

DATE: December 11, 2019  
LOCATION: Rowley Public Library Meeting Room located at 141 Main Street  
TIME: 7:30pm

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**Members Present -**

Chris Thornton (Chairman), David Jaquith (Vice Chairman), John Urbaczewski (Member), Troy Spaulding (Member), Mark Savory (Member), Kevin Moriarty (Associate Member),

Kirk Baker (Town Planner) and Larry Graham (Technical Review Consultant) were also present. Thornton called the meeting to order at 7:35 p.m.

**New Public Hearings -**

**Special Permit for Tim Mannelta, Jr/Legendary Motors LLC/RE: 28 Forest Ridge Drive**

Thornton made a motion to open the new public hearing. Seconded by Jaquith. All voted in favor. Mark Savory recused himself. Legendary Motors LLC made a presentation for a new business at already constructed Building 3 on Forest Ridge Drive to buy, store and consign custom cars, estimating 25 – 50 cars tops. All storage is inside and no vehicle repair or maintenance will be performed on the site. No input or questions was offered from the public. Thornton made a motion to close the public hearing. Jaquith seconded the motion and all voted in favor (5-0).

The site is already approved for subdivision and the Board has no objection to a seemingly low-impact use of the property. Thornton made a motion to approve the special permit, Urbaczewski seconded and all voted in favor (5-0).

**Special Permit for A.W. Chesterton Co./Warehouse Dist. Building/26 Forest Ridge Drive**

Savory recused himself from discussion. Applicant for AW Chesterton is looking to rent a total of 40 units on two floors at 26 Forest Ridge Drive. Aaron Yack who is currently employed with Chesterton is going to start a new technology company as an offshoot of Chesterton. They created a software program to improve the ability to move equipment. Permit will be transferred to new owner to include software engineering, testing, no manufacture on site, just office upstairs and room to allow space for expansion. Continued discussion on storage, parking, hours of operation a standard business operation Monday through Friday, 8pm to 4pm. Thornton moved to close public hearing, Spaulding seconded. All voted in favor (5-0). The Board feels this is a good use for the location. Thornton made a motion to approve application for site plan/approval. Jaquith seconded and all voted in favor. Savory returned to the Board.

### **Continued Public Hearings**

#### **Site Plan Review Application/Schneller BMW & Mini Specialists/7 Hammond Street**

Thornton recused himself. Jaquith stated the Board did walk-through of the property and that the survey completed, that he and Baker observed the boundary locations in the field. Part of the driveway can be used for parking. He also noted they will be replacing lights that are old with new fixtures. Savory asserts that the traffic pattern will remain the same to so as to allow the post office trucks to access to Hammond Street. A parking plan with proposed circulation and snow removal plan were reviewed previously. Jaquith offers the public a chance to comment. There are no comments from the public.

Motion to close the public hearing by Urbaczewski, Jaquith seconded the motion. All voted in favor to close public hearing (5-0).

Motion by Urbaczewski to approve site plan special permit with condition to keep the flow of traffic open from post office. Spaulding seconded and all voted in favor (5-0).

Thornton returned to Board.

#### **623 Wethersfield Street/Rowley Solar Facility Bankruptcy Hearing Update**

Thornton states that there is a new solar provider taking over the Rowley Solar project at 623 Wethersfield Street. The new provider is called Power Fund One and the representative, Dirk Michels is present. He notes that Rowley Solar was limited in what it could do with site while in the midst of the bankruptcy proceedings. A Purchase agreement for the project has now been signed and they are the new owner of the solar project as of Friday, Dec. 6<sup>th</sup>. Michels states they have paid off all the past dues technical review fees and have executed a decommissioning bond.

They are asking if the Town will be willing to work to help them to get project into operation by the end of December 2019 after which time the window for eligibility for the tax credits will run out. If they can't get into operation by end of 2019, a large portion of investment funding will be gone.

The Board toured the site previously, and discussed minor issues to address, some immediately with contractor, by end of year. Other vegetation, planting issues will be addressed as laid out in April 2019 meeting, which can't be addressed in short order due to the season, but will be complete in the spring. Another bond (\$100k) was prepared to address unfinished issues, within a new timeframe of the end of June 2020. New owner asked the Board for a little latitude to temporarily permit so he can take care of the remaining issues.

Thornton stated the Board wanted to discuss these issues, such as the landscaping/ground cover that has never been completed. Michels says they have inspected the property stating he along with Graham, Baker, and Brent Baeslack (Conservation Agent) walked property and

that Graham has agreed to prepare a report that would help facilitate them getting project activated so they can generate revenue and that will help to bring the project area to full compliance in the springtime or summer.

The letter from Town Council was discussed including all past due amounts paid, decommissioning bond received, retainer paid up front of \$7500 with funds to be replenished if needed, back fees paid, bond decommissioning done, and council approved its issuance this afternoon. Graham discussed various issues, including the gravel drive with the recommendation to complete this work before the temporary start. Other areas discussed was topsoil on roadway side and storm basins, the array fields having enough loam to get vegetation started in some areas and seeding. Storm water management systems and piping will need work, and basins also need to be loamed and seeded. He went into details on his findings and stated the road needs immediate action prior to Board considering temporary start. Graham asserts that the erosion control needs to be done sooner than later. To make the December 31<sup>st</sup> deadline, Graham stated what other things owner needs to complete to allow the Board the option of meeting again this month to address authorization of start-up. Graham suggested the temporary occupancy permit have an end point date, then go for permit.

Thornton thanks Graham for proceeding to the location today. The Board discussed long term and short term solutions, the bond requirements and keeping it open for ample time. The \$100k bond does not include any solar replacement, which could possibly add \$70k. Owner had in mind a bond of \$250k. Graham will include a number estimate in the final report.

After questions from Town Council, Tom Mullen, regarding the temporary limited permit approval, and questions from residents (Kassiotis, Burns and Sweeney) regarding Rowley Solar, the water basins, snow cover, ground cover, top soil and berms, Graham stated that when work is completed and done properly, the systems will all work properly.

The Board will work on a certificate of vote prior to the meeting. Graham will let owner know amount of bond he feels is needed to complete as soon as possible. Bond form will be sent to Town Council for review.

Jaquith made a motion to continue the hearing until December 23 at noon. Urbaczewski seconded the motion and all voted in favor (6-0).

New owner would like approval for a Dec. 16 test. Thornton made a motion to allow applicant to test until December 31, 2019. Jaquith seconded the motion and all voted in favor (6-0).

Informal Discussion with Troy Spaulding/Prospective Definitive Subdivision at 47 Newbury Road

Troy recused himself from the Board to discuss his plan, shown as a subdivision to fix driveway situation with neighbor. He presented a new design to generate a road (possibly to be made a private way) with a cul-de-sac and lots. He is also asking for wells to feed the houses and a rain

garden to help neighbor he is getting since Newbury road was paved. Baker notes that wells will need Health department approval. Baker stated there is a chance that a may not be approved if the Water department recommended against.

Verdant Medical, 124 Newburyport Turnpike/ SP/SPR

Applicant asked for a continuation. Waiting state approval. Jaquith made a motion to continue the hearing to January 8, 2020 meeting, Spaulding seconded. All voted in favor (6-0) to continue.

OSRD Special Permit/Falcon Ridge Sub-Division/430 Wethersfield Street

Applicant asked for a continuation, as they are in process of developing the subdivision plan. Possibly will be ready for the January 8, 2020 meeting. Jaquith made a motion to continue the hearing, Spaulding seconded and all voted in favor (6-0) to continue.

Site Plan Review/Additional Parking Area 285 Newburyport Turnpike/MCR Technologies

Applicant asked to continue hearing, as he needs the ZBA to consider his request to grant a variance for intrusion into the 50-foot front setback. Jaquith made a motion to continue the hearing, Urbaczewski seconded and all voted in favor (6-0).

623 Wethersfield Street/Definitive Subdivision Plan

Pursuant to the applicant's request letter, Jaquith made a motion to continue the hearing to January 8, 2020. Spaulding seconded the motion and all voted in favor (6-0).

**Administrative Business**

Project Compliance for Fine Fettle Retain Marijuana/Adam's Mall

Discussion by Board included items including site plan review completed, lines painted, looks completed as required. Conditions were met. Traffic engineer will review in 6 -8 months again. Spaulding made a motion to approve project compliance for a certificate of vote. Jaquith seconded and all voted in favor (5-0).

Cell Tower Antenna Replacement Exemption for AT&T/94 Main Street

Savory recused himself from the discussion.

Per Kristen White, representing applicant, AT&T proposing to replace their antennas on the tower to with slightly wider antennas on upper height and slightly longer on lower height. She gave details on what will be accomplished and how with no changes in total height. Jaquith made a motion to confirm replacement of antennas. Thornton seconded the motion and all voted in favor (6-0).

Savory returned to the Board.

**Adjournment**

Jaquith made a motion to adjourn the meeting, seconded by Spaulding. All voted in favor (6-0). Meeting adjourned at 9:42 p.m.