

**Rowley Planning Board Minutes
For Regular Meeting on May 25, 2016**

**APPROVED ON
NOVEMBER 9TH 2016**

Members present: Chris Thornton (Chairman), Curtis Bryant (Member), Cliff Pierce (Member), Mark Savory (Member), and, Jean Pietrillo (Associate Member). Kirk Baker, Town Planner, and Larry Graham, P.E., the Board's Technical Review Agent are also present.

David Jaquith (Vice Chairman) is absent. Thornton calls the meeting order at approximately 8:00 pm.

Continued Public Hearing for a Site Plan Review (SPR) for the construction of a Construction/Landscaping Office and Storage" building to be located at 968 Haverhill Street – parcel 4-18; Zoned BLI.

John Morin, the applicant's engineer states that he has made all revisions according Graham's prior comments and the Board's previous concerns. Graham confirms the revisions have been made to the plan and are reflected in the decision letter. Pierce motions to close the public hearing. Bryant seconds the motion. All vote in favor 4-0. Pierce motions to approved the decision to approve the site plan with conditions. Bryant seconds the motion. All vote in favor of the motion 4-0.

Public Hearing for Special Permit and Site Plan Review for 414 Haverhill Street (adjacent to 406 Haverhill Street) for construction of a proposed Medical Clinic building and a Daycare building – parcel 14-34-1; Zoned BLI

Thornton opens the public hearing. Charles Wear of Meridian Associates, the engineer for the applicant, and, John Coughlin, Trustee for Gateway Realty Trust explain the details of the proposal. Wear discusses issues in regards to the the soil types, the location of the wetlands, the grade of the land. He notes that the soils located on the site provide for excellent natural drainage. Wears states that this property used to be part of 406 Haverhill Street where the Olympic Paint

building to the east is located. He notes that the Town Assessor recently gave the subject parcel the new address of 414 Haverhill Street.

Wear then outlines the plan to construct a 13,930 square feet, one-story building to be used as a medical office building for a group of doctors previously associated with Partners Health. And a proposed 3,500 sf daycare building to the rear of the medical office build that will have up to 40 children plus the daycare employees. The medical office will include an urgent care facility and that there will be a facility that takes patient X-rays, but adds that the X-rays are to be processed off-site. There will be no gastro-intestinal (GI) series testing, and although there will be blood testing, the samples taken will be sent to an off-site lab for analysis. In that regard, they anticipate there will be the minimum of medical waste from this site.

Wear states there will eventually be up to 12 doctors practicing, a waiting area, and 26 exam rooms. Wear observes this site is directly across from the Town's Zone II well-system. In response to concerns about this fact, Wear adds that the proposed medical facility will be using a drip-disposal septic system which will sufficiently filter out any pathogenic elements from the septic effluent. In order to control for nitrogen output, Wear notes that State regulations restrict the amount of septic effluent coming from a site to a maximum of 440 gallons per acre (part of the Title V requirements), and Wear notes that this proposal is proposed to be below that threshold.

In regards to the parking lot Wear states that a total of 120 spaces is requested, with there being 68 spaces in the front of the medical office building, and, 52 parking spaces in the rear lot between the medical office and the daycare building. Wear also notes that Town water is available from the Haverhill Street right-of-way.

Bryant asks if there is to be a backup generator. Wear states there is not one depicted at this time but that there will be one depicted on the final version of the plan. Wear states will be no additional runoff to go into the existing storm water system in Haverhill Street, that the facility will treating runoff on-site using a raingarden basin that will to be planted with trees and shrubs. Wear adds that the Department of Environment Protection (Mass DEP) encourages the use of raingardens and that the pollutant removal rate for a use of this type is set at 90%.

Wear points out the isolated wetland area between this site and 406 Haverhill Street. He states it is a low functioning wetland and they are requesting that the Conservation Commission permit them to fill the wetland for this project with the condition that the applicant sign up for a habitat improvement program by which they would provide fund for the improvement of off-site location.

The Board requests that the applicant arrange for a traffic study to be done. Bryant and Pierce notes this intersection has heavy traffic flow intensity. Baker notes the Board of Selectmen commented as a result of their review that the applicant submit a formal traffic impact assessment prepared by a professional traffic engineer. Dave Peterson, who is a member of the Rowley Board of Selectmen, notes that the intersection during peak ours is already over capacity and that he feels the signal timing is a key element in solving problem.

Several abutting property owners present and express their concerns that westbound traffic queuing up to do a left turn into the property having to wait for eastbound vehicles to allow them to enter the site, and that there is a potential for the westbound traffic to back up into Route 1. Pierce recommends the applicant have the engineer look into the installation of a left turning lane provided there is sufficient space in the Haverhill Street right-of-way. Pierce notes that the Planning Board did ask for a left turnlane for the Special Permit/Site Plan Review for the Institution of Savings Bank site on Haverhill Street which is located on the eastern side of Route 1.

Having gotten all available public input, the Board decides to continue the hearing to a later date. Pierce motions to continue the hearing to June 29 at 7:30pm. Bryant seconds the motion. All vote in favor of the motion 4-0.

300 Newburyport Turnpike request for new tenant occupancy permit:

Scott Silver and Max Gabriello of Jells Group, LLC, the owners of 300 Newburyport Turnpike are present to update the Board in regards to their circumstances, that they are soon to have three

new vacancies, and they are looking to facilitating the process for getting the occupancy permits for each of those units. Silver notes that in June 2015, the Board agreed to allow the applicant some latitude in completing items associated with the original site plan approval. He notes this was because of the financial hardship they were experiencing at the time due to having trouble keeping the units leased. Silver contends the new vacancies will once again create a financial hardship that will impact their ability to complete some of the outstanding improvements which includes the new septic system. Furthermore, because the septic system is under the front parking area which also needs repair, the repairs to the parking lot surface and the associated drainage structures will also be delayed. The Board members discuss and determine that they would be amenable to the issuance of two of the permits but with the condition that the unit which, for the short term, is occupied by the Pizza Factory, be held until all improvements are completed. Pierce makes motion to allow Bryant seconds the motion. All vote in favor of the motion 4-0.

Wild Pasture Estates developer request for release of remaining performance surety:

Baker notes that the landscaping which the Board had noted the previous fall had been under duress and for which they voted to wait to see if the landscaping would survive the winter, has been adequately installed according to the approved plan. Baker notes that Graham has inspected the site and confirms the landscaping. Baker states the applicant is requesting the remain \$5,000 surety kept for the landscaping be released. Baker shows the Board a number of pictures of the landscaping subject to the inspection as evidence.

Pierce motions to release the remain bond amount. Savory seconds the motion. All vote in favor of the motion 4-0.

317-321 Haverhill Street – Request for Dog Training Service:

Baker introduces the next agenda item which concerns a preliminary discussion about opening a dog training business in the existing, vacant, retail building located at 317-321 Haverhill Street (formerly Fab Finds). The business proprietor, Erica Leahy, is present to discuss her business operations. The property owner and the realtor are also present in the audience. Baker notes that

he has worked with a number of people who have been interested in operating a business on this site, which is zoned for retail uses, but that due to site-specific issues associated with this property, namely, that a portion of the existing parking area was illegally constructed in a flood plain overlay district area, and in a wetlands resource protection area, each prospective applicant chose to walk away. Baker notes that one aspect if that any proposal to make exterior changes to the site layout triggers a review for Flood Plain Overlay District Special Permit.

Baker also notes that another issue has been traffic-related, noting the entrance to this site is located in a blind curve in proximity to the 133/Route 1 intersection, therefore, concerns about safe ingress/egress into the site have proven problematic. Leahy contends that the dog training use is a reasonable fit for this location because, the dogs would not stay overnight, that she or her husband, offers morning pick-up and evening drop-off of the animals as part of her business model. In that regard, Ms. Leahy asserts there will be very little traffic flow into or out of this site. As a result, she would need no additional parking and therefore they could rectify the issue of having the non-complying gravel area in the flood plain overlay district.

Leahy notes that the only outdoor improvement to this site will be an outdoor doggie play area encapsulated in a 6' or 7' tall privacy fence. The fence would enclose an area around the glass, double-doors entrance on the bottom level. Baker further notes that the Conservation Commission has looked at this request and has issued a set of recommendations that the Planning Board condition any approval to include the removal of the unpermitted gravel parking area, and, removal of the metal storage container from behind the building.

The owner notes that he bought the property with the storage container and the gravel parking area outlined with landscape cinder blocks. Bryant responds this wouldn't impact the Planning Board's consideration since it was up to a prospective owner to do the necessary due diligence when purchasing a property. Baker points out that if Ms. Leahy were to purchase the site she would inherit the problem which she would eventually have to address.

Thornton notes that the Planning Board must be diligent in its own review of any use associated with this property considering that it will likely be scrutinized by the owners of the bank use located across the street, who themselves were made to go through the full special permit and site plan review process, and, were themselves diligent in their improvement of their site. The Planning Board members all agreed that the applicant shouldn't need to submit a full-blown site plan, but that a site plan review public hearing would be necessary considering the plethora of site layout and zoning non-compliance present on the site. Pierce notes he would find it acceptable to waive a full site plan submittal since they are proposing essentially no large scale structural changes to the exterior of the site beyond fenced area and pursuant to those improvements recommended by the Conservation Commission. Pierce also states that a sketch would be sufficient in lieu of a full site plan. The Board agrees they also can waive some of the fees associated with the submittal since this is not a new site development. Piece motions to waive the fees in excess of the application cost. Bryant seconds the motion. All vote in favor 4-0.

The Board recommends that the applicant proceed to put together an application submittal for a site plan review, that will include a business operations plan, a site sketch, and specifications of the proposed fenced area and submit materials in a site plan review application packet.

Adjournment

Bryant makes motion to adjourn the meeting. Pietrillo seconds the motion. All vote in favor (5-0). Meeting adjourns at 11:00 pm.