

**WEST NEWBURY PLANNING BOARD**  
**Minutes of Meeting**  
**August 5, 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 August 5, 2014 in the Second Floor Hearing Room. Board members Ann Bardeen, Richard Bridges, Raymond Cook, Brian Murphey, Chair, and John Todd Sarkis attended. Associate Member Dennis Lucey and Administrator Jean Nelson were also present.

The meeting was called to order at 7:10 PM.

**ANR Plan, 89 Church Street, Assessors Map 13, Lot 34, Owner and Applicant, Richard MacDonald, Trustee, MacDonald Trust**

The Board reviewed the plan. Two new lots were created with frontage on Bridge Street, and two unbuildable lots on the river side of Church Street. The original lot has a house located on it. Rick MacDonald said that the lots on Bridge Street did not have enough topsoil, meaning that they did not have successful perc tests. The lots on the river side are identified as not buildable.

MacDonald said that one of the unbuildable lots will be sold to an abutter, and that in the future a neighbor with an encroachment on the Bridge Street side may wish to purchase some land.

**Motion** made by Sarkis, seconded by Bardeen, to endorse the plan as not requiring approval under the Subdivision Control Law. The vote in favor was unanimous. The mylar was endorsed and taken by MacDonald.

**Minutes**

The Minutes of June 17, 2014, were reviewed and edited.

**Motion** made by Murphey, seconded by Bridges, to approve the Minutes as edited. The vote in favor was unanimous.

The Minutes of July 8, 2014, were reviewed and edited.

**Motion** made by Murphey, seconded by Bridges, to approve the Minutes as edited. 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.**

Murphey open the Public Hearing at 7:30 PM and Sarkis read the Legal Notice. Murphey summarized that the Public Hearings for a Special Permit and Site Plan Review were being held together. Site Plan Review is required for any non-residential use, and also for a Special Permit. The Pre-Application Conference was held on January 7, 2014. He asked the Applicant to introduce those present, and to make the presentation. Correspondence will be read later.

Attorney Richard Sheehan, Haverhill, MA introduced Bob Massy of RAM Engineer, Tom Mortimer, CEO of Haverhill Bank, and others from the MEG Group. He said that the Applicant has received dimensional relief from the Board of Appeals for a side yard setback and an undersized lot. He read the Findings for a Special Permit from Section 8.A. of the Zoning Bylaw, and said that the Applicant feels that he meets the criteria. He read the Site Plan Review criteria to be found also, and said that all of the requirements have been met. He said that a Special Permit requires a majority vote from the Board. Murphey informed him that a super majority is needed.

Robert A. Masys, P.E., 160 Main Street, Haverhill, presented the plan. He said the bank intends to demolish the existing two family house. The existing curb cut will be used. The building meets the setbacks, but the overhang for the drive-thru does not. The septic system will be located in the front of the building. Shrubs, trees, and flower beds will be planted. The existing barber shop will remain.

A fieldstone retaining wall is proposed to keep the area behind the sidewalk level. In talking with the DPW, he learned that the sidewalk is plowed and if the wall was not there, there would be no place to push the snow. It will be 1.5 to two feet high. It allows for grading which will then allow them to meet ADA requirements.

Comments from Gary Bill, DPW Director, Mike Gootee, Water Department Superintendent (both with attached sketches) and Paul Segivny, Health Agent, were read into the record.

Masys said that he had read the comments. Nelson said she had sent them to Sheehan as a courtesy. Masys said that the septic system is shown on the plan in blue. He will talk with Sevigny about his concern with the location of a sign.

Masys said the water line will be redesigned to comply with Gootee’s recommendation that a meter pit be installed, and the water line run through the bank. Regarding

drainage, he said that the pavement as proposed is pervious pavement. He said they do not have a problem with Bill's comments. Bill had said that the pervious pavement is not practical in the Winter and Masys replied that they were using the UNH model. Masys said that the drainage can be designed either way, and they can change the drainage around. Murphey asked Cook for his opinion on the pervious pavement, and Cook said it could work either way. He deferred to Bill's recommendation.

Sarkis asked if the design is required to conform with DEP Stormwater Management Regulations, and Masys said that the water is being recharged on site. They had proposed that overflow be tied into a catch basin across the street, but Bill suggested that runoff be tied into Maple Street rather than Main Street. Masys said there will be no increase in runoff. Sarkis asked about the groundwater level and Masys responded that the information had been submitted to the Board of Health. Murphey asked for test logs.

Masys said that groundwater was found at six to seven feet, and five feet in the back. The lot had been filled in the past. The pits dug 15 feet back from the sidewalk found fill for four feet down. The materials below were sent to UMass for evaluation. They then went back to the site in the Summer when the soil was drier and were able to perform perc tests. Nelson said the Applicant had submitted drainage calculations.

Sarkis asked why he had to elevate the front of the lot. Masys replied that part is due to the soils conditions and groundwater level that were found, and part is the elevation requirements to meet ADA requirements. Masys said that the handicap access is in the back, near the HP spaces.

Bardeen asked about the wall. Elevations and the raise in grade were discussed. Masys said a lot of change in grade has to do with the drive around, and that septic is part of the reason. The building is on slab, so needs to be raised also. The septic system and grades were also discussed. Sarkis noted that the entire site is a mound, and the 111.8 contour is fixed. Bardeen asked what visibility will be when driving by. Masys said the building is 43 feet back from the intersection, and the elevation of the leach field is fixed by the Board of Health requirements. Murphey asked why it would not be an injection system. Masys said that flow from the bank will be less than 200 gallons per day.

Bardeen asked the percentage of the site that is paved. Masys read that building coverage existing is 7%, and proposed will be 8%; paving and sidewalks is 57%. He said there are 11 parking spaces and two handicap spaces. Cook suggested that they could do away with a couple of parking spaces. Bridges said that parking does take place on Maple Street. Masys said snow could be plowed to several areas. Murphey said that some snow could be plowed into spaces designated as parking spaces.

Bardeen asked if there will be a dumpster. Masys replied no—paper will be shredded, and the only rubbish will be from the lunch room. The cleaning crew will remove rubbish.

Sarkis asked about curbing. The reply was this will be vertical granite, all the way around. He asked if handrails are needed at the entrance, since it is one step up. Masys said there might be. Sarkis asked for a detail of the wall. Masys said that the Haverhill Bank on Rosemont has the same type of wall. Sarkis asked for a detail on the steps and railing. There was discussion of the steps and railing.

Bardeen said more lighting detail is needed. Only the base is shown on the third page. We need to know the height of the poles, type of lighting.

Murphey asked if they would want to provide a cut-through from the barber shop to the bank. The response was no, because people would be walking across the drive-thru lane. People can come out of the barber shop and take the stairs. Masys was asked if he can line up the steps with the crosswalk, and the response was no. Murphey asked if Masys thought the Building Inspector would require ADA access from the front, and Masys replied that it is provided for in the back.

Cook asked what a white maple is.

Lucey asked if any consideration to bicycle parking has been made. Masys said is has not, but it is a great idea, and said that they will find a location for it.

Sarkis asked for plans and an elevation of the sign. He was told there will be signs on the building and one at the corner. Elevations were shown but had not been submitted to the Board. Sarkis asked that elevations of the sign be submitted. He also asked why the ATM is against the building on the inside. Masys replied that the mechanics of it are on the inside of the building, and it is there for security reasons.

Murphey said that there are items missing on the drawings. Nelson read that if Waivers are requested, a list should be submitted. There was not one submitted. She read from the Planning Board Regulations.

Nelson suggested that the Applicant review the Planning Board Regulations and use it as a checklist. She said many requirements are missing including aerial photo, abutters across the street, existing structures, planting plan, and the elements of the septic plan including tank, D box, pipes, and leaching field, architectural drawings, and detail for the wall. At the Pre-Application Conference, the Applicant had been asked to show driveways on Main Street, and that was not shown. She said that a site context plan at a smaller scale would be useful, to see the intersection, stop sign, island, driveways, existing conditions, etc., and another sheet may be needed.

Murphey said that when the plan has been updated it will be sent to Meridian Associates in Beverly for technical review. The timing of an estimate, fee deposit, etc., was discussed.

**Motion** made by Murphey, seconded by Sarkis, to send the submittal for technical review when it has been updated and re-submitted. The vote in favor was unanimous.

Fred Clark, DRL Architects, Weymouth, MA, presented the architectural drawings. Murphey said that since they had not been submitted with the filing, the Board was not going to spend a lot of time on them.

Clark said that since the last meeting, the roof line has been lowered and the glass was removed at the front and rear entryways. Floor plans were distributed. Cook said that the columns over the drive-thru look light. Murphey said the Board will review signage, lighting, etc. Clark was not sure if the lighting was LED or not. Clark said he will remove the plantings shown around the building.

Sarkis asked that materials and colors specified be provided. Clark read from the plan: fiberglass architectural roof shingles, white siding, and PVC trim painted white. Mortimer said that the bank in Bradford is aesthetically pleasing as an example. Clark said the chimney will be a thin brick which looks like masonry. Cook suggested that Clark look at the porticos around town. They are almost flat.

Sarkis asked about windows and mullions, which have not been specified. Mortimer said that the new branches in Salem and Rosemont are examples, and they are open to input as to appearance and plants. Sarkis suggested that the gutters go into a drywell, and a location shown for that.

The sign in back will be 36 inches by 24 inches, and 48 inches from the ground. Murphey said the sign look heavy and overly done, and he could not support such a sign. Masys said he will set a stake at the sign location at the top of the wall. He explained other directional signs, which will need to be reviewed. Cook said that perhaps they do not need a sign.

Nelson asked that sign details and architectural drawings be submitted prior to the next meeting so that the Board had a chance to review them. These items had not been seen before tonight.

Sarkis pointed out a corner west of the drive-thru, behind the barber shop, where grade is lifted and the flow of water is altered. It appears that it will run to the property of Berkenbush post development. Masys said this is the septic tank for the barber shop. Sarkis asked for those details on the plan. Masys explained that the 108 contour would take care of this.

Scott Berkenbush said that he owns the land that Sarkis has indicated. He asked what the impact to his property would be. Due to topography, water runs across Main Street. He said the square is on a layer of clay, and it does not drain quickly. Murphey said the Board will carry through on that concern.

Patrick Higgins, Captain Pierce Road and ZBA member, asked if headlights leaving the driveway will shine on properties on the other side of the street, and if that can be mitigated. Cook said that if the driveway slopes down, and the houses are elevated, that may not happen with most cars. Bardeen said it depends on existing street lighting also.

Murphey said that the plan will be sent out for technical review after it has been revised to address comments and to add details required. That process will take several weeks. Masys said that he will have the revised plans done in approximately two weeks. Nelson will deal with expediting the review with Meridian.

**Motion** made by Murphey seconded by Cook, to continue the Public Hearing to September 16, 2014, at 7:30 PM. The vote in favor was unanimous.

The Applicant left the room at 8:55 PM.

### **General Business:**

..The Cottages at River Hill, Chip Hall, to discuss proposed:

- Modifications to the design of Cottage D
- Modifications to the design of Cottage E
- The addition of Common Mailbox location
- Reduction of Pocket Park area

Melissa Robbins, Attorney, and Scott Brown, Architect, represented the Applicant. Robbins asked that the mail huts discussion be deferred to another meeting.

..Revision to Unit D: Brown explained that the revision to Unit D to move the bedroom to the back of the unit will result in a simpler plan. Gross Floor Area will be 22 feet less. The total footprint will be 100 square feet less, because the side porch has been eliminated.

Cook asked why the modification to Unit D is a minor modification. Brown said it is more consistent with other models. Cook objected to the shed dormer in the front, and was told that such dormers have been proposed on other designs. Murphey said he has no problem with this. He said he feels this is a minor modification. Sarkis asked Robbins if more modifications will be coming.

**Motion** made by Murphey, seconded by Bardeen, to accept the floor plan revision to Unit D as a minor modification. The vote in favor was 5-0.

Two Car Garage, Unit D: Murphey said that the board did not react well to the two car garage proposal.

Brown said the addition of another garage would add 65 square feet to the new footprint. Not all locations could have a two car garage. Murphey said he considers this a major modification. It changes the dynamics of the project. This is a one-car garage community. Sarkis agreed. Nelson said she had talked to the Building Inspector, who felt this would create a nightmare. Everyone will want a two car garage.

..Unit E Modification, to enclose an area of the porch: Brown said that it would result in an additional 30 square feet.

**Motion** made by Murphey, seconded by Bridges, that the proposed modification to enclose the entry from the garage to the entry from the porch is a minor change. The vote in favor was 5-0.

..Reduction in Pocket Park pervious pavers: Robbins stated that the pocket park is 80 feet by 80 feet. The approved paved area is 60 feet by 60 feet, or 3600 square feet. The proposed area is 40 feet by 40 feet, or 1600 square feet. Cook noted that the area has been cut in half.

**Motion** made by Murphey, seconded by Cook, to find that the reduction in paver size to 40 feet by 40 feet is a minor modification, in accordance with the drawing dated July 18, 2014. The vote favor was 5-0.

Nelson will notify Jay Smith and Judy Mizner of this modification, since it impacts the Conservation Restriction.

### **Potential Zoning Bylaw Amendments, and scheduling of Public Hearing**

The Public Hearing will be scheduled for September 2, 2014, at 7:30 PM.

### **Review revised draft RoFR**

Cook will revise the draft to address comments submitted.

### **Housing Production Plan, expiring in October, 2015**

Murphey will check with MVPC to learn what their fee for Merrimac's HPP was.

Motion to adjourn, 10:15 PM.

Submitted by,

Jean Nelson  
Planning Board Administrator

These Minutes were approved by the Planning Board on August 19, 2014.