



Town of Rowley  
Massachusetts

## ZONING BOARD OF APPEALS

39 Central Street, PO Box 275, Rowley, MA 01969  
Phone 978.948.2657 Email [zoning@townofrowley.org](mailto:zoning@townofrowley.org)

### June 16<sup>th</sup>, 2016 Meeting Minutes

Those present: Chairman Donald Thurston, Thomas Heidgerd, Robert Clewell, Peter Carpentier, and Administrative Assistant Lisa Lozzi. David Levesque is not in attendance.

Audience Present: Rich Kanter, Jackie Quin, Jay Coughlin, Ed Dick, John Coughlin, Charles Wear

#### **I. Call to Order**

Chairman Thurston calls the meeting to order and reads the Agenda for the record.

#### **II. Approval of Minutes – May 19<sup>th</sup>, 2016**

Chairman Thurston asks for a motion to accept the minutes. Clewell so moves.  
Heidgerd seconds. All in favor.

#### **III. Discussion**

##### **31 & 37 Summer Street – Mr. Barter & Mrs. Sudol**

Chairman Thurston asks Mr. Barter what his intentions are and Mr. Barter explains to the Board Members he would like to purchase a 'piece' of his neighbor's lot making his lot more 'square' and a little bigger thereby making better use of it. Mr. Barter tells the Board Mrs. Sudol was unable to attend the meeting.

Chairman Thurston states the lots cannot be changed. They are what they are today. The only way the ZBA could do anything is a land swap. Chairman Thurston suggests having the neighbor 'rent' the piece to Mr. Barter and Mr. Barter says he has pursued the idea and doesn't think it would be in anyone's best interest. Says he would rather have control of it.

There is discussion among Board Members and Mr. Barter and it is stated that as soon as the lots are changed, the grandfathered status is lost. Heidgerd states the Town of Rowley doesn't have the capability for allowing the ZBA Board for a 'dimensional variance' as a mechanism to assist in what you're proposing.

Heidgerd suggests, from a purely operational point, considering a 99yr lease and Mr. Barter says he would consider it but that the uncertainty of it is - it is owned by the bank. Says he would rather own and he appreciates the Board seeing him. Says the Board has explained adequately and he can tell there is no way to make it work. Thurston says there is a way of doing it but Mr. Barter will have to make some concessions. Mr. Barter thanks the Board for their time.

#### **IV. New Business**

##### **16.05 – 0 Haverhill Street – John Coughlin-Gateway Trust II of 1997**

Board Members acting on the case are Chairman Donald Thurston, Thomas Heidgerd, Robert Clewell and Peter Carpentier. Chairman Thurston opens the hearing and reads the Public Hearing Procedure, Applicants Application and Department Comments for the record.

Mr. Charles Wear, Civil Engineer for Meridian Associates (designed the project) stands and proceeds to describe the project (while viewing the plan on his easel) and the reason for coming before the Zoning Board. (property is located within the Municipal Watershed Protection District (MWSPD)

Wear introduces John Coughlin, son Jay, owners of the property who will be leasing the property and Mr. Richard Kanter who is representing the Northshore Physicians Group.

Wear says the project will have more than 15% of an impervious surface with the Medical Center and Day Care Center. He explains the infiltration designs with a rain garden with a major area in back of site with a basin for infiltration purposes. Mentions water runoff, ground water, and says he's very concerned on preserving water quality with providing protection so there will be no harm to the well and no contamination.

Heidgerd states the ZBA would 'condition' the Decision on any other outstanding Dept. approvals. The ZBA is only concerned about the impervious area.

Heidgerd asks Wear to speak about the specific impervious areas. Says both parking areas 'look' to be the same in physical size and asks about parking spaces and ratios used. Wear says the buildings are both 'single' story and says he's giving the ZBA round numbers whereas he didn't come totally prepared but says he believes the medical facility uses the parking both in the front and the back and believes it's a total of 90 spaces with a certain amount of overlap due to the patients in waiting rooms vs. examining rooms. Says it was thought through really well. (63 spaces in front and another 27 to the rear dedicated to the medical building parking area and 20 spaces dedicated to the day care facility)

Heidgerd asks if the medical practice is a single practice or multi tenants, how many doctors and if there's labs and Jackie Quinn says 'single practice' and Mr. Kanter says five doctors and a blood draw station.

Heidgerd asks of staff size and Jackie says typically 30 people on a daily basis. (one medical provider with one medical assistant, staff of 4, and at any given time there's three providers on staff) Says the project is designed to grow upwards from the five providers.

Heidgerd questions if the PB questioned the size of the parking area and Wear says he walked them through how the number of parking spaces was arrived at. Says the PB parking requirements are actually pretty high and says he thinks they were happy with the amount of spaces designed.

Heidgerd asks if any surgical procedures will be done on site and Jackie says no; it's a medical practice where they'll do blood draws, throat cultures; pap's which will all be sent out. No surgical procedures. Says there is imaging so there will be radiology and it will be digital. For the most part patients will be 'in and out'.

Clewell states the ZBA needs an 'affirmative' 'representation' due to having a lab. Says 'yes' or 'no'- anywhere in the site, are there materials considered 'hazardous' and Jackie says no. Clewell says the bylaw has to protect us from hazardous materials by way of accident leakage. The ZBA needs an affirmative representation that there's 'none' or how you're going to protect against any potential spill. Jackie says no chemicals and only standard blood draw. No testing. Coughlin asks Jackie if she's comfortable with the statement that bio-waste is strictly imposed and biohazard is adequately dealt with, and nothing will be there that will cause a problem or could potentially cause a problem. Jackie responds 'yes'.

At this time Jackie hands the Board Members an affirmative 'waste disposal' and 'sanitary type of waste' document.



Heidgerd asks Wear if he would talk about the 'traffic' and Wear says the PB met with the Chief of Police. Says he's hired a traffic engineer to do a study and that the Chief suggested 'better timing of the light' with some adjustments that could be made that would improve the traffic considerably.

Heidgerd says the only other thoughts he's concerned with as it relates to the ZBA is the groundwater and working it out with ConCom management. Says anything the ZBA does will be contingent on them being comfortable with the drainage. It's an odd shaped lot and it looks like the needs were met for the tenant and at best, you could provide for groundwater control so the town isn't dealing with high risk factors.

Heidgerd asks about amount of days in week and Jackie says she's requesting from the PB seven days a week 24 hours a day.

Heidgerd asks if it's an emergency facility and Wear says urgent care facility which will happen later and is not the same as an emergency facility.

Wear says the Rowley Chief of Police questioned lighting and security lighting will be provided in the parking lots. Says we've giving him assurances the facility will be secure.

John Coughlin, Owner says architecturally both buildings will be of the same quality and design as what was done at Forest Ridge.

Heidgerd asks about the hours for daycare and Coughlin says 5 days a week 7-4.

**Chairman Thurston asks for a motion to approve. Heidgerd moves to approve the request for the special permit as submitted contingent upon the approvals of the ConCom, BOH and PB departments/boards. Carpentier seconds. All in favor.**

Board Members take a five minute recess.

#### **V. ZBA Rules & Regulations – Discuss**

Board Members review revision #2. Lozzi is directed by Board Members to create the Final copy to vote on at next ZBA meeting in July for submission to Town Counsel.

#### **VI. Adjourn**

**Carpentier moves to adjourn. Clewell seconds. All in favor. Meeting adjourns at 8:45 pm.**  
Minutes accepted at the 7.21.16 meeting.

#### **Documents and exhibits provided/used at meeting and are available in the ZBA office:**

Meeting Agenda

Minutes of May 19<sup>th</sup>, 2016

Draft ZBA Rules

ZBA Letter of 6.8.16 to Mr. Barter

#16.05 Case Docs