

**WEST NEWBURY PLANNING BOARD
MINUTES OF MEETING
November 17, 2015**

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 17, 2015 in the Planning Board Office at the West Newbury Town Offices, 381 Main Street. Board Members Ann Bardeen, Raymond Cook, and Brian Murphey were present. Planning Administrator Leah Zambenardi and Associate Member Dennis Lucey were also present. Board Members Richard Bridges and John Todd Sarkis were not in attendance.

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

Subdivision Approval Not Required Plans (SANR's)

a. Kimball Road – Nancy MacGown and Hurld Realty Trust

Woody Cammett from Cammett Engineering stated that MacGown, would like to split Assessor's Map R-8, Lot 26 into 2 lots. The property is in the Residence B District. It has 365,705 s.f. (8.39 acres) of area where 40,000 s.f is required and 407.37 feet of frontage where 200 feet is required. The property is currently under Chapter 61A for agricultural use. There is no house on the property. Cook observed that there are steep slopes and wetlands on the property. Cammett stated they could possibly have a 3rd lot, but MacGown is not interested in that.

Cook stated that they are voting tonight on whether the lots have access and frontage. Zambenardi asked about the Chapter 61A status. Cammett noted that they will start the process when she has an offer for the lot.

Cook made a motion that the Planning Board endorse the plan entitled, “ANR Plan of Land, MacGown, Kimball Road, West Newbury, MA Map R-8, Lot 26”, dated 10/27/15, scale: 1”=40’, drawn by Cammett Engineering, 297 Elm Street, Amesbury, MA”, as one not requiring approval under the Subdivision Control Law. Bardeen seconded the motion and it carried 3-0.

Follinsbee Lane, Cottages at River Hill, Open Space Preservation Development Special Permit (Section 6.B) and Site Plan Review (Section 8.B) – Cottage Advisors, LLC – Approved March 11, 2015 – Request for Reduction to the Tri-Partite Agreement (Phase II)

Cook stated there is a request from Cottage Advisors for a reduction to the amount of the recently accepted Tri-Partite Agreement for Phase II of the project from \$132,413 to \$70,875. He stated that Meridian has reviewed the request on behalf of the Planning Board and has no objections. Murphey stated he would like to find out from Cottage Advisors what their winter preparation plans are. Cook agreed to take that up later during the meeting.

Cook made a motion to approve the request by Cottage Advisors LLC for a reduction in the Tripartite Agreement for Phase II of the project from \$132,413 to \$70,875. Murphey seconded the motion and it carried 3-0.

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MA Downtown Initiative FY 2016 Technical Assistance Program

Zambernardi explained the program and stated she spoke with the program director, Emmy Hahn. She stated that Hahn thought our desire to have a market study done is in line with the goals of the program. Hahn stressed that it is important to demonstrate there is both public and private support for the project. She stated she had a conversation with Mike Bertino, Finance Director about the project and how to gauge whether the Selectmen are supportive. The signature of the Chair would be required on the application form. Bertino stated the Selectmen indicated they would be supportive and they placed the matter on their November 30th agenda. Zambernardi stated that she needs assistance from the Board in terms of garnering support from private entities. She provided the Board with an Excel spreadsheet with the addresses and names of businesses and property owners in the Town Center. Members discussed how to contact the people and what to say to gauge their support. Cook clarified that by being supportive, they would be indicating awareness of the effort and that they are on board with providing input and feedback during the study and during implementation of the recommendations within the study. Zambernardi noted she would also share this information with the Selectmen.

Bardeen stated this is an important step in the process of deciding what should be done to help the Town Center, before we start thinking of sewerage systems, increasing parking and other big projects. She stated we should find out what problem we are trying to solve and if there is any problem that needs to be solved. In the alternative, perhaps we accept the status quo and we just need a way to market those empty storefronts. It could be as simple as that.

Thomas and Jennifer Fahey at 294 Main Street asked questions about the project and the limits of the business district. They indicated they would be supportive of the study and would provide input and feedback.

Zambernardi stated that another point she wanted to bring up to the Board relevant to the Town Center is a presentation made to the Board of Selectmen the previous night by MassDOT on a paving and reconstruction of existing sidewalks along Route 113 in Town. She shared the PowerPoint presentation with the Board. She stated that she reached out to the District 4 Engineer to find out if there are plans and any more information.

Continued Discussion on Planning Board Projects and Priorities. Planning for December 1st public meeting on downtown Economic Development and Inclusionary Housing Bylaw

Cook looked at a list of discussion points prepared by Zambernardi. He stated that in terms of Economic Development, the Board should explain the grant we have applied for and how we have gathered public and private support. In terms of Inclusionary Zoning, Cook stated he would do an overview of the Bylaw. The Members discussed successes and noted that Ocean Meadow created units but it was not done under the Bylaw. Murphey pointed out that the Board got the units before the Bylaw, but they were created in the spirit of the Bylaw. He stated that affordable housing has been included in discussions for the Daley property and the Beaucher property. Cook stated successes could include developer awareness. Cook stated that tangible successes were Follinsbee and Estate Homes. He stated that receiving money is good, but there is a challenge in how it will be spent. Bardeen stated that another challenge is that the Bylaw can be a deterrent to developers. Cook stated it does not apply to by right

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projects. Cook stated that going through the process is difficult. He stated that running a lottery is time consuming and expensive. He noted that there is a population in Town who need affordable housing, but don't fit the stringent requirements of the State. He stated there is a philosophical question of whether the State's program is really addressing the problems that we have. Bardeen asked if it is a matter of meeting the State's 10 percent requirement and protecting ourselves from a 40B or is it a matter of addressing the housing needs within the community. Cook stated this Bylaw does not go very far in terms of protecting the Town from 40B. He stated that one could be philosophically supportive of it, but to get to 10 percent using this Bylaw only does not work. The Town needs to decide whether our goal is to defend against 40B projects or if our goal is more pragmatic and philosophical. Murphey added that the administration of affordable housing programs is difficult for the Town. He asked who would take on this responsibility and whether there are advocates in Town.

Cook stated that options for moving forward might be: 1. to scrap the Bylaw; 2. leave things as they are; or 3. tweak or replace the Bylaw.

Murphey stated that the purpose of the meeting would be to let a broader audience in Town know the challenges we are facing and what we are up against. Murphey stated nothing would be ultimately determined at this meeting, but it would begin the discussion and get other people thinking about it.

General Business:

Cottages at River Hill: Murphey noted that Tom Neve at Estate Homes emailed the Board describing the measures he would take over the winter and spring months to shore up his property. He noted Meridian reviewed the email and has a plan for doing inspections during those months. He wants to know what the Cottages will be doing. Zambenardi stated that Chip Hall from Cottage Advisors was in her office the day prior. She asked him if he thought they are prepared for the winter and spring weather. Hall stated there is a dirt pile toward the McGrath property that they will spread down within the next week or so. Hall indicated construction on the homes would continue through the winter. Zambenardi stated there is another mound further down. Hall said he might hydro seed the mound or tarp it. Bardeen stated her concern over hydro seeding this late in the season. Murphey stated this is not necessarily the Board's jurisdiction, but that we should be pro-active. The Board asked Zambenardi to get a written report from Hall and to see what Meridian thinks about inspections for the winter. Zambenardi also updated the Board that Cottages would be coming in for a minor modification request related to a misread of the plans and the need to reconfigure the Interceptor Trench #1.

Sullivans Court Extension: Zambenardi stated that the parking signs issue went back to the Board of Selectmen the previous night. No parking signs would be put out within 25-feet of the intersection only. She also stated that she notified Neve about Meridian's inspection schedule for the winter and spring and he is fine with it.

Minutes: Members reviewed the minutes and made suggestions for amendments. Cook made a motion to approve the minutes of October 20, 2015 with amendments. Bardeen seconded the motion and it carried (3-0).

Vouchers: Board members signed vouchers for payment of invoices to Meridian Engineering. Zambenardi informed the Board she has become a Notary Public. Members agree to reimburse Zambenardi for the expense of becoming a notary because it is a convenience to the Board and a service to the Board.

Correspondence: 10/21/15 letter from Sprint Re: Personal Wireless Service Facility at 308 Main Street – Congregational Church. Zambenardi informed the Board that Sprint sent a letter with a current equipment inventory in compliance with the April 2003 special permit for the property.

Administrative Details: Bailey's Lane: Murphey asked to discuss the sign at Bailey's Lane. Cook stated that there is a sign, well before the end of Bailey's Lane and the hammerhead that says it is a private road and to enter by permission only. Cook stated the road does not turn private until one gets to the Cena driveway. Cook stated the driveway itself has an easement upon it for public access. Murphey stated he does not want to tackle that issue. He would like the matter of the sign addressed. He stated that the Town plows it, though it shouldn't technically be plowed. Bardeen stated that the road was never accepted by the Town because the developer never presented that to the Town. That is not to say that it was never intended that the end of the road be accepted. Bardeen thinks it ought to be accepted. Murphey stated that the Board could ask Dan Cena to come to the Board and/or ask him to remove the sign OR the Board could accept the rest of the road. Murphey stated that Gary Bill and Mike McCarron would probably take care of this, but the friendly approach would be to talk with Dan Cena. Cook stated the Board should determine whether or not the sign is a problem before it talks with Dan Cena. They asked Zambenardi to confirm whether the end of Bailey's Lane has ever been publicly accepted. They also asked Zambenardi to look at the Board's decision for Bailey's Lane to see what it said about public access to that part of the road. Cook stated that the sign is not on Cena's property. It is in front of another residents' property.

The meeting was adjourned at 8:30 p.m.

Submitted by,

Leah J. Zambenardi, AICP
Planning Administrator