

DATE: June 12, 2019
LOCATION: Rowley Public Library - 141 Main Street
TIME: 7:30pm

Members Present

Chris Thornton (Chairman), David Jaquith (Vice Chairman), Mark Savory (Member), and Kirk Baker (Town Planner) were present.

John Urbaczewski (Member) and Troy Spaulding (Member) were absent.

Thornton called the meeting to order at 7:32 p.m.

New Public Hearing - Special Permit/Site Plan Review/Definitive Subdivision – 491 Main Street for Common Drive/Floodplain/Accessory Bldg. Larger Than 1500 SF.

The applicant's engineer, Deborah Colbert presented the modified site plan for Board review. She notes that the Board's consulting engineer, HL Graham had reviewed the plans and had given several recommendations which were minor design changes the revised site plan being presented reflects those recommended changes. Colbert does contend that some of items listed by Mr. Graham were trivial in nature. She cites item 3 (a misspelling), and 4 (pertaining to water service) as examples. Colbert also mentions item #6 regarding want to add to monument marker in the field, when the Board had expressed they would be satisfied for the applicant to use standard materials in lieu of a monument on 3 or 4 marker points. Baker feels Planning Board can verify the lot boundary monuments in the field as requested by neighbor and that the monuments can consist of buried iron pins. However, he notes that Graham has insisted on the concrete right-of-way monuments because that's what the regulations call for. They count out the number of markers total and come up with there being 9 iron property pins for the Board to verify. Graham had stated that he will issue a report after looking at the plans left with him this date.

Jaquith made a motion to continue hearing to June 25, 2019. Spaulding seconded and all voted in favor (3-0).

Continued Hearing - OSRD Special Permit – Falcon Ridge Subdivision – 430 Wethersfield Street

The applicant, Rob Nixon is asking for a continuance until the July 17, 2019 meeting. Jaquith made a motion to continue hearing to July 17, Spaulding seconded the motion. All voted in favor (3-0).

Continued Hearing - Verdant Medical – 124 Newburyport Turnpike – SP/SPR – Zoning Retail/RE/BLI

The applicant has requested another continuance. Jaquith made motion to continue hearing to July 17, 2019. Urbaczewski seconded the motion. All voted in favor (3-0).

Continued Hearing - 623 Wethersfield Street – Definitive Subdivision Plan – (4-Lot Conventional Subdivision) – OD

The applicant has requested another continuance. Spaulding made a motion to continue the hearing to July 17, 2019, Urbaczewski seconded. All voted in favor (3-0).

Other Business:

Informal Discussion/Mike Morris of Schneller BMW/Potential Use 7 Hammond Street (Former Fire Station)

Thornton offers the floor to Mr. Mike Morris of Schneller BMW who has run the business in the Town of Newbury for 25 years. He is looking to expand his independent BMW service facility and is looking at the building located at 7 Hammond Street which is the former Rowley Fire Station. He stated he would not change the site exterior, except perhaps by installing some landscaping. There will be changes to the building inside consisting of leveling floors, creating an office/waiting area and a rental office. Also, Morris states that he may need to install an additional door on the side of the building. He expects the number of cars to be eight to ten at a time left outside, but his plan is to store as many as he can inside the building.

The Board stated the change of use to automotive repair will need a special permit from the Board of Selectmen, and a site plan review approval from the Planning Board. They note it's in the historic district, though not a historic building. They discussed numerous topics such as timeline of vehicles in the shop, storage of vehicles outside and signage (Baker notes that illuminated outdoor signage would require its own special permit. Morris states that he plans to alter very little in regards to the exterior lot or the building. The Board questioned snow removal and asked about storm water requirements. Morris notes the property is a cut-through for the post office and he would keep it as such. The Board also questions the storage of oil, the recycling of metal and cardboard, and also point out the need for an outside dumpster. Morris thanks the Board for their input and notes that he will work with Baker on getting his application submittal materials together.

Update from Invaleon Solar Technologies Pertaining to Rowley Solar Facility – 623 Wethersfield Street

Representatives from Invaleon are present as well as Tom Beatrice, the attorney for the property owner Bonnie Berkowitz. Regarding the conditional approval given for July 15, 2019, the Board reviewed everything that needed to be completed. Attorney for Invaleon requested an extension, stating they will not be able to complete conditions due to legal issues with

owners, a dispute that arose since the Board approval. He stated the growing season is gone, and that without irrigation any seed planted at this time would fail. He suggested that the fall would be a better time.

Beatrice stated that the dispute is with respect to ownership and the contract to hand over control to Invaleon. The biggest problem is the condition of the site pertaining to some boulders, the stone wall, grading, and the removal of trash to name a few. Beatrice asserts that Invaleon is using the missed growing season as an excuse to hold up the process. He further asserts that the owner is requesting the stabilization of the site and that both parties are negotiating and are very close to an agreement and once that agreement is reached then things should move forward.

Invaleon's attorney spoke of the present condition of the site that it is rough graded and they have plans when to do the final grade and to plant, but until they reach an agreement the property owner is preventing them. Conservation has noted that the site is starting to re-vegetate naturally and that they need to get dispute taken care of and get the work done. Beatrice summarizes the update saying the site will not operate until the dispute is cleared. Definitive final documents, ownership transfer and signed contract for project will not be handed over until the agreement is secure. Invaleon asserts they have sufficiently met the property owner's demands, but that getting agreement is like hitting a moving target.

Thornton stated that hopefully by next meeting there will be affirmative steps made to the landscaping and the dispute will hopefully be settled. If not, the Board should then consider taking the proper action necessary.

Discussion – New Patios at Residences at Rowley Country Club

Chairman recused himself as he is an abutter.

Residents have put in a request to the condo board to make changes to deck off walk out basements. They will potentially be taking out existing pads that are 12' x 8' and requesting 12' x 18' patios on the side. Representatives of the association want to be sure whatever they do is not a major change. One or two owners are asking now but they want to make sure a change is permissible under the current special permit approval for all the units. They ask if the Board would like to see this done as an amendment to the original plan. Also discussed was the association control on how close patios comes to property lines and the golf course.

For a major modification, the Board suggested coming to them with plans for the change, including layouts, materials to be used, and if they will be creating a standard for all owners, if requested. Thornton, as an abutter made the comment that patios on existing footprint of concrete and gravel, in other situations would not be considered as requiring a major modification as long as they not tearing out sod.

The Board arrives at a consensus that it would require an amendment to the original plan and suggested they come with their plans. If they enlarge the patios, it will trigger major modification and a public hearing will be necessary.

Wage Action Form FY20

Board signed wage action form per the budget as presented. Thornton made a motion to approve wage action form. Urbaczewski seconded. All voted in favor (3-0).

Adjournment

Motion made to adjourn the meeting by Thornton. Seconded by Jaquith. All voted in favor (3-0). Meeting adjourned at 9:13 p.m.