

**WEST NEWBURY PLANNING BOARD  
MINUTES OF MEETING  
September 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 September 6, 2011, in the Planning Board Office. Board members Raymond Cook, Ann Bardeen, Brian Murphey, and John Sarkis, Chair, attended. Staff member Jean Nelson was also present.

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

**ANR Plan for 184/186 Bachelor Street, Assessors' Map R16, Parcels 3 and 2, Maureen and Stanley Wrobel, Owners.** Mr. and Mrs. Wrobel presented the plan. The prospective buyer of Parcel A, Jonathan Phillips, was also present.

The proposal was to reconfigure the lot lines. Each lot contains an existing dwelling unit. The new lot line leaves adequate frontage and area for each lot.

The plan depicts a Common Driveway along the lot line of Proposed Parcel A to access Proposed Parcel B. Questions arose regarding the Common Driveway. Sarkis felt that the metes and bounds of the driveway should be indicated, so that an Easement could refer to that. He suggested that the Common Driveway be surveyed and indicated on the plan with metes and bounds. The extent of the driveway to the house at 184 Bachelor Street is not shown on the plan. It stops short of the new parcel line. Sarkis suggested that these elements should be shown on the plan so that an attorney could draft an easement document, which would then be recorded. He also felt that when two parcels are merged, an existing easement disappears. Maureen Wrobel said that the parcels have never been merged. She said that the easement exists in the deed, which is referenced on the plan. An interior lot line is being changed, and the frontage of the parcels has remained the same. Cook said that he would like to see a note on the plan indicating that the Easement is recorded in a document with a reference to the Book and Page numbers.

Murphey felt that the driveway access to the house at 184 Bachelor Street should be indicated on the plan to show adequate access. Nelson said that she had been to the site, and that she felt there was adequate access. The existing driveway is sloped up from Bachelor Street, and a new driveway would be over the same type of slope, but access was not precluded. A driveway could be terraced or constructed back and forth across the slope, or a cut could be made

to accommodate a driveway. She noted that other ANR plans have not indicated the location of a proposed driveway.

Bardeen said that the purview of the Planning Board is to determine that the required frontage and adequate access exist. It was determined that they do exist. It was noted to Mr. Phillips and the Wrobels that they are now aware of the issues, and should make sure that the access rights are properly preserved.

Sarkis also noted that the distances and bearings along the frontage of Parcel A and the Common Driveway are not shown, and he felt that they should be indicated. Cook said that they may not exist on past plans, and the data may not be available. Nelson was asked to research what information is required to be on an ANR Plan.

Motion made by Cook, seconded by Bardeen, to endorse the plan as not requiring approval under the Subdivision Control Law. The vote in favor was 4-0. The Wrobels took the mylar and thanked the Board.

**Review of draft Large-Scale Ground-Mounted Solar Photovoltaic Installations Zoning Bylaw.** Rick Parker was present for the discussion. He suggested a revision to the definition of Rated Nameplate Capacity from "maximum" to "nominal." The suggestion was accepted, and the draft bylaw will be revised.

Sarkis related that the Board had decided not to submit the Zoning Bylaw Amendment for the Fall Town Meeting. The Planning Board had thought that the Bylaw and the designated parcel would be submitted together as a package. There is also not enough time to hold the Public Hearing and make revisions, if any, to the proposed Bylaw. The Warrant will be closed before the Public Hearing is held. This all appeared to be too rushed.

Nelson noted that she did not have adequate information to describe the parcel in a Legal Notice. It had been described as the Page School parcel, but someone had indicated that it was the apartment house parcel, and someone else had indicated that it was part of both. Parker said that he and Patrick Higgins are moving forward with the survey of the property, and that Higgins was having difficulty obtaining survey data for the property.

Nelson suggested that some advanced public relations articles in the newspaper would be advisable, to bring the public up to date with the Green Communities endeavors. She offered to work with the AEC on this.

Murphey suggested that if there is a benefit to the school from the installation of the solar facility, Parker and the AEC may wish to meet with the Citizens for a Stronger Community group with a presentation.

**Town Meeting Schedule and discussion of articles to be presented.** The Board will not have any articles, zoning or financial, for the upcoming Town Meeting.

**Discussion and recommendation for Notice of Intent to Sell under M.G.L. Ch. 61A, Assessors' Map 1U, Parcel 19, off of Whetstone Street.** Board members discussed the letter and Purchase and Sale Agreement that had been sent to them via e-mail. Bardeen questioned the purchase price with contingencies as a bona fide offer. She said that the purchase price could not be determined until all approvals had been obtained, and asked how the Town could attempt to meet an undetermined price. She suggested that the Board of Selectmen or Town Counsel be requested to review the purchase price as written.

Cook said he thinks the position of the Open Space Plan and Committee should be reviewed. Is the parcel on the list of priority parcels?

Discussion led to a review of options for the parcel. It could be used for parking and wastewater in order to enhance the downtown area, for affordable housing, and for open space purposes. A portion of the parcel could be re-sold, and a portion retained for various municipal uses.

Sarkis noted that he feels the topography is limiting. The land is steep, and it falls away. Whetstone Street is not pedestrian friendly, and is very narrow. He feels that the downtown area is limited, and it is not a natural downtown center.

The Board discussed and decided to ask the following questions and make the following recommendations to the Board of Selectmen:

1. The Planning Board questions the purchase price in the Purchase and Sale Agreement. Is this a bona fide price? There are several contingencies which make the purchase price unclear at this time. The Board recommends that Town Counsel review the document to determine if it meets the requirements for a bona fide purchase price. What is the dollar amount that the Town would need to offer in order to purchase the property for municipal use?
2. There may be several options for municipal use which the Board of Selectmen should consider. Due to the location of the property, it could be utilized for the needs of the downtown area such as parking and

common wastewater facility, for open space, and for affordable housing. The parcel could be purchased for a combination of uses which could be partially funded with Community Preservation Act funds.

3. If the Notice of Intent to Sell has not been forwarded to the Open Space Committee for their input, the Board suggests that this be done.
4. The Board requests that the Board of Selectmen consider very carefully the options and benefits that the Town could potentially gain from this parcel.

A request should also be made to notify the Planning Board when this topic will be discussed at a meeting, so that Board members can attend.

**Review of revision to be made to Planning Board Regulations re Yield Plan Soil Testing.** The Board reviewed draft language to be added to Section III. of Planning Board Regulations, relative to groundwater testing on OSPD lots. When a Public Hearing is held next, a Hearing for a revision to the Regs will be proposed, which will add the following language: *For the purpose of preparing a Yield Plan, the Planning Board shall require one deep hole and one perc test for each lot which has been witnessed by the Health Agent or its designee. The test results shall be submitted to the Planning Board as part of the Special Permit Application documentation.*

**Review of Technical Memo from Judi Barrett, COG, Inc.** A Technical Memo has not been received from Judi Barrett, due to the impact of Hurricane Irene.

**Review of draft Annual Report.** The draft Annual Report was reviewed, and revisions were made.

**..Update on Conservation Restriction (CR) at Ocean Meadow.** The CR has been signed by all parties, and has been recorded in Book 30621, Page 431.

**..Update on Byfield Water Department request for GPOD designation.** Nelson will ask Glenn Clohecy and the Director of the Byfield Water Department their opinion of the impacts of designating land as in Zone II.

**..Minutes of August 23, 2011.** The Minutes were reviewed and revised.

**Motion** made by Cook, seconded by Murphey, to approve the Minutes as edited.

**Vouchers** were signed.

**Correspondence and New Business.** There was no discussion.

Motion to adjourn at 9:40 PM.

Submitted by,

Jean Nelson  
Planning Board Administrator

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