

Rowley Planning Board
Minutes
For Regular Meeting November 28, 2018

Members Present

Chris Thornton (Chairman), David Jaquith (Vice Chairman), Troy Spaulding (Member), John Urbanczewski (Member), Mark Savory (Member), Kevin Daley (Associate Member) were present.

Larry Graham (Technical Review Agent (TRA)) and Kirk Baker (Town Planner) were also present.

Meeting location is the Council On Aging room #4 on the first floor of the Town Annex Building located at 139 Central Street. Thornton called the meeting to order at 7:35 p.m. and first offered an apology on behalf of the Planning Board for the lack of space at the recent November 14 meeting which had been held in meeting room #5 in the same building.

Approval-Not-Required (ANR) Plans

ANR Plan for 699 Haverhill Street Owned by Herrick Realty Trust

Sue Herrick was present to discuss subdivision of their property. Baker notes the proposed ANR parcels will be within 60,000 sq. foot requirement for Outlying District zoned lots. Baker notes the lot to be created will be a land-locked parcel but that the ANR plan does note that the proposed lot will not be for building purposes.

Jaquith made a motion to approve ANR Requirement, Spaulding seconded. All vote in favor (5-0).

ANR Plan for 50 Newbury Road (Hart's Way OSRD) To Create the OSRD Open Space Parcel for Future conveyance to Town

Baker explains that this ANR Plan is intended to create the open space lot to be conveyed to the Town as part of an existing conservation recreation area from the OSRD development previously created and which is now nearing completion. The proposed parcel to be created will consist of 438,852 square feet (10 acres). Town will take title to parcel once accepted at an upcoming Town Meeting. Brent Baeslack, the Town Conservation Agent, also notes that this new open space will connect to other Town-owned open space as well which was also associated with the 42 Newbury Road OSRD development directly to the north of this site. Baeslack also notes that title to the open space resources are to be held by the Rowley Conservation Commission.

Jaquith made a motion to accept ANR plan for 50 Newbury Road, Urbanski seconded. All voted in favor (5-0).

Baker raises the question of the relocation of the two parking spaces from residential unit #9 to the end of the cul-de-sac. Baeslack explains that the reason for relocation, as requested by the Conservation Commission, is in regards to installation of a propane tank for the previously cited residential unit and the discovery that the topography would result in cutting into slope terrain and more trees being cut down. The relocation of the parking spaces would ameliorate this condition by lessening the need for cutting into landscape and into the

existing woods. The Planning Board agrees that the relocation of the parking spaces change could be handled as minor modification.

Jaquith made a motion to accept relocation of parking space, Urbanczewski seconded. All voted in favor (6-0)

New Public Hearings

To Amend zoning Bylaw to add new provisions for a new “Rowley Station Transit Oriented Development” (RSTOD) Overlay District, 395 Main Street, 393 Main Street, 397 Main Street and 401 Main Street

Prior to the scheduled 8:00 pm hearing, Thornton stated that the Board felt the need to explain the rezoning process. He notes that this upcoming hearing will be a public hearing which is required for all zoning bylaw and zoning map amendments. However, the end result of the public hearing will be to gather public input regarding the proposed zoning changes and for the Planning Board to make a recommendation to the Town Meeting. Thornton then emphasizes that the upcoming Town Meeting, presumably being held on January 14, 2019, is where the final decision about the zoning changes occurs, and that this decision will be made by the voters at the Town Meeting and that the vote must be two-thirds in order to pass. He further notes that once the item is proposed at the Town Meeting and fails, then the same amendment cannot be brought back for 3 years although but the proposal can be rewritten to a different form.

At 8:00 pm Thornton reads the legal notice and opens the public hearing. Town Planner, Baker offers a summary of the proposed zoning bylaw and zoning map amendments which are centered on the creation of the “Rowley Station Transportation Oriented Design” (RSTOD) overlay district over parcels currently owned by Didax and some of their abutters, including the parking lot for the abutting MBTA station. He notes that this proposed integrates higher density residential housing with an alternate transportation options by allowing for a town home development to have a pedestrian connection with the abutting MBTA station, in addition to having open space and recreation amenities.

The attorney for Didax, John Smolak, is present to explain other details such as the requirement for a minimum lot frontage of 50 ft. and that the developer of the residential development would need to obtain special permit approval from the Planning Board. He notes the developer would grant the Didax building to the Town with its offices and warehousing. If zoning goes into effect, the development would be contingent on the Town getting land with the permitting approval.

Many residents were present, asking questions on topics such as what would be allowed to be built and how large; discussion of the map and the land involved for development; lighting restrictions (which are already in the by-laws); vehicular traffic and road connection to the train; entrance to development from 1A; concern if taxes on the properties would be able to support additional children in the school. Thornton stated that all uses will be brought before Planning Board for Special Permit approval. He notes the Board will needs to ensure there are adequate zoning protections but that they give a potential developer incentive and the latitude to improve the parcel.

Housing style, size and much-needed 40B, ADA homes would be dependent on the plans of a specific developer. Right now Didax is looking for a potential developer so detailed plans haven't been discussed. But Smolak notes that that a structured review framework can be conceived at this time.

Board of Selectmen Chairman, Cliff Pierce, stated that even without the contemplated donation the zoning amendment would be a great opportunity for the town for growth, and the tax revenue benefit would outweigh what is being paid now. He asserts that locations near train stations, such as the one in Rowley, are developing all around, and that where Rowley is deficient in housing (40B, ADA), this would help meet those needs towards town's housing objectives.

Many abutters and residents were on hand with questions. One abutter asked about the potential of Didax expanding where it is without having to relocate their business operations. Thornton stated they are hoping to rebuild on a larger property in town. Another abutter asked about the potential traffic impact and whether they would need a stoplight at the entrance. Pierce noted that in his opinion that 40 units would not warrant a new stoplight in that location but that a traffic study would be part of any Special Permit review. One resident who lived on Deerfield Lane to the south discussed the old gravel pit located between Didax and the train.

Pierce commented on the math formula for determining density. The formula drafted in the bylaw is more generous than the town's formula and comes up with 16 single family and 47 multi-family without discounting wetlands. There is a provision in the bylaw that Planning Board has ability to award additional units as bonus if developer offers amenities to the town. Pierce suggests the Board should use the multi-family formula. Smolak discussed items such as density on the property having to do with septic, estimating 40 units, and restrictive covenants on the deeds. He has been working well with the Board and everyone's comments and suggestions will be taken into consideration and addressed. Graham looking at another section of the by-law with the height restriction, which is a cumbersome way to determine.

Jaquith feels the Town should be required go through site plan review for any exterior improvements associated with a municipal use of the donated building. Pierce read the proposed by-law and discussed. He notes that it should have a clear provision that the building as-is today be grandfathered to meet requirement. Smolak stated a developer would be made accountable with a Special Permit process and strongly asserts that the Town should be accountable for improvements it needs to make to the site as well. Possible uses for the building were discussed. Pierce stated the Municipal Light department had expressed interest in the building. He also stated that there is much interest from reputable developers in the property.

Jaquith made a motion to continue hearing till December 5, 2018, time to be determined. Spaulding seconded, all voted in favor. (Hearing ended at 9:00 p.m.)

Public Hearing - 42 Newbury Road (Twin Hill Farms OSRD), John Sullivan – Amendment to Special Permit Approval to modify approval conditions

Thornton reads the legal notice and opens the public hearing. Board member Spaulding recuses himself from the proceedings cite himself as one of the notified abutters. John Sullivan was present regarding the

occupancy permit for the total five units associated with the OSRD development. He notes that two units were just completed and have been sold. He notes that the road infrastructure is in and that the Planning Board's TRA and the Town Planner had previously visited the site to confirm.

Sullivan notes that he is looking at full-completion by mid-summer 2019. Baker reiterated conditions agreed upon for getting occupancy permits as units completed. He notes the subdivision infrastructure and two of the units are complete but that the Certification of Vote condition associated with issuance of the Occupancy Permits for any of the units was tied to all the units being completed. He notes that the amendment hearing tonight is to ask the Board to amend the decision to allow for individual units to receive an occupancy permit with the stipulation that the last unit be held until all improvements are completed. Graham confirms this and recommends a change be applied to approval condition #4 associated with the requirement of full As-built plans and that revised language should partial As-builts and for occupancy of 1, 2, or 3 of the proposed 4 new building occupancy permits.

The Board members discuss and conclude this is a reasonable request. Savory made a motion to close the public hearing. Jaquith seconded and all voted in favor. Thornton made a motion to amend the COV to allow phase-occupancy permits as proposed by Graham. Jaquith and Savory seconded. All voted in favor (5-0).

Fox Hollow OSRD Subdivision at 430 Wethersfield Street (Taylor Lane) review of OSRD Special Permit with Site Plan and Preliminary Subdivision Plan

Thornton notes this item was continued from the November 14, 2018 and that Graham has submitted his technical review report. Attorney on behalf of the applicant, Jill Mann, went through Graham's comments and addressed each in turn. She commented on the 7 acres in the P&S agreement with additional Bruce Tomkins' land. Other issues discussed were the Apple Orchard adjacent to the girl scout camp; the percolations of the various proposed lots depicted on the yield plan, and the proposal for the 3-way intersection at Taylor Lane and Wethersfield Street. Mann notes that they were given approval for the intersection and also were asked to develop their traffic plan but to give consideration to length of the cul-de-sac which was longer than usually authorized due to the fact that the parcel that is being donated to the town is the one abutting other town-owned open space property. Mann states that she wants to get approval for subdivision with approved road and confirmation of the lots on the yield plan. She notes that the existing Taylor Lane cuts through and extends a good way into the property. Mann presented the yield plan to demonstrate the amount of lots that are permitted for developing, which is 45 lots.

Two Wethersfield Street residents asked questions on the yield plan presented. Mann presented the OSRD plan and answered questions regarding lot size, road length from first lot, and affordable unit values.

Several residents also questioned Rte. 1 and Wethersfield Street and traffic, and one feels the state should put a real stop light at this intersection in place of the blinking light. Thornton stated that traffic study will be performed. All are very concerned about traffic volume and safety.

Pierce asked Mann to discuss the open space requirement, regarding wetland space. Mann stated that there is a waiver request for this provision. If they go by the formula discussed by Pierce and give the town more upland, the town does not get the land they want. Pierce stated the Board has always required the minimum for the provision. This topic will be discussed further down the road. Pierce stated his concern about sticking to the protocol of the OSRD regulations regarding the wetlands.

Graham raises a few items of concern in regards to the yield and preliminary plan, including the 2,500 foot road, dead end utilities, soils and perks for 4 lots which would lead him to not recommend Board approval for yield to include those 4 lots. If Board makes a decision to authorize the yield plan, Graham feels they are setting a precedence for future OSRD's.

Thornton asked Baeslack (Conservation Agent) to comment on the four lots Graham has taken an issue with. He stated he really is not an expert, but can offer the fact that the land was farmed previously. Baeslack suggested the Board request contingency on those four lots to be re-percolated. Pierce feels if Board accepts the plan, they will also be locking into the road as presented. Mann stated she will be looking at length of road and emergency access. Jaquith feels the vote will be judged on the merits of its own case and will not be setting precedent for any other project.

Thornton moves to approve the yield plan with yield count from applicants plan of 45 lots, subject to re-doing the soil percolation test of two of the four lots. Jaquith seconded. All voted in favor.

Jaquith motion to continue hearing to January 9, 2019. Thornton seconded. All voted in favor.

Adjournment

Thornton made a motion to adjourn meeting at 10:45 p.m. All voted in favor.