

**WEST NEWBURY PLANNING BOARD
MINUTES OF MEETING
February 2, 2016**

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 February 2, 2016 in Planning Board Office at the West Newbury Town Offices, 381 Main Street. Board Members Ann Bardeen, Rick Bridges, Raymond Cook and John Todd Sarkis were present. Board Member Brian Murphey was not in attendance. Planning Administrator Leah Zambernardi and Associate Member Dennis Lucey were also present.

The meeting was called to order at 7:00 PM.

Subdivision Approval Not Required Plans (SANR's)

Zambernardi stated that no SANR plans were submitted.

Cottages at River Hill - Update

Cook took the agenda out of order to first consider updates related to the Cottages at River Hill. He stated that the Board received an email dated February 1, 2016, which included photographs, from abutter John McGrath at 244 Main Street. The email read as follows:

“Yesterday, Jan 31, I saw tree damage along the north part of my north south common boundary with Cottage Advisors River Hill, their west side of ph. three. Two mature oak trees had limbs crudely broken away, as if torn off by an excavator. The trees so damaged are either on my property or straddle the common boundary. Perhaps the limbs were interfering with trenching or house building. I had anticipated that possibility more than a year ago when I asked Chip Hall to field view the location so that we could act proactively. At that time I was prepared to share the cost for a professional tree service. Chip did not follow up. Now access to the trees is complicated by one house so far and more to come. This is not only a construction problem, it will surely be so also with future home owners. I am asking the Planning Board and Cottage Advisors to take actions that address my several concerning observations.”

Zambernardi stated that Chip Hall of Cottage Advisors wrote a response email dated February 2, 2016, which she read into the record as follows: “We have investigated the items in question that are outlined below. One of the oak trees is well within our property, and the other is on the property line. Both of the limbs that were damaged were on our property. With regards to resolving the issue, we will be contracting with a tree company to provide limited pruning to ensure that limbs that are near our structures pose no danger to our clients and the damaged branches will be dealt with during this process. I am sorry that our neighbor chose to take up the board's time with this issue rather than bringing this to our attention directly. This is not a planning board matter but a matter between two neighbors.”

Cook asked that an email received from Board Member Brian Murphey, who was not in attendance, be read into the record. Zambernardi read as follows: “Very frustrating to see this

damage. It must be fixed as best one can by a tree service at Chips sole expense if the trees are on John's land.”

Cook stated he does not think the Planning Board has any jurisdiction on this. Sarkis suggested that the Board bring this up to Hall and that the Board should inform the Building Inspector.

Cook asked McGrath if he had anything to add. McGrath stated that he does not automatically accept Hall’s naming of the tree’s location. He suggested that the Planning Board request that Hall establish the line on the ground before Hall authorizes the pruning of any trees and that Hall inform McGrath about the work. He stated he reached out to Hall early on in the process about pruning and taking down trees prior to construction because of liability issues, but Hall did not respond. He pointed to an “open space buffer zone” noted on the plan and he questioned what that meant. McGrath stated that if the trees are on Hall’s property, Hall might be in violation of the requirements for that zone.

Bridges noted that he went to the site and took measurements, which indicated the tree might be on McGrath’s land.

Zambernardi noted there is a hatched area on the plan identified as a “buffer to the open space” and that there is a note on the plan indicating that “no vegetation in this buffer area will be disturbed, destroyed or removed, except for normal maintenance of structures and landscapes approved as part of the project.” She stated this seems to give the Planning Board some authority over this if the trees are on Hall’s property.

After some discussion the Board decided to send Hall a letter noting the following:

- The letter should summarize McGrath’s complaint.
- The letter should call attention to the plan and the statement relating to the “buffer to the open space” area, and noting that the existence of the buffer area demonstrates the Planning Board’s interest in maintaining the vegetation within it.
- Acknowledge that the project is entering a phase where there is construction in close proximity to the southwest lot line abutters and trees.
- Hall should ensure the property line is correctly and visibly delineated before construction, tree pruning or cutting occurs on Hall’s property.
- Where it may concern trees that are co-owned or on or overhanging the property line, Hall the Board recommended that Hall reach out to those neighbors before pruning or cutting.

Cook stated he does not want to step on the toes of other Town Departments in terms of jurisdiction and that Building Inspector Glenn Clohecy should be copied on the letter.

Downtown Economic Development

Cook asked Zambernardi to update the Board. Zambernardi informed the Board of the following:

- *Massachusetts Downtown Initiative Technical Assistance:*
Zambernardi stated that the approximate grant award date was Friday, January 29. She stated that the recipients have still not been announced as of the start of this meeting.

➤ *January 26, 2016 meeting with NE Regional Director, Mass Office of Business Development:*

Zambernardi stated that she met with Maria Nigro DiStefano on Tuesday to share information about West Newbury and some of the planning she and the Board are doing for the downtown. Zambernardi stated that DiStefano shared information about her services and provided input and feedback. Some discussion points included the following:

1. There are not many programs assisting micro-businesses (i.e. 1 to 49 employees). Her expertise and experience is in providing support to micro-businesses.
2. Conducting a market study is the first step. MDI is a good fit. If the Town does not get the award, it should consider joining Community Compact to take advantage of Best Practices and grant money that may be available.
3. Bring business owners together. DiStefano can meet with the Board and she can also facilitate a visioning session of the stakeholders. Such meetings bring out the needs/wants of individual businesses, common goals and is a networking/collaborating opportunity.
4. Look for available business development and economic development assistance from other organizations: Newburyport Area Chamber – Ann Ormond, NECCO, National Main Streets website.
5. Consider revisiting MassDOT’s paving and sidewalk project. Ask how the businesses might be impacted and whether they would be notified. Invite MassDOT in for a meeting to present their project (perhaps as an agenda item during the visioning meeting or at a follow up meeting). This is an opening to tell MassDOT what the business community needs/wants in the Town Center. The answer might be “no” but it is worth the conversation.
6. Continue collecting data on properties within the District (i.e. square footage and quality of office and retail space, number of employees, research Title 5 in BOH files, parking spaces per lot, on-street parking). Zambernardi stated she has started this by counting parking spaces per lot.
7. Engage stakeholders in promoting and improving the Town Center.
8. DiStefano invited Zambernardi to participate in a quarterly meeting she holds with municipal staff in the region, as an opportunity to learn what other similar Towns are doing on the economic and business development front.

Cook stated much of this might be something a business group or chamber might want to take on. He stated that the Planning Board works on Bylaw changes, writes plans and seeks grants. He stated this might not be a Planning Board responsibility. Zambernardi stated it is more of opening the door to make connections and to facilitate relationships. Bardeen stated ideally there might be a business group that forms to make recommendations on changes, but she agreed with Cook. Cook stated he would be interested in inviting DiStefano in and doing a stakeholders meeting, but he does not see the Board carrying this forward. Bridges stated he did not see the harm in having a stakeholders meeting and introducing the business owners to DiStefano and the services her organization offers. Lucey stated that having a market study done and putting business owners in contact with other groups that offer assistance might be as far as the Board goes with this, but he sees a benefit in that.

McGrath stated it seems that the Master Plan would be a beginning point. He stated this kind of process would make other Boards aware of the business center and what might be done with

it. He referred to a number of properties in the downtown and the circumstances surrounding them.

Bridges stated this mushrooms into areas that are not the Board's purview. He stated the Board should identify the parts that are within its purview and move forward with that. Cook stated he is on Board with having DiStefano in for a meeting with stakeholders. Bridges sees a two-step approach where DiStefano comes in to share what her resources are and to give examples of how other Towns like West Newbury have been helped. Perhaps the second step would be to have her back for an open meeting.

Cook stated that having NECCO get involved is a compelling idea. He spoke to the intersection of Route 113 and Maple Street and whether NECCO faculty and students could assist with re-designing that intersection. Cook stated the first step should be having DiStefano come to a meeting to speak with the Planning Board.

Sarkis reiterated his concern about the topography and layout of parcels in the downtown. He would like suggestions on what the Town could do given the downtown's constraints. He stated that perhaps this is not a grander, tax-generating change, but small improvements could be made. Zambenardi stated that design is a large part of making a downtown improvement effort successful. Sarkis stated the Board could at least pursue that piece. Zambenardi stated that design would help make downtown a nice place to visit. She stated that having an anchor business is another factor in making the downtown successful. She noted the example that people can get coffee in the Food Mart, which is locally known, but not known to commuters.

Bardeen stated that the Town previously discussed choosing other areas for commercial development. Bridges stated that as the number of cars using Route 113 increases, it would be reasonable to think about future expansion of commercial sites. Sarkis stated that if the market study shows there is going to be a demand in the future for commercial development, then the Planning Board should be planning for a place like that.

Cook noted the traffic count on Route 113 is increasing. Cook stated that if traffic calming is incorporated into the downtown, commuters might look to other more direct routes. Bardeen noted that traffic in other parts of Town has increased dramatically since the train and the bus came back to Newburyport. She noted Haverhill is growing on the other side. Bridges stated they are currently seeing an increase in traffic on Middle Street and other side streets because people can shorten their commuting time by avoiding Route 113. Cook stated there is an opportunity for the Town to be pro-active and address this all through master planning and traffic planning. He acknowledged that poor soils and narrow parcels are concerns. He stated that perhaps improvements are called for to benefit people in Town and the Board might find out what businesses could be supported on the smaller parcels.

McGrath suggested the Board might look at this as a quality of life improvement as opposed to an economic development endeavor.

Patricia Reeser stated she liked the idea of a Master Plan and visioning. She wasn't clear on whether the grant would address design issues. Zambenardi stated this particular grant does not. Reeser stated she wondered if the Board might consider the design issues, including what the Town can do with the public spaces but also to influence future development with design

guidelines. She stated that issues such as parking lots could be addressed. Zambenardi stated sign regulations could be part of this.

General Business:

- Sullivans Court Extension – Zambenardi stated Tom Neve has taken ownership of Lot 5. He is ready to pay the first Inclusionary Housing contribution of \$14,500. Some discussion then occurred over how the funds are handled by the Town, organizations that promote affordable housing and whether there is anyone in Town to spearhead this effort.
- Minutes: December 15, 2015, January 5, 2016, January 19, 2016. Board members review the minutes and make edits. For each set of minutes Cook made a motion to approve them as amended. Bridges seconded each motion and each motion carried. Bardeen abstained from voting on the January 5, 2016 minutes. Sarkis abstained from voting on the January 19, 2016 minutes.
- Vouchers: Zambenardi presented a voucher for payment of the Merrimack Valley Planning Commission 2016 assessment for Board signature.
- Correspondence: Zambenardi informed the Board of several public hearing notices for Newbury and Amesbury and of the Citizen Planner Training Collaborative Spring Conference on March 19, 2016.
- Administrative Details: Zambenardi stated that the FY 2017 budget has been submitted to the Finance Committee and meetings with the departments will be scheduled soon. Bridges stated that he visited 24 Ridgeway Circle at the Ocean Meadow development and no work had begun.

The meeting was adjourned at 8:53 p.m.

Submitted by,

Leah J. Zambenardi, AICP
Planning Administrator