

**WEST NEWBURY PLANNING BOARD**  
**MINUTES OF MEETING**  
September 5, 2017

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 September 5, 2017 in the 2<sup>nd</sup> floor Hearing Room at the West Newbury Town Offices, 381 Main Street. Board Members Ann Bardeen, Brian Murphey, John Sarkis, Raymond Cook, and Richard Bridges were in attendance. Town Planner Leah Zambarnardi was also in attendance.

**Request for Project Closeout and Release from Tri-Partite Agreement – Cottages at River Hill – Follinsbee Lane – Cottages Advisors, LLC**

Hall stated that the curb will be installed, but requested an extension to complete the request as well as an extension for the tri-partite agreement.

Cook made a motion to extend the tri-partite agreement, to October 31, 2017. Seconded by Sarkis, and it carried 5-0-0.

Zambarnardi stated that the Board received a letter from Steve Greason, Open Space Committee, regarding the trail around the septic field. The letter stated that the trail looks and works much better now. She also stated that the letter from Meridian stated the as-built is acceptable. Melissa Robbins stated that they received a Certificate of Compliance from the Conservation Commission.

Marlene Switzer read a letter to the Board regarding two issues that could cause expense for the Association. The issues were paving in which she stated that the previous engineer's reports failed to note 35' of missing curb from the mailbox to the granite curb at corner with Whetstone, failure to have a paving inspector present during paving, and generally inconsistent paving and damage. The trustees for River Hill residents are requesting a paving inspection at the developer's cost.

The other concern is the trails. Previously Switzer had provided a sample of the wood chips that were laid on the trail that were not agreed to on the engineer requirements. It was agreed that the Association would mow the trails, but due to the trail conditions they are not able to be mown. She also noted the trail deficiencies from the engineer reports, which remain outstanding. One of the deficiencies is that the trail is not constructed in compliance with detail 13 on the Landscaping Sheet, pending items from 1/16/17 are not addressed, and the final closeout site walk noted that the underlying condition of the walking trails remains the same. Switzer stated that the River Hill trustees would like to contact the Essex County Trails Association with regards to their concerns of the trails. The association is concerned that they will be burdened with the cost of maintaining the trails. The trustees are requesting that an approval of the trail not be granted until it meets all approved engineering requirements in regards to path placement, width, surface, and landscaping. The goal would be for the Conservation Commission, Open Space, and Trails Committees, and the developer to come up with an acceptable agreement that would not place a greater financial burden on the River Hill Association.

She also stated her concern on the granite markers placement, in which they propose a tripping hazard.

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The Board agreed to review the items discussed and for Hall to respond at the following meeting.

Zambernardi stated that the trails don't comply with what the plan stated but the Board discussed that earlier in the year. Zambernardi will review the record from a year ago when the trails were discussed, and will share that outcome with the Board.

**Set Public Hearing Date (tentatively set for October 3, 2017 subject to Planning Board Approval)**

***a. Proposed Zoning Amendment Re: Temporary Moratorium on Marijuana Proposed by Board of Selectmen***

The Board agreed to have the public hearing on October 3, 2017.

***b. Proposed Zoning Amendment/Map Change Re: Groundwater Protection Overlay District at 31 Dole Place and Wellfield #1 at 999 Main Street Proposed by Board of Selectmen***

The Board agreed to have the public hearing on October 3, 2017.

***c. (tentative) Proposed Zoning Amendment/Map Change Re: Large- Scale Ground- Mounted Solar Photovoltaic Overlay District at Beaucher Property on Coffin Street proposed by SWEB Development on behalf of the Landowner***

Zambernardi stated that SWEB will not be submitting for Fall Town meeting, but requested to have an informal discussion with the Planning Board on September 19, 2017. The Board agreed to their request.

**7:30 p.m. Continued Public Hearing related to an Open Space Preservation Development at 365 Main Street and 34 Meetinghouse Hill Road (aka Drakes Landing) - William Daley (Owner); Cottage Advisors, LLC (Applicant) - Site Plan Review pursuant to Section 8.B. of the West Newbury Zoning Bylaw**

**7:30 – Joint Meeting with Conservation Commission to discuss proposed roadway**

Hall had previous discussions with the Conservation Committee regarding the access into the development. It was agreed upon with the Conservation Committee that it would be best to have a retaining wall because less wetland will be disturbed. The Planning Board had expressed their concerns about the view shed when driving by the development from route 113.

Tonight, Hall presented two solutions for the roadway access. One was with the retaining wall which has a guard rail, which be roughly 5'- 6" high. Bob Blanchett stated that the retaining wall would be a precast concrete product with a gravel footer in which the gravel will be 8" thick and will not go below the frost line. Cook stated his concern that the soil that is currently there will not hold the heavy blocks that is proposed for the retaining wall. The Conservation Commission feels that the retaining wall would have minimal impact on the wetland.

The other solution Hall proposed was a 3:1 side slope. Hall stated that he looked at a 2:1 slope and that a guard rail would be necessary. With the 3:1 side slope there will be about 10,525 ft wetland impact. The area is currently disturbed and is a meadow. The landscape treatment will be topsoil Hydroseed. Hall stated that with this solution he offered to do improvements to the wetlands such as having a true wetland rather than a wet meadow. Tracy Peter from the Conservation Commission stated that the hydrology would change with a 3:1 slope and therefore the wetland that is disturbed would need to be

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replicated. Peter stated that the DEP regulations require that no wetlands be disturbed if it can be avoided. She stated that wet meadows is a resource area that is vanishing quickly and they are habitats for specific birds. The general rule is that if the wetland is disturbed then it is supposed to be replaced, and that a lot of replication wetlands fail. Hall stated that if the 3:1 slope is agreed on, then they will go with a 1.5 replication. She feels that the wall is an easier perceived barrier, and with a side slope you could end up with intrusion.

Planning Board Members indicated that while they are in favor of preserving the wetlands they would prefer the 3:1 slope, and replicating the wetlands. Brad Buschur of 347 Main Street asked the Board to consider a “living wall” solution. Peters stated that they are happy to view any alternative that is proposed to them. Hall stated that he will show options to the Conservation Commission.

Brad Buschur, 347 Main St. discussed a project that he worked on which had geotextile reinforced steep slope soils. He suggested that access to the roadway could be done much better this way without a wall. He also stated his concern to protect the trees in the replication area. He is also concerned with ecological importance of the wet meadow.

Joan Flink – 368 Main St. handed a letter to the Board which discussed that while wetlands for the Daley’s was viewed, the Murphy property was never looked at for access. She stated that the Murphy property has 305 ft of road access from Meetinghouse Road, and she is requesting that either Board do an analysis on 34 Meetinghouse Hill Rd. for access. Sarkis advised her to address her concern with the Conservation Commission at a separate meeting as it is an alternative analysis concern.

Fay Gill, 360 Main St. expressed her concern about turkey and deer crossing

#### **8:15 – Joint Meeting with Selectmen to discuss proposed improvements benefitting the Carr Post property**

Previously the Selectmen had signed a contract that was submitted to the MASSDOT. The contract that was agreed to was for 12 parking spaces behind the Carr Post building. The Selectmen did send a request to put a hold on that contract after hearing about the Planning Board’s concerns. Several members of the Planning Board did not agree with the recommended 12 spaces, and requested a joint meeting for a compromise. Both Boards recently attended a site walk at the Carr Post.

Hall proposed two plans to assist with reaching a compromise with the Boards. Plan A is the plan documented for the site plan review, in which there would be 12 parking spaces behind the parking lot. Plan B proposed 12 parking spaces along the roadway of Drakes Landing. The Selectmen stated that the Police Chief and Fire Chief expressed traffic safety concern with Plan B. Hall also stated that with Plan B, people would be forced to drive around the cul de sac to exit the street. Melissa Robbins shared the traffic study from Jeff Dirk of VAI, the applicant’s engineer.

The Selectmen and the Planning Board had a lengthy discussion of each plan as well as various options for the parking at the Carr Post. It was discussed to have a hybrid plan, with parking on street as well as behind the building. Chip Hall stated that he will design a sketch plan that would include some parking on the street, and behind the Carr Post as well as an easement for future use. Hall stated that he would share his design with Gary Bill, and that if Gary Bill concurred he would share the design with the

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Boards. He further stated that if Gary Bill denied his plan, then he would go ahead and not build a parking lot.

Joan Flink, 368 Main St. stated her concern with traffic that will happen with the parking lot. Cook stated that with either plan it will be safer in the future because vehicles will be coming out of a better intersection with sidewalks.

Maura McCarthy, 357 Main St. stated her concern with a potential empty parking lot being built directly abutting her property, and feels that it will be a public safety issue. She also proposed to have the parking be at the Town Offices for the Carr Post building. Sarkis stated that if the building is usable in the future, more parking would be required on top of the 12 proposed.

Shay Callery, 357 Main St. is confused as to why the selectman are so adamant on the 12 parking spaces in the rear of the Carr Post.

Brad Buschur, 347 Main St. requested the Mass DOT requirements for curb cuts. Hall and Robbins explained the requirements and how they are met, and what will happen if an issue arises. Buschur stated believes that if the parking is in the rear of the parking lot then the entrance of the building will ultimately become the front of the building.

Karen Scotti, 353 Main St. questioned the Selectmen, as to why they oppose Plan B. Selectmen Glenn Kemper re-stated their position as it poses a safety concern with people backing in and out of the street.

Cook made a motion to extend the meeting to September 19, 2017. Seconded by Sarkis, and it carried passed 5-0-0.

#### **General Business -**

*289 Main St. (former Brunault Property) – Updates.* –  
Zambernardi stated that there were no updates

*720 Main St. – Updates -*

Chris Ryan from Meridian provided an update on the work that has be done to the property. He stated that since the last inspection, the top pavement was been laid down, and that it looks good, and that it was excavated further with an 18” base. He stated that he proposed to the developer to slightly make one corner lower than the other so that the water will flow into the gutter line at the bottom of the common driveway and to maintain the existing drainage pattern.

*Vouchers –*

Zambernardi had vouchers for the Board signature and a form for the Tripartite extension agreement.

*Correspondence –* No correspondence was provided.

*Other –*

The Board agreed to have a public hearing to amend the Planning Board rules and regulations reflecting Planning Board establishment and reference to the town planner for the October 3, 2017 meeting.

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The meeting was adjourned at 10:35pm.

Submitted by,

Lori Dawidowicz  
Recording Secretary