

**Rowley Planning Board
Minutes
For Regular Meeting on March 2, 2016
DRAFT**

Members present:

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

Kirk Baker, Town Planner, are also present. Thornton calls the meeting order at approximately 7:30 pm.

ANR Request - 42/47 Newbury Road

Bob Degrosso presents the ANR request on behalf of the applicant. He presents information to the Board showing that 45 Newbury Rd (owned by Dennis Travers), and, 47 Newbury Rd (owned by Troy Spaulding) were created by a 2003 ANR request from which both lots had required frontage on Newbury Road, and, in addition, with 47 Newbury also having an access through a private road that connects to Boxford Road.

Degrosso also presents a plan of land from August 25, 1960 where the private road was created with approval of the Planning Board in 1960. The Planning Board notes that the 2002 ANR plan did not acknowledge the private road to Boxford Road as have been sufficient to providing viable access in accordance with subdivision control law in that they still required 47 Newbury Road to have at least 150 feet of road frontage along Newbury Road. They also point out the lack of clarity as to what kind of instrument the 1960 approval was (it appears to have been an ANR Plan) but a roadway could not be legitimately designated without having been done so via a formally approved subdivision plan. Pierce notes that in the event the Planning Board in 1960 erroneously created a private way outside the subdivision process, there is no obligation on the part of the current Board to grant additional approvals which compound the error of that

decision. The Board noted to the applicant that they should first seek additional information in regards to the exact nature of the 1960 approval and whether the roadway was created by a legitimate subdivision plan, and, if so, submit a subsequent ANR plan accompanied by the supplemental information for approval. However, the Board does not find that, at this time, there is sufficient information in regards to the legal legitimacy and to the viability of the access provided by the private roadway between 47 Newbury Road and Boxford Road to allow the Planning Board to endorse this ANR Plan as it is submitted. The Board did advise the applicant that, although the Board could not endorse this ANR request, as the 1960 subdivision plan they submitted as evidence is difficult and to determine for certain the type of approval it actually was. The Board suggested that the applicant to submit a letter to the Planning Board requesting a formal withdrawal of this request (without prejudice) and then, once they've completed the research in regards to the private roadway, they resubmit the ANR request with the new information but without incurring a new review fee.

Jaquith motions that the Board not endorse the ANR request and to allow the applicant to withdraw the request without prejudice so as to allow the applicant to resubmit at a later date without incurring a new review fee. Peirce seconds the motion. All vote in favor 5-0.

Appointment with Sandy Patrican about proposed Zoning Map Amendment Article for upcoming Spring Town Meeting

Sandy and Brian Patrican are present to introduce the Board to their proposal to donate to the Town for conservation purposes, some land to the west of the Ipswich Bay Glass property, and then, amending the existing zoning on their property, that is currently split zoned Outlying District (OD) and Business Light Industrial (BLI) Zoning District, so that the entire parcel is zoned BLI. This will clean up the zoning issues associated with their property while leaving an adequate natural vegetated buffer between their lands and the Town conservation lands to the west of Bachelder Brook.

This comes after the Patrican's acquisition of 344 Wethersfield Street which the parcel on which Bachelder Brook flows to the north and, most of which will go to the town. The Board agrees the proposal will be a public benefit.

Peirce notes that the Board of Selectmen should most likely take a formal action to request the Planning Board hold a public hearing on the matter.

The Board agrees on March 30th for the public hearings for this request at 8:00 pm, and that the other public hearing which the Board needs to schedule pertain to 968 Haverhill Street will be held at 8:45 pm.

Report on Healthy Pharms Special Permit in Georgetown

Jean Pietrillo reports in regards to the latest developments in regards to the Healthy Pharms Special Permit application in Georgetown at its continued public hearing on February 24, 2016 citing the Georgetown Planning Board was satisfied to require a stop sign at that intersection and a condition for some kind of traffic signage along 133 on the highway overpass.

Annual Report / Budget FY2017

The Board comments on the Annual Report submitted by Baker. Pierce notes that perhaps the report could be shortened by removal of some of the verbiage from the statutory statement at the beginning of the report.

In regards to the 2017 Budget, Baker notes that the Planning Board operating amount will remain the same as last year but that the Board should consider shifting some money from the Planning Board consultant account which hasn't been tapped in the last two years due to the fact that the Administrative review fee pays for the actual peer reviews.

Pierce notes that he would prefer that a majority of the money be kept in the consultant account in case of an emergency need for review which may not be anticipated, for example, in the event that a ZBA application requires a peer review. He agrees, however, that a smaller amount

(perhaps \$750) from the Technical Review Agent account could be shifted to the Planning Board expense account.

Pierce motions to approved the FY2017 Budget with the above-cited modification. Jaquith seconds the motion. The Board votes unanimously to approve the motion 5-0.

Adjournment

Pierce motions to adjourn the meeting. Jaquith seconds the motion. All vote in favor (4-0).

Meeting adjourns at 9:00 pm.