

Rowley Planning Board Agenda
Rowley Town Hall Annex – Room #5, 39 Central Street
Wednesday, July 9, 2014
7:30 p.m.

Minutes
Planning Board Approved 5-0 on August 13th 2014

Planning Board members present are Curtis Bryant, Cliff Pierce, Jean Pietrillo, David Jaquith, Steve Kassiotis, and Chris Thornton. Town Planner Kirk Baker is also present.

Bryant calls meeting to order at 7:30 pm.

Regular Business

Approval Not Required: Stanley J. Pikul, ANR plan for 750 Main Street, also identified as taxparcel 34-3

The Pikuls introduce their ANR Plan to split the subject parcel at the municipal boundary between Newport and Rowley.

Pierce makes motion to endorse the Pikul's ANR Plan. Jaquith seconds the motion. Bryant, Pierce, Jaquith, Thornton, and Kassiotis vote in favor of motion (5-0) to endorse ANR Plan. Pietrillo (Associate Member) abstains. No votes in opposition.

Wilson Pond Road Subdivision Form J Lot Releases

Baker presents the situation with a previous Form J release for the Wilson Pond subdivision which was granted by the Planning Board in November 1989, but, which was apparently not recorded by the developer. The discrepancy was discovered during title research done as part of the land transfer of 42 Wilson Pond Road. The previous owner is seeking to rectify the discrepancy and to clean up the title by requesting the current Planning Board reapprove the Form J release.

Thornton posits that the Planning Board in 1989 apparently went through the formal steps of completing the Form J release of the lots in the Wilson Pond subdivision and considers whether the Planning Board should now take a vote to reaffirm the original approval and then ensure the applicant's attorney records the resulting Certificate of Vote. Thornton asks Baker whether the original Form J applied just to the single property or to the entire subdivision. Baker states that the original Form J stated that lots 1-28 in the Wilson Pond subdivision were listed for release. Bryant states that he would be amenable to the reaffirmation of the original asks Baker to confirm that the proposed Form J the Board is to reaffirm will encompass the entire subdivision.

The rest of the Board agrees that the matter should be tabled until the next meeting so that Baker can confirm that the lots involved are included on the Form J.

Board of Selectmen request for comments from Planning Board regarding 40 Dodge Road and 2 Mill Road request for removal from forestry program

Baker discussed the request from the Board of Selectmen and the applicant, Cynthia Lucia and states that he send a review memo to the Board of Selectmen on June 26th but that Debbie Eagan requested a formal endorsement by the Planning Board.

The Board directs Baker to re-format the June 26 memo using the current text as an official memo from the Planning Board to the Board of Selectmen, and to copy it to all the Planning Board members. [Official memo was forwarded to the Board of Selectmen on July 21st]

111 Newburyport Turnpike signage – Anthony Hurley of Artistic Landscapes, LLC

Bryant asks Baker to inform the Board in regards to the current developments with this application. Baker states that Anthony Hurley of Artistic Landscapes came to the Planning Office requesting that the Planning Board take action on the previous illuminated sign Special Permit with the consideration that the sign dimensions are larger than zoning allows. Baker reports that although the Planning Board previously informed Mr. Hurley that he would need a variance from the Zoning Board of Appeals before the Planning Board can act on the illuminated sign Special Permit, Mr. Hurley was told by the ZBA that a sign variance was not possible and that he should return to the Planning Board for a Special Permit for the dimensions also. Baker stated that he expressed doubt to Mr. Hurley that the Planning Board had authority to do so since there is no provision for sign dimensional Special Permits in the Protective Zoning Bylaw. Baker then stated that, with the Planning Board's permission, he would seek a legal opinion from the Town Counsel on the matter and would report back to the Board as to the result.

The Board agrees to Baker's suggestion.

Baker also pointed out that the Board of Selectmen are currently reviewing an Earth Removal permit for this property and are asking for the Planning Board to provide comments. The Board directs Baker to handle the review accordingly and to forward a memo outlining his comments or approval to the Board of Selectmen by the requested deadline. At the same time the Board requests that Baker have Larry Graham (Engineering Consultant for the Planning Board) to visit the site and to confirm the elevations and topography are in compliance with the approve site plan at this phase of construction. Baker confirms he will do so.

300 Newburyport Turnpike project compliance report

Baker introduces the schedule of compliance issued to the Jells Group, LLC, in the interim since the last meeting and states that the occupancy permit for the Yogurt Lounge was issued due to the fact that the fallen parking light post had been replaced, but that the developer is now requesting issuance of an occupancy permit for a variety store at the location. Baker points out that the issued schedule of compliance stipulates that the handicapped ramp access issue brought up at the last meeting prior to the issuance of any more occupancy permits for the site.

Eric Prinz, the owner of the proposed variety store to be located in the commercial mall at 300 Newburyport Turnpike, was present and stated that he is looking to open as soon as possible but realizes there are site layout issues which need to be addressed. Baker reports to the Board that

he visited the site and that a handicapped ramp and landing has been installed, albeit not in the location which concerned the Board at the previous meeting. Baker states that the new ramp is located in front of the Pizza Factory where there was another handicapped space without direct access to the sidewalk and that this does improve the handicap access to that part of the building significantly. Baker further reports that he forwarded some pictures of the ramp to Larry Graham and that Graham told Baker on the phone that the details of the ramp appeared sufficient although he would also recommend the installation of a guard rail along the inside of the ramp and some signage to warn pedestrians accessing the parking area at that location of the height of the step down.

Bryant notes to Scott Silver that, although the Planning Boards issues have been addressed, the Building Inspector and the Fire Chief have indicate an outstanding issue with the fire alarm system and sprinkler system which must be addressed before the Building Inspector will issue a permit. Bryant points out that he is only reminding the applicant of the matter and that the applicant should work with the Building Inspector and the Fire Chief directly to resolve the issue. Mr. Silver indicates that he understands this.

The Board then discusses the time of the next meeting. The Board agrees on August 13, 2014.

Approval of Meeting Minutes

Board discusses the May 14, 2014 meeting minutes. Bryant requests a few formatting suggestions for future minutes. Thornton recommends a motion to approve the minutes. Jaquith seconds the motion. All vote in favor to approve the May 14 minutes (4-0).

Adjournment

Jaquith makes a motion to adjourn the meeting. Pierce seconds the motion. The meeting is adjourned at 8:48pm.