

**Rowley Planning Board Minutes
For Regular Meeting on July 13, 2016
Approved on October 12, 2016**

Members present: Chris Thornton (Chairman), David Jaquith (Vice Chairman), Cliff Pierce (Member), Mark Savory (Member) are present.

Larry Graham (Engineer/Technical Review Agenda), and, Kirk Baker, Town Planner, are also present.

Curtis Bryant (Member) and Jean Pietrillo (Associate Member) are absent.

Thornton calls the meeting order at approximately 7:30 pm.

Continued Public Hearing: 414 Haverhill Street – Medical Office/Daycare.

Thornton announces the public hearing was continued from June 29th. Charlie Wear of Meridian Associates presents the revisions and his comments on the draft decision letter. Pierce asked about the plan for the paint markings being presented to the Highway Department. Wear states he has discussed the markings with Patrick Snow, the Town Highway Supervisor. Baker notes that the Highway Supervisor has sent him a written approval memo.

Wear also asks that the Planning Board request that the Board of Selectmen request the State to make adjustments to the traffic signal timing at intersection of Route 1 and Haverhill Street (Route 133). The Board requests that Baker send a memo to the BOS requesting they formally request MassDOT to modification the traffic signal accordingly.

After requesting final public input on the application, Thornton suggests the Board close the public hearing. Pierce offers motion to close the public hearing. The Board votes on the motion: 4 favor / 0 opposed. The motion passes.

The Board discusses the language of the draft decision letter for the Site Plan Review with the applicant. The Board members agree that the request to the State regarding the traffic signal should be made by the Board of Selectmen. The Board also agrees to the inclusion of a approval condition which prohibits of earth fill from off-site in accordance with Graham's recommendation.

Thornton asks for motion to approve the draft decision letter for the Site Plan Review request, with conditions and the recommended revisions. Pierce motions to approve. Jaquith seconds the motion. The Board votes: 4 in favor / 0 opposed. The motion passes.

The Board discusses the language of the draft decision letter for the Special Permit request. Pierce makes motion to approve Special Permit approval decision with conditions and the recommended revisions. Pierce motions to approve. Jaquith seconds the motion. The Board votes: 4 in favor / 0 opposed. The motion passes.

Form A - Approval-Not-Required (ANR): 414/406 Haverhill Street Boundary Modification.

The Board discussed the Form A/ANR Plan proposal to modify the boundary between the subject parcel and 406 Haverhill Street to the east. Wear states that the reason for the modification is because the wetland modification area proposed for this site was actually located on the adjacent parcel, 406 Haverhill Street, and the boundary modification would rectify this problem.

Pierce motions to approve the endorse the A application. Jaquith seconds the motion. The Board votes: 4 in favor / 0 opposed. The motion passes.

NEW PUBLIC HEARINGS:**Special Permit/Site Plan Review for Accessory Barn > 1,500 sf at 128 Daniels Road – Karl Cyr**

Karl Cyr explains his project to construct an accessory barn for personal use only. Cyrs there will be no animals except for a few chickens perhaps sometime in the future. The structure is proposed to be 42' by 90' (3,780 sf). He confirms that the barn will not be used for any commercial operations. Cyr notes the building is to be located in the middle of his property which consists of about 8 acres total. He states the proposed barn shouldn't be visible from the road or from any other abutting property. Cyr also notes the site visit by Graham and Baker and that he agreed to install a drainage trench around the barn under the roof's dripline to catch runoff to treat the stormwater runoff from the structure.

Graham agrees with Cyr's statements and notes they are in line with his recommendations given during the aforementioned site visit. Graham asks about the height of the barn. Cyr states the barn will be 26 feet in height and constructed of aluminum siding. Graham agrees that the gravel trench around the building will be sufficient for stormwater treatment. If the Board is willing to accept the sketch drawings, Graham recommends that the Board allow him to inspect the drainage trench upon the completion of construction. The Board agrees with this and also requests that the drainage trench be conditioned in the written decision.

Pierce asks if the Fire Chief commented on the request. Baker states he didn't receive a comment from the Fire Chief for this project, but states that he confirm with the Chief.

Pierce motions to close the public hearing. Jaquith seconds. The Board votes and motion passes (4-0). The Board requests that Baker write up the decision for the next meeting. The Board agrees that the next meeting date will be August 3, 2016.

Site Plan Review for Parking Layout at 285 Newburyport Turnpike – George Speropolous

John McPhee, Architect announces that he is representing Mr. Speropolous who is currently out-of-town. McPhee states that Speropolous just bought the property which had previously been a machine shop, but now plans to run a medical payroll software office out of that existing building for which he plans interior and exterior upgrades, but, that the primary reason for the site plan has to do with the modification to the parking layout to fit the applicant's business needs. McPhee notes that they did not pass the Health Department's Title V inspection, so they had to install a new septic system. He also states that the business employs fourteen people but that due to the fact that a large number of employees are traveling in the field on a regular basis, and that only a hand-full would be on-site on a daily basis, the applicant indicates that he does not need an excessive amount of parking, and that the existing layout on has so much space to accommodate parking. As a consequence, McPhee states that the applicant is requesting a waiver from the amount of parking required by the Planning Board's Rules and Regulations Site Plan Review requirements, as the amount is excessive for this applicant's specific business use. In regards to the amount of parking, McPhee states the applicant will only need about twenty spaces, which is all this site's existing parking area will allow for. The Board members state that the applicant should submit a written waiver request for the parking reduction so that it can be referenced in the Board's decision letter.

Continuing, McPhee further notes the building will be sprinklered, that there will be a kitchen with a sink, a refrigerator, and a employees-only microwave which will be the only cooking facilities on the site. The Board asks what the total office area will be. McPhee states it will be 8,700 sf. As for storage they will warehouse paper for keeping records.

Pierce and Jaquith express the need for more landscape vegetation than what is currently depicted on the site plan. Graham offers the comments from his technical review of the application. He notes that this is an opportunity to improve the site in regards to wetlands impact, that the site plan should include elevations of the building, the plan should depict the location of a trash disposal dumpster, clarify the locations of the loading docks and ensure there is no conflict with proposed parking, and the plan should depict the locations of exterior lighting

fixtures as well as provide the Board with specifications on the fixtures being used. The applicant agrees to submit a revision which take into account the Planning Board's, and, Graham's technical review comments.

The Board asks Baker to draw up a decision letter for the next meeting.. Pierce motions to continue the public hearing until August 3, 2016. Jaquith seconds the motion. All vote in favor 4-0.

Site Plan Review for new Dog Training Business at 317-321 Haverhill Street – Erica Leahy

Erica Leahy proposes to open a Dog Training business in the vacant retail building located at 317-321 Haverhill Street. She states that her business plan involves doing daily pick-up and drop-off of the dogs with her van. Some customers will drop-off but the number will be minimal so that the amount of additional traffic ingress/egress at this site will be minimal.

There will be no overnight stay of the dogs which distinguishes this use from a kennel use. The Board notes that the kennel use would not be permitted at this location, since this parcel is zoned as (RE) Retail zoning district. The dog training classes will occur on the ground level with the upstairs being used primarily for office space. Fecal matter will be collected daily by a private company and they will submit a list of chemicals used for waste management to be stored on-site, by the time of the next meeting. Leahy states that her hours of operation will be 8:30am to 6:30 pm. Baker notes this can be conditioned with the approval. Leahy states the outdoor play area will enclose the double-glass doors on the first level of the building and shall consist of a solid wood with a lattice top. The Board asks that she submit a detail of the type fence she wishes to use.

The Board notes that the Town's Conservation Agent has documented a few issues of non-compliance associated with this property which will need to be corrected with approval of the site plan. First, a gravel area extending from the paved portion of the parking area intrudes into the flood plain and the wetlands resource protection but has never been permitted. There's also a line of cinder blocks along the edge of the gravel area which were never permitted. Moreover, behind

the existing retail building there is a metal storage container which was also never permitted. The Conservation Agent has requested that these issues be addressed with any site plan approval. The Board notes that the applicant can address the issues by removal of the above-cited non-compliant features, or, the applicant can seek to obtain the required permits.

Thornton asks for public input on the application either in favor or in opposition, however, no one in the audience has any concerns as far as this application is concerned. Pierce motions to continue the public hearing until August 3, 2016. Jaquith seconds the motion. All vote in favor 4-0.

Site Plan Review for Solar Photovoltaic Facility on property Off Central Street (Map 28/Lot 50) – Brightergy

The applicants, Matt Marino of Brightergy, and, their Attorney, Tom Beatrice, are in attendance to present the proposal on behalf of the property owner, William Freitag, who is also present in the audience. Brightergy is proposing to install an array of solar panels on an area in the rear portion of the subject parcel. The site is currently being used for farming. Land disturbance in regards to any clear-cutting of trees is proposed to be minimal. The applicant further notes that there is an existing vegetated buffer consisting of a mix of large deciduous and evergreen trees along the northern boundary of the site which is adjacent to the Central Way neighborhood.

Thornton opened the floor for the public to speak in favor of, or, against the solar panel facility proposal. Several citizens who live in the Central Way neighborhood spoke about their concerns regarding the project ranging from whether the facility will be visible from their property, to whether there were any viable hazard associated with the potential for electrical fire, to whether there were any credible threat from the electromagnetic fields generated by the facility. The applicant gave reasons as to why these concerns were not an issue. One citizen, Elaine Pechenko of 12 Central Way asked if there was any requirement for the Planning Board to hold a cash bond in the event the use ceases and there is a need to have the equipment removed. The Board noted there is no requirement for a cash surety from the zoning bylaw, however, Marino states that each array has a twenty-five year life expectancy and a guarantee of removal of the equipment is outlined in the lease between Brightergy and the property owner. Another citizen, Herb Wayne, who also lives on Central Way, worries if the installation will cause surface

runoff to collect onto his property. Graham states this is not a concern as direction of the runoff is actually to the south. Graham also states that the entrance road should be reduced in width from the proposed 20 feet to a width of 16 feet so as to reduce the projects impact to the entrance parcel.

The Board members agree that a site visit to inspect the quality of the vegetative buffer between the subject parcel and the properties on Central Way is in order. They agree to meet at the site on Saturday, July 23, 2016 at 9am, and afterwards will proceed to the other solar facility site at 510 Newburyport Turnpike which is the subject of the next hearing on the agenda.

Pierce motions to continue the hearing to August 3, 2016. Jaquith seconds the motion. All vote in favor 4-0.

Site Plan Review for Solar Photovoltaic Facility on property at 510 Newburyport Turnpike – Brightergy

Thornton opens the public hearing for this application and the applicant presents the details of the proposal for their second solar farm location at 510 Newburyport Turnpike. Thornton asks if there are any abutting property owners or parties-in-interest who wish to speak in favor or in opposition to the proposed project. There is no one in the audience that offers any comment. The Board members agree that many of the fundamental issues associated with this project are the same as the one located just off Central Street, except that the primary issue is the areal extent of land clearing and the associated amount of tree cutting involved. They note that the Conservation Commission will have to issue an order of conditions with this project and that a site visit on the above-cited date will be beneficial.

Pierce motions to continue the hearing to August 3, 2016. Jaquith seconds the motion. All vote in favor 4-0.

Adjournment

Pierce makes motion to adjourn the meeting. Jaquith seconds the motion. All vote in favor (4-0). Meeting adjourns at 11:00 pm.