

**West Newbury Planning Board
Meeting Minutes
March 4, 2020**

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 March 4, 2020 at 7:00 pm in the Planning Office at the West Newbury Town Offices, 381 Main Street. Board Members Ann Bardeen, Raymond Cook, Brian Murphey and Tim Cronin were in attendance. Associate Member Wendy Reed and Town Planner Leah Zambenardi were also in attendance. Board Member Rick Bridges was not in attendance.

Also in attendance were Brad Dore, Principal, Dore + Whittier Architects, Jennifer Poliseno 246 Middle Street, West Newbury, Michael Migliori, Attorney, 18 Essex St. Haverhill, representing Michael Crowe, an Engineer from Sparages Engineering, Debbie Hamilton. 227 Middle Street

Call to Order

Chair Murphey called the meeting to order at 7:05 PM.

Discussion/Decision: Site Plan Review Application for New Pentucket Regional Middle-High School Building with related parking and athletic facilities. Owner/Applicant: Pentucket Regional School District.

The Board had reviewed a Draft Certificate of Vote. Cronin suggested wording changes to clarify and remove ambiguity. Murphey asked the applicant for comments. Dore said none were warranted and thanked to the Board.

Murphey moved to approve site plan application for New Pentucket Regional Middle-High School Building with related parking and athletic facilities. Owner/Applicant: Pentucket Regional School District pursuant to Certificate of Vote. Cook seconded and the motion passed 4-0.

Dore noted his appreciation to the Board and the Town Planner.

Documents Reviewed: Final Certificate of Vote

Recess for Scheduled Public Hearing

Murphey called the Special Public Hearing to order at 7:15 PM.

Clerk Bardeen read the legal notice.

The proposal is to Adopt Table of Uses; Amend sections related to: care of animals (5.A.2.c.ii.c); professional home offices (5.A.2.c.iv); rules conflicting with agricultural, educational and child care use exemptions in G.L. Ch. 40A, S. 3 (5.A.3.b, 5.A.3.j & 5.B.2.e); convalescent homes, old age homes & sanitariums (5.A.3.h.); Congregate Housing (S.2 & 5.A.3.i); outdoor retail storage (5.B.1.e); residential units in buildings with commercial enterprises (5.B.2.f); and, properties having rooms for rent (S.2 & 5.A.2.c.iii).

Murphey asked Zambenardi to read the proposed amendments and asked the public in attendance to comment as each item was discussed.

Regulations regarding the keeping of pets and animals was removed from the Zoning Bylaws; it is in the purview of Board of Health.

The word *home* was added to the description of Professional Office. Jennifer Poliseno, 246 Middle Street expressed concern about traffic, and who would enforce traffic regulations. Cook explained that the new subsection would define traffic as “what is normally expected” in the neighborhood. Murphey stated that

the Zoning Officer would address the traffic situation, noting there may be gray areas. Cook noted that traffic was not previously used in the bylaw, which is broad, but provides guidance.

Language that noted that residential dwellings exist in and among businesses in the Business District was clarified to address screening requirements for business related outdoor storage in the business district. Jennifer Poliseno asked the Board to define retail business and use of the word retail in the Business District. Bardeen suggested "business-related outdoor storage and display located in a rear or side yard shall be screened." The Board concurred.

VIII – 5.B.2 subsection D was deleted in its entirety. Child care is a protected use by State law.

IX – This revision clarified that the Planning Board, and not another entity, is the Special Permit Granting Authority reviewing visual elements, density and parking.

X. This section of the Bylaw addresses all types of properties having rooms for rent; they are differentiated in the Zoning Bylaw by the duration of stay; the actual number of days in the stay are not well defined. The Board elected to use the words "short term paying guest" throughout the Bylaw.

Murphey noted that Air BNB regulation falls under a Town Bylaw rather than a Zoning Bylaw; further, the Board of Selectmen are working to address Air BNB issues. Selectmen David Archibald made comments. The Board decided not to include the Table of Uses in this proposal as it had not yet been properly vetted.

Murphey asked for additional comment from public and from the Board. There was none.

At 8:10 pm, Murphey moved to close Public Hearing. Cook seconded and the motion passed unanimously.

Murphey moved to submit the changes for consideration at Spring Town Meeting. Cook seconded and the motion passed unanimously.

Documents Reviewed: Draft Article

The Regular Meeting was reconvened at 8:13 pm.

Preliminary Subdivision Plan for Deer Run (519 Main Street) – Deer Run Land Development LLC - Creation of new dead-end roadway and 4 total building lots. Michael Migliori, Attorney, 18 Essex St. Haverhill, representing Michael Crowe

Migliori described the proposed project on 35.6 acres of land that includes both Residence B and Residence C districts. There is an existing two family on the property. Eight units are proposed on four new lots. Murphey requested the percentage of land area in each zoning district. A new road less than 700 ft. will be needed, requiring Town acceptance. The Fire Department had requested an additional hydrant. Board members asked questions and suggested solutions.

Murphey stated that he is not in favor of granting a special permit for frontage. He is also opposed to the Lot 2 and 3 driveways being located so closely together. He would be in favor of a common driveway special permit. Cook stated that he is concerned about the proximity of the power lines, the odd shapes of the parcels and their desirability.

Debbie Hamilton, 227 Middle Street, stated there shouldn't be concern about housing near the powerlines, and commended the idea of common driveway. A special permit would be required.

The Board reviewed the plan and offered comment on density, proximity to the power line easement, the existing home, and powerlines, noting that all trail easements were not referenced on the existing plan. Drainage issues and infiltration basins were discussed. Realtor Jennifer Poliseno noted that housing was needed and duplexes were in demand.

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Cook suggested continued discussion at the Board's March 17 Meeting. Zambenardi will follow up with the Building Inspector regarding Lot #4 frontage. The owner will meet with the Building Inspector as part of the preliminary process. Public comment was requested by the Board. There was none.

Documents Reviewed

Letter, Feb 11, 202 from Christopher Sparages, Williams & Sparages to Brian Murphey, Planning Board Chair

Email, Feb. 26, 2020 from Michael Dwyer to Michael E. Gootee, Water Manager/Superintendent
General Law-Part I, Title VII, Chapter 41, Section 81S

Email, Mar 2, 2020 from Zambenardi to Chris Sparages, Mike Crowe

Memorandum, Feb 26/20 from Zambenardi to Mike Gootee (Water Department)

Email, Mar 2, 2020 from S. Joslin, Building Inspector to Zambenardi

Email, Mar 2, 2020 from S. Joslin, Building Inspector to Zambenardi forward to A. Jennings

Schedule D Project Information Summary

Deer Run Lane Preliminary Subdivision Plan, Feb 11, 2020, Sheets 1-9

Pre-Application Conference: Site Plan Review for Page School Playground Accessibility Improvements

The Town Manager was unable to attend, but had asked that the Board discuss the issue. Murphey had suggested to the Town Manager that the Board review the project after Town Meeting's vote on project funding. He further noted that the project was not fully defined, and would be on Town property. Parking and access were within the Board's purview. Bardeen suggested a pre-application conference with the proponents. Site plan review will be required.

Electric Vehicle Charging Stations

The proposed addition of electric vehicle charging station at the Page School would be a change of use at a public facility, requiring Site Plan Review. There is no expedited site plan review. Murphey suggested that perhaps one was needed.

Zambenardi recommended this be discussed at the May 5, 2020 Planning Board meeting and requested what information the Board would like to review. Cronin noted anticipated users, bus traffic, and considerations of wider access by the public to the school property.

Documents Reviewed: Email from Town Manager Angus Jennings

General Business

Sullivans Court Extension

The Town Manager and Building Inspector performed a site visit and determined the trails must be accessible, as approved. The Town Manager and Building Inspector discussed a proposal whereby developer Neve will relinquish the \$10,000 bond in lieu of completing the trails. It was noted that a modification of the subdivision approval would be required if this proposal was accepted.

Poor House Lane

Meridian contacted the Town Planner. Developer Larry Smith expressed interest in a property on Poor House Lane. Meridian would like to represent them, and suggested an informal discussion of the project. The Board agreed that a meeting would be beneficial.

Drakes Landing

The Board signed the Certificate of Vote for Drakes Landing Minor Modification of the B-Style Unit.

Vouchers

Vouchers were signed for the Town Planner and Planning Assistant payroll.

Minutes

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No minutes were available for review.

Correspondence

There was no correspondence to review.

Administrative Details

The Board signed the Certificate of Vote for Drakes Landing Minor Modification.

Items not Reasonably Anticipated by the Chair 48 Hours in Advance of a Meeting

There were no items.

Adjournment

Murphey moved to adjourn, Cook seconded, and the motion passed unanimously.

Respectfully submitted,

Kathryn C. Carr, Recording Secretary