

Rowley Planning Board
Minutes
For Regular Meeting March 14, 2018

Members Present

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

Kirk Baker (Town Planner) was also present.

Jean Pietrillo (Associate Member) was absent.

Chris Thornton called the meeting to order at 7:34 p.m. All voted in favor to commence Open Meeting.

Continued Public Hearing

Site Plan Review Solar Photovoltaic Facility at 623 Wethersfield St

Thornton stated that the applicant requested a continuance as no updated plans were available. Mr. Kassiotis asked how long the board allows continuance. As long as applicant is moving in right direction, the Board will continue the public hearing. The citizens want to discuss new concerns, but the applicant needs to be present.

Jaquith made a motion to continue the public hearing, Savory seconded. All voted in favor to continue to April 11, 7:30.

Open Space Residential Development/Special Permit at 50 Newbury Road

8:00pm – Applicant Michael Hart’s representatives presented plans to address the letter from Mr. Graham regarding changes made to the yield plan and address his issues. Changes that were made were discussed, including making lots conform to zoning. Site walk was completed to show the project to the Board. The Board reviewed the plan relative to the yield plan. Graham reviewed his comments. The road is permitted in the bylaw if presented as a split two-way. Yield plan resolved lot shapes are in conformance, meeting bylaw requirements. Lot size and house size were discussed as well as 2 missing soil tests. Lot line changes were made. Graham recommended that the board of health complete compliant testing on lots 1,2,6.

Brent Baeslack, Conservation agent discussed the need for the conservation department to be involved for wetlands area. 17 test kits were done showing pretty much sand area. The Board is discretionary on advising if every lot needs a perk.

Ten house lots are proposed, inclusive of existing house. Single septic planned and septic soil testing has been done. 10 lots meet requirements of bylaw although a couple of the lots are small. Cul-d-sac concept was brought back, and they had a rendering to show the Board with architectural rendering of what houses will look like and showing open space (approx. 70 percent) and septic. There will be an Association for maintenance of road, septic, etc. Abutter had a concern about width of road (Joanne Peterson) and asked about improving the site line as

well as another concern that the corner of Newbury Road down to one of the Tenney's Roads has severe water issues. Discussed the size of one lot on left side of the road, if it is big enough for a house. It will be close to the driveway that is currently there, which is addressed with changes to yield plan made. The Fire Department is fine with road width, 24 ft, adding hydrants, and is ok with a cul-de-sac. Chairman Thornton will put on the agenda again for April 11 to review updates to plan, lighting, etc.

New Public Hearing

Site Plan Review/Montessori School, 121 Wethersfield St

8:45 Margret Ruth Foundation, Margaret Henry, owner of property in the outlying zoning district. Lisa Mead, representative, listed exemption of the school, but needed to see the planning board regarding site parking. Thornton read info regarding school operating without proper permitting from the building inspector, who issued a cease and desist order in August 2017. Non-profit status was issued in October, 2017. Qualified as exempt use. Representative Mead presenting to planning board to seek approval for the non-profit access and parking associated with expansion. Thornton went over police Chief Dumas' view stating area was a bottleneck for emergency services, as well as day to day traffic in that residential area.

Mead received Mr. Graham's comments and is working on changes for the Board to consider, including Police and Fire departments. Abutter (Fish) complained about noise, kids peering over fence and needing a buffer block to the upper portion of the school property for their privacy. and privacy. Other residents cited parking is dangerous when cars are on the street, blocking driveways. Abutter Mark Fish stated that the school was making extraordinary efforts lately. Previously, there was a lot of conflict with parking. School parents (Jennifer Cadigan and Jennifer Porter) gave opinion that the school is a great option for public school in Rowley and asset to the community. Chairman appreciates the comments but the objection is the school is a commercial purpose located in a residential area. Jaquith cited owners abuse of zoning law to build a school that houses 60 students on property that isn't large enough for one house, without proper permitting.

Graham sent a 4-page letter to the Board with concerns regarding protocol in case of emergency, bottleneck on the road, type of parking, turn-around and drop off. Mead requested a continuance to submit legal info for the Board to consider. Mead requested the Board take site visit and will see to it that a revised plan takes into consideration Fire and Police department concerns. They appealed a cease and desist order and can continue staying open. Site visit scheduled for Monday, April 2, 4:00 p.m. Board voted to continue public hearing on April 11, 2018, 8:15 p.m.

Modification to Registered Marijuana Dispensary Definition

9.30. p.m. Amending to remove reference to 'not for profit'

Cliff suggests change to the punctuation and grammar. 200-foot buffer accepted to match bylaw for marijuana dispensary.

Permit Retail Sale of Marijuana and Marijuana Related Products in Retail Zoning District

Similarly, 4.13 create new use for business side industry district by amending 4.7.3 adding new uses. Create paragraph L listing marijuana uses.

Thornton made a motion to approve zoning amendment with changes incorporated by Pierce. Savory seconded the motion. All voted (5-0) in favor.

New Public Hearing - Modify Use Regulations to Solar Photovoltaic (SPV) Installations

Thornton read the legal notice to the public. Board voted 5-0 to open the public hearing. The provision in Rowley's zoning bylaw allows solar in the outlying district. The Board feels the language may be inadequate due to what has transpired with the Wethersfield Street case and wants to ensure that future SPV projects be subject to requirements that better protect abutting residential properties.

This amendment would make it so all future SPV projects in the Outlying and Coastal Conservation Zoning District must get special permit approval from the Planning Board. The Board of Selectmen suggests abutters write a letter to Baker on identifying potential bylaw amendments. Resident Matt Grenier presented to Baker and the Board. Points raised by a petition could be incorporated into the requirement for the Board to govern.

The Board questions what the appropriate setback for SPV from abutting residential should be. Baker adds that they can also require landscaping or some kind of screening that would mitigate visual impact. Cliff proposes that a 150 feet minimum setback would be appropriate but also thinks should be ability for planning board to waive that requirement for flexibility if warranted by the situation.

The Board discussed if they should include language about having a site maintenance plan. Baker notes that conditions can be impose with special permits as necessary under the individual circumstances. The Board thanked abutters for information and will review to make changes to bring before having the Town Counsel review the bylaw amendment.

Cliff recommended some revisions which Baker took note of.

Motion to approve changes by Mark Savory, with Troy Spaulding seconding the motion. All in favor (5-0)

Continued Public Hearing

Site Plan Review for Hydrant Regency Dog Kennel at 104 Newburyport Turnpike

Owner requested a continuance, dealing with Mass Highway. Will reschedule for April 11 meeting. Chris made a motion to continue the public hearing to April 11, 2018. Savory seconded the motion. All voted in favor 5-0.

Informal Discussions**Robert Nixon Regarding Potential OSRD at 430 Wethersfield St.**

Nancy McCann presented the idea to get the thoughts of the Planning Board. She went over retail, what is permitted in the zoning, manufacturing and storage. This is the relocation of a business from Wakefield to Rowley to have retail storage and work space all together. The roadway will need to be cut. The owner explained the procedure for repurposing granite, which is the nature of the business. The site is unique as it has retail in front and retail in back. Architectural drawings were presented for retail and redo of the barn on the property as well as landscaping to showcase the granite. Chairman Thornton asked questions on open storage. The property is located in the light industrial zone. During the site plan review, they will present a rendering of the view from street.

Site visit before next meeting so Graham can comment. Will work on plans to submit and set up site visit before meeting.

At 10:45 p.m., Pierce made a motion to adjourn the meeting. Savory seconded the motion. All voted in favor 5-0. Meeting adjourned at 10:45 p.m.