

WEST NEWBURY PLANNING BOARD
MINUTES OF MEETING
October 4, 2016

Pursuant to a meeting notice posted by the Town Clerk and delivered to all Board members, a meeting of the West Newbury Planning Board was held on October 4, 2016 in the 2nd Floor Hearing Room at the West Newbury Town Offices, 381 Main Street. Board Members Ann Bardeen, Richard Bridges, Raymond Cook, Brian Murphey and John Todd Sarkis were present. Planning Administrator Leah Zambenardi and Associate Member Dennis Lucey were also present.

Bridges called the meeting to order at 7:00 PM.

Continued Public Hearing Special Permit for Open Space Preservation Development – Drakes Landing – 365 Main Street & 34 Meetinghouse Hill Road – William A. Daley, Joseph B. & Beverly A. Murphey (Owner), Cottage Advisors (Applicant)

Lucey recused himself from the matter.

Chip Hall of Cottage Advisors introduced Nick Cracknell, a planning consultant from Amesbury and Scott Thornton from VAI. Cracknell stated that his role is to help improve the product by helping the conversation along in terms of the Basic Maximum Number and the goals of the Open Space Plan. Cracknell discussed the road length issue. He stated the main points are public safety and density. He noted that this 4th revision of the plan reduced the road length by 50-feet, that there is no longer a retaining wall and the 2 reduced frontage lots have been removed. Each unit is shown with garages to address some comments made by Board members at prior meetings. He stated that this revised Yield Plan has 14 lots (28 units). He stated that there would be no lots along the first 900-feet of the project. He explained that would be the length of almost 3 football fields.

Cracknell then discussed the OSPD plan. He stated this proposal is for 30 units as they would hope to get a 2 unit density bonus. He stated there would be 2 central greens and they would like to use the primary septic area as a recreational amenity.

Bridges asked members of the Board for their questions and comments.

Cook stated he believes that the Yield Plan meets the Bylaws and has addressed all of the concerns. He thinks a BMN of 14 is correct.

Bardeen discussed the length of the road and noted that the entrance to the site is compromised by the hydrology of the site. She stated that by choosing to offset the road to have less impact on the environment that would increase the impact on abutters. She stated that the entrance does not seem conducive to a project of this size.

Murphey contemplated what length of road would be approved under a conventional subdivision. He is not sure the Board would approve a 1,950-foot road. He stated that it is 800-feet to the end of the pond that is not developable for house lots. He stated that might justify adding another 800-feet of road. Murphey stated that the road should be shorter and that the number of units should be less.

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Cook disagreed and stated he might approve a length of 1,950-feet for a conventional subdivision, unless there was some other reason the Board had to deny it.

Sarkis stated that the Yield Plan shows a right of way touching the border of land to the south and noted that 3 additional lots could potentially be created on the abutters' land, which should be taken in to consideration when discussing the length of the road.

Bridges stated there is merit to the argument of "no development" and that the Board should have more discussion.

Sarkis addressed the safety matter and stated that any slopes steeper than the maximum allowed is not acceptable for a Yield Plan roadway. He asked whether there were existing trees that would come down where the proposed road would go along the abutters' land to the south. Deni Hamel from Cammett Engineering stated that some of the trees would have to come down and that those trees are not on the abutters' property.

Thornton briefly discussed aspects of the traffic study.

Lucey left the meeting at 8:00 p.m.

Dawn Fusco, representing the Conservation Commission stated that she is very familiar with the site and that she has seen other development proposals for it. She discussed the access and wetlands on the east side and the alternatives analysis that would be required.

Gove of Main Street stated that there is a significant water issue impacting her basement and she described the flooding events that have occurred.

Fusco stated that the less wetland impact there is on the north side, the more the Conservation Commission would support the road. Bardeen asked if there is a point when the Conservation Commission would not approve a project. Fusco stated she is not sure how the Conservation Commission would vote as they have not had the discussion. Cook asked if the Conservation Commission has the authority to say no or if they are in a situation where they have to approve something. Fusco stated they have to allow them to use the property. They can't prevent access but they have a negotiation with the applicant to determine the solution that has the least amount of impact. Murphey discussed alternative access points. He stated that the 50-foot wide strip is not feasible because of the wetland crossing and the steep slopes. Fusco stated that the only other access would be the Murphy property on Meetinghouse Hill Road.

Murphey stated that the density of the project concerns him. He still has concerns with the development, even after seeing the OSPD layout. He stated he would like to have a discussion on the viability of Lot 8. Cracknell discussed the road and he stated that the purpose for regulating the length of a dead end road is for public safety and emergency access. He stated there is no hard and fast rule for the appropriate length. He stated that maximum length requirements vary from 250-feet to 1500-feet across the state. He stated there are 3 reasons to support this road length: 1. The fire chief has weighed in and there has been a traffic study. He stated that there are no safety hazards noted at the intersection or due to the length of the road; 2. No issues have been brought up from the Board of Health or the traffic consultant regarding the density of the project; and 3. The Conservation Commission can't prevent access to the site. They will have to undertake an alternatives analysis with the Conservation Commission and they are likely to have them push the roadway as far back from the wetlands

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as is possible. He added that this project is consistent with other projects that have been approved by this Board.

Cook asked the Board's consultant engineer, Charlie Wear if the plan is complete and acceptable. Wear stated that the Board of Health and Meridian has found the soils to be acceptable for the proposed use. He stated that he found the 16 lot version of the Yield Plan acceptable so there is not much more for him to add. He stated that the applicant has reduced the number of lots from 16 to 14, they have shown how garages would work on the Yield plan and they have modified the locations of the septic systems. He stated there is no change in the overall impact on the site. He stated that from the perspective of meeting the regulations, what is supposed to be on the plan is there. There is one subjective piece which is the waiver request for the length of the roadway.

Sarkis asked if the drainage is adequate. Wear stated that for the purpose of the Yield Plan, no in depth analysis is required. He stated that he believes it would work and that there might be some tweaking as a result. He stated that he felt comfortable that they could make the drainage work for the site.

Sarkis commented on the open space plan. He stated that during the review of the plan he would like to compare the disturbed area under a conventional plan versus an OSPD layout. He would like the different areas distinguished graphically (building, improved areas, untouched, touched). He stated that open space left in its natural condition is considered more valuable with this project than the previous project.

Cook stated his opinion that on this site an OSPD could be of significant benefit to the Town as opposed to a conventional subdivision.

Bardeen stated that she strongly concurs that undisturbed open space and wetlands are the most valuable. She stated her concern over the disturbed open space and that it does not achieve the goal of the Bylaw. Bardeen stated that the Board might approve a BMN, but they could still reduce the number of units along the way.

Bridges stated that open space preservation in his mind is legitimately undisturbed and left in its current state.

Bridges then asked for questions and comments from the public.

Joan Flink of 368 Main Street asked about the traffic study and stated her concern over the number of vehicle trips, speeds and blind spots. She stated her concern over a traffic light. Thornton stated that the site distances meet the standards. He stated that 305-feet of SSD is needed for a vehicle traveling on Main Street to react to obstructions in a roadway. He stated there is 500-feet to the north and 400-feet to the south. He stated that speeds were monitored during a 48 hour period. He stated that a traffic light is not needed or recommended.

William Daley, owner of 365 Main Street stated that he is in favor of the project. He stated that he studied Cottage Advisors other projects before entering into an agreement. He stated they build quality developments. He reviewed various past proposals for the site and some attempts by various public entities in Town to purchase the property. He stated he would like to see this project go through. He recognized that a dead end waiver is necessary but noted that the Town also creates dead end roads. He noted that the Town blocked off an area between

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Way to the River and Coffin Street which resulted in long dead end streets. He noted Crane Neck Street, Georgetown Road, and Hilltop Circle.

Brad Buschur, 347 Main Street stated that he is very concerned over the density and the length of dead end streets. He stated that the ITE recommends that the length of a dead end be either 1,000-feet or 20 units. He stated this is germane to the local area and this is how neighboring communities handle density on dead end streets. He pointed to Andover and Bridgewater which limit the number of units on a dead end to 20. He stated the proposal is 20 percent more than this. Buschur stated he consulted with an attorney, Jarred Eigerman because he wants to protect his family's rights in terms of the access road. Eigerman is not getting involved at this point.

Hall stated that the recommended density is 30 lots according to ITE and they are proposing 14. Buschur countered that is a loophole and does not address the density of the project.

Ted Olson, 40 Meetinghouse Hill Road asked some clarifying questions about the open space plan.

The Board then entered discussion over the request. Murphey stated he is opposed to 14 lots and that he does not think the waiver is reasonable in this case. He stated he would accept 12 lots (24 units). Sarkis stated the design is not ideal but it is workable. He stated that there is safe access and that it is a reasonable interpretation of the Bylaw and that he would agree with 14 lots (28 units) as the BMN. Bridges and Bardeen concurred with Murphey. Bardeen stated that she would accept the waiver of the dead end length because the first 800-feet of roadway is not usable. She would find adding an additional 800-feet or 1000-feet acceptable.

Murphey then made a motion to establish the Basic Maximum Number for the project at 12 lots (24 units). Bridges seconded the motion and it carried 3-2. (Bardeen, Bridges and Murphey in favor) (Sarkis and Cook in opposition).

Bridges then made a motion to continue the public hearing to November 1, 2016 at 7:00 p.m. Cook seconded the motion and it carried unanimously.

Subdivision Approval Not Required Plans (SANR's)

Zambernardi stated there were no SANR's submitted.

Discussion of Zoning Bylaw Amendments – Signs

Members chose November 15th as the date to discuss the draft Signs Bylaw with the Building Inspector. Bridges asked that the Board of Selectmen be invited as well.

General Business

- Project Updates – Brief updates of the Cottages at River Hill, Sullivans Court Extension and Haverhill Bank were provided.
- Minutes – Members reviewed the minutes of the July 19, 2016 meeting. Cook made a motion to approve the minutes with corrections incorporated. Bridges seconded the motion and carried 5-0.

Members then reviewed the minutes of the August 2, 2016 meeting. Bridges made a motion to approve the minutes with corrections incorporated. Cook seconded the motion and it carried 5-0.

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Members then reviewed the minutes of the August 23, 2016 meeting. Bridges made a motion to approve the minutes with corrections. Cook seconded the motion and it carried unanimously.

- Correspondence and Administrative Details – Zambarnardi stated she will be interviewing 3 candidates next week for the minutes taker position. The Board scheduled October 18th as the date to conduct the personnel evaluation. Bardeen noted that she observed a number of trees being cut down along public roads in Town. She asked if the Board should have been notified of this pursuant to the Scenic Roads Bylaw. Cook expressed his frustration with this issue. He stated there is a conflict in that the tree warden is also the public works director who sometimes needs trees taken down for Town purposes. The Board asked Zambarnardi to compose an email to the Building Inspector, Public Works Director and the Selectmen asking about the trees and whether they should be subject to the Bylaw.

The meeting was then adjourned.

Submitted by,

Leah J. Zambarnardi, AICP
Planning Administrator