

Rowley Planning Board
Minutes for Regular Meeting
April 11, 2018

Members Present

Chris Thornton (Chairman), Cliff Pierce (Member), David Jaquith (Member), Mark Savory (Member), Jean Pietrillo (Associate Member) are present.

Kirk Baker (Town Planner) was also present. Troy Spaulding (Member) was absent.

Chris Thornton called the meeting to order at 7:30 p.m. All voted in favor (5-0) to open the meeting.

Continued Public Hearing /Site Plan for Large Photovoltaic Facility/623 Wethersfield St.

Attorney, Tom Beatrice speaking for the applicant. An amended plan was submitted today to be presented to the board. Beatrice went over plan changes made, including showing space between property line with screening. Everything was moved back 75 ft from property line. The Board notes the solar panels will still be visible from Wethersfield Street. Beatrice notes the final landscaping plan is not yet completed. He also notes the plan was just submitted today and abutters have not seen it yet.

Abutter Mr. Kassiotis' representative present, stating looking for definition of property lines, which plan does not show as well as footage. Beatrice notes the total footprint of the solar field has gotten smaller. Thornton states the plans still need to be reviewed by Larry Graham the Planning Board's consulting engineer for the project. He notes the abutters public will have the opportunity during the interim to stop by the office to look at the revise plans. Pierce states he may need another field visit. Graham agrees to review plans in time for the next meeting. Abutters are very concerned with topography and footage from their property lines as well as tree removal.

Abutter Kassiotis asked again why owners are not utilizing their own driveway. Beatrice states he understands concerns of neighborhood, but the plan is prepared in accordance with the bylaw requirements. Beatrice asked about an estimate of time for approval. Thornton notes the plan was just received today and based on the abutter concerns this project may take a few more sessions depending on how Graham's review proceeds. Pierce feels the applicant is not listening to the neighbors' concerns and he offers that, in his view, the first plan seemed the best.

Thornton agrees that another site visit is warranted along with the need to see what Graham's follow up review yields. Thornton asked Baker to look into holding the next meeting in a

larger room due to the amount of public interest in this project. Mr. Graham stated he felt the new plan may have been rushed for the meeting and is incomplete. Before he begins review, he will need a complete set of plans. Pierce wants another site visit after receipt of new plans. Thornton suggests site visit after next meeting. Motion continue to May 16 by Pierce, seconded by Savory. All voted in favor (5-0).

Continued Public Hearing - OSRD Site Plan Review/50 Newbury Road.

Plan submitted on remaining yield-tested lots. Dealt with trail network per Mr. Graham, trail connects with town of Rowley property. Looking for confirmation on yield report to proceed to finalizing plan and moving forward. This is going to be a private development, maintained by private association. The Conservation Commission has not had an opportunity to review the trail system, which is going to be given over to the town in the future.

Thornton made a motion to approve the 10 lot-yield plan. Jaquith seconded. All voted in favor (5-0).

Graham went over specific items from his report. The Conservation Commission made the comment that the property is near a well so it should be conditioned that there will be no use of sodium chloride on the private road.

A motion to continue the public hearing until May 16 was made by Pierce, seconded Jaquith. All voted in favor (5-0).

Continued Public Hearing - 121 Wethersfield Street Access and Parking at Montessori School

Lisa Meade provided information pertaining the school's non-profit status to the Board as well as other documents (fire chief's items. She covers information regarding drop off/pickup, the number of parking spots (from 14 to 27), staffing level of 6 employees will remain the same, however the number of students will go from 42 students up to 60. Baker notes they can limit the maximum number of students to 60 as a condition of approval.

Steve Sawyer/project engineer, went over changes on the plan, mostly regarding parking. Non-profit status filed and accepted from the secretary of state. IRS approval is pending.

Engineer Steve Sawyer discussed numerous issues, including site distance on Wethersfield.

Mr. Graham discussed issues with changes made on the third submittal revision. Pierce requests a stop sign. He also asks about the issue of having 2 uses on one property. Per Mead, this will be legal due to their non-profit zoning exemption status and it is the Zoning Board Appeals (ZBA) that will have to make a determination on that matter. Thornton

concerned about moving forward approving two uses and wants ZBA to show approval of two uses. Mead states the ZBA won't give their approval unless the Planning Board has already approved the parking layout. Thornton not persuaded two uses will be approved by ZBA per Mead's information. She states the issue of the use up to ZBA and building inspector. Pierce feels Mead correct that Plan board should just approving parking and access site plan. Thornton also states the Board still needs word from the Fire and Police Departments that they are amendable to the current plan revision.

A resident abutter spoke regarding location, asking if the speed limit on Wethersfield Street can be reduced to 20 mph from 30 mph. They also support a stop sign being installed at the entrance. This neighbor feels this area needs to be safer for the Pine Grove students walking.

Another direct abutter (Fish) sent video of non-stop people. Concerned about overflow for activities and parking on Wethersfield and the need privacy. Thornton feels plantings needed, in addition to the fence Mr. Fish has installed. Graham wants to see landscaping plan with plant identification, which is part of the site plan. Thornton will request ZBA comment on issue of two uses on single parcel. Savory made a motion to review with ZBA, Jaquith seconded. All voted in favor (5-0).

Jaquith made a motion to continue the public hearing till May 16th, Savory seconded. All voted in favor (5-0).

Continued Public Hearing - Hydrant Regency Dog Kennel/104 Newburyport Turnpike

Baker states the applicant for the the Hydrant Regency SPR applicant is not present and they are requesting a continuance as they are still in process of dealing with Mass highway. Baker notes that it may be a few more sessions. They were willing to move forward on other issues but felt they should wait until complete. Motion made to continue till May 16th by Jaquith. Seconded by Pierce. All voted in favor (5-0).

Ipswich Bay Glass - Underground Parking/New Building at 428 Newburyport Turnpike

Meridian Associates representative presented an updated plan to put parking under the building with a slight reduction in surface parking. Mr. Graham's reviewed the report to see if changes were considered minor or major. After discussion of plans, the Board feels that with the preliminary approval of the Fire department, this work does not constitute a major modification. Thornton wants the Fire department to tell the Board that they are amendable to the proposed changes. Jaquith and Pierce agree they should get their authorization as well before approving. Jaquith suggested making it conditional. Mr. Graham agreed and stated the change can be done without going through a major modification review but did state that he wanted to be copied on the completed final plan.

Jaquith made a motion to approve plan as a minor modification on the condition of the fire department approval. Pierce seconded the motion. All voted in favor (5-0).

American BBQ - Building and Parking Expansion at 5 Railroad Avenue

Steve from American BBQ along with a staff representative were present to present a preliminary plan to increase capacity from 86 to 100.

Pierce feels he can't comment on a major expansion in a residential area with no action required and doesn't feel the Board can comment. Baker stated he couldn't see any fault with providing some comment on their improving the property. Thornton feels Mr. Graham needs to go over the plans and conduct a site plan review for criteria to make comment.

Cindy Lane Subdivision – surety reduction

Baker circulated the document for signature on updated agreement for Cindy Lane.

ABZ Storage - Combining Lot

A letter is needed from the Board for approval of ANR Plan for 1000. Pierce made a motion to have letter generated, Jaquith seconded the motion. All voted in favor (5-0).

Informal Discussion - OSRD 430 Wethersfield Street

Rob Nixon commenced a discussion prior to a formal application submittal regarding the combination of 3 parcels (Apple Orchard) for OSRD with subdivision road (properties possibly to be utilized in the future). A resident at 448 Wethersfield Street asked about the connection for roads. Jill Mann, Attorney for Mr. Nixon, discussed all aspects of the project. Stated they will be looking for waiver for a sidewalk in what will be a conventional subdivision, with possible reduced-sized lots with smaller frontage and approximately 60% open space.

Thornton likes that it opens up other land for access down the road. The Conservation Agent discussed enhancement and protection of main water courses in this section of town, as well as no public access in an area where there will be children in camp and daycare (girl scout camp). Development would bring autos close into this section, which currently is protecting the brook and habitat on Dodge reservation with the walking path. He recommends not disturbing this area. The attorney will provide a full package. They just wanted to let board know they were coming with plan.

Appoint CPC Members:

Thornton made a motion to nominate David Jaquith as Rowley's member. Pierce seconded the motion. All voted in favor (5-0).

Open Meeting Law Complaint:

Thornton discussed a complaint received naming the Board and him as chairman for violating the open meeting law during the discussion of the solar array on Wethersfield Street. He discussed the issue with the Board and Baker stated he reviewed the meeting video and will have Town Counsel review it also. He stated that it doesn't seem to be a valid complaint. Pierce and Thornton stated they could not discuss issues of abutters as the owner was not present and had asked for continuance, noting the public hearing was not yet closed.

Meeting Adjournment:

Pierce made a motion to adjourn the meeting. Jaquith seconded the motion. All voted in favor (5-0). Meeting adjourned at 10:45 p.m.