

**WEST NEWBURY PLANNING BOARD**  
**Minutes of Meeting**  
**September 2, 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 September 2, 2014 in the Planning Board Office. 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 7:03 PM.

Haverhill Bank Update: Nelson told the bank that the Haverhill Bank updated submittal has been delivered today. She had forwarded pertinent plans to Charlie Wear at Meridian for a fee estimate. The revised drainage calcs had not been submitted electronically. The Board reviewed a draft Scope of Services. Sarkis suggested that a review of traffic flow be added to the scope. Bridges asked about lighting. Nelson said that a lighting plan has been submitted, and that she asked Wear if his office has a person who could review the lighting documents. This will be added to the scope or sent out to another firm for review. Nelson will send a revised Scope to Wear.

**Public Hearing to Consider Zoning Bylaw Amendments:**

..To amend the Table of Dimensional Control, Section 6.A., for Business and Industrial Districts, to delete the reference to Section 6.A.5. in the "Minimum Lot Area in Feet" column, and insert "N/A" in its place.

.. To amend Section 6.A.4. by deleting the last sentence: "Uses requiring a special permit shall require at least 50' set backs from front, side and rear yards except for common driveways, accessory apartments, reduced frontage lots and ATM's."

..To delete Section 6.A.5. and replace it with a new 6.A.5. as follows:

"For uses requiring a Special Permit in the Residence A, B, and C Districts, the minimum Lot Area shall be 60,000 square feet; and the minimum Front, Side and Rear Yard Requirements shall be at least 50 feet" There are exceptions as listed.

..To amend Section 5.C.2., Industrial District Special Permits, to add a new Subsection c., as follows:

5.C.2.c. "Medical Marijuana Facilities, in accordance with Chapter 369 of the Acts of 2012, and 105 CMR 725.00."

..To delete Section 4.E., "Temporary Moratorium on Medical Marijuana Treatment Centers/Registered Marijuana Dispensaries", such deletion to become effective on November 30, 2014.

At 7:30 PM, Murphey opened the Public Hearing for Zoning Bylaw Amendments. Joseph Anderson, Selectman, was present. Sarkis read the Legal Notice.

Anderson asked for an explanation of the proposed amendments. Murphey summarized that under the current Bylaw a use which requires a Special Permit needs 60,000 square feet of area and 50 foot setbacks. He said that none of the lots in the Business District would be able to handle these requirements. Bardeen explained that the amendment would keep the requirement in the Residential Districts, but remove it from the Business and Industrial Districts.

The Board discussed language for exemptions in Section 6.A.5. which was revised for clarification.

Selectman David Archibald arrived. Murphey explained that the Planning Board still has oversight with non-residential buildings and sites with the Site Plan Review process. Nelson added that she had researched the Zoning Bylaw and found the requirements for additional area and setbacks for the residential districts only in 1978. A reorganization of the Bylaw took place in 1982, and at that time the requirement was moved and applied to all districts. Cook said it seems that this was an error in the reorganization.

Archibald asked if the Medical Marijuana amendment covers both dispensing facilities and grow facilities. The response was yes. The requirements of Department of Public Health regulations were discussed. Research by the Board had shown that most towns and cities were allowing the facilities in Industrial Districts.

Motion made by Murphey, seconded by Cook, to close the Public Hearing. The vote in favor was unanimous.

Motion made by Murphy, seconded by Cook, to submit the amendments as revised to the Board of Selectmen and the Finance Director. The vote in favor was unanimous.

General Business:

..Comment regarding dead arborvitae at the basketball courts

People have complained about the dead arborvitae trees at the new basketball court on Bachelor Street to public officials. Nelson was asked to send a letter to the Park and Rec Commissioners asking that they be replaced, as required in the Site Plan Review conditions.

### **The Cottages at River Hill, to discuss Modifications to the Special Permit**

Chip Hall, Owner and Melissa Robbins, Attorney, were present. Robbins distributed a draft decision that she had submitted. She said that Nelson had circulated a red lined draft and a memo to her. Robbins addressed the revised draft, saying the owners had no objection to it. Nelson had drafted a separate decision, more in style with the Board's documents.

Modifications to Units D and E: Nelson had questioned exhibits instead of full sized plans to be recorded. Bardeen suggested that the architectural drawings for revisions to Units D and E be combined onto one sheet each and recorded as full sized plans. The Board discussed the pros and cons of recording separately or as exhibits. Nelson had recommended that the title be changed to MODIFIED plans so they could be distinguished from the original plans and that Registry Block and signature lines be added. The date on the plans for Unit D, February 28, 2014, will be revised to July 18, 2014 to avoid confusion.

Pocket Park Modification. Three sheets of the pocket park had been submitted as exhibits. It was decided that Sheet L.2.2. will be recorded with the decision, with the title being revised to Modified Hardscape Plan. Nelson had noted that the other sheets were unnecessary, and Robbins agreed. Nelson had also noted that it seemed unusual for LandTech to now be using plans prepared by Howard Snyder on the LandTech title block.

Nelson noted that neither a letter from Matt Waterman, the Minutes of August 5, 2014, nor the motion made, mentioned that the entire pocket park area was being reduced from 80 feet by 80 feet to 60 feet by 60 feet. She felt this should be corrected. There was confusion as to what had been discussed at the last meeting. Cook suggested that a Confirmatory Vote be taken to clarify.

**Motion** made by Cook that the pocket park reduction included reducing the area from 80 feet by 80 feet, and reducing the pervious paver area from 60 x60 feet to 40 feet by 40 feet. The vote in favor was unanimous.

Nelson questioned the setback of the foundation for Unit 2 from Whetstone Street. Hall said that it is 21 feet from the property line.

**Review revised draft RoFR**

Cook said he will revise the draft based on comments received, and have it ready for the next meeting. Nelson will confirm the meeting date with Kris Pyle.

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

The Board will review the update of the HPP at a later date.

Motion to adjourn, 9:15 PM.

Submitted by,

Jean Nelson

Planning Board Administrator

These Minutes were approved by the Planning Board on December 16, 2014.