

WEST NEWBURY PLANNING BOARD
Minutes of Meeting
April 2, 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 2, 2013 in the Planning Board Office and Second Floor Hearing Room. Board members Ann Bardeen, Raymond Cook, 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 7:00 PM in the Planning Board Office.

Minutes of February 19, March 5, and March 19, 2013

The Minutes of February 19, 2013, were reviewed and edited.

Motion made by Cook, seconded by Bardeen, to approve the Minutes as edited. The vote in favor was unanimous.

The Minutes of March 5, 2013, were reviewed and edited.

Motion made by Cook, seconded by Murphey, to approve the Minutes as edited. The vote in favor was unanimous.

The Minutes of March 19, 2013, were not reviewed.

..Dan Cole, Pre-Application Conference, 520 Main Street, Special Permit Application and Site Plan Review at Long Hill Farm, John and Cynthia Adams, Owners, Cape Ann RC Model Club, ("the Club") Applicant, under Section 5.A.3.k. and 8.B. of the Zoning Bylaw

Dan Cole

Dan Cole and Doug Mahar, a member of the club, appeared before the Board for the discussion. Cole, 36 Stewart Street, is the President of the Club. He stated that the Club has been at the Long Hill Farm site for 18 years. Until recently, members did not know that a Special Permit is required to operate the club, or that it was a potential violation of the Agricultural Preservation Restriction (APR.) He said that the Conservation Commission has given its approval for the Club to operate on the land subject to the APR.

Cole distributed a draft of the Application Form and attachments, including a Googlemaps photo with the driveway, parking area, and location of the area used. Murphey suggested that the marked-up Googlemap is hard to read because of the colors, and a more visible color should be used.

Cole said that the situation is somewhat unusual because they are not proposing to build or construct anything. Cook asked if the club is a registered non-profit. Marr said yes. Cook read from Section 5.A.3.k. of the Zoning Bylaw, which lists requirements related to a structure on the premises. Cook referred to the noise frequency in Section 7.A.4. of the Zoning Bylaw. It was pointed out that these frequencies are from the hours of 8 PM and 7 AM, the club does not operate at night.

Cook suggested that it would be beneficial to have pictures taken of the site where the club meets from various vantage points in the area, such as from Bailey's Lane and Bridge Street, and to note the location. Sarkis agreed.

Cole told the Board that he did not know noise was a problem for anyone, and that the club will address the noise. They can measure the decibel rating of the planes.

Sarkis questioned the safety and vehicular safety of the site. He asked if the driveway is paved. He suggested that the Applicant make a statement as to how they keep safe passage, and how the road is maintained. Cole said that the Adams' do maintain the farm roads. Bardeen said that she did not understand the questions. In her opinion, people are going onto private property at their own risk.

The Board reviewed the requirements of Site Plan Review, Section 8.B.4. The following are required:

a., b., d., i. (location of waste containers)

The other requirements are not applicable, or were waived.

Sarkis suggested that a Special Permit be conditioned to the current owners, and Michael McCarron, who was present in the audience, confirmed that may be a condition. Sarkis asked that the dimensions of the area being used be submitted with the Application, and that the Applicants talk with the abutters.

Cole and Mahar left the room at 7:55 PM.

Discussion of Planning Board Administrator position

Nelson told the Board that she had been asked to research comparable wage rates in the area. The position in West Newbury is the lowest paid of those towns researched other than in Rowley. The Planning Board Administrator in Newbury is paid \$10. more per hour.

Nelson suggested that the Board consider raising the level of the Planning Board Administrator position. The position required a great deal of knowledge and experience to handle the position, and the Administrator must be able to work very independently. She noted in communities with many levels of staffing, employee ads have shown the pay rate to be higher. She will distribute information to the Board for further discussion.

Release of Escrow Funds to SAI Communications for AT&T installation at First Congregational Church

The antenna installation at 308 Main Street is complete.

Motion made by Sarkis, seconded by Cook, to release all escrow funds being held for SAI. The vote in favor was unanimous.

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.

At 8 PM the Board moved to the Second Floor Hearing Room. Sarkis announced that Bardeen has missed the Public Hearing on March 19th, and has listened to the audio recording of the meeting, and filed proper paperwork to be able to vote on the Applications.

Chip Hall introduced Nick Cracknell and Matt Waterman, also present. Waterman presented powerpoint slides addressing the questions that the Board had from the last meeting. A copy of the powerpoint presentation is attached to these Minutes for reference.

1. Cross Sections A and B were shown. They indicated the view from the McGrath house (A) and the Driscoll house (B). Waterman said that the view would be over the roofs of the proposed cottages. The McGrath house, for example is at elevation 120, and the roofs of the houses would be at approximately elevation 110.
2. Lots on the Yield Plan with 20% or greater slope were indicated by dark shading on a plan.
3. Sarkis had requested alternate development scenarios that the Applicant had considered. Hall explained Site Plan Version 1, where he noted that the roadway layout was against the grade. Site Plans Versions 2 and 3 were also supplied. Version 2 showed more units to the west, and closer to the southern property line.
4. Hall presented Family/Children Projections which he had researched and calculated. He said that he has researched various communities and tabulated the percentage of households with families. As a projection, the calculations show that 9 children are projected at the cottage community, and 28 would be proposed in a traditional family subdivision.
5. An updated Yield Plan was shown. Profiles for Roads A and B were submitted on pages 15 and 16. The areas of cuts and fills are shown. Waterman said that the maximum cut would be 8%. He said that the profile meets the roadway guidelines at 3% for the first 100 feet, and a minimum 2% and maximum 10% grade. There is 5' of fill at the end of the cul-de-sac.
Waterman said that for Road B, at the intersection with Sullivans Court, the road rises up. He could work with the alignment to shift the layout, but he has stayed with the original design. The grades on Road B have been adjusted to meet the minimum requirement.
6. On Lot 11, the house has been moved to show access from Sullivans Court. The Applicants have an easement over the reverse curve parcel at the end of Sullivans Court, which is owned by the Sullivan family, and could be used. Waterman said that there is nothing in Subdivision Regulations which prohibits a driveway from somewhere other than the frontage. Sarkis requested that the lot plan be sent to Charlie Wear for review.
7. Waterman showed a slide with septic systems, grading, and houses which had been requested on Lots 5 and 6. He said that Lot 5 design was based on a 12 minutes per inch perc rate. There would be 2 foot trenches for primary and reserve areas, which is allowed by Title V. It was noted that grading is a concern on Lot 5.
On Lot 6, Waterman pointed to a wetland in the back. The design would be based on 3 bedrooms, 28 minutes per inch, a standard driveway, and a pump system. Sarkis outlined in red the 100' wetlands buffer zones, and the land remaining on Lot 6. Waterman said that he did not look at Lot 4, which he can do.
8. For Lot 19, he said there was a ledgy layer. The testing was not done in that layer. He said that there is a vein of ledge along Road A, which was unsuitable. He did not see it on Lots 2, 3, and 4. Paul Sevigny will be asked to confirm that the note "to be removed" was an error.

Open items were summarized:

..Nelson asked for more clarification of the Open Space, which Sarkis has requested. The Figure 12 in the Narrative is too small to give an idea of the developed area, and open

space around it. Bardeen said that what is not built on is not always open space. She referred to Section 6.B.10.a., and said that the open space must comply with that.

Cracknell said that there are two categories of open space: Protected Open Space and all other which is not including any Exclusive Use Areas. There is a setback of 15-20 feet behind the units. Waterman said that he is not sure if the upper green is included in the open space. He will check that.

Regarding the calculation for open space, Cracknell said that they will need to request a waiver for wetlands in excess of the 25% which is allowed under the formula. If the Board does not allow the excess 6% wetlands, then that amount of land would have to be cut off from the open space and added to the developed parcel area.

Sarkis asked that an effort be made to comply with the relaxed setback requirements in Section 6.B.9.b. Hall said that setbacks are 15' on the southern back yards, 20' from the front, and 10' from the back. It was clarified that the front setback as given by the Applicant is from the edge of pavement, not the right of way. Sarkis asked for a table with acreage and percentages of open space, developed area, etc.

..Cracknell recapped the accessory unit requirements. He said that under the proposal, they would not be subordinate, and would be sold on their own. If that concept is not approved, they would be put in as a unit over a garage, etc.

Sarkis and Murphey said that they do not know if the Planning Board has the authority to approve this. Murphey said that if it can be done, he is in favor of the smaller single units. Cracknell suggested that Town Counsel be asked for an opinion. Hall said that he has a legal opinion which will be forwarded to the Board.

..Sarkis requested septic, grading and house layouts for Lots 3, 4, and 20. He asked that on Lot 6 the septic tank be added.

..He also requested a cross-section through the buildings, where the deep cut is, perpendicular to the road. He asked for an area from the pocket park to the manhold.

Sarkis then opened the Hearing to the Public:

Doris Bailey Jones, 274 Main Street, asked about the sight lines from her house. Waterman said that the roads are lower in that stretch, so the houses would be lower.

Bill LaSala, 28 Whetstone Street, asked what the proposed width of Whetstone Street is. Sarkis said that has not been proposed. LaSala asked about drainage at the site, and Cook replied that the Yield Plan is being addressed first.

Deb Green, 1 Sullivan's Court, asked if the Yield Plan is a given. Bardeen said this review is trying to make things legitimate. The Yield Plan has to be workable, and the Applicant must demonstrate that they meet technical requirements. Cook said that the benefit to the Town is open space, and to the Applicant is more units.

Green asked what guarantees there are if there is a problem with the water table, for example. Sarkis said that the engineering practices must be proper and theoretically there

should not be an adverse effect. Cook said that the plans are reviewed by an engineer, and Murphey said that there is oversight during construction, then later it would become a legal matter if there were problems.

John McGrath, 244 Main Street, said that ground cover at the site has varied over the past 20 years. Since 2003 there has been no winter cover crop. He suspects that runoff will be moderated when the site is vegetated. Waterman agreed.

McGrath asked if there will be lighting at the upper green. Hall said that there will be lights on the fence posts, and maybe one at the entrance to the pocket park. McGrath asked how the 8' cut is determined, and Sarkis said it is measured vertically at any point.

Regarding the Conservation Restriction, in response to a question from McGrath, Hall said that the Homeowners Association will hold the CR. Bardeen noted there is an error in the pages of the CR provided. McGrath encouraged the Applicant to contact Essex County Greenbelt to see if they will hold the CR.

Nelson said that she has been in touch with the School Department regarding the cul-de-sac and ability of a bus to turn there. That was an action item from the last meeting. She reminded Waterman that they were to check the ability using Auto Turn.

Sarkis asked the Applicant to address the safety of Whetstone Street, including possible width, steepness, traffic, etc. He would like the traffic consultant to address the need to make it wider, and the island around the phone pole.

Motion made by Sarkis, seconded by Murphey, to continue the Public Hearing to April 16, 2013, at 8 PM. The vote in favor was 4-0.

The Board moved back to the Planning Board Office. Steve Sawyer for 183 River Road did not come to the meeting.

.Discussion of next steps with Edith Netter

This will be discussed at the next meeting when Bridges is present.

..Review of Overview of Site Plan Review Zoning Bylaw, a draft Handout, and preparation for Town Meeting

Sarkis related that he had been to the Finance Committee meeting and they will not support the Site Plan Review Bylaw as written. Nelson was asked to provide the draft Handout for the upcoming meeting with the Board of Selectmen and the Finance Committee.

Motion to adjourn, 10:35 PM.

Submitted by,

Jean Nelson
Planning Board Administrator

These Minutes were approved by the Planning Board on April 16, 2013.