

**Rowley Planning Board
Regular Meeting Minutes
Rowley, Massachusetts**

May 15, 2013, 7:30 p.m.

Town Hall Annex - 39 Central St., Rowley, MA

Those present: Chairman Curt Bryant, Vice Chairman Cliff Pierce, Jean Pietrillo, David Jaquith, Steven Kassiotis, Associate Member Chris Thornton, Technical Consultant Larry Graham, Town Planner Katrina O'Leary.

7:34 p.m.: Chairman Bryant calls the meeting to order. He welcomes the newly appointed Planning Board Member, Steven Kassiotis to the board and those present and thanks him for volunteering.

Pierce asks the chairman if they should hold their annual election of officers. Bryant answers that it was not put on the agenda, but they can plan to elect officers at their next meeting on May 29.

Chairman Bryant updates the board on the following ongoing projects: Down River Ice cream, The Residences and Rowley country Club, and Market Basket Landscaping & Fencing.

Project Updates

Bryant explains that the Down River Ice Cream owners have received their occupancy permit after H.L. Graham conducted an inspection. The board has received the Homeowner Documents from Jill Mann, attorney for The Residences at Rowley Country Club. Bryant asks members if they feel that Town Counsel should review the documents, or if members would like to review it. Thornton mentions that he is an abutter so he cannot review the documents. Members decide to review the documents and approve at a future meeting. Bryant mentions that he and Katrina O'Leary attended the Selectmen's meeting on May 13 for a discussion between the Cedarwood Lane abutters and Market Basket. He explains that any fence will need a building permit from the building inspector. He recommends that they work with the neighbors and business owner to come up with a plan that will address the abutters concerns.

Subdivision Approval Not Required Plans

2 Bennett Hill Road & 257 Wethersfield St. – Richard & Robert Hemmerdinger , Robert Scally, LLC – Lotline Adjustment

O'Leary explains that the applicant would like to reconfigure their side lot lines because they have found that the neighbor has a water line running over a corner of their property. The board discusses if the new proposed configuration meets the definition of frontage contained in the Zoning Bylaw.

Bob Scally, representing the applicant and owner of one of the properties, explains that they are just trying to correct an error.

Pierce motions to endorse the plan as one not requiring approval under the Subdivision Control Law. All members vote in favor. Motion passes.

115 Kittery Ave. – Mitchell Hardy, Susan Bailey, & Mass Dept Fish & Game – Reduced Frontage Lot

Bryant reads the board's Staff Report pertaining to this ANR application. Phil Patterson, Meridian Associates, explains that they have found monuments from the old 1911 County layout plan. Anne Gagnon, Mass Fish & Wildlife, explains that under the Acts of 6D , 34B, County Ways were all transferred to individual municipalities. Sue Bailey and Mitchell Hardy, owners of 115 Kittery Avenue explain that they need to have the lot created appraised as a buildable lot to make them eligible for a tax credit. It would be very costly to create the entrance on the south side of the lot.

Discussion takes place on what information will be necessary to prove that this is a Town accepted way.

Bryant asks if the board would prefer to obtain an opinion from their Town Counsel on the status of Kittery Avenue. The board agrees. They decide to table a decision until their May 29 meeting. Action must be taken by June 4.

Modification Request: 420-428 Newburyport Turnpike, Sandy Patrican c/o Ipswich Bay Glass

Charlie Weare, Meridian Associates, explains that the applicant has submitted a request for a "minor modification" showing two additions on buildings located at 420 and 428 Newburyport Turnpike totaling 30,000 SF. They are hoping to reconfigure both lots with a third abutting lot for a shared detention area. Sandy Patrican mentions that Schylling has their detention area located in a residential zone.

Pierce feels that 33,000 SF is not a minor modification. He feels this is a major change and they should hold a public hearing for it. The board discusses whether this is a major or minor modification.

Bryant entertains a motion to approve the proposed changes as a minor modification. Thornton makes the motion only in order to move the motion. Jaquith seconds the motion. Bryant abstains from voting. 0 in favor, 4 against. Motion fails.

Bryant sets the public hearing date for June 5, 2013.

Hawkesworth Estates – Request for Extension of Tripartite Agreement Construction Completion Date – Jeff Clarke, David Clarke

Bryant explains that they have received a request from Jeff and Dave Clarke to extend the date for their tripartite agreement. Currently, 20,000 is held in this tripartite agreement.

Pierce motions to grant the applicant's request for an extension of their tripartite agreement to May 31, 2014. All members vote in favor. Motion passes.

Additional ANR – Todd Trust – 180 Main Street & Church Street

Matt Steinel, Millenium Engineering, presents an ANR at the corner of Main and Church to the board. He explains that they had the Planning Board approve a similar ANR last year, and now they just want to shift the lot line between the two lots to give each lot at least 2 acres.

Pierce motions to endorse the plan as one not requiring approval under the Subdivision Control Law. All members vote in favor. Motion passes.

Approval of Minutes - April 10, 2013

Jaquith motions to approve the 4/10/2013 minutes. All members vote in favor. Motion passes.

Planning Office

- a. Bills Payable, Expense Report – Bryant mentions to the members to look over the expense report that O'Leary prints out for them each month.

- b. Budget Transfer Request – Bryant lets the board know that the Selectmen did approve the budget transfer request and now it will go before the Finance Committee.

Adjournment

Pierce motions to adjourn at 9:30 pm. All members vote in favor.

Documents provided at the meeting and available in the PB office:

Residences at Rowley Country Club homeowners' documents

Several ANR applications and plans

Minutes of 4/10/2013

PB Expense account budget Transfer Request

Minutes accepted at the May 29, 2013 meeting.