

WEST NEWBURY PLANNING BOARD
MINUTES OF MEETING
May 10, 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 May 10, 2016 in the Planning Board Office at the West Newbury Town Offices, 381 Main Street. Board Members Richard Bridges, Raymond Cook, Brian Murphey and John Todd Sarkis were present. Planning Administrator Leah Zambarnardi was also present. Board Member Ann Bardeen and Associate Dennis Lucey were not present.

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

Subdivision Approval Not Required Plans (SANR's)

Zambarnardi stated that no SANR's had been submitted for this meeting.

Follinsbee Lane, Cottages at River Hill, Open Space Preservation Development Special Permit (Section 6.B) and Site Plan Review (Section 8.B) – Cottage Advisors, LLC – Approved March 11, 2014 - Requests for: 1. Reduction of Phase II Tri-Partite Agreement; 2. Acceptance of Updated Interim As-Built Plan and Phase III Tri-Partite Agreement, and Release of Units from Covenant Not to Convey; 3. Extension of Project Completion Deadline

Chip Hall of Cottage Advisors, LLC addressed the Board. He first updated the Board on the status of the project and stated that some of the unscreened topsoil would soon be removed from the site pending approval from the Board of Selectmen. He also described the status of the affordable units noting that the remaining two units have not been sold. He described the nature of his request including that Lot 22 was mistakenly sold without having obtained a Lot Release from the Planning Board. This was not on his radar and both closing attorneys missed this as well. He stated that he would like to address this issue tonight by requesting a release of this lot as well as some others. Cook noted that the Board's peer reviewer, Charlie Wear from Meridian Engineering, has reviewed the proposed bond calculation sheets for remaining work in Phase II and Phase III of the development and the interim as-built plan and he is fine with them all.

At the conclusion of the discussion the Board took the following votes:

Cook made a motion to approve the request for a reduction in the Tri-Partite Agreement for Phase II of the Cottages at River Hill. The bond amount was therefore reduced from \$70,875 to \$13,944. Murphey seconded the motion and it carried 4-0.

Cook made a motion to accept the updated Interim As-Built Plan entitled, "Interim As-Built Plan", revised through April 14, 2016. Murphey seconded the motion and it carried 4-0.

Cook made a motion to release units 21, 22, 24, 25, 27 & 29 from the Covenant Not to Convey, and to accept the Phase III Tri-Partite Agreement in the amount of \$130,835. Bridges seconded the motion and it carried 4-0.

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Cook made a motion to extend the date noted in the Tri-Partite Agreements for completion of the project from May 12, 2016 to November 30, 2016. Murphey seconded the motion. Discussion on the motion: Bridges asked if the November 30th date was a reasonable completion date. Hall affirmed that it was. The motion then carried 4-0.

Officer Elections

Cook took the agenda out of order and stated that the first meeting of May is usually the meeting that officer elections are held. He stated that in light of the fact that Bardeen and Lucey are not present, he would like to postpone this vote until the next meeting. Members concur with Cook

Discussion of Zoning Bylaw Amendments

Board Members decided to hold off on this discussion until it had a full complement of Board Members. Murphey asked for a brief discussion of the two-family structures issue. Cook asked to take this up later in the evening.

General Business:

Minutes - Board Members reviewed the March 1, 2016 minutes and made minor comments. Cook made a motion to accept the March 1, 2016 minutes with minor corrections. Sarkis seconded the motion and it carried 3-0-1 with Bridges abstaining.

Board Members tabled the review of the March 15, 2016 minutes.

Board Members reviewed the April 5, 2016 minutes and made minor comments. Cook made a motion to accept the April 5, 2016 minutes with minor corrections. Murphey seconded the motion and it carried 4-0.

Board Members reviewed the April 26, 2016 minutes and made minor comments. Cook made a motion to accept the April 26, 2016 minutes with minor corrections. Bridges seconded the motion and it carried 4-0.

Vouchers - Zambenardi stated she received a copy of the Occupancy Permit for the last unit in the Ocean Meadow Subdivision, 24 Ridgeway Circle. She stated that according to the agreement, the escrow funds should be released upon receipt of the Occupancy Permit. Murphey stated that Steve Gillis called him and was surprised that the check was not ready for him when he provided the Occupancy Permit. Murphey stated that he spoke with Zambenardi about how to get the check issued as soon as possible. Murphey stated it would be good to expedite this and wrap up the project.

Administrative Details – Zambenardi stated that the Board received two requests in the past day for recommendations to the Selectmen on the removal of property from Chapter 61A. Cook stated the Board would take these requests up noting that the items were not reasonably foreseen to be placed on the agenda.

2 Lots on Kimball Road owned by the Hurd Family – Zambenardi stated they were requesting the removal of 2 lots from Chapter 61A. Cook stated that from a Planning Board perspective

he did not believe it would be beneficial to the Town to exercise the Town's right of First Refusal as the property is not adjacent to any other Town owned parcels.

Lot 2 on Turkey Hill Road owned by Maskiewicz – Zambenardi noted that 1 lot had been removed from 61A earlier on in the year. Cook stated he could see a value if this were part of a trail network or if it were connected to open space. Sarkis stated he is concerned about the public not having the opportunity to comment on this and he asked if there were a reason this had to be taken up now. Cook stated that there is a procedure in the regulations giving the Planning Board 7 days to make a recommendation to the Selectmen and he would like to follow the protocol on this. The Board was inclined to recommend that the Selectmen do not exercise its Right of First Refusal on the Turkey Hill Road parcel and would write a letter to the Selectmen to this effect.

Discussion on Zoning Bylaw Amendments - The Board tables the discussion of Zoning Amendments with the exception of two-family structures. Sarkis stated that he wanted to think about this issue in light of the difficulty Towns have in terms of providing affordable housing. Before we limit these by special permits, we want to think through that. Limiting this in the 1 and 2 acre districts, making it not allowable as of right in the business and central district makes more sense to him. Murphey stated that putting two units in a dense area presents a problem because the lots are small to begin with and creates Title 5 issues. Sarkis stated that he is concerned about taking property rights away with a special permit process but he could see that two family structures in the 1- or 2- acre districts might not be so fitting and could be perceived as a change of character. He does not see how allowing two families by right in and around the business and central district would be an issue. Sarkis added that allowing two families in the other districts has not likely had a measurable effect on supply and demand. Cook stated this whole issue of affordable housing then comes back. A discussion ensued amongst members about making housing in West Newbury more affordable to the public and tools for doing that including Town sewer and density.

The meeting was adjourned at 8:37 p.m.

Submitted by,

Leah J. Zambenardi, AICP
Planning Administrator