

**Rowley Planning Board
Minutes
For Regular Meeting December 12, 2018**

Members Present

Chris Thornton (Chairman), David Jaquith (Vice Chairman), John Urbaczewski (Member), Mark Savory (Member), Kevin Daley (Associate Member),

Larry Graham (Consulting Engineer) and Kirk Baker (Town Planner) were present.

Troy Spaulding (Member), were absent. Thornton called the meeting to order at 7:33 p.m.

New Public Hearing - Definitive Subdivision for Four Convention Subdivision Lots, 623, 607, 615, 517R, 599 Wethersfield Street/Maven Revocable Trust (Applicant)

Thornton reads the legal notice and the Board opens the public hearing. Robert Blanchette, Cammett Engineering, presents the definitive plan proposal for four (4) conventional residential lots. Thornton comments that it is unclear how the recently approved solar fields, which is currently under construction, and this project relate. Blanchette stated that this plan is in case the solar field does not come to fruition. Baker notes that Site has been altered pursuant to the approved site plan and special permit already issued for the solar field. Thornton points to the 4 proposed lots depicted on the plan and observes that lots 2, 3 and 4 would be encumbered by the proposed solar field arrays. Baker states that Tom Beatrice, the Attorney for the applicant, called him earlier in the day and did confirm, verbally on the telephone, that the applicant's intent for the Definitive Subdivision proposal was to serve as an alternative project for the same land in case the current solar array use becomes less feasible in the future. He notes however that there is no written statement

Thornton opens the floor for public comment. A resident from Wethersfield Street asked for clarification of the parcels being impacted as the road currently being cleared for the solar project is in the middle of lot 2. Thornton asked Graham for comment on how to conduct a review of this project with the other one already approved. Jaquith made a motion to continue the hearing to January 9, 2019. Savory seconded the motion. All voted in favor (5-0).

New Public Hearing - Special Permit/Site Plan for Retail Marijuana Sales Establishment 264/268 Newburyport Turnpike/Nature's Remedy, Applicant, RE Zoning

Thornton reads the legal notice and the Board opens the public hearing. Board member Jaquith recused himself on this issue. The Applicant, Nature's Remedy is proposing to renovate the site and to improve the existing building for their retail marijuana operation. Architect discussed the area which was a used car lot previously. They discussed buildings, landscaping with a rain garden, entryway, and 28 organized parking spaces for retail with employee parking in the rear. Also discussed was handicap entry, increasing permeable surface and improving storm water runoff. Plans of the building design were shown with descriptions of materials used, subtle non-illuminated signage that was updated since the application was submitted, and overall improvements of the site. Thornton stated the applicant received a letter of non-opposition from the Board of Selectmen. Applicant stated that it would be about a six-month process before they would be ready to open.

Thornton opens the floor to public comment. Several residents if there would be any medicinal sales? Residents brought up concerns about traffic issues on Route 1 and they want the town to have a real solid plan regarding flow for the whole length of the road. The Board notes there will be one entrance and one exit from this site. The Applicant

acknowledges the points being made. Thornton noted the parking area at this location already is greater than what the bylaw requires for the size of the space.

Another resident concerns were (1) who pays for the cost of police details. The applicant noted they would cover that expense. Another concern raised was that if marijuana is still illegal from a federal standpoint, whether it would have an effect on local town and state projects funded by federal money. The Applicant stated that was not the case.

Thornton stated that these topics would be considered as conditions for the final special permit approval.

Other residents stated that with 6% of gross profit going to the towns, it is all about the money. Resident also stated that in all the years of promises for monies coming in with new projects, taxes keep going up, with residents never seeing any benefit. Resident Steve Comley spoke about the dangers of the marijuana legalization and discussed the thought of Rowley taking a stand and being the first town to not allow the dispensaries. Ed Sousa, a resident of North Reading, spoke as a marijuana establishment owner in Newburyport about the benefits of legalized marijuana sales (Colorado, for instance). He discussed cannabis testing prior to sales and how it can be lab-tested to determine manufacturer. A resident for the projects in town spoke about medically how it is a wonder drug, as well as the many facilities open now are medicinal and the recreational end is what most people have a problem with. Also, there are so many being proposed in Rowley, residents wondering if applicants have been turned down by any towns, to which he replied no.

Thornton stated that applicant would be asked submit a traffic study. Graham discussed items with applicant's engineer regarding contacting DOT for change of use authorization, site distances on entry and exit, additional parking layout of the back unfinished lot if needed, and improvement of site circulation as a one-way. He would also be looking for pedestrian walkway to get across large parking lot. The engineer agreed with. Thornton suggested a site visit be scheduled. Savory made a motion to continue the hearing. Urban seconded. All voted in favor (4-0).

New Public Hearing - Special Permit/Site Plan for Retail Marijuana Sales Establishment and RMD at 300 Newburyport Turnpike (Former EZ Variety Store)/Old Planters of Cape Ann, Applicant, RE Zoning

Jaquith returned to the Board. Thornton read the legal notice and opened the public hearing. Spencer Kalker representing Old Planters of Cape Ann, the Applicant, presented the project and also discussed parking situation as being sufficient as this was in a retail mall where there was already sufficient parking. He also covered the issues of ingress and egress, the entrance and exits to the building, the rooms set aside for medical patients, and the location and security of the general sales area. He also discussed the outreach meeting that was scheduled where he spoke to Police Chief Dumas regarding traffic management. Applicant stated they are all about safety. Thornton asked more detail about the parking lot with a specific focus on the current number of spaces spread out among the different uses in the retail mall. Their traffic engineer had reported to the applicant pertaining safety on Route 1 in that area regarding crash history and site lines for the entry/exit at that spot, peak hours between 4 – 6 p.m., and the traffic study and history. He stated that the existing driveway was developed for retail in that mall area. Thornton stated that his concern is for parking, which this location has additional in the rear. Hours of operation have not been set yet, but will be determined with conditions set forth by the Board.

Many people spoke for and in opposition of the location of this facility, particularly because it is in the same mall as a pediatric and family mental health practice. The owners of that practice, a pediatric nurse and other employees of the mental health practice stated this facility falls within the buffer zone mandated by the state and the town by-laws regarding placement of marijuana facilities and that it would greatly affect the safety and security of the patients they serve. Thornton asked the question about how the facility is different from the restaurant and previous store that sold alcohol. Therapist gave his reasoning on how this facility would have a negative impact on their clients. The impact he is concerned about for his patients is they will know what is being sold and the triggers this can cause in their patients. The facilities location would not present a conducive environment for the children's health clinic. Applicant feels they are following the buffer law as it reads.

A registered pediatric cannabis nurse spoke on his patients who use cannabis to treat various ailments, cancer, etc. He stated that the previous use of the building (store selling alcohol) did not seem to be unwanted by the therapy practice and gave various statistics on the benefit of medicinal marijuana. He feels education is the key. Everyone can have their

opinion on the negative but it is proven that it helps medicinally. Resident Comley spoke again regarding Rowley letting the citizens decide if they want these businesses in town.

Opposers of the project once again spoke out stating they have respect for the medicinal marijuana facilities, but not in that location. Others feel it is going to be regulated and will help get the bad laced drugs off the street, yet help those who need the help. Thornton stated the Board will take into serious consideration all the feedback given by residents, counsellors and others.

Graham talked about the a few points he would be looking at – mostly parking. Additional paved parking is available behind the building but need proper signage. He also feels the drive around the building is very narrow and is also concerned about pedestrians walking. Jaquith made a motion to continue the public hearing to January 9,2019. Seconded by Savory. All voted in favor (5-0).

Continued Public Hearing - Proposed Zoning Map Amendment/Bruce E. Ashley Property off Kathleen Circle from Outlying Zoning District to Business Light Industry Zoning

A map was presented of the land for which they are requesting an amendment of the portion of the 33 acres (approximately 9 acres) in the outlying district into light industrial to add to Forest Ridge off Route 1 and donating the balance 24 acres to the town for conservation/open space, giving large buffer between the properties and connecting to Hunsley Hills open space area. Neighbors were met with to discuss what is being proposed. Access to the light industrial would be through Forest Ridge and to the open space through Kathleen Circle. This would also create the potential to create a water loop into Kathleen circle by a developer, something the Town has wanted to do but could not afford. Future use of this parcel, if developed, would create a large tax benefit to the town. Thornton stated that the water loop issue is not under consideration for this approval. It would be dealt with in the future, should the property be developed.

The property owner of the easement spoke about his concern about the access through Kathleen Circle and what type of use it would be. Thornton stated that the parameters of the easement is what it has to stay. He does not want a walking trail connecting through the property. The Conservation Commission had expressed interest in this proposal of open space. Another resident stated that Kathleen Circle is a private way and is wondering if there would be a bond if repairs to Kathleen Circle would be needed, and that it would be done properly. Thornton stated that it would have to be approved with a special permitting process, possibly the whole project bonded. The neighborhood does not want the road to be public to protect it from 40B. Another resident stated that he feels the water department owns an easement on the property being discussed already. Also, the hours of operation would be important to him. Thornton stated that that would all be a special condition. Jaquith made a motion to close the public hearing, Savory seconded the motion. All voted in favor (5-0).

Thornton made a motion to vote favorably to support this project. Jaquith seconded. All voted in favor (5-0).

Other Business

Briar Barn Inn Update -

Regarding the Briar Barn Inn, the owner wanted to give an update on the progress. The fire lane will be done next week, sidewalks are complete, hardscaping is complete, but landscaping will have to wait for good weather. The asbuilt plan will not be completed until the end of the year, but they will be able to do a partial plan. The Board of Health documentation was submitted, the ConCom has been working with them all along, especially with the conversion to Natural Gas. Larry asked about all the parking. Owner would like site viewing prior to Christmas. Site review scheduled for Thursday, 12/20/18 at 9:00 a.m.

Rob Bouley/Relocation of Visitor Parking Space for Hart's Way OSRD at 50 Newbury Road

The Board reviewed the plan of the movement of the space. Jaquith made a motion to approve relocation of parking, seconded by Thornton. All voted in favor (5-0).

Request for Field Modifications to McDonald's parking Area and for Updated Façade Modifications

The Board reviewed the plan submitted showing slight upgrades to the existing site. Graham will send a letter to McDonald's stating that Board actions are not required. Jaquith made a motion that action not required by the Board for this modification. Urbanski seconded. All voted in favor (5-0).

Adjournment

Jaquith made a motion to adjourn the meeting, Urbanczewski seconded the motion. All voted in favor (5-0). Meeting was adjourned at 10:30 p.m.