

**WEST NEWBURY PLANNING BOARD  
MINUTES OF MEETING  
February 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 February 17, 2015 in the Second Floor Hearing Room. Board members Ann Bardeen, Richard Bridges, Raymond Cook, Brian Murphey, Chairman, and John Todd Sarkis were present. Associate Member Dennis Lucey and Planning Board Administrator Jean Nelson were also present.

The meeting was called to order at 7:04 PM.

**Continued Public Hearing to consider Applications for Definitive Subdivision Plan (M.G.L. Chapter 41 §81T-81GG) and Special Permits for  
..a Common Driveway Special Permit to serve three lots, Section 7.D., and  
..Reduced Frontage Lot Special Permit for three lots, Section 6.A.1.**

**for “Estate Homes at Rivers Edge”, land located off Sullivans Court, Assessors Map R-11, Lot 18, in the Residence C Zoning District**

Murphey opened the continued Public Hearing.

Present were Tom Horgan, Cindy Sherburne, Jay Soucey, abutters, and Bert Knowles, Water Commissioner, Mike Dwyer, Fire Chief, Gary Bill, DPW Director

(Nelson had invited Bill, Dwyer and Knowles to attend to discuss the hammerhead vs. cul-de-sacde-sac options. Bill and Mike Gootee had told her that they preferred the hammerhead for plowing.)

Neve gave a brief update. He said they are doing well with the Con Comm. They are in good shape with the Board of Health.

Murphey summarized that the road width as discussed. Neve said the plan is maintaining the existing road at 16’ wide. Construction will take place on his side of the road so the neighbors are least affected. He said Sullivans Court is in pretty good shape. Parts may require special attention. He will cut out parts needing repair, reinstall gravel and binder, stabilize the edges, and put a top coat on.

Murphey asked Neve to explain the culvert. Neve said he will do the work. He said the Town has liberties that a developer does not have. He wants to try to enlarge the culvert, and he can’t propose that to the Con Comm. He has a created a DPW-1 Plan which will be separate from the subdivision plan.

Neve continued that they will rip the cross culvert, put in a new catch basin, and put in a new inlet. Bill said there are four pipes that go into the basin. Bill said that the DPW has plans to do this on their own. Neve will increase the culvert under the road, and discharge the water on his

side of the road. Neve said this work will be done incidental with Sullivans Court. All work will be done within the right of way. Neve said he will grant an easement of 20' x 20', for example, to the Town.

Murphy asked Bill if it would be advisable to increase Whetstone Street slightly on the other side of the street. Bill said that the letter that he gave the Board stated that if Whetstone was straightened out on the right side that would give more visibility. He suggested digging out the gravel and widening to the pole. He said there are drainage pipes there and he did not think you could move the pole easily.

Bill said the road could be defined by a paint line with the roadway moved to the right as you are coming down the hill.

Knowles said there was sand treatment on the edges of the shoulder. He said you would see it if it was cleaned out. Bill suggested widening and cleaning out 100' from either side of the intersection.

Neve said that he would be happy to work with the DPW Superintendent.

Cook suggested some No Parking signs at the intersection. Bill said that is up to the Board of Selectmen. The parking of the van has been addressed, and it will be moved.

Cook said things are playing off of each other here. Neve is relying on savings with the cross sections to make these improvements. Murphey said that there is a benefit to keep the look and the feel the same. Neve said there will be a 16' right of way with 2' gravel shoulders. Cindy Sherburne said there is not much more on her side.

Murphey turned to removal of the hump on Sullivans Court. Neve said the end of the road is 6' to 8' higher than the beginning. The vertical curve must comply with the K value in the regulations. The knoll where the barn is will also be flattened out. The K value is an important aspect of sight distance. Bill said that cutting down flat in front of the farmhouse would be great. Neve said it will be feathered in with the existing road, and he has already discussed this with the builder of the new house there, to make sure the grades match.

Murphey said that the majority of the Board felt the cul-de-sacde-sac was a better design than the hammerhead. They found the island and plantings in the middle of the cul-de-sac more desirable. Cook said there will be an area to push the snow off there with a cul-de-sacde-sac.

Neve reviewed the sketches. He said he will do what the Board wants, and felt that neither design would be detrimental. He said the outer edge of the pavement has been taken out and the turning radius template works. The throat has been widened. He indicated there is room to maneuver. The cul-de-sac should be one-way, with signage. The inside island is 68' across.

Cook said he would be concerned with the hammerhead with more houses, and the court feeding into this. There will less congestion and circulation will be smoother with the3 cul-de-sacde-sac . Bill said there are hammerheads with 13 to 15 houses with no issue. He said there is no way

you can get the ladder truck down there with snow. The plow will dump snow into every driveway. Bill said there is a cul-de-sac at Hemingway Place, and it is a disaster. Snow is plowed into every driveway. The cul-de-sac is a nightmare—it just does not work. He suggested that the Town have an easement 30 to 40' into the Common Driveway where they could put snow.

He went to the easel and pointed out that they will have to worry about private plantings. With the hammerhead, the truck will go anywhere they want to go. Dwyer said they have been to fires at Newell Farm and it has given them a straight shot into the residences. He said their first shot is two pumps and a tower. The additional support vehicles come in. So the best bet, according to Dwyer, is straight as an arrow.

Cook explained the common driveway. Dwyer said operationally speaking Gary will have a safer design with the hammerhead. Bill said the back wheels are three feet onto the grass when plowing around the cul-de-sac. He asked who will take care of the island. He said he gets calls of "who is going to mow the grass in the island." Neve said that due to stormwater management requirements, there will be a Homeowners Association formed to take care of the requirements. Bill suggested that the hammerhead will create less impervious area. Neve said all six homeowners will belong. He said he submitted a covenant along with a Maintenance Agreement which makes a promise to the Town. He said all documents are reviewed with the homeowners, and a receipt is recorded with the deed. Buyers will pay money to pay into an account.

Cook asked about the trailing wheels on the snowbank because the radius is so tight. Bill said that the back wheels don't follow the same track. Knowles said the snow falls back into the banking. Dwyer pointed out all of the snow falling back on Main Street. Bridges said he flip flopping now.

Murphey said it is a big field out there. Cook listed advantages: better circulation for traffic, easier to go around a circle, and is a safer situation for families with kids because they don't have to back up. Bill disagreed. He said by the time this is done, most people will have new cars.

Bardeen asked for perspective, since snow is not a year-round condition. She said that everyone has to shovel out their driveway. She noted that the island will be maintained and the "saddlebags" around the T-shaped thing are Town-owned land, so that is a wash. Bill said he does not want trees, fences, fire hydrants at the corners.

A discussion of how plows work and dump snow took place between Bardeen and Bill. Bill gave the example of the roundabout in Newburyport. Cook posed questions to understand the situation.

Knowles supported the hammerhead. He said there is less to plow. He said the hammerhead will reduce the pavement, reduce the cut and fill on the banking to get sight line, snow can be pushed to the end. A standard T intersection would reduce the hardware to come around for the water main. The fewer fittings you have the less leaks you will have. A single T without any angle sweeps could be used.

The hydrant location was reviewed. Sarkis asked if there is a better place for it from a fire extinguishing point of view. Neve pointed out the proposed location. Sarkis asked Dwyer for his opinion. Dwyer said they have been shoveling snow for many days. Nelson asked if there is another hydrant at the end of the common driveway, and the response was yes.

Murphey polled the Board. Sarkis said he could go either way. His preference is a cul-de-sac. He said they do a good job plowing in this town. He said he would like to see another configuration of a hammerhead. So he is open. Neve said he feels this is the right way to design it and explained his thoughts.

Murphey said the hammerhead is less intrusive and can be dressed up with landscaping. Cook said he appreciates the problems but overall for the Town he goes with the cul-de-sac. Bardeen agreed. She said the cul-de-sac will work better and it looks better.

Bill suggested a variation, but it would create frontage issue. Bridges noted that widening out would create some parking for the trails. Neve said it can be done on either option.

Sarkis said the Applicant has heard the Board, and he should propose what he wants to propose. Neve said he believes that for circulation and an engineering perspective, the cul-de-sac will be safer and easier to take care of, and pull the designs together, rather than a hammerhead.

Murphey gave the sense that the majority of the Board was in favor of the cul-de-sac. Bill said the Board has not taken into consideration the input of the DPW, Water, and Fire Departments. He said he would be prepared to speak against acceptance at a Town Meeting, and he was sure the Fire Department would do the same.

Knowles noted that the right of way usually includes the outside perimeter. He asked the disposition of the island, and the reply was it would be part of the Town owned land.

Dwyer said it is more of a challenge to deal with the cul-de-sac, with people coming and all resources being used. Bill said a ladder truck will not make the common driveway. Cook used his pen to depict the turning radius. Bill asked if he had ever driven a truck before. Bridges explained turning of two turns instead of one for a large truck.

Sarkis said in other towns, the DPW and Fire Departments have poo-poo-ed Ts. He said there are many more cul-de-sacs than Ts. If the 16' wide pavement is a problem he asked that they let him know. Neve said the geometry of the templates works. Cook stated for the record he has respect for those sitting in the room right now.

Bridges asked if there is a middle ground. There was more discussion. Neve said that the pavement 20' all around the cul-de-sac would address Bill's situation. He said it would afford more turning radius, and he has seen it in Boxford. Sarkis asked Neve to mark a 30' island for a visual.

Cook asked Mike Dwyer how the ladder truck makes it around the Sullivans/Whetstone corner. Dwyer said they have to make a hard right then pull in. He said it is tight. Dwyer said they go as far as they can go, then they march in. He said you have to consider what Bill is up against when pushing snow around.

Various people looked for cul-de-sac requirements in the Subdivision Regs. Sarkis found it on page 29. Neve read from page 29 with 20' to 24'. Neve marked the cul-de-sac with various widths. He said the opportunity for turning is significant at 20' wide pavement. There would be more snow. It is easier because it is wider.

Bridges asked Bill and Dwyer if this modification helped them. Bill said it is the same. He said there will be more snow. Dwyer said they can work with almost anything. The biggest problem is obstructions such as walls, trees, curbs. He said the wider the better to get personnel and vehicles in.

Tom Horgan asked for the Chief's opinion on the driveway for Lot 6 and back. Murphey said it is like this all over Town. Sarkis said it is a Form A lot.

Murphey asked for the Board consensus again. Sarkis said he would like to see a graphic representation before deciding. Murphey asked for the 20' wide cul-de-sac. Murphey brought up the catwalk. He said he would like to see it made available. Neve said he will pursue it.

Murphey said that he did not feel paving Cindy Sherburne's driveway was a Board condition. He said it could be a private agreement.

Tom Horgan asked if water will run onto his property. Sarkis reviewed the plan and said on a quick review, the common driveway is diverting more water to the river over Lot 3 away from Horgan's property. Neve pointed out the planting bed at the back of Lot 2 for the length of the Hill property.

The status of Lots 5 and 6 relative to the Inclusionary Housing bylaw was discussed. Nelson was asked to obtain an opinion from Town Counsel as to how they should be treated for inclusionary bylaw purposes.

A letter from abutter Brian Richard requesting a row of arborvitae all along the property line parallel to Whetstone Street was read. It was determined that was not viable.

Bardeen read an email message from Patricia Reeser of the Open Space Committee. She said that the OSC welcomed the loop trail from the creek to the overlook across to the river. The OSC would like to include the riverbanks and continue the trail along the river. She wrote that it was possible to continue access to the river in either direction. Meaningful access to the river includes access to the water.

Neve said there is not access to the water there. The drop-off is approximately 40'. Neve said they are doing nothing for the first 100' from the river. There is minimal impact from the riverfront area. None of the houses are in that area. The field can be mowed twice a year.

Neve said he would request that the Con Comm hold the trail easement. It will be a non-motorized recreational easement. The Board agreed that there is not access to the river, as requested by OSC.

Motion made by Murphey to continue the Public Hearing to March 3, 2015, at 7 PM. He said the Inclusionary piece will be included. Motion seconded by Bardeen. The vote in favor was unanimous.

Neve requested an extension for decisions. It was discussed by the Board.

Motion made by Murphey, seconded by Bridges, to extend the date for a decision to be filed to April 30, 2015. The vote favor was unanimous.

#### Cottage at River Hill

Chip Hall was present. He distributed a handout. He apologized to the Board for his frustration at the last meeting.

He reviewed the list of items to be completed to be able to release units from the Covenant Not to Convey.

The Regulatory Agreement has been approved, and is now back to the state and will be returned next week. The Board of Selectmen is satisfied with the work on Whetstone Street. The utilities have been moved from the pole, and he has a call in to Verizon.

The updated As-Built Plan will be submitted within two days. Hall asked if he can submit the as-builts to Meridian directly. Nelson asked that it be sent to her, and she will forward it to Meridian.

Utilities, drainage and road access will be on the plan as well. Hall said that the septic system has been worked on, and a new As-Built Plan will be submitted to Paul tomorrow. There is a letter from the Fire Chief confirming the temporary turn-around is sufficient. The Con Comm is reviewing the O& M Plan. The condo docs have been reviewed and 30 days have passed. Nelson told Hall that Sevigny has not seen the condo docs, and she requested another copy to review since the modifications.

A new updated list of costs will be sent. The amounts in the document submitted tonight was high. Robbins will submit a Tri-Partite Agreement for Town Counsel to review. Hall said he has to close on the first unit in April.

Hall said before they can convey something in Phase II, they have to have an Occupancy (Permit) for the affordable in Phase I. So they are working on the first affordable.

Hall asked if he could rename two of the deed-restricted by size units. Nelson brought out a plan for review. He asked to switch Unit 14 with either Unit 8 or 12. Nelson suggested that the revision would need to be recorded with a recorded Modification Approval and Amended Declaration of Restrictive Covenants. Bardeen suggested switching to Unit 12 from 14.

A motion was made by Cook but Sarkis asked that a formal request be submitted.

Nelson noted that she had received a call from a future buyer asking where his porch went. Hall explained that the side of the Unit D had been changed so it does not have a door, and instead has a window.

The Board asked Hall to drop a note when a change such as this has been made. Nelson told Hall that she wants to see him succeed and is helpful, patient and courteous with his future buyers.

Cortland Lane

Nelson will send a letter to the Board of Selectmen asking for authorization to record the Street Acceptance Deed to the town.

Advertising for the new position was discussed. An ad will be placed in the Beacon and the MMA website.

Motion to adjourn, 10:15 PM.

Submitted by,

Jean Nelson  
Planning Board Administrator

..Cottage Advisors, discussion of process for lifting the Covenant Not to Convey and the security for non-completed items in Phase 1

..Discussion of March 3<sup>rd</sup> Meeting date: two public hearings that night

..Update on Planning Board position

..Discussion of town-owned connections, at the request of Ann

..Housing Production Plan and Application for CPA funds

..CPC Update, Rick Bridges

..Minutes, December 16, January 6, and January 20, 2015

..Vouchers

..Correspondence

..Administrative Details

    Cortland Lane

    Release of balance of funds to Don Argyrople

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