

WEST NEWBURY PLANNING BOARD
Minutes of Meeting
March 20, 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 March 20, 2012, in the Planning Board Office. Board members Ann Bardeen, John Todd Sarkis, Chair, and Arthur Wallace attended. Staff member Jean Nelson was also present.

The Meeting was called to order at 7:30 PM.

Ocean Meadow representative(s), for discussion of affordable housing.

Steve Gillis, Stan Checovich, and Doug Stockbridge, partners of Ocean Meadow LLC, and David Chenelle of Perkins and Anctil appeared before the Board. Sarkis summarized that the developer had submitted a proposal at the last meeting. The Board members had authorized Sarkis to work on their behalf on an Amendment to the Covenant with the developer and Town Counsel. Michael McCarron, Nelson, and Sarkis had met to review the proposed Amendment and had formulated a schedule which was returned to Gillis and his partners. A revised schedule as part of the Amendment was received by the Board today.

Sarkis asked if the requirement of an As-Built Plan had been researched. Nelson said that there was a Condition, but not as part of Street Acceptance. Nelson read the Condition. She said that to her knowledge, phased As-Built Plans have not been submitted to the Board. Sarkis said that an As-Built Plan is usually required for Street Acceptance, so he does not feel that it is necessary. Gillis said that the Board of Health is requiring an As-Built for all wastewater matters. Nelson said that the Water Department had required a plan for the water installation, and an easement, and that has been received.

Nelson noted that the revised schedule as presented did not leave a final unit as surety for completion according to the plan. Previous discussion had been that only the finish coat of pavement remained to be completed. Sarkis said this entails raising drainage structures. It was decided that by amending Section 3. subsection c. of the draft from five to four units released, one unit will remain as security. It was noted that the developer may revise the form of security at any time, under the terms of the Subdivision Control Law. The revision was made to the document and initialed by the Board members and Gillis.

Motion made by Sarkis, seconded by Wallace, to approve the Amendment to Form I Approval with Covenant Contract as amended. The vote in favor was unanimous.

Motion made by Sarkis, seconded by Bardeen, to endorse the Form J for release of the following units as agreed to in the Amendment:

- 20 Moody Lane, West Newbury, MA 01985
- 40 Moody Lane, West Newbury, MA 01985
- 42 Moody Lane, West Newbury, MA 01985
- 44 Moody Lane, West Newbury, MA 01985
- 58 Moody Lane, West Newbury, MA 01985
- 35 Moody Lane, West Newbury, MA 01985

The vote in favor was unanimous.

Nelson will hold the Form J which was signed and notarized by Chenelle. The Amendment will be recorded and when proof of recording has been submitted, she will release the Form J for recording.

The developer thanked the Board and left the room at 8:00 PM.

Review of revision made to LGSPI Zoning Bylaw, and impact on the proposed Overlay District at 694 Main Street

Patrick Higgins and Rick Parker were present. Dennis Unger of the Capital Improvement Committee, 12 Maple Street, was also in attendance.

Higgins explained that he had designed the proposed Overlay District based on a draft of the Zoning Bylaw which had 50 foot setbacks from property lines. The Board had then changed the requirement to a 50 foot distance from the border of the Overlay District to the installation of the facility. This, based on the constraints existing on the parcel, had led to a drastically reduced area for an installation. He had prepared a second plan showing the reduction in the area.

Higgins had prepared a third plan where the boundaries of the proposed Overlay District had been revised to allow for the new 50 foot distance. He explained that the shape of the District is fairly uniform. He has maintained offsets from the DPW and the Park & Rec Barn. It was noted that since the Town would maintain control of the Overlay District, there is control over the final use of the property.

Higgins asked about the potential use of fencing. He said that he has been at the site on many occasions and has not seen many people there. The response was that the Bylaw was revised as a result of the Public Hearing to add a section for Security and Safety, which would allow for fencing if necessary.

Dennis Unger said that 50' is a large setback. He said that in Tewksbury, there are three solar farms of 20-40 acres each along Route 93, which generate a lot of revenue for the Town. He said he feels there is potential income for West Newbury from solar installations on Town-owned land. He is a member of the Capital Improvement Committee, and the Committee wonders why the Town owns so much open space and has not put it to use for revenue-generating projects such as solar PV. He asked what the known lease value for the Overlay District at 694 Main Street is. Rick Parker said that there is no target amount at this time.

Wallace said that it is not known if the voters will be receptive to this concept. Unger said that the Capital Improvement Committee does not know why the Town keeps buying open space.

Higgins said that there is 3 phase wiring in the vicinity on Route 113, the site has been evaluated, and the hillside faces southwest.

Board members agreed that Higgins' Plan #3 is the most desirable option. Higgins said that he will refine it, complete it, and send it to Sarkis for review prior to submitting it for inclusion in the Warrant.

General Business:

Memo from Kris Pyle re MVPC Local Hazard Mitigation Community Planning Team: it was decided that the Board will not designate someone for the Team, but that the members or staff will be available if necessary.

Update on Contract with COG, Inc.: The Board will wait for an invoice for further discussion.

Discussion of schedule of meetings for Site Plan Review Bylaw: Those present decided to meet on April 3, 2012, at 8:30 AM to review the draft Site Plan Review Bylaw and Regulations. The meeting will be posted.

Vouchers were signed.

Minutes of February 28, 2012: The Minutes were reviewed and edited.

Motion made by Wallace, seconded by Bardeen, to approve the Minutes as amended. The vote in favor was 3-0.

Motion to adjourn at 9:30 PM.

Submitted by,

Jean Nelson
Planning Board Administrator

These Minutes were approved by the Planning Board on April 3, 2012.