

Rowley Planning Board  
Minutes  
For Regular Meeting August 8, 2018

---

**Members Present**

Chairman, Chris Thornton, Vice-Chairman, David Jaquith, Board members, Troy Spaulding and John Urbanczewski, and Kevin Daley, Associate member are in attendance. Consulting Engineer/Technical Review Agent, Larry Graham, and Kirk Baker, the Rowley Town Planner were also present. Board member Mark Savory is absent.

Chris Thornton called meeting to order at 7:37 p.m.

**New Public Hearing – Special Permit for Marijuana Manufacturing Operation, Units 2 and 3, Rear 319 Newburyport Turnpike**

Chairman Thornton read the legal notice and opened the public hearing. Ed Morando, the applicant, was invited to speak about the proposed use. Morando describes the proposed manufacturing use that will involve making specialized dosage cups for medical and retail marijuana consumption. He asserts that the use will have minimal impact to the site as there will be only employees and truck deliveries coming into the facility. Baker notes that the Rowley Police Chief and Fire Chief reviewed the plan including the security operations and chemical storage and were amendable to the proposal. The Board members agree the use is a reasonable use of the property and will have minimal impact to the existing commercial activities. The Board agrees the hearing should stay open until the decision is drafted. The Board asks Baker to have the Certificate of Vote ready for the September Planning Board meeting. Spaulding makes motion to continue the public hearing. Jaquith seconds. All voted in favor.

**Continued Public Hearing – Special Permit Review for Registered Medical Marijuana Dispensary – Adams Mall, 116-120 Newburyport Turnpike**

The Board opens the continued hearing and gives the floor to Mr. Jodie McCarthy who says he has additional information for the Planning Board. When asked about the product to be on display McCarthy states that the items in the display case will not be real products, rather they will be model displays of a given product and when a customer indicates their preference, the sales person will then retrieve the product from the secured storage. McCarthy also notes the updates he has made to his operations plan as a result of the walk-thru done with the Planning Board members, and the Police and Fire Chiefs. He notes that the floor space will be sprinklered per the Fire Chief's recommendation and that he will submit a sprinkler plan will be submitted in few days for the Board's review. Moreover, McCarthy agrees to have a traffic study submitted. Baker notes that Graham has stated that reviewing the traffic study associated with Ipswich Pharmaceutical Associates would pose a conflict for him and has thereby recused himself. Baker notes that he has some recommendations for alternate TRA's for this project and will report back to the Chairman.

Jaquith made a motion to continue the hearing until September 8. Spaulding seconded the motion and all voted in favor.

**Review Certificate of Vote Re: Site Plan Review – Hydrant Regency Dog Kennel – 104 Newburyport Turnpike**

Baker distributes a draft of the Certificate of Vote for the Board members to review. He notes that the approval will make reference to the plan version submitted in December 2017 which depicted a single fenced dog run area as opposed to the originally proposed 3-tiered dog runs that would maximize the impact to the currently wooded hillside. Thornton notes that there will need to be a condition pertaining to the removal of the temporary trailer asserting that the applicant will need to obtain approval for the temporary trailer within 60 days of the site plan review approval. Baker notes that he has only been given a digital copy of the December 2017 version and that a final large-format, hard-copy version of the plan will need to be obtained from the applicant's engineer. They note this could be added as a condition of approval.

Brent Baeslack, the Rowley Conservation Agent, is present and states to the Board that there is information regarding the stormwater drainage impacts associated with the most recent layout configuration for which the Conservation Commission will need updates. Baeslack suggests that the Board give consideration to conditions relating to storm water management.

Baker notes that the Board has been waiting for Mass Highway 5-6 months on traffic study. Graham states he had reviewed last set of plans. Thornton and the Board will work on conditions of approval and take vote at September 5 meeting.

Jaquith made a motion to continue review at September 5<sup>th</sup> meeting, Spaulding seconded. All voted in favor.

#### **Continued Public Hearing – Solar Photovoltaic Facility at 623/607/599/615 Wethersfield Street**

Thornton stated additional revisions were just received. A couple items in the proposed vote still need consideration. The Board discussed several issues items, including existing access, landscaping, types of trees and property lines. Graham reviewed with his comments and suggestion that conditions should be stated in approval. Baker notes the revised plan was just submitted Monday, August 6, 2018. Board feels requirement should be added to get approval from Rowley Municipal Lighting pertaining to the engineering schematics for the specific arrays. Graham feels the Planning Board should be kept in the loop regarding what the Municipal Lighting finds acceptable and further notes that those array plans will need to be consistent to those which are approved by the Planning Board.

Baeslack (the Rowley Conservation Agent) recommends getting an affidavit that owner will conform with the plan submitted and the schedule for installation of the roadway, erosion control measures, and the drainage basin. The Board discussed separate forms of surety that could be employed to guarantee proper post approval installation of the various elements of the plan and to go towards decommissioning the solar array once the use ceases. They also discussed and whether a bond is required that will include landscaping, fencing, driveway usage after the fact.

Thornton feels the approval shouldn't restrict other uses but should make sure the end result is compliant with the Town's bylaw pertaining to solar photovoltaic installations. Also discussed were working hours during construction. The Board decided upon 7a.m. - 5 p.m. Monday through Friday and for Saturdays a timeframe of 9 a.m. – 4 p.m. during construction and 8 a.m. - 4 p.m. on post construction. Baeslack made a few additional requests regarding materials used, stump removal methods, vegetation types, and avoiding the use of invasive species.

Tom Beatrice, attorney for the applicant, states that said he spent considerable time going over special permit conditions, some of which are as above and requested hearing be closed and voted.

Jaquith makes motion to close public hearing. Spaulding seconded the motion and all voted in favor of closing the public hearing on the original site plan review application opened on November, 2017 and continued with the commencement of the special permit public hearing request on July 5, 2018.

After final vote on closing both public hearings, Beatrice asks Chairman to consider vote to approve the Special Permit in consideration that all pertinent commentary has been give and that a 20-day public appeals process will have to happen before the decision is final. Jaquith indicates he would prefer to wait until the formal decision letter is completely revised pursuant to this evening's discussion. Baker suggests that as long is the Board is satisfied with the substance of the conditions conveyed at tonight's meeting that the Board can take a formal action to approval with the stated conditions and that he and Larry Graham can use draw up a revision base on the record of tonight's proceedings after which the Planning Board Chairman would sign the Certificate of Vote thus implementing the Planning Board's approval, with conditions, granting on August 8, 2018.

Thornton made a motion to consider approval subject to incorporation of revisions, etc. and all discussed tonight. Jaquith seconded. All voted in favor.

#### **Adequacy-of-Submittal Evaluation – 4-Lot Conventional Subdivision Prelim Plan at 623/607/599/615 Wethersfield Street**

Thornton made a motion to accept the submittal. Jaquith seconded the motion. All voted in favor.

#### **Rob Nixon Appointment – Discussion on Upper Portion of Taylor Brook - Part of 430 Wethersfield Street Prospective OSRD Subdivision**

Jill Mann, Attorney is present (on behalf of Robert Nixon, prospective applicant) to discussed a proposal to develop 430 Wethersfield Street as an Open Space Residential Development (OSRD) subdivision consisting of 40 to 60 single family residential dwellings and a reservation of more than 50% of the land area to recreational open space.

Mann states that the upper portion of Taylor Brook has incorrectly been designated as subject to Riverfront Protection regulations. Brent Baeslack, the Rowley Conservation Agent, concurs with this assertion stating that the delineation of this portion of Taylor Brook was made in error. Nixon inserts that he is looking to use this 11 acres currently off-limits to go toward his open space dedication.

He believes in the analysis of any property for open space consideration with its characteristics to see if it will add value to citizens, town, and to natural resources of environment. Baeslack agrees this portion of the property meets exceptional amount of value with one side abutting the Dodge Reservation, and the Old Girl Scout Camp and will help to protect both sides of river. The Planning Board acknowledges the section of stream should perhaps not be designated as subject to the Riverfront Protection but also agrees the Conservation Commission should take action to change the designation.

Jaquith made a motion to adjourn the meeting. Spaulding seconded the motion. All voted in favor. Meeting was adjourned at 10:52 p.m.