

**WEST NEWBURY PLANNING BOARD
MINUTES OF MEETING
June 16, 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 June 16, 2015 in the Planning Board Office at the West Newbury Town Offices, 381 Main Street. Board Members Richard Bridges, Raymond Cook, Chairman, Brian Murphey, and John Todd Sarkis were present. Planning Administrator Leah Zambernardi was also present. Board Member Ann Bardeen and Associate Member Dennis Lucey were not in attendance.

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) and Request to modify the proposal to be Three Reduced Frontage Lots (Section 6.A.1) and Special Permit for two Common Driveways with each one serving Two Lots (Section 7.D) – 720 Main Street – William and Mary Daley

Cook recessed the regular meeting and called the public hearing to order. He stated that the Daley's have submitted a written request to continue the public hearing to the next meeting. Cook then made a motion to continue the public hearing to Tuesday, July 7, 2015 at 7:00 p.m. Bridges seconded the motion and it carried 4-0.

Cook reconvened the regular meeting of the Board.

Sullivans Court Extension, Estate Homes at Rivers Edge, Definitive Subdivision Plan and Special Permits for: 1. Common Driveway to serve three Lots (Section 7.D); and 2. Three Reduced Frontage Lots (Section 6.A.1.) - Approved April 21, 2015

Thomas Neve of Walker Development LLC addressed the Board. He stated that he has submitted the Mylars of the Definitive Plan for endorsement by the Board. He also submitted legal documents required by the Board that are to be recorded with the Definitive Plan. The Board and Neve discussed the order in which the matters should be taken up. Zambernardi submitted a list of the documents submitted with her recommended motions.

Cook stated the first document is the Acceptance of Form I, Approval with Covenant Contract. Neve discussed the purpose of the document with the Board noting that it guarantees that the infrastructure will be completed prior to the sale of lots.

Cook made a motion that the Board accept the Form I, Approval with Covenant Contract dated June 2, 2015 submitted by Thomas Neve on behalf of Walker Development Corp. as surety to guarantee the completion of the Definitive Subdivision Plan for Sullivans Court Extension AKA The Estate Homes at Rivers Edge. Sarkis seconded the motion and it carried 4-0.

Cook stated the second item is the Approval of Form J, Certificate of Performance for the

West Newbury Planning Board, Meeting Minutes, June 16, 2015. Approved July 21, 2015

Release of Lots 5 and 6 document. Neve stated that he is requesting that lots 5 and 6 be released from the Form I Covenant noting that the lots have existing frontage on Sullivans Court. He stated that these are technically "Form A" lots, but he included them in the subdivision to make the process go smoother. He stated he would like to begin the construction of his home on Lot 5. The Board discussed whether the lots should be included in the Covenant at all. Zambenardi stated that she asked the Board's consultant, Meridian Engineering if they had any issues with the request. Charlie Wear responded that portion of the road would be rebuilt and practical access would be questionable at that time. It was noted that Lot 5 has the existing barn and that he would be ok with releasing Lot 5 and not Lot 6.

Cook made a motion to approve the release of Lot 5 only from the Form I, Approval with Covenant Contract, and that the Board endorse the Form J Certificate of Performance, as amended, dated July 2, 2015, submitted by Thomas Neve on behalf of Walker Development Corp. Murphy seconded the motion and it carried 4-0.

Cook stated the 3rd item is the Acceptance of Declaration of Restrictive Covenant Lots 1, 3, 5 and 6. Board members discussed the document with Mr. Neve and suggested edits including that the document includes Lots 1 through 6, inclusive. Zambenardi noted that the document has sections that are not under the Planning Board's purview, and are subject to review and acceptance by the Conservation Commission.

Cook made a motion that the Board accept the Declaration of Restrictive Covenant, as amended, submitted by Thomas Neve on behalf of Walker Development Corp. to the extent of the items within the document that are under the purview of the Planning Board. Other items within the document are subject to acceptance by the West Newbury Conservation Commission and the Planning Board does not take any action on those items by virtue of this motion. Bridges seconded the motion and it carried 4-0.

Cook stated that the 4th item is Acceptance of Declaration of Intent to Create Easement and Common Driveway Maintenance Covenant Lots 2, 3, and 4. Neve discussed the purpose of the document. Sarkis pointed out that the document contains two different items: the common driveway maintenance covenant (which needs to be accepted and recorded at the Registry now), and the declaration of an intent to create an easement (which has no purpose other than for the Board to accept the language itself which will be incorporated into deeds later on). Discussion ensued and the Board tabled the matter in order to get assistance from legal counsel on whether the documents should be split up. The Board concurred that they are fine with the Definitive Plan being recorded at the Registry of Deeds before this matter is resolved.

Cook stated that the 5th item is the acceptance of the Agreement Regarding Completion of Common Driveway Prior to Lot Conveyance. Board members discussed the document and made edits such as changing the word "convey" to "sell".

Cook made a motion that the Board accept the Agreement Regarding Completion of Common Driveway Prior to Lot Conveyance submitted by Thomas Neve on behalf of Walker Development Corp. Sarkis seconded the motion and it carried unanimously 4-0.

Cook stated that the 6th item is the acceptance of Driveway Access & Utility Easement Lots 1 and 2. Neve stated that this is a request to accept the language. He noted that the document

West Newbury Planning Board, Meeting Minutes, June 16, 2015. Approved July 21, 2015

itself would not be recorded.

Cook made a motion that the Board accept the language contained in the Driveway Access & Utility Easement Lots 1 and 2 submitted by Thomas Neve on behalf of Walker Development Corp., noting that this document itself would not be recorded. Murphey seconded the motion and it carried 4-0.

Cook stated that the 7th item is the acceptance of the Street Easement for Sullivans Court Extension.

Cook made a motion that the Board accept the language within the Grant of Street Easement Sullivans Court Extension submitted by Thomas Neve on behalf of Walker Development Corp. noting that the easement is being granted to the Town. Murphey seconded the motion and it carried 4-0.

Cook stated that the 8th item is the acceptance of Grant of Trail Easement Estate Homes at Rivers Edge. Zambenardi stated that the Conservation Commission is the grantee and the document is subject to their review. Neve stated that the Open Space Committee would seek the necessary approvals from the Conservation Commission for any work within wetland resource areas and that he would build it.

Cook made a motion that the Board accept the Grant of Trail Easement Estate Homes at Rivers Edge submitted by Thomas Neve on behalf of Walker Development Corp. generally, noting that the approval is made with the acknowledgement that the document is subject to final review and acceptance by the West Newbury Conservation Commission. Sarkis seconded the motion and it carried 4-0.

Cook stated that the 10th item is the acceptance of Housing Contribution Payment In Lieu Of a Qualifying Fractional Affordable Housing Unit Pursuant To Section 5.F.6 Of the West Newbury Zoning Bylaw Agreement. Zambenardi stated she prepared the document and Neve and Town Counsel met and revised it. Zambenardi noted that the word "conveyed" should replace the word "sold" within the document.

Cook made a motion that the Board accept the Housing Contribution Payment In Lieu Of a Qualifying Fractional Affordable Housing Unit Pursuant To Section 5.F.6 of the West Newbury Zoning Bylaw Agreement. Murphey seconded the motion and it carried 4-0.

Cook stated that the 11th item is the acceptance of Declaration of Estates Homes at River's Edge Homeowners' Association. Neve stated that this document is not typically reviewed by a Planning Board, but this Board asked to review it and he is accommodating that request. The Board discussed the document and noted that item 7 within it should be deleted. The Board also required that language be incorporated noting that it is the Trustees responsibility to own, maintain, manage and enforce the provisions of the covenant.

Cook made a motion that the Board accept the Declaration of Estates Homes at River's Edge Homeowners' Association in general form. Bridges seconded the motion and it carried 4-0.

Cook stated the 12th item is the Grant of Access and Maintenance Easement. Neve noted that

West Newbury Planning Board, Meeting Minutes, June 16, 2015. Approved July 21, 2015

this easement is being granted to allow Town access to maintain the drainage culvert on Sullivans Court. Zambenardi stated she thinks that the grant should probably be to the Town, not the Planning Board.

Cook made a motion that the Board accept the Grant of Access and Maintenance Easement but that Town Counsel should clarify the grantee before recording. Murphey seconded the motion and it carried 4-0.

Cook stated that the last item is the Endorsement of Definitive Subdivision Plan.

Cook made a motion that the Planning Board endorse the Definitive Subdivision Plan Of Sullivans Court Extension AKA Estate Homes At Rivers Edge, dated October 9, 2014 and revised through June 15, 2015, Dwgs. C-1 thru C-8 and D-1 thru D-3, drawn by Thomas E. Neve, 10 Valley View Way, Methuen, MA, which were approved by the Planning Board on April 21, 2015 and are subject to Certificates of Vote for a Definitive Subdivision Plan and Special Permits, filed with the Town Clerk on April 30, 2015. Sarkis seconded the motion and it carried 4-0.

Neve asked the Board if he could discuss the Board of Selectmen's meeting on April 22, 2015 with them. He stated that he attempted to present them with improvements he would make to the Town owned portion of Sullivans Court. He noted that meeting did not go well in his opinion. He asked the Board to connect with the Selectmen to determine what the improvements should be and he agrees to build it. He noted that he has an approved subdivision on the end of the road and in his opinion he can build it regardless of whether or not the Town approves his proposed road improvements on Sullivans Court. He suggested that Town Counsel review the Planning Board's conditions of approval and advise the Selectmen on this. Board members discuss inviting the Selectmen and Gary Bill to a meeting with some of them to discuss what the Sullivans Court improvements should be.

ANR Plans (if any)

Zambenardi stated that no ANR's were submitted.

General Business

Cottages at River Hill, Updates - Zambenardi informed the Board there were no updates to report.

Carryover Items from May 19, 2015 Regular Meeting

- Discussion of Role of Monitoring Projects and Discussion of Planning Board Policy for Handling Complaints - Board members discuss some current enforcement mechanisms in place. They note that construction at the Cottages seems to be progressing more smoothly. Murphey stated he has done research on what other communities do in terms of enforcement. The Board decided to hold future discussion on this as needed.

- Selectmen Request for Results Report on FY 2015 Objectives: Zambenardi stated that the Board of Selectmen asked for a report from the Board on how it is addressing/meeting its

West Newbury Planning Board, Meeting Minutes, June 16, 2015. Approved July 21, 2015

FY2015 objectives. Members discussed the approach to take and then asked Zambenardi to draft a short letter indicating the Board has worked to further its stated mission and goals and including a reference to the work it has done in the most recent Annual Report.

Minutes: May 19, 2015 and June 2, 2015. Board members review the May 19, 2015 minutes and make edits.

Cook made a motion to accept the May 19 2015 minutes, as amended. Murphey seconded the motion and it carried 4-0. Members tabled review of the June 2, 2015 minutes to the July 7, 2015 meeting.

Vouchers: Zambenardi provides vouchers for Planning Board expenses for the Board's signature.

Correspondence: There was none.

Administrative Details: Zambenardi asked the Board if summer office hours could shift from 9 am to 2 pm Monday, Tuesday and Thursday to 9:30 am to 2:30 pm Monday, Tuesday and Thursday. She also asked for the Board's opinion on her working from home on Wednesdays. After some discussion the Board approved this and will revisit if more time in the office is required. Zambenardi then presented the Board with specifications provided to her by the Town's IT consultant for a laptop computer. She also discussed purchasing a digital camera for the office. Board members authorized the purchases and requested the purchases are made prior to the fiscal year end.

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

Submitted by,

Leah J. Zambenardi, AICP
Planning Administrator