

WEST NEWBURY PLANNING BOARD
Minutes of Meeting
October 1, 2013

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 October 1, 2013 in the Planning Board Office. Board members Ann Bardeen, Chair, Richard Bridges, Raymond Cook, and John Todd Sarkis attended. Associate Member Dennis Lucey and Administrator Jean Nelson were also present.

The meeting was called to order at 7:03 PM.

Steve Gillis, Ocean Meadow, Request for Form J Release of 29 and 31 Moody Lane, and discussion of Affordable Housing

Steve Gillis explained that 31 Moody Lane is an affordable unit. 29 and 31 Moody Lane are attached units.

He said that #31 is being marketed on a first-come, first-serve basis. A couple had made an offer, with cash to purchase the unit, but did not qualify under DHCD affordable requirements. The unit has been advertised by Judy Epstein in the Boston Globe and local newspapers.

The footings for the last two units were poured today. He must dispose of 1200 yards of material which is shale-y and not suitable for fill in some cases.

He asked the Board if they would be agreeable to allowing him to build two units off-site, in a duplex. They would not be age restricted, and would be family units, which may be beneficial to the Town. Bardeen said that she had reviewed the approvals, and determined that 50 units were the Base Maximum Number (25 x 2 for two-family, as allowed in the Zoning Bylaw), and there was a density bonus of six units: five for age restricted, and one affordable. It seems that the provision of six affordable units was an agreement or negotiation. She felt that if two units were built off-site, then the Ocean Meadow project should be limited to 54 units, because the approval was for a total of 56 units.

Gillis said that over 55 affordable housing is now difficult to sell. He lost \$80,000 when he proposed to provide some of the affordables as off-site in 2008.

Sarkis said that a financial analysis of the impact of removing two age restricted units and adding two conventional units should be performed. Gillis noted that two more market rate units in Ocean Meadow would yield more revenue for the Town. Sarkis said that the intent was to do good, and if the provisions are not doing that, then something else should be done.

In response to a question, Gillis said that in Ocean Meadow, the condo fee for an affordable unit cannot exceed a certain amount set by a formula. A condo fee in a two-family off-site unit would be much less than at Ocean Meadow.

Board members said they would think about the idea. Nelson was asked to check with DHCD to find out the ramifications, and to ask if in general affordable units are slow to sell in this market.

Motion made by Bardeen, seconded by Bridges, to release 29 and 31 Moody Lane from the Form I, and to endorse the Form J Form. The vote in favor was 4-0.

Public Hearing to Consider Proposed Zoning Bylaw Amendments

The Public Hearing was opened at 7:45 PM. Dave Archibald, resident and member of the Finance Committee, was present.

Bridges read the Legal Notice. Bardeen made an introduction as to Public Hearing requirements under M.G.L. Chapter 40A, Section 5.

..Amendment to Groundwater Protection Overlay District (GPOD) Map to add a Zone II south of the existing Zone I area, on portions of Assessors Map 27 Lots 29 and 2, as shown on the GPOD Map as *Proposed*, and to amend Section 10.D. to add the amended date of the map.

Bardeen related that the area is zoned as residential. There are restrictions in the GPOD that apply primarily to industrial and commercial uses. In this area, restrictions that would apply are listed in Section 10.f.3.:

- manure must be contained or controlled from excessive leaching, and any accumulation shall be removed at least every two years, (Section 10.f.3.j.) and,
- Impervious area must be limited to 15% or 2500 square feet of a lot, whichever is greater. If a greater % of impervious area is proposed, a Special Permit must be obtained from the Planning Board. An Applicant would need to prove to the Planning Board that rendering a greater percentage of the lot meets this requirement: “a system for groundwater recharge must be provided which does not degrade groundwater quality.” (Section 10.f.4.c.)

DATE of Map: If the Map is amended, the date must be updated in Section 10.D.

..Amendment to Section 8.B., Site Plan Review, to replace the existing Zoning Bylaw with a new Site Plan Review Zoning Bylaw.

Bardeen explained that there exists oversight for residential subdivisions through Subdivision Regulations. In Massachusetts, Site Plan Review is the method used for non-residential projects. She read a summary from a recent flyer for planning course outlining this concept.

A letter from Frank Sisto, resident and member of the Finance Committee, was read. He wrote that he feels the new Bylaw conveys an anti-business tone. He commented on the

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Purpose and Intent section, comparing it to the existing language. He commented on the length of the new Bylaw at six pages, feeling that businesses would draw inferences about the town which would not be positive or business friendly/neutral. He also questioned the Guidelines as being unclear.

Archibald commented on the layout of the Bylaw, with the Applicability and filing procedures on later pages. Bardeen explained that there is a usual format for Zoning Bylaws, and this Bylaw outlines items from a "cradle to grave" concept.

In response to Sisto's comment on the number of pages, Bardeen read from a list:

Bolton	6 pages, also has a Design Advisory Team (DAT) requirement, 5 pages of Regs, separate process
Ipswich	5pages, also has a Design Review Board requirement, 7 pages of Regs including DRB, 3 pages for DRB in Zoning Bylaw, separate process
Topsfield	4 pages
Wenham	6 pages
Newbury	4 pages, in the process of drafting a new Bylaw, 4 pages of Regs
Georgetown	12 pages
Hamilton	7 pages-requires a pre-meeting with the Planning Board, which then makes recommendations to the ZBA. A two-step process. 5 pages of ZBA forms and requirements
Newburyport	19 pages

Nelson noted that when a Design Review Board is involved, that is a two-step process which can be cumbersome and lengthy, and the Planning Board may not always agree with the results of the Design Review Board findings.

Archibald gave his opinion that the first paragraph is daunting, and he thinks the Bylaw is scary. West Newbury has almost no commercial tax base, and he feels that the Town needs to be friendly to someone who starts a business. He is thinking of the small businesses.

Sarkis said that he does not like so many guidelines in a Bylaw, but has decided to agree with the decisions of the Board. Bardeen said that the Board would like to talk with the Finance Committee about economic development at another time.

Cook gave an example of the Highway Building at Pipestave Hill as an example of a project which would have benefited from Site Plan Review.

Archibald said that having guidelines is good, and that a design discussion should take place. He felt that minor word changes would make a difference. Several revisions were made to the Purpose and the Guidelines sections of the Bylaw in response to Archibald's and Sisto's suggestions.

Archibald asked that a representative from the Planning Board attend the Finance Committee

meeting on Monday, October 7th, to discuss the proposed Amendments. Members said they will attend.

Archibald was thanked for attending the meeting and for his valuable input.

..Amendment to Section 4. Use Regulations Pertaining to All Districts, to add a section 4.E., Temporary Moratorium on Medical Marijuana Treatment Centers/Registered Marijuana Dispensaries and related facilities, through June 30, 2014.

The proposed Bylaw is self-explanatory. A date of November 30, 2014 was discussed to give more time for study. It was suggested that the Board of Selectmen can be asked to establish a committee to study the issue.

Motion made by Bardeen, seconded by Bridges, to close the Public Hearing. The vote in favor was 4-0.

Motion made by Bardeen, seconded by Cook, to submit the Warrant Articles, as amended, to the Board of Selectmen. The vote in favor was 4-0.

Public Hearing to amend Planning Board Regulations relative to Site Plan Review, Section IV., and other sections as necessary.

Bardeen opened the Public Hearing. She suggested that the Board continue the Public Hearing to December 1, 2013.

Motion made by Cook, seconded by Sarkis, to continue the Public Hearing to December 3, 2013.

Minutes of September 17, 2013

The Minutes were reviewed and edited.

Motion made by Cook, seconded by Bardeen, to approve the Minutes as amended. The vote in favor was 5-0.

Planning Job Administrator The research of Wages in the area will be circulated.

Motion to adjourn, 9:40 PM.

Submitted by,

Jean Nelson

Planning Board Administrator

These Minutes were approved by the Planning Board on October 15, 2013.