

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

September 18, 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, Associate Member Chris Thornton, Technical consultant Larry Graham, Town Planner Katrina O'Leary.

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

Continued Public Hearing— Site Plan Review - 111 Newburyport Turnpike, Artistic Landscapes, Inc.

Chairman Bryant opens the continued public hearing. He mentions that HL Graham has submitted his report regarding the application. HL Graham presents his review to those present (see HLG report dated 9/16/2013). Bill Holt, the engineer hired by the applicant, responds to HL Graham's comments. He explains that they have already applied to Mass Highway and they expect an answer from them in a week in regards to the curb cut. They have applied to the Zoning Board of Appeals for variances for parking and storage within the required setbacks, and a special permit for locating in the Water Supply Protection District.

Pierce asks why the parking is not located further back from the front setback. Holt replies that the Fire Chief wants the rear of the property clear so that the fire apparatus can be brought in with enough turning room. The only place left for the parking was the front of the property. Bryant brings up the subject of the chain link fence and asks the applicants to consider changing it to something more aesthetically pleasing. Tony Hurley, the owner, answers that it is under consideration. Holt mentions that the location of the signs will be moved, as recommended by HL Graham.

Town Planner O'Leary asks if HL Graham would add anything to the Planning Board's report if he were to consider the fact that this project is located in the Water Supply Protection District. She mentions that the Zoning Board of Appeals will review this same project the following evening and they will be looking closely at the project's effect on the Water Supply Protection District. Graham answers that the only change he would make is to strongly recommend that the owner make use of roof infiltration cisterns for the water runoff. Holt answers that they would be willing to consider doing this.

Bryant schedules the next Planning Board meeting for October 2 and continues the public hearing to 7:30 on this date. After discussing potential site visit dates a Site Visit is scheduled on Thursday, September 26 at 5:00 pm. The owner mentions that he will try and get permission for members to park at Swenson Granite.

Public Hearing - Proposed Marijuana Dispensary Moratorium Zoning Amendment

Chairman Bryant opens the public hearing at 8:20 p.m. He reads the public hearing notice and states that this notice was published in the Town Common newspaper on September 4 and September 11. Pierce adds that the Attorney General has already ruled that a Town cannot outright prohibit the location of Registered Marijuana Dispensaries (RMD). If adopted, the moratorium will give the Town a year to create new regulations for RMDs. Bryant asks if there is anyone that would like to speak in favor or against the proposed amendment. There are none. **Pierce motions to make a recommendation to Town Meeting**

that the Town adopt the proposed zoning amendment to create a moratorium on Registered Marijuana Dispensaries in Rowley. Jaquith seconds the motion. All members vote in favor.

Approval Not Required Plan – 970 Haverhill Street, JDJ Realty Trust

Town Planner O'Leary describes the plan of land. The land is located in the Business/Light Industry district; therefore, there are no minimum frontage or area requirements. A home and a group of buildings with a grandfathered business presently exist on the one lot. This plan would break off one lot with the existing residence with 150 feet which would leave the lot containing the business with almost 86 feet. Both lots conform to the lot area and frontage requirements for this zoning district. The use of a shared driveway in the future would necessitate the filing of a special permit application for a Common Driveway with the Planning Board; however, it should not stop the board from endorsing the Plan tonight as one not requiring approval under Subdivision Control. **Pierce motions to endorse the plan as one not requiring approval under the Subdivision Control Law. Pietrillo seconds. All members vote in favor.**

Residences at Rowley Country Club

Jill Mann, attorney for The Residences at Rowley Country Club, submits a letter to the board outlining the items left to be completed on the site. She also refers to the report submitted by HL Graham (see letter dated 9/17/2013), in which he recommends a surety amount of \$151,000 to be posted in lieu of finishing all required improvements before being issued the first occupancy permit. The board agrees with this amount and the order in which the improvements will be finished. Mann tells the Board that she will put HL Graham's surety information on a Form S to be signed by the board at their next meeting. Chairman Bryant tells Mann that they can discuss and sign the Form S before the 7:30 scheduled public hearing is re-opened.

Hawkesworth Estates (Dexter Drive)

Town Planner O'Leary observes that the developers for Hawkesworth Estates are not present. She explains to the board that the developers are interested in the Town accepting Dexter Drive at the Fall Town Meeting; however, the developers have not assembled the required materials in a timely manner and missing this Planning Board meeting is another indicator that they are not ready to submit Dexter Drive for acceptance.

Planning Board Revolving Account: MGL c44 s53E 1/2

O'Leary explains that it was hoped that the request for a Planning Board revolving account could be put on the Fall Town Meeting warrant; however, this kind of request can only take place at the Annual Town Meeting. However, the board could take a vote tonight and make a recommendation that the Revolving Account be placed on the Spring Annual Town Meeting Warrant when that time comes. Bryant asks the board members to think about it and they can discuss it at their next meeting.

Correspondence

Members discuss the letter from the building inspector on 300 Newburyport Turnpike in regards to the second floor being used as a residence. Bryant has noticed that a light pole was knocked over in the 300 Newburyport Turnpike parking lot and instructs HL Graham to conduct an inspection of the Site Plan project and report back to the board.

The board also reviews a request from Debbie Eagan to formally request that the drafted article concerning the taking of the Sheehan Estates surety be placed on the Fall Town Meeting warrant. **Jaquith motions to**

recommend that the attached draft article regarding taking the Sheehan Estates surety be placed on the Fall 2013 Special Town Meeting warrant. Pierce seconds the motion. All members vote in favor.

Approval of Minutes – August 14, 2013

Pierce asks that one typo be fixed on the second page. **Jaquith motions to accept the minutes as corrected. Pierce seconds. All members vote in favor.**

Adjournment

Jaquith motions to adjourn at 9:50 pm. Pietrillo seconds. All vote in favor.

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

HLG reports for 111 Newburyport Turnpike and the Residences at Rowley Country Club

RMD zoning amendment

Sheehan Estates Draft Article

Minutes of august 14, 2013

PB Expense account

Minutes accepted at the October 9, 2013 meeting.