

**WEST NEWBURY PLANNING BOARD**  
**Minutes of Meeting**  
**April 16, 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 April 16, 2013 in the Planning Board Office and Second Floor Hearing Room. Board members Ann Bardeen, Richard Bridges, Brian Murphey, and John Todd Sarkis, Chair, attended. Associate Member Dennis Lucey and Staff member Jean Nelson were also present.

The meeting was called to order at 7:03 PM in the Planning Board Office.

**Minutes, March 19 and April 2, 2013**

The Minutes of March 19 were reviewed and edited.

**Motion** made by Murphey, seconded by Sarkis, to approve the Minutes as edited with the re-writing of page 4, item 3. The vote in favor was 3-0-1 (Bardeen abstained.)

**The Minutes of April 2 were reviewed and edited.**

**Motion** made by Bardeen, seconded by Murphey, to approve the Minutes as edited. The vote in favor was 3-0-1 (Bridges abstained.)

**Street Acceptance Plan and recommendation to Board of Selectmen, Mechanic Street**

Nelson confirmed to the Board that the revisions recommended by Larry Graham have been made to both the Street Acceptance and As-Built Plans. Graham will not be asked to re-review the plans or sign the sign-off sheet. His review letter will suffice. Board members endorsed the Street Acceptance Plan. A discussion took place as to the correct wording of a recommendation to the Board of Selectmen.

**Motion** made Sarkis, seconded by Murphey, to recommend that the Board of Selectmen lay out the new section of Mechanic Street. The vote in favor was unanimous.

**Tom Flaherty, Park and Recreation Commission, Pre-Application Conference, Site Plan Review, Basketball Court at Action Cove**

Tom Flaherty presented an aerial plan which had been prepared by MVPC. The plan indicated superimposed lot lines, known wetlands, the existing parking lot, a new parking lot, and a 100 foot by 60 foot basketball court. Several abutters were present in the room.

Flaherty related that the existing parking lot is 75 feet wide. He said that is extremely wide, and the width of the lot could be reduced to 60 feet. The turning space between parked cars could be reduced. So only half of the proposed new parking area would be new. It would be a realignment. The areas show on the plan could be pulled back from Bachelor Street by 10 feet due to the reduction in lot width.

The proposed berm would consist of railroad ties with loam and shrubbery. He said that the parking lot would separate the basketball court from the playground area, which would give a buffer to Action Cove.

Murphey said that the plan is a critical component of the Board's review. He asked if other sites had been considered. Flaherty said that several years ago, this had been the preferred site, and that abutters had been opposed to it. The areas in back of Action Cove had been rejected by the Commission because it is too hilly, and too close to Action Cove. They had then had a Site Plan drawn up for the 7-and 8-year old baseball field, near the gazebo, and had been before the Planning Board with that plan. However, there was opposition to that location by the groups that use that field, and the site was not pursued.

Murphey asked if the area near the food hut and batting cage would be a suitable area. Flaherty said that the area near the cage is too close to the baseball field, and foul balls would be an issue there.

Bridges asked about court surfaces. Flaherty said they would prefer epoxy over macadam, but it costs a lot more money. Bridges said that there are surfaces which make a difference in the sound, and are quieter. Flaherty said this is approximately double the cost.

Sarkis said that there should be a plan to address Stormwater Management and best management practices. He asked Flaherty to research the stormwater regulations to determine what minimum information the plans should contain.

Flaherty said that the site would drain toward Bachelor Street, where there is a storm drain.

Flaherty was asked about lighting and fencing. He replied that there is no lighting proposed, and if fencing is required it would be on two sides, next to the driveway and the parking lot. Murphey asked that fencing and drainage be shown on a plan. He said that the project is a Town investment, and proper plans should be submitted. Flaherty said that he has a topo which he can submit to the Board.

Section 8.B.4. of the Zoning Bylaw was reviewed. Preliminarily, the following subsections are not required on a Site Plan: c, e, g, h, i, j, k, n, o, p, and r. The following are required: a, b, d, f, j, l, m, and q (for fencing.)

Flaherty and those present left the room at 8:05 PM. The Board then moved to the Second Floor Hearing Room.

**Continued Public Hearing to consider an application for a Special Permit for Open Space Preservation Development (Zoning Bylaw §6.B.) and for Site Plan Review (Zoning Bylaw §8.B.) for thirty units of single-family residential housing and related infrastructure at 18 Sullivan's Court**

Sarkis opened the continued Public Hearing at 8:07 PM.

Chris Lorain of LandTech had a powerpoint presentation to address the topics being discussed. He related that when Cottage Advisors had talked to the Planning Board two years ago, the proposed Yield Plan had shown 29 lots (page 6.) Since then, soils testing and wetlands flagging had been done, 2 ANR lots have been approved, and the Yield Plan (page 7) has been reduced to 20 units.

The Yield Plan showing areas in excess of 20% grades (page 8) was shown. Slopes are sideslopes down from the road.

He showed a slide with Proposed Grading - Lots 3-6 (page 9), and said that they can meet the regulations. The proposed driveways would meet Subdivision Regulations. On Lot 4, a section of the driveway is at 11% grade, which he said is not atypical for a driveway.

Slides were also presented for grading on Lot 11 and Lot 20 (page 10.) He said that grading shown is for primary fields, and would be pushed out 6 feet for reserve areas. Lot 4 is the tightest, with grading toward the driveway. The leach fields include space between the primary and reserve. Reserve areas are shown in the trenches in the fields. Additional grading would be needed for the outside trench.

Cross Section C-C (page 12) is shown from the back yard of McGuirk, approximately 3.5 feet up, as if sitting in a chair.

The Turning Radius Plan (page 13) was prepared using Auto Turn, with a 45 foot long vehicle, dual axle, which is the most difficult to make a turn. The drawing is based on a 55 foot inside radius and a 25 foot offset radius point. The diagram indicates that the turn can be made. As proposed on the diagram pavement around the center green is 22 feet wide, and a 20 foot wide pavement on the main road. The Applicant has requested 18 foot wide pavement, with a 3 foot gravel shoulder at each side, and Lorain said this is still up for discussion. Radii would need to be changed.

Bardeen asked where the frontage for Lot 11 is. Lorain indicated the lot lines, with frontage on the upper green cul-de-sac. Charlie Wear has been asked to review the lot for compliance with the bylaw and regulations. Lorain said that if necessary, one could construct a bridge over the wetland to the house site, or propose a culvert crossing. The crossing is narrow at that location. A footbridge could also be proposed.

The Board decided to wait until Cook is present to have further discussion of the Yield Plan.

Lorain pointed out that the Yield Plan has been reduced from 29 to 20 units. He stated that in this zone, every lot is capable of having a duplex, which could bring the project to 40 units within the Yield Plan, and build duplex structures. He said this is not what the Applicant wants to do. Economically they have to get to the number of 30 to make this a viable development. They could come back with attached units to get to the basic number of thirty, and be in compliance with the Bylaw. He said this is not a threat.

Nelson noted that she had heard back from Mike Bergeron, PRSD Business Manager, regarding a school bus and the turning radius. Bergeron said that he had reviewed the plan with Salter Bus Company, who felt they could make the turns at the upper green, but accessing the new street via Whetstone Street would be another matter. As an aside, enrollment at Page School is down.

She also noted that Sevigny had confirmed that a septic tank can be located in the buffer zone, and must be at least 25 feet from the wetlands.

Lorrain discussed the Open Space Plan. The Open Space Plan (page 16) was reviewed. The upper green pocket park is not counted in the Open Space. An Open Space Calculations & Table (page 17) was reviewed. The excess wetland not counted toward Bonus Density is 6%.  
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He distributed a letter from James A. Hall of Qua, Hall, Harvey & Walsh which outlined the revisions in the Conservation Restriction submitted which deviate from the state model. Bardeen noted again that the pages in the sample submitted are duplicates or missing, and that the Conservation Commission is not interested in holding CRs any more.

A slide of Whetstone Street-Potential Improvements (page 19) was reviewed. The Applicant is proposing an island around the telephone pole. A pavement shim and overlay to the location of the new street is proposed on the 18 foot travelled way on Whetstone Street.

Murphey asked about the issues on Whetstone Street. It may need 20 or 21 feet of pavement—what would they need to do to accomplish that? Lorain said that the Applicant wants to work with the Board. There is a budget for off-site improvements. Everyone has a wish list. Murphey said that the Town bears the responsibility of maintaining the road. Lorrain said the traffic engineer may be able to give more guidance as to what is acceptable, i.e. snowbanks on the side, etc. 18 feet plus a 3 foot shoulder on either side would result in a 2:1 sideslope and a retaining wall. A 2:1 sideslope seeded and vegetated is not that bad. The look and safety can be improved.

Bridges asked Lorain to show that a truck, coming from the east, could make the turn onto Whetstone Street from Main Street with the new island proposed. Lorain said he would put Auto Turn on that corner. Sarkis noted that Auto Turn, in his experience, is very conservative. Lucey asked if there were other items to ask in preparation for the traffic consultant. He suggested sheets showing raising the pavement level on Whetstone Street and the results that it would have on the sideslopes. Board members were urged to read the Traffic Study prior to the next meeting.

Lorain reviewed the Unit Allocation in the Yield Plan (page 20.) It was determined that this summary is not applicable. He then reviewed a Density Bonus Table, which is summarized as follows:

20 Yield Plan units  
10 Density Bonus Units  
30 total

The Density Bonus units applied for are as follows:

3 Units:	Additional Open Space (75% total)
4 Units:	Single Family Cottage Style Units
3 Units:	Accessory Dwelling Units
10 total	

Of the total 30 units, 3 will be affordable.

A slide titled Accessory Dwelling Units (page 21) was shown. Murphey said that, from the last meeting, he thought the Board would be receiving a legal opinion on the nature of the “accessory” status proposed. Lorain said that he would look into this.

He related that the Affordable Units would be made up of one unit less than 1500 square feet, one unit less than 1000 square feet, and one market size, approximately 1700 square feet.

In response to a question, he said that the average setback from the rear of the buildings is ten to fifteen feet. That is where the Exclusive Use Easement ends. Nelson reminded the Board that there are uses proposed in the open space, including drainage and wastewater systems, and the Board needs to consider that.

Sarkis opened the meeting to the public.

Deb Green, 1 Sullivan's Court, asked if the cost of real estate impacts the Yield Plan. Sarkis said it does enter the picture to some degree. The Bylaw requires that a Yield Plan meet "reasonable application of the regulations." He said that everything will sell at some price.

Murphey said that strict dollar numbers have not been considered in the past.

Green said that a project with 30 units seems large. She said that 10 duplex units might be more acceptable "mass", and may be less costly. Sarkis clarified that this had been used as an example.

Lorain said that the goal is to make the units affordable. He noted that at Ocean Meadow there are 56 units consisting of duplex and triplex units which are from 2000 to 2800 square feet. There the density is 2.4 units per acre, and at Sullivan Farm it is 1.25 units per acre.

Mike Sherburne, Sullivans Court, asked if the units will be restricted from expansion. Sarkis said this can't be taken lightly—styles, materials, and designs change. Lorain said that the condo documents won't allow anyone to change units. The developer needs to control the project—the intention is to create a neighborhood. Nelson noted that the Fire Chief had made the same request.

John McGrath, 244 main Street, said he heard the envelope was fixed. It is his opinion that individuals do not own the outside walls. The Association must decide changes.

Regarding Whetstone Street, a realtor showing the property in Winter would need to consider how the street is after a snowstorm.

He said that a CR must meet the legal points, and Frank Long's CR is held by Essex County Greenbelt, and he (McGrath) may put a CR on his land some day. Someone must hold the CR.

He asked if the upper green road is one way and suggested that curb widening, with a spiral on the inside, and circular curve on the outside, could meet the larger vehicle as opposed to a circular radius. He suggested that a one-way road could accommodate traffic better. He asked how one turns into Whetstone Street with the new proposed island if going from west to east? Nelson asked why the pole would not be moved. It was noted that Stewart/Main Street and Chase/Middle Street have the same situation with the location of a pole.

McGrath said that there should be a 90 degree approach to Main Street. Sight distance and the pole are a disadvantage. He said that the improvements are trying to make a silk purse from a sow's ear.

Doris Bailey, 274 Main Street, asked if Gary Bill and Bert Knowles could attend the next meeting with the traffic consultant. The response was that they will be invited.

Bill LaSala, Whetstone Street, asked how wetlands are determined. Sarkis explained the process with the Conservation Commission. Lorain said that the resource areas have been delineated and approved by the Conservation Commission.

LaSala asked how close something can be to the wetlands. Sarkis said there are different setbacks.

LaSala asked if natural gas will be brought to the new project. Lorain said that it has been proposed to the gas company, and they are considering it.

Motion made by Murphey, seconded by Sarkis, to continue the Public Hearing to May 7 at 7:30 Pm for one hour to discuss the Yield Plan. The traffic consultant will be asked to come in on May 21<sup>st</sup>.

The Board returned to the Planning Board Office.

**Preparation for Town Meeting, including Memo from Kris Pyle regarding Presentations, and review of Handout**

Murphey noted that neither the Finance Committee nor the Board of Selectmen voted to support the Site Plan Review Bylaw. Nelson added that the text of the Bylaw has not been printed in the Finance Committee Booklet. The same had been done last year, and she had reminded the Committee this year that the text must be published. The Board discussed a letter to be sent to the Board of Selectmen noting the Board's position that this lacks transparency and public process. Under the circumstances, a handout is not necessary. Sarkis will read the motions, and Cook will present the amendments.

Motion to adjourn, 10:40 PM.

Submitted by,

Jean Nelson  
Planning Board Administrator

These Minutes were approved by the Planning Board on May 7, 2013.