

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

May 29, 2013, 7:30 p.m.

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

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

7:30 p.m.: Chairman Bryant calls the meeting to order.

1) Regular Business

a) Annual Election of Officers

Chairman Bryant asks for any nominations for the chairman's position.

Pierce nominates Bryant as chairperson. Pietrillo seconds the motion. All members vote in favor.

Pietrillo nominates Pierce as vice chairperson. Kassiotis seconds the motion. All members vote in favor.

Pierce nominates Jaquith as clerk. Pietrillo seconds the motion. All members vote in favor.

b) Subdivision Approval Not Required Plans, if any

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

Bryant explains that at the board's last meeting the board questioned whether the gravel portion of Kittery Avenue could be considered a public way. They decided to ask for an opinion on the matter from Town Counsel. They have received a reply from Judith Pickett. The board has also received additional information and documentation from the applicant. Bryant asks Pierce to explain the two different ways that the board could approve this plan. Pierce explains that under state law, the board can endorse plans that show frontage on a private way in existence prior to 1951 (the adoption of Subdivision Control Law in Rowley) and that has adequate construction methods for the use or a way that is a public way or was accepted at Town Meeting. He feels that the gravel portion of Kittery Avenue could meet both definitions, and since Town Counsel is of the opinion that the road is a public way, he sees no reason not to endorse the plan. O'Leary mentions that as a "reduced frontage lot", the board does need to make sure all requirements under Section 6.1.1.2 of the Zoning Bylaws must be met; specifically if adequate sight distances exist from any driveway. The board feels that this is not an issue as far as the proposed use of the property.

Attorney Thomas Beatrice voices his objection to the plan on behalf of his client, Stephen Comley. For the past 28 years he has maintained a gate on the gravel portion of Kittery Avenue effectively blocking the public from this portion. He feels that because this portion has been gated, his client now owns the roadway layout behind the gate by adverse possession. He feels that if Town Counsel had been aware of the gate, her opinion on the matter would have been much different. Bryant asks for a motion.

Pierce motions to endorse the plan as one not requiring approval under the Subdivision Control Law. Pietrillo seconds. All members vote in favor. Members sign the plan.

c) Project Updates, if any

i) Market Basket, 225 Newburyport Turnpike – Proposed Fence and Screening in Rear

Bryant updates the board. Recently he attended a Selectmen's meeting with the Town Planner at which the Cedarwood Lane residents voiced their displeasure with both the length of time it had taken to install proper screening at the rear of Market Basket, and the type of screening proposed. The Selectmen have sent the Planning Board a memo which also states their discontent with the lack of progress in regards to the fence and landscaping measures between Market Basket and the Cedarwood Lane residents. Bryant reads the Selectmen's 5/22/2013 memorandum. John Matthews, representing Market Basket, is at the meeting tonight, along with Dick Curran, who lives on Cedarwood Lane.

Bryant questions if the board should ask Town Counsel for an opinion on whether the modifications approved in 1993 were permitted correctly. He wants to make sure that the abutters have every chance for input.

Matthews proposes that the board allow him to sit down before them with Mr. Curran so that they can agree on a landscape and fence plan. Bryant tells him that they need better plans which show construction details. The building inspector has made some suggestions on how the fence needs to be constructed.

Pierce doesn't feel that a public hearing is necessary if they are simply modifying a buffer. Bryant asks John Matthews for more of a commitment to listening and responding to the neighbor's concerns. Matthews agrees.

Dick Curran, Cedarwood Lane, suggests that a Planning Board member and Matthews conduct a site visit so that they can figure out exactly what kind of improvements will be made in the buffer zone. Kassiotis volunteers to attend this site visit. Curran feels that it should be a formal agreement with enforceable conditions in case trees die and maintenance is necessary.

Bryant requests a detailed plan showing construction and landscaping specifications. He feels that the Town has been cooperative with Market Basket and they, in turn, should be cooperative.

Curran asks what happened to the fence design showing all horizontal boards. Matthews answers that the horizontal design was one intended to be temporary until the landscaping grew in. At the fall meeting the abutters asked for a permanent fence; therefore, the new plan shows one horizontal member and an 8 foot cedar stockade fence on the top portion. All fence panels will be affixed to metal poles in 4 foot deep footings.

The board schedules a site visit on Wednesday, June 5, 2013 at 8:30 AM at the rear of Market Basket. Members Kassiotis and Bryant will attend.

ii) Residences at Rowley Country Club, 237 Dodge Rd.- Construction Schedule

Bryant explains that the Town Planner has received complaints from Rowley Country Club abutters in regards to the construction hours of operation.

Robin Pagliaruso, Dodge Rd, explains that she and her husband have had to contend with the sound of rocks being loaded past 6:30 pm some evenings. She would like it to be limited to a more "residentially minded" schedule. Bryant tells her that he has contacted the owner and the owner has agreed to limit the hours of operation from 7AM to 5 PM and will cease operations on 3PM on Saturdays. Pagliaruso thanks the board for their consideration.

Pierce mentions that he has reviewed the Residences at RCC Homeowners Association documents and have found them to be acceptable and recommends that the board approve them as to form.

2) Approval of Minutes

a) May 15, 2013

Pierce makes a change to the first page. **Pierce motions to endorse the minutes as corrected. Pietrillo seconds the motion. All members vote in favor.**

3) Adjournment

Pierce motions to adjourn at 8:30 pm. All members vote in favor.

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

5/23/2013 Memorandum from Selectmen re: Market Basket

Town Counsel 5/29/2013 opinion re: Kittery Ave.

1856 Kittery Ave. layout

Minutes of 5/29/2013

PB Expense account

Minutes accepted at the June 5, 2013 meeting.