

WEST NEWBURY PLANNING BOARD
Minutes of Meeting
February 19, 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 February 19, 2013 in the Planning Board Office. Board members Ann Bardeen, Richard Bridges, Raymond Cook, Brian Murphey, and John Todd Sarkis, Chair, attended. Staff member Jean Nelson was also present.

Street Acceptance for Extension of Mechanic Street, question of well location

Nelson had researched the well in the drainage easement and written a summary to the Board. The well was proposed on the approved Subdivision Plan. It is used for geothermal cooling and heating, and has been issued a permit from DEP for that purpose. Sarkis requested that a permanent marker be placed at the site of the wellhead so that it is visible to anyone clearing brush or driving through the easement. A bollard 3 feet in height, or something decorative such as a birdbath, wishing well, etc., was also suggested.

Motion made by Cook, seconded by Sarkis, to recommend acceptance of the extension of Mechanic Street to the Board of Selectmen, pending receipt of all final paperwork. The vote in favor was unanimous.

Question for Street Acceptance for Arrowhead Way

Susan Harvey of 1 Arrowhead Way had asked Nelson in advance in a phone call what would be required to have the street accepted. Maintenance of the street has become financially difficult. Nelson had researched and forwarded to the Board the Certificate of Vote for the Definitive Subdivision Plan, Covenant, Common Driveway Agreement, and Deed to Harvey and Gross.

The documents require that the street be upgraded to Subdivision Regulations standards if it were to be proposed for Street Acceptance. Board members determined that a Definitive Subdivision Plan, in conformance with current Subdivision Regulations, would be required for submittal and approval. The street would have to be constructed according to plan, and all other requirements of Subdivision Regulations would have to be implemented. The Board of Selectmen could then be petitioned for Street Acceptance, which requires Town Meeting approval.

Edith Netter, Edith M. Netter and Associates, P.C., for review of Inclusionary Housing Bylaw and concepts

Edith Netter arrived at approximately 7:45 PM. She had come to the meeting to discuss the draft Inclusionary Housing Zoning Bylaw as part of her contract for bylaw review. She had submitted questions to the Board via e-mail, and had made suggested revisions to the draft of the bylaw dated July 16, 2012.

She said that she has not seen a mandatory inclusionary bylaw in quite some time. She suggested that if that route were to be taken, the draft should be submitted to the Attorney General's Office for comment. She continued that a Special Permit approach is authorized by M.G.L. Chapter 40A. She asked what the Board wishes to have.

Sarkis polled the Board. He said that he is not in favor of a mandatory bylaw. Murphey said that he is in favor of such a bylaw. He has served on two affordable housing committees. Bridges was undecided about an approach. Cook would like to see more diversity. Bardeen said that she agrees in principle, and would like to find a way to strongly encourage it.

Netter said that a bylaw could be incentivized with, for example, smaller lots, reduced setbacks and lot sizes, greater density, or a quicker permitting process. All of these options would require a Special Permit, and there is time and risk involved with that. Netter said that ultimately, it is the landowner who is impacted by loss of revenue with inclusionary housing.

Board members were polled again as to preference of mandatory vs. special permit: Bridges-incentive; Murphey-mandatory, with a cleaned-up bylaw; Bardeen-incentive, but she feels that the bylaw is hollow without a fee formula for partial units; Cook-pull out the mandatory provision, and work on a cleaned-up version.

Netter suggested that the Board could work with the current draft, and in the future could consider a mandatory/incentive hybrid. OSPD could also be beefed up with incentives, and that idea was supported by the Board. Sarkis said that one must consider the unique topography, poor soils, lack of municipal sewer, hilltops and viewsheds when working with West Newbury. Netter suggested that a list of issues be compiled.

Netter will be in touch when she returns from vacation. She left the meeting at approximately 9:10 PM.

Continued review of ANR Plans (2), 18 Sullivan's Court, Assessors' Map U-1, Lot 19 and R-11, Lot 18, Cottage Advisors, LLC, Applicant, Kathryn Coffin, Priscilla J. Santos, Louise F. Beard, and Vincent Sullivan, Owners

Chris Lorain of Landtech represented the Applicant. Several members of the Sullivan family were present. Regarding Lot 2 on ANR Plan #1, Lorain told the Board that the stake that was to be set indicating the right-of-way for a Yield Plan had not been set. Nelson had asked if the symbol in the right-of-way on the plan was the hydrant at the site, and that was confirmed, and could be used by Board members viewing the site as a reference point.

Sarkis said that he had been to the site. If this were an application for a subdivision, he would suggest a larger rounding. But he felt it was moot, because one could engineer a road on a Yield Plan.

He urged the owners present to not dispose of Lot 2 until the permit process is substantially completed. He suggested that the owners leave enough frontage for a reduced frontage lot, in case the sale of the parcel does not happen.

Lorain thanked Sarkis for that advice, and said it is more meaningful coming from Sarkis than from him.

The fact that Road A is shown on the plan was discussed. The Applicant was asked to withdraw the plan so that it could be re-filed without showing Road A. That would become complicated because the Applicant was not present, all of the owners would need to sign a withdrawal request, and there is a deadline for action. It was decided that endorsing the plan does not indicate approval of the road. The word "sole" was added to Note 5. which states the purpose of the plan.

Cook stated his opinion that the radius as shown would be acceptable for the Yield Plan.

Christine Sheehy, Attorney from Johnson and Bornstein, said that the Applicant was looking for an interpretation of Section 4.2.4.7 of Subdivision Regulations.

Motion made by Sarkis, seconded by Murphey, to endorse Plan #1 as not requiring approval under the Subdivision Control Law. The vote in favor was unanimous.

Motion made by Sarkis, seconded by Cook, to endorse Plan #2 as not requiring approval under the Subdivision Control Law. The vote in favor was unanimous.

The plans were endorsed and Lorain left with the mylars.

Letter from Chris Mantzaris, 24 Bachelor Street, regarding proposed basketball court at Action Cove. The letter had been read by Board members. The Park and Recreation Commissioners will be reminded that the project will require Site Plan Review.

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

It was noted that Town Counsel and the Building Inspector were asked to review the Bylaw, with specific questions, on January 11th. No response has been received to date from Town Counsel.

A response had been received from Glenn Clohecy, Building Inspector. His comments were discussed and revisions made.

Motion to continue the Public Hearing to March 5, 2013. The vote in favor was unanimous.

Administrative Details: Proposal for technical Review for Yield Plan and Sketch Plan of the Sullivan Farms submittal. The proposal from Meridian Associates was reviewed. Chris Lorain had returned to the meeting and asked if review of the Stormwater Analysis was necessary at this time. Nelson said that she had asked the same question, and Charlie Wear had said that all pieces of the Construction Plan are integrated. The Board asked that it be deferred to further review phases of the project. She will talk to Wear.

The Board will begin the meeting on March 5th at 7:00, with the Public Hearing for the Sullivan Farms submittal beginning at 7:30 PM.

Motion to adjourn, 10:40 PM.

Submitted by,

Jean Nelson
Planning Board Administrator

These Minutes were approved by the Planning Board on April 2, 2013.