

Rowley Planning Board
Minutes
For Regular Meeting June 13, 2018

Members Present

Chris Thornton (Chairman), David Jaquith (Vice Chairman), Mark Savory (Member), Troy Spaulding (Member), John Urbaczewski (Member), Kevin Daley (Associate Member) were present.

Larry Graham (Consulting Engineer), Kirk Baker (Town Planner) was also present.

Chris Thornton called the meeting to order at 7:30 p.m. All voted in favor (6-0) to commence Open Meeting.

Continued Public Hearing - Site Plan Review/Solar Photovoltaic Facility/623 Wethersfield Street

Attorney Tom Beatrice is present on behalf of the applicant. Thornton explained that the Town's legal counsel, Tom Mullen had advised the Board that the new Special Permit bylaw approved by last month's Town Meeting should be applied to the proposal for the Solar Facility at this location and that the passage of the new zoning bylaw would "render moot" the Site Plan Review. They note that it was the opinion of their legal counsel that once the Attorney General's Office formally approves the new zoning bylaw, the bylaw's effective date is the date of the publication date of the first legal notice for the item's public hearing. Moreover, unless there were a zoning freeze in place or the project were already approved, the applicant could be required to comply with the current bylaw in effect which in this case is the Special Permit bylaw for Solar Facilities in the Outlying Zoning district. Thornton noted that a written request had sent to the applicant to withdraw their request for site plan review and to resubmit it for a special permit review.

The Board discussed with the applicant the changes that were introduced in the new bylaw requiring Special Permit approval. The Board acknowledged that the request creates additional obstacles for the applicant, but notes that the Town's legal counsel has advised that the Planning Board has to proceed under the new rules.

Attorney Beatrice objected to having been asked to withdraw the site plan review request and to start the process again. As they are present tonight, the new by-law is not in effect and his client will not withdraw the application. The Board noted they are limited on what can be accomplished during this meeting session as the Site Plan Review criteria is no longer applicable to the review procedure and any further discussion along those lines may be detrimental to the rights of the abutting property owners affected by the current proposed location of the solar

facility on the site. Jaquith made a motion to continue the case until the next meeting July 18, 2018. Spaulding seconded the motion and all voted in favor (5-0).

Continued Hearing - OSRD Special Permit/Site Plan Review for Michael Hart for Hart's Way at 50 Newbury Road

Ranger Engineering was present on behalf of the applicant. Graham went through the site plan information he received and talked about a few specific items he felt needed to be discussed. These included #6, grades on Newbury Road; the water shed; #17, lighting; #18, landscape renderings, to name a few. Abutters were present for the discussion and wanted to see the plan. The Board requested a more explicit plan for a couple of lots; Jaquith requested that all lots should be similar.

The materials of the proposed guard rail being either wood vs. steel was discussed; the marking of the walking trail, the fencing type around storm basin area and a waiver for soil testing in storm basin #2, which the board did not think they should accept. Graham stated that he will work up a spec with conditions for a certificate of vote.

The owner stated they would conform to all requirements so the process would not continue to drag on. He noted that one condition for approval pertaining to the donation of 10 acres to the town as conservation land would not go into effect until this plan approved by Planning Board. Thornton suggested a second meeting this month of June. Graham said he will work with Baker to write up special conditions for a vote. Jaquith made a motion to continue the public hearing till June 25, 2018 at 7:30 p.m. at the annex building. Urbaczewski seconded the motion. All voted in favor (6-0).

Hydrant Regency/Site Plan Review/104 Newburyport Turnpike

The applicant stated they are still waiting for DOT for Mass Highway approval of plan for changing the driveway entrance. Thornton expressed his concern for the on-going use of a non-conforming building. He would like to move for a vote pending the DOT approval based on the last submittal by the owner. If the state does not approve the plan presented, owner will have to come back to the Board with an alternate plan. Thornton attempted to keep on topic amid a bit of a heated discussion with the owner. Thornton wanted to close the meeting and take a vote on the plans as they stand. Jaquith made a motion to close the public hearing. Spaulding seconded the motion and all voted in favor (5-0).

Preliminary Subdivision Concept Plan/6 Lots/623 Wethersfield Street

The applicant requested a continuance till the July 18th meeting. The Board agreed and voted unanimously to continue this item to the July 18th meeting.

Registered Medical Marijuana Dispensary (RMD)/Retail Establishment 116-120 NBPT Turnpike - Jodie McCarthy of Ipswich Pharmaceutical Associates

Thornton read the legal notice and the Board voted (6-0) to open the Special Permit application hearing. The applicant, Jodie McCarthy from Ipswich Pharmaceutical Associates, spoke to the Board. He noted an outreach session was held where they presented to the public, as advertised in the Newburyport paper on 5/1/18, for residents to inquire about the dispensary. It was held at the site, there were a small group of residents present. Results of the 2-hour inquiry were submitted to Debbie at town hall. The architectural plan will be submitted. A traffic and access study has been submitted and he asked the Board for a waiver in the site plan portion of the application. The location already holds a retail status. Baker thinks a traffic study needs to be generated and appoint an alternate engineer to review. Thornton asked for information about parking. There are 49 spaces on site. McCarthy stated it is estimated 6 – 7 people at the most will be at the facility for approximately 15 minutes a visit. He stated the Police Chief would like a detail there, especially when opened initially. A letter of non-opposition package from the Rowley Selectmen was received 6/13/18.

Resident Jill Sherborn of Homestead Lane had numerous questions regarding the proposed hours (8 a.m. to 8 p.m. 7 days a week, close at 1:00 p.m. during months of July and August). Sherborn discussed an article in the Newburyport News she had read regarding various topics, but she was mostly concerned with hours of operation during the time the ice cream store was open. Owner reiterated various rules and regulations he is adhering to. He also noted the fact that shortened hours during July and August will be reviewed in 6 months, as this was a voluntary choice of his. There will be 24/7 surveillance and security. There is no consumption on site, all product for sale is sealed, and surveillance and security meet all requirements. Owner explained dosages of medicinal vs. recreational and what is required to purchase product. Spaulding made a motion to continue hearing on July 18, 2018, after engineer has had opportunity to review plans and make comment.

Savory seconded the motion and all voted in favor (6-0) to continued to July 18th.

Appointment with John Smolak and Peter Termini pertaining to the Didax Property located at 395 Main Street

John Smolak presented a display of the 17-acre site and discussed what is permitted for the parcels now, a possible donation of wetlands to the Conservation Commission, and wanting to gift the building to the town. He then noted that they would be looking to construct multifamily dwellings (townhomes) that would abide by a trans-oriented community design. He notes that there would need to be modifications to the current zoning bylaw for this to be feasible.

Jaquith spoke on what the Board would be looking for regarding landscape and train access. Dave Peterson, Selectman, was present at the meeting stated that his Board has had numerous discussions on this property and are very agreeable to various proposals for use and

recommends moving forward. He notes that Didax have been beneficial to the town and is looking for ways to stay in Rowley but that the current building is too small.

One abutter was present at the meeting expressed concerns regarding what the previous owner of the property tried to do with and got denied. He noted there is a lot of wetlands and water is a big concern. Thornton stated that with all the possibilities, the next step is to present plans to the Board.

Other Business

Accept Withdrawal Request from Reed Granite Re: SPR, 124 Nbpt Tpke

Jaquith made a motion to accept the withdrawal request from Reed Granite. Spaulding seconded the motion and all voted in favor (5-0).

Marion Way 40B Comprehensive Permit Review

Discussion was held on Marion Way. Thornton recommended Graham to do the review but get the ZBA to pay for it.

Formal Action to Adopt MVPC Final Draft Housing Production Plan (HPP)

Baker will get copies to the Board, as Jaquith stated he has not seen the MVPC. They are looking to have Selectmen approval a plan so they can get it to the state. Thornton stated he endorses the non-binding report and made a motion to adopt the final draft. Spaulding seconded the motion and all voted in favor (5-0).

Appoint new ZRC Members

Thornton nominated himself as the new member stating he has ideas he would like to share. The Board agreed and appointed Thornton to the Board along with Jaquith.

Cert of Compliance Review/22, 26, 30 Dodge Road Common Driveway

Mr. Herrick stated that the Board needs to certify the plans on the common drive prior to the closing on the sale of the property. Plans were submitted a month ago. Graham will attempt to get out to location. Baker and Thornton will do their best to review plans prior to special meeting scheduled June 25, 2018

Adjournment

The Board votes 6-0 to adjourn at approximately 10:00pm.