

WEST NEWBURY PLANNING BOARD
Minutes of Meeting
May 20, 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 May 20, 2014 in the Planning Board Office. Board members Ann Bardeen, Chair, Richard Bridges, Raymond Cook, Brian Murphey, and John Todd Sarkis attended. Associate Member Dennis Lucey and Administrator Jean Nelson were also present.

The meeting was called to order at 7:00 PM.

Board Reorganization

Motion made by Ann Bardeen, seconded by Cook, to nominate Brian Murphey as Chair. Murphey was agreeable to this. The vote in favor was unanimous.

Bridges was asked if he would be Vice Chair. He said he would rather wait for another year. He was told that members felt he could handle running a meeting in Murphey's absence, and that it would be good practice for him. Cook said that he will take on the Chairman position next year if Bridges does not feel ready. Bridges agreed to be nominated.

Motion made by Cook, seconded by Murphey, to nominate Rick Bridges as Vice Chair. The vote in favor was unanimous.

Motion made by Bardeen, seconded by Murphey, to nominate Sarkis as Clerk. The vote in favor was unanimous.

Lucey said that he has applied for a position as an Alternate to the Board of Appeals, and asked if this is a conflict. Nelson suggested that he contact the State Ethics Commission for an opinion.

Thomas E. Neve, continued discussion of Preliminary Plan submitted under M.G.L. Chapter 41, Section 81S, for land off of Sullivans Court Assessors Map R-11, Parcel 18, Louise Beard, Kathryn Coffin, Priscilla Santos and Vincent Sullivan, Owners, Thomas E. Neve, dba Neve Holdings, Inc., Applicant

Thomas Neve appeared before the Board for further discussion of the Sullivan parcel. He said that he may not be able to renovate the barn. It is 40' by 40' and at the highest point of the parcel. He would try to restore or replicate it in its current form and location. It would provide the affordable component to meet the bylaw. The project would need 1.1 units, and the difference of the 0.1% would be paid to the bank. The building would have two units, and one would be the affordable unit.

Parking would be underground, so no new structures would be required. He hoped to rent the affordable unit, rather than sell it.

There is enough land for 15 lots and 15 lots perced. Originally there were four waterfront lots and two interior lots, and the number has been decreased to 3 waterfront lots and 11 total.

Neve said he is thinking about trails and public access and some riverfront involvement. A path to an overlook could be created with a gazebo for bird watching. Parking for a couple of cars could be provided, and access for horses over a grass strip on the side of the road.

Neve said he has two other ideas for the property. Murphey said we are here to talk about this plan, and not some other plan. Neve said a preliminary hearing is open for any discussion and a best proposal for the property. He wants the process to be collaborative with the Board. His group will ultimately decide what plan they wish to submit.

Cook said that he is troubled by the long dead end. He has read Neve's memo and notes from the meeting with Gary Bill. There are repercussions to the whole area by having the long dead end, and there would be repercussions if the connection is made as well. The number of houses seems forced. He said that if Neve meets the letter of the regulations and bylaw, it still seems to him that it feels forced and tight.

Cook continued that Neve would need a Special Permit for a common driveway. That troubles him as well. He is not a big fan of common driveways. The tight turn and the way the property lines with the easterly-most house is awkward. He said he appreciates the fact that Neve is thinking of the community with trails and so on. The community there will be troubled anyway because the cottage trails are closed to horses but if a connections is made through, there could be some value. Cook felt that the trails, if built, would be used by the people in the immediate neighborhood.

Neve said that he feels they will be allowed to cross where the existing farm road is now, relative to the Conservation Commission. Since this is a preliminary plan, the intersection and grades have not been thought through in detail.

Sarkis said his comment to the members of the Board was that the houses, driveways, and garages do not seem to be colonial in nature. They are more contemporary in style. Garages set to the front of the houses, in his personal preference, do not work in West Newbury. If there were a little less density, the layouts could be worked more to the usual layout in West Newbury. A garage under on the downhill side gives the opportunity for a family room with a view, and Neve said he does not see much of a view for these houses due to tree growth.

Sarkis suggested that Neve be sensitive to the character of the town. Generally, hip roofs with garages toward the front have sat on the market longer than the conventional colonial in West Newbury.

Neve showed sketches that he has used in the past to get more density and less building. He showed single family and duplex houses that were 1900 square foot units, first floor master bedroom, and colonial in nature. They fit nicely in a neighborhood setting. He said if something like Ocean Meadow is more attractive, he would be happy to explore that.

He passed around drawings of southern colonial architecture homes which were maintenance free, with a brick front, and he has sold 42 in one project in Methuen for \$475,000 each.

Murphey asked if Neve had changes to his proposed plan layout. Neve continued describing the housing with master bedroom on the first floor, higher ceilings, etc.

Neve said he has no problem with a private subdivision with maintenance fees. It is frowned upon in some communities.

He said that he can collaborate with the Board on something that makes more sense, and hopes further discussion will take place.

Bardeen said she has reservations about the dead end and overloading this end of town. There are some fundamental barriers that need to be discussed. Murphey said Neve did not request waivers in his preliminary application, and he presumed a connection to River Meadow. He said he feels Neve is overreaching what he can develop there, and changing the style of the house will not do it. Murphey said the Board will probably discuss the access issue. Neve said he believes that he has access through River Meadow Drive. He said most Planning Boards are charged with connecting subdivisions, access, etc. Murphey said it is not in this Board's purview to determine the access. Town Counsel's opinion is subject to attorney/client privilege. There is no approved roadway to connect to. Neve asked for direction as to whom he could ask, but said why ask a question that few would be favorable to? He did not think there will be favorable response to connecting to River Meadow Drive.

Cook said that someone, perhaps the Board of Selectmen, would have to approve the connection. There would be so many in opposition that a larger room would be needed. He said in his mind, Neve needs a waiver from the Planning Board. The Board would then have the power to negotiate certain things. Cook said a good Definitive Plan would not need any waivers, and the Board would not have review of style, etc. If he met all of the requirements, the Board would have to hand it to him. If he saw

the density reduced quite a lot, he would be inclined to grant a waiver. He said he does not think duplexes go very well there.

Neve asked why there is 20,000 square foot zoning there. Cook said that goes way back. Neve asked if he should just ignore it. Sarkis said it should not be 20,000 foot zoning there. Murphey said that sometimes the land speaks to you, and trying to force all these homes on the land is the wrong thing for the land.

Neve said he is trying to get what the Board wants. He has heard the comments. He said perhaps six lots would be more palatable. Murphey said that Neve could come in for a Common Driveway with three lots, another ANR, and he will be good to go on that land. Neve suggested some scenarios with common driveways, and Murphey said that the Board is not crazy about pork chop lots. Bardeen suggested that Neve come up with some other proposals.

Neve asked if an affordable housing project has been successful in town. He asked if the town needs more affordable housing. Neve said he needs to get a few numbers that make more sense. Cook said that Neve has rights and he could appeal a Board's denial. Neve said he has never appealed a decision, and he has never failed to get a project approved. He said he does want to close any doors, and feels he is not opening any here tonight either. Murphey said the Board is here for the best for the Town, and not to make money for the Sullivans. He suggested that Neve take that message back to the Sullivan family. Neve said he has created this plan to fit on the property, not to please the family.

A discussion of Neve's memo summarizing his meeting with Gary Bill took place. Neve said that other than the width of Sullivans Court and the intersection with Whetstone where a guy pole needed to be moved back, one can say that the street provides adequate access. Eleven more houses can be added without exacerbating the problem, according to Neve. Neve said that he looked at an aerial photo of the town and there are hundreds of long dead end roads, and Cook said this is an exaggeration. Neve said he will count them all.

Murphey asked if responses had been received from public officials, other than the Board of Health. The response was no.

Motion made by Murphey to deny the Application of a Preliminary Subdivision Plan for certain land located off of Sullivans Court, by Neve Holdings Inc., based upon the following:

1. The plan shows a new subdivision road connecting to a roadway from Sullivan Court to River Meadow Drive that is not approved nor constructed.

2. The applicant has not requested any waivers. These would be required for current access to the parcel using dead-end roadways, Sullivans Court and Whetstone Street. Reference is made to Sec. 4.2.8.1 of Subdivision Rules and Regulations: No more than one dead end street shall serve as access to another dead end street.
3. Sec. 4.2.8.2 requires a waiver for the length of a dead end street in excess of 800 feet.
4. Reference to Sec 4.1.1: Failure to comply with these standards without the benefit of a waiver granted by the Board shall be considered reason for denial of the Definitive Plan. It was decided that this part of the motion did not apply, since this is not a Definitive Subdivision Plan filing.

As discussion, Sarkis said that the Applicant has proposed a second means of access to River Meadow Drive, but there are no improvements proposed to Sullivans Court. Cook said there is no assurance that access over the Town-owned land will be granted.

Neve asked if he could withdraw the application without prejudice. There was discussion as to how to handle this request. Bardeen asked the reasoning for the request. Neve said that since this is a non-binding decision, he would like to withdraw it. He will go back to the drawing board and re-submit a new application.

Following discussion, Murphey said that he would withdraw his motion.

Motion made by Murphey, seconded by Bardeen, to withdraw his motion as presented. The vote in favor was 5-0.

Motion made by Cook, seconded by Sarkis, to grant Neve's request to withdraw the Application without prejudice. The vote in favor was 5-0.

Neve asked for a copy of Town Counsel's opinion on the roadway connection. Murphey said it is not shareable. Neve left the room.

Minutes, March 11, 2014.

The Minutes of March 11 were approved and edited.

Motion made by Murphey, seconded by Cook, to approve the Minutes as amended. The vote in favor was 5-0.

General Business:

Review of final documents and plan (if necessary) for The Cottages at River Hill

Sarkis noticed a missing statement from the Covenant Not to Convey. Nelson said it was a good catch, and it is not in West Newbury's Form I, which she had used as a model. She will research it and add the language to the Covenant Not to Convey.

It was decided that all sheets must be recorded, and the Registry block must be added to all sheets of the plans.

Nelson related that the Easement documents have not been finalized yet, and she is expecting the documents from Melissa Robbins.

A Memo from the Water Department was received. It was contrary to the Conditions of Approval relative to Building Permits. Nelson said that the Applicant will need to contact the Board for a minor modification of the Special Permit.

Discussion of Sections 6.A.4. and 6.A.5. of the Zoning Bylaw as they apply to the Business District

Nelson was asked to check with Bert Knowles as to the intent of these two sections for a sense of the history of this bylaw section.

Sarkis suggested that land along the river be reviewed to see if any zoning district amendments are warranted.

Motion to adjourn, 9:45 PM.

Submitted by,

Jean Nelson

Planning Board Administrator

These Minutes were approved by the Planning Board on July 22, 2014.