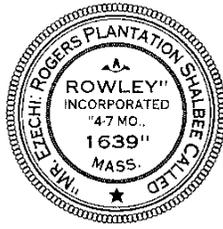


Rowley Planning Board  
P.O. Box 714  
39 Central Street  
Rowley, MA 01969



Phone (978) 948-5549  
Fax (978) 948-7196  
planning@townofrowley.org  
www.town.rowley.ma.us

**PLANNING BOARD**  
TOWN OF ROWLEY  
MASSACHUSETTS 01969

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**August 13, 2014 Minutes**  
**Approved (5-0)**

Planning Board members present are Curtis Bryant, Cliff Pierce, David Jaquith, Chris Thornton, Steve Kassiotis, and Jean Pietrillo

Others present are: Larry Graham, Engineer Consultant; Kirk Baker, Town Planner; Phil Pattison, Meridian Associates; Jeff Barbadora, Crown Castle; John Smolak, Attorney; Phillip Christiansen, P.E.

Bryant calls the meeting to order.

**406 Haverhill Street – ANR Plan**

Phil Pattison of Meridian Associates describes the details of the ANR Plan. He states the property is in the Business Light Industrial zoning district and that the owner, John Coughlin intends to sell the property with the Olympic Paint building to the owners of that business and that for the new parcel he is looking for a buyer to develop that parcel. Bryant asks Baker to confirm the details and the ANR Plan's compliance with the subdivision control law. Baker states that the details of the plan do comply.

Pierce makes a motion that the Board endorse the ANR plan. Steve Kassiotis seconds. All vote in favor of the motion (5-0) with the Associate Board member, Jean Pietrillo abstaining.

**133 Haverhill Street – Crown Castle**

Jeff Barbadora, representative from Crown Castle, discusses the proposal to add three additional Sprint antennas onto an existing cell tower owned by Crown Castle which, in turn, is located on land owned by the Town. Bryant points out that because the land is owned by the Town they will need formal consent from the Board of Selectmen. Pierce asks Barbadora to confirm there is no expansion of the ground level base station. Barbadora confirms that is the case. Baker states this is an example of the 2014 Middle Class Tax Relief Act which requires municipal governments to approve proposed improvements to wireless telecommunications facilities if the improvements do not increase the height of the tower, that the Planning Board's action is to confirm that the proposed improvement fall within the Federal law's scope.

Thornton notes that the act still requires a formal approval of the proposed tower modifications. Thornton makes a motion to approve the request. Kassiotis seconds the motion. All vote in favor of the motion (6-0).

#### **44 West Ox Pasture Lane – Preliminary Discussion for potential OSRD Development**

John Smolak, Attorney and Phillip Christiansen, P.E. explain the details of their preliminary proposal to develop the property located at the site into a Open Space Residential Development. Smolak notes that Arthur Gordon Drive which was accepted by the Town at the 2001 Spring Town Meeting included an unimproved section of right-of-way which they would propose to provide an connection to West Ox Pasture Road. Christiansen stated that over 50% would be open space. Pierce asked how much of the property is wetlands. Christiansen states approximately 45%. Pierce notes that the convention subdivision exhibit is confusing.

They discuss the issue of access through Arthur Gordon Drive and/or West Ox Pasture Road. Bryant asks Smolak and Christiansen how they would like to proceed. They agree that calling a subcommittee of some of the Planning Board members and the various departments.

Pierce questions the use of open space and whether they are depending on the proposed lots as consisting of uplands and that the open space delegated to areas of wetlands. Percentage of wetlands in the open space cannot exceed the percentage of wetlands not in the open space unless the Board issues a waiver, which, Pierce notes is unlikely.

Bryant states that the Fire Department analysis on the matter will be a big factor. Pietrillo explains that in case of a disaster emergency access is easier to guarantee if more than one means of access is required.

Graham asks if the property owner of this development has control of Vinton's Lane. They confirm that he does on his own property. Graham notes that they would have to have the right to improve Vinton's Lane all the way to Route 1. Smolak states that in a previous decision by Judy Pickett that they would have access rights to Vinton's Lane to Route 1 even without direct ownership.

Smolak asks about having some degree of access to Town Council. Bryant states that applicant develop more specific questions and then forward them to Baker so he can get permission from the Town Administrator to forward their legal questions to the Counsel. The applicants and the Board agree to set up a joint meeting between two Planning Board members, the Town Planner and other Town Departments and Boards.

Pierce and Bryant also suggest that a site visit for the Planning Board before cold weather sets in.

#### **104 Newburyport Turnpike**

Baker notes that the applicant for this request for an informal discussion has not shown at the specified time. Bryant states that the Board should move ahead on the agenda and return to this item once the applicant arrives.

## **272/278 Newburyport Turnpike – David Jaquith**

Board member Jaquith recuses himself from a decision making role for the next item in that he is the Architect for the project and will be presenting the details.

Jaquith describes the existing property owned by Gino who is also present. He states that the owner is proposing a new 10,000 square foot metal warehouse building behind the existing warehouse building for the purpose of additional space for car storage and office space. Gino announces that the parking area will be paved. He states that he is seeking a three story building. Jaquith states new landscaping in front of the building and at the street will be depicted at the time of the formal site plan submittal.

Thornton asks if there will be additional signage. Gino states there will be new signage and that it would be reflected on the site plan. Baker asks Jaquith how he classified the use on the preliminary site plan. Jaquith states that it is classified as General Storage. Bryant states that he wants to see drainage issues fully addressed

Gino asks if a 3-story building will be allowed. Pierce notes that the zoning limits the height to 35 feet and no more than 2.5 stories. The Board asks Baker to confirm with the building inspector if the definition of stories applies in this situation if the overall height is less than the maximum limit.

### **Limited Lighting Enforcement Agent Appointment**

Jaquith returns to the table.

Baker explains the background for the appointment where Frank Marchegiani has been the agent until recently when an amendment to the Zoning Bylaw shifted responsibility for illuminated signs to the Planning Board. He states that this is a formal action to shift review responsibility to the Town Planner who will act to review illuminated sign applications.

Thornton asks Baker if the duties associated with the request will interfere with any of his current duties. Baker states he does not think so and that these kinds of applications come only intermittently.

Kassiotis asks if someone is non-compliant with the illuminated sign bylaw then who will do the actual enforcement. Baker states that in regards with the actual enforcement that he will work in tandem with the building inspector who is authorized to enforce the Zoning Bylaw.

Pierce motions to approve the appointment. Jaquith seconds the motion. All vote in favor of the motion (6-0).

Bryant states that the Board needs to decide on a public hearing date for 56 Newburyport Turnpike – Mark Savory, who is proposing to construct a new building behind the parking area for Bay Road Auto Sales. The Board members decide on September 17, 2014 at 7:30 pm.

### **Wilson Pond Subdivision Form J Release**

Baker reports to the Board that he looked into the paperwork for the original 1989 Form J release and found that the release did include all 28 lots for the original subdivision. Baker states that he has, in accordance with the Board's directive from the previous Planning Board meeting where this was discussed, written up a Certificate of Vote where the current Board reaffirms the original 1989 Planning Board decision to release all 28 lots.

Thornton states that he doesn't see the problem as a title issue as much as a regulatory issue. He points to the fact that building permits were issued and if so there should be no encumbrance to the title. The Board however, agrees that the Certificate of Vote reaffirming the original decision should sufficiently rectify the issue. Pierce requests a revision to the last paragraph of the Certificate of Vote. Pierce motions to approve the Certificate of Vote with the revisions. Thornton seconds the motion. All (5-0, Pietrillo abstains) vote in favor of the motion.

### **ZBA Case 15.02 – 334 Central Street:**

Bryant describes the project as being a pool installation which is proposed to be less than the required 15-foot side setback. Pierce describes the reason the proposal is a Special Permit rather than a Variance. The Board directs Baker to transfer the recommendations outlined in his staff analysis report into a memorandum of recommendation from the Planning Board to the Zoning Board of Appeals on the matter.

### **ZBA Case 15.01 – 35 Haverhill Street:**

Bryant describes the background of the original Special Permit approval for the boat storage (which explicitly prohibits boat sales) on this site noting that over time the use came to include boat sales. Pierce notes this is a long standing non-conforming use but that the current Bylaw precludes a non-conforming use from being changed to boat sales. The Board directs Baker to reflect this in his memo to the ZBA.

### **Minutes**

Baker presents the minutes for April 30, 2014, May 28, 2014, and July 9, 2014.

Thornton and Bryant recommend corrections to the April 30, 2014 minutes.

Jaquith motions approval of the April 30, 2014 minutes with the request changes. Thornton seconds the motion. All vote in favor (6-0).

Pierce motions approval of the May 28, 2014 minutes. Thornton seconds the motion. All vote in favor (5-0; Jacquith abstains).

Thornton and Bryant suggest corrections.

Pierce motions approval with the proposed corrections of the July 9, 2014 minutes. Jacquith seconds the motion. All vote in favor (6-0).

## **Adjourn**

Jaquith makes a motion to adjourn, and Pierce seconds the motion. The Board votes 6-0 to adjourn.