

Rowley Planning Board
Regular Meeting Minutes
Rowley, Massachusetts
February 27, 2013, 7:30 p.m.
Town Hall Annex - 39 Central St., Rowley, MA

Those present: Vice Chairman Cliff Pierce, Jean Pietrillo, David Jaquith, Technical Consultant Larry Graham, Town Planner Katrina O’Leary. Chairman Curt Bryant absent.

7:36 p.m.: Pierce calls the meeting to order.

1. Public Hearing 7:30 p.m. –Proposed Zoning Amendments

Pierce reads the legal notice for the proposed zoning proposals that were submitted to the Selectmen by the Zoning Review Committee. He entertains a motion to open the public hearing.

Jaquith motions to open the Public Hearing. All members vote in favor.

Public Hearing is opened.

Pierce explains both the actual proposed bylaw and the reasons for the proposed changes:

- a. Zoning District Map Amendment – Currently the zone map line runs through the existing building which has caused difficulties for both the owner and the building inspector. This zone map change will move the complete building into the Retail District.
- b. Illuminated Signs – this zoning proposal would change the Permit granting authority for illuminated signs from the Selectmen to the Planning Board at the request of the Selectmen.
- c. Section 4.0 Text Changes – the text changes in Section 4.0 includes only editorial changes. Presently, Section 4.0 includes several areas where, instead of listing out all the uses allowed in a particular district, it simply refers to those uses by the letter representing them in another section. This has proved to be cumbersome and confusing for users of the bylaw. The proposed change will replace the areas that “reference” other sections by listing out all the allowed uses.
- d. Accessory In-Law Apartments – In 2012 the Town adopted a revised Accessory In Law Bylaw. The newly revised bylaw contains a change to how the maximum size unit is calculated, which, in some cases limits the size unit to something smaller than was originally allowed. This could create problems for those already permitted Accessory In-Law units that exceed the maximum size allowed by the new bylaw, and yet due to a change in ownership, need to apply for a new permit, as required by both the prior bylaw and the newly adopted bylaw.

This proposed bylaw will add language that, in effect, grandfathers the size of pre-existing accessory in law units.

- e. Nonconforming Uses – several changes were proposed for Section 5.0. The first change deletes reference to the “zoning code administrator” and replaces it with building inspector – this change was recommended by Town Counsel. The second change requires changes to residential structures on non-conforming lots that are proposing to increase in size by more than 50% to go before the ZBA for a determination.
- f. Multi-Family Density Changes – the proposed changes to the way density is calculated for Multi-Family housing will allow a slightly higher density on smaller lots and will reduce the density allowed for larger projects.
- g. Solar Photovoltaic Use – currently, solar photovoltaic installations are not addressed in the bylaw. This proposal will allow for solar photovoltaic installations in the Outlying and Coastal Conservation Districts through Site Plan Review by the Planning Board.

Pierce asks if there are any comments or questions by members of the public on any of the initiatives. There are none. Selectmen Merry and Tom Heidgerd, both members of the Zoning Review Committee are in attendance. Selectmen Merry states that the Selectmen have reviewed the proposals by the Zoning Review Committee and feel comfortable with sending them to the Planning Board for their review.

Jaquith motions to close the public hearing. All members vote in favor.

Public Hearing is closed.

Jaquith motions that the Planning Board send a report to the Selectmen recommending that the zoning proposals be approved at Town Meeting. All members vote in favor.

2. Regular Business

Construction Updates:

Rowley Village Green – Charles Construction – 63 Main Street

The Town Planner updates the board. She has provided members with materials relating to modifications to the retaining wall located at the entrance to the development, changes to the drainage system, trees in the no-cut, no-disturb zone, and the location of drainage and rip-rap in the easement located at the rear of the Ruebel property at 61 Main Street. She believes that the Planning Board consultant has an update on all of the above items for the board.

Graham explains that the owner would like to modify the retaining wall at the entrance near Main Street. Graham has made some minor changes, which are outlined in his memo to the board, and recommends that they approve the changes. Pierce asks if any abutters would like to ask questions.

Nick Ruebel, 61 Main Street, asks if there will be drainage at this retaining wall. Graham answers that all drainage will drain away from the Ruebel property toward the wall.

Graham continues his report, describing that he has recommended that the owner be allowed to cut down two large white pine trees that are located on the very edge of the no-cut, no disturb zone. He feels that these large trees offer very little screening from the neighbors, and could be dangerous as some roots have been cut away and they are now more open to the forces of winds. He has recommended that each large tree be replaced with three coniferous trees which will provide a better buffer.

Graham next explains that the landscaping plan shows trees planted in an area at the rear of 61 Main Street that cannot be placed as noted because of a drainage area with surrounding rip-rap. This landscaping would have provided screening from the development roadway and the rear of 61 Main Street. He would like to propose that he work with these neighbors to come up with a plan that suits both the Planning Board and the owners. In addition, the neighbors have requested that the drainage area with rip-rap be moved off their property. He has reviewed the already installed drainage area and notes that it has been installed per the plans. He recommends that there be no changes made to this drainage structure; however, if the developer wants to move the structure, he will work with him to come up with a new plan. Holly King Ruebel, 61 Main Street, is interested in the landscaping that needs to be revised due to the drainage structure. She wants to be assured that it will provide proper screening from the development to the rear of her home. The board asks the owners if they would consider a fence – the neighbors both agree that a fence would probably be the best alternative due to the fact that new trees may compromise their new septic system.

Jaquith motions that the Planning Board approve the proposed changes to the retaining wall and to allow the two trees to be cut in the no-cut, no-disturb zone. All members vote in favor.

Graham will work with the neighbors and the developer to come up with a plan for the drainage area landscaping that works best for all parties and will report back to the board.

Downriver IceCream – 120 Nbpt Tnpk – Amy Ahearn

John Morin, engineer with Neve-Morin, is representing Amy Ahearn from Downriver Ice cream. Planning Board member David Jaquith announces that he has a conflict of interest and will not be participating in this discussion or vote.

Morin updates the board on this Site Plan Review project approved by the board last year. He has been in communication with MassDOT since last September in regards to a state permit for modifications being proposed for the front entrance. Last month he finally received an email from the state approving the proposed modifications with some changes, including not erecting a fence in front of the parking spaces because this lies within the state highway layout. However, since that email, the state has changed their mind and now would like to see the other curb cut at this address reconfigured. This creates some problems because they cannot

afford to lose another parking spot. He is at the board's meeting to try and receive approval for the modifications so that his client will be ready to open in mid March.

Graham notes that he has responded to several of the modification requests and has made suggestions which are contained in reports that the Planning Board has in their possession. Morin does ask the board if they can use some other traffic control material other than whiskey barrels. Graham feels that other materials can be used as long as it provides the same effect as whiskey barrels.

As the board does not have enough members to approve any modifications, they table discussion until such a time when they have enough members to take a vote.

Subdivision Approval Not Required Plan – 51 & 61 Fenno Drive – Rasmussen/McBride

Attorney Ted Regnante, 401 Edgewater Place, Wakefield, MA, is there to represent the owners of 61 Fenno Drive. Laura McBride, owner, and Peter Kane, the registered land surveyor responsible for the plan are also in attendance. Regnante explains that the owners are hoping to sell their home to a buyer; however, the buyer is concerned because the homeowners have been involved in ongoing litigation concerning the private portion of Fenno Drive. This ANR will move the frontage for the house lot to the public portion of Fenno Drive and assign the frontage on the private portion of Fenno Drive to a vacant lot which is also owned by the Rasmussen/McBrides. The Town Planner mentions that she has discussed this ANR with both the Town Clerk and the Town Assessor in regards to the status of the frontage. After review, it does seem that both lots as reconfigured meet all the requirements of the zoning bylaw and the Planning Board's Rules and Regulations.

Jaquith motions to endorse the plan as one not requiring approval from the subdivision control law. Pietrillo seconds the motion. All members vote in favor.

The board endorses both the mylar and paper versions of the ANR and allows the applicant to take the signed mylar ANR.

8 Turcotte Memorial Drive – Comstar – Certificate of Completion

Graham explains that he has reviewed the submitted as-built plans for the Site Plan Review approval granted to the owners of 8 Turcotte Memorial by the Planning Board. He recommends that the board approve the as-builts.

Jaquith motions to approve and accept the as-built plans submitted by Comstar for the improvements approved under Site Plan Review at 8 Turcotte Memorial Drive. All members vote in favor.

The Town Planner asks if the board would also like to release the remaining technical consultant funds held for Comstar to pay the Planning Board's technical consultant. Graham would like to check the decision again to make sure they have completed everything before the board releases the funds.

316-320 Wethersfield Street – 420 Nbpt Tnpk LLC – Common Driveway/Floodplain Special Permit

Graham explains that he has received a request to approve the proposed roof infiltration facilities for the proposed homes at 316 through 320 Wethersfield Street, which was a condition of the Common Driveway Permit approved by the Board in May of 2007. He has reviewed the plans and approves of them; however, he has not had a chance to write a report stating such for the Planning Board. O’Leary mentions that the applicant has learned recently that he is subject to the Town’s Stormwater Bylaw; therefore, he will not need the Planning Board’s signoff for building permits in the next month. The board tables action on this item until their next meeting.

Residences at Rowley Country Club – Ralph Digiorgio – 237 Dodge Rd.

This item has been tabled due to a request by the applicant.

Sheehan Estates (Gurczak Lane) – Joseph Pelich – Construction Completion

Town Counsel has recommended that the board not take any action on this item until they receive an opinion. The board tables discussion until further notice.

Approval of Minutes - December 19, 2012 minutes and January 15, 2013 minutes

After making several changes, the board votes to approve both sets of minutes.

Jaquith motions to approve the minutes of 12/19/2012 and 1/15/2013 as amended. All members vote in favor.

Adjournment

Jaquith motions to adjourn at 9:15 pm. All members vote in favor.

Documents provided at the meeting and available in the PB office:

Several reports from H.L. Graham

Minutes of 12/19/2012 and 1/15/2013

Submitted applications and plans

Minutes accepted at the April 10, 2013 meeting.