

**WEST NEWBURY PLANNING BOARD
MINUTES OF MEETING
August 4, 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 August 4, 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, and John Todd Sarkis were present. Planning Administrator Leah Zambenardi was also present. Associate Member Dennis Lucey was 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.

Cook made a motion to continue the public hearing to Tuesday, August 18, 2015 in the Planning Board office beginning at 7:00 p.m. Bardeen seconded the motion. Discussion on the motion: Murphey asked that Zambenardi contact Bob Grasso the Engineer and ask for the status of the project, then report back to the Board. He reiterated they expect to see centerline profiles on both of the common driveways. Board Members concur. The motion carried 5-0.

Cook reconvened the regular meeting of the Board.

Ocean Meadow Definitive Subdivision Plan and OSPD Special Permit – Alyssa M. Gillis – Request for Releases of 24 Ridgeway Circle, 26 Ridgeway Circle and 62 Moody Lane from the Form I, Approval with Covenant Contract

Cook asked for an update on this request. Zambenardi stated that Alyssa Gillis contacted her today and asked that the releases for 24 Ridgeway and 62 Moody be tabled until the August 18, 2015 meeting. Bardeen asked for the status of the As-Built plans. Zambenardi stated that Gillis had no more information than was provided to Doug Stockbridge at the last meeting. She stated it would take 2 to 3 weeks for the As-Built to be completed and another two weeks or so for Meridian Engineering to review them. Members of the public asked to speak. After consulting with the Board on this, Cook allows limited public comment.

Bernadette Gibson stated that Millenium Engineering was on-site surveying on Friday, Monday and Tuesday morning.

Richard Mandeville, 2 Ridgeway Circle, stated that Millenium will be giving him discs containing documentation of all work they have done to date. He does not know when the As-Built plan will be completed.

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Bridges asked if the Board should take a proactive approach and figure out the market rate cost of a unit, in anticipation of a request by the developer to post a performance bond. After some discussion the Board decided that it is the developer's responsibility to propose a bond amount for review by the Board.

Members then tabled this item to the August 18, 2015 meeting.

ANR Plans (if any): Zambenardi stated that no ANR's were submitted.

Continued Discussion from June 2, 2015 Meeting: Planning Board Projects and Priorities

Cook referred members to a list of projects and priorities provided by Zambenardi to the Members. He asked each member to prioritize the projects.

Bardeen stated that she does not have a prioritized list, but she does have comments to share. She stated that she would like the Board to finish the Sign Bylaw. She stated that the amendments to the Open Space Preservation Development (OSPD) and Inclusionary Housing Bylaws (ICH) would be relatively quick to complete and that they would have immediate impacts. She stated she reviewed the model solar bylaw provided by Zambenardi. She stated that solar projects are highly protected by State Law and a bylaw would not have much teeth. She also stated she would like to pursue a downtown planning effort. Murphey noted that we might need some grant money to hire a consultant.

Bridges stated that the Sign Bylaw is a priority and it is near completion. He stated that the amendments to OSPD and ICH should also be a priority. He stated that the solar bylaw would involve some simple tweaks and the suggested language in the model bylaw offers the Town a voice in determining the location of some of the ground mounted structures. He stated the federal tax credits are going away next year and there may be a rush within the year if that happens. He thinks that in terms of the 61A and the Agricultural Preservation Restriction (APR) programs, we should figure out whether the state is still offering funding. Zambenardi stated that Merrimac Valley Planning Commission (MVPC) had said the money for the APR program had dried up. MVPC suggested we look into the LAND grant program for funding to acquire open space. Murphey points out the Dunn property as an example and he stated that if we want to do something there has to be some assistance from other entities in the Town to spearhead the effort. Bridges stated that clarifying the language for limiting hours of construction should also be a priority.

Cook stated that his priorities are the ICH and the OSPD. He stated that ICH is very complicated and he would like to simplify it and make it better. He is almost at a point where he is in favor of pulling the Bylaw out. He stated that the implementation of it is very tortured. Murphey stated he disagrees and noted there are some limitations, like Form A's. He noted the affordable units at cottages and the money from Mr. Neve came about because of the by-law. Cook stated that if Glenn Clohecy were more interested in getting the Sign Bylaw done, he might think it a higher priority. Bardeen stated the Sign Bylaw seems to go along with planning for the downtown. Cook stated he also would like to pursue an effort with downtown planning. He noted there are barriers to new development with parking and failing septic systems. Cook stated this might be a case where we get a consultant in to help. Sarkis agreed that such a project goes beyond the Board's abilities and our staff time. Staff could help supervise the consultant. Murphey noted that certain adjustments would be needed in the budget. Cook

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contemplated whether the Board of Selectmen would help fund a consultant. Sarkis suggested inviting the Selectmen and the FinCom into the dialogue because this is related to economic development and would be a worthwhile investment into the Town's future. Cook stated that speaking with the FinComm and the Health Agent about needed infrastructure improvements needed (i.e. combined septic system) is a good idea. Murphey stated that the Planning Board should come up with some scenarios to approach the Selectmen with, i.e. design control, uses. Cook stated that we could establish a local sewer system down the hill. He also noted that the Dunn property could be used for parking. Sarkis stated we need to understand what the demand for commercial use is now and in the future. Bardeen asked about the type of companies do that kind of work. Zambenardi stated that there are several planning firms out there that will do market research to determine what uses to plan for. She stated that they would give us a snapshot of what we have and what the demand would be in the future for certain uses. She stated that the Town may still want to do a planning study to get community consensus on what people want to see there. She stated that an approach with the Selectmen could be to bring them a proposal noting the kind of study we would like to do, how we would involve the community, what kind of market research would be done, how much it would cost, and then describe the possible outcomes. Bridges noted that some Selectmen might point to the need for a Master Plan and perhaps we can lead with this. He stated he believes the Finance Committee would be supportive of efforts that would add revenue to the Town. Murphey stated we did a downtown study that was funded by the State – the EO418 Plan. The Board determined that members will review the EO418 Plan in time for the next meeting. Murphey stated that the Bank project could be used as a catalyst to start this. Cook noted there is also a need for space for microbreweries. Sarkis reiterated it is key to find out what the demand is and will be and what we need to do to suit businesses who can meet the demand. Cook also mentioned some tweaking that might be needed to the commercial district boundaries.

Cook addressed the ICH Bylaw and asked Zambenardi about potential amendments. The Board asked Zambenardi to look at the fees and simplifying the procedure. Sarkis stated that the bylaw is convoluted and it does not really help people that need it most. He knows people who couldn't buy a market rate unit in Town, but that would not qualify for an affordable unit. He asked the Board if it would consider a public hearing to eliminate the bylaw. Bridges noted that we have in lieu of funds and there is an opportunity to use those funds through a Town Meeting vote. He supports the fund that continues to grow and could be used in the future. The Board asked if there is an Inclusionary Housing Bylaw out there that just accepts fees. Zambenardi will look into that and will find out what their experiences have been with it and how do they use the money. Sarkis stated that Groveland uses such a Bylaw. Several options for projects the Town could take on to use the funds were discussed. Sarkis discussed the challenges a developer faces when there is an Inclusionary Housing requirement in a municipality.

Cook then reviewed the changes needed to the OSPD. Members determine it is a matter of tackling the language changes as they know what the issues to be addressed are. At the next meeting the Board will look at reserving time to work on this at a future meeting date.

Zambenardi asked the Board if there have been prior discussions on Complete Streets policies or public transit. A brief discussion ensued. There was not much interest when it came up in the past. Bardeen noted that we will want to look at this when we are looking at downtown.

General Business

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- Cottages at River Hill – Zambenardi reported that there was a dust issue on the site last week. The Health Agent, Paul Sevigny received complaints from John McGrath and on Thursday issued a cease and desist order until the dust can be controlled. A letter was issued on Monday from Paul Sevigny indicating that the developer had taken sufficient measures to control the dust, including putting a tarp of the dirt mound, watering, and filling water tanks in response to the water ban.

The Board discussed enforcement issues. Members discussed whether increasing the fine for violating zoning from \$100 per day to \$500 per day would be more effective. Communication with the Board of Selectmen was also discussed. Murphey noted that the question of enforcement of Planning Board Conditions, including dust control was brought up at a recent Board of Selectmen meeting. He stated that he reached out to Glen Kemper about this and that he re-iterated his April 23rd email offer to meet with the Selectmen. At the conclusion of the discussion it was agreed that Murphey would contact some of the Selectmen on this matter. Further, Cook would send a letter to the Selectmen asking for time on their agenda to introduce the new Planning Administrator and to clarify the procedures and enforcement on large construction projects.

- Sullivans Court Extension – Cook stated that the developer, Tom Neve has asked for a modification to his approval to allow that the hours of construction for Lot 5 be extended from 5:00 p.m., Monday through Friday to 7:00 p.m., Monday through Friday. Cook stated that the Board was not aware of this item in time to put it on the agenda. He therefore allowed the matter to be discussed. Bardeen pointed out that this is the same group of abutters with the Cottages. Cook stated he does not think it is a minor revision to the Board’s approval. Murphey and Sarkis indicated they were inclined to consider this as minor. Murphey pointed out that other construction projects in Town are allowed to have longer working hours pursuant to the Town’s bylaws. Bridges stated he would want to give the abutters an opportunity to comment on this request. Cook then made a motion that the Board deem this request a minor modification to the Board’s approval on this project. Sarkis seconded the motion. The motion did not carry, 2-3 (Murphey and Sarkis in favor) (Bardeen, Bridges and Cook in opposition).
- Minutes: July 7, 2015 and July 21, 2015. Members of the Board reviewed the minutes and made suggested corrections. Cook made a motion to accept the July 7, 2015 and July 21, 2015 minutes as amended. Murphey seconded the motion and it carried 4-0 (for the July 7 minutes) and 5-0 (for the July 21 minutes). Note that Bridges recused himself from reviewing the July 7th minutes.
- Vouchers, Correspondence and Administrative Details: Zambenardi handed out payroll for Cook’s signature. Zambenardi shared recent correspondence that had been sent to the Board. Zambenardi also updated the Board on a request by Jennifer Wright to open a therapeutic riding business at 0 Garden Street. She stated that the Building Inspector consulted with Town Counsel, who found that her project would be an exempt use pursuant to GL Ch. 40A, S. 3.

Murphey asked if he could revisit some of the items in the projects and priorities section on the agenda. He noted that Zambenardi indicated she had questions and comments on their draft sign ordinance. It was determined that Zambenardi should submit the comments in writing to

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the Board members by email. Board members indicate they will review the proposed sign bylaw as well as the EO418 Plan on downtown recommendations. Murphey noted that a former consultant of the Board, Judi Barrett had drafted a memo with suggestions on housecleaning amendments. The Board decides to revisit this memo to see if any should be put in for Town meeting.

Murphey referred to the item on the list regarding a Housing Production Plan and its expiration. He noted that MVPC has asked the Town about doing such a plan. The Town felt that spending \$7500 on a plan when we are currently not meeting our goals would be fruitless. He said they pulled it from Spring Town meeting. Bardeen stated that a Master Plan would address housing. Murphey noted this is something that could be resurrected fairly quickly if need be. Cook pointed out that this probably would not be helpful because we are not meeting the goals.

Cook asked that the next agenda put a discussion of when we want to take up the OSPD and the signs.

The meeting was adjourned at 9:15 p.m.

Submitted by,

Leah J. Zambenardi, AICP
Planning Administrator