

WEST NEWBURY PLANNING BOARD
MINUTES OF MEETING
April 5, 2016

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 April 5, 2016 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 and Associate Member Dennis Lucey were also present.

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

Subdivision Approval Not Required Plans (SANR's)

- a. 28 Coffin Street – Morin-Cameron Group on behalf of Beaucher Family Irrevocable Trust

Scott Cameron spoke on behalf of the Beaucher family. He introduced Mr. and Mrs. Beaucher, the new owners of the home on the property, and Steve Velonis, broker on the sale. He described the proposal to split 28 Coffin Street into two parcels. The first parcel, noted as “Lot 1”, would include the existing home and conforms to the Res B Zoning requirements. The other parcel, noted as “Remaining Land”, is marked as “Not a Building Lot” as it has no frontage. He stated there is adjacent contiguous land owned by Beaucher, so they still have frontage for the property from their other land. He stated that Lot 1 has sufficient frontage on Coffin Street, which is a public way and that it has sufficient frontage and area as is required in the Residence B Zoning District.

Murphey asked about the existing driveway. Bardeen asked about the nature of the frontage for the non-buildable lot from adjacent property. Cameron and Cook noted that it might be considered frontage if that lot were to merge with that other adjacent property. Bardeen asked about the frontage for the contiguous lot owned by Beaucher on Coffin Street. Cameron stated he did not survey the property as part of this project, but he believed it has about 150-feet of frontage on Coffin Street. He stated this is less than the 200-feet required and they would need to seek a special permit if they ever wanted to use that for frontage. Murphey stated that there is risk in making the assumption that such a special permit would be granted. Cameron stated that they are maintaining access to the non-buildable lot through an easement on Lot 1. Cook confirmed that access would be for non-building purposes.

Zambenardi stated she had a concern that the access easement over Lot 1 might somehow impede access from the street to Lot 1. Cameron stated the easement would not prevent access for Lot 1. Sarkis stated that by reserving an easement, the driveway might now be considered a common driveway, requiring a special permit from the Planning Board. Zambenardi and Cook indicated the access would not be to a residential use. Sarkis contemplated that a special permit would be needed for a common driveway if the owner ever wanted to build a home on

West Newbury Planning Board, Minutes, April 5, 2016. Approved May 10, 2016.

the other Beaucher property. Cameron confirmed but stated a reduced frontage special permit would be needed as well. He stated another option would be to seek subdivision approval for a roadway. In any event, it would need to go back to the Planning Board.

Cook described the Approval Not Required process for the members of the audience. He stated he would entertain brief comments and questions from the public. Fred Chaniah of 47 Coffin Street asked to see the plans. He asked about what was meant by "other access". Cameron described other access points for the Beaucher's properties. Steve Greason, 86 Coffin Street asked for clarification on the proposed property lines.

Sarkis asked to revisit the common driveway issue. He stated that the entire frontage for Lot 1 is encumbered by an access easement. Bardeen asked why the entire frontage was being encumbered by the access easement. Sarkis stated 2 people would have use of that area for the purpose of access. He stated he saw this as a common drive and that the language in the zoning bylaw does not mention buildability. Cameron stated that the language does refer back to frontage however. Zambenardi stated if they wanted to build on the "non-buildable" lot they would need to prove they had sufficient frontage on Coffin Street in order to get a building permit, which would most likely be a special permit. Cook reviewed the Board's criteria for endorsing a SANR plan. He noted that the "non-buildable" lot does not have frontage, which is a key criteria. Cameron stated he could go in and cut out a number of other parcels, which would be endorsed so long as they were noted as "non-buildable". He could present the plan not showing an access easement, and later attach it. He stated that they would have to come back before the Board before any home on the "non-buildable" lot would be approved. He stated the plan ensures the building lot (Lot 1) maintains sufficient frontage, access and sufficient area. Cook stated the easement discussion is very informing and interesting, but it is not part of the decision this evening. Sarkis stated that for the future, perhaps we advise people not to show such things on the plans and to handle them in other ways. Cameron stated that things such as easements that get attached to deeds regularly disappear. He stated that showing it on a Mylar plan that gets recorded at the Registry is more permanent and obvious.

Cook made a motion to endorse the plan entitled, "Plan of Land in West Newbury, Massachusetts 28 Coffin Street", dated March 29, 2016, as one not requiring approval under the Subdivision Control Law. Bardeen seconded the motion and it carried 5-0.

Ocean Meadow Definitive Subdivision Plan and OSPD Special Permit – Alyssa M. Gillis, Doug Stockbridge - Update on Status of Completion of 24 Ridgeway Circle

Cook asked Murphey for an update. Murphey stated Steve Gillis called him and indicated he would not be able to attend the meeting. He asked Murphey if the Board would acknowledge that Gillis is moving forward and wrapping things up at 24 Ridgeway Circle. He has at least a day of electrical and some plumbing work left to finish. Zambenardi stated she received pictures of the unit from Alyssa Gillis today and much of the unit is completed. Murphey stated they are ready to close on the unit late next week. Gillis would like the Board to consider granting a conditional approval and release subject to obtaining an occupancy permit for the unit. Bardeen stated there are two separate issues; releasing the bond and releasing the unit. Zambenardi stated that Gillis needs the release of the unit in order to close. The Planning

West Newbury Planning Board, Minutes, April 5, 2016. Approved May 10, 2016.

Board needs a copy of the occupancy permit in order to release the bond money. Zambernardi asked the Board if it would entertain signing the release form, but holding it in the Planning Office until a copy of the occupancy permit is provided.

Cook made a motion to conditionally release 24 Ridgeway Circle, West Newbury from the restrictions as to sale specified in said Approval with Covenant Contract Form I, upon receipt of a copy of the permanent Occupancy Permit issued by the West Newbury Building Inspector. Bridges seconded the motion. Discussion on the motion: Cook stated the Board would sign the release form tonight, but Zambernardi would hold it and release it only upon receipt of the Occupancy Permit as noted in the motion. Zambernardi asked about releasing the funds as well. Members of the Board revisited the agreement between the Board and the developer and Bardeen noted that the funds are to be held in escrow and released only upon issuance of a final Occupancy Permit by the Building Inspector. Cook made an amendment to his motion to include that the funds be released upon the Issuance of a final Occupancy Permit. Further discussion on the motion: Members discussed the mechanism and format by which the release of funds would occur. Members agree that subsequent to a vote, a letter to this effect will be issued for signature by the Board Chair. Murphey seconded the motion, as amended and the motion carried 5-0.

Zambernardi stated that the Board will have to sign a voucher to approve the issuance of a check.

Discussion of Zoning Bylaw Amendments

- Signs. Members of the Board revisit the draft Sign Bylaw with revisions through March 1, 2016. Members reviewed the language and made further edits, which will be incorporated into the draft by Cook.
- Two-Family Structures, Open Space Preservation Development and Inclusionary Housing. These issues were tabled until a future meeting date.

General Business:

- Haverhill Bank – Zambernardi stated that she held a construction conference in the Planning Board Office on April 4th with Town Department heads and the project team. She noted they began construction without seeking a pre-construction conference as stipulated in the special permit. She therefore called the meeting. She stated that the foundation is in. She stated that Meridian has been contracted to do inspections and began their work on April 4th.
- Cottages at River Hill – Zambernardi stated she received a call from a resident asking about trash and recycling pickup. She responded that both are to be handled privately by the homeowners association. Chip Hall is contracting with a trash pickup company and they are currently seeking a recycling contract. She referred the resident to Chip Hall and the condo management company.
- Sullivans Court Extension – No updates.
- Vouchers – Zambernardi provided vouchers for signature for payments to Meridian and for office supplies.
- Correspondence - Zambernardi stated the Board received public hearing notices from Haverhill and Newbury. She stated that the Town did not receive the Mass Downtown Initiative Grant.

- Administrative Details – Zambenardi referred to the downtown planning project and stated that Maria DeStafano could come to the meeting at no cost to the Board to discuss strategies for engaging the business owners and residents. Members of the Board stated they are very interested in having an initial meeting between her and the Board in the early summer. Murphey stated there is a need to engage the Dunn family because they own a critical parcel in downtown. Zambenardi agreed to talk with Bert Knowles to see if he knows the family. Board members then discussed meeting schedules and vacation weeks. They amend the schedule so the April meeting changes from April 19th to April 26th. The May meetings would be the second and fourth Tuesdays. Meetings would resume to the first and third Tuesdays in June.

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

Submitted by,

Leah J. Zambenardi, AICP
Planning Administrator