

**WEST NEWBURY PLANNING BOARD
MINUTES OF MEETING
December 6, 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 December 6, 2011, in the Planning Board Office. Board members Ann Bardeen, Raymond Cook, 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 7:30 PM.

Gillis Homes, Request for Form J Release of Units, 38 and 56 Moody Lane at Ocean Meadow

Stan Checovich, Doug Stockbridge, partners of Ocean Meadow LLC, and David Chenelle of Perkins and Anciale appeared before the Board.

Stan Checovich introduced the others and said that Steve Gillis is not able to attend the meeting. He explained that 12 Moody Lane has been added to the request for Form J Release of Units 38 and 56 Moody Lane.

Murphey asked about the affordable housing units. Stockbridge said that in 2010, 17 units were sold. To date on 2011, no units have been sold. When asked why the affordable units have not been started, he said that there are things, such as the market, that cannot be controlled.

Chenelle distributed an article from the Boston Globe North of November 27, 2011, and summarized that in this market, many people can purchase a non-restricted home for close to the same amount as an affordable home with a deed restriction. The non-restricted home is more attractive to buyers. He said that buyers are having a hard time getting financing, and cannot sell their own homes.

Cook said that he feels the units would sell, and that the affordable units at Ocean Meadow were to be built along with the market rate units. Chenelle said that he has read the Decisions for the project, and there is no defined timeline or proportional rate of release. It was noted that the owners have to make a profit on the product they sell.

Reeser arrived at approximately 7:40 PM.

Cook asked what assurance does the Town have that the affordable units will be built? Checovich asked what the Town would accept as assurance? He said that they fully intend to build the affordable units. Murphey said that when Gillis bought the project, 10% of the affordable units were to be built as the market rate units were being built. Checovich said that this has been a different market through 2011. He asked again what would satisfy the Town. Cook responded that the residents are unsatisfied. The

Application to locate some of the affordable units off-site did not go well. Stockbridge said that Steve Gillis lives here in West Newbury. They do not know the build-out at this time. He related that they had held an event on September 25th, and nobody attended. Now they are seeing late action and some interest. He predicted that in 2012 they might sell 8-9 units, if the market is consistent.

Sarkis asked if there could be a contract that the parties could live with. He noted that the affordable units are located in two buildings. If they were re-distributed, one side of a building could be sold, and the other affordable would at least be started. The response was that the LIP document specifies the affordable units, and they would have to be re-filed and re-approved by DHCD. There has also been opposition from the owners to living attached to an affordable unit. Cook suggested that opening the trail on Lot 1 may generate some interest. He felt that if the trails were open, there would be modest usage.

Checovich said that they do not want the liability of the trails while construction is still going on. Bardeen said that the owners are protected from liability by state statute. Sarkis said that there is little construction activity now. Checovich asked if people ride their horses year-round, and the response was yes.

Cook said that the phasing of affordable units has been discussed with Gillis going back to the first meeting with him, and that he feels the next two units of affordable housing should be made available. He feels that they should be provided in phases with the market rate units. He asked Nelson for a copy of the letter that was sent to Steve Gillis last Spring regarding affordable housing. Nelson said that the focus of the letter was recording of the Conservation Restriction, since occupancy permits had been issued. A Condition of Approval was that Occupancy Permits were not to be issued until the CR was recorded, and that had been the impetus for sending the letter. She noted that there is no such requirement for the affordable housing units. She printed the letter, and the paragraph addressing affordable housing was noted.

Murphey said that the Board needs to see some progress. Stockbridge said that the partners need to discuss the issues with Steve Gillis. Murphey said that he is amendable to releasing units 12 and 38 Moody Lane, and that he would like Gillis to come in to discuss further releases.

Motion made by Sarkis, seconded by Bardeen, to release 12 and 38 Moody Lane from the Form I. Cook said that he feels very uncomfortable releasing the units. The vote in favor was unanimous, 5-0.

Cook said that if the project goes bankrupt, it is likely that the affordable units would not be built, so he is voting in favor in the best interest of the Town.

902 Main Street, Assessors' Map R-28 Lots 16, 16A-16E, Approval Not Required Plan(s), Angela Schifano, Owner and Applicant. Woody Cammett appeared before the Board representing the Applicant. Cammett said that the

Schifanos are being taxed for buildable lots. Sheet 1 of the plan will put on record that the roadway and the lots have been extinguished. Sheet 2 is the perimeter plan. Nelson had noted to Bob Smith that the house had burned, but Cammett said that he thinks the foundation is remaining, so it had been left on the plan.

He said that negotiations are taking place with the abutter, Emery House, and the state, to preserve the open space and to perhaps put in a small housing development.

Motion made by Wallace, seconded by Cook, to endorse the plan as not requiring Subdivision Approval. The sheets were endorsed and Cammett took the mylars.

Release of balance of funds to John F. A. Cena for completion of Bailey's Lane and Common Driveway. Sarkis recused himself from this portion of the meeting, and left the room. Nelson said that Gary Bill had confirmed that the project has been completed.

Motion made by Wallace, seconded by Bardeen, to release the balance of funds in the amount of \$12,018.51 to John F. A. Cena. The vote in favor was unanimous.

The voucher was signed.

Discussion of Sullivan Property, Assessors' Map 1U, Lot 19, Whetstone Street and Sullivan Court, re Notice of Intent to Convert to Other Use Under M.G.L. Chapter 61A

Sarkis summarized the meeting of the Board of Selectmen that he had recently attended. He felt that there is not support to pursue this actively. Tom Atwood said that it should be voted on as the will of the Town; Bert Knowles had said that he did not think the parties would come together; and Dick Cushing said that he would like to see Trust for Public Land (TPL) contacted. The Board did agree to appoint a five member committee to study the parcel and to make recommendations. Sarkis said that he could suggest some residents who may be interested in serving on the committee.

Reeser will try to get the name of the person from TPL who had talked with public officials regarding this parcel several years ago, and Sarkis will get in touch with TPL.

Murphey suggested that the Board inform the Board of Selectmen of their interest. Sarkis said that he does not want to spend money on open space at the present time, that an agricultural use is not financially feasible, and that frontage at the riverfront is too flat for any type of municipal use. He said that the town-owned Mullen parcel is similarly located, and could potentially be used for a municipal wastewater facility. Murphey said that there were decent perc tests in the pine forest on the Mullen property.

Sarkis said that he will send a letter to the Board of Selectmen, urging them to proceed with the next appraisal to keep the effort alive, and that the committee can study the options during that phase.

Review and prioritize articles for Annual Town Meeting. The Board had discussed revisions to the Zoning Bylaw as follows:

- Site Plan Review or Site Plan Approval
- Signs
- LSGPVI
- Related parcel designated for LSGPVI, and amendment to the Zoning Map
- Amend GPOD Map at the request of the Byfield Water Department
- Inclusionary Housing
- Amendments relative to Judi Barrett's review
- Amendments to Reduced Frontage Lots: Clarification of 200' circle re wetlands, and reducing the circle requirement in the RC Zone
- OSPD Amendments

Following discussion, it was determined that the Board will focus on the following for the Annual Town Meeting:

- Amend GPOD Map at the request of the Byfield Water Department
- Inclusionary Housing
- Amendments to Reduced Frontage Lots: Clarification of 200' circle re wetlands, and reducing the circle requirement in the RC Zone
- Signs, if possible.

Nelson recommended that the Board set aside the Definitions that have been discussed, and focus instead on Section 5. of the Zoning Bylaw.

Expense Line balance at 50% point in the Fiscal Year. There is a balance in the Expense Line of \$3444. Anticipating \$600. for Legal Notices, the balance is \$2844. Nelson said that the files need to be redone, and that a new file cabinet may need to be purchased. The balance could be spent on consultant review of various bylaws.

Fiscal Year 2013 Budget preparation. Budget documents for FY 2013 should be sent by Warren Sproul shortly.

Review of draft Signs Bylaw. Cook will read the draft Bylaw and meet with Sarkis to review it.

Discussion of lack of response from COG, Inc., for Task #2. Judi Barrett has told John Sarkis that Task 2 will be sent to the Board by December 23, 2011.

Minutes of November 15, 2011. The Minutes were reviewed and edited.

Motion made by Wallace, seconded by Sarkis, to approve the Minutes as amended. The vote in favor was unanimous.

Motion to adjourn, 10 PM.

Submitted by,

Jean Nelson
Planning Board Administrator

These Minutes were approved by the Planning Board on December 20, 2011.