

**WEST NEWBURY PLANNING BOARD
MINUTES OF MEETING
May 5, 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 5, 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 (arrived at 7:15 p.m.) and Planning Administrator Leah Zambenardi were also present.

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

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. He described the proposal to split the existing lot into 3 reduced frontage lots and one conforming lot and to create one common driveway to service 2 of the lots. The other 2 lots would have individual driveways. He noted that the plan had been revised to increase the diameter of the circles from 100-feet to 150-feet to comply with the Zoning Bylaw. He explained the existing conditions and noted the existing water main runs along the opposite side of Main Street. He stated that Mr. Daley proposes to donate Parcel A as shown on the plan to the Conservation Commission or to the Essex County Greenbelt Association. He stated they are proposing a footpath on the the property for non-motorized public use. He stated the tree line along Main Street will be preserved with the exception of the areas designated for driveways and utilities. He stated that the water line servicing the existing house would be disconnected, and that they will connect to the water main on Main Street. He stated that they performed soil testing for Title V compliance and that each lot passed.

Murphey asked the Board members for their questions and comments. Bardeen asked about the purpose of the existing easement. Some discussion ensues about easements in general and the rights to this particular easement. Grasso provided a registered plan to the Board showing the easement identified as a “Right of Way”. Grasso stated that they would provide an additional easement connecting the existing easement to the Conservation Commission's land at the rear of Daley's parcel. Bardeen noted that if Parcel A were donated to the Conservation Commission,

this easement would not be needed because the Conservation Commission's abutting parcel in the rear has access from the north near the Merrimac River.

Murphey stated there are some design aspects that should have been addressed prior to submitting the applications to the Board. He stated that the driveway configurations of the two westernmost parcels are of concern. He noted that the first driveway is very close to the Page Elementary School main entrance and that a common driveway scenario should have been further explored. He asked why the applicant/owner did not come in to the Board for a pre-application conference as is common practice. Grasso responded that he met with the Planning Administrator, who suggested the pre-application conference and that he apply for a common driveway for the westernmost lots. His client, Mr. Daley felt that this proposal is the most optimal and he opted not to attend a pre-application conference. Cook concurs with Murphey that a common driveway scenario would be preferred. Grasso stated that they still must get MassDOT approvals for curb cuts on the state designated route. Murphey stated that this Board has input on the design as it is a special permit request, and the MassDOT approval is not of concern to the Board. Cook asked about the reasoning behind a circular configuration for the proposed common driveway. Bridges noted that the speed limit is restricted only during drop-off and pick-up times for the school and that the speed of traffic is higher generally. He stated that the number of curb cuts might impede safety. Sarkis does not have a problem with the density, 4 homes would be attractive and salable. He would like to go visit the site and report back at the next meeting as to whether there is a traffic problem or not. He noted his appreciation for Mr. Daley's choice to limit development on his land with 3 new houses, when more lots could actually be requested. He also noted his appreciation for the land donation and the pedestrian connection. He stated that from a developer's perspective, he suggested that the lots might yield a higher value on lots with some creative land planning and perhaps involving common driveways. Sarkis noted that there are 2 posts and he asked if that was where the easement was located. He asked if the pedestrian connection might be put on the west side of the parcel instead. He stated there is no parking in the vicinity of the proposed path and that the other side of the parcel is close to the school and the fields across the street, therefore more people might be prone to use it.

William Daley addressed the Board and stated the history of his ownership. He stated that his intention was to use the property for dairy farming in his retirement. He stated this plan fell through and now he is looking for a reasonable use for the property. He does not want to subdivide the whole property. He stated that by right he could do 3 conforming ANR lots with 3 curb cuts for driveways. He thought this was a better plan and he intends to give some lots to his family members. He stated he is meeting with Essex County Greenbelt Association soon to discuss a land donation.

Murphey then asked the public for their comments and questions.

Pauline and Peter Swartz of 756 Main Street stated they about the land to be donated. Mrs. Swartz stated her concern over the impact on wildlife habitat associated with clearing for a trail.

Kevin and Kristen Galvin of 748 Main Street stated they are not opposed to the project. They expressed concern over where people using the trail would park.

Diane Dodge of 750 Main Street asked about the treeline at the front of the property. Grasso reiterated that trees would be cut for the driveways and utilities only and that the trees would act as a natural buffer.

Cook asked if there is any residual stone wall. Ms. Dodge stated there is a residual stone wall along the Page School and at the stone pillars. She asked if they could be restored.

More discussion ensued to clarify the location of the proposed easement in relation to the common property line with the Swartz's. Grasso clarified that the easement would be on the Daley's property, that it would be 30-feet wide and that it would provide non-motorized public access to Parcel A.

Cook stated that the driveway configuration needs to be worked out, which might take more time, but it could be a good overall project for the area.

Murphey urged the Daley's to come in to the next meeting with some alternative configurations to discuss. It was determined that the Board would not do a site walk at this point.

The public hearing was continued to Tuesday, May 19, 2015 at 7:00 p.m. In the Planning Board Office.

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

ANR Plan – 14 Sullivans Court – Cynthia Sherburne

Ed Dixon spoke on behalf of Cynthia Sherburne. He described the proposal stating that this plan is the end result of an adverse possession claim. He stated that the proposal involves conveying an approximately 596 s.f parcel from property of Topnotch Homes to Cynthia Sherburne. Sherburne's frontage and lot area would increase as a result of the project. Sarkis asked Zambenardi if the plan is in technical compliance with the Board's rules for ANR plans and Zambenardi affirmed that it is.

Cook made a motion to endorse the plan as one not requiring approval under the Subdivision Control Law. Bardeen seconded the motion and it carried 5-0.

Discussion and Vote - Special Permit for a “drive-in bank”, (Zoning Bylaw §5.B.2.c.) and Site Plan Review (§8.B.) - 279-283 Main Street - Haverhill Bank

Present on behalf of the applicant were Tom Mortimer, Bank CEO; Gail Linehan; Fred Clark, Architect; and Robert Masys, RAM Engineering.

Murphey stated that the public hearing was closed at the April 21, 2015 meeting. At that meeting, the Board voted to approve the project subject to approval of a final Certificate of Vote and plans. Members of the Board reviewed a draft of the document and made edits and clarifications. During the review the Board determined that lighting on the sign indicating “Open/Closed” at the drive-thru shall remain unlit when the bank is closed for business.

Sarkis then made a motion to make the following findings of fact related to the granting of special permits pursuant to Section 8.A.2.f of the Zoning Bylaw:

- 1) The specific site is an appropriate location for the use or structure.
- 2) The use developed will not adversely affect the neighborhood.
- 3) There will not be an undue nuisance or serious hazard to vehicles or pedestrians, and adequate and appropriate facilities will be provided to ensure the proper operation of the proposed use, structure or condition.
- 4) The proposed use or structure will be in harmony with the general purpose of the Zoning Bylaw.
- 5) The requested use will not overload any public water, drainage, or any other municipal system to such an extent that the requested use or any developed use in the immediate area or in any other area of the town will be unduly subjected to hazards affecting health, safety or the general welfare.

Cook seconded the motion and the motion carried 5-0.

Cook then made a motion to approve the applicant's request for waivers of the Site Plan Review Requirements. Bridges seconded the motion and it carried 5-0.

Murphey made a motion to approve the applications from Haverhill Bank for a Special Permit for a drive-in bank and Site Plan Review at 279 Main Street subject to filing the Certificate of Vote, as amended during the meeting, the final site plan, sheets 1 through 6, the architectural plans, lighting specifications and other details and other documents deemed necessary. Cook seconded the motion and it carried 5-0.

Discussion and Vote - Site Plan Review for a Large-Scale Ground-Mounted Solar Photovoltaic Installation (LGSPI) under Section 5.G. and 8.B. of the Zoning Bylaw - 694 Main Street – Ameresco, Inc. and Town of West Newbury

Michael McCarron was present on behalf of the Town of West Newbury.

Murphey stated that the public hearing was closed at the April 21, 2015 meeting and that the Board took a vote at that meeting to approve the project subject to the acceptance of the final certificate of vote. The Board reviewed a draft Certificate of Vote and made edits.

Cook made a motion to approve the Certificate of Vote as amended at the meeting. Murphey seconded the motion and it carried 5-0.

Update, Discussion and Request for Minor Modifications – The Cottages at River Hill

Chip Hall was present on behalf of Cottage Advisors, LLC. Chris Lorrain from LandTech was also present.

Hall updates the Board as follows:

- Phase I Infrastructure Update: Hall stated that Tom Chausse submitted an infrastructure update this past Saturday. He handed out a spreadsheet of work items and noted that the items in green are completed and the items in blue are in process. He stated that the grass swale was approved by Meridian Engineering. He stated that the construction of the first detention basin was complete with the exception of plantings. He stated that the soil types just recently came back from the lab, the results of which will drive the selection of plant species around the pond. He stated that they still need to loam and plant as a result. He noted that the detention basin is designed to hold more water than will actually drain there. He stated a report from Norse Environmental will issue soon. He summarized this week's work and noted that Meridian is submitting daily inspection reports.
- Timeline to release remaining Phase I units from the Covenant to Convey: Hall stated that he intends to ask for a release of the rest of the units for Phase I. He will ask for a bond reduction at the same time, leaving some money in escrow for the as-built plans.

Sarkis asked if the project included an irrigation system for landscaping, to reuse collected storm-water. Hall stated that is not in the plans at this point but recognized it would be a good idea.

- Phase 2 Infrastructure Update: Hall stated that the interceptor trench 2 behind the Phase II section will be capped to enable construction of the road and water line. He stated that the infrastructure for the stormwater must be installed. He noted that the water line would be connected to River Meadow.
- Affordable Unit in Phase 1: Hall asked for clarification on the meaning in the Certificate of Vote of the term “completed” as it relates to the affordable housing unit required during Phase I. He stated he expects to begin the lottery and tenant selection process in early September. The first closings on the Phase II units are not planned until early September. Board members urge Hall to begin the lottery/tenant selection in July. They determine that the word “completed” as applied to the affordable unit in Phase I shall

mean that the unit is constructed and is in a legal and physical condition so that it could be available for sale. Zambenardi will write a memo to this effect for the record.

– Requests for Minor Modifications:

1. Architectural Change for the B1, “Bailey” Cottage. Hall submitted a letter of request with plans explaining the change, which involves removing the 2 “dog-house” style dormers on the facade and replacing them with a shed dormer with 3 windows. Members inquire about whether the square footage of the unit would increase. Hall stated that no one has chosen the B1 design and he would like to keep variety in they types of units being built. He would “throw out” the original B1, and replace it with the shed dormer prototype.

Cook made a motion to deem the request a minor modification to the approved plans. Murphey seconded the motion and it carried 5-0.

The Board then discussed the substance of the proposal including the preference to have a mix of unit types in the development and the minimum requirements in the Certificate of Vote.

Cook made a motion to approve the substance of the requested modification. Discussion on the motion: Bridges stated he is concerned with the creeping of square footage. He referred to the Board's discussions of maximum square footage for the units in crafting its final vote on the project. He stated that a maximum of 6 of the B units is acceptable, but that he will most likely not vote in favor of any square footage increases, however minor, in the future. Bardeen seconded the motion and it carried 5-0.

2. Request for a landscape wall behind Unit 2: Hall described the request, which was submitted to the Board in writing. He stated that the top of foundation for Unit 2 was done incorrectly, therefore the grades are off for a deck. He stated that they will install a landscaped wall as described in his submission that will be tied up to the interceptor trench. He will use pervious pavers instead of the decking. The wall would be no more than 3-feet in height.

Cook made a motion to deem the requested change as a minor modification to the approved plans. Bardeen seconded the motion and it carried 5-0.

Cook made a motion to approve the substance of the requested modification. Sarkis seconded the motion and it carried 5-0.

Other General Business Items:

Meeting Minutes: The Board reviewed and suggested edits for the meeting minutes of March 3, 2015, March 12, 2015 (Executive Session), March 24, 2015 and March 24, 2015 (Executive Session). Bardeen made a motion to approve the meeting minutes as amended. Bridges abstained from voting on the March 3, 2015 regular meeting minutes. Sarkis abstained from voting on the March 24th regular meeting minutes and the March 24th Executive Session meeting

minutes. Cook seconded the motion and the motion carried unanimously, with the exception of the members in abstention.

Zambernardi stated she received a call from Eric Botteman of Millenium Engineering requesting a pre-application meeting with the Planning Board for a proposed development on Coffin Street. The Board instructs Zambernardi to meet with Mr. Botteman to review the proposal and to tentatively place him on the May 19th Planning Board agenda.

Murphey tabled the other “General Business” items on the agenda until a later date.

The meeting was adjourned at 10:30 p.m.

Submitted by,

Leah J. Zambernardi, AICP
Planning Administrator