

**Draft WEST NEWBURY PLANNING BOARD**  
**Minutes of Meeting**  
**November 18, 2014**

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 November 18, 2014 in the Second Floor Hearing Room. Board members Ann Bardeen, Richard Bridges, Raymond Cook, Brian Murphey, Chairman, and John Todd Sarkis attended. Associate Member Dennis Lucey and Administrator Jean Nelson were also present.

The meeting was called to order at 7:01 PM

**Ocean Meadow, Form J Release of 60 Moody Lane**

Doug Stockbridge and Sam Checovich of Active Adult Living LLC appeared before the Board for release of 60 Moody Lane. They related that the second coat of pavement has been applied to the roads and all driveways have been done except for 24, 26, 60 and 62 Moody Lane. The punch list for residents has also been done. Nelson said that she had driven to the site prior to the meeting and seen the paved roads, and had verified with Charlie Wear that the work had been monitored.

Stockbridge said that they are working to finish 24 Moody Lane, which will be finished in 40-45 days, and 26 Moody Lane which will take approximately 30 days to complete. 62 Moody Lane is 75% complete. The closing date for #60 has been moved to November 24<sup>th</sup>.

Richard Gothage, 7 Ridgeway Circle, asked if the developer defaults, who finished the affordables. Checkowich said they are not walking. There was a brief speculation of outcomes. Mandeville said that the roads have been done well, and Sean Savage was cooperative. Robert Gosse, 14 Ridgeway Circle, agreed.

**Motion** made by Murphey, seconded by Cook, to release 60 Moody Lane from the Covenant Not to Convey. The vote in favor was unanimous.

**Public Hearing to consider an Application for a Special Permit for a "drive-in bank", (Zoning Bylaw §5.B.2.c.) and Site Plan Review (§8.B.), at 279-283 Main Street. Owner and Applicant is Haverhill Bank, 180 Merrimack Street, Haverhill, MA 01830. Premises are identified as Assessors Map U-1, Lot 52, in the Business District.**

Tom Mortimer, CEO, Brian Morrisseau, The MEG Companies, and Fred Clark, Architect, appeared before the Board.

Mortimer addressed the letter that the Board had sent via e-mail on October 30, 2014, relative to the site walk the Board had conducted on October 28, 2014.

Discussion began with the width of the driveway around the proposed building. The Board had asked if the width could be decreased. Morriseau pointed out that the driveway is 12' wide. The 22' on the plan indicated the setback. It was determined to be confusing, and it should be clarified back to Bob Masys for plan revision.

Mortimer addressed a requested planting strip on the Maple Street side of the lot which had been addressed in the Board. It was determined that the wall on the Maple Street side should not be moved, and there was not a concern by the Board with oncoming traffic.

Clark distributed lighting information. Bardeen questioned photos of a night time shot pointing down, but in other photos it did not seem to be. Something white was showing on the lamp. It was not known if it was light or a decorative cuff. Clark was asked to return to Philips to check on this. Cook said the photometric analysis looks good, and Clark said they did include four lights under the canopy. There are a total of three poles proposed on the site and a wall mounted fixture above the Maple St. emergency exit.

It was agreed that the lighting as now determined is a much better plan. Murphey confirmed that the pole light is a 3000 degree, and that is much better than 4000.

Mortimer said that the stormwater calcs are being worked on now, and will be submitted tomorrow to Meridian.

Railing choices were reviewed, and one design was selected by the Board. The freestanding sign was reviewed and confirmed. The post for lights and the railing will be black, but in later discussion it did not matter to some. Murphey asked if they decide to change the sign post, please return to the Board to discuss it.

The Landscaping sheet should be revised to add plants along the front walk. The list of trees was reviewed. The large tree in front of the barber shop was discussed. The Board had asked if the tree could be kept. Gary Bill had given his opinion that the tree should be removed. It is a hazard to the highway as well as to the lot. Mike the barber agreed—he said it rains branches and is split in many places. Sarkis gave his opinion that the tree is not worth keeping. It was decided that the Board will not object to removal of the tree.

Clark had removed any landscaping from the architectural drawings in order to avoid confusion. It was decided to wait for the next set of plans to confirm revisions discussed.

Sarkis suggested that the freestanding sign be moved closer to the walkway. In the proposed location, it is in close proximity to a large Mass Highway directional sign for Route 113. Nelson will check with Paul Sevigny to see if that location is acceptable relative to the septic system.

**Motion** made by Murphey, seconded by Bridges, to continue the Public Hearing to December 2, 2014, at 8:30 PM.

### **The Cottages at River Hill**

There was a brief discussion about expansion of the units. Bridges felt it deviates from the approved plans. He was referring to unheated space being converted to living area in Unit 1 and the stone wall in front of Unit 1. Murphey said size limitations had been set. It does not speak to interiors. Bardeen referred to the Gross Finished Floor Area (GFFA) in the Certificate of Vote and a list of what is not included. Bardeen felt that the GFFAs were defined and the cap on square footages would be exceeded by expanding unfinished areas. Cook said they were restricted to the size in the decision. Bardeen said she has seen marketing literature with square footage over 2000 square feet.

Nelson said the plan submitted to the Building Inspector showed "Unfinished Storage/Mechanicals" for the space questioned in Unit 1. She had measured the area on the plan and it was as stated on the plan and in the decision. The 169 square feet was extra. Bardeen said this was turning on the fact that it never counted as finished floor area.

### **River Road, Grew Property**

Phil Christiansen, Christiansen and Sergi, and Joe Grew, Owner, appeared before the Board. Christiansen presented three draft conceptual plans to the Board. The first plan was for a division into six lots. A variance would be needed from the Board of Appeals, and they would need the Planning Board's support. There are over 60 acres. The lots are oddly shaped. There are as drawn two Reduced Frontage Lots next to each other, which would require a variance, according to Christiansen.

A 12 lot plan with a cul-de-sac was shown. Christiansen said that all lots have perced for each of the plans. The parcel connects to Cortland Lane and abuts Beaucher's property. On this plan, a variance would be needed for four reduced frontage lots. Sarkis said he believes that restriction in the Zoning Bylaw only refers to adjacent frontages.

Christiansen said that if he can't get approval for the twelve, this is what could be done, and referred to a plan with 28 lots.

Cook said that the Board tries to avoid panhandles and long common driveways. There is a very long common driveway. He suggested an OSPD where the applicant could apply for density and leave space open. Christiansen referred to the Cena lot. He said there are a lot of places in town where you can't see the house. A driveway on the plan was measured as half a mile.

Murphey said the Cena plan goes back to the 1980s and 1990s, and the final approval was to fix a problem. He is not sure when the Board might have approved a plan like this. Sarkis referred to the Inclusionary Housing bylaw which does not apply to Form As but does apply to Form B, which he threw out as a consideration.

Cook commented that the plan is tortured, and there are random parcels. There were a lot of smaller discussions and buzzing with suggestions for alternatives

Sarkis asked how the Board would respond to the question asked: how does the Board feel about a lengthy lot served by a common driveway? He summarized the Board would probably not support a Special Permit for this configuration at this time. The lot is oddly configured, and it is long and narrow. The Board should not abandon good planning practices.

Murphey urged the Applicant to come back again for discussion prior to proceeding with a filing.

**Public Hearing to consider the following Applications for "Estate Homes at Rivers Edge" land located off Sullivans Court, Assessors Map R-11, Lot 18, in the Residence C Zoning District:**

**..Application for a Definitive Subdivision Plan, M.G.L. Chapter 44 §81T-81GG and the Town of West Newbury Regulations Governing the Subdivision of Land, for six lots and related infrastructure, including the extension of Sullivans Court,**

**..Applications for Special Permits under M.G.L. Chapter 40A §9, and the Zoning Bylaw:**

**..For a Common Driveway Special Permit to serve three lots, Section 7.D., and**

Murphey opened the continued Public Hearing at 8:34 PM.

Bert Knowles, Jay Soucey, Bill LaSala, Jenna LaSala, Cindy Sherburne, Deb Green Howard Hill, and others were present. Thomas Neve, Applicant, introduced himself as a Civil Engineer and Land Surveyor.

He summarized that at the last meeting there was a general overview and questions from abutters. He said there is no additional info to be submitted at this time. Murphey said the Board just received the peer review and it has not been reviewed. Neve said he will limit his presentation to 30 minutes or less. He said he will include an update on a walk with a neighbor on Sullivans Court, overall drainage scheme, and stormwater management criteria.

He said the ANRAD and a Notice of Intent have been submitted to the Conservation Commission.

He said the Conservation Commission will view property and determine if they agree or disagree with the wetlands delineated. The process is underway. The Commission walked the site. The extent of the river at high tide within ravine is still not decided. The Commission wants to see it at high tide. The mean high tide must be established to determine the riverfront area. One looks for physical evidence along the banks of the river. Neve said it is quite reliable where the slope is so severe. Sarkis said that on Saturday the tide will be a foot higher than it usually is.

Neve said a NOI was filed on the project and that process is ongoing.

Improvements on Sullivans Court: Neve showed a plan and profile of Sullivans Court. The existing roadway is 15-18 feet wide within a 40' wide right of way. He proposed to taper the width to 20' within 100' of the beginning of his property. Cook asked about the intersection. Neve said when it was a larger project, it had been discussed. Neve had written a memo outlining his discussion w/Gary Bill. With a smaller project, this improvement balances economically.

Neve walked the site with Cindy Sherburne who had concerns for her front yard. Neve said improvements are usually made on both sides of a road from the centerline. He is proposing, in the spirit of cooperation with his neighbor, widening only on his side. The utility poles are on Cindy's side. By the time they get to the big farmhouse, they will be done with the widening. He said it is better to keep the pavement in the middle of the road, in response to a question from Cook. Cook asked if Neve could still install drainage with this plan, and the response was yes.

Neve said that he has met with the Water Superintendent, who wants to move water line from under the pavement to the shoulder in the road. Cook questioned room for shifting the pavement and drainage in the layout. He said the Planning Board will want to look at the location of the pavement. Neve said it will be marked in the road for the Board to see. Neve said there is room. The Board can decide where they want street trees.

Neve said the water main has shifted to the right side of the road, and the hydrant would be relocated. The Water Department asked for an extra length of pipe which would be capped. Gootee does not want to use the water line connection from the Cottages, according to Neve. He said he will put in an 8 inch water main to the end.

Bardeen asked if this has been run through Tata and Howard and Neve did not know. Sarkis asked where the hydrant is to be relocated, and Neve indicated the area. A 6" main will be installed down the common driveway. Sarkis suggested a gate valve be installed, instead of a dead end pipe.

Neve will sketch a schematic for the Water Department. Murphey asked how another lot will be fed water. Neve explained.

Cook asked about the island at the end of the common driveway. He said it seems more than necessary, resulting in a wider common driveway. Neve said he wanted the project to seem like a subdivision. He said it is safer because you can only go in one way and out the other way. It is prettier and has a planting strip. Cook said he does not feel fits character of the community offhand. The width of the common driveway is 13 feet. Murphey asked for a picture of this layout. Neve said a landscape plan will eventually be designed.

Bardeen said she does not want to lose sight of the Special Permits. Neve indicated the Reduced Frontage lots on Sheet 3, as lots with a circle on them. Neve showed the frontage. She asked that the access over frontage be reviewed, to determine there was access. She did not think it was done in the technical review. She said if there were three lots instead of four, the Reduced Frontage Permit would not be needed. Neve said he can't reduce the number of lots to less than 6. It would not make economic sense. He said there is a balance. He has negotiated a reduction in price with the owners but to have less than six lots would not make this a viable project at all. Neve said the lots that rely on the common driveway are 2, 3, and 4.

Neve said that all the lots have access over their legal frontage. Sarkis asked if the little stub road has to be constructed so Lot 1 has its access from its frontage? Neve said he needs the stub for frontage for Lot 1. He said that Bill suggested we should built hammerheads and not circles. Neve said a typical common driveway is 16' wide. He said he has it coming at 12' on each side, then narrowing to 16'. Murphey asked again for a picture of where this has been done. Neve will bring one in. He feels the island will be a nice safety feature.

Neve reviewed the drainage. He said the peer review suggested that stormwater management regs have been complied with, and there are no comments. It is country drainage along the driveways which comes along to a pond. He hates

detention ponds and holes in the ground and manufactured projects. The detention pond is very shallow and it can be mowed and taken care of. There is a rain garden associated with it. They are working with Conservation Commission for biodiversity of the plants. It is big because it is shallow. It is 2 feet above the water table. There may be more wetland replication. It is 400 square feet now. Neve said they meet the Army Corps requirements for stream crossings.

Murphey asked about an abutter comment that there is quite an active stream at his property. He asked if Neve had observed this. Neve said they studied every exit point from the property. Murphey asked about maintaining the detention area—is it an association? Neve said the overall scheme will have three lots on the common driveway, and a water main serving two other lots. He always has covenants and common scheme restrictions. They will be tailored to this project. Best Management Practices will need to be followed and there will be requirements that everyone will have to share in it. It will not be a Homeowners Association, but a neighborhood agreement covering details such as all BMPs, driveway, plowing and maintenance. Sarkis said it is likely the Board will impose some conditions relative to maintenance of the basins with a Special Permit. Neve said he can get started on this any time and can provide documents at any time. Neve explained the drainage study on the plans. He said the extent of the watershed is highlighted on the plan he used. He had highlighted the water flow with arrows. At least 2/3 of the watershed flows through the ravine. He explained flows in other directions to an intermittent stream. They control runoff in a rural setting thru redirection of water. The driveways will intercept water and redirect it. Murphey asked if taking any flow from the cottages. Neve said they assumed the Cottage drainage calcs were correct, and they input the Cottages post-development drainage study into their study to analyze the culvert near Sherburne. Neve said he spoke to the DPW Director about the culvert on Sullivans Court.

Cindy Sherburne said the culvert is not adequate. In a storm the water can't get through and backs up and there are holes from erosion in her yard. Neve said if is replaced, then the drainage study can stay as it is without modifying it. He said he would prepare documents and present them to the Conservation Commission on behalf of the Town, and the Board of Selectmen's permission will be needed for work in the public way.

Sarkis asked what feeds to a drainage area at the end of the cul-de-sac, and what type of outlet control structure is proposed? Neve showed a high point in the cul-de-sac. It was field, and now will be paved. Neve showed culverts under each driveway. There will be a small section of curbing to force the water into the inlet. The water will flow to a stream. Neve said the water will be held back in the detention pond and treated so the discharge is high quality and the discharge will be less than in the pre-

development condition. Murphey asked if it could be directed to the other basin, but Neve said it would not work due to topography. In response to a question from Cook, Neve said it is the same idea along the long driveway. Bardeen asked the slope of that driveway. Cook said the initial portion is steep. Neve said it is 9% grade in a couple of spots. The driveway is designed to subdivision standards.

Sarkis said he is not keen on constructing the dogleg of road. If the Applicant can change the shape of the basin, and place an easement across Lot 3, it might work. Neve said he needs it to get frontage. Sarkis said it can be handled through a Definitive Subdivision Plan. Sarkis felt there are advantages to an unconstructed right of way. He suggested running the driveway through the basin, and Neve said they can shape the basin differently. Murphey asked for a sketch. Lucey said that one could continue driving on the road and back into the cul-de-sac the wrong way if the stub is built.

Murphey said that the review from Meridian Associates has been received. The overall comments were read as minor. Nelson announced that the Site Walk is scheduled for November 22 at 8 AM, and anyone is welcome to attend.

Howard Hill, 32 River Meadow Place, said he talked with Rachel Freed, head of the Northeast region of the Rivers Act, and they are using USGS maps that are antiquated to determine this is not a perpetual stream. The issue is that this is continuously running every time he has been out there. He said Conservation Commission wants the stream stats updated. If this is a perennial stream, Hill said, then it is a river. Then the 200' buffer zone comes back. He can disturb 5000 square feet or 10% area but then there will be a 10 foot yard because disturbance is putting a shovel in the ground. The Conservation Commission wants to see the drainage study. Is that basin part of the 10%? He said Commission has to decide if the basin is in the 200' buffer zone, and if this is a disturbance, and if so he may have to consider moving the house back or not building here at all. Hill would like the Board to consider this. He talked to Adams at Army Corps.

Hill continued that the area Tom Horgan mentioned last week must be dealt with. He told Neve no testing has been done in this corner.

Hill said you are dealing w/Reduced Frontage Special Permit and a triple driveway. Hill asked what is forcing this Board-- he has not shown any other statistics, alternative plan, to prove that he cannot do it. Where is the proof that 5 lots will not work? He said these are all pork chop lots. Murphey said Neve has been in several times to talk at preliminary hearings so the board has seen potential plans. There were issues and hurdles. The Board has seen what could be done there. Hill said this is a hurdle for this subdivision. He suggested that Tom raise the cost of the lots. He said someone

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won't spend \$800,000 on a 3 acre lot, then have a ten foot yard, then have people wandering thru on a trail. Hill wants the Board to consider that does Tom need this kind of money to have a special permit and triple driveway? Hill said there were covenants in his neighborhood. He asked who will take care of the triple driveway? He said it is a nice plan but it needs some tweaking. He wants to make sure that everything is place, the wetlands are protected, and it is necessary to go with this plan.

Sherburne asked why the road needs to be widened? Is it whole or part of the street? The Board's mission to maintain character of the town. It is prior farmland, not a subdivision feel. If it is safety that is one thing. It will still impact her yard and the looks of the neighborhood. Murphey said there will be more vehicular traffic, and the Board will be looking at the widening. He said the Board will be looking at an adverse impact to partial widening. Sherburne said her house is being affected on all sides. She asked if it is being done to make it look like a subdivision, and if that is in keeping with the character of the town.

Regarding the culvert, she talked with the Commission. They were talking about that area as being a wetland. She does not know how that affects widening the road.

Deb Green said her living room is at the corner of Whetstone and Sullivans. Murphey said from practical standpoint there will be sensitivity. Cook said his concern is if a fire truck or ambulance can get down there. The Board has not looked at improvements yet. People present said that emergency vehicles have been there before. A ladder truck was there recently. Sherburne asked that the Board come down to see the impact to her yard.

Don Bourquard asked if there is to be a public access area. Neve said it is his job to produce a plan which conforms. In a rural area, it is in conflict with what others want to have. He proposed Reduced Frontage lots instead of full lots because there are advantages to keeping rural, there is less infrastructure, etc. He is designing a roadway according to subdivision regs with the least amount of waivers. This is a hybrid because there is an existing road. The Board will decide what the plan looks like in the end. There are trade-offs.

Neve continued that as part of the regulations they are asked to provide public benefits. Someone will want to buy a place with a trail across it. He tried to promote a catwalk to the abutting street. Bourquard said Neve said previously he would provide a trail. He described connection options. Hill said there would be opposition coming over to River Meadow Way. People said that there is already a cut-through.

Neve said he feels that a decision from the Conservation Commission will be at least 30 days from now. He said he is confident in his calculations for the streams. Discussion

followed. Nelson reminded everyone that all they are trying to do right now is figure out a date.

Motion made by Murphey to continue the Public Hearing to 8 PM on December 2, 2014. Seconded by Bardeen. The vote in favor was unanimous.

## **General Business**

### **Endorsing of Documents**

The Board endorsed a Certificate of Vote for 12 Steed Avenue Minor Modification.

**The Annual Report** was reviewed and approved.

### **Cottages at River Hill**

Jay Soucey asked who is responsible for building a wall around a fire hydrant. He was told to see the Fire Chief. He was referring to the new hydrant on Whetstone Street.

The Board discussed expansion of units and the Cottages. There was not a final conclusion.

Motion to adjourn, 11 PM.

Submitted by,

Jean Nelson  
Planning Board Administrator

These Minutes were approved by the West Newbury Planning Board on February 4, 2015.