

**WEST NEWBURY PLANNING BOARD
MINUTES OF MEETING
September 1, 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 September 1, 2015 in the Planning Board Office at the West Newbury Town Offices, 381 Main Street. Board Members Richard Bridges, Raymond Cook, Brian Murphey, and John Todd Sarkis were present. Planning Administrator Leah Zambarnardi and Associate Member Dennis Lucey were also present. Board Member Ann Bardeen was not present.

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

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

Cook asked for an update on this request. Zambarnardi stated that Alyssa Gillis contacted her and asked that the request for releases of 24 Ridgeway and 62 Moody be tabled until the September 15, 2015 meeting. Murphey asked if there were any issues with the As-Builts. Zambarnardi stated that Meridian reviewed the plans and noted some minor changes. Millenium is now working on those corrections. Meridian also reviewed the items outlined in the residents' letters and found all items except one to be issues with the driveways and not the roadway. Zambarnardi stated that Charlie Wear indicated that the one issue associated with the roadway was a gap in the bituminous berm which has been repaired. Diane Gagnon did a site walk to review adequacy of construction last week and Charlie Wear and Diane Gagnon did a walk through today. Zambarnardi stated that Charlie Wear commented that the site otherwise looks excellent.

Murphey suggested that Zambarnardi might view the interior of the units. This would be to verify that the units are complete in the event a bond is requested. If they are not proposing a bond, they will rely on Glenn Clohecy and his issuance of a Certificate of Occupancy to ensure completion of the units. Zambarnardi questioned bonding for incomplete interior work. Sarkis stated that this is a special permit and Inclusionary Housing affordable unit. He questioned whether the developer even has the option to bond with a special permit. Cook stated that it is in the best interest of the developer to finish the construction. Sarkis and Cook asked that Zambarnardi look at the Certificates of Approval for the project and the subsequent agreements to see what it says about bonding and relate that back to the Board.

Cook tabled this item to the September 15, 2015 meeting.

Follinsbee Lane, Cottages at River Hill, Open Space Preservation Development Special Permit (Section 6.B) and Site Plan Review (Section 8.B) – Cottage Advisors, LLC – Approved March 11, 2014 – Discussion of pervious pavers for additional parking.

Cook addressed Chip Hall of Cottage Advisors. He noted that LandTech sent a letter on August West Newbury Planning Board, Minutes, September 1, 2015. Approved September 15, 2015.

25th identifying the pavers as overflow parking. He pointed out that strips of concrete block units have been placed alongside driveways and curbs have been cut so as to allow for additional parking.

Cook stated that he spoke with Glenn Clohecy on this, who gave Ray the impression that he thought this was not something about which the Planning Board should take action. Zambenardi received email comments from Diane Gagnon of Meridian stating, “these curb cuts and additional pavers are new and not part of the approved design. Much of the existing berm is pretty beat up and would need replacing prior to the completion of the project. I am assuming that they will be putting a top coat over all the pavement but this reinforces the notion that they are intending to use these pavers as a second parking spot. I believe it would require approval from the Planning Board as the project is under Special Permit.” Further, Charlie Wear of Meridian sent email comments stating, “We are familiar with the specified paver product and agree that the hydrologic characteristics of this product are very similar to lawn. The introduction of these pavers into the design will have no measurable impact on the drainage design for this site.”

Cook asked for the Planning Board’s opinions. Cook stated that architecture and aesthetics weighed into the special permit decision. He noted that a prior request for 2 car garages was turned down. He thinks it is in the Planning Board’s jurisdiction to determine whether this is a field modification, a minor modification or a major modification.

Cook stated that this is worthy of being considered a minor modification because there is curb cutting involved, aesthetics were considered when making a decision on the special permit, and this is different from what the public viewed during the hearings on this project.

Murphey stated that he does not like the pavers and he thinks this is a major modification. He thinks that they are an overreach and will not survive the winter. He asked what would prevent a Homeowners Association from installing something like this in the future and he is not sure. The bottom line is the Board did not intend to have cars parked side by side when it approved the project.

Sarkis stated that from a strict perspective, this was not permitted or shown on the approved plans. The curb cut issue is a planning issue that should have been flushed out through the process. He does not think it is a minor modification. He thinks he would have supported this or something like this if it were built into the design of the project.

Bridges stated that realistically, he can’t imagine plowing or shoveling done in these spots for winter parking. Long-term that would be difficult for the Board to get involved in after the fact. He probably would not have voted in favor of the pavers because of the density, a reason he has been concerned with all along. This project was presented at a certain density. He voted against the prior two car garage proposal. His view is that it would be a major modification.

Lucey stated he understands the predicament the developer is in. He agreed that these spots would help take cars off the road. However, he thinks that if originally presented with 2 parking spaces in addition to the garage, this might have been viewed differently by the Board and might not have been approved in this configuration.

Cook stated he agreed with the Engineer’s opinion that this does not affect the hydrology.

Cook asked Hall for his comments. Hall stated owners have guests and need more parking. Overflow parking can occur on the grass according to the Homeowners Association documents. An alternative is that a homeowner can install the pavers. They have to ask the Association, which is Cottage Advisors at this point. Hall stated that Cottage Advisors is not in favor of a 2 car wide driveway. It is not part of their vision. He noted only one person uses the additional spot at this point. The pavers are within the exclusive use areas. Aesthetically Cottage Advisors wants uniformity and they saw the benefit of getting cars off the road. They came up with the offset parking idea with the pavers as a solution. They did not think they needed a permit for it and they knew this would not have an adverse impact on the drainage design. He apologized for not approaching the Board with this before going ahead. He stated they went with crushed stone instead of grass because there is no irrigation. He stated in terms of density, there are no children. There are a couple of husband and wife families and two single women. He stated they are not trying to increase the number of people and cars. They are trying to meet a need by allowing people the right to park on their property for their exclusive use. The side benefit was to get fewer people parking on the street.

Cook asked the Board to determine what type of modification this is. Murphey asked about the Building Inspector's opinion. Cook stated that his relating the conversation he had with Clohecy was only Cook's impression. Clohecy gave his thoughts, but it was not official. Bridges thinks the Board might be asking the Building Inspector to make a determination on something that is not within his purview. Murphey suggested that the Board ask Clohecy to enforce the conditions of approval and what is shown on the plan. Hall asked what is to prevent a homeowner from installing the offsets after a unit is conveyed. Cook stated that they may have the right to do that. Cook stated that another issue that came up similar to this was hours of construction. If Cottages is working on a particular unit, they have to adhere to the hours of construction stipulated in the special permit. However, if someone buys the unit next door and subsequently hires a contractor, they only have to abide by the Bylaw. Cook stated that Clohecy expressed some frustration with that. He stated that it is quite possible that this is inconsistent, but right now the issue is whether Cottage Advisors is building what they said they would build and whether or not this is a deviation from that.

Sarkis stated he considered this a deviation from the plan, but he could probably view it as a minor modification. He also agreed with Murphey's suggestion that the Board seek Clohecy's official position on whether these offsets and curb cut are within the parameters of the special permit or not. Board members generally concur that compliance with the length of the curb cut is Clohecy's purview. Bridges does not see an urgency in deciding if this is a minor or major modification tonight. Cook stated that he concurred with the Board's inclination to get Clohecy's official position on this. Sarkis noted that the whole effect of this is pretty much contained within the development itself, not on the community at large. Members agreed to seek an official opinion from Clohecy.

Members then moved to the Cottages at River Hill General Business item under the agenda. Hall stated that he provided a schedule for the affordable units. He stated they are having an open house in October. He stated they have #16 and #20 under construction. A brief discussion occurred regarding Cindy Sherburne's complaints about construction hours. Cindy Sherburne is an abutter to both the Cottages project and Tom Neve's Estate Homes project. Bridges clarified that the complaints have been about construction vehicles arriving before allowed hours. Hall also stated he would like to come to the Board at a later meeting for the releases of West Newbury Planning Board, Minutes, September 1, 2015. Approved September 15, 2015.

Phase II units in the marketing plan. He plans to construct the infrastructure including Trench #2. He would like to bond infrastructure work that does not serve those Phase II units. Cook stated they would like the request a week in advance of the meeting so Meridian can review the request.

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

Continued Discussion on Planning Board Projects and Priorities

Inclusionary Housing Bylaw: Cook stated that at the last meeting, the Board discussed pros and cons and different approaches. He noted that there does not seem to be much buy-in in Town for the establishment of an Affordable Housing Trust. He thinks that is something where the Board might want to lay out the options and present them to the Town. At the September 8th Selectmen's meeting, he thinks the Board should give the Selectmen a heads up that the Board is working on the Bylaw and that it would like to have a public meeting with them and the Finance Committee to have a more in depth discussion. He stated that input from developers would be very helpful. Zambenardi updated the Board on research on whether communities allow affordable units at 120% Area Median Income. She stated Newton allows for this. Members of the Board tabled the discussion to a future date.

Open Space Preservation Development Bylaw: Members reviewed a redlined draft dated August 18, 2015, which incorporates changes that were agreed to at the last meeting. Members discussed and agreed upon additional edits that Zambenardi will incorporate into the draft. Members discussed additional edits and noted that those can be made at a later date. Cook stated that the next step is for the Board to propose an Article. The Planning Board would then schedule a public hearing during a regular meeting. Zambenardi suggested that the public hearing could be held on the first Tuesday of October. The Board will also schedule time to meet with the Finance Committee on this.

Downtown Planning: Cook stated that in order to improve the Downtown, several items need to occur, including that the Town needs some control of that section of the State Highway, beautification, some traffic calming, landscaping, legal parking on the street, provide more parking off the street in close proximity, and a package septic system. Cook stated that at the September 8th meeting he will inform the Selectmen that the Board has been revisiting the EO418 Community Development Plan and discussing what the Board can do proactively to improve the climate for future business. He will suggest that the Board have an additional public meeting with the Selectmen and the Finance Committee to discuss this in more depth.

The Board further discussed shared septic systems including finding precedents and learning about financing mechanisms. The Board would also like to explore the types of businesses the Town should look to attract and revisiting the location of the District or creating a second District near Old Town Hall.

Set Date and Time for Future Discussion of Sign Bylaw: Cook tabled this discussion to Spring Town Meeting. This will be taken up again in January.

Revisit Procedure for Chapter 61, 61A, 61B Right of First Refusals

West Newbury Planning Board, Minutes, September 1, 2015. Approved September 15, 2015.

Members revisited the draft and noted that Michael McCarron had an issue with the last draft. The Planning Board decided that Cook should mention to the Selectmen that the proposed policy for Right of First Refusal is worthwhile to move forward.

General Business

- Cottages at River Hill – This matter was discussed earlier in the evening.
- Sullivans Court Extension – Cook noted that Neve proposed a minor field change to change the outlet control structure. Cook stated he made a decision that this was a minor field change and approved it. Murphey stated he had no problem with it, but asked if this also had to go before the Conservation Commission. Zambenardi stated that Neve also requested approval of this change from the Conservation Commission. Sarkis stated that the original design was a weir, which is typically a wall with a v-notch in it. He noted that the change is an aesthetic one, as it will be replaced with a precast structure. In this case it will not be a problem because no one will see it. Cook was comfortable with this because Meridian approved of the change.
- Discussion of Enforcement of Larger Construction Projects – Cook stated that another item that has come up is the difficulties for Cindy Sherburne, with 3 current construction projects going on around her: Neve’s Estate Homes, Top Notch Homes single family and the Cottages. There are many layers of regulations and it is difficult to know which entity is responsible for which regulation. Cook stated he had a conversation with the Building Inspector, who indicated he would enforce the Planning Board’s limits on construction hours and all other Planning Board conditions. All future complaints should be directed to Clohecy. Murphey asked about the lack of cooperation by Public Works on the work agreed to by Neve on the drainage structure. He asked if there is a greater concern. Murphey stated that there was a dollar amount for this work that was agreed to. Now that the pipe has been determined adequate, Neve will keep that money.
- Minutes: August 18, 2015. Members of the Board reviewed the minutes and made corrections. Cook made a motion to accept the August 18, 2015 minutes as amended. Murphey seconded the motion and it carried 5-0
- Vouchers, Correspondence and Administrative Details - Zambenardi discussed attending an affordable housing conference on October 1st. Members supported her attending the conference. A vouchers was signed to renew the Planning Board’s membership with the Massachusetts Association of Planning Directors.

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

Submitted by,

Leah J. Zambenardi, AICP
Planning Administrator