

WEST NEWBURY PLANNING BOARD
MINUTES OF MEETING
August 23, 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 August 23, 2016 in the Planning Board Office at the West Newbury Town Offices, 381 Main Street. Board Members Ann Bardeen, Richard Bridges, Raymond Cook, Brian Murphey and John Todd Sarkis were present. Planning Administrator Leah Zambarnardi was also in attendance. Associate Member Dennis Lucey was not present.

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

Subdivision Approval Not Required Plans (SANR's)

Zambarnardi stated that no SANR's had been submitted.

Request for Minor Modification to Special Permit and Site Plan – Haverhill Bank, Robert Masys – 279 Main Street – Drainage System

Bridges reminded the Board that at the last meeting the Board approved the freestanding sign location. He stated that Meridian had not yet had a chance to review the modified plan that was submitted by Bob Masys on 8/2/16. The Board also had a question about the drain manhole cover and whether it was necessary in the ADA ramp area. Meridian reviewed the modified plan and found it satisfied their 7/29/16 comments. Masys addressed the Board and further described the proposal. He stated that to address the questions about the drain manhole cover, Meridian suggested that Mr. Masys provide a dimensioned detail of the sidewalk, ramp and drainage structures to clarify the relationship of the features. Masys stated that he provided a plan showing this detail, which Meridian approved of. Murphey asked about the date of completion. Masys stated they intend to complete the project in late September. Murphey also asked about the turn in the driveway from the front of the bank going in to the drive through. He thought it would be tight. Masys stated that the curvatures are sufficient and noted that slow speed of cars would help.

Sarkis made a motion to find that the request constitutes a minor modification, finding that said modification does not alter the intent or the conditions of the approval. Cook seconded the motion and it carried 5-0.

Bridges then made a motion to approve the proposed modifications as shown on the plan entitled "Site and Utilities Plan of Land at 279 Main Street, West Newbury, MA", Sheet 3 of 8, revised through August 1, 2016 and "Site and Utilities Plan of Land at 279 Main Street West Newbury, Massachusetts", Sheet 9 Detail Sheet Added Drain Manhole, drawn by R.A.M. Engineering, Haverhill, MA, in substance. Bardeen seconded the motion and it carried 5-0.

Follinsbee Lane, Cottages at River Hill, OSPD and Site Plan Review – Cottage Advisors LLC

- Modification to Trail Network and Request for Release of Last 4 Units from Covenant Not to Convey

Howard "Chip" Hall of Cottages Advisors addressed the Board. He stated that the last West Newbury Planning Board, Minutes, August 23, 2016.

remaining obligation prior to the final unit release is to construct the trail network to the satisfaction of the Conservation Commission. He stated that the Conservation Commission approved a modification to the trail layout on Monday. Zambarnardi confirmed this. He submitted a plan and described the modifications to the Board and the reasoning behind the modifications and stated that the trail construction was well underway. Cook expressed his concern that the trail is being constructed as modified without having first gotten approval from the Planning Board. Zambarnardi stated that she told all involved, including the Conservation Agent, Steve Greason from the Open Space Committee and Hall that the Planning Board also has jurisdiction over the trail layout. Hall stated he was not aware of the requirement. Zambarnardi stated that in any event, Cottages proceeded with construction of the trail at their own risk.

Bardeen noted that Town Counsel, Michael McCarron questioned whether the release of the final lots might enable Cottages to close out their mortgage on the property. This might be of concern as the Tri-Partite Agreements are a debt on the mortgage. Zambarnardi stated that she spoke to Mr. McCarron further on this and it is his opinion that the developer still has an obligation to the terms of the agreement even if the mortgage is paid off.

Bridges made a motion to find that the request constitutes a minor modification, finding that said modification does not alter the intent or the conditions of the approval. Cook seconded the motion and it carried unanimously 5-0.

Bridges then made a motion to approve the proposed modifications as shown on the plan submitted that evening. Cook seconded the motion. Discussion on the motion: Members instructed Hall to submit a plan with modified sheet numbers and dates to incorporate into the final plan set. Hall agreed. The motion then carried unanimously 5-0.

Members then discussed the request to release the last units in the development. Members preferred that the trails be completed and that the Conservation Commission Agent confirm the trails comply with the approved plan before the final units are released. They agree to release 1 unit at this time.

Bridges made a motion to release Unit 32 from the Covenant Not To Convey. Sarkis seconded the motion and it carried 5-0.

Discussion of Zoning Bylaw Amendments

- Signs: Members spent approximately 2 hours of the meeting reviewing the draft Sign Bylaw. Specifically, they discussed A Frame signs, freestanding commercial signs, temporary signs, window signs, "open" signs and flags, projecting signs and temporary non-commercial signs and they made edits to the draft accordingly. They did not resolve how to treat freestanding signs and Cook asked the Members to mull over the issue in time for the next meeting. Zambarnardi agreed to incorporate the edits made tonight into the draft.

Members instruct Zambarnardi to draft a letter to the Board of Selectmen to request a placeholder for the sign bylaw and potential amendments to the Zoning Bylaw related to 2-family structures and bed and breakfasts/short-term rentals. Bridges stated that the Board can always "pull" the placeholder if the Board is not ready with the proposals.

General Business

Sullivans Court Extension – Zambernardi stated the Bridges asked her to follow up on several items pertaining to this project involving the following:

- A complaint was received that trucks were delivering fill outside of allowed work hours (6:45 a.m.) on Friday morning. Glenn Clohecy and Selectmen Joe Anderson were also contacted. Neve was asked to remind his contractors about the limits on work hours.
- A resident asked about how much fill was being brought on to the site. Neve is using the fill to bring 5 of the lots to subgrade.
- Cindy Sherburne reached out to Gary Bill and Zambernardi about the part of her lawn that was previously dug up for the road and the new culvert. She said the lawn has not come back. She said sand was put down and only weeds have grown. She asked Gary for some advice on how she could get help re-establishing the grass. Board Members instructed Zambernardi to get Meridian's take on this.

Minutes - Members reviewed the minutes of the June 21, 2016 meeting. Some amendments were made. Bridges made a motion to approve the June 21, 2016 minutes with corrections. Bardeen seconded the motion and it carried 4-1-0 with Murphey abstaining.

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

Submitted by,

Leah J. Zambernardi, AICP
Planning Administrator