

WEST NEWBURY PLANNING BOARD
MINUTES OF MEETING
DECEMBER 6, 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 December 6, 2016 in the Planning Board Office 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 Zambarnardi was also in attendance. Associate Member Dennis Lucey was not present.

The meeting was called to order at 7:00 PM

Subdivision Approval Not Required Plans (SANR's)

Zambarnardi stated that no SANR's had been submitted.

Follinsbee Lane, Cottages at River Hill

Discontinuance of Project Inspections - Zambarnardi stated that Cottage Advisors submitted a request asking that inspections by Meridian Engineering be discontinued. She stated that inspections are being conducted monthly as well after a storm. Bardeen asked the cost and time spent on inspections. Zambarnardi stated the cost is about \$300, and the duration is 30 minutes. Zambarnardi stated that Tom Neve of the Sullivans Court development also asked about the continuance of the inspections at his site over the winter. Murphey asked what would be considered the end of the project and Zambarnardi responded that releasing the bonds and accepting the As-Builts would be considered the end. It then becomes the responsibility of the homeowners association. Zambarnardi also noted the construction completion date is Dec 31, 2016. Sarkis asked how much of a bond he has posted. Zambarnardi stated he posted 3 bonds: 28k for the first phase of the project, 14K for the second, and 45K for the third. Sarkis proceeded to state that those bonds can be used for completion of As-Builts and Zambarnardi concurred. Zambarnardi stated that it is Meridian's discretion as to when there is a significant enough storm to justify a site visit. Zambarnardi stated that there is 5k in escrow that can be used to pay Meridian. Sarkis asked about the status of the site. Zambarnardi stated that the last inspection report indicated erosion was occurring on the hillside and Meridian recommended mulching the area to slow the ongoing erosion. Sarkis stated mulching should be a temporary fix until it can be permanently remedied. Cook asked if Meridian is done at the end of the month, but there is still a slope erosion issue, how would we resolve that. Zambarnardi stated that we would have to tell the developer that the project is not considered complete until this issue is sufficiently addressed. The Board agreed to have inspections done after a storm and once per month. An inspection for a storm event would qualify as the "once per month" inspection. Murphey noted the project is set to be completed by end of the month therefore inspections won't continue for very much longer. Bridges requested that Zambarnardi follow up with Meridian in regards to the erosion until the developer can fix it in the Spring.

Open Space Committee Concerns with Trail Conditions - Steven Greason, 86 Coffin St, had multiple concerns in regards to the trail. Greason stated there is an overabundance of posts which include 4x4 conservation posts, as well granite markers (boundary markers) along the trail. Greason is concerned the granite markers are a tripping hazard. He stated that Howard "Chip" Hall installed about 70 posts. Greason stated that the posts not only pose safety concerns, but confusion to the public. Zambarnardi stated that the posts and granite markers are in the plans and proceeded to show the plans to the Board Members along with Greason and Marlene Switzer, a resident of Follinsbee Lane and a member of the Open Space Committee. Greason addressed another concern with the mulch, and described it as having the consistency of "packing peanuts". He would prefer that stone dust be set in place of it. Murphey

stated that the wood chips were done per specifications of the Conservation cCommission. Greason stated there is a discrepancy over the trail location around the septic mound, and stated the trail goes below the septic mound because there was a silt fence in the way. Greason proceeded to show the Board original plans for the trail, and Zambenardi showed the revised trail plans that were approved in September. Bardeen stated the Conservation Commission holds the easement, and she believes that they hold jurisdiction over the trails. Zambenardi stated the Conservation Commission issued a letter stating the trails complied with the revised plan that was approved on Sept 6. Switzer also expressed concern with erosion on the trail and the lack of required landscaping around the vents to the septic mound. Greason noted that the footbridges have a lip, which can be a tripping hazard and are not handicapped accessible. The discussion concluded with the Board advising Greason to discuss the concerns with Jay Smith, the Town's Conservation Agent. Zambenardi offered to attend that discussion.

Amendments Sign Bylaws –

The Board Members referred to the Nov 15th meeting minutes to discuss the Sign Bylaws. Bridges discussed Glenn Clohecy's recommendation about allowing "open" window signs being illuminated during open hours and changing them from temporary to permanent. Members generally concurred that these signs are not preferable and decided to keep the language as it is drafted. Bardeen suggested that the Planning Board write its own friendly amendment to introduce at Town Meeting if this becomes an issue. The board concurred with Bardeen's suggestion. Bridges stated that Section 7D3 referred to preexisting non-conforming signs and stated that these signs can't be altered in any way such as changing the lettering, business name, painting or logos. The Board discussed whether the content of the signs should be allowed. Cook suggested the Board agree that lettering style, colors, logos, and business name be allowed to change, provided it's not a different use. The Board agreed with this and decided to edit the draft amendment accordingly.

General Business

Sullivan's Court Extension -

Zambenardi stated that Tom Neve questioned discontinuance of inspections for the winter. After some discussion, Bardeen proposed that inspections be conducted in the same manner as they decided upon for the Cottages at River Hill this evening, and the Board agreed.

Haverhill Bank -

Zambenardi stated that she has received another revised As-Built which is currently under review. Cook questioned if there was an update on the lighting. Zambenardi stated that she needs to follow up with the Haverhill Bank in regards to the closed signs but that the bank previously stated that they couldn't dim the lighting.

Minutes -

Members reviewed the minutes of the Sept. 20, 2016, Oct. 4, 2016, and Nov. 1, 2016 meetings.

Bridges made a motion to approve the Sept. 20, 2016 minutes with corrections. Bardeen seconded the motion and it passed 4-0-1 with Bridges abstaining. Bridges made a motion to approve the Oct. 4, 2016 minutes with corrections. Bardeen seconded the motion and it passed 5-0.

Bridges made a motion to approve the Nov. 1, 2016 meeting minutes with corrections. Bardeen seconded the motion and it carried 4-0-1 with Sarkis abstaining.

Vouchers -

Zambenardi stated there were no vouchers.

Correspondence -

Zambernardi stated she received public hearing notices from Newbury, Haverhill and Merrimack, which she summarized for the Board Members.

Tree Removal -

Bardeen shared a legal notice in the newspaper from the Town of Newbury. The notice was from the Tree Warden and it stated when a public hearing would occur to review trees in the public right of way proposed for removal and of their location. Bardeen proposed that Zambernardi contact Martha Taylor in Newbury to learn how they handle the tree removal process. Bardeen also noted that West Newbury needs to follow the Massachusetts State Law on trees on public property, in which it is currently not. The Board Members agreed that the tree removal process should be discussed with the Selectmen. Murphey stated that he would attend a Selectman's meeting to review the tree removal process. The Board asked Zambernardi to request time on the Selectmen's agenda for this purpose.

Administrative Details –

2017 Downtown Initiative Grant Round –

Zambernardi stated that after the grant application, she received notice from the Board of Health that there is an entity purchasing the Bruneault property with plans to make it into a gas station and repair shop. She also stated they applied for a tight tank with the Board of Health.

She also noted that Food Mart's septic system is no longer working properly, and they would be requesting a new system in the spring. The system would be partially installed on a piece of property they own behind the store. Zambernardi stated that the time might be ripe for discussing a package treatment facility to serve downtown businesses.

Subsidized Housing Inventory -

Zambernardi stated she filed the application for the Follinsbee Lane affordable units to be added to the inventory.

Other –

Zambernardi stated that Ingrid Robinson, on 26 Bachelor St. is trying to sell her home. When the mortgage company was doing the title search, they found there was a special permit for a common driveway in 1994/1995 between 26 and 32 Bachelor St. There is also a covenant on the property indicating that the property can't be sold or built upon until the common driveway is constructed. Zambernardi stated that records in the Planning Board's files show the Board released the bond money it held guaranteeing the completion of the common driveway. In order to sell the home, attorneys for the mortgage company requested that a document be filed with the Registry of Deeds releasing the homeowners from parts of the common driveway covenant. Zambernardi requested that they prepare a release form, which she reviewed with Mike McCarren, Town Counsel. All the Board Members signed the requested release from that Zambernardi submitted.

Murphey discussed moving ahead with changes to the Planning Administrator position. The meeting was adjourned at 9:35pm

Submitted by,

Lori Dawidowicz
Recording Secretary