

**WEST NEWBURY PLANNING BOARD
MINUTES OF MEETING
October 18, 2011**

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 October 18, 2011, in the Planning Board Office. Board members Raymond Cook, Ann Bardeen, Brian Murphey, John Sarkis, Chair, and Arthur Wallace attended. Associate Member Patricia Reeser and staff member Jean Nelson were also present.

The Meeting was called to order at 7:34 PM.

ANR Plan, 9 River Road, Assessors' Map R-12, Lot 14, James and Susan Dougherty, Owners. Jeffrey Hoffman, Northstar Land Survey Services, represented the Applicants before the Board. He said that the Doughertys intend to convey a portion of the original Lot 1B to their neighbors, Anthony and Caroline Renau at 11 River Road. The Renaus want to build a barn.

Hoffman said that the Dougherty's lots are held in two separate deeds, and the Assessors' Maps show them as one parcel. A note that Parcel 1B-1 and 1B-2 are not buildable lots is on the plan.

Motion made by Wallace, seconded by Bardeen, to endorse the Plan as not requiring Approval under the Subdivision Control Law. the vote in favor was 5-0.

The Plan was endorsed and Hoffman left the meeting.

General Business

Reeser arrived at approximately 7:45 PM.

Discussion of Notice of Intent to Convert to Other Use Under M.G.L. Chapter 61A from Johnson & Borenstein, re Sullivan Property, Whetstone St., and recommendation to the Board of Selectmen. The statute was reviewed to make the distinction from the previous Notice of Intent to Sell, and the current Notice of Intent to Convert to Other Use. If the Town wishes to pursue the possibility of purchasing the property, an Appraisal must be performed and submitted to the Owners within 30 days of the date of notification, which is October 12, 2011.

Board members concluded that an Appraisal would give the Town more information on the feasibility of purchasing the property. Sarkis said that he will attend the Board of Selectmen's Meeting to discuss this topic on October 19, 2011.

Motion made by Cook, seconded by Bardeen, to recommend to the Board of Selectmen that an Appraisal be performed within the 30 day time period required by M.G.L. Chapter 61A, §14. The vote in favor was unanimous.

Discussion of Technical Memo from Judi Barrett, COG, Inc., and review of proposed revisions to Definitions and other sections of the Zoning Bylaw. The Board began reviewing Barrett's Technical Memo for comments on Zoning Bylaw Sections. Bardeen and Nelson suggested that Barrett may have missed some Definitions which should be addressed, and added these to the review. The Definitions in the Zoning Bylaw were addressed as Barrett had recommended, and others were discussed also.

In most cases, Nelson will search the Zoning Bylaw for Definitions used within the Bylaw text itself, to see how the Bylaw would be impacted by a revision. Some revisions such as Frontage, if made, will impact Section 6.A. Nelson will prepare the revisions as discussed, and further review will take place at the next meeting.

Review response from Paul Colby of Byfield Water Department regarding request to amend the Groundwater Protection Overlay District Map. A letter dated September 28, 2011 from Paul Colby, Director of the Byfield Water District, was read. Colby was responding to a list of questions that Nelson had sent to him in a letter dated September 8, 2011. The Board has interpreted that impacts to land owners would be a limit of stockpiling of manure, and a limit on the amount of impervious area.

It was decided to send the Board of Selectmen a copy of the correspondence and research, and to bring the Bylaw amendment up for the Annual Town Meeting in Spring 2012. At the time of a Public Hearing, those landowners in the affected areas would be notified of the Hearing.

Discussion of draft Signs Bylaw. Sarkis related that the working group of Glenn Clohecy, Dave Kapturowski, and Sarkis felt that a content-neutral Signs Bylaw would be the type least subject to challenge. He said their feeling is that free speech signs cannot be regulated. Under the Definitions section, the group tried not to regulate everything. Dimensions need to be determined and put into the draft Bylaw. He continued that everything that Judi Barrett had mentioned in her Technical Review Memo has been addressed here.

Murphey suggested that the Town Meeting discussion for the former Signs Bylaw should be reviewed. Board members agreed that they would like to see the former draft again.

Board members will read the draft Signs Bylaw prior to the next meeting, so that it can be discussed.

Minutes of October 4, 2011. The Minutes were read and approved.

Motion made by Bardeen, seconded by Murphey, to approve the Minutes as written. The vote in favor was 5-0.

Vouchers were signed.

New Business. Bardeen circulated a flyer for an Alternative Energy film and discussion to be held at Harvard University on November 3, 2011.

Motion to adjourn, 9:55 PM.

Submitted by,

Jean Nelson
Planning Board Administrator

These Minutes were approved by the Planning Board on November 1, 2011.