

DATE: June 9, 2021
LOCATION: Online
TIME: 7:00pm

APPROVED BY PB ON 1208-21

Members Present

Chris Thornton (Chairman), David Jaquith (Vice Chairman), Kevin Moriarty (Member), John Urbaczewski (Member), and Kirk Baker (Town Planner) were present. Troy Spaulding (Member) was absent.

Thornton called the meeting to order at 7:00 p.m. Meeting conducted by remote participation to the greatest extent possible, due to Governor's orders on suspending open meetings and gatherings of more than 10 people.

Discussion

Status of Rowley Solar Facility Project at 623 Wethersfield Street

Discussion on resolution that allows Power Fund to operate. Last meeting stated that if action is not started by June 14, 2021, Board will need to move forward to rescind the special permit.

Representative Dirk Michels presented the following update. As of this date, June 9, they have already gotten soil and machinery on site and making progress on the finishing conditions of the special permit. Contractor believes major items will be done by June 18. They brought in 1,500 of the 2,500 total cu yards of soil; the court found agreement to the type of soil to be used, and the 1,500 cu yards currently spread on site, with the rest on site this week. Photos show progress made and Michels explained all photos. Organic ground cover mulch delivered and being spread and seeding is coming. Thirty-five (35) black spruce trees delivered and have started the planting. Gravel for road will be delivered later this week, early next week. Meeting will be held next week to generate a finishing list. Grass and water are the next challenge. Michels speaking with seeding expert regarding seeding and water. Abutter Kassiotis present to note that progress is going well and looking good. His doesn't feel any water in his lower paddock is from the project, due to the berm built.

Planning Board Engineer, Larry Graham questioned if swale on left side of road was squared away prior to loam dropping. Denis Hamel will check that site again in a couple days. Graham stated Hamel emailed him regarding status of loam near sand bottom basins and agreed not to loam it to avoid it getting plugged up in the future. The Board can ratify this field correction officially on the as-built review.

Attorney Tom Beatrice on behalf of the subject property owner, asserted that the Board had required the developer to finish the final aspect by June 14 and not June 18, and as stated by Michels, not sure they will make the 14th date. He also wants put on record that the landowner has had 5 or 6 soil tests done and the latest test confirmed contamination with asphalt soil on the access road. He is concerned it will be covered over and not removed. Thornton stated he will ask Conservation Agent Brent Baeslack to weigh in on that issue. Baker stated the issue may be outside of the jurisdiction of this Board, and Beatrice may have to take it up with the state. Baker also stated this does not pertain to the special permit for operation of the solar facility. The Attorney for Powerfund I was present and stated that what happened prior to their take-over is not their responsibility and is beyond the scope of the special permit issue. Injunctions against owner Berkowitz for interfering with the orderly development of the property. Copies will be supplied to Board.

Beatrice again reiterated he believes this is in violation of the permit.

Continued Public Hearings:

Danielsville Road OSRD - Definitive Subdivision/OSRD Special Permit Hearing/Danielsville, LLC

The Applicant, James Decoulos was present. He asserts that what he hopes are the final set of plans have been submitted to the Board and to Engineer Graham for review. Request for waivers submitted this date to the Board. First set of waivers are for variance requests under zoning bylaws and second set of waiver requests are under rules of the Planning Board. He notes that one not reviewed previously regards the removal of existing trees. Decoulos states that his objective is to preserve as many trees as possible. Thornton suggested speaking with Conservation Commission to what his obligations are regarding tree removal. Decoulos reviewed a few other issues regarding open space to be controlled by the homeowner's association, the avoidance of clearcutting and details of the bridge over the wetlands. Graham states that he briefly reviewed the plans and presented a letter to the Board, the Conservation Commission, and to Mr. Decoulos. The purpose was to see if there was any overall lack of completeness or compliance. The Board discussed some of the engineering issues pertaining to various items such as information regarding dwelling design, features, details on area around the homes, driveways, etc., as well as the minimum front set back of 20 feet (versus the requirement 50 ft.), improvement of public access trails and license/easement for going over other properties and the intersection. Decoulos reviewed these issues in detail. A resident who lives on Dodge Road commented on the intersection, the possibility of a roundabout and the island initially propose. Decoulos also discussed the island at the internal road split. Decoulos will review Graham's comments and will have plans updated before Graham continues comprehensive review.

Motion to continue hearing to July 14, 2021 meeting made by Thornton. Motion seconded by Jaquith and all voted in favor (4-0).

New Public Hearings:

Site Plan Review/Elmer Palencia, Applicant/Operation of Landscape Contracting Operation/Off Newburyport Turnpike

Thornton made a motion to open the new public hearing, Moriarty seconded and all voted in favor (4-0).

Applicant representative Nicholas Betts presented drawing showing property, and states that the newly assigned address is actually 85 Newburyport Turnpike (per the Police Department) and not 107 Newburyport Turnpike as previously referenced. The 3.8 acres had been worked on by another owner and then project halted. Betts presented the plan for the proposed business and described property renovations in great detail.

The Board discussed waivers being requested, landscaping, building approvals and timeline. Thornton stated he would not issue a certificate of compliance that did not follow completion of the buildings. The Board discussed what would be happening on the site, noise, the tree replacement disturbance bylaw and a possible waiver request for that. Also discussed a septic waiver request concerning the previously approved septic design, which Thornton stated that was a Board of Health issue. A site visit was scheduled for Thursday, July 8 at 4:00 p.m.

Motion to continue hearing to July 14, 2021 meeting made by Thornton, and seconded by Urbaczewski. All voted in favor (4-0).

Continued Public Hearing

548 Wethersfield Street OSRD - Special Permit/Site Plan Review

Baker presents a written request from John Carr, the Attorney for the applicant asking that the item be continue hearing to first meeting in September. He asserts they are still working on an alternative option regarding non-entrance from Wethersfield Street. Amico commented on the initial submittal a while ago. Nothing formally resubmitted since.

Motion to continue hearing to first meeting in September made by Jaquith and seconded by Moriarty. All voted in favor (4-0).

Special Permit/Site Plan Review – Accessory Garage/11 Rivers Edge Drive, John E and Lauryn Deluise

Thornton summarizes for the public what happened at past meetings. The applicant, presents to the Board a revised proposal showing drainage systems and an architectural drawing of the single floor building (50 x 100 ft) for storage of antique cars as well as plantings. They stated the proposed building is being reduced to 40 x 70 ft., but they will be keeping the 20 ft. height. Melissa Roy, abutter, stated that the Atty said he was working with Con Com but her research showed the project has not yet been proposed to the Conservation Commission. Roy also discussed the height of the building (26 ft. high with the added 6 ft. cement foundation). The new plans were just submitted to the Board the day prior and she believes the building is not keeping with style of the neighborhood and is strongly opposed and asked for denial of application. Thornton stated engineer Amico needs to review. Abutter Marge Copeland who resides at 14 Rivers Edge Drive, and abutter Susan Kelly who resides at 9 Rivers Edge Drive are also in agreement with the other neighbors that the building is not appropriate for neighborhood. Thornton stated that what was initially proposed was too large and now they came back with a smaller plan. Jaquith stated the building still dwarfs the house, making it almost the accessory building. Jaquith stated he will not vote on anything over 1,500 sq. ft. as it is too big. The ordinance allows up to 1,500 sq. ft.

They discussed the below grade foundation, the very low topography, and asked if a smaller building would be a better solution. Thornton feels this is the wrong project for this neighborhood. Doug and Kim Perilli of 269 Dodge Road, agree with other abutters. Moriarty stated the applicant has right to build on their property but it needs to be done within the ordinance. Atty. Requested a continuance to allow for resubmittal.

Jaquith made a motion to continue hearing to July 14, 2021 live meeting. Motion seconded by Urbaczewski. All voted in favor (4-0).

ANR Reconfiguration of Lot Line Between Two Properties (966 Haverhill Street /944 Haverhill Street)

James Decoulos representing Larry Cassenti asserts the applicants (both property owners) are requesting to relocate lot lines between the two properties. Configurations meet all regulations and the frontage for both lots will be at the required 150 ft. Baker discussed the notation endorsement at the bottom of the plan that doesn't confer any zoning compliance. Decoulos will correct to allow Baker to sign off.

Thornton made a motion to confirm the plan, with the added notation that the Planner is authorized to be the signer, and the additional zoning provision statement, does not need further approval. Urbaczewski made a motion to approve the plan and Jaquith seconded the motion. All voted in favor (4-0).

Other Business

Administrative

Moriarty made a motion to accept the minutes from September 30, 2020 and Jaquith seconded the motion. All voted in favor (4-0).

Adjournment

Motion to adjourn made by Jaquith and seconded by Urbaczewski. All voted in favor (4-0).

Meeting Adjourned at 9:08 p.m.

