

**WEST NEWBURY PLANNING BOARD
MINUTES OF MEETING**

January 22, 2019

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 January 22, 2019 at 7:00pm in the Planning Office at the West Newbury Town Offices, 381 Main Street. Board Members Ann Bardeen, Raymond Cook, and Brian Murphey were in attendance. Board Members Richard Bridges and Kim Monahan were not in attendance. Town Planner Leah Zambarnardi was also in attendance.

Bardeen called the meeting to order just after 7:00 pm.

Continued Public Hearing: Review Draft Certificate of Vote – Request for Special Permit for 2 reduced frontage lots – Dole Place (Assessors Map R-1 (Approved April 2015) – Holly N. Privatera & Andrew G. Nichols (Owner) C.W. Collins Corp. (Applicant)

At the January 8, 2019 meeting, Planning Board Members voted 4-1 to approve the application with conditions. Zambarnardi provided a draft special permit to the Board and Applicant for their review in advance of this meeting. Developer Tim Collins and Real Estate Broker Mark Dickinson were present on behalf of the applicant/owner.

Bardeen had asked Zambarnardi to clarify some information on page 2 under the Waivers Section prior to issue of building permits for all three proposed lots. Zambarnardi noted the information will be provided to the building inspector. This wording will be added.

Zambarnardi asked the Board to comment on the language for vegetative screening found in the Conditions – page 3, Section VIII, 2. The Board discussed the level of specificity in language including type of screening (deciduous, evergreen) and height and caliper. Cook suggested looking at language from the Solar By-law. Murphey suggested that the applicant might provide more specific language. Collins stated he would not be opposed to a minimum number and minimum caliper.

Bardeen noted that the amount of added screening required would depend on the level of natural screening left post construction. After some more discussion, Members concurred that the language should state something to the effect of, “The applicant shall retain the natural vegetation as practicable along the boundary of Lot A at Gunner Hill and shall supplement with a minimum of 6 evergreens of 2-inch caliper minimum, as appropriate for screening”.

The two absent members will come in to the office to sign the Draft Certificate of Vote and the Mylar Plan.

Bardeen made a motion to close the public hearing. Murphey seconded the motion and it carried 3-0.

Documents Reviewed: Draft Certificate of Vote Approval of Special Permit Application for Two Reduced Frontage Lots Off Dole Place (Assessor’s Map R-1, Parcel 58), dated January 8, 2019.

The regular meeting is reconvened at 7:19 PM

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Continued Discussion Sullivan's Court Extension – Walker Development – Definitive Plan and Special Permits for 6 Lot Subdivision (Approved 2015) Release of Lots 3 and 6

Thomas Neve addressed the Board with a request for the release of lots 3 and 6. Bardeen refers to a discussion about posting a bond. The Board had requested that Meridian Associates review the construction status of the site. Zambarnardi noted that the Applicant submitted a schedule of pending work with estimates of cost and that it was reviewed by Meridian.

Neve noted a change in the total funds needed to bond the remaining work to get the remaining lots released including a 10% multiplier, to \$27,935.80. He later corrected this figure to \$32,935.80. In response to Murphey's question, he confirmed that \$10,000 includes money for the proposed trail.

Zambarnardi has received a \$5,000 check for the consultant, and an additional payment is expected to be delivered on Jan. 23, 2019 to cover the bond.

Bardeen made a motion to release the remaining lots known as lots 3 and 6 in Sullivan's Court Extension subdivision, pending receipt of Neve's surety in the amount discussed. Cook seconded the motion and it carried 3-0.

Neve noted that a security agreement -between the Planning Board and the developer, was sent to Zambarnardi, the Town Manager and Town Counsel on Jan. 17. This is needed in addition to the surety to be submitted. He asked that the Board sign off on this agreement at the Bardeen stated it will be returned to Neve with comments prior to the Feb. 5 meeting.

Town Counsel Michael McCarron will review, followed by Zambarnardi and the Board.

Neve stated that he is a 40B builder interested in doing a joint project in partnership with the Town. He stated that the Town can collect the highest and best use land value when sold. Any profits over a certain percentage go back to the town. He stated that he would donate his time if it might be of interest.

Documents Reviewed: Construction completion review of Sullivan's Court Extension, Estate Homes at River Hill (approved April 2015) prepared by Meridian Associates, dated January 18, 2019 (via email).

OSPD for Drakes Landing-Discussion of forthcoming request for release of Phase 1 units from Covenant not to Convey

Zambarnardi reported that Cottage Advisors intends to come to the Feb. 5 meeting to request release of the Phase One units. A tripartite agreement will be prepared. Cottage Advisors will need to submit their schedule of work for review by Meridian. Site inspections are underway. Zambarnardi added that she is working on having a town sign placed on the property indicating construction hours and restrictions, and penalties. It will be 30 X 30 inches. She will review the design before it is ordered.

General Business

- Storm Water - Zambarnardi reported that Joe Cosgrove from MVPC is doing the work related to the MS4 permit. She stated that Cosgrove last stated that the 2019 deadlines set by the State A are not strict. Any Zoning amendments will likely be only references to rules and regulations. DPW Director Wayne Amaral

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will review plan details with Cosgrove. A discussion ensued regarding the contract with MVPC and the nature of the amendments to be expected.

- Review and Acceptance of Past Minutes - This item was tabled until the next meeting.
- Vouchers - Zambarnardi provided vouchers for Board approval for the following:
 - Payment to Meridian for peer reviews
 - Legal ad/job posting for recording secretary position
 - New nameplate for Kim Monahan
 - Dropbox annual membership
 - Payroll
- Correspondence - Zambarnardi stated that the Essex County Community Foundation is holding cultural planning labs as part of their 2019 Arts and Culture initiative. One will be held Jan 25th at 8:30 AM at the NBPT Art Association. Bardeen suggested this be forwarded to make sure the Cultural Council is aware.
- Administrative Details - Zambarnardi stated that the Town Manager has provided dates for the Planning Board to meet with the FinCom on budgeting. The dates are in late Feb. and Mar. Zambarnardi will send the proposed dates to Members.
- Items not reasonably anticipated by the Chair 48 hours in advance of the meeting - The Board discussed its concerns regarding the recently installed signage outside of the Public Safety Complex. The sign includes an electronic message board featuring LED display. Zambarnardi provided the Board with copies of the bylaws related to signage as well as the building permit for the sign and drawings. Zambarnardi noted the permit was issued by the Building Inspector in April 2018, and that there was no requirement for it to go before the Planning Board. Bardeen commented that the sign should have gone before the ZBA for relief, as it is inconsistent with the Sign Bylaw. Cook commented that the sign is too tall and internally lit. Concern was expressed that the electric sign was both inconsistent with the bylaws and difficult to read. Bardeen noted that the sign bylaw exceptions were intentionally very narrowly written. At the conclusion of the discussion, Board Members decided to send an email to the Selectmen and the Town Manager expressing its concerns and instructed that Zambarnardi inquire with Town Counsel about options for recourse.

Continued Review of Draft Open Space and Recreation Plan with Open Space Committee

The committee has not communicated back on Zambarnardi's comments sent last week. Angus Jennings has reached out to see if comments are ready to go to the Board of Selectmen. The Open Space Committee did not respond. This may be discussed on Feb. 5th.

Review of Potential Zoning Amendments

– LGSPI

After the December 18th meeting, Zambarnardi revisited the Draft proposal and edited it according to items discussed and agreed upon by the Board. She confirmed that the Board had discussed adjusting the setback. She left the dimensional requirements under Part G.5.B, at 150 feet. This is based on the approximate distance from the fence line to pavement on Main Street.

In Section B, she added a provision that the minimum distance might be reduced by special permit if it is in better compliance with the design standards. She stated that the district boundaries would be the same as the parcel boundaries.

Murphey stated his recollection that the special permit clause was being deleted.

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Zambernardi noted the special permit clauses in this version are relative to the dimension requirements, not use.

Zambernardi further described the special permit and noted that if 150-feet is perceived as too restrictive, one could apply for a special permit to reduce the setback. Murphey expressed concern that this could confuse people.

The matter was continued to the Feb. 5th meeting.

-OSPD

Zambernardi amended the 10/16/18 draft to fix the calculation for the affordable housing incentive under 6.B.13.d. There is a lengthy discussion about options for calculating the density bonus when developers choose to provide affordable housing units beyond those required by the Inclusionary Housing Bylaw. Cook stated he would create a summary table for the next meeting, which could possibly be inserted into the Bylaw.

The matter was continued to the February 5th meeting.

Adjournment

The meeting was adjourned at 9:10 PM.

Submitted by,

Kathryn C. Carr, Recording Secretary