

WEST NEWBURY PLANNING BOARD
Minutes of Meeting
May 21, 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 May 21, 2013 in the Planning Board Office and Second Floor Hearing Room. Board members Ann Bardeen, Raymond Cook, Richard Bridges, Brian Murphey, and John Todd Sarkis, Chair, attended. Associate Member Dennis Lucey was also present.

The Meeting was called to order at 7:30 PM in the Planning Board Office.

Consolidated Public Hearing to consider an Application for removal of an 18" pine, three 24" pines, one 30" pine, and one 8" spruce tree under the Scenic Roads Bylaw (Section XXXII. of the General Bylaws) and the Shade Trees Act (M.G.L. Chapter 87 §3). Owner is Crane Neck Properties LLC, 87 Crane Neck Street, West Newbury MA and Applicant is Eastern Mass Properties, 20 Richardson Ave, Dracut MA. Premises are identified as 8 Merrill Street, Assessors Map R-10, Lot 19A.

Bridges read the Legal Notice.

Applicant Tim Collins of Eastern MA Properties outlined the reasons for tree removal. Eastern Mass Properties will be purchasing 8 Merrill Street from Crane Neck Properties, LLC for residential development of one unit. Mr. Collins cited that value and safety are the two reasons for removal of the trees. Trees have overgrown and are chandeliered at the base making them susceptible to breakage. Trenching and burying a proposed water line 5' deep to the property in will further weaken trees by disturbing their roots. Trees are currently rooted in the ditch between the paved roadway and the 8 Merrill Street property. Removal of the trees will also help proper grading of the site. Mr. Collins also indicated that the paved road width at the area of the trees is only 15 feet wide, making it difficult for vehicles to pass.

The Hearing was opened to Board members and Tree Warden. Tree Warden Gary Bill indicated power is on the other side of the street and most likely another pole will need to be placed on the 8 Merrill Street property. Murphey commented that the trees are weak and chandeliered and may not last long. Cook asked if first and last trees could be kept. Applicant noted as the trees are so close together, trying to keep any and remove others will likely result in unsightly trees that do not fill in and will likely die. Bardeen commented that replacement trees as proposed in the Application are on the side of each property and asked if consideration has been made to replace the trees near the front of the property. Applicant noted that he would be open to this. Sarkis questioned water line placement and Applicant indicated on the plan that the placement is the shortest and most economical run without adding a union to the pipe. Sarkis

asked Applicant where water line is now and Applicant noted it is on the 8 Merrill Street side. Tree Warden Bill noted that he is in favor of removal of trees as indicated in the application as they present snow clearing issues and property owners on Merrill Street have requested they be removed several times in the past. Mr. Bill also indicated that the water line is a concern due to the sandy soil in the area and any possibility of future development at the end of Merrill St would increase traffic.

Sarkis invited meeting attendees to put forth questions/comments. Perry Conrad of 7 Merrill Street asked the Applicant how grading of property is proposed and if it will affect his property. Sarkis reviewed the plan and indicated runoff water would flow from Southeast side and head Northwest under the proposed driveway culvert towards town drain and that alterations to property are required to be engineered to maintain present conditions. Murphey questioned if drain under the road has ever been a problem to which Mr. Bill answered 'no'. Murphey asked if this proposal has been approved by the Conservation Commission to which Bill Spalding, Owner, replied 'yes'.

Stephen C Lorenz, 10 Merrill Street, stated that he likes the trees and the privacy they provide and the spruce tree on the corner of the 8 Merrill St. property. He questioned the need to take down the spruce to which the Applicant noted that the spruce would likely fall over after other trees have been removed. The Applicant noted that replacement trees as noted on the proposal can be moved and that he is willing to work with Stephen Lorenz on replacement tree placement.

Cricket Vlass, 7 Mechanic Street, questioned why no street trees are being put back and if there is any possibility of doing so. Bardeen asked the Applicant to give distance from property line to pavement. Sarkis indicated it was close to 18 feet. Sarkis noted that replacement trees on sides of lots is not part of the Scenic Roads Bylaw. Cook proposed that the Applicant reconfigure proposed replacement trees to include two trees near the street. Sarkis suggested moving two of the proposed trees closer to the street and adding a third. Murphey suggested the Applicant consider an evergreen on the corner of lot nearest 10 Merrill St.

Motion made by Cook to allow removal of trees as indicated on the Application, and the replacement with 3 hardwood trees of reasonable caliper. Murphey seconded. The vote was unanimous.

Motion made by Cook, seconded by Sarkis, to close the Public Hearing, The vote in favor was unanimous.

The Board moved to the Second Floor Hearing Room.

Continued Public Hearing to consider an application for a Special Permit at 520 Main Street for model aircraft flying, parking, and club gatherings under Zoning Bylaw §5.A.3.c. and 5.A.3.k. and for Site Plan Review, Zoning Bylaw

§8.B. Owners are John and Cynthia Adams, 520 Main Street, and Applicant is Cape Ann RC Model Club, 281 Merrimack Street, Lawrence MA 01843.

Bardeen opened the continued Public Hearing for Application for Special Permit at 520 Main Street. She noted that two members of the Planning Board are not eligible at this time to act on this Application and she identified them as John Sarkis and Ray Cook. Sarkis and Cook recused themselves from the Public Hearing and left the room.

Associate Member Dennis Lucey was designated to sit as a voting member for this Application. Bardeen noted that this is a continuation of the Public Hearing opened on May 7th.

She read a letter from Dan Cole, dated May 11, 2013, outlining the Applicant's desire to withdraw their application. She identified M.G.L. Chapter 40A Section 16 withdrawal procedures, and explained that the Applicant may re-apply at any time. She asked the Board if they had any questions. No questions were raised.

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

Motion made by Murphey to approve the request by Cape Ann Model RC Club to withdraw without prejudice their Application for a Special Permit and Site Plan Review, per their letter dated May 11, 2013. Seconded by Dennis Lucey. The vote in favor was unanimous with Bardeen, Bridges, Murphey and Lucey voting in favor.

The Board returned to the Office, and Sarkis and Cook returned to the meeting. Sarkis outlined the Town Counsel opinion of the Conflict of Interest rules as they may pertain to 520 Main Street Special Permit and members John Sarkis and Ray Cook who are abutters to abutters of 520 Main Street. The Board reviewed the opinion of Town Counsel and the Conflict of Interest Law M.G.L. Chapter 268A.

Murphey advised that Merrimack Valley Planning Commission is hosting a Bikable Communities training seminar on Thursday May 30th. Rick Bridges suggested invitation be sent to West Newbury Parks and Recreation Commission.

Motion made by Sarkis, seconded by Bardeen, to adjourn. The vote in favor was unanimous.

Submitted by,

Richard Bridges, edited by Jean Nelson

These Minutes were approved by the Planning Board on June 18, 2013