

Planning Board
April 3, 2007
Approved May 1, 2007

Members Present: Mrs. Freeman, Chair; Mr. Weiler, Vice-Chair; Travis Dezotell; Deane Geddes; Tom Vannatta; Ron Williams; Dick Wright, Ex-Officio; Ken McWilliams, Advisor

Mrs. Freeman called the meeting to order at 7:10 p.m.

Patricia Sherman, Architect, was present to discuss the plan for design of the Town Center and how she and the Planning Board can work together to integrate the Town Center Planning process into the Master Plan.

Ms. Sherman made a presentation of her efforts to date. She commented that the first step was done at the Annual Town Meeting by purchasing the Camacho property. At her presentation at the Annual Town Meeting, Ms. Sherman quoted statistical data as to why the Camacho property is an important part of the overall Town Center Plan. She stated that it is her job to work as a facilitator with the public to come up with a comprehensive site plan of what the Town owns as a semblance of properties and take a look at how they all fit together. She requested copies of any surveys, Ms. Sherman or data that the Planning Board has relative to the Town Center.

In order to get a handle on some of the larger municipal buildings, Ms. Sherman will be contacting the Fire Chief and the Police Chief to assess their needs. The Police Chief has a design already worked out with an architect he met at a regional Police Chief's Meeting. Also, she stated that she will need to work with the other Town Departments to determine what their needs are and if they are being met.

Ms. Sherman informed the Board that the Town has committed 10,000 sq ft to the Velie playground in the vicinity of the Newbury Public Library. The exact layout needs to be located sooner than later. The Velie's are going to provide the equipment and installation, but the Town will give the land. The Playground Committee talked about the importance of staying out of the 75' wetland buffer, and they are more than willing to do that; but the Town ought to flag the wetland before they get started. From a designing standpoint, Ms. Sherman stated that it would be great if the playground was able to encroach in the wet land buffer because that land cannot be used for anything else. A playground use is less impacting than a building or parking area.

Mrs. Freeman stated that flagging of the wetlands is not in the Planning Board budget and asked Mr. Wright if the Board of Selectmen could find some money to get that done?

Mr. Wright, Selectman, stated that that is entirely possible.

Mr. Weiler asked for clarification of the proposed location of the playground. Is it outside or inside wetland buffer?

Ms. Sherman commented that it is currently proposed to be inside the wetland buffer, which is permissible by zoning regulations.

Mr. Weiler stated that the wetland buffer excludes all uses except with a conditional use permit.

Ms. Sherman explained that the playground installers will have to set footings in order to properly set the playground equipment.

Mr. Weiler asked how this activity will impact the wetland. The Board has the authority, but should it allow the encroachment?

Mrs. Freeman commented that the Board should study the issue.

Ms. Sherman commented that the Veilie Playground Group is talking about three vendors. Each vendor wants to have a specific location in order to create a bid.

Mrs. Freeman commented that consideration could be given to allow the playground to encroach in the wetland buffer since certainly nothing else could be built in the wetland.

Ms. Sherman emphasized that if the playground is partially in the wetland buffer, then the planning committee can consider the more buildable land for the bigger buildings and more intense uses.

Mrs. Freeman stated that it is not wise to have a playground next to a police station where there may be criminals being held or other police activities, which could be dangerous.

Mr. Wright explained that the area in consideration for the playground is basically where the existing greenhouse is located.

Mrs. Freeman commented that in order to begin the plan, the wetlands need to be flagged.

After open discussion, sense of the Board was that the playground would be safer for children and less impacting on the wetland if it were located back along Fishersfield Road.

Mr. Geddes offered to call a couple of wetlands experts to request cost proposals for flagging the wetlands. He questioned locating the playground right next to a swamp in light of the recent dangers of the West Nile Virus.

Ms. Sherman commented that the study committee needs to classify the underbrush and determine what type of wetland exists i.e., wet vegetation vs. wet soils or standing water.

Mrs. Freeman stated that the Town Center Study Committee needs to integrate the overall study with the existing Town Buildings. The Plan Facilities Chapter of the Master Plan should have a draft written which could feed into the Town Center Plan.

Mr. McWilliams recommended that the Department Reviews completed by Mr. Geddes for the Fire, Police, Highway and Town Office Departments be provided to Ms. Sherman for reference. Also, the draft of the Commercial Facilities for the Master Plan can also be shared with Ms. Sherman.

Ms. Sherman pointed out that when planning a site, room for Building as well as access/egress, and parking needs to be considered.

Mr. Geddes commented that if the Police Chief has a footprint plan, then that could be used for starters for needs of the Police Department.

Mrs. Freeman told Ms. Sherman that the Board will share all of the background information possible.

Mr. Weiler commented that there is an engineering study planned for Town buildings in South Newbury Village to determine repair and renovation requirements.

Mrs. Freeman asked if the Planning Committee should have some idea of what the Town may want to do with those buildings or does the Board think that those buildings are very separate and not to be considered part of Newbury Center.

Mr. Weiler commented that he does not think that the South Newbury buildings need to be included with the Town Center project since the study is only going to be to fix up existing buildings.

Mr. Wright commented that the Board of Selectmen wants to find out what it is going to cost to fix those buildings and get them usable and figure out how to mold those back into Town use.

Ms. Sherman commented that part of what she was going to do is to have Frank Lemay look at the Veteran's Hall and give a cost on fixing it or moving it to another location to free up the space.

Mrs. Freeman commented that due to the limitations of the site, there may not have enough room to adequately provide all of the necessary municipal services in the Town Center. If there were some Town Center uses in South Newbury, then maybe the Southern part of Town would not seem quite so left out of the hub of activity. Consideration should be given to using some of the area in South Newbury as an available factor in this plan.

Mr. Weiler stated that he is not sure when the engineering study will be completed and available.

Ms. Sherman commented that the public meetings to gather input probably won't take place until the summer.

Mr. Weiler stated that getting the footprint measurements will be easy to get. There is already a full survey of all the Town land with the locations of all three buildings.

Mrs. Freeman commented that the old Town Highway Garage should also be included in the plan since the Town's people voted to keep it at the Annual Town Meeting.

Mr. Wright commented that in his opinion the only real desire for the old Highway Garage Building is for storage. The Board of Selectmen has talked about building a smaller barn near the Hearse House for storage since the old building is in poor shape. The old Town Highway Garage currently stores a trailer, the fireboat and some other miscellaneous equipment. The Town is close to having to do major repairs to that building in order to make it safe.

Mr. Williams commented that the committee needs to consider uses that are complimentary to each other such as a community center near the library.

Ms. Sherman commented that the Velie playground is proposed near the library instead of within the Fishersfield Park because the Fishersfield Park is farther away from the Town Center than the committee desires, and the members of the Velie playground committee are growing impatient waiting for Fishersfield to be developed.

Mrs. Freeman expressed concern if the old Highway Garage is sold as an existing garage, then the use would be grandfathered which is not a good use on an aquifer and in the buffer zone of Andrew Brook.

Mr. Dezotell commented that he did not recall getting input from Bradford/Newbury Youth Sports Organization for the recreation chapter of the Master Plan.

Mr. Weiler asked what the impact will be on Bradford/Newbury Youth Sports when if Newbury builds its own fields.

Mr. Wright commented that Harry Seidel has stated numerous times that there is a growing need for more youth sports fields. The need is still here. There have been a lot of new ideas brought forth to the Board of Selectmen for the Fishersfield Park. Currently, there is a plan for one big field, combination soccer and baseball field, a combination basketball/volleyball court, and a tennis court has been agreed upon by the Board for where the Velie playground was going to be located.

Mr. Dezotell stated that it is very dangerous to combine soccer and baseball because of the risk of player injury due to the change in terrain.

Mrs. Freeman asked if the Town would ever entertain the idea of putting a Function Hall or Community Center on the Fishersfield land

Mr. Wright commented that the available land and topography would not be conducive to a community facility up there.

Ms. Sherman commented that one idea for the Town Center would be to consider a community septic system which would service a high-class commercial center including a pedestrian path leading to high density housing that is also supported by a common

septic service. She suggested that the Town should consider selling the existing safety services building in order to promote more commercial uses in the center of town. Those departments could be rebuilt in a different location.

Mrs. Freeman stated that not everyone has that vision as their ideal for Newbury's development. She asked Ms. Sherman if she is taking the role of a facilitator or a director.

Ms. Sherman stated that she is a facilitator in this planning process.

Mr. Wright asked how moving the safety services departments out of the center of Town promotes the concept of a Town Center. He commented that we should not even be thinking about how we are going to be commercializing the Town.

Ms. Sherman explained that if we don't have an idea of what could happen, we won't have any say or control as to how the Town will develop. If you have a cluster of Town buildings people will come because that is where the Town activities take place.

Mr. Wright commented that we cannot control development of a piece of property if we don't own it.

Ms. Sherman explained that development can be controlled with a specified Performance District and design guidelines. If a developer purchases a property, then something awful could be constructed and it will be too late to change it. She stated that if the Town has an idea of what it would like to have happen, then it can create zoning to enhance that.

Mrs. Freeman commented that the Board needs to explore the mechanisms by which we can control development. She asked Ms. Sherman if she could present more than one scenario of development.

Ms. Sherman stated, "Absolutely." She explained that the first session would be to give ideas of distances, topos, existing conditions, etc.

Mrs. Freeman asked Ms. Sherman to come back to the Planning Board before bringing the raw data to the public.

Ms. Sherman agreed to meet ahead of time with the Planning Board. She asked for a copy of the Master Plan, CIP Plan, Mr. Geddes' report on the buildings, and the Police Chief's designs.

The Board and Ms. Sherman agreed to meet May 29, 2007 to review the material for the public meeting. The remaining public meeting dates will be worked out between Mrs. Freeman, Mr. McWilliams and Ms. Sherman.

Mr. Geddes agreed to contact wetland surveyors for flagging quotes.

The Board tentatively agreed upon April 7 and April 14 as dates for a site visit at property owned by Scott Falvey off Southgate. Mrs. Freeman will call Mr. Falvey and email the members to confirm those dates and a time.

MINUTES

The Board reviewed the minutes of March 6, 2007.

Mr. Geddes made a motion to accept the minutes of March 6, 2007 as corrected. Motion was seconded. All in favor.

Conditional Use Permit Application Form

The Board reviewed the Conditional Use Form Application prepared by Mr. Weiler.

Mr. McWilliams suggested that in order to be consistent with the language in the zoning regulations, the words above the double lines should be changed from ... 'describe the activity' to ... 'describe the development.' Also, reference to 8.5 should be changed to 8.6 as a result of recent amendments.

Mr. Vannatta made a motion to approve the Conditional Use Permit Application Form as amended. Mr. Dezotell seconded the motion. All in favor.

Conditional Use Permit Form

The Board reviewed the Conditional Use Permit Form as prepared by Mr. Weiler.

Mr. McWilliams suggested that there should be a place for referencing the date of a plan in order to maintain clarification when there are numerous revisions, as so often happens.

Mr. Geddes asked for a Point of Order. He asked if Mr. Wright is a voting member at this evening's Planning Board Meeting.

Mr. McWilliams explained that he is not a voting member unless he has been voted as ex-officio by the Board of Selectmen.

Mr. Wright said that he has not been voted as ex-officio by the Board of Selectmen.

Mrs. Freeman commented that the Planning Board would like for Mr. Wright to be an ex-officio.

Mr. Wright commented that he would consider the offer and discuss it further with the Board of Selectmen and Mrs. Wright.

Mr. Weiler stated that the Planning Board needs someone to fill the position even if Mr. Wright cannot.

Mr. Dezotell made a motion to approve the conditional use permit form as amended. Mr. Geddes seconded the motion. All in favor.

CASE: Adm1-061 - Master Plan Housing Chapter

Mr. Williams asked what is the requirement in the Master Plan for the Town to provide adequate housing.

Mr. Weiler commented that adequate housing referenced in the first paragraph should not be specific to any one type of resident, seasonal or full-time.

Mrs. Freeman commented that affordability is also affected by changes in demographics due to certain categories of population that move away and a decreasing elderly population. She asked if there is data available which indicates income levels in Newbury to include in this chapter.

Mrs. Freeman commented that Newbury is described as primarily a rural residential community. It does not seem as though everyone has the same definition of rural in mind.

Mr. Weiler stated that there is an operational definition of rural within the survey.

Mrs. Freeman commented that the references to family should indicate how many people are in the family being used to back up the data. Also, people have answered their surveys and the majority indicates that they don't want any kind of housing that would be considered affordable. This is making a presumption and there is no reference as to where that presumption is coming from. She asked Mr. McWilliams to cite the resource to link the upper and lower half of page 114.

Mrs. Freeman suggested that number 5 under Housing Issues on page 115, Conversion of seasonal to year- round use, should go in the natural resource chapter since its primary point is associated with water quality.

The Board was in agreement with Mrs. Freeman to put the above-mentioned item in the Natural Resource Chapter.

Mrs. Freeman suggested that on page 115 under GOALS: HOUSING, the words 'develop a policy to promote' should begin the items instead of "achieve" and "ensure". Item #4 should be moved to the Natural Resources Chapter, and item #5 should be moved to the Land Use Chapter since it refers to scattered and premature development.

The Board was in agreement with Mrs. Freeman to make the above-mentioned changes.

Mrs. Freeman suggested that on page 115 under RECOMMENDATIONS: HOUSING, item #1 should begin with 'Further develop zoning regulations...', and item #3 should begin with 'Develop mechanisms to encourage sufficient development...'. Item #4

should be moved to the Natural Resources Chapter, and item #5 should be moved to the Land Use Chapter.

The Board was in agreement with Mrs. Freeman to make the above-mentioned changes.

Mr. Weiler suggested that item #10 on page 116 should begin with 'Evaluate', not Reevaluate.

The Board was in agreement with Mr. Weiler to make the above-mentioned change.

Mr. Vannatta asked for an explanation of the intent behind the five-year provision on a dwelling prior to converting existing space into an accessory apartment.

Mr. Weiler explained that the ultimate effect of an accessory apartment changes the zoning density from one dwelling to two dwelling units per lot. The five-year provision prevents developers from building duplexes under the guise of single-family homes.

The Board agreed to re-examine the five-year provision.

Mrs. Freeman announced that there is a meeting of the Sutton Planning Board on April 10, 2007 at 7:00 p.m. to discuss the Feins application. It looks as though the Sutton Planning Board will be voting at this meeting. The Sutton Planning Board has invited the Newbury Planning Board to the meeting for input. The sense of the Newbury Planning Board is that this subdivision should be considered scattered and premature especially since the access and closest emergency service is from out of town. The Board agreed that as many Newbury Planning Board members as possible should go to the April 10, 2007 meeting.

Mr. Vannatta reported that at the Joint Board Meeting there were six attendees. He took some notes and will circulate them as soon as possible.

Mr. Dezotell made a motion to adjourn. Mr. Geddes seconded the motion. All in favor. Meeting adjourned at 9:15 p.m.

Respectfully submitted,

Linda Plunkett
Recording Secretary