

**Rowley Planning Board Minutes
For Regular Meeting on Wednesday,
October 12, 2016, 7:30pm**

Approved on July 12, 2017

Members present: Chris Thornton (Chairman), David Jaquith (Vice Chairman), Cliff Pierce (Member), Mark Savory (Member), Curtis Bryant (Member), and, Jean Pietrillo (Associate Member) are present. Kirk Baker, Town Planner is also present.

Thornton calls the meeting order at approximately 7:30 pm.

Public Hearings:

Special Permit for Sign Lighting at 300 Newburyport Turnpike - Map 13, Lot 14D -Zoned RE (Retail Zoning District).

Thornton reads the legal ad and opens the public hearing. Scott Silver, property owner presents his application to the Board, citing that he is requesting that the Planning Board grant a special permit to approve new illumination fixtures for the pre-existing free-standing monument sign. He notes the freestanding sign with ground-mounted halogen type fixtures originally pre-existed his ownership of the property, but that it collapsed in 2015 during a wind storm. Silver admits he replaced the freestanding sign with another sign like the pre-existing one without consulting the building department. Moreover, he removed the existing halogen, ground-mounted fixtures and installed new sign-mounted fixtures which illuminated the sign-face from both above and below. Shortly thereafter the Zoning Official notified Mr. Silver that the sign's new lighting would require a special permit from the Planning Board and that no occupancy permits would be issued until special permit approval was obtained. Mr. Silver further relates that when he applied for the Special Permit, the Town Planner advised him that while the top-mounted light-fixtures (down-pointing light) would be considered compliant with the Zoning Bylaw requirements for sign illumination, the bottom-mounted (up-pointing lights) on free-standing signs were explicitly prohibited by the Zoning Bylaw.

The Board members acknowledge this requirement and advise that the Board, in its review can only approve the top-mounted lighting fixture for purpose of this special permit review. They further note that the Board can consider whether there is a need to re-evaluate the current Bylaw requirement prohibiting the up-pointed lighting, and potentially make recommendations towards amending the Zoning Bylaw accordingly, but that would not impact the outcome of this review.

Silver asks the Board if the bylaw provision on this matter could be out-dated and notes that there are numerous examples of ground-mounted or upward laminating lights which do not cast light beyond the sign area. He also notes that there are examples of side mounted or top-mounted light which do cast light beyond a sign's area and into the public right-of-way. Baker concurs with Silver that there are numerous examples throughout the town where business signs fail to comply, although it would take some research to determine which one's are grandfathered and which ones are in non-compliance with the Zoning Bylaw. The Board agrees that Silver's observation has merit and that they might consider amending the zoning bylaw at a future time but at this time there is no provision for the Board to approve the bottom-mounted lighting fixtures.

Thornton asks if the height of the sign was raised. Silver says the sign itself is the same height as before but the mounting brackets make the sign about 1-foot taller.

In regards to the ground-mounted lights previously removed, Silver asks if he can put them back and use those instead of the one's current affixed to the bottom of the sign-frame. Thornton points out that the ground-mounted lights would be considered non-compliant at this time because they were completely disconnected.

Silver contends that the new bottom-mounted lights are better than the previous ones because they disperse less light beyond the sign, and they pose no issue in regards to glare that would pose a hazard or nuisance to vehicular or pedestrian traffic.

The Board also acknowledges that the bottom-mounted lights proposed by Silver on the current sign, do not pose a problem in regards to light dispersion into pedestrian or vehicular traffic area but further notes that the issue is with technical compliance with the current bylaw requirements.

The Board votes to continue the public hearing to November 9th and directs Baker to write up the draft Certificate of Vote (COV) in accordance with the prior discussion for approval and signing the November Planning Board meeting.

Other Business:

As-Built Plan review 111 Newburyport Turnpike, Artistic Landscapes, LLC - Map 14, Lot 17 – Zoned BLI (Business Light Industry Zoning District).

Anthony Hurley is present to discuss the submitted As-Built plan pertaining to the Site Plan Review for Artistic Landscapes, LLC at 111 Newburyport Turnpike. He notes that he has received Larry's comments and suggests that some of items noted had been corrected. He also states that he has conferred with the Fire Chief and has addressed that department's concerns. Baker notes that he has visited the site and that the items noted had been corrected as of that day. Then Board agrees that the work completed is sufficient and the As-Built Plan should be approved. Pierce motions to approve the As-Built Plan. Jaquith seconds the motion. All vote in favor of the motion 4-0.

Consideration of requested field changes pertaining to previously approved site plan for construction located at 414 Haverhill Street (Medical Office/Daycare), and, Planner's review comments to the Board of Selectmen for an Earth Removal Permit.

Baker advises the Planning Board that he was asked to review and comment on a recent Earth Removal Permit request submitted to the Board of Selectmen which pertains to 414 Haverhill Street, the site of the new Medical Office/Daycare buildings. Baker also outlines three field

corrections presented by the applicant's engineer which Baker notes has already been reviewed by Larry Graham. The first field correction involves an increase in the grade of the embankment behind the daycare building which was the same activity that necessitated the earth removal permit application. The second field correction is to add a wooden guardrail along the driveway that runs along the eastern property boundary with 406 Haverhill Street. The third field correction requested by the applicant involves the removal of a proposed loop drive to access the front of the proposed medical building intended to service an urgent care facility. Baker states that Larry Graham, the Board's Technical Review Agent, has reviewed the proposed corrections and does recommend they can be approved as field corrections.

Pierce motions to approve the three field corrections as submitted. Bryant seconds the motion. All vote in favor of the motion (4-0)

Adjournment

Pierce makes motion to adjourn the meeting. Savory seconds the motion. All vote in favor (5-0) and the meeting adjourns at 9:00 pm.