

DATE: February 8, 2023
LOCATION: Town Hall 2nd Floor Auditorium at 139 Main Street
TIME: 7:00pm

Members Present

Chris Thornton (Chairman), David Jaquith (Vice President,) Kevin Moriarty (Member), Jena Haag (Member) and Kirk Baker (Town Planner) were present. John Urbaczewski (Member) was absent. Meeting was called to order by Chris Thornton at 7:00 p.m.

New Public Hearing

Continued from January 11, 2023/Definitive Subdivision Plan/49 Emily Lane

James Decoulos was present to discuss the project for Rowley Farms who purchased land. He stated he was not ready to discuss details but was present to answer any questions from the Board. Thornton asked for brief narrative on the project consisting of 4 lots. Decoulos discussed how the lots could possibly be combined with a larger adjacent lot in the future and how this property will fit into the big scheme. Thornton stated it would be difficult for the Board to review the project as 4 lots only and discussed the history of the area and potential possibility for a 225-acre development. The Board was concerned with the non-information for this particular project and cannot approve on the basis of what it may ultimately be. Decoulos is researching the best alternative in a planning sense. Discussed were appropriate access points to get into the 315-acre land beyond, previous plans that were approved in the past, connections and flow patterns and exits. Decoulos is just trying to get the best benefit for these lots and maximize the infrastructure previous built. Thornton asked to be included in the big picture plan.

Motion to continue hearing to March 8, 2023 made by Jaquith and seconded by Moriarty. All voted in favor (4-0).

Continued Public Hearing

Amendment to Special Permit/Site Plan Approval/McDonald's/155 Newburyport Turnpike

Thornton stated that the Planning Board Consultant, HL Graham had made comments on the project to which the William Lucas, project engineer, replied to. Concerns were parking and storage of materials during construction as well as safety concerns by Chief Dumas. Discussed the possible closure of restaurant during the construction or having construction during hours the restaurant was not open.

William Lucas, Project Engineer, discussed closure during construction. With all the construction McDonald's restaurants have been through in the past, it would be unique if this happens, as well as a hardship for the owner/operator and their employees. Discussion on possible entry and exit on the small adjacent lot and if other options are available. Lucas will look into a construction easement. Perhaps the contractor will prepare a construction plan and talk to the owner of the empty lot next door for storage of equipment. Existing plan shows temporary conditions on the site but Lucas requests more time to generate a plan for being open during construction and hitting all concerns.

Motion to continue hearing to March 8, 2023 meeting made by Jaquith and seconded by Haag. All voted in favor (4-0).

Special Permit/Site Plan Review Amendment/Ruby Holdings, LLC/1000 Haverhill St/Review Cert of Vote

Moriarty recused himself from the hearing as he lives in the area.

A representative for ABC Public Storage was present to discuss the amendment request and condition #7 regarding use of pavers. There was no comment by the public. Motion to close public hearing made by Jaquith and seconded by Haag. All voted in favor (3-0).

The vote was reviewed. With the absence of Urbaczewski and recusal of Moriarty, there was not enough members to vote for the result to be valid. Baker notes that they need 2/3 vote which with a currently 5 member Board they would need 4 out the 5 members to vote in favor of.

The Board discussed the recusal of Moriarty, and the rules for considering him an abutter. Baker noted that he doesn't fall within the distance to be formally considered party-in-interest. Moriarty agreed and he agreed to assist in the vote.

Motion to approve request with special permit amended as proposed made by Thornton and seconded by Jaquith. All voted in favor (4-0).

Other Business

Discussion Appointment/Meegan O'Neil/Essex County Habitat for Humanity/Don Preston

Discussion on projects that could be affordable in nature to assist in the town obtaining the affordable housing it so needs. The Board stated they need to know how much an appropriate value is to be considered for a waiver for not building affordable. Thornton thought the Builder must provide these units to the town at no profit. Haag did not believe that was the rule. The Board needs to research what the rule is for selling housing under market value and if there is there a range? Also discussed various prior projects in town regarding affordable units.

2022 Annual Report Update

Baker discussed the annual Planning Board report and presented it to the Board for approval of submittal.

After review, motion to approve report made by Jaquith and seconded by Haag. All voted in favor (4-0). Discussed the upcoming budget that will be required by the town. Baker will get information on rejoining the American Planning Association (APA) to discuss at the next meeting.

Discussed several topics including the hiring an engineering consultant. Haag brought up the necessity of affordable housing, possibly utilizing the areas around the train station and Rte. 95 for density housing. (15 units per acre).

Discussion Pertaining to Status of Project Sureties Being Held

Discussed the 162-164 Main Street Project, Red Gate Woods and others in town for which sureties are still being held and what owners need to do to get the funds released.

The town is currently holding two for Falcon Ridge, a \$500,000 cash bond a \$175,000 letter of credit. Thornton discussed the spreadsheet with items that needed completion. Applicant requested that the town release the line of credit. To support his request, he submitted his updated spreadsheet showing items that were completed and leaving total bond for work to be completed at approximately \$250,000. Paperwork was submitted to confirm the figure to allow possible release of funds. If the review of information is available prior to the March 8, 2023 meeting, Thornton requested a possible short meeting via zoom to approve.

Minutes

October 25, 2022, November 9, 2022 and December 14, 2022 minutes reviewed and all minutes to be corrected with the correct spelling of Jena Haag. Thornton made a motion to approve the minutes with changes to be made as discussed. Haag seconded the motion and all voted in favor (4-0).

Adjournment

Motion to adjourn meeting made by Thornton and seconded by Haag. All voted in favor. Meeting adjourned at 8:22 p.m.