

WEST NEWBURY PLANNING BOARD
MINUTES OF MEETING
November 15, 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 November 15, 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.

Proposed Zoning Amendment, Signs. Discussion with Building Inspector Glenn Clohecy

Building Inspector Glenn Clohecy addressed the Board. He stated that he briefly reviewed the draft and had questions and comments. The following items were discussed:

1. Consider allowing illuminated “Open” Window Signs during open hours. Most businesses have them already or want them. Consider changing “Open” window signs from being “Temporary” to “Permanent”. It would also be difficult to enforce. If the Board decides to keep the “Open” window sign temporary and non-illuminated, consider adding a cross reference between Sections 7.C.2.K.4. and 7.C.4.C. Section 7.D.3., relating to Legally Existing Prior Nonconforming Signs, part 3. Which states that these signs can’t be enlarged, redesigned or altered in any way unless brought into conformity. Clohecy pointed out that changing the lettering, painting the sign, business name or logos/colors would not be permitted by right as it is written. He stated this is challengeable because of the first amendment and he suggested that the Board not regulate changes in the content of a nonconforming sign. Whether it is a change in use or ownership that should be subject to a special permit was discussed. It was suggested that Sections 7.D and 7.M be cross referenced.
2. Section 7.F.4. Motor vehicles or trailers whose primary purpose is to act as a sign may not be parked along streets or the highway and may not be stationed on property in a location readily visible to the public. This could be an issue for vehicles parked on private property. This would be for vehicles whose intent is just made for the purpose of advertising. Not a hot dog or ice cream truck.
3. Section 7.E.1. It was suggested that the time period for repairing signs should be changed from 60 days to 90 days to give sign makers time to fabricate.
4. Regulating billboards on highways was discussed. Clohecy stated those are regulated by State and Federal laws. They would be put on state property in West Newbury.
5. Clohecy asked some clarifying questions about the intent behind off-premises signs but no changes were recommended.

Clohecy noted this bylaw would be a work in progress for several years. He stated that overall the draft is well done. Clohecy stated that engaging the business owners to get feedback on the draft is a good idea because it would likely be controversial.

Subdivision Approval Not Required Plans

West Newbury Planning Board, Minutes, November 15, 2016. Approved January 31, 2017.

Zambernardi stated that no SANR's had been submitted.

Pre-Application Conference: Land Swap at 47 and 50 Bailey's Lane – John Cena

Woodbury Cammett spoke on behalf of John Cena. He displayed the special permit plan approved several years ago. He stated that Cena would like to build a barn away from his main house. He would like to transfer a piece of land from Lot 2 to Lot 3. He noted that the frontage would not change. He stated that there is a condition in the Special Permit approval that the lots not be changed in shape or size. He asked whether the project could be permitted through the SANR process or if it would be a modification to the special permit.

Murphey noted that the original plan which created the frontage was done in the late 1980s.

Cook stated that Cena is not in compliance with an agreement made during the special permit process to allow public access along a trail easement on the property. He stated the trail was created before Cena purchased the property. He stated that Cena has blocked the easement with a stone wall and a gate. Further he built the main house very close to the easement. He has also placed a private road sign up further deterring the public. He stated that Cena should address this issue. He acknowledged this easement is not ideal for a trail but he thinks this would be an opportunity to figure out if there is another location for the trail easement. Cook noted this is an issue of his own making as the location of the trail so close to the main house is not practical.

Bridges stated they would like this issue to be dealt with. Cook stated the goal would be to be able to ride a horse down Bailey's Lane and be able to come out on River Road.

Murphey stated that on the face of it, it looks like the special permit condition about not changing the shape or size of the lots and the trail are the issues. He stated there is a solution here and he thinks it should be done through the special permit process.

Don Bourquart of the Open Space Committee stated he believes there are acceptable alternatives for the trail location. He stated the Open Space Committee has ideas on this.

Cammett stated he will bring this information back to Cena. The Board asked Bourquart if he would provide some information on alternative trail locations to the Board and to Cammett.

Bridges then took the agenda out of order to consider some of the Business Items appearing later on the agenda.

Haverhill Bank – Murphey stated that the lights under the canopy look much better. He asked if the Open/Closed sign could be turned off at night.

Administrative Details – Zambernardi stated that the Board received a notice pursuant to Chapter 61A of the sale of 716 and 718 Main Street. She stated that Board is being asked to make a recommendation to the Board of Selectmen on whether it would be in the Town's interest to exercise its right of first refusal on the property. Bridges stated that it is of value because it directly abuts the Page School and it could be used as a play lot or to help traffic circulation. It is also proximate to Pipestave and the River Bend recreation area.

Cook made a motion to recommend to the Board of Selectmen that they give due consideration to the potential benefits associated with purchasing the parcel(s) as they directly abut the Page School. Murphey seconded the motion and it carried 5-0.

West Newbury Planning Board, Minutes, November 15, 2016. Approved January 31, 2017.

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 and Nick Cracknell addressed the Board and made a PowerPoint presentation. Hall stated that at the October 4th meeting the Board voted 3-2 to approve the Basic Maximum Number at 12 lots (24 units). Cracknell stated they would like to now address the Board with their ideas for the OSPD and how they would like to utilize the density bonus provision of the bylaw. Cracknell described the 4 step design process used as the basis for the OSPD layout. He noted that the primary conservation areas were identified and stated that every part of this site is a primary conservation area. He noted that 25 percent of the site is wetlands, and the property has view corridors, open meadow, mature vegetation at the edges, stone walls, historic resources, recreational areas, mature woodlands and wildlife habitat. He stated there are some slopes that exceed 15 percent.

Cracknell showed the latest OSPD plan. He stated that the percentage of open space for the 36-unit OSPD was 50%. He stated that with the 30 unit plan the open space percentage increased to 57%. He stated they would like to discuss the categories of open space on the plan and what the Board might agree to consider as open space for the purpose of complying with the Bylaw. He reiterated that the amount of open space that is undisturbed is 57%. There is a potentially undisturbed open space area, the reserve area for the septic system. He noted that with the package treatment that is proposed, the likelihood that the reserve area would ever be needed is very slight. He stated they could leave the trees or they would provide a community garden area at the discretion of the Board. He stated that there would be a number of active open space areas used for recreation and for parking. He stated they would propose a pavilion over the septic system. The internal common would serve as active recreation. They would like to know if storm water management such as constructed wetlands or underground structures could be located in the open space. They also asked if the Board would consider the parking area as open space as it is supplemental to the open space. Cracknell stated that these areas combined would be approximately 70 percent of the parcel. He noted that the limit of work is greater with the OSPD and that more area would be disturbed with the conventional duplex plan.

Hall stated that 12 units is the maximum density bonus allowed, which would result in 36 units. He stated they would like to ask for 6 density bonus units with this plan to get to 30 total units. Four units would be a density bonus for size restricted units and 2 units would be a density bonus for exceeding 60 percent open space.

Hall stated that they are in negotiations with the Spielvogel's on Meetinghouse Hill Road to swap some of their land within the 50-foot stub with the Spielvogel's wetland area in the rear of the property. They have not been able to reach the abutter on the north side of the stub.

Cracknell further described the septic system stating that Title V requires that you be able to show the siting of a conventional system and a reserve area. He stated that the new system, the Presby system would be about 60 percent of the size of a conventional system. It would be smaller and lower by 1-foot or so.

Cook stated he is favorably disposed to the OSPD layout. He sees there is a public benefit to West Newbury Planning Board, Minutes, November 15, 2016. Approved January 31, 2017.

this development over a conventional plan. He is concerned over the contiguousness of the open space. He is ok with the density bonus for smaller units. He stated some of these open space areas are a challenge. He stated that he has difficulty calling the parking area near Main Street part of the open space. He likes the common garden area idea. He noted that the circle is not contiguous with the rest of the open space. He stated that every part of this site is a resource area to some extent.

Bardeen stated that she is concerned that the open space is not contiguous. Sen noted that the percentage of wetlands on the parcel is 25 percent and that she would like to know what percentage of the wetlands would be in the open space. She would like to see the wetlands visible in an overlay of the drawing.

Cook stated that parking is a public amenity that people would support the open space as it would be used as a way for people to access it. He stated that it is a stretch to call the parking area open space. He stated it is clearly a favorable public benefit to the Carr Post and to the plan, but he is not convinced it can be considered open space.

Murphey stated he does not consider the active area in the center open space. He stated that parking is a benefit to the Carr Post, but noted that he was not in favor of the Town taking ownership of it. He is open to the parking idea.

Murphey stated that the Board should look at the spirit of the size restricted unit density bonus and that they were intended to be less expensive. He noted this was not the case with the Cottages project on Follinsbee Lane. He stated for this reason he would not be inclined to approve a density bonus for size restricted units. Murphey added that the linear nature of the land doesn't lend to meeting the goals of the OSPD in the same way that it did the other project. He stated that this project has slopes and wetlands challenges that are greater than the Follinsbee Lane project had. He stated that there can't be the same level of expectation with this site.

Hall expressed his displeasure that this was not related to him sooner. He stated that his bottom line is s30 units. He stated the bylaw does not require that size restricted units be priced lower than the market rate units. He also noted that the Board was very close to approving an approximately 50-unit project on this site in 2007/2008.

Cook stated he is comfortable with the density bonus for the size restricted units. Murphey stated the economics of the project for the developer are not a concern for the Board.

Sarkis stated that the utilities, septic system and drainage basins should not be counted as open space if it is unnatural looking. He stated that detracts from the intent and purpose of the Bylaw. Sarkis stated he could go either way with the peanut shaped open space circle. The density factors he considers are #1 – safety. He questioned whether 24 units would be safer than 30 units. He stated the project would not bare on the general aesthetic of the Town. He stated that if 30 units brought more open space to the Town, he would look favorably on the density bonus. He noted that having a package treatment system has less of an impact than individual systems on each lot. He stated that the more improvements required weighs in to the open space and undisturbed area. He stated that disturbed open space has no real benefit to the Town. He stated that the walking trails and the field have significant character and aesthetic benefit to the Town. He noted that only 300-feet of the field would be developed and hardly visible from Main Street. He stated that the linear nature of the parcel will make the field 90

West Newbury Planning Board, Minutes, November 15, 2016. Approved January 31, 2017.

percent of the public benefit.

Cracknell stated that there is no statistical correlation regarding the safety of 24 units versus 30 units. He stated that without the open space bonuses there would be 28 units. If only 65% open space is approved they would have 29 units. Cracknell noted that the size of the “peanut” is deceiving on the plan and pointed out that it is 1.5 acres.

Bridges stated that the project should result in a less sprawling development and that doesn’t seem to be the case with this OSPD. He stated that he is not in favor of the disturbed areas being considered open space. He asked that Hall get rid of the “Lollipop” at the end of the project and that he condense the project.

Sarkis asked if Hall had considered a townhouse style development with quads and triplexes and whether the project could be condensed that way. Hall stated that is not their product. Sarkis noted that seeking alternate designs is part of the project.

Hall stated that 65% of the owners at Follinsbee are from West Newbury or a neighboring Town. Cottages provide a choice to residents that isn’t otherwise available to residents in the area. Hall noted that the majority of the abutting properties is largely woods except for a few abutters.

Murphey noted that the board seems to be in agreement that the project could go from 24 units to 28 units, with a 4 unit density bonus for the size restricted units. He stated he is getting a sense that the Board concurs that 2 more units for additional open space is a stretch because of the quality of certain categories of open space. Murphey stated he would accede to the size restricted units because the other members concur with it.

Bridges stated he is appreciative of the modifications made to give further consideration of the slopes.

Hall asked if the Board Members liked this plan. Murphey and Bridges indicated he was getting close but that he would likely not get approval of the open space density bonus. Sarkis asked whether Hall had looked at the density bonus provision for affordable housing, 3 bonus units for every additional affordable unit. There was further discussion about looking at this option and Hall asked to come back to a future meeting to give him time to consider it.

Bridges then asked for questions and comments from abutters.

Ted Olson, 40 Meetinghouse Hill Road noted that there is value to creating open space next to existing public land. He stated it creates an opportunity for the public to use that land and creates new connections to other parts of Town.

Cook stated that the sidewalk and trails should be stone dust and accessible to persons with disabilities.

Bridges asked the Board’s consultant, Charlie Wear from Meridian Engineering if he agreed with the comments made tonight on the septic system. Wear confirmed and stated that the height might be even lower than stated tonight with the Presby system. In his experience he has never seen anyone have to utilize the reserve area.

Bridges then made a motion to continue the public hearing to Tuesday, December 6, 2016 at 7:00 p.m.

West Newbury Planning Board, Minutes, November 15, 2016. Approved January 31, 2017.

Zambernardi suggested that the Signs Bylaw be placed on the December agenda to discuss the Building Inspector comments and to discuss next steps.

The meeting adjourned at 10:20 p.m.

Submitted by,

Leah Zambernardi, AICP