

Rowley Planning Board
Minutes
For Regular Meeting August 9, 2017

Members Present

Chris Thornton (Chairman), David Jaquith (Vice Chairman), Cliff Pierce (Member), Mark Savory (Member), Troy Spaulding (Member), and Jean Pietrillo (Associate Member)

Kirk Baker, Town Planner, and, H.L. Graham, Technical Review Engineer were also present.

Thornton calls the meeting to order at approximately 7:30 p.m.

Continued Hearings

OSRD Special Permit Application/42 Newbury Road

Baker notes that the revised plans were just submitted earlier that day and that Mr. Graham hasn't had an opportunity to review, but his comments will be forthcoming prior to the next meeting date.

John Sullivan, the applicant and property owner, is present and notes he will be available to answer questions. Rich Williams, P.E. of Williams and Sparages Engineers, who is the applicant's engineer, goes over the details of the revised site plan. He notes that the revised plan shows improvement to the walking trail, changes in the drainage on-site drainage pattern, a modified driveway width of 25 feet with paver edging, and separate septic tanks for each new residential unit proposed. He states the revised plan has been filed with the Conservation Commission and that one of the issues they noticed pertained to the National Heritage assessment, and to the need for a stormwater permit. Williams further notes that he and the applicant are working diligently to wrap up the stormwater review with HL Graham before resubmitting to the Conservation Commission.

Thornton opens the floor for public comments. An abutting owner asks about the drainage conditions at the site and whether there will be an impact on the quantity or rate of runoff from the site into the Newbury Road right-of-way. The owner points out that this portion of Newbury Road already has a tendency to flood during intense storms. Sullivan notes that a section of the property is going to be reclaimed for stormwater retention and that this mitigation should ameliorate that issue. Thornton recommends keeping the Highway Department loop to make sure they are on board with the proposed mitigation techniques in regards to their impacts to the Newbury Road right-of-way. Sullivan states that he will contact the Highway Department.

Larry asks Sullivan questions about the use of infiltration ponds, catch basins, and whether the site's soils are sandy. He notes that the Planning Board, as part of their review will to consider the impacts to the watershed overall. He notes that he should have the input from the Conservation Commission by the time of the next meeting.

Sullivan's architect discussed the property that the family lives on, and went over the modifications to the windows, chimney, back and side elevations, building materials, doors, porch which had been suggested by the Board at the previous meeting.

One major change was made to the utility building to make it more in harmony with the other buildings. He notes the width of overhead door, tweaking doors, window placement, and the proposed building siding. Prior to next meeting, the architect will go through all the sheets of the building prints to make them uniform and to firm up the plans. Jaquith states that he wants the building elevations to incorporate more tasteful architectural elements. He exhorts the architect apply his imagination in coming up with the final designs. The Board then discussed roof drainage/gutters and downspouts and how they would play into the existing stormwater runoff patterns on the site.

The Board requests that the owner forward landscape renderings to the Planning Board as soon as possible. They ask about whether there might be a need for any additional landscaping. Sullivan estimates there approximately four hundred plants on the site, and that all four sides of the property's perimeter are covered with some vegetation, and therefore asserts the need for additional screening to be minimal. The Board members vote to continue the hearing until the next meeting to be held on September 13, 2017 at 7:30pm.

Site Plan Review/Hydrant Regency Dog Kennel

Baker notes the Planning Board just got the plans within the last day or so, and there has not been enough time for HL Graham to complete his technical review. Baker notes that the applicant, Mark Bernhardt, is requesting to continue the matter to the September 13th, 2017 meeting. The Board votes to continue site plan review until the next meeting.

Site Plan Review for Briar Barn Inn (Former Country Garden Inn)

Present were Nancy McCann, Attorney representing Jerry Fandetti, the owner and applicant, and the project Engineer, John Morin of Morin-Cameron Group.

The last time they were in front of the Planning Board, at the meeting on May 10, 2017, the site plan approval being sought was for the redevelopment of the 23-unit Country Garden Inn plus a single-family home. These plans now depict the development of a new, 30-unit, inn building with a separate, 100-seat restaurant to be located near the existing house structure located towards the back of the site. The plan further depicts a new building that will contain an art gallery, and the existing building at the front of the site will be retained for use as the inn caretaker's quarters. The existing cottages on-site will all be demolished, for which they have already received approval.

Nancy McCann provides the Board with a summary update of the project:

1. She notes that they completed a site visit with the Planning Board and with members from the Cemetery Commission who are primarily concerned with the landscaping screening buffer along the northern boundary of the subject parcel.
2. McCann notes that they have already received the special permit approval for the inn use from the Board of Selectmen.
3. McCann further states the Conservation Commission hearing had also been closed and that an Order of Conditions will be forthcoming. She also states they are addressing site plan revisions as suggested from the Fire Department and these will be reflected on the landscaping plan also.

McCann turns the floor over to their Engineer, John Morin who then summarizes the revisions made to the site layout plans:

1. They moved the main entrance further to the south and notes the need to relocate a utility pole.
2. He states that the Fire Chief initially wanted full access to all areas (along with a turnaround), but has since determined that the access lanes running behind each of the buildings will be acceptable. Morin notes that this modification, in turn has allowed him to reconsider the configurations of the parking area.
3. He also notes that improvements have been made to the stormwater management design, where they are now providing additional space for the pedestrian area between the parking area and the building, and also have reconfigured the on-site vehicular flow.

The Board engaged in a lengthy discussion about parking space size, drive aisle width, the number of parking spaces, and the potential for adding parking spaces. Morin notes that there are severe space constraints due to the topography and the distances imposed by Conservation requirement between structures and the protected wetland resource areas, all of which, limit the potential to enhance the parking elements.

Morin notes that their Traffic Engineer had an idea to get 76 parking spaces (17 feet deep and 5 ½ feet wide). He notes that the proposal for 76 spaces does not meet the Town's parking requirements, but he notes that using the ITE calculations, 76 spots is adequate for all the proposed uses over the course of an entire week, and that for any given weekend, the restaurant and inn would need a total of 82 spaces only in situations where the maximum for all the uses converge all at one time. But Morin states that such an assumption is erroneous since it would be unlikely to happen very often. Fandetti adds that if those circumstances did occur then it would cause likely patrons to leave to search for other accommodations.

Larry offers to go over his technical review report. Graham notes that the employee parking section will be too dark for safety purposes and should be illuminated with wall-mount lighting fixtures. He also suggests whether the footpath should be illuminated also. Board member discussions ensue about the proposed amount of outdoor lighting plan for the property.

The applicant states the reason he doesn't want to light the footpath is because he doesn't want to entice anyone to go down there at night. The Board suggests that sometime in the future, if the owner discovers that customers do want to use the path after dark, then he can install the lighting fixtures himself. Fandetti says he doesn't think that will be the case and maintains that guests and restaurant patrons should have no reason to go down there after dark.

Thornton stated that he isn't too concerned about the illumination of the pedestrian way and adds that the neighbors would most likely prefer to have as little outdoor lighting as possible. Thornton also agrees that Fandetti can add whatever lighting fixtures he sees fit depending on customer needs.

Graham notes that are two trees belonging to an abutter that will need to be cut and pruned. He also notes the Board would have an obligation to the abutter to ensure that both trees shall remain viable after the project is completed. The applicant notes that he did discuss the matter of the trees with his landscaper who told him that that they would be able to prune the tree limbs over his property. Fandetti also assures the Board that he would be willing to install new plants in the event the trees don't not survive due to

some reason associated with their pruning. The applicant states that he will hire Certified Arborist to supervise the pruning of those trees to ensure it is done properly.

The Board turns to snow removal and areas for snow storage. Fandetti responds that he intends to have the snow hauled offsite after each snow event.

A discussion ensues in regards to access and parking. Graham went over those issues for which he sees there being possible solutions. He states the standard number of parking spaces for a 100-seat restaurant and a 33-room inn, should take into account the largest shift for employees. Fandetti notes that they did have the idea of offering onsite and offsite valet parking with the offsite parking area potentially being located at 20 Central Street.

McCann presents the valet parking concept plan. She notes the valet parking plan would allow for the addition of ten spaces onsite to be located behind the existing residential building which would bring total amount of parking to 88 spaces. Fandetti points out that there will be much overlap in the parking between the two uses and that many hotel customers would also be visiting the restaurant. Larry feels there is an issue with the proportion of parking spaces associated with the combined uses to be implemented on the site. Graham also notes that parking on Main Street is prohibited. Fandetti asserts that if customers to the restaurant do arrive and can't find parking they would simply leave and go to another restaurant. Fandetti assures the Board that he understands the needs of his business and that believes the current proposal will be sufficient to their parking needs.

Thornton expresses concern about not being able to add to the seven employee spaces due to steep grade of land and the vernal pool. Graham also observes that the plan depicts a tight turn around in back. He also notes the size of spaces, compared to various places in town such as those in the parking lots at the Town Hall, and at the recently reviewed Medical Office at 414 Haverhill Street. Graham also suggests there may be a safety issue concerning the drive aisle widths. He proposes reducing the amount of landscaping in the turnaround area in order to allow for larger parking spaces. Thornton agrees with Graham regarding the sizes of the parking spaces. Graham further notes his experience with other North Shore towns and the problem with having 8 ½ foot wide by 18-foot long parking spaces, and with having less than 24-foot drive aisle widths. He suggests a mix of larger and smaller spaces with the smaller spaces being reserved for compact cars.

The Board discussed the possibility of reducing the grass strips between the drive aisles and the sidewalks in order to address the issue of pedestrian safety. The Board members agree that with the number of uses going on with this site, that pedestrian safety in this case should take priority over that of aesthetics.

Pierce states that it is his opinion that the plan is not yet at a stage where the Planning Board is ready to grant its approval. He notes that there are multiple revisions that need to be made by the engineer, that landscape architect will also need to revise the landscaping plan in light of the proposed modifications to drive aisle widths. Pierce asserts that, with the suggestions provided by the Board at tonight's meeting, they are on their way to having a better site plan. Graham makes an additional suggestion, citing the possibility of keeping the 22-foot drive aisle width, making the entrance road to be one-way, utilizing 90-degree parking slots, and keeping the 17-foot striped spaces throughout the lot. The Board agrees this to be a good solution especially regarding the use of the 90-degree parking slots. Cliff further suggests a larger drop off area in the front of the inn building.

The applicant agrees to the recommendations and says he will revise the plans accordingly. They agree to provide a turnaround in back of restaurant, which might result in losing a parking space. They also agree to widen the drop off area in the front, and to allow some 9-foot width parking spaces in combination with some 8-foot wide spaces on the side near the transformer.

The Board agrees it would prefer having the one-way traffic flow in the parking area, but they want to keep the 8 ½ feet wide parking spaces on the cemetery side, and would like the 9-foot wide parking to be utilized for the seven spaces located near the transformer.

The applicant agrees with these suggestions. McCann states that she had hoped the project could be wrapped at this meeting. The Board assures them they want the project to move forward as quickly as possible but there are too many outstanding revisions at this point that it isn't feasible for them to vote at this time. McCann asks if they will close the public hearing. The Board indicates they do not want to close the hearing until they see finalized plans. Jaquith suggested that the applicant get on the agenda for the Historic Commission as soon as possible.

Graham says he will work directly with John Morin to outline the needed changes to the plan. The Board schedules the next session for September 13th, at 8:15 p.m., at which time they hope to close the hearing, and to approve a draft Certificate of Vote. Baker notes that he will complete a draft and send to McCann and to the applicant for their review.

Administrative Business

Baker introduces Donna Rourke whom he says is participating in the town's Senior Tax Credit program and that she will be helping him by doing the initial drafts of meeting minutes.

33/41 Emily Lane

Baker states the property located at 33/41 Emily Lane has been put up for sale, and that, per the requirement of the Forestry Program, the property owner provided notice to the Town pursuant to its prescribed "right-of-refusal" to determine if the Town would purchase of the property. Thornton notes the said lots are located in his neighborhood and suggests that they are designated as non-building lots by the conditions of the original approval. The Board moved to advise town that it does not see the value in acquiring the land for the town. All voted in favor (5-0).

Zoning Review Committee (ZRC) Issues

Baker notes that the ZRC will meet on August 30, 2017, to take up issues pertaining to zoning amendments.

One of the issues is that of retail sales of recreational marijuana. Cliff notes that the recreational marijuana bylaw requirements will mirror the requirements specified in the current Registered Marijuana Dispensary (RMD) bylaw, therefore the retail sales of marijuana would be permitted only in the retail (RE) zoning district with approval of a Special Permit by the Planning Board. Baker notes that once the ZRC decides on the language of the article, the Planning Board will hold a public hearing.

Baker points out that the other issue is that of "Agricultural Tourism", or "Agri-tourism". Baker notes that the ZRC will take up the issue of whether the zoning bylaw use regulations need to be more explicit in specifying what agri-tourism uses are permissible and which ones are not. He notes previous issues

regarding to zoning violations at the Bradstreet Farm property where the owner, Mike Sabatini is requesting to host weddings, receptions, and school tours. Baker notes that Town Counsel looked into the legal aspect of it and notes that she was of the opinion that the zoning inspector cannot permit what Bradstreet Farm is proposing to do under the current zoning bylaw because the applicant has not demonstrated that the uses are directly tied to the agricultural output of the underlying farm use. Counsel has thus suggested that a zoning bylaw amendment specifying those uses which are designated for agri-tourism in Rowley is one way to rectify this problem.

The Board voted to adjourn meeting at 10:00 p.m. All voted in favor (5-0).