

WEST NEWBURY PLANNING BOARD
MINUTES OF MEETING
June 7, 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 June 7, 2016 in the Planning Board Office at the West Newbury Town Offices, 381 Main Street. Board Members Ann Bardeen, Raymond Cook and Brian Murphey were present. Planning Administrator Leah Zambenardi and Associate Dennis Lucey were also present. Members Richard Bridges and John Todd Sarkis were not in attendance.

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

Subdivision Approval Not Required Plans (SANR's)

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

Officer Elections

After some discussion, the Board took the following votes:

Murphey made a motion to elect Bardeen as the Board's representative on the Community Preservation Committee. Cook seconded the motion and it carried 3-0. Cook stated he would be willing to serve next year.

Bardeen made a motion to recommend to the Selectmen that they appoint Murphey as the Town Representative on the Merrimack Valley Planning Commission. Cook seconded the motion and it carried 3-0.

Zambenardi stated there has been discussion with the Board of Selectmen about establishing an affordable housing committee to examine the CPC's report on donating a Town owned parcel for affordable housing purposes. Zambenardi stated she has an interest in serving the Committee in some capacity and asked the Board if they had any objections. Board Members agreed with her participation.

Discussion of Zoning Bylaw Amendments

Signs – Murphey stated the next steps with signs will be on dimensional issues, which will require some homework. Cook stated they should wait for the other Board Members to discuss this further.

Two Family Structures - Cook noted that Zambenardi provided information on examples from other communities for duplexes, 2-families, accessory units, etc. Zambenardi recapped that the most recent discussion surrounded whether special permits across the Board should be required for 2-families, but that Sarkis suggested allowing them by right in the more dense zoning districts such as the Business District and the Residence C District. The Board debated whether the Town residents would want input on a duplex or multi-family in those districts. Murphey discussed the septic system situation for such developments. It was clear that a shared system would be allowed if it was commonly owned. Murphey asked Zambenardi to check with the Board of Health on whether 2 septic systems are allowed on 1 lot. The Board discussed

West Newbury Planning Board, Minutes, June 7, 2016. Approved August 2, 2016.

definitions and the need for developing them. Board members briefly discussed Zambarnardi's report on the bylaws of other communities.

Open Space Preservation Development - Board Members discussed potential amendments to the Bylaw. Zambarnardi stated that the Board further restricted OSPD with a recent Zoning Amendment, which brought the Basic Maximum Number down by 50%. She suggested that the Board look at increasing the available incentives.

Zambarnardi suggested that the Board revisit how a Yield Plan is handled during the review process. She stated that the Bylaw requires that a Yield Plan be submitted with the application, but it doesn't address when the yield plan needs to be established. She stated that knowing the basic maximum number is an important piece to moving forward in a meaningful and efficient way on the open space design. Cook agreed and stated that during the review of Follinsbee the Board made a decision on the Yield Plan and then later changed it. He could see the Board voting on a Yield Plan early on in the process and then moving forward with the open space design. Zambarnardi stated that in her past experience a Yield Plan was submitted with a couple of conceptual plans. The Board would then vote on the Yield Plan and determine the preferable concept plan. Only after that would the developer submit an engineered site plan. This process was clearly defined in the Zoning code.

Bardeen stated the language of the Bylaw seems clear on the process to her. Zambarnardi stated the sequence of how it occurs is not clear when reading the Bylaw. Cook stated the Board could follow the process of determining the basic maximum number ("BMN") first under the current language of the Bylaw. Bardeen agreed. Zambarnardi stated that clarifying this in the Bylaw would be beneficial to all parties so the process is clear to everyone involved.

Cook wondered if there is a way to eliminate the ambiguity in the requirement of "a reasonable application of the rules and regulations." He noted that some Yield Plans might have long dead ends and the Board might say that is reasonable because such waivers have been granted in the past. He also stated that some proposals might be so excessive that they would never be built. Murphey stated that with regard to economic viability, it would depend on what the bottom line of the person proposing the project is, which is different every time. Zambarnardi stated it is helpful to have criteria in the Bylaw to consider in determining whether a Yield Plan is acceptable. The obvious criteria is that the plan conforms to zoning and subdivision regulations. Other criteria used in a community she previously worked for included 1. That the developer can demonstrate the project is economically viable; 2. That a resource area delineation has been approved by the Conservation Commission; and 3. That if any waivers, special permits, etc. are required, that they have adequately been dealt with. She stated that having pre-determined criteria helps the process and provides all parties clear expectations of what will be discussed. Board members generally saw merit to this. Murphey noted this would be wrapped up into the Bylaw as an amendment. Zambarnardi agreed.

Zambarnardi stated there were more comments she noted in the review she performed of the current Bylaw. Cook stated that the open space needs to be further defined. Bardeen noted this is a larger project and that the Board should set aside time for this. Murphey asked about density incentives. Cook asked if the Board needed to have a limit on individual bonuses if there is an overall cap to the bonus. Members generally concurred the individual limits on bonuses might not be needed.

Inclusionary Housing - Members table discussion of this until a future date.

Cook then took the agenda out of order to address some administrative matters.

Zambernardi stated there were 2 issues that need to be addressed in the FY2016 Planning Board budget. She stated that the MVPC Assessment was a bit more than budgeted for and that the Administrator Salary was not yet updated to reflect the salary increase of the new hire. She stated both of these issues can be addressed through line item transfers from the Planning Board expenses budget or from the Reserve Fund. Members instructed that the money be transferred from Planning Board Expenses, since the money is available.

Cook made a motion to approve the line item transfers from Planning Board Expenses to Salary and Wages and to the MVPC Assessment. Murphey seconded the motion and it carried 3-0.

Zambernardi stated that there is \$1900 left in the Expenses line. She stated there is about \$900 left in the expense line after the line item transfers. She stated she has about \$400 in supplies that she would like to order. Members debated whether to purchase the items now or in the next FY budget. Members then approved the purchases for the FY2016 budget.

General Business Items

365 Main Street Definitive Plan Peer Review - Zambernardi referred to the peer review for the definitive plan for 365 Main Street. She stated the review would be a Limited Cursory Review and the cost would be \$700. Members agreed with the amount.

Vouchers - Zambernardi submitted vouchers for Cottages at River Hill, Sullivans Court and Haverhill Bank for signature by the Board.

Sullivans Court – Zambernardi stated that there have been some issues with dust control and the silt fence. She described the inspections process as follows: Meridian identifies the issues in their Inspection Reports, Tom Neve responds and then Meridian confirms whether or not the matter is sufficiently addressed.

Haverhill Bank – Zambernardi stated there are no updates or note.

Members then discussed summer vacation plans and the summer meeting schedule. They also discussed scheduling Maria DiStefano Negro of the Office of Business Development

365 Main Street OSPD Special Permit – Chip Hall stated he is moving along with the OSPD plan. He learned from the last plan, that doing full engineering up front is time consuming and expensive, and there are too many unknowns at that point. He asked if the Board would focus on the Yield Plan first. Cook stated they spoke of this earlier and it made sense to him. Murphey stated the earlier discussion was one on potential changes to the Bylaw. He stated the Yield Plan must be submitted with the application and he is not interested in discussing it in advance of the public hearing. Hall stated that the Bylaw specifies how much engineering work is needed on the sketch plan. He stated he would like to avoid providing that level of detail at the beginning, though he is concerned this might not then be considered a complete application. Zambernardi stated this made sense to her not just because it saves the developer money, but because it makes the process more predictable for all parties. Having the BMN

West Newbury Planning Board, Minutes, June 7, 2016. Approved August 2, 2016.

established first gives the developer a clear idea of how to fully design the project. Zambenardi stated she looked at the Bylaw in light of the question and noted that a sketch plan is required at the time of application. She thought it reasonable to explain in the application why certain information is not being provided at this time. Cook stated that a sketch plan is just that, a sketch plan. He stated he believes it is implied that the plan is further refined to meet the design criteria after the fact. The Board generally concurred this could all be done under the Bylaw as it exists. Zambenardi stated the Sketch Plan would be very similar to the one the Board saw during the pre-application conference stage. Zambenardi stated she got hung up because she didn't see a specific plan submission requirement after the Sketch Plan. She stated that one could therefore presume that all of the design standards must be addressed in the Sketch Plan. Board Members concurred that is not the intent. Murphey concurred that the developer would not want to fully engineer the project at that juncture. He stated that the Board should provide feedback before a fully engineered plan is submitted.

Cook stated that the Yield Plan should be something that is reasonable and economically viable, an ANRAD should have been already obtained and that the plan should comply with the subdivision rules and regulations and zoning. He stated that if any waivers, special permits, etc. are required, they should be discussed and adequately dealt with during the process. Chip Hall asked what the Board meant by economically viable. Cook stated that plans could sometimes be acceptable from a technical standpoint, but would never be built because they are not financially feasible. Hall stated that an example would be that he would either propose a road through to Meetinghouse Hill Road or a dead end off Main Street. Cook stated he would be inclined to vote or give a solid indication on the BMN early on. He stated that is only fair to the developer.

Timing of submitting the application is discussed and hiring of Meridian to do a peer review.

Cottages at River Hill – Request for Minor Modification – Chip Hall stated the project was supposed to be a net positive site in terms of fill. He stated that the Town took some fill. He would like to soften the grading from a steep 3:1 slope to be more gradual slope. He stated that the Conservation Agent was amenable to this and now he is approaching the Board for approval. He stated there would be a more natural grade with a 5:1 or 6:1 slope. Cook stated this would be a minor modification request in his opinion.

Chip Hall stated that Meridian looked at this on site, but has not commented back formally on the plan. He stated that Meridian indicated this seemed to be generally a net positive outcome. Members discussed grading around the community garden path and some other minor revisions.

Cook made a motion that the request is a minor modification subject to the minor revisions talked about tonight and that minor changes of this nature in general are minor modifications as well.

Cook made a motion to accept the substance of the changes, subject to adjusting the path to the community garden, showing the initial approved contours and proposed contours on the plan and final sign of by Meridian. Murphey seconded the motion and it carried 4-0.

365 Main Street OSPD Improvements to Carr Post – Zambenardi stated that she is having a meeting on July 14th to discuss potential improvements/amenities to the Carr Post building by

West Newbury Planning Board, Minutes, June 7, 2016. Approved August 2, 2016.

Cottage Advisors as part of their project. The Board of Selectmen, DPW, ConCom and Health Agents have been invited.

The meeting was adjourned at 8:59 p.m.

Submitted by,

Leah J. Zambarnardi, AICP
Planning Administrator