

**WEST NEWBURY PLANNING BOARD
MINUTES OF MEETING
April 21, 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 April 21, 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 7:45 PM.

Murphey announced that this is Jean Nelson's last meeting, and thanked her for her time served with the Board. He noted that the new Planning Administrator, Leah Zambenardi, is present tonight observing the meeting.

Continued 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.

Present were Tom Mortimer, Bank CEO, Fred Clark, Architect, Gale Linehan, the MEG Group, Robert Masys, RAM Engineering and Robert Dubois, Maple Leaf Construction, Contractor. Mike the barber was also present.

Mortimer related that the drainage chambers had been an engineering obstacle. Once they had met with Meridian to discuss the pervious pavement, the plans were revised. He said that Masys could give a short overview. Mortimer said they have checked off all of the boxes. He extended his thanks to Jean for all of her help in reaching out and her help. Nelson said she does have a couple of other items.

Murphey asked the projected schedule for construction start. Mortimer said they need approval from FDIC, which likes to see approval beforehand. They need final approval from Mass. Historical Board, which does not depend on approval here. He said any federally regulated body which has to demolish a building has to go through a process with the state's Historical Commission. He is required to do that.

Masys gave an engineering recap. He said the basic design has been set for a while. He reviewed the driveway to the drive-up window. The underground drainage has been the biggest thing they are dealing with. The pervious pavement will infiltrate the water back into the ground. Catch basins near the driveway will catch the water. Rooftop runoff will be collected into chambers.

He said they have met with the DPW Director and Meridian and came to an agreement that this design would be in the best interest of the Town and the bank.

Sarkis asked what had come back from Meridian. Nelson said that April 6 review addressed roof runoff. The pipe printed out as 4' when it should have been 4". Mike Gootee has noted that the water and sewer pipe had crossed. Gagnon had requested that a sleeve be put around the water line, 15' either side. That had been addressed and verified by Sevigny. All of Meridian's comments have been addressed.

Murphey asked about annual cleaning of the pavement. Masys said there is an Operation and Maintenance Manual for annual maintenance. Masys said the state has a protocol to follow, and they got a lot of information from UNH.

Nelson had put together drawings, lighting, railing pictures, etc., and reviewed them for Sarkis, who asked if all of the details were done. They were not on the engineering plan. The Landscaping Sheet has been updated.

Nelson said that each sheet has a different plan date, which she is not used to. Sarkis suggested that next to the index, the most recent revision date be listed.

Murphey said he would be in a position to close the Public Hearing tonight, but Sarkis always wants to review Conditions first. Nelson said there is a draft of Conditions ready tonight.

Sarkis said he felt the dialog with the Applicant and the Board should take place during the Public Hearing. Mortimer had a copy of the draft Conditions, which Nelson had sent today. Mortimer said his counsel is in Arizona.

Review of the Conditions began. Murphey noted on page 2 that the wall pack should be a "shielded" wall pack. Lights over or in the canopy were discussed. They will be "under".

The Findings were reviewed. Various language was reviewed and discussed. Nelson noted that the title of the Board's employee is now Planning Administrator, and the language will be revised to reflect that.

Murphey noted to Mortimer that this is a highly visible site, and dust and debris will need to be controlled. Bridges asked if the drive thru sign will be on a timer, or switched off. Mortimer said when the Bank is closed, the drive-thru sign is off. There is red dot lettering for people to see that the lane is closed. The ATM will still be open. He said that driving by one would not even notice them.

The canopy lights will be on at night for safety. Mortimer said they are soft lights.

Nelson had asked if the Board wanted an annual report for stormwater management. Charlie Wear was present. Bardeen asked if there is a state requirement. Wear said there is not a state requirement, but you can require it. Cook asked the recourse if the pavement is not maintained

and it starts to not work. Wear said the question is who receives and reviews the report. Wear said there is only one structure, a drywell, which needs to be inspected annually. You tell if it fails if there is standing water in it for 72 hours. He said there is no way to tell if the pervious pavement has failed. Wear said under DEP Stormwater Management requirements, oversight is with the Conservation Commission. He said that under a Special Permit the Planning Board has discretion to do that. Masys said if water is sheeting into the street, the DPW Director has authority to force some action.

Sarkis said this is something that the Board needs to think about. He and Cook discussed potential procedures.

Any Performance Bond language was left to Leah Zamberardi, who may have experience with this.

Murphey suggested to close the Public Hearing, and vote at the first meeting in May. Mortimer said they are fine with the Conditions and revisions.

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

The Board still needs to make the Findings required in Section 8. which will be done at the next meeting. Nelson noted that the address is not correct: it should be 279 Main Street. The barber confirmed this. Waiver #1 is incorrect. There is no signature block for the Board to sign. It was acknowledged that the plans will not be recorded. It was agreed there will be a signature block on each page. Nelson will send a list to Masys.

Murphey set the discussion time for the next meeting at 7:45 PM. The group left the room.

Continued Public Hearing for Site Plan Review for a Large-Scale Ground-Mounted Solar Photovoltaic Installation (LGSPI) under Section 5.G. and 8.B. of the Zoning Bylaw at 694 Main Street, Assessors Map R-23, Lot 23, in the Residence C Zoning District, and the LGSPI Overlay District.

Murphey opened the continued Public Hearing. Rob Bukowski of Amec related that most if the issues have been addressed. Revised renderings have been submitted. One new pole has been deleted. There will be a construction exit of gravel, which is not permanent. The staging area is gravel, and toward the road is bigger stone to catch loose dirt. There is no curb.

Bukowski said the gate at the top is permanent. There was no plan to have a gate. Members were concerned with people driving through. The security fence will not be installed until later, according to Bukowski.

He said the system will not be energized until the fence is up. Murphey suggested that a temporary fence be installed. Hanna said posts with a chain across could be installed at the construction entrance.

Cook said if panels are lying in the sunlight, they are generating electricity. He asked if the loose panels could present a hazard. Hanna said when it goes nowhere, it dissipates. If not hooked up to a combiner box or a string inverter, you are not conducting amps or voltage. Hanna has never heard of shock by fiddling with the panel itself.

Cook said he is satisfied with the noise report. There will be screening in front of the transformer, as shown in the rendering, in the form of short shrubs. Cook questioned the fence which is different on the new rendering. The fencing proposed will have three rails instead of two—Nelson said they look the same, and it was agreed.

The fence will be galvanized then dipped in the color. The fence will be the agri fence with the black coating on the mesh. The height is 6’.

Cook asked a sequence of underground/ above ground, and new poles, which was described.

The draft Conditions which Nelson had drafted were reviewed. A few revisions were made: gate of two posts and a chain with a reflective sign, buffering at the transformer, staging area restored to its natural state at the completion of the project, and any other green area restored also—“the site and the staging area.”.

Construction is expected to be three months, with a month for commissioning, and another month as a buffer.

Lucey asked if informational or educational panels on the fence are planned. It was explained that there are materials in the school and educational materials. Murphey said the Energy Advisory Committee can address this.

Murphey said that he felt the Public Hearing could be closed, and the vote taken.

Motion made by Murphey to close the Public Hearing for the Site Plan Review Application for a Large-Scale Ground-Mounted Solar Photovoltaic Installation (LGSPI) under Section 5.G. of the Zoning Bylaw at 694 Main Street, submitted by Ameresco. The motion was seconded by Cook. The vote in favor was unanimous.

Motion made by Murphey to approve the Site Plan Review Application for a Large-Scale Ground-Mounted Solar Photovoltaic Installation (LGSPI) under Section 5.G. of the Zoning Bylaw at 694 Main Street, submitted by Ameresco subject to:

Approval of the final Certificate of Vote

Approval of the final Site Plan

Approval of any other documents deemed necessary.

The vote in favor was unanimous.

Nelson asked why all meetings can't be like this. The group thanked the Board and left the meeting.

Estate Homes at Rivers Edge/Sullivans Court Extension, Review of Conditions

Michael McCarron stayed for this portion of the meeting. Tom Neve was present as the Applicant.

The Inclusionary Housing requirement was discussed. Neve had submitted a proposal in which he would pay a portion of the average market selling price fee due for the land, and a future homeowner would pay the fee for the dwelling unit.

McCarron had reviewed the proposal. He said that the Bylaw contemplates the developer entering into an agreement. He suggested that be treated as a condition. It would be covered by M.G.L. Chapter 41, Section 81U.

He continued that Neve's methodology bifurcating the payments is not permitted by the Bylaw. The determination of the housing contribution should be made part of the decision. The Board should decide what the AMSP should be. McCarron noted that Jean's empirical research on selling prices is sound.

He said he would consider this payment to be the equivalent of any condition that you would require of a developer, such as certain infrastructure. It falls within the purview of providing it. The Bylaw requires that the final payment be made prior to issuance of an Occupancy Permit. The two lots which could be ANR would not be included in this condition.

McCarron gave the analogy of requiring a homeowner to finish the second coat of pavement in a subdivision.

Neve said his intent is sign a covenant with the Board and ask them to record the plan. H will build 80% of the infrastructure before posting a bond or tri-partite. He will be happy to make payment whenever he requests that the lots be released. McCarron said that would be the nature of the agreement. The only caveat is that the final payment would be due prior to issuance of a final Occupancy Permit. The details will be worked out in the agreement. The agreement would be between the Planning Board and the developer. Nelson said she foresees that all of the required documents will be finalized and recorded with the plan. The list of documents for this project is growing. She said it will be a lot of work for McCarron and the Board to review and approve all of these documents.

McCarron said that he will prepare the Housing Payment Contribution Agreement.

McCarron said the AMSP should be in the decision. Nelson had added it to the latest version of conditions. She said that she felt her estimate for Lot 3 at \$1,000,000 is too high. There is a big detention area, common driveway, and easements running across it. Although waterfront, the vegetation there is thick.

She said her comps for the other lots are solid. Neve countered with a \$650,000 value for the lots 1, 2, and 4. Following discussion, The Board decided that the selling price estimate of \$700,000 is valid, and Lot 3's value is estimated at \$850,000, which would bring the contribution to \$118,000.

It was decided that the Certificate of Vote should contain language for the Homeowners Association to submit an Annual Inspection Report. Sarkis will send Nelson sample language to be modified for the document as a Condition.

The boardwalk or walkway was discussed. It will be 4' wide, built of wood, with a railing, and it will be handicapped accessible.

The Board reviewed the Findings under Section 8.A. for a Special Permit.

Motion made by Cook, seconded by Bardeen, to accept the Findings of the Special Permit for the Reduced Frontage and Common Driveway Special Permits. The vote in favor was unanimous.

Neve requested that the Certificate be filed with the Town Clerk by April 30, 2015, which is the end of his decision period. He thanked the Board and left the room. Nelson said the revisions will be made and copies finalized for the Board to sign.

Minutes The following Minutes were approved by a vote of 5-0 based a motion as noted:

December 16, 2014, motion made by Murphey, seconded by Cook.

January 6, 2015, motion made by Bridges, seconded by Bardeen.

January 6, 2015, Executive Session, motion made by Murphey, seconded by Sarkis

January 20, 2015, motion made by Murphey, seconded by Cook

February 4, 2015, motion made by Cook, seconded by Sarkis.

Nelson and the Board exchanged goodbyes and good wishes.

Motion to adjourn, 10:15 PM.

Submitted by,

Jean Nelson

Planning Board Administrator