

WEST NEWBURY PLANNING BOARD
MINUTES OF MEETING
January 8, 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 8, 2019 at 7:00pm in the Planning Office at the West Newbury Town Offices, 381 Main Street. Board Members Ann Bardeen, Richard Bridges, Raymond Cook, Kim Monahan and Brian Murphey were in attendance. Town Planner Leah Zambenardi was also in attendance.

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

Associate Member Interview(s)

Zambenardi stated that two residents had expressed interest but that both decided not to pursue the position.

Bardeen recessed the regular meeting of the Board and called the continued public hearing to order.

Continued Public Hearing, Discussion and Possible Decision – Request for Special Permit for 2 reduced frontage lots –Dole Place (Assessors Map R-1, Lot 58) – Holly N. Privatera & Andrew G. Nichols (Owner) & C.W. Collins Corp. (Applicant)

Builder Tim Collins was present. He submitted a revised plan was submitted on 12/31/18, which the Board reviewed.

Zambenardi stated that comment letters in favor of the project were received from Marguerite Jarvis of 31 Dole Place and Mark Dickinson of 30 Rivercrest Drive.

Brian Murphey asked Collins for information on the frontages and lot dimensions for other lots in the vicinity. Zambenardi provided a locus map. Collins and Zambenardi noted that most if not all of the lots in the area comply with Zoning.

Brendan Kelliher of Gunner Hill Road asked questions about the location of the proposed homes and how they have been moved during the course of the review. Collins described the plans originally submitted and the changes that occurred to the lot lines and the house locations at the request of the Board. Murphey described the original plan brought before the Board during pre-application discussion and the problems with it.

Screening Gunner Hill Road from the development by retaining as many existing trees as possible and adding shade trees and evergreens was discussed. Residents of Gunner Hill Road expressed concerns with construction vehicles and Collins indicated access would be from Dole Place only. No construction vehicles would drive onto Gunner Hill Road or park there.

West Newbury Planning Board, Minutes, January 8, 2019. Approved April 2, 2019.

At the conclusion of the discussion, Bardeen made a motion to grant waivers from the Board's regulations governing Special Permits as follows:

Section II.5.1.J: Existing and proposed utilities – gas line, water line, electric, telephone and cable

Section II.5.1.M: Elevations and perspective drawings

Section II.5.1.N: Structural details and cross sections

Section II.5.1.O: Proposed screening, surfacing, exterior storage, lighting, landscaping, including fences, walls, planting areas, and signs

Section II.5.1.P: Drainage and Stormwater Management

Cook seconded the motion and it carried 4-1 (Bardeen, Cook, Monahan and Murphey in favor)(Bridges in opposition).

Bardeen made a motion to approve the Special Permit finding that the project complies with Sections 6.A.1. and 8.A.2.f. of the Zoning Bylaw as follows:

6.A.1.

- a. The reduced frontage lots (Lot A and Lot B) comply with the Table of Dimensional Control for Reduced Frontage Lots.
- b. The Frontages for Lot A and Lot B are continuous on Dole Place, which is a public way.
- c. The reduced frontage lots (Lot A and Lot B) have at least one area that can accommodate a circle with a diameter of 200-feet.
- d. Not more than two reduced frontage lots have abutting frontage on the plan.
- e. The reduced frontage lots (Lot A and Lot B) do not block future extensions or connections of a dead-end street.
- f. The reduced frontage lots (Lot A and Lot B) shall not be further subdivided, reduced in area, and/or changed in size or shape. A recorded Deed Restriction shall set forth this restriction in perpetuity.
- g. The reduced frontage lots (Lot A and Lot B) do not interfere with the use and enjoyment of an abutting lot, and do not adversely affect the neighborhood.

8.A.2.f.

- a. The specific site is an appropriate location for the use.
- b. The use developed will not adversely affect the neighborhood.
- c. There will not be an undue nuisance or serious hazard to vehicles or pedestrians, and adequate and appropriate facilities have been provided to ensure the proper operation of the proposal.
- d. The proposed use is in harmony with the general purpose of the West Newbury Zoning Bylaw as amended.
- e. The requested use will not overload any public water, drainage, or any other municipal system to such an extent that the requested use or any developed use in the immediate area or in any other area of the town will be unduly subjected to hazards affecting health, safety or the general

West Newbury Planning Board, Minutes, January 8, 2019. Approved April 2, 2019.

welfare.

And subject to the following conditions:

1. In compliance with Section 7.A.1.f. of the Zoning Bylaw, a restriction shall be placed on the deeds for Lot A and Lot B and on all future deeds for these lots, as follows: "Lot A (OR Lot B) has been approved by a Reduced Frontage Special Permit, and it shall not be further subdivided, or reduced in area, or changed in size or shape. This deed restriction shall remain in effect in perpetuity." Proof of recording must be submitted to the Board and the Building Inspector prior to issuance of a Building Permit for Lot A or Lot B.
2. The Applicant shall retain the natural vegetation as practicable for screening along the property boundary of Lot A and Gunners Hill Road. The Applicant shall supplement a minimum of six, 2-inch caliper evergreen trees along this boundary as appropriate.

Cook seconded the motion and it carried 4-1 (Bardeen, Cook, Monahan and Murphey in favor)(Bridges in opposition).

Bridges stated his opinion that past allowances for reduced frontage lots have been potentially overdone. He stated there is a place for it when a lot is absent a couple of feet. He stated that when it works it is a benefit to the Town. He is less worried about the developer's desire to maximize profit.

Cook stated his opinion that he sees this project as a benefit. It strikes him as a reasonable compromise between the number of units proposed and what could potentially be built on the property.

Documents reviewed: Letters from the public, revised plan, locus map of neighborhood

Letter from Peter Haack and others re: 87 Main Street

Peter Haack of 102 Main Street and John Terry of 117 Main Street approached the Board about their opposition to the Special Permit for a common driveway the Board approved in December 2018. Haack submitted a letter to the Planning Board on December 31, 2018 listing his concerns. He and Terry review the concerns mentioned in the letter and explain why they believe the project does not adhere to the criteria for granting a special permit. Members of the Board discussed the concerns with Haack and Terry, but noted they were made aware of these concerns during the public hearings. Board Members shared that the mechanism for appealing the project would have been to the courts, not the Planning Board. The Board confirmed with Zambarnardi that proper procedures were followed to notify abutters of the Special Permit decision and the appeal procedures. Cook stated that if a person is aggrieved by a decision of the Planning Board, there is an appeal process in place. He noted that the allotted time period for making an appeal has expired.

Documents reviewed: Letter from Peter Haack

Draft Open Space and Recreation Plan (OSRP) - Comments and Letter of Review for Open Space Committee

West Newbury Planning Board, Minutes, January 8, 2019. Approved April 2, 2019.

Patricia Reeser from the Open Space Committee approached the Board with the draft OSRP and stated that part of the process of putting the plan together is to seek letters of support from various entities including the Planning Board. Board members discussed parts of the document and made comments. Several Members had concerns with the amount of detail and the tenor of language used to describe recent permit reviews and planning efforts. Suggestions were made for changes to the language. The Board directed Zambarnardi to draft a comment letter for Board Members to review at a future meeting. The Board thanked Members of the Open Space Committee for their effort.

Documents reviewed: Draft Open Space and Recreation Plan

Sullivan's Court Extension, Estate Homes at River Hill (Approved April 2015) - Walker Development - Update/Discussion of Lot 2

Tom Neve of Walker Development provided an update of work to date on Lot 2. He requested that the Board release Lot 2 from the Approval with Covenant Contract to allow for the sale of the property. He stated that Lot 3 still remains under the Contract and that he believes that the value in Lot 3 is sufficient surety to guarantee the completion of the project.

Discussion focused on delays in completing this project. Bardeen noted that the project should have been completed in April 2017 but that the Board extended the project to June 2017 and again to Spring 2018. Monahan expressed concern with accepting the value of a lot as surety. Board Members concurred that a bond should be put in place. It was discussed that the Board has the authority to rescind its approval of the subdivision if the project is out of compliance.

Neve stated his opinion that it is his right to choose the security, but that he would agree to pledge \$81,000 or so before April 1, 2019 to guarantee completion in exchange for the release of Lot 3. Board Members asked questions and made comments. Zambarnardi indicated there should be an updated agreement regarding the construction completion date.

Bardeen made a motion to extend the construction completion date for the project to August 31, 2019 and to Release Lot 2 from the Approval with Covenant Contract subject to Mr. Neve posting surety with the Board no later than April 1, 2019, with said amount being determined by Mr. Neve submitting a punch list of items left in the project to be completed, and verified by Meridian. Cook seconded the motion and it carried 4-1 (Bardeen, Bridges, Cook and Murphey in favor) (Monahan in opposition).

Neve then updated the Board on the trail construction. He stated that he has asked his environmental consultant, Greg Hochmuth to go and delineate the wetland boundaries in the areas of the proposed trail. He would like to then have a site walk to determine where the trails should be located.

Documents reviewed: Tom Neve email dated January 3, 2019.

Continued FY20 Budget Discussion

West Newbury Planning Board, Minutes, January 8, 2019. Approved April 2, 2019.

Board members continued discussion of the FY20 budget. Zambarnardi stated she made the edits that the Board requested at the last meeting and noted that she will submit it by the January 18, 2019 deadline.

Documents reviewed: FY20 Draft Budget Documents

General Business:

- Minutes – December 4, 2018. Board Members tabled the minutes until the next meeting.
- Vouchers – No vouchers were presented for signature. Bardeen signed off on payroll.
- Administrative Details – Board Members signed the Acknowledgement of Receipt of Conflict of Interest Law form. Zambarnardi stated that Mary Winglass distributed the draft policy document of the Board of Selectmen for their comments. She stated she received comments back from Ray Cook and passed them along to Winglass.

Respectfully submitted,

Leah Zambarnardi, Town Planner