

**WEST NEWBURY PLANNING BOARD
MINUTES OF MEETING
February 16, 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 February 16, 2016 in Planning Board Office at the West Newbury Town Offices, 381 Main Street. Board Members Ann Bardeen, Rick Bridges, Raymond Cook and Brian Murphey were present. Board Member John Todd Sarkis was not in attendance. Planning Administrator Leah Zambenardi and Associate Member Dennis Lucey were also present.

The meeting was called to order at 7:00 PM.

Cook took the agenda out of order and addressed the Subdivision Approval Not Required Plan submitted.

Subdivision Approval Not Required Plans (SANR's)

a. 613 Main Street – Costain Family Trust

Woody Cammett of Cammett Engineering spoke on behalf of Jennifer Costain and Gerald Comeau. He stated the proposal is to split 613 Main Street (2.9 acres) into two building lots in the Residence C zoning district. Lot 1 would have an area of 78,599 s.f. where 20,000 s.f. is required; c.b.a. of 31,442 s.f. where 15,000 s.f. is required; and frontage of 183.77-feet where 150-feet is required. Lot 2 would contain the existing house and garage. It would have an area of 47,687 s.f; c.b.a. of 16,061 s.f.; and frontage of 153.05-feet. Bardeen asked Zambenardi if there are any technical issues with the plan. Zambenardi stated she reviewed the plan and found no issues. She asked Mr. Cammett if there is a pool on the property. Cammett affirmed but stated the pool would be removed.

Cook made a motion to endorse the plan as one not requiring approval under the Subdivision Control Law. Bardeen seconded the motion and it carried 4-0.

Executive Session: To comply with or act under the authority of any Act or Special Law – G.L. Chapter 30A, Section 21(a)7

Cook made a motion to recess the regular meeting of the Planning Board and to enter Executive Session under the provisions of G.L. Chapter 30A, Section 21(a)7 to comply with or act under the authority of any Act or Special Law and that the Board reconvene in Open Session immediately after the Executive Session. Bardeen seconded the motion. The Board then took a roll call vote as follows: Cook – yes; Bardeen - yes; Bridges – yes; Murphey – yes.

The Board immediately reconvened the regular meeting of the Board after the Executive Session having taken a roll call vote as follows:

“Cook made a motion to exit Executive Session under the provisions of G.L. Chapter 30A, Section 21(a)7 held to comply with or act under the authority of any Act or Special Law and to convene the Open Session of the regular Planning Board meeting. Murphey seconded the

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motion. The Board then took a roll call vote as follows: Cook – yes; Bardeen - yes; Bridges – yes; Murphey – yes”.

Ocean Meadow Definitive Subdivision Plan and OSPD Special Permit – Alyssa M. Gillis, Doug Stockbridge - Update on Status of Completion of 24 Ridgeway Circle

Cook asked Zambenardi to update the Board. Zambenardi stated that Steve Gillis stopped by the Planning Board Office today at 4:30. She stated that Mr. Gillis was not sure at that point who was going to attend the meeting. Doug Stockbridge stated he was expecting that Steve Gillis would attend, but Gillis had a last minute emergency. He stated they had delays getting the heating subcontractor. He stated the heating subcontractor was on site today and that Mr. Gillis had sent the Board photos. He stated they could not do the finish painting, flooring, etc. without the heat. He stated he expects the unit to be fully heated this week. He stated that by virtue of the calendar, the unit will not be completed by February 29th, which is the current deadline for completion. He stated the previous closing date for 24 Ridgeway Circle was February 10th, which did not occur. The buyer has since put their home under agreement and the closing date will take place on March 24th. He stated they are therefore requesting an extension to the end of March. He stated he would come back at the March 15th Planning Board meeting to update the Board again.

Zambenardi stated Steve Gillis sent an email to her today with photographs of existing conditions, which shows that the majority of the heating system has been installed.

Cook made a motion to grant the extension of the completion date to March 31, 2016. Bardeen seconded the motion and it carried 4-0.

Bob Gauss of Ridgeway Circle asked if Mr. Gillis was actually in the Town offices today and whether he shared any encouragement about the completion of the property. Zambenardi confirmed that Mr. Gillis related the same information as Mr. Stockbridge did tonight and that he seemed optimistic that the work would be completed soon.

Sullivans Court Extension, Estate Homes at Rivers Edge, Definitive Subdivision Plan and Special Permits for: 1. Common Driveway to serve three Lots (Section 7.D.); and 2. Three Reduced Frontage Lots (Section 6.A.1.) – Approved April 21, 2015 – Request for Release of Lot 5 from Inclusionary Housing Contribution Payment Agreement and Acceptance of Housing Contribution Payment for Lot 5.

Zambenardi stated that the Planning Board’s Definitive Plan approval certificate included a condition that the developer provide a Housing Contribution Payment pursuant to the Town’s Inclusionary Housing Bylaw. The condition also required that once the payment is received, the “Planning Board shall deposit the funds with the Treasurer in an account established for this purpose, with the restriction that the funds may be spent only for Affordable Housing purposes and only with the authorization of the Planning Board.” She stated that the developer subsequently filed an Agreement, accepted by the Planning Board, at the Registry of Deeds setting a schedule for making said payments. Zambenardi stated that Tom Neve has submitted the first payment of \$14,750 for Lot 5, which is required upon its transfer of ownership. She stated that Neve also submitted a Release Form to release Lot 5 from the restrictive language

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of the agreement for the Board's signature. She added that Town Counsel has reviewed and accepted the release in content and form.

Cook made a motion to accept the Housing Contribution Payment for Lot 5 in the amount of \$14,750 submitted by Thomas Neve of Walker Development pursuant to the document entitled "Housing Contribution Payment in Lieu of a Qualifying Fractional Affordable Unit Pursuant To Section 5.F.6 of the West Newbury Zoning Bylaw Agreement". Said funds shall be deposited with the Treasurer in an account established for this purpose, with the restriction that the funds may be spent only for Affordable Housing purposes and only with the authorization of the Planning Board. Bridges seconded the motion. Discussion on the motion: Murphey questioned whether the restriction on use of the funds is within the Board's purview. Cook acknowledged it is probably not the Board's purview but it was incorporated into the original approval and the desire of the Board to have input on expending the funds should be related to the Selectmen. The motion carried 4-0.

Cook then made a motion to release Lot 5 from the aforementioned Housing Contribution Payment Agreement. Murphey seconded the motion and it carried 4-0.

Discussion of Zoning Bylaw Amendments

Signs – Bridges stated that Zambenardi and he dusted off the last draft of the Bylaw and made some additional changes. He stated that much of what was in the current draft was from Topsfield's Sign Bylaw. He stated that Building Inspector Glenn Clohecy had difficulty with enforcing the current Bylaw and pointed the Board to Topsfield's. He stated Zambenardi and he made some more tweaks the other day, with some clarifications on some things. He stated the Board still must contend with the dimensional qualifications for signs. He envisions this as a chart that can also act as a ready reference for people.

Cook stated that since the last meeting he stepped back, revisited the existing Sign Bylaw and wrote a new draft from scratch. He stated he would like the Board to take a fresh look. Murphey asked about Topsfield's dimensional requirements. Zambenardi stated Topsfield has a number of Business Districts. She only included the requirements for their Business Village District into the draft. She noted she has not done an evaluation of the dimensions at this point. That would constitute another meeting.

Bridges suggested that perhaps the Board members should take the draft and review it in time for the next meeting. Cook agreed, then asked that the Board have a broad discussion on what the problems are with signs that it would like to address. A lengthy discussion ensued. Some of the issues were addressed in the most recent draft.

Murphey stated that the Board seems to be at a point where it needs to decide whether it wants to give Clohecy something he is familiar with and can get on board with or are we going to re-write. Cook offered to compare his draft to the other draft and to point anything he finds is in his proposal, but not in the other draft for consideration by the Board at the next meeting. He stated there will then be one draft that can be reviewed. Murphey stated he does not have a problem with the Topsfield layout and tweaking a couple of things. He thinks it is far better than what the Town has now. Cook stated he will review the current draft, which is based on

Topsfield's with the idea of making small adjustments. Bridges suggested the Board then share the draft with Clohecy.

Two-Family Structures – Bardeen stated she found some old research done by consultant Judi Barrett. She also looked at the building code which makes a distinction for two-families by identifying whether it is attached by a common wall or by one floor above the other. She stated the word “duplex” does not seem to appear.

Cook asked where the definition of how a 2-family can be attached comes from (i.e. can't be attached by a breezeway). Bardeen stated that perhaps the Board should ask the Building Inspector for the citation. Bridges noted some examples of duplexes in Town. Zambenardi stated that Bridges emailed some example Bylaws from other Towns. She stated that Amherst had past amendments where they further defined a duplex. It seemed that further defining the term to be more restrictive than the building code is allowable.

Bardeen noted there are also accessory units and she asked what distinguishes them from two-families. Murphey asked if such situations could share a septic system. Bridges noted that insurance and safety reasons would dictate certain things as well. Cook asked if the Town even wants to distinguish accessory units from duplexes. The Board discussed whether the Town could require that accessory units are under the same ownership. Bardeen stated the Board should go back to the problem at hand, and that is how to define what constitutes an attached single family home. Bridges commented that kind of structure should equate to a lower cost unit and that lower cost should be transferred to the buyer so they become affordable or moderately priced homes. Murphey stated that perhaps the Board does not want to legislate these types of units. He stated that when there is a larger subdivision or project with multiple units, there becomes a tipping point where the Board does legislate how such structures are attached. Cook suggested the Town allow accessory units by right and duplexes by special permit. Cook suggested that the definition of an accessory unit would need to be very specific, and might include common ownership and limitations on size. The Board asked Zambenardi to look to see whether other communities around West Newbury or similar to West Newbury require special permits for duplexes or accessory units.

Article 9 from October 26, 2015 Special Town Meeting Re: Amendment to Open Space Preservation Development Bylaw – Zambenardi stated the Town just received notice that the Attorney General's office approved the Bylaw.

General Business:

- Cottages at River Hill – None provided.
- Sullivans Court Extension - None provided.
- Minutes: Minutes of the February 2, 2016 meeting were tabled.
- Vouchers: Zambenardi presented a voucher for payment to Meridian Associates for Board signature.
- Correspondence: Zambenardi informed the Board the Carr Post was designated by Massachusetts Historical Commission as eligible for listing on the National Register of Historic Places. Zambenardi stated there has not been any notice of the Massachusetts Downtown Initiative grant award yet.
- Administrative Details: Zambenardi asked the Board if it still wanted to hold its regular meeting on March 1st given it's a primary election night. She stated the Board cannot hold

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a public hearing, but it can conduct a regular meeting. The Board opts to hold the meeting on March 1st.

The meeting was adjourned at 9:00 p.m.

Submitted by,

Leah J. Zambarnardi, AICP
Planning Administrator