

WEST NEWBURY PLANNING BOARD
Minutes of Meeting
March 5, 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 March 5, 2013 in the Planning Board Office and Second Floor Hearing Room. Board members Ann Bardeen, Richard Bridges, 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.

Steve Sawyer, DCI, 183 River Road, Map 24 Lots 8 and 71, Joe Grew, Owner, Pre-Application Conference for Reduced Frontage Lots and Common Driveway

Sawyer distributed a plan showing four reduced frontage and two ANR lots, and common driveways. Cook said that the reduced frontage lots depicted are panhandle lots, which he does not like to see. Sawyer said that Essex County Greenbelt Association is interested in the lots in the rear, and that Grew must establish value for tax purposes.

Sawyer was asked why he is not designing a new road. He replied that there are wetlands issues with a road. The common driveways can go around the wetlands. One driveway serves three lots, and is 1900 feet long. Cook said that there are not such long driveways in West Newbury, and Sawyer responded that the Bailey's Lane Cena driveway is very long.

Cook said that he feels the proposal is not in the spirit of the Zoning Bylaw. Sarkis said that the long driveway goes too far back. Sawyer said that he could potentially design four ANR lots. He left the meeting at approximately 7:20 PM.

Endorse Release/Certificate of Performance for Marshall Drive ("Blackberry Heights") which was endorsed in 1990 but not recorded, at the request of John Bell, 3 Marshall Drive

Motion made by Sarkis, seconded by Murphey, to endorse the Release/Certificate of Performance for Marshall Drive. The vote in favor was unanimous, and the Release was endorsed. Sarkis will come in to have his signature notarized.

Minutes, January 22 and February 5, 2013

Motion made by Sarkis, seconded by Murphey, to approve the Minutes as written. The vote in favor was 4-0-1 (Bardeen abstained.)

The Minutes of February 5th were reviewed and edited.

Motion made by Cook, seconded by Sarkis, to approve the Minutes as amended. The vote in favor was 3-0-2 (Bardeen and Murphey abstained.) The Board then moved to the Second Floor Hearing Room.

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. Owners are Kathryn Coffin, 541 Main Street, Louise F. Beard, 11 Poores Lane, and Vincent P. Sullivan, P.O. Box 31, all in West Newbury, and Priscilla J. Santos, 8065 Long Branch Terrace, Glenn Burnie, MD. The Applicant is Cottage Advisors, LLC, 454 Post Road, Wells, ME 04090. Premises are identified as Assessors Map U-1 Lot 19 and R-11 Lot 18, in the Residence C District.

Bridges read the notice of the Public Hearing, and Sarkis declared the Public Hearing open. He stated that the Applicants would make their presentation, then questions and comments would be heard from Public Officials, then from those interested parties in attendance.

Nick Cracknell of Keystone Planning and Design introduced himself and reviewed the Goals for the Public Hearing using a PowerPoint presentation. Cracknell gave a general summary of the OSPD approach to the project. (A copy of the PowerPoint presentation will be attached to these Minutes for reference.) Howard "Chip" Hall introduced the members of the development team present: Matt Waterman of LandTech Consultants, engineers, Howard Snyder, Amory Land Design, Scott Brown, Architect from Newburyport, and read the list of other consultants.

Hall presented a slide with an article from the Boston Globe of December 20, 2012 by Barry Bluestone. The article addressed the changes in the region's population and the need to address it by zoning that does not restrict multifamily housing in village and town centers. Hall said that Cottage Advisors builds single family housing, and cottage-style communities. His company is currently building a cottage community project in Westford. His opinion is that there is a need for alternative housing in the town center, a walkable community, and in an infill setting.

Cracknell summarized that key project Design Goals include smaller, more affordable housing, walkability, and a shorter roadway. As part of the four-step design process, the Applicants first considered the slopes and wetlands on the site. Primary conservation areas, such as wetlands, floodplains, and steep slopes were designated. Secondary conservation areas are cultural and natural resources, such as an open meadow, wetlands buffer zone, trees, scenic vistas, etc., which are not protected in a conventional subdivision plan. There are a variety of active and passive use areas in the protected open space.

Step Two was to locate the cottage sites, which is on four acres. Twenty acres are to remain as open space.

Step Three aligned streets and trails. According to Cracknell, there are two development areas: the eastern area and the upper green.

Step Four delineated Exclusive Use Areas, which required a qualitative assessment. The designated Open Space area will have a Conservation Restriction.

Matt Waterman, Engineer with LandTech, presented the Yield Plan. The plan shows two roads with a 50 foot right of way, and a test pits and perc test for each lot. Overall, if they Yield Plan were to be constructed, disturbance would be 79%. In the OSPD proposal, low impact development techniques, including a constructed wetland and rain garden in the upper green would be used. Water quality swales and rip-rap would also be utilized.

He reviewed the proposed improvements to be made at Whetstone Street. The traffic study focused on the intersection. The Level of Service at the intersection with Main Street would be LOS A. Approximately 30 cars per hour in the morning and 36 in the afternoon rush hour are estimated in the traffic study.

The proposed road is curved, not straight, so that cars will not drive as fast, and so that one will see the character of the architecture.

At the intersection of Main and Whetstone Streets, they are proposing to enlarge the existing island, and install new signage.

Howard Snyder, Landscape Architect, Amory Land Design, presented the landscaping scheme. He said that 82% of the project is open space, both passive and aggressive. The upper green will give a sense of place with lighting and a fireplace where residents can gather. A sidewalk on one side and a stone path will make the area more natural. Trails are proposed.

Plantings are proposed so that they will not block visual corridors from the abutters on Main Street.

A new floor plan for a 970 square foot unit was distributed. Typical cottage designs in the original submittal were shown on the screen, ranging from 1425 to 1747 square feet.

Nick Cracknell reviewed the findings. He said that there will be disturbance in the open space but after construction, there will not be disturbance moving forward. Cottage Advisors is not averse to public use of open space and trails. There are proposed parking spaces to access the open space.

He addressed the Density Bonuses proposed which will increase the unit count from 20 to 30 units. They are an increase in the protected open space, smaller cottage-style units, and accessory cottage units. He also reviewed the Summary of Public Benefits, shown as 9. in the presentation. The benefits of Conventional As-of-Right and proposed OSPD Plan are compared.

Sarkis read correspondence from the Paul Sevigny of the Board of Health, Michael Gootee of the Water Department, and Gary Bill of the DPW. The Board of Health and Water Department are waiting for more information. Bill made the following recommendations:

1. Widen road to subdivision road to 20ft travel lanes and a 3ft paved shoulder on each side of road. This upgrade will be needed to handle the increased vehicle and foot traffic due to the close vicinity to the town center. Will need to construct walls on each side of the road to make this work. Subsurface drains will need to be updated to accommodate new road width and upgrade. Catch basins need to match new road width. Gravel and repave road to town specs.
2. Place a hedge or permanent snow fence at top of slope to help with snow drifting.
3. Move pole at Main Street and widen radiuses to full width of what the right of way will allow.
4. Make entrance of subdivision road 24ft wide with a radius starting 50ft wide at Whetstone Street down to 24ft wide at subdivision road to accommodate large trucks, fire/emergency vehicles, rubbish pickup and school buses.
5. Sullivans Court: any water main work etc. that may trigger some paving and other upgrades.

Gary Bill spoke and said that in the Winter Whetstone Street is effectively a one-lane road due to snowbanks.. In the Summer, it is hard to get past a UPS truck.

Scott Berkenbush, Fire Chief, said that one more hydrant is required. He has a concern with traffic, and vehicles parking on the proposed street. It needs to be a proper width to handle emergency vehicles. The radii should be reviewed. The pole at the intersection of Whetstone and Main Streets should be moved.

Glenn Kemper, Board of Selectmen, said there is a problem with Whetstone Street. The addition of the new vehicles is a burden to the road, and the taxpayers take that burden. He said that he felt the Traffic Analysis is flawed, because the Rocks Village Bridge is closed. He suggested that the traffic counts be re-done when the bridge is open again in August. There is not as much traffic now.

Sarkis opened the discussion to the public at 8:30 PM.

Deb Green, 1 Sullivan's Court, asked if an access road is proposed onto Sullivan's Court. Matt Waterman responded that the through road shown is on the Yield Plan only. He showed the proposed road to the upper green and back around. He said that the new road would be 700 feet down from Main Street, across from the new house under

construction on Whetstone Street. He continued that the Applicant may connect to the water main at River Meadow Court.

Sarkis explained the purpose of the Yield Plan, which is to determine the number of units that could be built under a conventional subdivision plan. Cook explained that the Applicant does not have to do tan OSPD. He could have filed a Definitive Subdivision Plan, which is a less public process.

Doris Bailey Jones, 274 Main Street, said that she lives on the corner of Main and Whetstone Streets. She asked if widening the road would require retaining walls, and what would be necessary.

Waterman said that at the site walk with the Planning Board in November, Whetstone Street was looked at. He did not feel that there were concerns at that time. The right-of-way is 40 feet wide.

Cheryl Grant, 19 River Meadow Drive, asked what is being done to get water to not go into their neighborhood. Waterman replied that there are three wetlands: behind the McGrath property to the west, the field that goes across to the riverside parcel, and a wetland near Sullivan's Court. The cluster design creates less impervious area. According to the Massachusetts Stormwater Handbook, the engineer must contain, reduce, and slow down runoff. They may not increase the rate of runoff. Sarkis said he would like to see a plan with arrows showing pre-and post-runoff conditions prepared, and that there are prescribed methods that have to be followed.

Cheryl LaSala, 28 Whetstone Street, said that water rushes down Whetstone Street like a river in a storm. Her family had to get a variance for an addition on their lot. Thirty homes on four acres on the hillside are too much, and she does not like it.

Cindy Sherburne, 14 Sullivan's Court, said that traffic on Whetstone Street is terrible. She walks often, and the cars coming onto Whetstone can't see a walker, and pedestrians cannot see oncoming cars. It is not safe to increase traffic on the road.

She said that water drains from this parcel onto her land, at the bottom of the hill. There is a gully 3 feet wide by 3 feet deep which drains through her yard. There is a culvert there being washed away where the water drains.

John McGrath, 244 Main Street, asked if the open space, formerly in agricultural use, will be maintained as an open meadow. If not, some of his view will be lost. Sarkis said that a Homeowners Association is to retain ownership of the open space, and asked if there is any intent to maintain it as a field. Hall said that the lower field could be mowed periodically. There is now a thin buffer around the wetlands due to the farming in the past. Cook noted that the owners will want to maintain the viewshed. He said that new vegetation in the buffer zone could help to slow down and treat water.

McGrath suggested that the Board pursue a Management Plan for the Open Space. He also suggested that there is conservation land at the end of Marshall Drive, and a trail could be created over to that land.

Faris Bennett, 270 Main Street, asked where the photos of views had been taken. Cracknell showed a picture of lawn chairs from the back of the Driscoll property at 260 Main Street. Howard Snyder said that the landscape plan is a preliminary design, and later will be more detailed. Street trees such as oak and pine, 30 to 40 feet tall, are shown. Ornamental trees of 18 to 20 feet are also proposed. Cracknell said that the intent is to plant so that existing views will not be encumbered. The Conservation Commission will be a big driver of what the Maintenance Plan will be. The Applicant would consider vista pruning if desired by the Board and abutters.

Sarkis said that the size and type of trees is up for discussion. Cook asked if the Board has control over lots in a conventional plan, and the response was no.

Gary Bill asked about the Form A lots, which are not on this plan. Cracknell said that the farmhouse and barn are on the other lots. Sarkis suggested that a colored rendering with a red line showing the area of the plan would help. Cook explained what an ANR Plan is.

Howard Hill, 32 River Meadow Place, asked what the history of the developer is with other projects, and what guarantee do we have that the project will be finished, and will the units be prefab? Sarkis said that the Board cannot consider an Applicant's past history in its decision. Hill said that his company has been in business for eight years and has completed multiple projects. Twenty units are being built in Westford. Everything is stick built.

Hill asked what guarantee the abutters have that it will be maintained. He asked that it be written into the documents that the grounds will be maintained.

Janet Horgan, 33 River Meadow Place, asked how many bedrooms the units will have. Hill responded that they will be 2-3 bedroom units, one or 1.5 stories high.

Horgan asked how the schools can accommodate that. Hill said that in Westford, the units have 2-3 bedrooms, and 12 units are sold. There is one child living there. \$162,000 is the selling price in Westford for the affordable units. Demographic studies show that such a project does not bring a lot of kids. Horgan also said that drainage across her yard is like a river itself.

Tom Page, 294 Main Street, asked what is the 40B housing goal? Murphey said that inclusionary units are proposed in this project in compliance with the Zoning Bylaw, and that will keep the percentage the same. Nelson added that the Town is at 2.1% affordable housing. Sarkis said that the OSPD Bylaw contains incentives, including smaller units, which provide an alternate form of housing.

Page asked the proposed schedule of buildings.

Jay Soucy, 3 Sullivan's Court, commented that the traffic study should be re-done when the Rocks Village Bridge is open, and that Whetstone Street is not wide enough.

He asked if a former plan had two septic systems, and now there is only one? The response was yes. He asked how many bathrooms each unit will have.

Sarkis responded that the septic design is based on the number of bedrooms. Soils are also a factor. The system will be permitted on the local level.

Kemper stressed that the traffic study should include data when the Rocks Village Bridge is open again in August. He feels that the study is flawed.

Sarkis noted that this is a two part process. First is the Special Permit, which is more general, and must consider broader criteria. Then, the Site Plan Review will address the technical issues such as drainage, safety, road width, etc. He said that the Yield Plan, Construction Plans, and Application have been sent to Meridian Engineering for outside review of compliance with the Zoning Bylaw and Planning Board Regulations for the first phase. It has not yet been reviewed for technical details and drainage.

Kemper asked when the Public Hearing will be closed. Nelson said that it will be continued until all of the questions have been answered and issues addressed. After it is closed, the Board has 90 days to file a decision.

Bardeen said that the fundamentals will be reviewed early in the process. Kemper asked if the number of units could be changed. He said he feels the impact to Whetstone Street and Main Street is significant. It was noted that the Town right-of-way is 40 feet wide.

Cracknell said that the visual quality and character of the Town have been considered. Whetstone Street is 18 feet wide in the paved area. Due to steep grades on either side, cuts would be deeper as you push into them. This could impact trees and their roots, and require a large retaining wall.

Cook said this area is a challenge. He pointed to a photo where an existing barn is close to the road. Bill suggested that if the roadway were to be raised, it could be widened also.

Sarkis said that the next meeting will focus on the report from Meridian Engineering and Board comments and questions. He said that the Public Hearing will be continued to March 19 at 8:15 PM, and asked for a motion.

Motion made by Cook, seconded by Murphey, to continue the Public Hearing to March 19, 2013, at 8:15 PM. The vote in favor was 5-0.

The Applicants left the room at 9:50 PM.

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Continued Public Hearing for Zoning Bylaw Amendment to Section 8.B., Site Plan Review, to replace the existing Zoning Bylaw with a new Site Plan Review Zoning Bylaw, and vote on recommendations to Town Meeting

Comments from Town Counsel were read, and revisions were made to sections of the Bylaw. Other sections were left as written, as "as appropriate" or other language.

Motion made by Cook, seconded by Murphey, to submit the amended Section 8.B. to the Board of Selectmen for inclusion on the Warrant. The vote in favor was unanimous.

Motion to adjourn, 10:20 PM.

Submitted by,

Jean Nelson
Planning Board Administrator

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