

WEST NEWBURY PLANNING BOARD  
MINUTES OF MEETING  
NOVEMBER 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 November 6<sup>th</sup> at 7pm in the Planning Board office at the West Newbury Town Offices, 381 Main Street. Board Members in attendance were Ann Bardeen, Rick Bridges, Raymond Cook and Brian Murphey. Leah Zambernardi (Town Planner) and Kim Monahan (Associate Member) were also in attendance.

Bardeen called the meeting to Order at 7:05 p.m.

1. Discussion with Town Manager Re: MS4 Stormwater Management Permit and Work Prioritization.

Town Manager Angus Jennings stated that he put together a Stormwater Working Group that is comprised of the DPW Director, Town Planner, Conservation Agent, Health Agent and himself. The Town Manager recently hired a new DPW director Wayne Amaral. Once the new DPW director officially begins he will assess who is responsible for the different roles. Jennings stated that he asked the Merrimack Valley Planning Commission to assist and to develop a scope of work. He stated that most if not all of the Town's Local Technical Assistance hours for this year will be dedicated for this purpose. He stated that the former DPW Director, Gary Bill felt that there's enough room in the DPW budget if additional funds are needed for consultants, for MVPC or otherwise. Jennings stated he looked at which, if any, requirements would need Town Meeting approval. Jennings stated that there would need to be an amendment to the site plan review bylaw and a new Erosion and Sediment Control Bylaw. Jennings stated the new DPW Director will be looking at what items are due by the end of the calendar year, prioritizing those work items and determining the responsible parties. Jennings stated he is attending the meeting to give the Planning Board an idea of the work items and time commitments that will be needed in the crafting of any new policies or procedures.

Murphey asked if the new requirements could be put into the rules and regulation as opposed to being written into the zoning bylaw. Jennings stated he would like to put a reference in the Bylaws to the site plan and subdivision regulations and to cross reference it in the Bylaw. He stated that the construction management and post construction management anticipated could be done through rules and regulations.

Cook was concerned the Planning Board would be responsible for enforcement. Jennings replied it would only be in terms of third-party engineering. He stated there is a long-term responsibility that the Town has under the post construction requirements

Cook asked if there were responsibilities that they are supposed to check up on. Jennings replied that the EPA is looking to the Town as the permit holder and expects that that it meet certain expectations and responsibilities.

*Documentation: Stormwater Management MS4 Notice of Intent filed with EPA; Memo to Board of Selectmen from Jennings dated 9/27/18 re: Status update, 90-days in office.*

Bardeen recessed the regular meeting and called the scheduled public hearing to order.

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

Bardeen stated that a public hearing cannot be held on an election day therefore the hearing will have to be continued without discussion. Bardeen made a motion to continue to the hearing to November 20, 2018 at 7:15 pm in the Planning Office.

Request for Minor Modification – Drakes Landing Open Space Preservation Development, 365 Main Street (Approved January 2018) -Cottage Advisors- Request to allow for the conversion from Natural Gas to Propane

Attorney Melissa Robbins with Deschene and Ferrell proposed the alternative use of propane for heating instead of natural gas because of the unavailability to access natural gas at this time. Chip Hall of Cottage Advisors stated that the gas company informed them they would only be able to schedule appointments in 2019. Robbins presented a plan showing the location for the proposed propane tanks.

Hall stated that the plans show the tanks would be close to the structures, hold about 1000 gallons and would be in conformance with state building code. The builder would go through the building inspector and fire chief for installation, who have the final say as to the location of the tanks. If there was a possibility of getting natural gas to the site before the actual close date they would move forward with the original plan.

Cook asked if the tanks would be below ground. Robbins replied yes, pending approval by the building and fire departments. Hall stated that he has specifications from the fire chief and a deal with Thompson propane who came up with the locations for the tanks. Cook stated that the proposal made sense and appears to be a minor modification.

Bridges asked Hall what kind of reserve propane he would have to keep the septic system running. Hall stated he must wait for power but that everything else related to the septic has been complete. Hall stated that the first closing date was scheduled for December 20<sup>th</sup> but has been delayed to January 20<sup>th</sup> due to the heat issue. He was expecting to pave during week of November 13<sup>th</sup>. He stated the next phase would be electrical conduit, followed by sidewalks and curbing.

Murphey asked if they would lay the pipes for gas if the gas company settles dispute with the union soon. Hall stated they can't lay pipe for gas because the gas company isn't able to supply the gas to the area. Murphey stated this would allow for future connection to natural gas, which is available in Main Street. Murphey stated that he didn't think this was a minor change to the plan because it is an entirely new way to heat the homes which the public has never seen.

Bridges concurred that this is not a minor change. He stated the Board worked hard to be cognizant of costs and to bring in lower cost heating. Hall stated that his agreement with Thompson .30 cents over wholesale, which brought the price to \$1.97 per gallon and makes the heating service more cost efficient.

Cook asked the Applicant to make an argument that this was a better heating system option. Robbins stated that it just a change to the heating source. Hall added that they would not put any of the infrastructure in the designated open space area, just in the private use areas.

Zambernardi referred to criteria in the Bylaw and asked the Board if they feel this change alters the intent or the conditions of the approval.

Bardeen suspected the Board would have approved this heating option initially because it is not visible.

Bridges asked if the condominium association could maintain the deal that Hall secured after the initial time allotment was over. Hall stated he was uncertain if the deal would still be maintained after the five-year period, however he has and will inform all purchasers that the heating source would be changed to propane and of the 5 year price plan. He stated that Thompson would retain ownership of the tanks and would be responsible for maintenance.

Zambernardi stated she spoke with DPW Director Gary Bill about the possibly of laying gas pipes for a future connection to natural gas. She stated that this is not possible because the gas company decides the final layout of the pipes.

Cook made a motion to deem the request a minor modification to the approved plan. Bardeen seconded the motion and it did not carry (2-2).

Robbins asked the Board to schedule a public hearing for the major modification. Bardeen made a motion to schedule the public hearing for 7:15 p.m. on December 4, 2018.

*Documentation: Emails requesting a minor modification from Melissa Robins and plan showing the locations of the propane tanks*

Pre-Application Conference & Request to Set Public Hearing Date for Special Permit –Dole Place (Assessors Map R-1, Lot 58) – Holly N. Privatera & Andrew G. Nichols (Owner) & C.W. Collins Corp. (Applicant)

Tim Collins of CW Collins Corp addressed the board regarding a plan to divide the parcel into 3 Lots, 2 of which would be reduced frontage lots. He described the proposal to the Board in more detail and asked for informal feedback. Collins stated that the Board approved a cluster development with 8 or 9 homes on the parcel, but the permits expired around 2014, and the owners are preferring to sell sooner rather than later.

The Board reviewed the criteria for evaluating proposals for reduced frontage lots in the Zoning Bylaw. Murphey asked why he didn't come to the Board with a smaller proposed subdivision. Collins replied the cost of road building and permitting did not make sense cost wise. He is a builder and has to speculate about the future. He is trying to design a process that can be done in a month rather than a year. He believes the three parcels would offer estate type settings. Murphey stated that he has an issue with the pork chop lot where there is a residence behind another residence. He stated the Town doesn't have a history of approving such configurations in the past. Cook commented that the spirit of the Bylaw is that everyone has their own frontage and that homes are visible from the street. He stated that some lots vary from this and they seem awkward. The Board discussed alternatives for layout of the lot lines.

Collins commented that they could adjust the location of the houses on the lots.

West Newbury Planning Board Meeting Minutes November 6, 2018. Approved December 18, 2018.

The Board deliberated for some time about how to possibly rearrange the homes on the lots but couldn't come to an agreement on how to subdivide the lots.

Bridges concurred with Murphey and stated that the current plan would have an awkward set up.

Zambernardi asked Collins how he wanted to proceed because the application for a special permit had been formally filed with the Town Clerk and the clock is ticking.

Collins stated he would proceed and that he would look at alternative lot configurations. Zambernardi stated she would work with him on making sure the filing is complete.

Bardeen made a motion to schedule the public hearing for December 4, 2018 at 7:45 p.m.

#### *Documentation: Special Permit Application and Conceptual Plan*

#### Informal Discussion – Tom Frangos housing production plan goals and strategies and potential redevelopment of 400 Main Street.

Tom Frangos stated he was looking at 400 Main Street but that he would not come to terms on a price with the seller. He would like to discuss the potential redevelopment of 866 Main Street (Brown Spring Farm). He described his construction business and an age restricted, moderately affordable project he is working on in Boxford with their housing group.

Frangos stated he is looking at something similar in concept for the Brown Spring Farm property. He stated this would be in line with would the Town's new Housing Production Plan. He would like to keep the farmhouse, completely renovate it and build a village concept development around it where the house would dictate the architecture. Cook suggested asking Frangos if he could preserve the architectural style and possibly add a barn type looking out building to possibly get multiple units in there. Members of the Board discussed various configurations and sections of the bylaw such as 4-plexes and an OSPD Development and suitability of the land for septic systems. He was looking at 17 or so units.

Cook stated his concern with safety issues with the ability to get fire and police vehicles to access the area. He recommended using the existing access point and creating the village around that.

The Board generally concurred that 16 units is too many and 12 units might be a better fit for that parcel of land. The builder felt it was unlikely he could make his plans financially feasible with just the 12 units.

Frangos asked to the board if he could put something on paper and present it to the board a plan without lot lines for discussion. Cook replied that could be useful but that he still must abide the Bylaw. The Board generally agreed with the ideas but had several concerns on how to make the conceptualization work with the current zoning.

#### General Business

Zambernardi stated that Sarkis submitted his resignation to the Board and the Town Clerk. She goes over next steps for finding a replacement to fulfill his term.

Cook and the rest of the Board recognized Sarkis' talents and contributions to the Board and that he will be missed.

Adjournment

The meeting adjourned at 10:00 p.m.

Submitted by

Kat Hines, Recording Secretary and Leah Zambenardi, Town Planner