

**WEST NEWBURY PLANNING BOARD
MINUTES OF MEETING
AUGUST 23, 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 August 23, 2011, in the Planning Board Office. Board members Raymond Cook, Ann Bardeen, Brian Murphey, John Sarkis, Chair, and Arthur Wallace attended. Staff member Jean Nelson was also present.

The Meeting was called to order at 7:39 PM.

Question regarding documents to be recorded with the ANR Plan for 47 Coffin Street. Nelson related that Steve Sawyer had asked the Board's preference for recording of the approved Special Permit plan sheets. Sawyer said it was his experience that a reduced-size copy of the plan is recorded with the Certificate of Vote. Discussion focused on the fact that a reduced-size plan would be difficult to read. Following discussion, the Board agreed that full-size plans should be recorded.

Regarding the Trail Easement, Nelson noted that in discussions with Carol Lloyd at ECTA, ECTA was waiting for ANR Plan recording information to fill in the blanks and prior to obtaining signatures on the Trail Easement. Nelson said this presents a catch-22, because the Easement is to be recorded with the plan. Steve Sawyer had suggested that Carol Lloyd initiate signing of the Easement, obtain all signatures, and hold it until the ANR Plan has been recorded. Nelson suggested that since the Trail Easement and Common Driveway Agreement both are subject to the same procedure, she (Nelson) could hold both fully signed documents, fill in the blanks, and record them after the ANR Plan has been recorded. Mark DePiero will need to remit a check made out to the Registry of Deeds for \$150.00. The Board found this acceptable. The Board determined that this is a minor modification to the Planning Board decision, and does not require a new Public Hearing.

Review of draft Large-Scale Ground-Mounted Solar Photovoltaic Installations Zoning Bylaw. Draft #5 was reviewed. Edits were discussed and made. The Bylaw will be added to the Zoning Bylaw as Section 5.G. Nelson will submit the updated draft to Michael McCarron and Glenn Clohecy for input and comment, and to see if they recommend that the deleted language be re-instated.

Following discussion, it was decided to submit the Bylaw for the upcoming Special Town Meeting. The designated district will be a separate amendment, so

there will be two articles proposed for Town Meeting: one to add the new Zoning Bylaw Amendment, and one for the amendment to the Zoning Map.

Relative to Site Plan Review, Nelson noted that she had read an Attorney General Approval letter from 2001 which indicated that the provisions of M.G.L. Chapter 44, §53G, Employment of Outside Technical Consultants, do not apply to Site Plan Review.

Review of Reduced Frontage Special Permit Requirements. Nelson had researched and gave the Board a brief history of the evolution of the requirements found in Section 6.A.1. The 200' circle requirement was the topic of discussion. This requirement was added to the Zoning Bylaw in 2001, when many revisions were made following completion of the Master Plan.

It is unclear if the requirement in Section 6.A.1.c. excludes any wetlands within the 200' circle. Some Board members feel that it does. Cook feels that there is ambiguity in the language as written, and that revision should be made to clear up any ambiguity.

Sarkis asked why this should require a Special Permit. Murphey responded that residents feel they have purchased a home in a district with certain requirements, and a deviation should be open to public comment and input. There may be an adverse impact to abutters.

Sarkis asked what mitigates the adverse impact? Murphey gave as an example an application for a lot at Meetinghouse Hill which was not well planned. The proposed house location was squeezed in. In contrast, he noted that a recent proposal for 47 Coffin Street seems to have worked well. Sarkis suggested that a 250 foot circle as a building envelope may result in better siting of a house. It was agreed that it may not dictate placement of the house.

Nelson suggested that the 200 foot circle is too large for lots in the RC District. This has been a requirement in Boxford for many years, where lots are a minimum of two acres, with 250 feet of frontage. She surmised that the consultant working with the Board in 2001 had most likely been aware of this concept, but it was not adjusted for the smaller size lots. The purpose of the circle, in her experience, is to create a lot which is somewhat uniform in shape, and this may not achieve the goal in smaller lots because the remaining lot may become irregular in shape.

Sarkis said that he feels Section 6.A.1.d. is unfair, because it impacts the ability of abutting property owners to apply for Reduced Frontage Special Permits. Cook agreed. He continued that such a large lot could have many abutting properties which would be impacted.

Cook suggested that in Section 6.A.1.b., the word "size" be changed to "area." Perhaps subsection c. could be amended to read "in which an area suitable for building a home exists."

It was suggested that perhaps Judi Barrett could assist with some of the questions with the Bylaw section, and this should be discussed again in November.

Review of draft Annual Report. This item was placed on the Agenda in error, and discussion did not take place.

Update on Conservation Restriction at Ocean Meadow. The CR was revised by EOEEA, and the revised document has been endorsed by the Conservation Commission and the Board of Selectmen. It has been returned for EOEEA for signature. Once signed, Steve Gillis will have it recorded.

Update on Byfield Water Department request for GPOD designation. MVPC has prepared an overlay on the current GPOD map, and Nelson had prepared a list of parcels. There were questions as to interpretation of the GPOD Zoning Bylaw, whether or not it could be amended, and the impact that the designation would have on the existing properties. A copy of the map and list will be forwarded to the Board of Selectmen for their information and input.

Update on Signs Bylaw Sarkis said that the outline being worked on is almost complete.

Minutes of August 2, 2011. The Minutes were reviewed and edited.

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

Vouchers were signed.

Correspondence

An e-mail message from Todd Morey of LandTech was distributed. Morey questioned the number of perc tests required for a Yield Plan. Nelson had discussed this question with Paul Sevigny, who had said that the Board has handled this in the past differently for different projects. Sevigny had said that the normal requirement is 4 deep holes and 2 perc tests for each lot, but suggested that for Yield Plan purposes, one deep hole and one perc test would give the Board a sense of soil conditions and test results. He had said that this would be much less intrusive. The Board decided to form a policy for the one-and-one requirement for a Yield Plan. The Planning Board Regulations will be revised to incorporate this policy when the next revision takes place.

Motion to adjourn, 9:35 PM.

Submitted by,

Jean Nelson
Planning Board Administrator

These Minutes were approved by the Planning Board on September 6, 2011.