

WEST NEWBURY PLANNING BOARD
Minutes of Meeting
April 3, 2012

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 April 3, 2012, in the Planning Board Office. Board members Ann Bardeen, Raymond Cook, Brian Murphey, John Todd 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.

Elizabeth Wood, 164 Indian Hill Street, pre-application discussion of a Special Permit for a dog day care facility under Section 5.A.3. of the Zoning Bylaw

Wood introduced herself and stated that she has lived at this address for 19 years. She distributed copies of the googlemaps and MIMAP showing the location and the lot.

She said that there is a 15' x 70' outbuilding behind the house which is familiar to many people in West Newbury. The building was used to house animals for many years. There had been a barn on the property also, but that has been torn down.

Wood is considering opening a dog day care facility. If permitted, the outbuilding would be rehabbed and ventilation and rubber flooring installed. She continued that people would come in through the garage, then proceed to the building so that each dog would be "introduced." According to MSPCA guidelines, 15-20 dogs could be taken care of in that space. A kennel license would be for 20 dogs. She said that she and Nelson met recently with Madelyn Cirinna, the Animal Control Office, to discuss requirements.

She is aware that odor and noise are concerns. Waste would be stored in an airtight container and removed by a company.

Wood said that dog day care has become more mainstream. She said that day care providers can be selective. She would provide an outdoor run and an agility course. Hours would be 7 AM to 7 PM, Monday through Friday, with varying pick-up and drop-off times.

Murphey said that talking with the neighbors is very important. Wood described the abutting properties, and said that she will talk with abutters. It was noted that abutters within 300' of all property lines receive notification.

Murphey said that there is a lot of traffic on the street, and he has concerns for people turning from the driveway. Wood responded that the property has a long driveway, and the area where the barn was would be used for a three-point turn. If a sign is installed, it would be rustic and simple and conform to the Bylaw. But the business will be primarily from referrals, and a sign may not be used at all.

It was noted that Site Plan Review will be required. Sarkis suggested that after Wood has talked with abutters, and if she decides to proceed, that she return so that the pertinent items of Site Plan Review can be discussed. Topography on a plan, for example, is probably not necessary.

Wood asked if objection from an abutter means that a Special Permit will not be granted? Cook and Murphey both responded no. Murphey said that the Board will have to sort through it and if a Special Permit is granted, it can be appealed.

Wood thanked the Board and left at approximately 8 PM.

General Business:

Notice to Sell Agricultural Land and Notice of First Refusal Option, M.G.L. chapter 61A, **Lot 5 Middle Street, Assessors' Map R-3, Parcel 33, owned by Sforza**, received from Smolak and Vaughn, Attorneys.

This is the last lot of the ANR Plan to be sold.

Motion made by Cook, seconded by Bardeen, to inform the Board of Selectmen that the Board does not recommend pursuing First Refusal Option for the parcel. The vote in favor was 5-0.

Vote on Recommendations to Town Meeting.

The proposed Zoning Bylaw Amendments were reviewed:

ARTICLE. Section 5.D. , Flood Plain District, by deleting the existing Bylaw and replacing it with a new Floodplain Overlay District. The Map prepared by MVPC showing existing and new floodplain areas was reviewed.

Motion made by Cook, seconded by Wallace, to recommend approval of the Article to Town Meeting. The vote in favor was 5-0.

ARTICLE. Section 5.G., Large-Scale Ground-Mounted Solar Photovoltaic Installations (LGSPI) Overlay District Bylaw.

Motion made by Cook, seconded by Bardeen, to recommend approval of the Article to Town Meeting. The vote in favor was 5-0.

ARTICLE. Amendment to the Zoning Map by designating a portion of 694 Main Street, Assessors' Map R-23 Parcel 23, as a Large-Scale Ground-Mounted Solar Photovoltaic Installations (LGSPI) Overlay District, as shown on a plan entitled "Plan Showing Proposed LGSPI Overlay District located at 694 Main St., West Newbury, MA, prepared for the Town of West Newbury, dated March 28, 2012, scale: 1"=80', prepared and donated by Patrick G. Higgins, PLS". The map was reviewed. Cook favorably commented on the professional plan that Higgins has produced.

Motion made by Cook, seconded by Wallace, to recommend approval of the Article to Town Meeting. The vote in favor was 5-0.

ARTICLE. Amendment to Section 6.A.1. of the Zoning Bylaw to delete the existing Bylaw and replace it with a new Reduced Frontage Lot Special Permit Zoning Bylaw.

Motion made by Cook, seconded by Bardeen, to recommend approval of the Article to Town Meeting. The vote in favor was 5-0.

ARTICLE. Amendment to Section 1 of the Zoning Bylaw, Purpose and Authority.

Motion made by Cook, seconded by Wallace, to recommend approval of the Article to Town Meeting. The vote in favor was 5-0.

ARTICLE. Amendment to Section 3.A.1. of the Zoning Bylaw, Districts.

Motion made by Cook, seconded by Bardeen, to recommend approval of the Article to Town Meeting. The vote in favor was 5-0.

ARTICLE. Amendment to Subsection 6.A., Intensity of Use, Table of Dimensional Control.

Motion made by Cook, seconded by Wallace, to recommend approval of the Article to Town Meeting. The vote in favor was 5-0.

It was decided that Sarkis will present all Articles except for Articles 19. and 20., which will be presented by Wallace.

Nelson will prepare a draft handout for review and editing which will be available at Town Meeting. Plans for the Floodplain comparison and the LGSPI Overlay District will be placed at the entrance to the Annex for review, and will be referred to in the handout.

Inclusionary Housing Zoning Bylaw

The Board discussed the possibility of deleting the Bylaw section. Murphey commented that most units will be created under the OSPD Zoning Bylaw.

The Board reviewed parameters for the bylaw revision, which included:

Threshold for Applicability: from 6 to 50 units. The figure of six will be plugged in for now.

Exclusion of ANR and Reduced Frontage Lots.

The formula for fractional or fee-in-lieu of in most samples reviewed was based on the HUD AMI for the area. The Board selected three times 80% of the AMI. Judi Barrett had recommended four times.

Nelson will make the discussed revisions and the Board will review the draft.

Minutes, March 20, 2012. The Minutes were reviewed and approved as written.

Motion to approve the Minutes made by Sarkis, seconded by Bardeen. The vote in favor was 3-0-2 abstaining (Murphey and Cook were not present.)

Vouchers

Invoices have been received from COG, Inc. for Tasks 1, 2, and 3 of the Contract. For Tasks 1 and 2, COG has redistributed the hours spent on each task, which is not

provided for in the contract. An early message from Judi Barrett has stated that she had spent a lot more time than anticipated on Task 1. The Board has found some of the Zoning Bylaw Review to be useful, and plans to make more use of the review in the future. Nelson noted that she had not received an answer to the questions that the Board had posed during review of Task 1.

Under Task 2A, Site Plan Review, the Board would have preferred to have seen solutions to the questions of Applicability and thresholds, as had been discussed with Barrett.

Following discussion, the Board decided it wishes to authorize payment of \$2500.00 on Invoice No. 1131-01-079 at this time, and will pay the balance of \$1000.00 when a response to the questions has been received.

The Board discussed the invoice for Task 3. Members did not feel that Task 3, Economic Development Options for Agricultural Uses, had met the requirements of the contract. The draft as submitted is not useable. It was decided that Invoice No. 1214-01-080 will not be paid. Michael McCarron has offered to send a letter to COG when the Board has decided how to proceed.

A voucher for \$2500. was printed and signed.

New Business

Murphey related that registration for the MVPC Training Program was low, so the offering for the Winter was cancelled. He said that MVPC was disappointed, and is asking if the Board feels that attendance should be mandatory for new Planning Board and Board of Appeals members. Members felt that perhaps the courses could be delivered electronically, rather than expecting people to attend three nights of courses.

It was also mentioned that public officials may need to take the State Ethics Test every two years. Nelson will look into that.

Motion to adjourn at 9:55 PM.

Submitted by,

Jean Nelson
Planning Board Administrator

These Minutes were approved by the Planning Board on April 17, 2012.