

**WEST NEWBURY PLANNING BOARD**  
**MINUTES OF MEETING**  
**May 19, 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 May 19, 2015 in the Planning Board Office at the West Newbury Town Offices, 381 Main Street. Board members Ann Bardeen, Richard Bridges, Raymond Cook, Brian Murphey, Chairman, and John Todd Sarkis were present. Associate Member Dennis Lucey and Planning Administrator Leah Zambenardi were also present.

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

**Continued Public Hearing to consider Applications for three Reduced Frontage Lots (Section 6.A.1) and a Common Driveway to serve two lots (Section 7.D. Of the Zoning Bylaw) – 720 Main Street – William and Mary Daley**

Murphey recessed the regular meeting and called the public hearing to order.

Sarkis read the public hearing notice.

Mr. Bob Grasso spoke on behalf of the owner/applicant. William Daley and his daughter Mary were also present. He stated that he submitted a revised plan to the Planning Board Office on May 19 (the plan has a revision date of May 12<sup>th</sup>). He stated that he has revised the plan so that the 2 lots closest to the school would have a common driveway. He said that the common driveway would be placed along the common lot line between the parcels. The common driveway would break apart just after the tree line into two separate driveways leading to the new homes. The curb cut for the new common driveway would be location further away from the school entrance than the driveway shown on the original submission. Mr. Grasso spoke with MassDOT about whether or not they have standards for minimum distances between curb cuts in residential areas. MassDOT confirmed that they did not have such requirements.

Related to the right of way access, Mr. Grasso researched the deeds for both lots. He confirmed that the right of way was for the original owner, Mingo – not the abutting lots.

Mr. Grasso stated he received a last minute email today regarding the revised plan. It was from the Planner relating comments from the Chair asking if the Daley's would consider one common drive for the 3 new lots, centered on the parcel, and keep the existing curb cut for the other lot. In the alternative, he was told that if he chooses to move ahead with one additional common driveway, he would have to file an amended application for a second common driveway that will require another legal ad, abutters notice, etc. and would take more time. Mr. Daley's daughter Mary stated her displeasure with hearing about these comments this evening. She also stated she was disappointed the Board didn't give her more guidance at the last meeting. Mr. Murphey stated that the revised plans were submitted late and Mr. Grasso stated he was out in the field West Newbury Planning Board, Minutes of Meeting, May 19, 2015. Approved June 16, 2015.

today and did not get the email until later in the afternoon. The Board opined that they gave sufficient feedback on the plans at the last meeting. Mr. Daley stated his concern that the lots won't be as valuable with the suggested modification for a common driveway serving 3 lots. Murphey stated he is not inclined to vote in favor of this plan and he asked for the other Member's thoughts.

Cook asked some clarifying questions about the proposal.

Sarkis asked to see the earlier plans for comparison. Sarkis commented that if the Daley's are concerned about value, they might consider engaging a consultant such as a landscape architect to work on siting of the houses and the driveways. He also stated he visited the site and he does not feel there is a traffic issue with 3 driveways as originally proposed.

Cook stated he could support the original proposal but that he preferred the plan submitted today, with two common driveways.

Bridges concurred that the proposal submitted today is an improvement, noting that the driveway has been moved further away from the school, which was his primary concern.

Bardeen asked how they decided upon the locations for the 2 houses on the right. She stated that one driveway fewer (as shown on the 2 common driveway plan) is an improvement and that she is more likely to accept the 2 street openings layout. She stated that the siting of both driveways could be improved to help the value of the lots.

Murphey summarized the options for the Daley's:

1. Go with the original proposal with one common driveway and two other driveways, which he would vote against.
2. Go with the modified proposal, with two common driveways. The Daley's would need to file an application for the second common driveway, with the hearing being scheduled for June 16th.
3. Work on the plan to have one common driveway serving 3 lots and keep the existing driveway, so there would be 2 curb cuts. No additional filings would be necessary and they could continue this hearing to June 2<sup>nd</sup>.

After conferring with his clients, Mr. Grasso stated they would like to explore the 3<sup>rd</sup> option. Murphey asked that the revised plan be submitted one week from tonight to give ample time for review. Zambenardi stated that she would share the revised plans via email with Board Members. She stated that the Board would avoid any dialogue regarding the plan and would save their comments for the public hearing. They could however convey their thoughts individually to Zambenardi who could in turn share those thoughts with the applicants.

The public hearing was then continued to Tuesday, June 2, 2015 at 7:00 p.m. in the Planning Board Office. (Note: The Daley's later determined that they would like to pursue the 2<sup>nd</sup> option instead)

Murphey called the regular meeting of the Planning Board back to order.

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**Pre-Application Conference: Beaucher Property off Coffin Street – Richard Green of Green & Co. and Eric Botteman, Millenium Engineering**

Murphey opened up the pre-application conference and noted that the purpose of the meeting is to give preliminary and informal feedback to developers contemplating a project. He noted this is not a public hearing, but acknowledged that members of the public were present and that if time permitted, he may take some limited questions at the end of the discussion.

Eric Botteman of Millenium Engineering and David and Jenna Green of Green Development Company were present. Botteman stated that his clients have a purchase and sale on the property and that they are in the due diligence stage to figure out whether or not to go ahead with a project. He presented a draft working plan of an Open Space Preservation Development (OSPD) on 74 acres. The Yield Plan showed 33 lots, but Botteman noted that only 28 of those lots are buildable. He gave a general description of the yield plan and the conceptual plan. He stated that he and the Greens met with Zambernardi and the Board of Health Agent, Paul Sevigny on May 13, 2015 to show them the plans and to get preliminary and informal feedback. From that meeting, it was clear that they were uncomfortable with the non-buildable lots being shown on the yield plan. He stated it was also made clear to him that they would have to do one test pit per buildable lot to prove the yield of 28 building lots.

Sarkis asked about the power line easement at the back of the property, which isn't showing up on the Yield Plan. He noted that those lots probably aren't valid building lots because of building restrictions having to do with that easement.

Cook asked about the connection through to Cortland Lane.

Botteman addressed the septic system and stated that they would have one common system, which is allowed for units that are on common lots (i.e. not individual house lots). He noted that the OSPD plan utilizes the density bonus provisions in the Zoning Bylaws, therefore the number of units would be 33 units. He noted that there are already wetlands crossings in place throughout the property. Board Members question whether those crossings have been permitted by the Conservation Commission.

Cook noted that a traffic study would be needed at Coffin Street.

Sarkis spoke to the quality of the open space land and said that it should not be comprised of just wetlands and steep slopes and taken up by utilities.

Murphy acknowledged there were members of the public in attendance and asked for their limited questions and comments.

Frank McKiery of 54 Coffin Street stated that Mr. Beaucher had done much altering of the terrain over the years and that he dug the pond on the property himself. He stated his concern that it is not stable and not engineered and noted that the pond failed 5 to 8 years ago and flooded West Newbury Planning Board, Minutes of Meeting, May 19, 2015. Approved June 16, 2015.

Coffin Street. He stated that the developer will find surprises there if they examine the property further.

Frank Shinanjah of Coffin Street stated that there is a designated scenic view on the property where it abuts Coffin Street. He stated there is a riparian zone there that feeds wetlands on the other side of Coffin Street. He noted there are 27 dwellings on Coffin Street now and 10 on Cortland. He stated that when you add that up it is the size of the proposed project, which would be a lot of new homes. Zambenardi clarified that the Town's Open Space Plan lists the Beaucher property as a priority open space area and identifies its scenic qualities as significant.

Rob Phillips of 77 Coffin Street refers to the Yield Plan and asked about restrictions on road length and waivers. Sarkis stated that the Yield Plan should have no waivers. Botteman stated that geometrically speaking, the plan would most likely not need waivers.

Rose Viteri of 54 Coffin Street asked if the school system had been informed and what kind of impact this project would have on them. David Green stated that the homes would be a cottage style design and that the market was comprised mostly of empty nesters. Murphey and Zambenardi confirmed that it is too early to notify the school system and they are informed through other Town sources when a project gets built.

Jim Seal of 20 Coffin Street asked about the sale price of an affordable unit. Chip Hall of Cottage Advisors LLC, the developer of Follinsbee Lane stated that his affordable unit would sell at approximately \$168,000.

Cook asked for clarification on the "spur" going to Main Street. Botteman stated they hadn't done a full survey yet, so he does not know the exact shape at this point.

Zambenardi asked if Botteman followed the OSPD Design process in designing the conceptual OSPD plan. Botteman stated he did not and that this was an exercise in figuring out what the yield might be and determining whether the Town would be amendable to the development. Zambenardi stressed the importance of following that process when doing the OSPD layout. She stated that they need to delineate regulated resource areas, but also other significant resources, like the view corridor, plant clusters, historic resources, for example.

Zambenardi asked the Board for their thoughts on whether a wetlands delineation needed to be approved by the Conservation Commission prior to submitting the Yield Plan, to help prove the lots have sufficient contiguous buildable area as defined in the zoning ordinance. Board members thought that they should start the process either before applying to the Planning Board or during the Planning Board's review process.

### **General Business:**

#### **Cottages at River Hill - Request for Release of Units and Bond Reduction**

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Chip Hall is present on behalf of Cottage Advisors, LLC. He stated that they will start the process of marketing the Phase I affordable unit and income qualifying applicants in August.

He stated that he submitted an Interim As-Built Plan, a request for a release of the remaining units for Phase I and a reduction in the Tri-Partite Agreement. He stated one minor item remained pending as described in the emails from Tom Chausse and Meridian, but that would be resolved within a day. He also noted that the final grading within the exclusive use easement areas was not on the plan yet. Zambenardi stated that she sent the As-Built plan over to Meridian for their approval. The Interim As-Built Plan was modified a few times, but Meridian has signed off on it as satisfactory. She also stated that Meridian approved of the bond reduction and the unit releases, documentation of which is in the project file in the Planning Board office.

Bardeen noted that the as-builts did not pick up the decks. Zambenardi examines the Planning Board's regulations and finds that As-Built requirements mainly cover infrastructure. Bardeen asked that the final As-Builts show the decks and Hall agreed to incorporate them.

After due discussion, Murphey made a motion to release the requested lots as enumerated in the request and to approve the requested bond reduction. Bardeen seconded the motion and it carried unanimously.

Hall noted that they are moving along with the project and that he expects to do the hot top in mid-June.

### **Discussion of Meridian Inspection Schedule – Cottages at River Hill**

Hall stated that the daily inspections by Meridian are getting costly and he noted that they have not had issues as of late. Murphey acknowledged that the problems seem to be resolving and that scaling down the inspections is in order. After some discussion, Board members decided they are inclined to reduce the inspections to 1 unscheduled visit per week and that the developer should notify Meridian in advance of any work that needs inspection. Murphey stated he would follow up with this with Meridian.

### **Carryover Items from May 5, 2015 Regular Meeting**

- Ocean Meadow: Update on Affordable Units – Zambenardi stated she recently received a complaint about road and driveway improvements from the homeowners association and that she has not had a chance to follow up on that yet. She stated she will update the Board at the next meeting on the affordable unit and on the complaint.
- Discussion of initiating a draft Policy on Blasting – After some discussion Board Members acknowledged this agenda item came up as a result of an event at the Cottages Development and they suggested that Zambenardi touch base with the Fire Chief to learn of their policy and see if she can be notified in advance of blasting.
- Discussion of role of monitoring of projects and discussion of Planning Board Policy for handling complaints: This matter was tabled to the June 2, 2015 meeting.

**Minutes: February 17, April 7, April 21, May 5**

Board Members reviewed the draft minutes, with the exception of May 5<sup>th</sup>. They suggested edits.

Bridges made a motion to approve the minutes of February 17, 2015, April 7, 2015 and April 21, 2015 with amendments. Bardeen seconded the motion and it carried unanimously.

Board Members tabled the minutes for May 5, 2015 until the next meeting.

The meeting was adjourned at 10:00 p.m.

Submitted by,

Leah J. Zambenardi, AICP  
Planning Administrator