

WEST NEWBURY PLANNING BOARD
MINUTES OF MEETING
November 20, 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 20, 2018 at 7:00pm in the Planning Office at the West Newbury Town Offices, 381 Main Street. Board Members Ann Bardeen, Richard Bridges, Raymond Cook and Brian Murphey were present. Associate Member Kim Monahan and Town Planner Leah Zambenardi were also in attendance.

General Business

Updates

- Sullivans Court Extension, Walker Development: Zambenardi updated the Board regarding Meridian's most recent site inspections, unsatisfactory mitigation on Lot 2, Tom Neve's recent email stating he is not able to do any work or attend meetings at this time, his request for Release of Lot 2 and the value of the remaining lots as surety for completion of the project. Board Members concur that Lot 2 should not be released until the mitigation is addressed and a proper bond is posted by Neve.
- Drakes Landing: Zambenardi stated that Chip Hall of Cottage Advisors contacted her today to see if it was ok for a roof to be placed over a rear deck for one of the units at the request of a purchaser. Members briefly discuss this and express concern. They ask that Hall discuss this with them at the December 4th meeting.

Administrative Details - Zambenardi stated that Planning Board Member John Sarkis served as the Board's Clerk and she suggested that the Board appoint a Clerk for the remainder of the year due to Sarkis' resignation. Cook made a motion to appoint Bridges as the Board's Clerk for the remainder of the year. Zambenardi stated that the Board of Selectmen has scheduled time on its November 26, 2018 meeting to discuss appointment of a person to fill the remainder of the term of the vacancy with the Board. Members indicated they would attend and that this should be posted as a meeting of the Planning Board.

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

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

Bridges and Monahan submitted signed certifications pursuant to the Mullen Rule that they reviewed the recording of the October 16th portion of the public hearing, which they both had missed.

Attorney Lisa Mead updated the Board and stated she submitted a draft Homeowners Association Document which addressed maintenance of the Common Driveway and any easements required because of the Common Driveway. She stated that both Zambenardi and Town Counsel Michael McCarron were asked to review the document. She stated she incorporated Zambenardi's comments which included several standard conditions that the Board imposes upon most Common Driveway Special Permits. She stated she is waiting for McCarron's review.

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Engineer Steve Sawyer stated that on November 14th he provided a letter and a revised plan in response to Meridian's first peer review. He went over the comments and the changes he made to the plan in response to Meridian's first peer review. He stated that Meridian Engineering reviewed the November 14th response and they provided a second peer review letter today. Sawyer stated that he was able to respond to Meridian's comments and revise the plan accordingly today. He described each comment of Meridian's November 20th letter and his response to each comment. Sawyer provided these responses in a letter and a revised plan dated November 20th.

Sawyer stated he amended the plan in response to the Water Department's comments as well.

Board Members asked questions and made comments during this discussion.

Bardeen asked that the Board review the required waivers, which are pointed out in Meridian's first peer review. Sawyer reviews the waivers point by point and discusses them with the Board Members. Cook observed that that Meridian does not take issue with the required waivers from an Engineering perspective. Board Members concur that they do not take issue with the waivers. Bardeen asked that the Applicant provide a written formal request for the waivers to the Board in time for the next meeting.

Zambenardi stated that Meridian's second peer review recommends that certain stipulations be included in the Homeowner's Association Document. Mead stated she would revise the document accordingly.

Bardeen asked that the following tasks be completed in advance of the next meeting: 1. That Meridian review and respond to Sawyer's November 20th submission; 2. That Mead update the draft HOA document and provide it to McCarron for his timely review; 3. That Zambenardi draft a certificate of vote and provide it to the Applicant for their review.

Bardeen made a motion to continue the public hearing to December 4, 2018 at 7:00 p.m. Cook seconded the motion and it carried 5-0.

Materials reviewed: Meridian Engineering Letters of 10/16/18 and 11/20/18; Response Letters and Revised Plans dated 11/14/18 and 11/20/18 from Steve Sawyer; Draft Homeowners Association document.

Bardeen called the regular meeting of the Board to order.

Review of Large-Scale Ground-Mounted Solar Photovoltaic Overlay District Bylaw

Board Members reviewed issues and problems with the proposal that went to Town Meeting. Rick Parker from the Energy Advisory Committee was present and participated in the discussion. The discussion included the following topics:

1. Allowing municipal projects by right and requiring special permits for commercial projects. Zambenardi stated that McCarron has commented that it is not legal to regulate through zoning based on the type of ownership of the solar installations. Members questioned this position and would like to further vet it.

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2. Impact on Town's Green Communities Designation and concern about the proposal being too restrictive. Approaches that would protect neighborhoods and encourage solar were discussed. Different approaches discussed were:
 - a. Overlay District Approval followed by a Special Permit/Site Plan Review in residential zones. Cook recollected that the Board took this approach with the thought that an Overlay District Proposal was more likely to pass at Town Meeting if the residents had some assurance through the discretionary special permit review that the nuts and bolts of a project would be thoroughly vetted. The concern was that Green Communities requires that the community allow large scale developments by right and that requiring a special permit would be out of compliance. A by-right district can't be illusory and some would argue that there is no developable property in the IR zone. Even if 1 lot in industrial zone is by right, would this be in the spirit of Green Communities?
 - b. Overlay District Approval followed by Site Plan Review and tight but reasonable dimensional controls. Provide graphics demonstrating how the setbacks work. Test the reasonableness of setbacks and explore allowing reduction in setbacks by special permit. Explore lot area to installation ratios to control size.

3. Engage Stakeholders. Mindful to make process inclusive. Invite energy advocates as well as Coffin Street neighbors and other residents to the table.

The Board tabled the matter to the December 20, 2018 meeting.

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

Review of Open Space Preservation Development – Planning Board

Board Members table this to the December 20, 2018 meeting.

General Business (cont'd.)

Zambernardi updated the Board that the recently hired Recording Secretary did not work out due to her family obligations. She stated she will work on next steps to begin the search after the holidays.

Adjournment:

The meeting was adjourned at 9:15 PM

Submitted by,

Leah Zambernardi
Town Planner

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