

WEST NEWBURY PLANNING BOARD
MINUTES OF MEETING
September 4, 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 September 4, 2018 at 7:00pm in the 2nd floor Planning Board Room at the West Newbury Town Offices, 381 Main Street. Board Members Ann Bardeen, Rick Bridges, Raymond Cook, Brian Murphey, and John Sarkis were in attendance. Town Planner Leah Zambbernardi and Associate Member Kim Monahan were also in attendance.

1. Subdivision Approval Not Required Plans (SANR's)

- a. Rear Hilltop Circle (Map 2, Lot 112) – Dehullu Homes – New Parcel “Not to Be Constructed as a Building Lot”

Steven and Deena Dehullu approached the Board. Deena Dehullu presented the ANR plan. She stated that the intent is to separate a 1.93 acre parcel, which is entirely in West Newbury, from the remaining parcel, which is comprised of 10.94 acres entirely in Groveland. The Groveland parcel is being conveyed to the Town of Groveland. Dehullu Homes would retain ownership of the 1.93 acre parcel. Members of the Board asked questions and made comments, including: 1. that the parcels shown as “Parcel 1120” and “Parcel 2D-3” both have notations that each is not to be construed as a separate building lot; 2. that the Town of West Newbury through its Conservation Commission owns land abutting the 1.93 acre parcel in West Newbury and the possibility of donating the land to the Town; and 3. concern over the legal implications of land locking parcels that previously had frontage on Wood Street in Groveland.

After due deliberation, Bardeen made a motion to endorse the plan as one not requiring approval under the Subdivision Control Law. Bridges seconded the motion and it carried 5-0.

Documents Reviewed: ANR Plan

- b. 87 Main Street – Concord River Properties (Michael Longo) – 3 Lots

Steve Sawyer from Christiansen and Sergi and Lisa Mead from Mead, Talerman & Costa approached the Board with an ANR to divide property at 87 Main Street into 3 building lots. Sawyer described the technical details of the plan, including how frontage is measured. He noted that he shifted the west lot line of Lot 3 further to the west so as to provide increased upland area along the frontage and to increase the distance between the guardrail and the west lot line.

The Board then discussed the wetlands traversing Lot 3 and whether Lot 3 has practical access for frontage purposes. Bardeen brought a recent court judgement to the attention of the Board and stated that the Land Court annulled the ANR for Archelaus Hill Road/Middle Street by John Gorman. She noted that the court’s ruling might have implications as to how the Board evaluates practical access for frontage moving forward. Zambbernardi noted the case had been sent to her just hours ago, that the Applicant had not yet seen it, and that she had only done a cursory review. She stated that the judge ruled that practical access to the lots fronting Middle Street did not exist at the time of application for ANR endorsement due to the existence of wetlands along the entire length of

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frontage. After briefly reviewing the case, Attorney Mead referred to relevant court cases cited in the court judgement including Poulos v. Braintree, Hobbs v. Lincoln, and Corcoran v. Sudbury. The Members ensued in a lengthy discussion with the Applicants on the plan at hand and the application of the tenets within the Land Court ruling, the court cases and the definitions of “frontage” found in Sections 2. and 6.A.9. of the Zoning Bylaw and G.L. Ch 41, S. 81L. The Board then found that frontage did exist for Lot 3. Board Members identified that the west corner of the lot is upland and suitable for vehicular access to the lot.

During the course of discussion, Peter Haack of 102 Main Street addressed the Board several times and discussed the points he made in a letter dated September 4, 2018 to the Planning Board.

John Terry of 117 Main Street asked for a recap of the discussion about drainage, wetlands and the presence of the guardrail Lot 3.

After due discussion, Bardeen made a motion to endorse the plan as one not requiring approval under the Subdivision Control Law. Murphey seconded the motion and it carried 5-0.

Board Members requested that Town Counsel Michael McCarron attend the next meeting of the Board to discuss the implications of the Land Court Ruling.

Documents Reviewed: ANR Plan, Poulos v. Braintree, Hobbs v. Lincoln, Corcoran v. Sudbury, 9/4/18 letter from Peter Haack to Planning Board, Baker v. West Newbury & Gorman Homes, Zoning Bylaw, G.L. Ch. 41.

2. Pre-Application Conference and Request to Set Public Hearing Date – 87 Main Street – Concord River Properties (Michael Longo) – Special Permit for a Common Driveway to Serve 3 Lots
Common driveway and frontage

Bardeen stated that the purpose of the pre-application review is for the Applicant to present their plans and get informal feedback from the Board.

Steve Sawyer of Christiansen & Sergi addressed the Board and presented the plan for a common driveway at 87 Main Street, which would provide access to 3 lots. He stated that the driveway complies with the minor road standards with the exception that there is a 60-foot level landing area. The Common Driveway would serve 3 lots. Each lot would contain a duplex.

Board Members made the following observations and comments:

- Section 7.D.3. indicates it is at the Board’s discretion on how many lots, other than single family lots, can be served by a common driveway. Some Members thought 6 total units being served by the Common Driveway is excessive.
- Section 7.D.3. also indicates that the Board arrives on a suitable number of lots based “upon a determination that safety will be adequately protected and that commonly employed engineering and planning standards have been met in full.” Board Members requested trip generation data and analysis as well as a sight line analysis, verified by an engineer.
- Duplexes are allowed on the lots regardless of whether a Common Driveway is approved. Some Members felt that a Common Driveway is safer than individual driveways on to Main Street.

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- Members opined that the Applicant must prove that that safety will be adequately protected through engineering and design.
- Section 7.D.4. states that “All the proposed building lots sharing a common driveway must have frontage on an acceptable way as defined in MGL C.40§81-L, and each frontage must also provide the possibility of reasonable practical access from the proposed structure of use to the way without using a common driveway. Members of the Board referred to the frontage definitions in the Zoning Bylaw and MGL C.40§81-L and found that the 42.18’ wide strip of land that is part of Lot 3 can be counted toward the required frontage and that this criterion would likely be satisfied due to this.

During the course of discussion, Peter Haack of 102 Main Street addressed the Board several times and discussed the points he made in a letter dated September 4, 2018 to the Planning Board.

At the conclusion of the discussion, the public hearing date for the special permit for the Common Driveway was set for October 16, 2018 at 7:15 p.m. The Board also scheduled a site visit for October 4, 2018 at 9:00 a.m. After some discussion, it was determined that the public may attend at their own risk.

Documents Reviewed: Special Permit Plan for the Common Driveway, Relevant Rules and Regulations, Peter Haack’s 9-4-18 letter to the Planning Board.

3. Pre-Application Conference – Development of Brown Spring Farm – 866 Main Street

Bardeen stated that the purpose of the pre-application review is for the Applicant to present their plans and get informal feedback from the Board.

Andrew Street of Civil Design Consultants and Chuck Goodjohn of Sandstone Development presented a revised plan showing 2 Common Driveways that are connected toward the back of the property, which would serve 4 lots with each lot having a 4-unit building. Special Permits would be required for 2 reduced frontage lots, 2 common driveways and to allow 4-unit buildings on each lot. Street indicated that he met with Health Agent Paul Sevigny and that the land appears to be suitable for the number of units. He stated there would be a system for each lot. Board Members provided the following observations and comments:

- A common driveway can serve up to 3 single family house lots, and house lots other than single family are at the Board’s discretion. The common driveways each have access to more than 3 lots and is therefore not acceptable.
- The proposal is out of character with the Town and neighborhood.
- The designers should follow a design process similar to the one in the OSPD Bylaw and the project would benefit if a site planner/landscape architect were added to the team.
- The Board Members would not be inclined to approve the special permit requests based on the layout provided.
- More thought should go in to creating a development with more of a neighborhood feel with architectural interest and buildings situated appropriately on the land to preserve the farmhouse character as much as possible.

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- Retain the farm stand as part of the project as a community benefit.

Documents Reviewed: Concept Plan

4. Set Public Hearing Date: Proposed Zoning Bylaw Amendments - Large Scale Ground Mounted Photovoltaic Solar Installations (LGSPi) & Open Space Preservation Development (OSPD)

The public hearings were set for October 2, 2018 at 7:15 p.m. for the LGSPi and at 7:45 p.m. for the OSPD.

5. General Business

Updates

- Sullivans Court Extension: Zambarnardi stated that she conducted a site visit in the area of Lot 2 as requested by the Board at the last meeting. Zambarnardi, David Kelley of Meridian Engineering, Tom Neve, Mr. & Mrs. Horgan and Dr. Hill attended. Temporary stabilization measures to better control stormwater runoff on to the abutters' properties was agreed to. This work is anticipated to be complete in time for the September 18th meeting. David Kelley will be present at the next meeting.
- Town Meeting Articles: Zambarnardi stated that she submitted the LGSPi and OSPD Articles for Fall Town meeting.
- MS4 Permit Compliance - Zambarnardi stated that the Notice of Intent is due on October 1, 2018 and that MVPC is working with the Town to complete it. She stated that she met with Town Manager Angus Jennings and Bardeen to share her concerns over the extent of planning related tasks required during the first year of the permit. Zambarnardi and Bardeen reported that Jennings was very receptive to the issues and that he would discuss funding assistance with the Selectmen (via MVPC or consultants).
- Public Meeting on Town Center Infrastructure Study, 9/26/18 – Zambarnardi stated that this will be a stand-alone meeting where the Working Group, Selectmen, Planning Board, and other Town entities, as well as residents, businesses and property owners in the Business District and the general public will be invited to hear a presentation on the final draft report and to provide comments that will inform the final report.
- Minutes – Members of the Board reviewed and made amendments to the minutes of the July 17, 2018, August 7, 2018 and August 21, 2018 minutes. Upon the conclusion of review for each set of minutes, the following votes were taken:
 - Bardeen made a motion to approve the July 17, 2018 minutes with edits. Cook seconded the motion and it carried 4-0-1 (Sarkis in abstention).
 - Bardeen made a motion to approve the August 7, 2018 minutes with edits. Murphey seconded the motion and it carried 5-0.
 - Bardeen made a motion to approve the August 21, 2018 minutes with edits. Bridges seconded the motion and it carried 5-0.

Vouchers – The Board signed vouchers for expenses related to posting the Recording Secretary position.

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Correspondence – No correspondence was discussed.

Administrative Details – Recording Secretary – Zambarnardi stated that she received 4 applications and 1 inquiry. The deadline for applying is September 12th.

Adjournment -

The meeting was adjourned at 10:00 PM

Submitted by,

Leah Zambarnardi
Town Planner