

**WEST NEWBURY PLANNING BOARD
MINUTES OF MEETING**

October 16, 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 October 16, 2018 at 7:00pm in the 2nd Floor Hearing Room at the West Newbury Town Offices, 381 Main Street. Board Members Ann Bardeen, Brian Murphey and Raymond Cook were present. Board Members Richard Bridges and John Sarkis and Associate Member Kim Monahan were not in attendance. Town Planner Leah Zambarnardi was also in attendance.

General Business

Updates

- Sullivan's Court Extension, Walker Development: Zambarnardi updated the Board regarding Meridian's most recent site inspections and mitigation on Lot 2.

- 9/26/18 Meeting on Town Center Infrastructure Study: Zambarnardi stated that the meeting was well attended. Murphey stated that there did not seem to be much support for moving this forward. Zambarnardi stated that the final report and PowerPoint presentation are on the Planning Board's website.

Minutes – September 18, 2018. Board Members reviewed the draft minutes and made minor corrections. Bardeen made a motion to approve the minutes with corrections. Murphey seconded the motion and it carried 3-0.

Administrative Details - Zambarnardi stated that Planning Board Member John Sarkis informed her of his intention to resign.

Bardeen recessed the regular meeting of the Board to conduct scheduled public hearings.

Public Hearing – 87 Main Street – Concord River Properties (Michael Longo) – Special Permit for a Common Driveway to Serve 3 Lots

Cook read the legal notice for the record.

Bardeen informed the Applicant that this Special Permit application requires a super majority vote of 4 members where only 3 members are present this evening. The Applicant opts to proceed with the hearing and have the 2 absent members review the recording pursuant to the Mullen Rule.

Attorney Lisa Mead provided an overview of the proposal to the Board. She reminded the Board that it endorsed an ANR Plan for the 3 lots at a previous meeting finding that each of the 3 lots have sufficient frontage on Main Street pursuant to the Subdivision Control Law.

Engineer Steve Sawyer presented the plans and noted some changes that he made to it in response to comments made during the pre-application meeting and by the Water Department. He stated that Meridian Engineering reviewed the proposal and provided its comments in a letter just today. He briefly summarized some of Meridian's comments and stated he would like some time to respond to them. He stated that he provided a traffic study for the Board's review and he summarized the site distances and

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trip generation numbers, which comply with the ITTE standards. He noted that some of the Board members attended a site visit earlier in the month to see the site conditions.

Mead stated that a common driveway maintenance covenant and easement language is a requirement of the special permit and that she would submit a draft to the Board in advance of the next meeting.

Bardeen asked if any comments had been submitted from Town Department Heads. Zambarnardi stated that the Conservation Commission submitted a letter stating its preference for the common driveway over 3 separate driveways. She stated that the Water Department submitted a letter requesting changes to the water lines.

Board Members then asked questions and comments.

Bardeen recessed the public hearing briefly to call the 7:45 pm public hearing on the Large Scale Ground Mounted Solar Photovoltaic Overlay District Bylaw.

Public Hearing & Planning Board Recommendation to Town Meeting – Zoning Bylaw Amendment – Large Scale Ground Mounted Solar Voltaic Installations – Planning Board

Bardeen called the public hearing to order. Cook read the legal public notice for the record. Bardeen recessed the public hearing until 7:55 p.m.

Public Hearing – 87 Main Street – Concord River Properties (Michael Longo) – Special Permit for a Common Driveway to Serve 3 Lots

Bardeen called the public hearing back to order and asked if Members of the public had any questions or comments.

Peter Haack, Main Street referred to a recent court ruling on an ANR for Archelaus Hill Road. He stated this project is just like that and he stated that the Board had not asked for or received information that an Order of Conditions has been issued by the Conservation Commission for wetlands crossings. He asked that the Board delay the meeting until the Board obtains this information. Bardeen stated that Mead updated the Board on the process with the Conservation Commission and informed them that Orders of Conditions had been obtained. Zambarnardi stated she requested and received copies of Orders of Conditions for driveways for each of the 3 lots. Haack reiterated his concerns and opposition to the project, which were detailed in letters he submitted to the Board in July and September.

Chris Yob of 83 Main Street talked about Lot 3 in relation to his property. He asked how stormwater runoff would be directed. He stated that icing at the bottom of his driveway, which is steep, is a concern. Sawyer responded that they need to follow guidelines put out by the state for stormwater management.

Don Bourguard, Crane Neck Street and also of the Open Space Committee. He stated that the Open Space Committee intends to seek an easement to connect Main Street with the Craven property. Bardeen stated that this is not something the Board would take up as part of a request for a common driveway.

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Peter Haack asked a question about a turnaround for fire protection and if the fire department had looked at this. Zambarnardi stated the fire department received the application and was asked to comment, but they had not submitted comments to date.

John Terry, 117 Main Street expressed concerns about septic systems in relationship to the wetlands. Sawyer explained the locations of the septic systems and stated they need permission from the Board of Health.

Mead asked for the Board's thoughts on the common driveway opposed to 3 separate driveways. There was general concurrence that the common driveway was preferable to 3 separate driveways, but that some details still need to be hashed out pursuant to the peer review and the water department comments.

Bardeen made a motion to continue the public hearing to November 6, 2018 at 7:15 p.m. (note: the meeting was later rescheduled to November 20, 2018 at 7:15 p.m. due to November 6th being an election night). Cook seconded the motion and it carried 3-0.

Mead agreed to a waiver of the time restrictions on conducting the public hearing and provided documentation of this for the record.

Materials reviewed: Special Permit Application and Revised Plans; Orders of Conditions from the Conservation Commission for Lots 1, 2, & 3; Meridian Engineering Peer Review Letter; Water Department Comments; Letter from the Conservation Commission, Peter Haack's July and September 2018 letters; Traffic Study by Christiansen and Sergi.

Public Hearing & Planning Board Recommendation to Town Meeting – Zoning Bylaw Amendment – Large Scale Ground Mounted Solar Voltaic Installations – Planning Board

Bardeen discussed the tenets of the Bylaw. Bardeen stated that she, Murphy and Zambarnardi attended a Board of Selectmen meeting at the beginning of October to hear concerns and answer questions about the proposal. She stated that a number of concerns were raised including timing of the public hearing in relation to the Town Meeting date, impact on Green Communities Status, and the proposal being too restrictive. Board Members discussed how to proceed given the stated concerns.

After due discussion, Bardeen made a motion to recommend to Town Meeting that it take No Action on the Article. Murphey seconded the motion and it carried 3-0.

Materials Reviewed: Article; Letter from Michael McCarron; Letter from Neal Duffy of Green Communities.

Public Hearing & Planning Board Recommendation to Town Meeting – Zoning Bylaw Amendment – Open Space Preservation Development – Planning Board

Bardeen discussed the tenets of the Bylaw and reasons for bringing the Article to Town Meeting at this time.

Bardeen asked for comments or questions from members of the public.

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John McGrath, Main Street offered comments with assistance from Zambarnardi. Members make some tweaks to the language in response to McGrath's comments.

Zambarnardi stated she received an email from Wendy Reed who serves on both the Conservation Commission and the Open Space Committee who had comments regarding buffers as they relate to jurisdictional wetlands. Members tweak the proposal a bit more in response to Reed's comments.

After due discussion, Bardeen made a motion to recommend to the Town Meeting that it approve the Article with the following additional corrections: Further amend Section 6.B.11.b.iii.a. "Buffer Areas" by always requiring a minimum buffer at the perimeter of the property, regardless of the abutting zone or occupancy. Further amend Section 6.B.11.b.iii.b. "Buffer Areas" by changing the minimum buffer area requirement for certain resource areas from twenty (20) feet to twenty-five (25) feet. Cook seconded the motion and it carried 3-0.

Materials reviewed: Article; Communications from John McGrath and Wendy Reed.

Adjournment:

The meeting was adjourned at 9:30 PM

Submitted by,

Leah Zambarnardi
Town Planner