

Rowley Planning Board Meeting
Minutes
July 23, 2015

Members present:

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

Kirk Baker, Town Planner are also present. David Jaquith (Member) is absent.

At 7:30 pm Bryant calls for a motion to open the meeting. Thornton motions to open the meeting. Savory seconds the motion.

Bryant states that tonight's meeting will consist of the Board giving consideration to two ANR proposals located at 51 and 58 Fenno Drive.

ANR 51 Fenno Drive:

Tom Beatrice, the Attorney on behalf of the applicant is present. Beatrice states that the Planning Board approved a prior ANR plan at this location in 2013 where the current lot configuration with the parcel taking its frontage on Fenno Drive in two locations, one being along the paved public portion of Fenno Drive and the other along the unpaved private portion. He states that the current ANR plan proposes to make the smaller 6,000 sf portion of the parcel along the private portion of Fenno Drive into a separate parcel designated on the plan as "Not a Building Parcel".

Baker points out that the 2013 ANR plan was endorsed because the Planning Board had considered the parcel have sufficient amount of lot frontage (150 ft) along the public portion of Fenno Drive, however, this ANR Plan proposes to create a lot with separate frontage along the private portion of Fenno which is a different matter in regards of whether it is eligible for endorsement. Typically, ANR lots along private ways require that the way have been approved

as part of a subdivision plan or that the way pre-existed the adoption of the subdivision control law and is, in the opinion of the Planning Board of adequate construction to service different modes of vehicular access, including emergency vehicular access. However, in this situation, case law (Cricones vs. Dracut) in regards to lots denoted on ANR plans as “not for building” lots are entitled to ANR endorsement regardless of whether they have frontage on a public or even private way.

Pierce motions to endorse the ANR Plan for 51 Fenno Drive. Thornton seconds the motion. All members vote in favor of the motion to endorse the ANR Plan.

ANR 58 Fenno Drive:

Beatrice presents the ANR Plan for 58 Fenno Drive. He discusses the case of Rettig versus Town of Rowley which involved access to the eastern portion of Fenno Drive in which the high court wrote that Fenno Drive is of adequate build to provide access to proposed residential development on Mansion Drive. Baker out that assertion made by the court only applied to the portion of Fenno Drive between Kittery Drive and Mansion Drive, and that it doesn't provide any confirmation in regards to the portion of Fenno Drive providing access to the subject parcel. Moreover, access to this parcel comes from the west via a privately maintained bridge. Baker cites Gifford vs Nantucket and Mitchell vs Morris as case examples that support the notion that critical to the assumption of adequate access is the sufficiency of access for emergency services. A citizen in attendance, Steve Comley, states that the Fire Chief has tested the bridge by using his heaviest equipment. Bryant asks Baker if he had a chance to discuss the matter with the Fire Chief. Baker says the Fire Chief wouldn't be available to evaluate the proposal until the following week.

The Board members all agree that they would like to have input from the Fire and Police Departments in regards to the accessibility of properties along Fenno Drive before making a decision whether to endorse the ANR proposal. Baker notes that the Board still has twenty days in order to render a decision. The Board agrees to wait for the Fire Chief's input and tentatively agrees to reconvene on the matter on August 6th.

Adjournment:

Thornton motions to adjourn the meeting. Pierce seconds the motions. The meeting adjourns at 8:40 pm.