

**Rowley Planning Board
Minutes
For Regular Meeting on December 16, 2015
APPROVED on February 3, 2016**

Members present:

Chris Thornton (Chairman), Curtis Bryant (Member), Cliff Pierce (Member), Mark Savory (Member), and Jean Pietrillo (Associate Member)

HL Graham, P.E. (Technical Review Consultant) and Kirk Baker, Town Planner, are also present. David Jaquith (Vice Chairman) is absent.

Thornton calls the meeting order at approximately 7:30 pm.

0 Church Street – Clarke Associates

Chris Thornton notes the Certificate of Vote has been drafted and distributed. Jeff Clarke asks H.L. Graham whether the condition on confirmatory soil test was necessary for the approval. Graham explain that the condition should be addressed.

He asks about the outstanding Water Department issues. Jeff Clarke states that they will continue to work with the Water Supervisor to address those issues pursuant to the Board approval condition.

Pierce asks about whether the Clarkes feel the 24-foot driveway width being excessive. Jeff Clarke said they have worked out with the Fire Chief that they will be allowed to have the 16-foot driveway width if they either sprinkler the building or extend the water line and install a fire hydrant in proximity of the proposed two-family. The Board agrees to keep the approval condition allowing 16 feet which includes the Fire Department requirements.

Pierce makes a motion to approve the site plan application. Savory seconds the motion. All vote to approve the motion (4-0).

Continued discussion with the Trustees of Wilson Pond Realty Trust and Attorney Kevin Brightney pertaining to Meetinghouse Road alignment

Don Desmond of Hancock Associates and Kevin Brightney, Attorney are present on behalf of the developer. He states they met with Wendy Wollenger the property owner of 56 Ellsworth Road which is the parcel whose driveway coincides with the alignment of the Meetinghouse Road “paper street”. Baker notes that Ms. Wollenger is in attendance. Ms. Wollenger announces herself.

Desmond presents a new concept plan scenario, the outcome of his meeting with Ms. Wollenger, that shows the road alignment now shifted further to the south, on the opposite side of the historic stone wall. Graham notes this will necessitate an impact to the wall because the alignment starts on the north side of the wall and then shifts to the south side of the wall. Desmond notes the road will be shifted to the south side of Mr. Wollenger’s drive way, but that part of the driveway in this scenario, would run parallel to Meetinghouse Road, and, would be located in the Meetinghouse Road right-of-way.

Bryant notes that Desmond has made consistent reference to documentation purporting to establish the location of Meetinghouse Road in the field and asks if he has this possession of the information. Desmond confirms he can provide the documentation. Brightney states he agrees with the alignment and that they have had multiple surveyors which determined the same exact alignment as was ascertained by Hancock Surveyors, and that the stone wall, prior to the construction of Ms. Wollenger’s house, continued all the way to Ellsworth Road.

Bryant expresses doubts about the concept in that the Wollenger’s driveway will remain in the right-of-way. Desmond points out that the new configuration involves 20-feet with two-foot shoulders and they are working on an agreement with Janice Wright in regards to getting a dedication of an easement for additional roadway width. Thornton asks if it is by an easement

then how will they be able to dedicate the roadway to the Town. Desmond states the lot is grandfathered and that Ms. Wright would not be willing to dedicate the area when the change in lot line configuration would cause the lot to lose its grandfathered status. Thornton points out that may be an obstacle. Pierce further notes that a number of waivers would be required for sidewalks on both sides of the roadway, for stormwater, for width, and for cul-de-sac length, etc. Graham points out they will need additional topography and profile information on the plans.

Desmond shows a plot which shows the scenario suggested previously by HL Graham having the entire road bend further south and connect further east on Ellsworth Road. Peter Koutzoukis, party-in-interest and property owner of 38 Ellsworth Road expresses concern with Graham's concept proposal because the intersection of that connects Meetinghouse Road to Ellsworth Road directly adjacent to his property where his house is currently located approximately 18 feet from his side property boundary that is proposed to be in close proximity to the proposed re-aligned roadway.

Koutzoukis asks if he has no say of the number of structures being located in close proximity to his property, considering that he located where he did because there were no other houses nearby. Bryant notes that this is an informal hearing but that a public hearing subdivision process would be required before they could get approval to build the road or any dwellings. Thornton acknowledges that the Planning Board will consider, at the time of the public hearing, testimony from abutting property owners that will speak to design conflicts such as the proximity of a proposed road to an existing property setback and the potential impacts, ie noise issues or headlight glare from vehicles at a potential intersection.

Amy Dickenson of 12 Leslie Terrace, expresses concern in regards to the increased amount of traffic created along Ellsworth Road, a privately maintained road, by connecting Meetinghouse Road through. Ms. Wollenger is also concerned that, although Meetinghouse Road is intended to be a public way (paved), Ellsworth Road is a private and unimproved (gravel) way, but also a shorter route for those arriving via Wilson Pond Road. Graham questioned whether that would be the case. Wollenger insists they would indeed do so simply because the distance is shorter,

and that the homeowners along Ellsworth would be forced to subsidize access to these new dwelling proposed along Meetinghouse Road. Graham notes that he originally thought his suggested concept would avoid topographical issues but that Desmond's second proposal, in the end, would avoid the impact to Koutzoukis's property which may be unreasonable due to the location of his dwelling in relation to his side property line.

Bryant suggests that Ellsworth Road may need to be improved as well because the additional vehicle trips would be detrimental to the private road's on-going maintenance. Pietrillo notes that the neighbors along Ellsworth Road would most likely not want the road to become public. Bryant notes they had these very same conversations during the site visit associated with the prior litigation and it doesn't appear to have been fully resolved yet.

Bryant asks Desmond if they are married to the current lot configuration? Desmond indicates they are not. But he notes they want to be certain they don't interfere with the grandfather status of the Janice Wright lot by doing a land swap to achieve adequate width. Desmond states their legal research will determine that as they would be liable for any impacts to the legal status of the Wright lot.

Thornton then suggests the other issue will be whether they can waive the requirement for a 500-foot dead-end length limitation. Baker states he doesn't believe a waiver for the dead-end length greater than 500 feet can be done except in the case of OSRD development. Graham insists the PBR&Rs allow for waiver of this element.

Bryant states that the applicant needs to ask for the specific waivers in writing. Pierce indicates he probably would not be willing to approval a waiver of the sidewalks along Meetinghouse Road for such a substantial development.

Desmond says the court is looking for a definitive decision from his client as to which alignment is most feasible.

Informal preliminary discussion for possible ANR Plan request for 31 and 37 Summer Street.

Bill Barter introduces his preliminary proposal for an ANR Plan resubdivision to transfer approximately 400 sf of land in the rear of the parcel from 37 Summer Street to his lot, which 31 Summer Street. Barter states he hasn't had a survey done and doesn't want to do thought until he knows he can do what he wants to do.

Baker notes the issue with this proposal is whether 37 Summer's minimal amount of unusable frontage (approx. 4ft) on Independence Street is an obstacle to endorsement when considering that 37 Summer Street otherwise has only 100 feet of frontage on Summer Street (minimum frontage requirement in the Central District is 125ft).

Pierce asks whether it is advisable for the owner of 37 Summer Street to do the ANR if she will lose the ability to do anything with her lot if she makes its more non-conforming. Baker notes she will have to be signatory to the ANR application. Pierce states he would prefer that she be advised of the implications of signing onto this application.

Baker says he can request an opinion from the Town Counsel in regards to the frontage requirement. Graham states he feels the lot area and the grandfathered status of the lot is also an issue in terms of whether the lot will be buildable. Baker agrees that is an issue for the property owners, but not in regards to consideration of ANR endorsement, and notes that is the reason the note stating that "endorsement is not a guarantee of zoning compliance" is included on an ANR plan.

The Board agrees that Baker should request an opinion from Town Counsel in regards to the issue of frontage and whether or not modification to the lot area of 37 Summer Street would cause it to lose the lot's status as a grandfathered lot.

Wild Pasture Estates – request for release of remaining landscaping surety.

Thornton asks Graham if after his inspection of the site he is satisfied as to the completion of the improvements so that the remaining surety (\$5,000), previously held to cover the landscaping which failed to grow during the summer months, can be released. Graham states he has done several drive-through and is satisfied the improvements have been completed. Pierce states that, after doing his own drive-through he has discovered some issues he thinks should be addressed, that some of the plantings on the common areas appear to be unhealthy. Pierce requests that the Board vote to hold the surety until spring in order to ascertain the long-term viability of the above-mentioned landscaping.

Thornton motions to release the remaining \$5,000 surety. All vote against the motion 4-0. The motion fails. Thornton tells Baker to notify the developer that the reason is to hold the surety until spring to determine if the landscaping is viable.

Planner Updates-Georgetown Planning Board – Healthy Pharms, Inc, Registered Marijuana Dispensary (RMD)

Baker notes he had sent a comment letter from the Rowley Planning Board Pietrillo states she attended the Georgetown Planning Board meeting and spoke in regards to the issue of water quality and traffic safety. She notes the concerns pertaining to the water quality were mainly represented by the Water Department Superintendent, Marybeth Wiser. She adds the Georgetown Planning Board did indicate they would be amending their bylaws to include the wellhead protection boundaries in their jurisdiction. Baker said his concern about the traffic safety issue comes from the applicant's assertion that additional traffic measures are unnecessary because the proposed use is less intense than the previous B&W Press use.

Minutes:

The Board reviews the minutes for the November 18th meeting and suggests a few corrections. Pierce motions to approve minutes. Pierce motions to approve the minutes. Savory seconds the motion. All vote in favor (4-0) to approve the November 18th minutes.

Baker also requests the Board approve the carry-over of six un-used hours of 2015 vacation hours to the 2016 Pierce motions to approve the carry-over of vacation hours. Bryant seconds the motion. All vote in favor 4-0.

Adjournment

Pierce motions to adjourn the meeting. Savory seconds the motion. All vote in favor (4-0). Meeting adjourns at 9:30 pm.