

WEST NEWBURY PLANNING BOARD
MINUTES OF MEETING
May 24, 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 began at 7:00 p.m. on May 24, 2016 in the Planning Board Office at the West Newbury Town Offices, 381 Main Street. Due to the high number of residents attending, the meeting was moved to the second floor hearing room. A notice to this effect was placed on the Planning Board Office door. Board Members Ann Bardeen, Richard Bridges, Raymond Cook, Brian Murphey and John Todd Sarkis were present. Associate Member Dennis Lucey and Planning Administrator Leah Zambenardi were also present.

Chairman Cook called the meeting to order.

Public Hearing: Drakes Landing Definitive Subdivision Plan - 365 Main Street and 34 Meetinghouse Hill Road - Cottage Advisors, LLC (Applicant), William Daley (Owner), and Joseph B. & Beverly A. Murphy

Lucey recused himself from sitting on the Board for this matter.

Sarkis read the legal notice.

Woody Cammett of Cammett Engineering introduced the development team, which included Chip Hall of Cottage Advisors, Deni Hamel, project engineer from Cammett Engineering, Mark Johnson, attorney and Kim Turner, landscape architect from KD Turner Design.

Cammett described the Cottages' permitting on the site to date. He then explained the existing conditions of the site as shown on Sheets EX-1 through EX-4 of the plans. He stated that the proposal involves a 3-lot subdivision with 2 lots on a proposed roadway off Main Street and 1 lot with existing frontage on Meetinghouse Hill Road.

Cook explained the Cottages' purpose for filing the plan, noting that the intent is not to build it out, but to vest their rights under Zoning that pre-dated an October 26, 2015 amendment to the Open Space Residential Development section of the Zoning Bylaw. He noted however that should the Board approve the plan it would be considered an official approval under the Subdivision Control Law and could conceivably be built.

Murphey contemplated whether the plan needs to be sent out for a peer review by Meridian Engineering even though it most likely would never be built. Securing a limited cursory "at a glance" review by Meridian Engineering is further discussed by the Board. Some comments included a point made by Bridges that requiring a full review now would include Engineering work that would be used to develop an Open Space Preservation Development plan in the future. In the alternative Sarkis noted the Board might require a more thorough review in the future if the owner intended to move forward with the plan. Members concurred that a complete peer review of the submission is not needed at this point and a limited cursory review is in order.

West Newbury Planning Board, Minutes, May 24, 2016. Approved August 2, 2016.

Cook asked if any Town Departments or Commissions submitted comments on the proposal. Zambarnardi stated the Board received none.

Cook asked the members of the public for their comments and questions.

Joan Flink of 368 Main Street noted that the proposed street opening is aligned with the 50-foot right of way to the former Mullen Property across the street. She stated there is not enough of an offset. She stated she is an abutter to this right of way and is concerned about the impact on her property and about a traffic light.

Cammett stated that their initial proposal with the Preliminary Subdivision Plan, which the Planning Board denied, included a roadway that was offset westward from this Right of Way. The proposed roadway was very close to the western property line to minimize the amount of wetland disturbance. This layout conflicted with the Board's regulation requiring that the centerline of the road be no less than 75-feet from the abutting properties. He stated they tried to get a sense of the Board at prior meetings on whether minimizing wetland disturbance was compelling enough a reason to be granted relief from this requirement. Hall stated he did not get a solid enough sense of the Board, so the current proposal is to comply with the 75-foot requirement.

Members of the Board concurred that Meridian's report should include a review of the proposed Right of Way alignment at its intersection with Main Street, as it pertains to the 50-foot right of way directly across the street, which is part of the Dunn property that has primary access on Church Street.

Sarkis stated he would like to see a hypothetical plan for the full development of this property. Cammett stated they would present this plan for comments later this evening.

Theodore Olsson of 40 Meetinghouse Hill Road asked about the septic systems shown on the plan and how it might impact the neighboring affordable housing development. He noted that the area has wetlands and it is critical for this to be taken into account in the design. Cook stated that the Board of Health has authority over the septic system and would evaluate that. The Board agreed to ask this question of Meridian as well. Olsson had questions about the Zoning Amendment and how it influenced the design of this plan. Cook explained that the amendment clarified the allowed density of the Open Space Preservation Development Bylaw. He stated the developer took steps to vest his rights under the former Zoning by filing a Preliminary Subdivision Plan. He noted that Town Counsel has advised the Board it is not the plan itself, but the land in question which benefits from the zoning freeze. Filing of this Definitive Plan is the next step in that process. He stated the Board expects that the developer will soon file a development plan reflecting what they actually want to build on the site, which will be discussed later this evening.

Brad Buschur of 347 Main Street stated he is a Member of the Open Space Committee. He described some of the Committee's initiatives including an update of the Open Space Plan. He stated feedback they have received includes maintaining West Newbury's rural character. He stated value in this sense can be found on this property due to the iconic view of the field. He asked if there is a way to minimize the impact of the new road and tuck the houses further back beyond the field and into the woods. He asked whether Meridian would provide feedback on how the engineering team could further minimize the impact of the road with some alternatives.

West Newbury Planning Board, Minutes, May 24, 2016. Approved August 2, 2016.

Cook noted this is a subdivision plan filed with no waiver requests and the scope of Meridian's review would be limited to ensuring the plan complies with the Subdivision Rules and Regulations.

Bridges thanked Buschur for his comments and noted they would be extremely helpful in terms of the future discussions about development of the property.

Buschur asked about ownership of the Murphy property and the type of permitting and the timeline for the land transfer. Some discussion ensued among the Board Members including Sarkis' comment that the land transfer would most likely happen through the ANR process or through this Definitive Plan process.

Board Members concur that the next step would be to secure Meridian Associates to do a limited cursory peer review. Board Members ask for Meridian's response by June 15, 2016.

Cook made a motion to continue the public hearing to Tuesday, June 21, 2016 at 7:00 p.m. in the second floor hearing room at the Town Offices, 381 Main Street. Bridges seconded the motion and it carried 5-0.

Pre-Application Conference for an Open Space Preservation Development (OSPD) Special Permit – 365 Main Street, Cottage Advisors, LLC (Applicant), William Daley (Owner), and Joseph B. & Beverly A. Murphy

Lucey continued to remain recused from sitting on the Board.

Cammett stated the purpose of presenting the plan this evening is to get input on the design before they submit their special permit application. Cammett described the proposed plans including the site context map, the Yield Plan and the Sketch plans.

Cook noted that that a Yield Plan shows what could be built if a plan were designed in compliance with the Town's Zoning and Subdivision Rules and Regulations. Sarkis stated it is a hypothetical plan done under conventional Subdivision and Zoning and Title V requirements. The Yield Plan determines the basic maximum number of dwelling units that could be built in an OSPD.

Cook asked Cammett to discuss the Yield Plan in more depth. Cammett noted that the proposal is for 32-units. There would be one duplex on each of the 16 lots. Each lot would have a shared septic system for 2 units. He noted that the grade of the road is 10 percent in some areas instead of 6 percent. Sarkis contemplated that would require a waiver from the Subdivision Regulations. Cammett stated in his opinion the road conforms from a practical standpoint because it meets the criteria for road design when weighed against the actual number of vehicle trips. Cook stated that the Yield Plan should be "bullet proof". Sarkis pointed to the detail of the road access via Meetinghouse Hill Road and asked the height of the retaining wall. Hamel stated it would be a 20-foot retaining wall. Sarkis contemplated whether the Board would ever approve that.

Cook suggested that the Board of Health and the Conservation Commission weigh in on the Yield Plan.

Bardeen noted that the duplexes shown on the Yield Plan have one septic system and she asked how that would work. Johnson stated that the system would be under one ownership as a condominium.

Cammett stated there is also a centerline offset issue at Meetinghouse Hill Road on the Yield Plan. The “compelling” reason argument would also apply there. He stated their options were to propose a through road to Meetinghouse Hill Road or create a dead end road and request a waiver from the dead end road requirements. Discussion ensued about wetlands crossings and overall impact of the roadway near the Meetinghouse Hill Road access.

Sarkis stated that the goal is to create a bullet proof Yield Plan and his opinion is that the one vulnerable area is the connection through to Meetinghouse Hill Road.

Murphey stated it appears to be a well-defined Yield Plan.

Bardeen commented that the proposed road does not meet the letter of the law.

Turner then described the OSPD Sketch Plan, which is comprised of 36 single family units. Bardeen asked for the calculations for the open space. Hamel stated it would be greater than 60 percent. Bardeen stated that she would like the open space calculation and the calculation showing what percentage of the open space and of the tract is wetland.

Cammett stated they believe the Basic Maximum Number will be 32 units. There would be a 4-unit density bonus for the Cottage Style units they would provide, meaning the project would be for 36 units.

Murphey asked about the provisions for Inclusionary Housing. Hall stated that ten percent would be 3.6 units. This would mean 3 on-site affordable units and a payment for .6 of a unit.

Cook asked about the Town-owned Legion Hall next door. Cammett stated there is no accommodation for a septic system at this point. They hope to eliminate the curb cuts at the legion hall and make the access to the legion hall via the new Drakes Landing roadway.

Murphey stated the street tree plan is somewhat rigid. He is open to something less formal.

Cook asked if all trails would be open to the public. Bardeen asked if all trails are connections to existing trails. Cook asked if there is a practical way to make a trail connection through to Meetinghouse Hill Road. He stated that this might not necessarily be through the 50-foot strip and might be through the Murphey parcel.

Hall stated the units would be a mix of 2 and 3 bedroom homes, similar to the nearby Cottages at River Hill development on Follinsbee Lane. He stated that some modifications had been made to the units based on client feedback. He stated that some of the units would be on a slab because of the groundwater table. He stated that all units would have 2 car garages. Cook stated that the design should be mindful of the streetscape and not dominate it with garage doors.

Bardeen asked about the septic system zone. Cammett stated they would be alternating systems. They would have 2 systems which would be built in phases during construction. He

West Newbury Planning Board, Minutes, May 24, 2016. Approved August 2, 2016.

stated the units would have natural gas and the electric, telephone and cable would be underground.

Murphey asked about the view in to the property. Cammett noted the existing forested area, most of which would be developed. He stated there would most likely be 2 homes visible from the street. He stated it would have a pastoral character with the pond and willow trees.

Cook asked if the public had any comments or questions.

Beth Koopman of Meetinghouse Hill Road stated that ice skating on the pond and trail access to Action Cove are important. Turner stated that there is a trail between houses on the north side of the property that leads to the Town's property. She stated that ice skating would be maintained and they would keep the pond healthy and it would have fewer invasives.

Brad Buschur of Main Street asked to what extent this impacted the length of the roadway and the roadway setback from abutters. He stated that the quality of the trails and of the open space needs to be improved upon in the plan. He commented that the proposed entrance has too much elaboration and it would be detrimental to the existing character. He asked about the limit of the natural vegetation abutting his property and to what extent it would be preserved. He noted that there is sidewalk between the abutters and the proposed road and that is odd.

Joan Flink of Main Street asked about the zoning change and grandfathering. Cook responded. Cook stated that the primary purpose of the Bylaw is to have less disturbance on the property.

Lucey returned to the meeting.

Subdivision Approval Not Required Plans

Zambernardi stated that no SANR's had been submitted.

Officer Elections

Cook made a motion to elect Bridges as the Chairman for 1 year. Murphey seconded the motion and it carried 4-0-1 (Bardeen, Cook, Murphey and Sarkis in favor, Bridges in abstention).

Cook made a motion to elect Sarkis as Vice Chairman for 1 year. Murphey seconded the motion and it carried 4-0-1 (Bardeen, Bridges, Cook and Murphey in favor, Sarkis in abstention).

Sarkis made a motion to elect Cook as Clerk for 1 year. Murphey seconded the motion and it carried 4-0-1. (Bardeen, Bridges, Murphey and Sarkis in favor, Cook in abstention).

Cook made a motion to recommend to the Board of Selectmen that it appoint B. Dennis Lucey as the Board's Associate Member for 1 year.

Members of the Board tabled consideration of appointments to the Merrimack Valley Planning Commission and the Community Preservation Committee until the next meeting.

West Newbury Planning Board, Minutes, May 24, 2016. Approved August 2, 2016.

Discussion of Zoning Bylaw Amendments

Cook tabled discussion of this agenda item to the next meeting.

General Business:

Request by Community Preservation Committee (CPC) for Review of Package Identifying Town Owned Parcels for Affordable Housing Purposes - Bridges stated that the CPC had discussions with Habitat for Humanity about donating a Town-owned parcel for development of an affordable housing project. The CPC developed a report identifying 3 parcels that could be used for this purpose. Bridges reviewed the 3 parcels with the Board and stated the next step would be for a local entity to pursue this endeavor as it is beyond the reach of the CPC's mission and purpose.

Updates on the Cottages at River Hill, Sullivans Court Extension and Haverhill Bank – Zambarnardi briefly discussed some updates with the Board.

Administrative Details – Zambarnardi stated that she attend a meeting at the Northern Essex Community College hosted by MVPC on the new MS4 permit. She stated that the requirements for the new permit involve Bylaw amendments and better monitoring of the storm water systems of private developments.

The meeting was adjourned at 10:05 p.m.

Submitted by,

Leah J. Zambarnardi, AICP
Planning Administrator