

**Rowley Planning Board
Minutes
For Regular Meeting June 14, 2017**

Members Present

Chris Thornton (Chairman), David Jaquith (Vice Chairman), Cliff Pierce (Member), Mark Savory (Member), Troy Spaulding (Member), and Jean Pietrillo (Associate Member).

The Board welcomes its newest member, Troy Spaulding.

Kirk Baker, Town Planner, is also present. Thornton calls the meeting to order at approximately 7:30 p.m.

Thornton stated there were a number of public hearings on the agenda, with numerous people in attendance, so got started on the continued hearings agenda first. Meeting commenced at 7:30 p.m.

Continued Hearing - Open Space Residential Development, 42 Newbury Road, Special Permit Application

The applicant submitted a letter to the Board requesting a continuance as they are working on the final submittal based on input and changes from the last meeting. Pierce motions to continue the meeting to the July meeting. Jaquith seconds the motion. All vote in favor of the motion (5-0).

Motion for vote to continue until the next meeting too be held on 7/12/16 at 7:30pm. All voted in favor.

Continued - Common Driveway, 40 Dodge Road & 2 Mill Road, Special Permit Application for Common Driveway – Review of Certificate of Vote (COV)

Thornton notes the public meeting on this issue was closed at the previous meeting. He notes that the Planning Board will need read over the the final copy of the draft Certificate of Vote (COV) to sign, but that they do intend to vote on the applicant's request for a waiver from the Planning Board Rules and Regulations requirement that a new project to be connected to the Town's water service. Herrick, who is in the audience reminds the Board that in order to connect to Town water a water line would have to be extended up Dodge Road from the Haverhill Street intersection just south of the subject property. Baker notes that he has produced the Certificate of vote and that the technical consultant has also reviewed the document. Baker hands the draft COV to the Board members. Pierce notes a few typos to be corrected.

Pierce makes the motion to approve the Special Permit/Site Plan Review for the proposed common driveway. Jaquith seconds the motion. All voted in favor of motion (5-0) to approve the plan. Baker states that he will let Mr. Herrick know when the Special Permit approval 20-day appeal period is completed.

Continued Hearing - Site Review for Hydrant Regency Kennel, 104 Newbury Turnpike

Baker notes the property is located in the retail (RE) zoning district, and that the applicant has submitted a written request for a continuance of the hearing. The Board questions whether the applicant should be given any additional latitude as it appears the progress they've been making appears to have stalled. The Board further notes that they are currently operating the proposed business for which they are seeking approval.

Baker agrees that in order for the Board to consider any further continuance of this application, the burden is on the applicant to demonstrate they are making progress on addressing the outstanding issues. Baker offers that the Board could request that the Building Official send a cease-and-desist that would apply to any kennel operations currently happening on the site. The Board arrives at a consensus that if the applicant fails to demonstrate adequate progress by the time of the next meeting the Board can take action which might include a cease and desist letter, or even a full dismissal of the Site Plan Review application currently under review. The Board then discusses the fact that owner did hire an engineer (Rich Williams of Williams and Sparages) which means they are making a good-faith effort to address the outstanding issues. Pierce notes that the Building Official is already aware of the operations that are taking place on the site, and that it is his prerogative to take those enforcement action that he sees are necessary.

Pierces motions to continue the hearing until the July 12, 2017 Planning Board meeting. The Board votes (5-0) all in favor of the motion to continue.

Discussion about MVPC Regional Housing Plan meeting

Kirk said he wasn't able to attend the recent MVPC Regional Housing Plan meeting due to the fact that he had a prior engagement the evening of the meeting. He notes that that MVPC sent him summary report of the meetings activities. The report states that the open house was a great success with approximately fifty people having attended. There was much discussion with citizens pertaining to housing needs for the North Shore region. He also notes that MVPC intends to hold follow-up workshops in each of the local North Shore municipalities. Baker notes that MVPC hopes to visit Rowley early on and asks whether the Board would be amenable to having its local workshop on the evening of July 12, 2017.

The Board discussed that the agenda that night is extremely packed. Baker notes that the Board's activities have grown progressively busier since summer 2016, and asks the Board if they may want to consider meeting twice a month. Pierce agrees that it has gotten much busier but that the Board should wait until after the summer to add additional monthly meetings as many have already finalized their summer schedules.

Thornton agrees that it is not uncommon for municipal committees to lighten the load in summer months but notes that in order to keep up with the work load it's important to keep the projects like the upcoming hotel project on Main Street moving towards final approval.

Site Plan for Briar Farm Motel at 101 Main Street (Previously Country Garden Motel)

Baker notes the applicant has submitted a request for continuance. He notes they had a very productive meeting last time, but that in response to Larry's concerns pertaining to parking, the applicant is realizing the site layout will require some extensive redesign.

Based on the site visit and feedback, the applicant may have to take a second look at access from Main Street and into how they can fit adequate amounts of parking on the lot. The Planning Board also asks for Baker to reach out to the Fire Chief to give his input as well. Thornton acknowledges that the applicant has expressed a desire to keep the process moving along.

Pierce makes motion to continue the hearing until the July 12th meeting. Jaquith seconds. All vote (5-0) in favor of the motion to continue.

Informal Discussion with Andrew McCarthy of Ipswich Pharmaceutical Agency pertaining to location of a proposed registered marijuana dispensary (RMD).

The Board next has an informal discussion with Mr. Andrew McCarthy who recently received approval from the Ipswich Planning Board for a marijuana facility and is now looking at a unit in the Adams Mall property at 31 Turnpike Road, Rowley MA, as an alternative location to the one he has in Ipswich. McCarthy says he's seeking input from the Board as to whether the site is viable to support a prospective marijuana dispensary. He notes he would be leasing the unit. With the license approval from Ipswich, he has permission for three licenses, including one for recreational sales. McCarthy states that he will certainly looking to get approval for retail recreational sales in anticipation of the July 1, 2018 target date when the first retail establishments can commence operations.

Kirk notes the zoning bylaw currently requires that a RMD business in the retail (RE) zoning district needs a special permit approval, and needs to be 200 feet from religious assemblies, schools, daycares, or "places where children congregate".

Mr. McCarthy notes that he has been looking at the unit at the Adams Mall, which has been vacant for a long time now. The Board raises the issue of whether the abutting, seasonally active ice cream parlor located directly next door (Down's River Ice Cream), would be categorized as a "place where children congregate" in this situation. The Board requests that the applicant first determine his distance away from that building before doing taking any further steps and tells him that he should set up an appointment with the Board of Selectmen as to whether they would be willing to issue a letter of non-opposition for the location.

McCarthy acknowledges that he has not yet approached the Board of Selectmen as of yet, but notes that he only intends to do so when he has chosen a specific location in which he is confident that the Planning Board will agree is a good location for an RMD use. He notes that his meeting with the Planning Board tonight is just him "testing the water" in regards to this particular site, or to see if they know of any other sites around Town that would be a better fit.

The Board asked McCarthy if he has looked around for any other locations in Rowley. McCarthy says that he checked into a unit at 300 Newburyport Turnpike where the El Tapatio Mexican restaurant is located. He found, however that an application for a daycare in the nearby 319 Newburyport Turnpike was currently under review and, due to the proximity of that location to the 300 Newburyport Turnpike location, he decided not to pursue until he knew how the daycare application turned out.

Pierce notes that a Special Permit is a discretionary approval and that final approval would heavily depend on the applicant demonstrating there is no conflict with surrounding uses and that the specific

RMD proposal isn't detrimental to the surrounding neighborhood. He further notes that the Planning Board takes into serious consideration the responses presented by abutting owners, who incidentally are automatically notified when there is to be a public hearing for a special permit use.

The Board asks what the hours of operation would be for the prospective RMD. McCarthy states that he estimates the hours of operation to be from 8 a.m. to 8 p.m. Mr. McCarthy thanked the board for their input and said that he will continue his research into alternative locations.

Special permit for outdoor illuminated wall mount sign, MCR Technologies, 285 Newburyport Turnpike

The applicant, George Speropoulous of MCR Technologies, which is located at 285 Newburyport Turnpike says he is doing a follow-up from his previous site plan approval which was for the building renovations, upgrades to the parking area associated with his business operations, and the installation of new landscaping. The Planning Board complements him for the completed improvements. Speropoulous states that he is now seeking Special Permit approval for an illuminated, wall-mounted sign which has the MCR Technologies logo on it.

The applicant's Architect, Jon McFeeney, gives an overview of the sign design elements stating that it will be an internally illuminated back-lit sign where the lighting will be visible from the public right-of-way only indirectly and that what will be seen from the road will be halo-effect around the MCR logo. Kirk says that he reviewed the proposed lighting and determined that the proposed lights meet the specifications of the zoning bylaw. The Board members then ask about the business operation times and whether the sign lighting will need to be turned-on all night long. Speropoulous states that the sign does not need to be on all night and that it can be turned off by 11pm. He also notes there will be some minimal pathway lights for security reasons.

Thornton asked if anyone present from the community had questions, but there were none. Pierce motions to approve the sign as proposed. Jaquith seconds the motion. All vote in favor (5-0).

Peter Termini of Termini Associates present for an informal discussion on the Didax property at 395 Main Street (Lots 53-2A and 53-2B).

Termini states that he is appearing on behalf of Didax, Inc. whose office building is located at 395 Main Street (Lot 53-2A), is now seeking out a larger facility in a different town and plans to vacate the existing building in approximately 18 months. Termini states that they are wanting to check with the Town to determine, whether instead of letting a state-of-the-art building be demolished, if the Town would be amenable to accepting the building as a donation. Termini states the primary reason he wanted to start with the Planning Board is to discuss his client's plans for the parcel to the rear (Lot 53-2B) which is currently undeveloped and under a development restriction associated with the original Didax facility site plan approval. Termini states they are looking at a possible Open Space Residential Development (OSRD) project on Lot 53-2B and wants to see if the Planning Board sees this as an acceptable option.

Termini notes that because of a restriction placed on the property at the time of the Didax approval, they can't develop the parcel without taking the existing Didax building down. However, he questions whether it would be a more prudent idea if Town could find a use for the existing building, and

concurrently, reconsider whether the deed restriction preventing the development of Lot 53-2B still makes sense from a land use point of view. Termini says he is trying to determine the best way to market the property. He notes that all options are still on the table whether it be as a conventional subdivision, a 40B affordable housing permit, or an OSRD request. Termini emphasizes, however, that they intend to develop Lot 53-2B even if it means to redevelop Lot 53-2A in the process. He adds that his client wants to ascertain if the Town could be amendable to a scenario which avoids the impacts of demolition and redevelopment of 2A by permitting development of 2B.

Termini then outlines a scenario where Lot 2B is developed as an OSRD project that would have a pedestrian connection to the MBTA station that is a direct abutter. Termini states the Didax building on Lot 2A consists of approximately 20,000 sq. feet gross floor area (GFA) which breaks down to 70% warehouse space and 30% office space. He further notes there is ample amount of on-site parking. Termini asserts that the building could make a great senior center, a community center, or it could even serve as extended area for additional town office space. He further points out that the building is fully compliant with Americans with Disabilities Act (ADA) requirements. Termini proceeds to talk about the tax implications for the town and notes the Town could also elect to use the building to generate tax revenue by leasing the building.

Pierce notes that while the Planning Board can give him guidance regarding the OSRD design and the process for its approval, it will be the Board of Selectmen who would ultimately need to determine whether or not the Town could accept the Didax building as a donation. Termini states that he understands this and is seeking to get on an upcoming Board of Selectmen agenda before developing the idea further. The Board also notes that the Town Administrator will need to have the Town Counsel look into the legal ramifications of accepting the building as a donation.

The Board acknowledges that the proposal appears on its face to be an opportunity to be explored and that they would be willing to look at any concept plans for the OSRD proposal associated with the rear parcel. The Board states that he should approach the Board of Selectmen first and work out details of the modification with the ZBA before delving too deeply into the OSRD component. Mr. Termini states that he appreciates the input from the Planning Board and that he has received what he was hoping, namely that the Planning Board would be amendable to the OSRD component of the proposal.

Discussion OSRD Residential Development at 430 Wethersfield Street & Taylor Lane (Paper Road)

Robert Nixon and real estate agent Jill Mann are present for an informal meeting with the Board concerning a possible OSRD project on a property located 430 Wethersfield Street (at the end of Taylor Lane which is a private, paper road. The property is currently under agreement for 51 acres for the Moran property, plus an additional 15 acres with another landowner, for a total of 66 acres available for development with this project.

Mr. Nixon shows the Board his conceptual draft of an OSRD plan that depicts the development of 31 residential lots. He states that he wants to comply with all the regulations for conservation and by-laws and acknowledge that there are substantial wetland areas on the property especially at the front near around Taylor Lane and near Wethersfield Road. Nixon notes that he prefers the OSRD option to a conventional option and says he will seek to cluster the residential dwellings and will leaving sufficient

amounts of open space that can be reserved for conservation use. At this point he just wants to see if the Board is amenable to the general concept before presenting a formal submittal.

Thornton questions whether 31 lots is an excessive number for this location. He notes that he was looking at the density calculations and the numbers don't seem to add up. Thornton also asks Nixon about the potential for an extension of the roadway through to the next parcel to the west. The Board members discussed the public access issue and the feasibility of 31 lots when three or four of the lots may need permitting for the required 100-foot buffer zone. Nixon notes that current plan is respectful of the vernal pool located on the site and that the Conservation Commission initial reaction has been favorable.

Thornton notes that he would like to see an increased capacity created for an emergency vehicle turn-around within the site. Mann stated they may be looking at the option for reduced frontage lots. Cliff asked if they were considering condominium homes or would they be clustering the homes or single family. Mann indicates they are looking at doing single-family lots. Nixon asserts that he will work on the plan in light of the Board's suggestions and that he will most likely come forward at later date with a different plan.

The Board returns to the discussion regarding the proposed roadway. Pierce asserts that the road length may be too long for this site. Nixon notes that there are many wetlands to contend with and that the design would require some flexibility with the entry road length. He notes that instead of a couple of cul-de-sacs he could introduce a loop road. The Board also discusses the potential for stub-out that could make a future connection to Daniels Road. Pierce notes that he is most likely within range to be an abutting party-in-interest to this site, and says that he would most likely have to recuse himself from participating in the review of the application. Nixon offers to leave copy of the plans left for the Board's files. He notes that he will deal with some other issues and will come back with a revised plan.

Administrative Activities

The Board members welcomed the newly elected Board member, Troy Spaulding to the Planning Board. Thornton asked about the meeting minutes. Baker stated he needed to catch up on them and has a person who is with the senior tax credit abatement program who will be helping with the initial drafting of the minutes. Baker also states that he needs to purchase supplies to replenish what has been used (paper, etc.) and has placed an order with WB Mason in the total amount of \$618.00. The Board accepts the invoice and provide the necessary signatures.

Motion to adjourn meeting at 9:30 p.m. All voted (5-0) in favor.