Bryant announces a tentative meeting for February 12th and a required meeting on February 26th.

Pierce makes a motion to adjourn, and Pietrillo seconds the motion.