

DATE: August 14, 2019  
LOCATION: Rowley Public Library - 141 Main Street  
TIME: 7:30pm

**Members Present:**

Chris Thornton (Chairman), David Jaquith (Vice Chairman), Troy Spaulding (Member), John Urbaczewski (Member) Mark Savory (Member), and Kirk Baker (Town Planner) were present.

Kevin Daley (Associate Member) was absent.

Thornton called the meeting to order at 7:30 p.m.

**Continued Hearings-**

**OSRD Special Permit – Falcon Ridge Subdivision at 430 Wethersfield Street**

Rob Nixon, the applicant made a request to continue the hearing to August 27, 2019, due to there being new information from the Conservation Commission. Jaquith made a motion to continue the hearing, Spaulding seconded the motion. All voted in favor (5-0).

**Verdant Medical, 124 Newburyport Turnpike – SP/SPR**

Applicant made a request to continue the hearing to August 27, 2019. Urbaczewski made a motion to continue the hearing, Jaquith seconded the motion. All voted in favor (5-0).

**623 Wethersfield Street – Definitive Subdivision Plan – (4-lot conventional subdivision)**

Applicant made a request to continue the hearing August 27, 2019. Jaquith made a motion to continue the hearing, Urbaczewski seconded the motion. All voted in favor (5-0).

The Board had a discussion regarding the continuing continuance of this item and how to proceed if this keeps happening. A resident from 620 Wethersfield Street was present to ask about the status of the decommissioning bond. The Board confirmed the tentative surety for \$105,000 is still in place until such time as the Board issues a Certificate of Compliance at which time the permanent decommissioning bond will take its place.

**Additional Business -**

**Consideration whether proposed cell tower mod is exempt from Site Plan Review for tower located at 124 Haverhill St (Prospect Hill/Town-owned parcel)**

The Board discussed whether a modification request by T Mobile's proposal to add a utility meter inside existing compound, a load center to the existing equipment cabinet, and cable plus two radioheads and two antennas at the 177-foot elevation, and the corresponding ground equipment) would need a modification. Baker notes that there is not to be any additions to the height of the existing tower or

any expansion of the ground-level compound, that the proposal would qualify for exemption from Site Plan Review.

Thornton agrees that there is no need for modification, and made a motion to consider the proposal as being exempt from Site Plan Review requirements. Urbaczewski seconded the motion and all voted in favor (5-0).

**Discussion pertaining to amending approval for 317/320 Haverhill Street (Emmy's Dog Training Academy)**

Planning Board approved a Site Plan Review a couple years ago for a dog training/doggy daycare, which is allowed in the retail zoning district. Baker notes that the applicant, Erica Leahy, had asked to get her Certificate of Compliance, but when he visited the site he noted that they had installed an additional fenced-in dog run behind the building. Baker stated that he told her that she would need to file to amend the application before the Board would issue a full certification of compliance due to the fact that the additional of the fenced area made her non-compliant with the approved site plan. Baker also noted that the originally approval was for a doggie daycare and that no dogs could stay overnight because commercial kennels are not allowed in the retail zoning district.

Baker notes that they never submitted for an amendment, nor pursued the certificate of compliance any further, and instead have initiated business operations until recently when noise complaints of barking dogs have prompted visits by the police department led to the zoning official taking notice in the unauthorized nighttime operations. Baker states that he has since discussed with her that if she wants to proceed with the doggie daycare operation then she will need to apply for modification.

Thornton notes that he and Baker had recently met with the Police Chief and the Building Inspector pertaining to the issue. Baker suggested sending a formal letter to applicant with scope of what they need to do outside of their original approval, and ask her to report next meeting with the Board to discuss her plans and time limit to follow through. Thornton asserts that what she is doing violates the original approval. Building Inspector said if a site plan is required, he would not give occupancy permit until a review is complete. He wants the Board to issue a cease and desist letter, but Thornton does not feel this should be their action, but that of the Building Inspector.

The Board discussed having Baker write a letter stating that what she is doing is outside the scope of the original Site Plan Review approval, and that she will need to submit a request to amend the approved plan as it currently stands. Thornton made a motion to authorize Baker to write the letter to the applicant. Motion seconded by Savory. All voted in favor (5-0).

**Planner Update**

Baker asks the Board about the signage for Ipswich Pharmaceutical, just changing the lit sign face, utilizing the same cabinet. After a discussion on the signage, determined no special permit amendment is needed for the modification.

Baker also announces that at the August 27<sup>th</sup>, 2019 meeting they will be holding a public hearing for illuminated signs at 305 and 319 Newburyport Turnpike (Ed Surrette's commercial buildings).

Minutes to Review

Spaulding made a motion to accept the January 10, 2018 minutes. Jaquith seconded the motion. All voted in favor (5-0).

Adjournment

Motion to adjourn meeting made by Jaquith, seconded by Thornton. All voted in favor. Meeting was adjourned 8:15 p.m.