

**WEST NEWBURY PLANNING BOARD
MINUTES OF MEETING
October 4, 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 4, 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 7:32 PM.

Dan Cena, request for release of Performance Bond, Bailey's Lane.

Sarkis recused himself from this portion of the meeting and left the table. Bardeen acted as Chair for this portion of the meeting.

Dan Cena and Woody Cammett appeared before the Board. The report from Charlie Wear of Meridian Engineering was reviewed. Wear recommended that \$10,000 be withheld from the Performance Bond for gravel to be installed along the pavement areas. Cena said that the second coat of pavement had raised the roadway, and Wear had suggested the gravel to keep the edge of pavement from breaking. Gary Bill had agreed with that recommendation at the site walk.

Nelson also recommended withholding \$2000 to pay invoices from Meridian Engineering. She noted that a letter has been received from Cammett Engineering, confirming the layout of the Common Driveway, as required in the Certificate of Vote.

Bardeen asked how plowing will be handled because the street has not been accepted. Nelson said that Bill had told the group on the site walk that, if necessary, he would create a turn-around for the plows on the accepted portion of Bailey's Lane.

Cammett said that the deed description for street acceptance would be sent to the Board in electronic form when the street is put up for acceptance.

Motion made by Bardeen, seconded by Murphey, to waive the requirements of Rules and Regulations Governing the Subdivision of Land, Section 3.3.5.3.1.1.-8., as applicable, for the Plan entitled "Definitive Subdivision Plan, Long Hill, Bailey's Lane in West Newbury, Massachusetts", recorded in Book 415, Plan 2. The vote in favor was unanimous.

Motion made by Bardeen, seconded by Cook, to approve a partial release of funds from the Performance Bond for Bailey's Lane, and to withhold \$12,000

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pending placement of gravel on the shoulders of the road and the common driveway, and for payment of engineering fees. The amount to be released is \$56,367.79. The vote in favor was unanimous. A voucher was signed.

Cena and Cammett left the room, and Sarkis returned to the table.

ANR Plan, 47 Coffin Street/Vacant Lot, Assessors Map R-23, Lots 15A and 15C, Owners and Applicants: 47 Coffin Street Trust, Elisa Joan Grammer, Trustee of the Elisa Joan Grammer Revocable Living Trust, and Fredric D. Chanania

Steve Sawyer and Everett Chandler represented the Applicants. Nelson had reviewed previous draft plans and revisions had been made. The Plan consists of two sheets.

Nelson explained that the Assents of Mortgagees could not be obtained by Grammer's mortgage holder for the two easements. The bank is a large bank in Texas, and the owners were not able to get signatures. She said that Town Counsel had said that this would not invalidate the easements, but could be a problem if the bank were to foreclose on the property. The bank could choose not to acknowledge the easements. Nelson related that Grammer will be refinancing based on the new lot configuration, and the ANR Plan and easements will be recorded prior to the closing. Steve Sawyer verified this.

Motion made by Wallace, seconded by Murphey, to endorse the plan as not requiring approval under the Subdivision Control Law. The vote in favor was unanimous.

The mylar was endorsed, and taken by Chandler, who thanked the Board.

ANR Plan, 419 Main Street, Assessors Map R-14, Lot 26: Al Perkins, Power of Attorney for Howard Colcord

Woody Cammett of Cammett Engineering represented the Applicant. He stated that the plan which had created Lot 1 shown on the plan, endorsed by the Planning Board in June, 2011, has not been recorded. The plan submitted now splits the former Lot 2 into two lots. He confirmed that there are wetlands in the back of the lots, and that a culvert from town-owned land across from the lots on Bachelor Street diverts water there.

Motion made by Cook, seconded by Wallace, to endorse the plan as not requiring approval under the Subdivision Control Law. The vote in favor was unanimous.

The mylar was endorsed. Cammett took the mylar and left the meeting.

General Business:

Discuss letter from John T. Smolak, Notice to Sell Lot 1, Middle Street, Part of Map R-3, Lot 33, Sforza property, Chapter 61A Lien, and recommendation to the Board of Selectmen

The Board discussed the letter and the lot. The Board had endorsed an ANR Plan for six lots last year, and such a letter will be sent for each lot as it is being sold.

Motion made by Cook, seconded by Wallace, to recommend to the Board of Selectmen that the Planning Board does not see any reason to purchase the lot. The vote in favor was unanimous, 5-0.

Discussion of Technical Memo from Judi Barrett, COG, Inc., and how to proceed with updating the Zoning Bylaw. Board members felt that the memo from Barrett was extensive, and that recommendations would have to be prioritized. It was also noted that some areas were not commented on, and perhaps do need more work, or to be addressed.

The priorities discussed were as follows:

1. Clean up inconsistencies with state law
2. Revise items which may have potential legal challenges, such as the Inclusionary Housing Bylaw
3. Review Agricultural Exemptions for conflicts
4. Parking

Murphey suggested that Parking on its own should be presented in a larger setting, such as in an Economic Development endeavor.

Noting Barrett's comments, Wallace asked if the Industrial District should be eliminated. Murphey said that this is the location for an Adult Entertainment District, and it should remain.

The priority list was then summarized as follows:

1. More simple clean up such as amending Definitions, and correcting incorrect references to Massachusetts General Laws
2. Inclusionary Housing
3. Signs
4. OSPD
5. Dimensional Controls

A review of Definitions will be conducted at the next meeting.

CPTC Fall 2011 Course Schedule. Two workshops are scheduled at NECCO. Board members can register if they wish.

Review of standards for plan preparation. Patrick Higgins had referred Nelson to 250 CMR, sec. 6.01 for a question as to metes and bounds, or distances and bearings, being shown on an ANR Plan. Following discussion, it was decided that it is not the Planning Board's responsibility to monitor this on an ANR Plan. Cook related that if the information is not available on past plans, it is a lot of work and very expensive for the landowner to determine the missing information.

Sarkis read through the list of items required to be shown on an ANR Plan. It was determined that some of the requirements in the Subdivision Regulations may be excessive, and the Board will consider the requirements again in the future.

Minutes of September 20, 2011. The Minutes were reviewed and edited.

Motion made by Cook, seconded by Bardeen, to approve the Minutes as edited. The vote in favor was unanimous.

Motion to adjourn at 9:40 PM.

Prepared by,

Jean Nelson
Planning Board Administrator

These Minutes were approved by the Planning Board on October 18, 2011.