

**Rowley Planning Board
Meeting Minutes
April 23, 2019**

Members Present

Chris Thornton (Chairman), David Jaquith (Vice Chairman), Troy Spaulding (Member), Mark Savory (Member), and Kirk Baker (Town Planner) were present. John Urbaczewski (Member), Kevin Daley (Associate Member), and Consulting Engineer, Larry Graham were absent.

Thornton called the meeting to order.

Continued Public Hearings

Approval-Not-Required (ANR) Bruce Ashley Property/Between Kathleen Circle/Forest Ridge, (OD)

Nancy McCann, the attorney representing the applicant, John Coughlin presented an ANR plan that would be used to accomplish the proposed zoning change at the upcoming Spring Town Meeting on May 6th. She notes that this will be creating the portion of land that will be donated to the Town and points out that the parcel which is to be retained by Coughlin is denoted as being designated non-buildable for as long as it remains located in the Outlying (OD) Zoning District. McCann points out this is a safety feature to assure the property owners in the Kathleen Circle subdivision that they need not worry again about high density residential development such as an OSRD. However, once the parcel is rezoned to BLI by the Town Meeting, the parcel can be used as for Light Industry. Resident spoke regarding the water easement on the property, water capacity and completing the water line loop. Jaquith made a motion to endorse the ANR. Savory seconded the motion. All voted in favor (4-0).

Special Permit/Site Plan Review – Verdant Medical Marijuana Dispensary/Cultivation Facility, 124 Newburyport Turnpike, (BLI)

Request made to continue hearing to May 15, 2019 meeting. Thornton made a motion to continue, Spaulding seconded. All voted in favor.

Special Permit/Site Plan Review Application – Accessory Building Over 1500 Square Feet – Bradley and Maryellen Jamison, 54 Warehouse Lane

Thornton notes the Board had previously conducted a site visit pertaining to this application and that the consulting engineer, H.L. Graham, had inspected the site also. Baker notes that HL Graham will do a written report with his findings which will include approval conditions. There was discussion about whether any vegetated screening should be installed between this property and the abutters at 54 Warehouse Lane. Savory didn't think it was necessary. Mr. Jamieson notes that the new building significantly smaller than what had been there previously and that the whole site is visually better than it previously had been. He further emphasizes that Ken Ward, the Building Official had determined that his use of his residential accessory building as storage for his electrician business vehicle storage is acceptable and even preferable to keep the vehicles in his drive way. The Board members agree. Baker notes that from his conversation with H.L.

Graham that the conditions for runoff drastically improved with removal of all the previously existing asphalt, and with the addition of natural draining.

The Board agrees that they will review Graham's report when complete. Jaquith made a motion to continue to May 15, 2019 meeting. Spaulding seconded. All voted in favor.

491 Main Street Special Permits/Definitive Subdivision for Two Lots/Common Drive and Construction of Accessory Barn Larger than 1500 Square Feet/Flood Plain Overly Impacts

Thornton notes they have received a report from Graham concerning the review. Regarding the review of the definitive plan, Graham's report listed 15 items in his review, noting was satisfied with all items but one. The remaining issue of concern pertained to the location of the drainage basin and whether a soils test had been done. Most of the other concerns were with typos on the plan and missing data from the profile sheet to the plan. Other issues raised in initial report are the easement for the water main including a fire hydrant. Applicant would work with the town to provide this. Regarding waiver of easement and covenant getting to private way, they will be happy to provide. The Engineer for the applicant insists at this point the Board could grant special permits subject to the issue of the infiltration basin raised by Graham. Thornton notes they will have to close the public hearing in order to take a vote on a conditional approval and that they would be prohibited from making changes to the site plan layout. The applicant's engineer insisted there would be no need for changes to the plan.

Thornton asked a question about the guardrails being shown on the plan. The engineer agrees the guard rails will be depicted on the final version of the site plan. Savory made a motion to close the public meeting. Seconded by Jaquith. All voted in favor (4-0).

Thornton made a motion for the Board to approve the special permit for the accessory building and common driveway subject to Graham's confirmation that all comments are addressed, that issue with the basin in referenced in item #2 of his memo are addressed to Graham's satisfaction, and that final plans would include the guardrails. Savory seconded. Motion by Thornton to approve accessory building in excess of 1500 sq. feet. Jaquith seconded. Thornton made a motion to approve the special permit application for building in a flood plain. Spaulding seconded. All voted in favor (4-0). Thornton made a motion to approve the subdivision plan to create a private way and common drive subject to easements, if necessary, and covenants, due to safety. Spaulding seconded. All voted in favor (4-0).

Special Permit for Fox Hollow (Now Falcon Ridge) OSRD Subdivision – 430 Wethersfield Street

Applicant made a request for a continuance to the June meeting. They are making changes to several lots to accommodate two-family units. Jaquith made a motion to continue hearing to June 12, 2019. Spaulding seconded. All voted in favor (4-0).

Definitive Subdivision Plan for 4-Lot Conventional Subdivision – 623 Wethersfield Street (OD)

Applicant requested a continuance to May 15, 2019 meeting. Thornton made a motion to continue the hearing, Spaulding seconded. All voted in favor.

Other Business

Discussion - Clearwater Environmental – 12 Main Street

Jaquith recuses himself on this item. The Owner, Ed Sutherby discusses his plan regarding the property abutting the Pancake House. He proposes a nine (9) units building for retirement housing. Each unit would include 2-bedrooms, tree screening on back of the lot, parking and a shared septic. He would seek to classify the project as multi-family. Baker stated project would probably require a special permit but that they had looked at the property over a year ago and found they had issues with the amount acreage available for meeting the requirements of the Zoning Bylaw as it pertains to multifamily development. Liz Dupree of Clearwater states they plan to ask for a density bonus. Baker notes that density bonus is available to the OSRD development but this property could not be eligible as an OSRD because they would have to have at least five acres. These parcels consist of less than 2 acres, which in itself is a problem because they need at least two acres for the multifamily development. Sutherby notes he can get extra acreage from the Village Pancake property. Baker ask them to submit a preliminary to him at the office so he can look at what might be feasible and then they can come in to discuss in a joint meeting with the other departments.

Baker stated that they may also want to get a reaction of plan from the Fire Department regarding density. They may not get any more than the density that is allowed by the current zoning. Thornton also notes that their preservation of the existing single family building is commendable but notes that by converting to a 2-family that they will need approval from the Historic District Commission. Sutherby notes that Jaquith had advised him that they would need to seek HDC approval. Sutherby adds that they are proposing retirement housing by design not by restriction.

Briar Barn Inn – Temporary Occupancy Permit for Restaurant

Baker presents the applicant's recent request for a minor modification to the plan involving losing one parking space for the need of fire access per the request of the Fire Chief. He notes they applicant has also requested to open the restaurant to the public asserting they are running short on timing not having competed all the landscaping due to the weather mostly. They will still be under a temporary permit. They already have a temporary permit for catering and for the operation of the Inn. Jaquith made a motion to grant a temporary occupancy permit for the restaurant. Savory seconded. All voted in favor (4-0).

As-Built Plans for Rowley Solar Facility, 623 Wethersfield Street – Discussion on Final Removal Bond Amount

TJ Murphy and other representatives from Invaleon are present ask the Planning Board to finalize the amount of the removal bond. Baker stated he was at the site, fencing is in, arrays are in, but none of the plantings are installed yet. They state they need to start testing in May. The Board needs to issue a compliance certificate, but need everything completed. Murphy notes the as built plans were submitted for review. Baker notes these do not include landscaping therefore as-built review is premature.

TJ Murphy spoke regarding the bond and concluded that \$105,000 would be an agreeable amount. They need to complete vegetation, final grading and screening but will need to wait for weather co-operation. Need to start testing on site in accordance LP contract. Will continue to add vegetation and asphalt on road. Have completed site as much as can until the weather permits. He asserts that it is critical to their timeframe to start testing and to deliver contract to Rowley Municipal Light. He points out that they have also met all the Conservation Commission conditions and that every other condition on the site with the exception of the vegetation.

Thornton states that there would be a need to limit the permit just to testing and that they could not proceed beyond that without completion of the planting improvements. Murphy notes that the Board could still require them to deactivate the site at a certain point if they fail to all conditions by a certain point in time. He assures the Board that

when the weather is dry enough they will grade, seed, and plant the perimeter. They note the seed has to grow 85% before will get sign off by Conservation Commission. Murphy states that he will produce a schedule for the completion of these items. Thornton suggested June or July date to have it done. Murphy suggested it would be more like July. Thornton asked abutter Kasiotis if he is looking for anything specific on site. He has spoken to Murphy about what they are doing and said he is satisfied especially after buffer trees planted

Thornton makes motion that the decommissioning bond amount be set at \$105,000. Jaquith seconded. All voted in favor (4-0). Thornton makes a motion to issue a temporary limited-scope approval permit with conditions for testing and completing outstanding items as discussed for full compliance no later than July 15, 2019. And export power to RMLP with understanding circumstances beyond control, Board will extend timeline as needed. They will come to June meeting to state where they are. Jaquith seconded. All voted in favor.

Updates, Invoices, Expenses, Minutes

Thornton made a motion that the Board accept minutes for April 11, 2018. Spaulding seconded. All voted in favor.

Adjournment

Thornton made a motion to adjourn the meeting. Seconded by Spaulding. All in favor. Meeting adjourned at 8:57 p.m.