

**Rowley Planning Board
Minutes
For Regular Meeting December 13, 2017**

Members Present

Chris Thornton (Chairman), Cliff Pierce (Member), Jean Peittrillo (Associate Member),

Larry Graham, Planning Board Engineer Consultant and Kirk Baker, Town Planner were also present.

Chris Thornton called the meeting to order at 8:10 p.m. All voted in favor to commence Open Meeting.

New Public Hearing - Proposal to Amend Zoning Bylaw to Permit Retail Establishments for Sale of Marijuana Products for Recreational Use in the Retail Zoning District

Chris Thornton read the legal notice. Pierce made a motion to open the public hearing. Thornton seconded motion. All voted in favor (3-0). Kirk discussed what was permitted under the current zoning by-law which included medical marijuana facilities which must be 300 feet from daycare facilities, houses of worship, schools and places where children play. The retail (RE) zoning district extends from Adams Mall on Newburyport Turnpike (NBPT) up to the mall at 300 NBPT El Tapatio Restaurant is located. Baker notes that there are currently no applications have been submitted.

Mr. Jodie McCarthy, who is considering submitting an application for a location at Adam's Mall is present to answer questions about what such vendors are looking for. Thornton asks McCarthy about what other nearby towns have done. McCarthy noted that Georgetown voted on a moratorium. Cliff stated he saw some changes needed on the bylaw. Chris noted that language about "being 300 ft. from where children congregate" was not in the bylaw. Mr. McCarthy stated Rowley did not adopt the state law that says that. The 300 feet note was what town decided, but the updated version of the bylaw should have said 200 feet to agree with the ZRC. Discussion ensued about what language other towns adopted. Mr. McCarthy stated most towns waiting for the state commission to come up with language, laws and rules.

One resident in the audience mentioned the 300-ft. buffer zone and his concern for children being treated at drug rehab operation which is located in the mall at 300 NBPT, who are dealing with drug and addiction problems. McCarthy stated that there is an interest in this site for a medicinal permit, but no applications yet. Cliff stated one way to look at this concern is to consider each application specifically, and possibly require special permits. He also noted that the state has strict regulations regarding signage for retail marijuana uses.

A resident asked about the process for a moratorium and topic was discussed. The Board members that it was no longer necessary. Another discussion ensued on what regulations will be forthcoming from the state regarding these uses. Chris felt the town needs to plan ahead and have regulations in place. Cliff feels the zoning bylaw needs to be approved by the time the state completes their regulations. Because the state does allow for-profit medicinal marijuana sales in the law, Cliff suggested striking the term 'non-profit' in the bylaw and town counsel can verify if there is a conflict. Cliff made a motion to close the public hearing. Thornton seconded. All voted in favor (3-0).

New Public Hearing - Special Permit for Illuminated Sign - Novo Sano Med Spa at Market Basket

Nik Shah on behalf of Novo Sano Med Spa, discussed his request for a sign, the type of sign, and why. An illuminated, wall-mounted sign to be located over an existing store unit in the Market Basket shopping plaza. The sign will have subdued affect lighting to reflect an upper-class and relaxing effect. A photo sample of the type of sign and discussion on how it was made ensued. The Board asked questions regarding color brightness, voltage, and all were answered. The lighting would give off a halo effect and would be very subdued.

Chris stated that due to being shorthanded of Board members due to an emergency, a vote could not be made this evening. There were no objections to what was being proposed, but need a quorum of 4 members to vote. Kirk will draft the request and send it to the representative to review.

Cliff Pierce made a motion to continue the hearing on January 10, 2018. Jean Petrillo seconded the motion. All voted in favor (3-0) to continue the hearing on January 10, 2018.

New Public Hearing - Site Plan Review for Large-Scale Photovoltaic Facility at 623 Wethersfield Street

Thornton read the legal notice. The Board votes unanimously to open the public meeting. Mr. Robert Blanchette, civil engineer representing the Rowley Solar LLC project, discussed the project mapped out on 7 acres of land at 623 Wethersfield Street. Visual plans showed gravel access road, gates, 8-foot fencing, signage, Knox box for the fire department, emergency cut-offs, etc. The site will require the removal of trees and minimal grading.

Mr. Steve Pullins of Dynamic Energy Networks discussed the first phase for a 2-megawatt facility and then the possible later expansion for an additional 4-megawatt section. The solar layout was discussed in depth, explaining shadowing and the shading study that was completed. There is a total of 17 acres proposed for the total project on a parcel of over 100 acres. An energy storage trailer was discussed. There will be a contract with the Rowley Municipal Lighting Plant to purchase power. Currently Rowley has one solar facility which is located on Central Street.

Chris asked about the cost of solar, and what it would do to the Rowley townspeople's electric bills. Steve Pullins discussed cost, explaining why he felt it would be comparable to what they are paying now, as well as batteries that would be on-site for the 2nd phase, as well as energy storage, which is not needed for the first phase 2-megawatt section. The application would reflect various variance requests, including signage (warning signs), landscaping plan (to buffer neighbors). The engineer will be revising the plan shown this evening. He expects to maintain natural growth on the perimeter to keep the fence clear. Architectural drawings also will be required for buildings. Chris stated that variance requests are clear for Phase I of project, and appreciates knowing that something is coming down the road in Phase 2.

Abutter present, Mr. Dan Monaco, asked how a commercial enterprise is allowed in a residential area. Cliff explained stating that in the town's bylaw, solar facilities are allowed in the outlying district. The bylaw was approved in 2013. He stated that outlying district comprises three-quarters of the town. Mr. Monaco feels project will be detrimental to the value of his property. A site survey was made by Chris Thornton and other Board members. Chris stated the area is surrounded with wetlands so they are

protected by a natural buffer. Cliff offered doing another site survey for the abutters to attend, which Mr. Monaco appreciated. They will try to use a pole for height to give more of a visual. Chris Thornton felt that the abutters would not be able to see the project and that the project was a good use of the property. He stated that even if the panels can be seen, it did not necessarily mean that the project would not be approved. Mr. Monaco went on to state how he felt the project would be detrimental in terms of his property value. He will attend the 2nd walkthrough and follow-up.

Another abutter, Cliff Mello, who lives on the corner of Brook and Forest Streets) asked about distances to the streets (which is about 700 feet), clear cutting the land, how that affects the environment and stated he was also concerned about the first phase project and especially the possible expansion. Cliff stated that the expansion would need a public hearing and permit. Mr. Mello also asked about whether a tree border would be provided to hide the panels from abutters yards.

Chris Thornton stated that this hearing was only for the first phase of the project. The panels and the landscape are what the Board is concerned about. The Conservation Commission is responsible for the environmental aspect of the project.

Mr. Dan Gray of 64 Wethersfield Street was also present and asked questions on the access road location, and how much transportation would increase on the street. The engineer stated that they may utilize the current road and estimate one vehicle trip weekly. Mr. Gray also asked about the wear and tear on the construction would create on Wethersfield Street and if damage occurs, who would be responsible for repair.

Chris Thornton stated they will continue with the site plan review, and also discuss the details for having a decommissioning plan in place before approval is given. Larry stated there was no written report yet presented to him, and asked that various topics be covered such as panel size vs. ground cover, runoff (which the engineer present stated a storm water permit has been filed), drip edges, runoff following the topographical curve of the terrain. He wants the Board to look at the complete picture before forming their opinion. The engineer stated that the first phase would be able to operate on its own, without the need of Phase 2.

Bonnie Berkowitz, the property owner, was present and asked the Board to collectively look at Phase one only, to which Chris Thornton stated is what they will do. She spoke on her property being a farm and she wants to ensure there is the least impact on their farm and their neighbors and the town.

Mr. Monaco asked additional questions regarding the vegetation, and whether conditions could be built into the permit. Chris stated that this condition will definitely be considered. Chris Thornton asked the Board to continue this hearing until January 10, 2018. Cliff Pierce made a motion to continue the hearing till January 10, 2018 and Jean Pietrillo seconded the motion. All voted in favor (3-0).

Continued Public Hearing - Site Plan Review Hydrant Regency Dog Kennel at 104 NBPT

The engineer for the project, Rich Williams of Williams and Sparages was present on behalf of the applicant. Williams presented the updated plans to the Board. He discussed the site distance study, which was performed as requested. He stated the speed limit of 50 mph suggested a 425-foot site distance coming out of the property. A section of the retaining wall is in the way and his updated plan showed the wall reduction and regrading to provide adequate site distance. The plan needs to be signed off by the

Mass Highway Department and he has a meeting scheduled for Tuesday, December 19th for the permit and a utility connection. The permit may take a couple months to be signed off.

Other changes were reflected on the plan as requested by the Board, including paving the apron up to the building, changing the dog pen from 3 tires to one tier (40 feet from edge to edge). Rich will get the updated drainage plan to Larry. Chris stated that he felt they were making good progress on the project. Cliff Pierce made a motion to continue the hearing until January 10, 2018. Jean Pietrillo seconded the motion and all voted in favor (3-0).

Informal Discussion Regarding Cindy Lane Street Acceptance

Mr. Tony Capachietti, the engineer representing Mr. Abuzahara, discussed the question on whether the storm drain on Cindy Lane was plugged. An As-Built plan was submitted. Per Thornton, Mr. Abuzahara is looking for the Board to review. The Highway Department was asked to plow the street this season but this cannot happen if the road remains private.

Informal Discussion Regarding Potential Modification to ABZ Storage Site Plan at 1000 Haverhill Street

ABZ Storage discussed their plan to reconfigure buildings and the drive aisle. They are asking if this would make for a special major modification or a field correction. After discussion on what they wanted to accomplish, Cliff felt this was a major modification. Kirk would speak to John Morin (the Planning Board's consulting Engineer for this project) to review, in lieu of Larry who cannot review the case due to a conflict-in-interest.

Adjournment

Cliff Pierce made a motion to adjourn the meeting. Jean Pietrillo seconded the motion. All voted in favor. Meeting was adjourned at 10:15 p.m.