

WEST NEWBURY PLANNING BOARD
MINUTES OF MEETING
February 6, 2018

Pursuant to a meeting notice posted by the Town Clerk that was delivered to all Board members, a meeting of the West Newbury Planning Board was held on February 6, 2018 at 7:00pm in the 2nd floor Hearing Room at the West Newbury Town Offices, 381 Main Street. Board Members Ann Bardeen, John Sarkis, Raymond Cook, and Richard Bridges were in attendance. Board Member Brian Murphey arrived later in the evening. Town Planner Leah Zambenardi and Associate Member Cindy Sauter was also in attendance.

Public Hearing: Site Plan Review per Section 8B of Zoning Bylaw – Demolition of existing water storage tank and installation of a .4-million-gallon water storage tank equipped with solar panels and improvements to the existing access road – Brake Hill on Main Street and Hilltop Circle (Assessors Map R-2, Lots 350, 270 & 1110) – Town of West Newbury (Owner), West Newbury Water Department (Applicant) – Decision documents.

Zambenardi stated that Paul Howard, Tata and Howard, sent a packet regarding the requested modifications from the 1/23/18 meeting. Brian Murphey had previously emailed Zambenardi suggesting that given the narrow turning radius into the access road, language be added to the decision stating who is responsible for road repairs and damage to abutting properties. Zambenardi forwarded the email to Tata and Howard, and they responded with their Contract Closeout Specifications-Restoration Details which state that it's the contractor responsibility to restore or replace any private or public property.

The Board reviewed the contract documents submitted by Tata and Howard. Board Members made suggestions for items to be added to the contract, if not already there. Mike Gootee, Director of the Water Department, stated that Tata and Howard will be reporting to the Town, and that they will be paid in one lump sum. Gootee stated that if any more trees need to be cut down outside the area that has been previously cut, it would require the Selectmen's approval.

Sarkis motioned to close the public hearing, Bardeen seconded and it carried 4-0-0.

Sarkis motioned to approve the application and endorse the certificate of vote, including the minor revisions previously discussed. Seconded by Bardeen and it carried 4-0-0.

Documentation Reviewed: Certificate of Vote, Email: Supplemental Information dated 1/30/2018.

Pre-Application Conference: Site Plan for New Pump Station to Support New Bedrock Well

Mike Gootee, Superintendent of the Water Department, discussed the proposed new pump station and new bedrock well. The pump station will be an addition to the existing building. It will provide proper containment for the new chemicals, which is required by DEP. Testing will be conducted within the new building. Gootee showed and discussed the design plans to the Board and answered Board Members questions. A new generator will also be installed. Gootee doesn't see any possible need for additional infrastructure in the near or far future.

Documentation Reviewed: Design Plans

West Newbury Planning Board, Minutes, February 6, 2018. Approved February 20, 2018.

Informal Discussion on Petition Articles About Zoning Amendments Re: Large-Scale Ground Mounted Solar Photovoltaic Installations – Requested by Rose Vetere

Rose Vetere, 54 Coffin St., discussed her proposals for Zoning Amendment changes. Vetere has not submitted these proposals, but is seeking input from the Board. Her first proposal is to amend section 5.G.4.d of the Zoning Bylaw to require that more detailed information be submitted to the Selectmen or Planning Board of the solar installation and overlay district of abutting properties before Town Meeting Vote. Sarkis and Cook explained that while a plan could be provided, it does not obligate a developer adhere to their plan. Vetere's second proposal is to provide stricter guidelines for setbacks for large-scale ground mounted solar photovoltaic installations within the residence A, B, or C districts. This would ensure that large-scale solar photovoltaic installations are constructed further away from abutting residential properties than is currently allowed. Vetere is concerned that without these amendment changes that is possible that more solar installations could be installed throughout every open space in West Newbury. Her third proposal is to put a cap on the size of the solar installations to 500 KW that are being installed in residential zones.

Zambernardi discussed the concept of contract zoning. She stated it is essentially zoning amendment with conditions. An example would be that an Applicant would come forward requesting a zoning change. During the review the developer would make commitments to the Town as to details of the project. The Applicant would then sign a contract with the Town agreeing to follow through with those commitments should Town Meeting pass the Zoning Amendment. Zambernardi stated that this concept can be legally very complicated, and the Board expressed mixed feelings about a contract of this sort.

Rick Parker, Energy Advisory Committee, 153 Crane Neck St. stated that the Town is a Green Community. This designation allows the community to utilize resources available for energy efficiency projects. Certain criteria had to be met in order to receive the designation, and one of the requirements is that the municipality implemented some form of renewable energy program. The Town designated Zoning for the installation of renewable energy. He stated that, by his calculation, since becoming a Green Community, the Town has benefited by \$350-400k in the form of savings and grants from energy efficient installations and other energy conservation efforts. The philosophical benefit is that it is a way to protect the land and environment.

Jean Lambert, 215 River Rd., Open Space Committee, stated that first solar installation on the Town was spearheaded by a group of citizens, where the one currently being proposed is being done by a contractor with no relation to the Town. Lambert is in favor of solar but stated that the placement is key. She questioned if the State's guidelines affect the Town's decision on rezoning. Sarkis stated that they could consider the State's guidelines with their recommendation.

Dennis Unger, 12 Maple St., has professional experience involved in solar. He stated that solar has proven to provide agricultural benefits. He said companies do not want to go through the process of a Zoning Amendment to know whether the use would be permitted. He feels that sooner or later the State will force renewable energy.

Frank Vetere, 54 Coffin St. questioned the boundaries of a zoning district. Sarkis stated that boundaries cannot be changed without a Town vote. Sarkis stated the proposal is to include several parcels. He is concerned that design plans that have been presented are not engineer designed. Sarkis stated that what is not specific exactly is where the solar panels will be placed, the service road location, and drainage.

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Vetere feels that there is miscommunication as to what parcels are going into the district as well as the scale of the solar proposal.

The Board briefly discussed an email that Zambenardi shared from John Beaucher dated Jan 16, 2018. The email discussed Beaucher's proposed amendment to the Town's Zoning Map.

James McCobb, 65 Coffin St. read regulations as to what is preferred from DOERR as to where solar fields are installed. McCobb expressed his concern as to why the proposal is in a residential area rather than an industrial district.

Don Doak, 14 Cortland Lane, is concerned that questions that the residents have had with this project have not been answered.

Paula Cutter, 44 Cortland Lane, questioned if there are regulations to tighten restrictions on projects. Cook advised that he make strong arguments at Town Meeting, and that he request changes to the bylaw to aid in restricting certain projects.

Steve Cutter, 44 Coffin St. is a member of the Fire Department and is concerned that a "power plant" is being proposed against his and other property lines.

Liz Hatch, 94 Maple St. stated that she supports solar, and feels that fossil fuel will be a less important part of the future. She suggested that residents come together to discuss solar being in West Newbury.

The Board reminded Vetere and the public that for the solar proposal to move forward it will need 2/3 vote of the Town. The Board will consider Vetere's recommended proposals.

Documentation Reviewed: Emails from Vetere dated 2/1/18, 2/6/18, Vetere's amendment proposals.

Informal Discussion on status of 2004 Community Development Plan Requested by Dennis Unger and Others

Dennis Unger, 12 Maple St. had a lengthy discussion with the Board regarding adopting the 2004 Community Development Plan. In particular he discussed the Town Center, and that he is interested in the zone line so his property and the neighboring property are in the Business District. He also discussed the need to update the home office/home occupation bylaw. While the Board was not generally favorable of adopting the plan, they were interested in entertaining his Town Center concept, and provided suggestions for the home office/ home occupation bylaw might be updated.

Dan Carlat, 9 Old Wharf Ln., questioned the process of obtaining a special permit. The Board stated that the applicant would request a special permit, and then that applicant would come before the Board. Details can be found on page 93 of the Zoning bylaw.

Documentation Reviewed: Plans

Review of Open Space Preservation Development Bylaw, Section 6.B of Zoning Bylaw

The Board agreed to have this discussion at a future meeting.

General Business –

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Updates –

Zambernardi stated that they need to set a public hearing date for SWEB's Zoning Amendment. The Board agreed to schedule the matter on the 2/20/18 for the purpose of setting the public hearing date. The public hearing date will likely be 3/20/18.

Zambernardi stated that the Finance Committee requested that some of the Board members attend their 2/20/18 meeting at 6:30 to discuss the Board's budget.

Minutes – December 5, 2017

The Board had approved the December 5, 2017 minutes on December 19, 2017. It was requested that the Board review the December 5, 2017 minutes again because the corrections had been misplaced.

Vouchers –

The Board signed one voucher, and Sarkis signed a timesheet.

Correspondence –

Zambernardi shared that they received information from the state about a technical assistance grant for housing.

There is a public information night February 12, 2018 7-8:30 PM in the Annex about SWEB's proposed solar project on Coffin St.

Merrimack Valley Planning Commission is preparing the draft of the Merrimack Valley Metropolitan Planning Organization FY 2019 – FY 2023 TIP (Transportation Improvement Program). The expected draft version will be completed in April.

Georgetown is interested in discussing the West Newbury OSPD Bylaw with the Board as they are in the process of creating one.

Zambernardi will email the Board upcoming conference notifications.

Administrative Details – The Board briefly discussed the FY19 Budget, and the questions that the Finance Committee had. A few members will attend the Finance Committee meeting on February 20, 2018 at 6:30 PM.

The meeting was adjourned at 10:30PM.

Submitted by,

Lori Dawidowicz
Recording Secretary