

**WEST NEWBURY PLANNING BOARD**  
**MINUTES OF MEETING**  
JANUARY 31, 2017

Pursuant to a meeting notice posted by the Town Clerk and delivered to all Board members, a meeting of the West Newbury Planning Board was held on January 31, 2017 in the 2<sup>nd</sup> floor Hearing Room at the West Newbury Town Offices, 381 Main Street. Board Members Ann Bardeen, Richard Bridges, Raymond Cook, Brian Murphey, John Sarkis, and Associate Member Dennis Lucey were in attendance. Planning Administrator Leah Zambenardi was also in attendance.

The meeting was called to order at 7:00 PM

**Continued Public Hearing – Special Permit for an Open Space Preservation – Drakes Landing 365 Main Street & 34 Meetinghouse Hill Road – William A. Daley and Joseph B., Jr & Beverly A. Murphy (Owners) – Cottage Advisors (Applicant)**

Howard “Chip” Hall, Cottage Advisors, along with Nick Cracknell, planner from Keystone Planning and Design presented a sketch plan of the revised Drakes Landing plan. They provided the board and public attendees with an overview of all the changes from the 1/17/2017 meeting to present. The previous plan displayed a 32-unit plan. Hall recapped the requested changes from the 1/17/2017 meeting, which were: to provide a shorter road; a different location for the cul de sac before the stonewall on the rear of the property; and provide more contiguous open space on the Meetinghouse Hill Rd. side. Cracknell stated that Hall’s proposed revised plan addressed all those changes. He stated the unit count would be 36. Hall stated that 65% of the property is open space which is 17 acres within the revised plan. Hall showed the board and public attendees where the proposed trails would be on the revised sketch plan. Hall showed the possible locations for the mail station.

Hall stated that he worked with Paul Sevigny, Health Agent, and engineers on the revised plan. The revised plan involves moving the primary septic system to the Murphy parcel with 3 different beds, another reserve area, and maintain the reserve area that was previously proposed. Hall showed on the sketch plan the proposed drainage facilities with the open space. Hall also stated that there are multiple options for the septic system, which includes Standard, Drip, or a Presby System. Zambenardi stated that she received an email from Paul Sevigny stating that he approved the detailed grading plan. Bridges asked what the parking arrangements will be for duplexes. Hall stated all duplexes have 2 car garage parking, and 2 off street.

Hall described the unit types as follows:

16 duplex units – two different designs

- Larger 2-bedroom units with possible 3<sup>rd</sup> bedroom
- Smaller 2-bedroom Single story, 1800 sq. ft.

20 single family homes -

- 2-bedroom 1495 sq. ft. cottage style homes (A units)
- 3-bedroom different cottage style single family homes (B and D units)
- 6 moderate price homes
- 2 affordable homes

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Hall stated that the price for the below market is 379k without a garage, 20-30k more with a garage, and the regular market price is estimated between the high 400'sK and the low 600's k. Hall stated the distance between buildings is 20 ft., but requests that the board have a requirement that the distance be no less than 15ft, with the design goal of 20ft. Hall stated that this would save time and money from engineers continually reviewing the development.

Bridges stated that throughout the project there have been abutter concerns with the beginning of the road being close to abutters on Main St. Bridges asked if there was any flexibility with this sensitive issue. He stated where the solar farm is, the road will be seen. Hall also stated the proposed location of the road does show the open meadow space. Hall stated that the distance between the road and property line is 10 ft., and that the roadway height is 4 ft. above current grade. Hall showed the replication areas on the plan. One of Hall's recommendations is to narrow the road in one location to 18 ft., which would therefore use less fill, and the disturbed area would shrink. Bridges asked what the reality was of moving the roadway by another 10 ft., and the estimated percentage of the grading to the side of the road. Hall stated that he doesn't have the calculations, as the application is for a sketch plan. If the project is approved, they can provide more details. Sarkis stated that if the road is going to be moved, it should be moved to properly screen the development.

Zambernardi shared a letter from Tom Flaherty, the Parks and Recreation Chair. Flaherty's letter expressed his disagreement with the project in its entirety. Flaherty stated that he feels the land should remain untouched and left to nature. She also read another letter from Margret Hopkins of 347 Main St. Hopkins' letter expresses her concerns about the road being built so close to her property line in which she feels could potentially ruin the agricultural uses on her property. She also stated the run off from pollutants will ruin her property and the agricultural uses. She also requests an easement to gain access to their property. Bridges shared the Board's decision making process when it comes to open space projects, as opposed to a conventional subdivision. He feels that open space plans are better and that the Board tries to deliberate to make sure they are sound. Bridges stated that the applicant must prove that any run off in the development is maintained within the project by the engineer. Sarkis stated the pre-development and post-development analysis of run-off is conducted by law. Cook stated that he is not in agreement with the easement per Margret Hopkins' request. He feels it could open the project to more development, and it would be one favor for one abutter at the developer's expense. Bridges stated that he feels that an easement should be discussed between land owners and not the Planning Board. Murphey concurs that it's not the Planning Board's concern.

Bill Scanell, 353 Main St. is concerned by how close the road will be to his property line, and requested that some shrubbery be planted so he can still maintain some privacy.

Maura McCarthy, 357 Main St. questioned the lighting on the drive end, and Hall stated that there is no anticipated lighting. She also questioned the location of the parking lot as it is very close to her property. Murphey responded and stated that the Carr Post building is under the control of the town, and it's not known if the town will be interested in considering that. He stated that there must be a holding tank installed for septic, which may or may not affect the trees. He stated that the developer offered the proposed parking area, and it's not totally the Planning Board's decision on this issue. He also stated the abutter concerns would weigh in on the Selectmen's decision. Hall stated that there are 8 spaces in the proposed parking lot.

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Rick Parker, Crane Neck St. suggested to Hall that the roofs for all the units be designed to accommodate solar energy. Bridges stated that how the roofs are designed is not the Board's concern.

Brad Buschur, 347 Main St. is concerned that his maple trees will be ruined due to the close proximity of the proposed road for Drakes Landing. He and his family tap the trees for maple syrup. He also proposed to restrict the requested easement for agricultural use.

Dennis Lucey, 374 Main St. asked the Board to consider the street-scape within the. Sarkis stated that 20 ft. spacing is manageable in a private enclosed setting.

The Board and Hall continued to discuss the potential layout of the sidewalk. Hall offered if there is a positive vote for the revised plan, he will go back to the Conservation Commission and suggests that a Planning Board Member attend that meeting. The Board discussed multiple ways to change the dimensions of the road width. The road is currently 22 ft. wide, and curbs are outside of those dimensions. Cracknell stated the road width would likely vary and that this would be looked at by the Board's engineer, Charlie Wear.

While Murphey and Cook had already agreed with the previous 32-unit plan, they concur with the proposed 36-unit revised plan that was presented this evening.

Sarkis states he feels the revised plan complies with the Bylaw, shortens the road, keeps open space contiguous, and gives better diversity of homes, but he would like to see preservation of the trees along the property lines. Sarkis stated that he would like to see a dimensional table of all the requirements and a summary of how Hall got to his density. Cracknell stated that all information has been provided throughout the project, and is on record. Cracknell stated that even though it's on record, the Board can stipulate as part of the approval that they put them on the plan including the percentages, the basic maximum number, and the yield plan. He also stated that subject to site plan approval that they would employ best practices to move that roadway as much as possible away from the three abutters which could include narrowing the roadway, moving the sidewalk, and a screening plan that would be finalized under site plan review. Bridges commented that the revised plan is a significant improvement. He stated that while issues were resolved from the previous plan, there needs to be a change with the roadway being so close the abutters within in the beginning of the development. Bardeen stated she concurs with Bridges, and suggested the road cross the trail sooner, and the sidewalk be moved to the other side sooner, which might help with narrowing the road. Bardeen also stated that one of the open space provisions is how well it adheres to the Comprehensive Plan. She shared some of the Comprehensive Plan goals and she stated that the revised plan does comply in her opinion. She also stated she would like to see the preservation of the trees, and privacy for the three abutters that are so close to the road being built.

Some discussion ensued amongst the Board and the developer as to procedure for moving ahead with a vote tonight.

Bridges made a motion to close the Public Hearing, Cook seconded the motion and it carried 5-0.

Bridges made a motion to grant the Special Permit as shown on the sketch plan entitled "Conceptual Open Space Preservation Development", sheet SP-100, dated 6-26-16 revised through 1-23-17, drawn by Cammett Engineering, finding that the proposed OSPD has less detrimental impact on the tract than a conventional development proposed for the tract and finding that the plan complies with the following factors:

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- A. through E. of section 6.B.12 of the Zoning Bylaw
- 6.B.10 Open Space Requirements
- 6.B.11 Design Standards
- 6.B.7.e that substantial compliance with design and construction standards be looked at during the site plan approval process.

The approval is subject to conditions as determined at tonight's meeting. Stipulations include but are not limited to:

1. Applicant shall enumerate zoning requirements on the OSPD plan.
2. The approval is subject to site plan approval.
3. During the site plan review process, the applicant shall use best design practices to improve the quality and width of buffer along the roadway along the property line to the west.
4. Peer review of the project plans and site inspections to ensure compliance with the approved plans during construction shall be done by the Board's consultant engineer subject to the Board's rules.

Cook second the motion and it carried 5-0.

Bridges stated that he will attend the meeting with Hall and Conservation Commission.

Sarkis asked that the project data be included in the decision. Zambenardi confirmed that will she include that information.

#### **Subdivision Approval Not Required Plans (SANR's)**

Zambenardi stated that there are no updates

#### **Signs Bylaw Amendment – Review of Public Comments**

The Board reviewed Elisa Grammer's and other members of the publics' suggested edits from the previous public session.

The review of the proposed Signs Bylaw edits went as follows.

Section 7.C.1:

- *Add C. To protect the well-being of residents and property owners.*

Bridges read the Town of West Newbury Zoning Bylaw Section 1 "Purpose and Authority" to the Board to assist with deciding to add this into the proposed Sign Bylaw. The Board agreed that the Zoning Bylaw covers this section, and therefore it is not necessary to be added into the proposed Signs Bylaw.

Section 7.C.2.I

- *e) Legal notices including but not limited to "No Trespass", "No Soliciting" and "Private Way" signs and building numbers.*

The Board agreed to add this clarification with a minor edit.

Section K.6:

- *All permanent signs, including the structure, which do not require a Sign Permit in a Business District pursuant to this Section, shall be no more than twelve (12) feet above ground level and sixteen (16) square feet in area*

The board agreed with this section.

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*Section L.1:*

- *Buildings having four (4) or more occupants may erect a single sign, either attached or freestanding, identifying either the premises, the occupants, or both. Additionally, each occupant may erect one attached sign.*

The Board agreed that the owner will need to request a special permit if the sign is of bigger dimensions.

*Section E. Exempt Uses:*

- *Signage for Exempt Uses pursuant to Section 4.B of this Bylaw and Section 3 of Chapter 40A of the General Laws as amended may be subject to reasonable regulations concerning bulk and height.*

The Board agreed to include this in the proposed Sign Bylaw.

*Section G. Location:*

Zambernardi suggested a minor modifications and the board agreed to the change.

*Section I. Signs Not Requiring a Sign Permit in a Residential District:*

- *1. One permanent sign per dwelling unit, either attached or free standing, indicating the name of the owner or occupant. This sign may have the street name and number upon it. Such sign shall not exceed two (2) square feet in area.*

The Board agreed with the suggested edit.

*Section J. - Signs Not Requiring a Sign Permit in the Business District*

- *6. All permanent signs, including the structure, which do not require a Sign Permit in a Business District pursuant to this Section, shall be no more than twelve (12) feet above ground level and sixteen (16) square feet in area. Should the Board allow a greater sign size for buildings with 2 or 3 businesses?*

The Board determined the stated dimensions should apply to buildings with multiple businesses. The owners could request a Special Permit if they desired a greater size.

*Section K - Signs Requiring a Sign Permit in the Business District*

- 1. Buildings having four (4) or more occupants may erect a single sign, either attached or freestanding, identifying either the premises, the occupants, or both. Additionally, each occupant may erect one attached sign. Should the Board allow a greater size than 16 s.f. for freestanding signs for buildings having 4 or more occupants? What should the max height be?*

The Board agreed to stay with 16 s.f. and a 12 ft. height.

The Board agreed with Zambernardi's recommendation that home occupation signs be increased from 2 sf to 4 sf.

Zambernardi stated she will finalize the document and that she will submit the Article to the Board of Selectmen. She stated that she would add a provision that sign special permits are not subject to site plan review and the Board concurred

**Recreational Marijuana – Discussion of Potential Zoning Bylaw Amendment**

The Board agreed to discuss this matter in the fall.

**General Business**

*Cottages at River Hill –*

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Zambernardi stated that the third phase has been quantified for the bond release. She stated that she spoke with Mike McCarron with regards to the bond amount, and its relationship to the line item list. She stated the bond amount is the amount determined to complete the whole project with an adjustment factor. She suggested the Board consider releasing the Phase 1 and 2 bonds, and keep the 3rd Phase bond to ensure completion of the remaining items. . The total amount is Zambernardi stated that the total of Phase 3 is \$45,172.

The Board agreed to extend the completion date noted in the Phase 3 bond to May 30, 2017.

Bridges made a motion to release the entire bonds for Phases 1 and 2. Murphey seconded the motion, and it carried 4-0.

Hall stated that he spoke with the engineers, and that the trail is where it is supposed to be. This is due to the septic bed being larger due to losing fill. Zambernardi stated that the revised trail went along the 25ft line from the buffer zone line, and when she walked it, the trail appeared to be further than 25ft. Hall stated that he will look at again.

Zambernardi addressed the issue with the trail material. She stated it was not graded as stipulated in the plans and that the wood chips do not comply with the stipulated decomposed organic bark mulch. She explored this with Meridian and Steve Greason and they concurred that the trail should be left natural and mowed several times per year. Hall stated that the Conservation Restriction restricts mowing to once a year. The Board speculates the mowing restriction is specific to the open space, not the trail.

Hall stated that will submit the As-builts to Zambernardi by the end of the week.

#### *Sullivan's Court Extension –*

Bridges stated that there are hay bales and silt fencing that need work. Zambernardi stated that she will check with Tom Neve to address the issues.

#### *Haverhill Bank –*

Zambernardi stated that the bank ordered tinted Plexiglas for the open/closed drive-thru sign, and is waiting for confirmation that it's been installed.

#### *Minutes –*

Members reviewed the minutes of the November 15, 2016, December 6, 2016, and December 20, 2016 meetings. Bridges made a motion to approve the November 15, 2016 minutes with minor corrections. Bardeen seconded the motion and it passed 5-0. Bridges made a motion to approve the December 6, 2016 meeting minutes. Bardeen seconded the motion and it passed 5-0. Bridges made a motion to approve the December 20, 2016 meeting minutes. Bardeen seconded the motion and it passed 5-0.

#### *Vouchers -*

Zambernardi had multiple documents for Board signature including a voucher to pay Meridian for peer review of 365 Main St. and inspections for Haverhill Bank, two timesheets, and a certificate of vote for a minor modification for the Cottages at River Hill.

#### *Administrative Details -*

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Zambernardi stated that MVPC received their grant funding for the regional housing production plan and, if approved, it will be the Town's approved Housing Production plan for the next 5yrs. Zambernardi stated that there is another approach to 40B, which is a provision of the law that if you have 1.5% of your developable land already dedicated to affordable housing, then the town could petition to be exempt from 40B. She is currently researching this.

The Board members signed a document at the request of the Registry of Deeds indicating who the Board Members are, their terms, and which Board members can sign ANRs.

*Other –*

John Sarkis dismissed himself from the meeting at 9:10.

Raymond Cook dismissed himself from the meeting at 9:30

The meeting was adjourned at 10:00pm.

Submitted by,

Lori Dawidowicz  
Recording Secretary