

**Planning Board Meeting
Minutes
March 11, 2015**

Approved on April 22, 2015

Members present are Curtis Bryant, Cliff Pierce, Jean Pietrillo, Chris Thornton, David Jaquith, and Steve Kassiotis.

Kirk Baker, Town Planner, is also present.

Bryant calls the meeting to order at 7:30 pm. Jaquith makes motion to open the meeting. Kassiotis seconds the motion. All vote in favor of the motion 6-0.

56 Newburyport Turnpike *(continued public hearing from February 18)*

Baker presents request from applicant asking for a continuance of the public hearing. Pierce motions to continue the public hearing on April 1, 2015 at 7:30 pm. Jaquith seconds the motion. All vote in favor of the motion 6-0.

Wild Pasture Estates Tripartite Agreement

Laura Tilaro, the Attorney on behalf of the applicant, notes that HL Graham, the Board's Technical Engineering Consultant, has forwarded a letter recommending the applicant's request that the TPA amount be reduced to \$25,000. Pierce motions to reduce the amount as requested. Jaquith seconds the motion. All vote in favor of the motion 5-0.

Meetinghouse Village/Cindy Lane:

Said Abuzahrah, the developer, is present; Also present on behalf of the developer are: Tom Mullens, Esq., the attorney representing Abuzahrah; Peter Ogren, P.E. of Hayes Engineering, Project Engineer for Abuzahrah. John Morin, the Planning Board's Technical Consulting Engineer for the project, is also present.

Ogren outlines the proposal to complete the connector as it stands at this time which would involve grinding and regrading of the existing unfinished paving top in order to fix drainage. The plan also proposes to removed the excess portion of the cul-de-sac paving at the end of Wilson Pond Lane that connects to the Cindy Lane portion subject to the discussion. He acknowledges that the issue of abutting property owner and developer John Darling's appeal of the superceding Order of Conditions before DEP is on-going, but argues that one issue to be resolved is whether it is proper to consider the project stormwater requirements in regard to the 1997 stormwater regulations as opposed to the 2008 requirements.

Bryant responds that the Planning Board would need to hear from the Conservation Commission on the matter. Pierce also questions what impact a decision on the stormwater requirements would have on the DEP appeal.

Pierce motions to continue this discussion with the applicant at the next meeting on April 1st after they have had an opportunity to correspond with the Conservation Commission in regards to the stormwater requirements. Jaquith seconds the motion. All vote in favor 6-0.

Main Street Rezoning Proposal *(continued public hearing from February 18)*

Bryant explains that the Zoning Review Committee (ZRC) had met in the interim. Pierce who was present at the meeting noted that he had explained his concerns that opening up the 65 acre Outlying District (OD) zoned subject area, that is currently an overall stable residential area with historic character (other than the Todd Farm Flea Market itself), to the potential development of commercial uses prevalent in the Central District (CenD) is bad planning policy. Jaquith states that he has had discussions with a number of citizens that they were seriously concerned that the proposed rezoning would undermine the downtown district and have a negative impact on the historic character of the subject area. Pietrillo agrees with Jaquith that rezoning the area to commercial would undermine the areas residential character and value. Kassiotis states that he has spoken to a number of residents in that area and they have expressed they are against the rezoning.

Steve Comley is present on behalf of the initiator of the rezoning, Nate Comley. Comley states they don't want to cause trouble between the neighbors but that they are simply trying to derive some income from the parcel due to the fact that keeping it as open space is costing them \$130 per day.

Thornton notes that no one is questioning the flea market use itself which has been located in that area for 42 years but that there are legitimate concerns to the strategy of rezoning from OD to CenD to allow the Comley's proposed use which amounts to an expansion of the flea market use.

Bryant requests public comments.

Frank Todd in the audience notes that mention of an Overlay District option was mentioned in the ZRC meeting and that he himself would prefer that to a rezoning of the entire area. Pierce explains that the ZRC is looking into the potential of proposing a Flea Market/Antique Store Overlay District (contingent on confirmation from Town Counsel that it is legally feasible) which would allow Flea Market and Antique Store proposals (uses otherwise prohibited in the OD zoning) with a Special Permit from either the Planning Board or the Zoning Board of Appeals.

Baker reads an email from a property owner at 416 Main Street, Bob Crellin, who resides in Rhode Island and cannot be present for the meeting, that he has no issue with the rezoning.

Thornton makes a motion that the Planning Board recommend against the rezoning proposal. Pierce seconds the motion. All vote in favor of the motion 5-0.

ANR Plan for 89 and 95 Wethersfield Street

Attorney Arthur Ross presents the ANR plan. He notes that the plan is a result of an agreement to settle a boundary dispute between the two properties. Baker confirms this.

Jaquith motions to endorse the ANR plan. Thornton seconds the motion. All vote in favor of the motion 5-0.

Wild Pasture Estates – Certificate of Vote to approve field changes and drive way widths:

Baker presents a Certificate of Vote (COV) to the Planning Board which has motions to formally approve HL Graham's field changes and the double wide drive way widths installed for many lots throughout the development including 45 Wild Pasture Lane.

Pierce makes a motion to approve both Motions 1 and 2 as outlined in the COV. Jacquith seconds the motion. All vote in favor 5-0.

124 Haverhill Street – T-mobile Cell Tower Antenna Upgrades

Bryant introduces Crown Castle's request on behalf of T-mobile for antenna upgrade to the Town owned tower at 124 Haverhill Street. Baker states that the proposal involves no increase in tower height or expansion of the ground level base station and therefore qualifies for exemption from a full site plan review under the Federal-mandated Middle Class Tax Relief Act of 2014.

Jaquith motions to approve the tower upgrade request. Pierce seconds the motion. All vote in favor of the motion 6-0.

2016 Budget:

Bryant presents the 2016 Planning Board budget which, except for a slight increase in the MVPC assessment, is the same as the previous year. He also notes that the Financial Committee has reviewed and approved this budget proposal. Jacquith makes a motion that the Planning Board accept the 2016 Budget as approved by the Financial Committee. Kassiotis seconds the motion.

All vote in favor 5-0.

Approval of Minutes:

The Board discusses a few minor corrections to the February 18, 2015 minutes. Thornton motions to approve the minutes with the corrections. Pierce seconds the motion. All vote in favor.

Adjournment:

Jaquith motions to adjourn. Pierce seconds the motion. All vote to adjourn at 9:20pm.