

**WEST NEWBURY PLANNING BOARD
MINUTES OF MEETING
February 5, 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 February 5, 2019 at 7:00pm in the Second Floor Hearing Room at the West Newbury Town Offices, 381 Main Street. Board Members Ann Bardeen, Richard Bridges, Raymond Cook and Kim Monahan (arrived at 7:10 p.m.) were in attendance. Board Member Brian Murphey joined the meeting at 9:00 p.m. Town Planner Leah Zambarnardi was also in attendance.

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

Continued Review of Draft Open Space and Recreation Plan (OSRP) with Open Space Committee (OSC)

Bardeen had reviewed and accepted edits suggested by Zambarnardi. She asked Zambarnardi for clarification on the reference to the Ocean Meadow start and completion dates. Additional rephrasing and references were suggested. The OSRP will be presented to the Board of Selectmen in 3 weeks. Upon approval by the Town, the plan will be submitted to the State for final approval. A state-mandated Americans with Disabilities Act section must be added to the plan.

Patricia Reeser, Chair, Open Space Committee said the Committee is committed to creating an all-access trail and hopes to research design and funding for such trails.

A letter of recommendation from the Planning Board will be prepared by Zambarnardi and sent to the OSC. Bardeen authorized Zambarnardi to sign the document.

Documents reviewed: Draft OSRP with Town Planner edits

Review of Potential Zoning Amendments

- a. Large-Scale Ground-Mounted Solar Photovoltaic Overlay District Bylaw, Section 5.g. of Zoning Bylaw

The Board continued its discussion of amendments to the Bylaw anticipating that it would be submitted in time for Spring Town meeting. Bardeen had reviewed the Abandonment and Decommissioning Sections and felt they were fine. She stated that clarifying that the overlay district boundary coincides with the parcel boundary will eliminate confusion about setbacks. A Special permit may be sought and approved by the Planning Board for a smaller setback should proposals better meet the goals of the bylaw.

Cook noted that the 150-foot setback requirement without a special permit is aimed at preserving the rural character of West Newbury. He stated that special permits allowing a reduction in the setback may be issued however. The proposed bylaw refers to a utility-sized project, not a home-sized project. Many changes including buffer, landscaping, etc. are included in the bylaw. Discussion and amendments at Town Meeting can be expected.

Rick Parker, 150 Crane Neck Street expressed concern for setbacks and took exception to referring to solar as an industrial use. Cook explained that the proposed bylaw establishes setback requirements. He stated that approval of the use occurs at Town Meeting.

West Newbury Planning Board Minutes February 5, 2019. Approved March 19, 2019.

James McCobb, 65 Coffin Street noted that people like the idea of solar when in the right location, but that Coffin Street is not right location. He stated that 150 feet is reasonable setback. He suggested neighbors would think so too.

Selectmen David Archibald stated his concerns over the 150-foot setback.

Cook noted that limits on wattage have been removed from the text to foresee technological changes. The area of the panels and around the panels equals is limited to 160,000 sq. ft. Cook asked for feedback on this figure and the 150-foot setback. Bridges stated this distance matches other laws and provides enough space for additional buffer zone. Archibald noted that the number of available parcels decrease as setbacks increase. Cook noted that a special permit is available to increase the area of the LGSPI when approved by the Board in open public meetings. He stated the bylaw was not written to discourage solar installations in West Newbury. He stated that bylaws can be altered by Town Meeting if needed. Concerns about ownership transfer and requirements of the new owner were discussed. Cook noted the district remains in place regardless if ownership.

Zambernardi noted that parcel scale concerns drove the Board to incorporate a special permit process. It offers greater public input when proposals are larger or closer to the property line.

Zambernardi stated that February 13 is the deadline for article submission to be on the Town Meeting Warrant.

Documents reviewed: LGPI Draft

- b. Review of Open Space Preservation Development Bylaw, Section 6.b of Zoning Bylaw

Bardeen tabled the matter to later in the meeting.

Open Space Preservation Development for Drakes Landing (Approved January 2018) – Cottage Advisors LLC-Request for release of Phase 1 units from Covenant not to Convey and acceptance of Tripartite agreement.

Zambernardi reported that Meridian has agreed to the schedule of remaining work and cost breakdown. She stated that Melissa Robbins-Attorney from Deschenes & Farrell on behalf of the developer had provided a Tripartite Agreement with a bond amount of \$79,739.

Bardeen made a motion to accept the bond in the amount of \$79,739 for the purpose of release of units in Phase 1. Cook seconded the motion and it carried 4-0.

Bardeen made a motion to accept the tripartite agreement for the Drakes Landing Project. Cook seconded the motion and it carried 4-0.

Bardeen made a motion to release the units in Phase 1 of the Drakes Landing project based on the tripartite agreement and schedule of remaining work and cost breakdown. Cook seconded. There was brief discussion to clarify which lots were to be released. The motion carried 4-0.

Documents reviewed: Phase 1 Tri-Party Agreement Drakes Landing

West Newbury Planning Board Minutes February 5, 2019. Approved March 19, 2019.

Sullivan Court Extension, Estate Homes at River Hill (Approved April 2015) - Walker Development – Board Signatures on Surety Agreement for Recording and Discussion of 1/24/19 Storm Event

Zambernardi noted that developer Thomas Neve has submitted a security agreement, which was reviewed and approved by Michael McCarron, and that a check in an appropriate amount according to Meridian's review had been received.

Neve stated that the total amount to be secured is \$55,603.82 and that \$30,103.82 has already been posted by Neve leaving \$25,500 in the schedule of values, plus 10%. Zambernardi has received a check in the amount of \$28,050.

Bardeen made a motion to accept the surety agreement and the bond and to release the remaining units. Cook seconded and the motion carried 4-0.

Zambernardi stated that there was a storm event on 1/24/19 where abutter Tom Horgan reported that sediment runoff occurred on his property again. The Board received photos and videos from Horgan. An email from Horgan received at 6:32 PM was provided to the Board. Mr. Neve stated he has met with the abutter, provided erosion control, and hired someone to review the steps taken. He has provided 5 levels of hay barriers and installed a check dam. Through regrading, all driveways and the embankment will drain to Lot 3. Regarding a trail on the project, Neve stated he would like to work with Planning, the Open Space Committee, Conservation, and the abutters to create a plan that will receive all necessary permits. He would welcome a site visit by the Planning Board.

Documents reviewed: Security Agreement, Email and Photos from Tom Horgan

Subdivision Approval Not Required Plan (SANR) – Land off Dole Place (Assessor's Map R1, Lot 58) – Andrew Gage Nichols Realty Trust & C.W. Collins Corp. – 3 lots.

Zambernardi noted that a Special Permit allowed the reduced frontage lots. The Board reviewed plans. Tim Collins of C.W. Collins Corp. stated that more mapping had been done for the grades for the septic systems therefore one of the homes slightly shifted.

Cook made a motion to endorse the plan as one not requiring approval under the Subdivision Control Law. Bardeen seconded the motion and it carried 4-0.

Both a paper copy and a Mylar copy of the plan were signed and dated by Board members present.

Documents reviewed: ANR Plan for Dole Place

Board Member Brian Murphey arrived at 9:00 p.m.

Bardeen recessed the regular Planning Board meeting of February 5, 2019 at 9:10 p.m. for the purpose of entering Executive Session to discuss strategy with respect to litigation. A roll call vote was taken. All members present voted to enter Executive Session. Bardeen stated that the Board would reconvene the regular meeting at the conclusion of the Executive Session. A roll call vote was taken to exit Executive Session with all members in favor.

Bardeen called the regular meeting to order.

b. Review of Open Space Preservation Development Bylaw, Section 6.b of Zoning Bylaw

Zambernardi had written a summary of the Planning Board articles noting that the summary was in the Board meeting packets and in Dropbox.

Cook provided a table of affordable units discussed at the last meeting to be included in the warrant.

Zambernardi stated that Articles for the Warrant must be submitted by February 13, but may be revised during the public hearings. The OSPD Bylaw will be submitted as written.

Documents reviewed: OSPD Draft Bylaw, Basic Maximum Number Unit Table

General Business

Minutes – Minutes of the December 4, 2019 meeting were tabled to a future date.

Bardeen moved to adjourn the meeting at 10:30 p.m. Bridges seconded the motion and it carried.

Respectfully submitted,

Kathryn C. Carr, Recording Secretary