

**WEST NEWBURY PLANNING BOARD**  
**Minutes of Meeting**  
**March 3, 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 March 3 in the Second Floor Hearing Room. Board members Ann Bardeen, 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 7:04 PM.

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

**..Application for a Definitive Subdivision Plan, M.G.L. Chapter 44 §81T-81GG and the Town of West Newbury Regulations Governing the Subdivision of Land, for six lots and related infrastructure, including the extension of Sullivans Court,**

**..Applications for Special Permits under M.G.L. Chapter 40A §9, and the Zoning Bylaw:**

**..For a Common Driveway Special Permit to serve three lots, Section 7.D.**

Present were Cindy Sherburne, Jay Soucey, Tom Horgan, Deb Green, Rob Turunen, Don Bourquard, Patricia Reeser, and others.

Tom Neve introduced himself. He said he would like the Board to reach some decisions tonight as to how they would like to revise the plans, if at all. He reviewed the template at the cul-de-sac for the Fire Department specs for the longest piece of equipment, which he obtained from the Fire Chief. His template showed that the truck could turn in the 16’ wide pavement. There is a diameter of 68’ in the center island of the cul-de-sac. Mike Dwyer had written a message to Nelson indicating that he does not have a problem with a 16’ wide cul-de-sac with 2’ gravel shoulders on each side, as long as there were not any curbs. Neve said he had confirmed to Dwyer that there would be no curbing.

Cook said he supports the 16’ width because it is less pavement and less drainage for the pond, but he is concerned with Sheet C-6. The throat to the cul-de-sac is wide there. Neve said he feels this is the way to go. Everyone cuts the corner, so this gives a nice transition.

Cook asked if Neve had considered another shape for the island, such as a teardrop. Neve said no, that he likes to stick to the regulations. There should be a straight piece between a compound curve. He said it is tricky. Bardeen said that is hard to plow.

16' does not allow anyone to park on the road. Bardeen noticed on the template that parts of the rectangle for the truck hang over the edges, and asked if a truck could make the turn in a snowbank. Neve said the pavement on the outer edge would have to be plowed. The design follows Subdivision Regulations.

Murphey asked if the pavement should be 18'. Neve said that would be the only cul-de-sac in town with 18'. Neve suggested if it is to be wider, make it wider at the outer edge. Otherwise, make it 20' with two way traffic. Cook suggested that the 16' is sufficient, using Neve's template. Sarkis said in his experience, the templates are conservative.

Sarkis said he does not like the gravel shoulder. The pavement would look a lot better. Cook said the grass grows, and Sarkis said it is not grass, it is weeds. He does not like the look of the weeds. Neve said he always installs a 2' gravel strip on each side.

Cook asked if the driveway into Lot 1 is tight for a moving van. Neve said he anticipated this question. The designers said radius of incoming curve would have to be 25' and they use 10' for a ladder truck.

The vertical curve at the end of Sullivans Court was discussed. Neve said the proposed vertical curve reduction is based on Subdivision Regulations, and proper sight and stopping distance. He said in front of 18 Sullivans Court, there is a 3.5 to 4 foot cut in front of that house. He has talked to the builder who will be tearing down the old farmhouse. Neve submitted a letter regarding the cut needed to achieve the proper sight distance from AADHTO specs. The cut complies with the AASHTO standards. The biggest issue is sight distance with stopping distance, according to Neve. Design speed is 30 mph. He reviewed the tables in the letter. The road as proposed would meet subdivision regulations for the vertical curve.

Cook agreed that headlights and speed could launch a car coming into the hump, and that it should be lowered.

Murphey expressed concern over the sides of the cut. Neve said the sides will disappear. He showed how the top of the knoll falls off. Sarkis said the septic location of 18 Sullivans Court is a concern. Neve said the septic will be out back, and the house will be set back 30' to conform to the setback. Sarkis was concerned. He asked Nelson to compare the proposal with the ANR Plan and the Board of Health Plan to see where septic etc. are.

Neve read the proposed grades. He said the main cut is mainly on the north side of the road. He said they will not be cutting into the property on Lot 18 at all. The existing house is close to the right of way and the new house will be set farther back. He has been touch with the builder and asked him to make his driveway meet the proposed road grades, and asked him to make his plan fit the road. Neve said there will be a sideslope from elevation 50 to 54, which will be a 3:1 slope.

Neve continued by saying that the cross sections of the Common Driveway have been reduced which will save some money for work on Sullivans Court. He said the cross sections are 2" binder, 1.5" top coat, with a full 6" gravel sub-base on both the common driveway and the new road. The width will be 16' with 2' gravel shoulders.

He said they are proposing replacing the culvert across Sullivans Court as shown on Sheet DPW-1. Work will be done at his expense. He will prepare the paperwork but the DPW must file it in order to be permitted to increase the size of the culvert. Cook noted that there is another culvert coming down the hill over to Lot 6. Neve said drainage will come down the road and cross the street before it gets to the driveway on 16 Sullivans Court. Neve said Cindy Sherburne will be welcome to park anywhere on his site during this construction.

Neve said on Sullivans Court any unsuitable pavement will be fixed, shoulders cleaned, and the road paved all the way to Whetstone Street. At the intersection, Neve said he would like to widen the entrance radii as much as possible. He proposed to clean up, find the edge of pavement, and the best layout in the geometry that is there.

He said he does not think he should have to do any work on Whetstone Street which had been suggested by the DPW Director. That had been discussed when the project was larger. Neve said he will repave the whole intersection.

Tom Horgan, 33 River Meadow Place, said that Bill had wanted work done 100' on either side of the intersection. Neve said that is he is not prepared to do this. He said if it ends at the intersection, they will have done a nice job.

Horgan asked Neve to estimate how much he is saving by reducing the Common Driveway specs. Neve said that what they are planning on Sullivans Court costs more than the savings. Horgan said that he is asking for Special Permits too, and they should have been included too. Neve said the Special Permits are part of the Zoning Bylaw, and they are not asking for anything special there. He said these are the specs of a rural road on the Common Driveway.

Deb Green, Whetstone, asked what the widening means. Neve said there are very little roundings, so it is almost like a driveway now. There is little opportunity for a vehicle to take a corner and stay on the pavement. Neve said nothing will be done off the right of way or on her property. Cook said the inside corner might come closer to the bushes on her property. Cook summarized that Sullivans Court will be paved from 800 to 1000 feet.

Sarkis asked about Waivers. Neve said the main Waiver is length of dead end road, one less course of binder and 6" of gravel on the Common Driveway. Some of the Waivers are what the Board prefers, Bardeen added. Neve said he cannot afford to do all of the items that Bill has requested. He said there are underdrains at the culvert to be replaced, and they will take care of those also—a Town project usually costs 25% more than estimated, according to Neve.

Tom Horgan noted that Neve had said some work would take half a day, and now that has grown. Murphey said they are two different culverts.

Sarkis said the turn barely handles the traffic from five houses, and more will be built. Traffic will be more than doubled. He said the intersection and Whetstone Street need to be addressed. He feels what Neve is proposing is fair. Neve said that 50 feet up and down on Whetstone Street will need to be addressed. The original edge of pavement will be restored.

Sarkis asked for topo of the intersection and a sketch of proposed improvements. Neve said he may have photogrammetry of that area. Sarkis said it would be a baseline—to protect Neve and the Town. Prior to construction, he would require a sketch plan which shows improvements to be made, to the satisfaction of Planning Board and DPW Director.

Neve submitted a list of all of the items that have been changed since the original filing. There was discussion of items to be changed since the January 7<sup>th</sup> plan, and Nelson's confusion in tracking all of the revisions. She noted that the unbuilt portion of Sullivans Court should be identified on the plan, and easements should be shown on Lotting Plan. Sarkis agreed with easements on the Lotting Plan.

Neve distributed a plan which Steve Greason had prepared with potential trails, after discussing the trails proposed with him. Neve agreed that Trails A and B should be built. There will be two parking spaces proposed for trail users. Trail C is not a recreational area, and Greason and Neve agreed. Neve will build the wetland crossing bridge (catwalk) and trail to River Meadow Drive. Neve will build the trail to the dotted line, with a bench at the riverbank, subject to Con Comm approval. The OSC can apply for approval of the dashed line trail to the river with the Conservation Commission, and a footbridge or catwalk over the wetland. Neve said he can only do what he can get a permit for.

The trail along the driveway will be on the gravel shoulder. A portion will be 2' wide. The easement will be on the edge of the pavement and 8' wide. Bardeen was concerned with safety problems. Lucey suggested a connector to the Cottages trail easement, which Neve agreed he can do.

Lucey left at 8:30 PM to attend the ZBA hearing.

Patricia Reeser, Open Space Committee, said that Greason had talked with the trails subcommittee after Neve had talked with Greason. They would like an easement to run to the property line east along the river. In the future, it could be possible to run the easement along to Whetstone Street.

Neve said he agreed with Greason that the easement will go to the low tide of the river, which is the edge of the property line. Murphey said he did not understand the wish to walk along the river in the muck. Horgan said it is walkable. Neve said the low water mark is about 40 feet

from the slope of the bank. There was discussion of riparian rights on a river vs. the ocean, and nobody was sure of the rights in the river.

Don Bourquard had a copy of the requested easement on his Ipad. Murphey said that the Applicant is not interested in providing an easement along the river. Reeser said there could be a nice loop trail from the site along the river to Whetstone Street. Talking by everyone present took place. The easement would be between the high water and the low water marks. Sarkis suggested that Reeser research if it is even necessary and Neve said he will check it out also.

Sarkis said that holding a permit hostage for a trail in return is not on his table. He found this offensive. Cook said he does not see that this is worth asking for. He did see the value of the other trails.

Murphey noted that Town Counsel had issued the opinion that the number for Inclusionary Housing should be four. He had said that the ANR lots do not need to be split off of this Plan. Neve said that if there are appeals, he might submit an ANR Plan so that he could build on Lot 5. Murphey said the calculations for a dollar amount will be discussed later.

Motion made by Murphey seconded by Bridges to continue the Public Hearing to March 24, 2015, at 7:00 PM.

### **Lot 2 Meetinghouse Hill Road, re-signing of Form K, Certificate of Performance-Covenant, due to Scrivener's Error**

Nelson said that she had been contacted by Glen Lewis of Eaglebrook Builders to correct a Scrivers Error found on a Release from Covenant for Lot 2 recorded in Plan Book 377, Plan 71. She had signed an affidavit to facilitate a closing, and the attorney had asked for a corrected Form K. The correct reference is: Form I, Approval with Covenant Contract recorded in the Southern Essex District Registry of Deeds Book 22495, Page 326. Nelson had prepared a new Form K, with the correct Book and Page Number, and a note explaining why the form is being signed again.

**Motion** made by Murphey, seconded by Bardeen, to endorse the Form K for Lot 2 Meetinghouse Hill Road. The vote in favor was unanimous.

### **Cottage Advisors, request for Minor Modification to Certificate of Vote, III.E.2, to remove Unit 14 from the Density Bonus Deed Restriction and replace it with Unit 12**

Tom Chausse, Site Superintendent, was present.

Melissa Robbins had send a letter dated February 20, 2015, requesting a minor modification to remove the Deed Restriction as to size for a Cottage Style Unit from Unit 14, and place it on Unit 12. The Deed Restriction is in Section III.E.2. of the Certificate of Vote.

Chip Hall had brought this up to the Board at a previous meeting, and Murphey had asked that a formal request be submitted. The Board discussed the request.

Motion made by Cook, seconded by Bardeen, to approve the request as a minor modification and to approve the request to designate Unit 12 as Deed Restricted in size, and to remove that designation from Unit 14. The vote in favor was unanimous.

### **Update on work hours for Jean**

Nelson said she has been over in hours worked, and she and the Town Accountant calculate the overage differently. By her calc, she is over by approximately \$700.

### **Review procedure for interviews and response to applicants for Administrator position**

The Board will meet on March 12, 2015 to interview applicants.

Motion to adjourn, 10 PM.

Submitted by,

Jean Nelson

Planning Board Administrator