

DATE: December 14, 2022
LOCATION: Town Hall 2nd Floor Auditorium located at 139 Main Street, Rowley
TIME: 7:00pm

Members Present

Chris Thornton (Chairman), David Jaquith (Vice President,) Kevin Moriarty (Member), John Urbaczewski (Member), and Kirk Baker (Town Planner) were present.

Jena Haag (Member) was absent.

Meeting was called to order by Chris Thornton at 7:05 p.m.

New Public Hearing

Amend Existing Special Permit/Burwell Beans, LLC/421 Newburyport Turnpike/To Allow Take-Out Coffee Bar

Motion to open new public hearing made by Thornton and seconded by Urbaczewski. All voted in favor (4-0). Richard Appleton, applicant, present to seek amendment to special permit to allow a coffee bar for customers to purchase cups of coffee to go.

Thornton asked if they are proposing as a coffee shop with a seating area. Appleton said no, it will just be a walk-up coffee bar serving cups of coffee to go. The Board discussed parking requirements in detail, hours of operation staying the same, adding a counter. Thornton discussed the business being a consumer service to promote his coffees. Also discussed retail sales in the BLI district, additional traffic, condition follow up in six months to discuss traffic pattern and if additional parking spaces need to be added.

Motion close hearing made by Urbaczewski, seconded by Moriarty. All voted in favor (4-0).

Motion to approving accessory use to allow customers to buy individual coffee to go, limited to take out or single use service and performing a traffic review in 6 months commencing accessory use start-up made by Thornton and seconded by Jaquith. All voted in favor (4-0).

Continued Public Hearing

Special Permit/Site Plan Approval/Farma Gardens, LLC/118 Central St/Permit to Operate Outdoor Marijuana Cultivation

Urbaczewski recused himself from the hearing as he is an abutter.

Baker noted that with Haag not being present they should consider whether the three remaining Board votes would be sufficient to approve a Special Permit request. They decided it would not be but that the absent member could review the video of the hearing and be ready to vote at the next meeting.

They noted there was a recent site visit and that Larry Graham who had been there was present via video conference to discuss his findings. Board talked about distances from lot lines and abutters.

Discussed total square footage of planting areas with total growth area of 6,580 sq. feet. Abutter Urbaczewski stated the area is very secluded, not visible from the street. Baker recommends taking the vote when Haag is present to be involved in discussing conditions of approval.

Tom Summit was present to discuss his interactions with Conservation and discussed their concerns about the water supply for watering the canopy area. He stated that he would collect rainfall via rain barrel or even a large rain cistern that would be used to pump water to the canopy area. He noted he would not use the creek on the site as a supply for water.

Motion to continue hearing to January 11, 2023 meeting. Summit stated he did not want a continuation, but understands the Board needs to follow certain processes. All voted 3-0 to continue the hearing.

Special Permit/Site Plan Review Amendment/Ruby Holdings, LLC/ABZ Storage/1000 Haverhill Street/Construct Two New Self-Storage Buildings/Reconfigured from Original Approval January 21, 1999
Urbaczewski returns to the Board. Baker notes the applicant has submitted a request to continuance the hearing to the January 2023 meeting. Motion by Jaquith and seconded by Urbaczewski to continue hearing to January 11, 2023 meeting. All voted in favor (4-0).

Katie Lane Definitive Subdivision (Osprey Landing)/Taylor Lane, LLC/510 Newburyport Turnpike
Urbaczewski returned to the Board. Atty. Mann was present to review Amico's review comments and discuss the Board's remaining issues. Topics included waivers, sidewalk placement and length, bus stop safety, retaining wall, a landscape plan, and storm drainage as well as other comments. Roadway will be deeded to the town eventually and will allow easements for the town.

Mann reviewed the changes made as requested by Amico to allow plan subdivision approval. Discussed waiver regarding cul-de-sac and keeping trees on the well-forested site. Discussion on how the town doesn't allow cul-de-sacs to be public roads. Mann spoke on many substantial reasons why including the fact that it leads to public open space.

Thornton discussed the importance of the inclusion of the easement. Amico commented on the sidewalk stating he believes it should go out to Rte. 1. Tripartite agreement will be released upon completion of all subdivision infrastructure as will the open space agreement.

Motion to close the public hearing made by Jaquith and seconded by Urbaczewski. All voted in favor (4-0).

Individual approval of waivers requested - page 6

- 1 - Motion to grant waiver made by Jaquith and seconded by Moriarty.
- 2 - Pavement - Motion to grant waiver made by Jaquith and seconded by Moriarty.
- 3 - No fire box required - Motion to grant waiver made by Jaquith and seconded by Moriarty.
- 4 - Pipe material - Motion to grant waiver made by Jaquith and seconded by Urbaczewski.
- 5 - Sidewalk on one side and acceptance of termination point - Motion to grant waiver made by Jaquith and seconded by Urbaczewski.
- 6 - No curbing - Motion to grant waiver made by Jaquith and seconded by Urbaczewski.

Additional condition item to be added into approval – stone wall with no blunt ends, referencing as shown on plan sidewalk waiver – Motion to approve waiver made by Jaquith and seconded by Moriarty.

Mann will add permit list and another item discussed by Baker and incorporate standard conditions as discussed.

Thornton made a motion to approve subdivision with conditions as discussed and Jaquith seconded the motion. All voted in favor (4-0).

Discussion for Acceptance and Review of Definitive Subdivision Application/49 Emily Lane 4-Lot Subdivision

Jim Decoulos was present and notified that for the application to be accepted in a meeting, it must be received in writing. It was sent to town clerk last week. Discussion on protocol to follow. Wayne Amico the Planning Board's consulting engineer states that he has taken a preliminary look at it. An element of Plan Board requirements is you must have an OSRD concept along with the Subdivision plan. No OSRD was in this plan. Decoulos notes that he is only proposing 4 lots on 90 acres. After Board discussion, Amico inquired if the land is ready for acceptance. He believed all looked complete for submittal. No house locations were shown on 4 lots. Baker read the ordinance regarding the OSRD plan requirement for discussion. A motion to accept the plan as presented was made by Thornton and seconded by Jaquith. All voted in favor (4-0).

Thornton made a motion with Moriarty seconding it to obtain signatures tonight.

Other Business

Joint Operations/264 Newburyport Turnpike/As-Built Review/Final Compliance/Request for Change of Hours

The business wants to open earlier at 8 a.m. instead of 9 a.m. They are currently closing at 8:00 p.m. though the hours are approved until 9:00 p.m. Discussion held among the Board. Times are driven by customers.

After discussion Thornton made a motion to accept the insubstantial change of hours request by the applicant and motion was seconded by Moriarty. All voted in favor (4-0).

Review of Graham's comments regarding this property included comments on lights, which was corrected by applicant.

Signage, landscaping, the gravel area and safety signage were all addressed as was an amendment of the original application with the name change from Nature's Remedy to Joint Operations.

Motion approved regarding replanting of arborvitae for compliance. All voted in favor (4-0).

Form A / ANR Plan – 115 Kittery Avenue

Baker presents ANR Plan for 115 Kittery Avenue to the Board for signature. Applicant splitting parcel into two lots. Motion to accept ANR made by Jaquith and seconded by Moriarty. All voted I favor (4-0).

Informal Discussion/Kim Lewis/New use for 104 Newburyport Turnpike, Former Hydrant Regency

Kim Lewis discusses her proposal to run a new dog kennel at 104 Newburyport Turnpike, Former Hydrant Regency. She states she will use the house for boarding. A discussion ensues on the prior business, Hydrant Regency, and whether a new kennel would put the Town in the same position as with that operation. They note the site plan was granted for the previous owner, which the Board considered to be a good plan in that the existing illegal trailer structure was to be removed and replaced with a Morton building that would house the kennel operations. However, while the business operation continued the owners failed to follow up with implementing the plan layout. The Board noted that the current plan would still work but that a new approval would be required in order to guarantee the plan layout was implemented. Moreover, a new approval would have to be contingent on removal of the trailer and the construction of the building for the kennel operations. Baker stated he would work with Ms. Lewis to submit a new SPR application. Lewis asked if she could operate a doggie daycare in the meantime. The Board said they don't have the authority to permit that in the interim, that she should discuss the matter with the Zoning Official.

Administrative Business

Minutes

Thornton made a motion to approve the minutes of August 24, August 30 and September 14, 2022. Jaquith seconded the motion and all voted in favor (4-0).

Adjournment

Motion to adjourn made by Thornton and seconded by Urbaczewski. Meeting was adjourned at 10:10 p.m.