

Meeting Minutes

Planning Board

Wednesday, August 7, 2019

Newbury Municipal Offices

APPROVED

Members Present: Peter Paicos, Chair; Larry Murphy; Leslie Matthews; George Morse
Staff Present: Martha Taylor, Town Planner
Town Counsel: Brian Winner, Mead, Talerman & Costa, LLC (for Newbury Golf Center Public Hearing)

Peter Paicos, Chair, called the meeting to order at 7:04 p.m.

A. Minutes

The Board decided to hold off on voting on the meeting minutes of March 26, 2019 until all members of the Board had had the chance to read them over.

B. Town Planner's Report

M. Taylor reported that the Board has received a Chapter 91 Application from the Trustees of Reservations via Mary Rimmer for the work that is being done at the base of Old Town Hill. The Board has an opportunity to review and comment, but no action is required.

C. Mark DePiero, DePiero LLC – Informal discussion re. potential Open Space Residential Development (OSRD) at 105 High Road

Mark DePiero, DePiero LLC, along with Bob Grasso, Engineering Land Services, appeared before the Board to discuss a potential project at 105 High Road. The lot is 16.3 acres and the upland is about 12.17 acres. B. Grasso described the existing conditions of the property to the Board. B. Grasso then presented their yield plan for the property.

L. Murphy asked how they are planning to access the lots on the yield plan. B. Grasso explained that they would not have to do much to the site to put a road in.

The Board discussed perc tests with B. Grasso.

Then B. Grasso presented the Open Space Residential Plan. He explained the design and listed some waivers that they would ask for. The rest of the discussion was then postponed until after the public hearing scheduled to open at 7:15 p.m.

D. Planning Board: Continued Public Hearing – Modification to a Previously Approved Site Plan, Newbury Golf Center, 131, 133, & 151 Scotland Road, Map R43, Lots 2, 11 and 4B; Applicant: Erik Sorensen, President, Newbury Golf Center, Inc. and

Board of Selectmen: Continued Public Hearing – Modification to a Previously Approved Special Permit, Newbury Golf Center, 131, 133, & 151 Scotland Road, Map R43, Lots 2, 11 and 4B; Applicant: Erik Sorensen, President, Newbury Golf Center, Inc.

The Board of Selectmen joined the Planning Board to hold a combined continued public hearing. Damon Jespersen, Geof Walker, and Alicia Greco were all present. Mike Doyle was absent and J. R. Colby, Chair of the Board of Selectmen, had previously recused himself from the proceedings. D. Jespersen therefore served as Acting Chair for the hearing. Brian Winner, Town Counsel, also joined the Planning Board.

At 7:19 p.m. Peter Paicos, Planning Board Chair, opened the Planning Board's public hearing to consider a Modification to a Previously Approved Site Plan and Damon Jespersen, Acting Chair, Board of Selectmen, opened the Board of Selectmen's continued public hearing to consider the Modification to a Previously Approved Special Permit.

P. Paicos gave a brief outline of the parameters of the public hearing and requested an update from E. Sorensen.

E. Sorensen came before the Boards and gave an update of what has been going on since the last meeting. E. Sorensen explained that it has been a wet spring, there were 14 days where they didn't work and the following days were only half days, so that throws the schedule back quite a bit. Their goal is to get this done this fall and be open. One of the things they want to talk about tonight is that they are willing to wait on the lights until next year, in order to get open this fall. E. Sorensen said that they will concentrate on seeding later this month, it is a little too warm right now. The second building is almost done. They are still hammering, unfortunately. Otherwise, the property is shaping up. E. Sorensen said he would also like to get permission to work on the short game area. He said they are going to sod the grass tee and seed the short game area and the landing area. The weather and the progress of the hammering dictates that schedule for the next couple of weeks.

P. Paicos asked if there was anything E. Sorensen would like to add to the schedule that the Boards have. He said no, it will change depending on the weather. E. Sorensen said that some of the catch basin for the drainage are on backorder.

E. Sorensen said that since the site walk, they have brought in more stone and put three dams at the bottom of the driveway in the basin. As well as additional work to the second building.

P. Paicos asked when National Grid would be out to do their thing. E. Sorensen said he talk to them today and they will be probably be out sometime the following week.

P. Paicos read a letter into the record. The letter was dated August 7, 2019 from Doug Packer, Conservation Commissioner. The letter addressed that D. Packer had contacted E. Sorensen over compliance issues over an existing Order of Conditions, reference number 050-1243 the applicant while cutting in the driveway ran into conditions that may require a change in plans. The Contractor chose to modify the conditions on his own. That action caused a release of sediment into the adjacent resource area. Since then D.

Packer has visited the site many times. They have worked to eliminate the problem. D. Packer said that he informed the owner that he had prepared an enforcement order that contained a stop work order if he feels as though he has lost their attention. He said that he does credit them for their quick work to repair and restore the storm water controls.

D. Jespersen said that they have daily reports from John Miller, Site Contractor, and nowhere in those reports was there anything about running into an issue at the bottom of the driveway and that you were going to change the plan. The whole purpose of receiving the daily communications was so that if you were deviating from the plan that the Boards would know about it. D. Jespersen said that he did not know about it until after muddy water was leaving the site. He asked why that was the case.

E. Sorensen said that he doesn't want to speak for J. Miller but he may have thought that the site was secure and the erosion controls in place would take care of it. What happened was that there was additional water coming from a non-jurisdictional wetland that put it over capacity. The additional swale has taken care of that. He thought he had prepared, but he unfortunately had not.

D. Jespersen said there have been multiple situations where there have been corrective measures taken after muddy water has run off the site. As soon as he ran into a rock that he couldn't go through at the bottom of the driveway he should have called your engineer and should have let the Boards know that things were not going according to plan. The applicant is not in compliance with the Order of Conditions because the plan shows a retention pond at the bottom of the driveway. D. Packer is satisfied but you are not in compliance. If you had contacted your engineer you may have been able to present plans tonight to be approved, you could be back in full compliance.

D. Jespersen said that he does not want DEP to come in and stop this project. The applicant does not want this, the neighbors don't want it, but when stuff like this happens we can't just close our eyes and hope that it will work out.

G. Walker asked how much the driveway was modified.

D. Jespersen said that they were not supposed to cut all the way down. He said that they would not have objected if they had been informed that they hit rock and the plan had to be changed, but they were not given the opportunity. D. Jespersen said that he feels that they should have a plan before them to approve anyway.

P. Paicos said that D. Jespersen brings up a good point. He said that they really want this to be a collaborative effort so that your project can be completed. If DEP gets involved then it will no longer be in our control.

A. Greco asked where J. Miller was, she said that they have asked more than once that he be present at these meetings. E. Sorensen said that he had a conflict tonight.

D. Jespersen asked if there were any question or concerns after the site walk.

A. Greco said she had a few things. First, she asked about the current driveway they are using, if they were planning on keeping that as an emergency exit. E. Sorensen said that it

is on the plan as a pathway. It will be closed off, there will not be any vehicles driving over it. A. Greco said that she was of the understanding that when the driveway was moved that the old driveway would go away. M. Rosen said it is not going to be an entrance way. P. Paicos said that it is going to be emergency access only.

G. Walker asked if it was overhead cables or underground cables coming in. E. Sorensen said they will be underground up the old driveway because it is more direct and 200 feet shorter.

A. Greco asked if they could get that from National Grid.

G. Walker asked A. Greco what she is thinking. A. Greco said first of all she was thinking that she didn't want any cars going up that road. Second there is significant mitigation to be done there and with the roadway she doesn't know how they are going to do that.

E. Sorensen said he can promise her there will be no cars going up through there, it will be blocked off.

G. Walker said that he believes A. Greco is concerned with being able to accomplish the mitigation that has been promised in that narrow space.

E. Sorensen said that there was nothing cut in that area and there are large pine trees all along the property line. M. Rosen and E. Sorensen explained that the topography is such that the property line is 20 feet lower than the walking path.

G. Walker asked where national grid will be putting their cable. E. Sorensen said that they are coming up to the left of the path. They will be burying the cable three feet. G. Walker said A. Greco is just concerned if there will be enough room to do plantings if necessary.

M. Rosen said that the plan shows it is 120 feet from the path to the lot line. A. Greco said she probably just couldn't visualize it on the site walk because of the way the property is laid out.

D. Jespersen said that as you walk down the driveway there are some concerns around the site lines to the left.

E. Sorensen said he will cut trees on his side and he will also cut some on Janine Cunningham's property as well if necessary and he has discussed that with her. He said it is a matter of safety and he will address it.

P. Paicos asked if it makes sense to have their current engineer take a look at it and feel comfortable from a traffic consultant standpoint. E. Sorensen said once they get the driveway cut in then they will have the engineer look at it again. He said he thinks it would be mostly branches, not trees that would need to be cut.

P. Paicos said that G. Walker had mentioned that they may want to have a turning lane for people turning into the property and that is something you might want your engineer to look at and have a traffic consultant from your engineer's network take a look at.

L. Matthews asked about how they would handle snow removal. E. Sorensen said that there are designated areas for snow storage on the approved plan.

P. Paicos opened the hearing up to public comment.

Jessica Carbone, 121 Scotland Road, came before the Boards and asked if they are going to wait on the light until next year, aren't they a part of the mitigation plan that the abutters have to approve for sight lines in order for them to get an occupancy permit.

M. Rosen explained that E. Sorensen understands that he will have to come back before the Boards in order to be able to put up the lights, that some mitigation will have to be done before that and after if the lights get approved.

G. Walker said that J. Carbone's concern is that they could be asking for an occupancy permit before the problem is solved. M. Rosen said they would be asking for an occupancy permit without the lights. G. Walker said that is something they need to think about. M. Rosen said that the Boards would be reserving the right to approve or deny them the ability to put up the light next year.

Deb Carbone, 123 Scotland, said that they were told that they would get a bucket truck to hold up a light to see what it would look like. She asked if that was still going to happen.

E. Sorensen said that they would like to hold off on the lights until next year and they would do a demo before they would come back before the Board to ask for the lights and open up discussion again.

D. Carbone asked where that leaves them with the trees and the fence that go along her property before they open. She said she is not happy with them being open before anything being done on her side of the property. That was one of the agreements.

M. Rosen said that they are not asking to waive the landscape plan or the trees. If we get the trees and the fencing in it will give everyone a better idea of where the lights might go and what they will look like.

D. Carbone said she understands but it makes her nervous to have it open without everything else being settled.

D. Jespersen said that they understand her concern and they are not going to make a decision tonight because they do not have enough members present and they would like to discuss it with town counsel.

G. Walker commented that having cars utilize the area is going to be interesting and will be useful because it would be hard to know where the car lights are going to go until it is in use.

M. Rosen agreed and reminded everyone that there is an additional 10,000-dollar fund for any additional plantings, etc. that need to be made.

G. Walker said that usually occupancy permits are usually the last resort for non-compliance.

M. Rosen suggested that there may be an amicable way that it can be modified to everyone's satisfaction so that everyone knows the lights do not go up until E. Sorensen comes back before the Boards.

L. Murphy asked if they are going to put in the infrastructure for the poles.

M. Rosen replied no they are not going to do anything.

P. Paicos said so they would have to go back to modify areas that have been finished.

E. Sorensen said that they would have to trench and hammer most likely. He said the site has so much ledge, they know where most of it is now and so they are going to go back and redesign with Musco accordingly.

M. Rosen said simply they would just like to remove those 6 lights from the plan. And then next spring they would come back seeking an amendment to put the lights in.

P. Paicos reiterated to clarify what was said.

L. Murphy said so rather than keep this hearing open, then you would come back fresh for modification.

M. Rosen said he thinks that is a distinction without a difference, this hearing will stay open until we get our certificate of occupancy. The Boards will either say yes, see you in 4 months or no.

L. Murphy said that would be a formal decision, and his point was that the abutters would have a right to appeal.

M. Rosen said he's not sure these are appealable hearings. He thinks the Boards would be issuing a decision in a case and what they are doing is managing a process, he doesn't know if there are decisions that are being made that are appealable.

B. Winner said the public hearing has never been closed but once it is finally closed and decision is issued, he would imagine that would be as appealable as any other decision.

D. Jespersen proposed that the applicant bring a modified plan without the lights to the next public hearing. That will give everyone time to examine the legal mechanisms if they decide to go that route.

A. Greco said that she would like specifics about which lights are being removed and if any of the other lighting will change as a result.

M. Rosen said there are six fifty-foot poles and we are only talking about those six. No other lighting is affected.

A. Greco asked what their thoughts are on a landscape plan. When would they have that?

E. Sorensen said that he would talk to Neil McCarthy about it.

A. Greco asked what happened to Ann, she seemed to have a good understanding and was there when the trees were cut beyond the limit of work.

E. Sorensen said that she is a wetland scientist and N. McCarthy is an arborist.

Jeanine Cunningham, 143 Scotland Road, came before the Boards to ask a couple of questions and make a couple of comments. First, she wanted to know if hammering would be necessary for the lights because she has been most affected by the hammering. She cannot have doors or windows open because of it.

E. Sorensen said they would like to redesign the lighting based on the ledge – that is part of the reason they would like to wait until the spring.

J. Cunningham said that they had to know there was ledge there. E. Sorensen said they knew it was there but they didn't know how firm it was until they got into it.

J. Cunningham asked if they put the lights in later and they are going to do the plantings now, does that mean if the lights are going to be bothersome, are you going to do additional planting?

E. Sorensen said he would do additional planting to make sure the neighbors were satisfied.

J. Cunningham asked if the hours of operation would be affected.

E. Sorensen said they would stay the same, there will be lights around the buildings so the ice cream will be open. He said in the winter they would be closed; they wouldn't be putting lights on.

J. Cunningham said that is not how she understood it. She also expressed her concern about the corner, she said she has trouble getting out of her driveway. She said that she is amenable to trimming trees if it makes the sight line better.

P. Paicos moved the discussion to review of the superseding conditions. D. Jespersen read conditions E, F, and K.

P. Paicos asked if any Board members have any concerns over E, F, and K.

D. Jespersen reiterated his concern that while communication is happening it is insufficient and he would like to know when something changes.

A. Greco said does it really matter what we think, the applicant has a history of not complying with it.

D. Jespersen said in a lot of ways it does, we can bring this project to another halt.

L. Murphy said the real question is do we want to impose some sort of sanctions on them as a result.

A. Greco reiterated that she doesn't know what they can do, the applicant has gone and done what he wanted without permission with the driveway, we don't want to stop the project from moving forward.

G. Walker asked if they have some sort of fine or fee schedule built into this.

M. Taylor said there is under Site Plan Review, it is 300 dollars a day per offense and everyday is a separate offense.

D. Jespersen said that because this is an order of conditions, we have two enforcement officers. One is Doug Packer for stormwater and wetlands review and Sam Joslin for building inspection. The question we have to ask is if they are materially noncompliant. They have written daily which is what was asked of them, they just haven't included important information.

G. Walker asked E. Sorensen what is going on.

E. Sorensen said he thinks that John Miller thought it was secure and he has fixed the problem. He thinks that has been the only problem with J. Miller, his quality of work is really great. He said J. Miller talked to D. Packer Monday.

D. Jespersen said that he spoke to D. Packer on Tuesday.

G. Walker asked if Joe Serwatka's letter from July 25, 2019 is relevant.

D. Jespersen read the letter from J. Serwatka. The letter mentioned that the schedule of work was very vague, that there are generally only two people working on site at a time, but that most projects really require three or four people.

E. Sorensen said that J. Serwatka and J. Miller don't agree on how many people he needs to get a job done. J. Miller works smart. He said he doesn't want to open up the landing area until the time is right. He said they have sub-contractors working on different parts of the property.

D. Jespersen said the more information you can give us the more comfortable we will be.

E. Sorensen said he thinks probably he doesn't want to put it in writing and commit to it in case something turns and everything changes.

G. Walker said maybe it isn't important how many people are working on certain tasks, but that they are being done correctly. The Engineer should be present when drainage is being installed. The engineer needs to know when it is happening.

P. Paicos said that they really reduced the restrictions in this new document in order to streamline things. Of the things that they have discussed two of the three have failed. The Boards are frustrated. They haven't worked the way we would like them to. Now they are asking for the short game to be lifted. Do you want something to go wrong and have one of the town officials tell you that you have to stop.

M. Rosen suggested that there is only one failure not two, the failure is communication. If they had communicated that the driveway was not going to plan. M. Rosen revisited having E. Sorensen do the daily communication instead of J. Miller. J. Miller knows what he is doing and it is possible that he doesn't want to go home and write and email to the Town every night. E. Sorensen knows the site and the schedule, the comings and goings of contractors and materials, he suggested that maybe they can improve communications by having E. Sorensen do the daily reports.

P. Paicos said that he has had experience with a particular contractor that wrote a weekly detailed email and sent it to everyone that it concerned and shared a spreadsheet that showed exactly when different things were happening on the site. If something changed, he would send an email saying what happened and why. That was an experienced team that was doing that.

M. Rosen said that J. Miller doesn't run projects the same way that the people running the condo development project does.

G. Walker asked if it makes sense to have E. Sorensen be in charge of communication.

D. Jespersen said given that the Board can't make a decision tonight, if E. Sorensen wants to start sending an additional email to J. Miller's that would be fine. J. Miller does know when materials are coming on site, etc. D. Jespersen said that J. Miller is a professional, he has great faith in the quality of his work, but right now he doesn't have great faith in the quality of his communication. It doesn't have to be anything elaborate.

M. Rosen said that what he thinks D. Jespersen is saying is if E. Sorensen wants to add more detail to J. Miller's correspondence he can. If E. Sorensen does this it may provide the Boards more confidence in the project's management. He said that they don't want to have to hire a new project manager that has better organization skills or to continue hammering J. Miller about sending better emails to have him leave the project. M. Rosen said he was trying to offer up an alternative that makes E. Sorensen the responsible person.

D. Jespersen said whether J. Miller adds more or E. Sorensen does what needs to happen is more communication, so as long as that happens.

E. Sorensen said that he will add and keep the Boards updated.

A. Greco asked if the sediment basin at the bottom of the driveway was completed. M. Taylor said no. A. Greco asked if there was any plan to get that completed.

E. Sorensen said that there is crushed stone in there now and J. Serwatka and D. Packer are satisfied with it.

A. Greco asked if there is anything that he needs to correct on the driveway.

M. Taylor said as far as she knows D. Packer is satisfied.

A. Greco said so we don't have anything to worry about with the driveway.

D. Jespersen said if the check dams work the way they are supposed to it should be fine. If it rains for the next five days it could be an issue. D. Jespersen said the concern that he brought up earlier was that when they changed the plan, they go back to the engineer, and then come back to the Boards with a different plan, instead they just changed it, it was insufficient then they changed it again to be sufficient. What he would like would be to front load the issue when it comes up. It is unacceptable for them to make a change without discussing it with the Boards.

D. Jespersen said they can discuss giving the applicant relief from condition F. The Planning Board has to elect P. Paicos to be able to make decisions in scenarios where the Board cannot take a vote to expedite the process.

G. Walker asked if D. Jespersen was asking the Boards to let the applicant proceed on the short game tonight.

D. Jespersen said he is asking for input. P. Paicos and the Planning Board could take a vote on it since they have enough members present. D. Jespersen said that he needs to talk to D. Packer, J. Serwatka, and S. Joslin before he would make a decision. He also wants to get a sense from his members.

L. Murphy asked if they were satisfied with paragraph E except for the communication issue.

D. Jespersen said he thinks that their engineer should give the Boards something to put on file that is closer to an as built for what has actually happened on the site.

L. Murphy said short of electing P. Paicos there is not much more the Boards can do tonight. He is comfortable leaving it as is as far as where the discretion lies.

G. Morse said it is after consultation with the Zoning enforcement officer, Conservation agent, and consulting engineer, and that hasn't happened.

D. Jespersen said exactly the decision cannot be made tonight, he just wants a sense of the Boards.

G. Walker asked if they want to vote to put that into P. Paicos' hands tonight.

Motion: A motion was made by L. Murphy and seconded by G. Morse concerning the Superseding Order of Conditions dated April 9, 2019, that wherever R. McManus is identified as Chair, that be stricken, and P. Paicos, as chair of the Planning Board, be substituted in her place. The motion passed unanimously.

D. Jespersen expressed his concerns with giving the applicant relief. Mainly it is that much of the site is bare earth. He said he knows that J. Miller doesn't want to seed in the hot areas of the summer. To him that is kind of absurd, people plant all through the season, it makes him very nervous how much of the site is bare earth. He said you could proceed with seeding and stabilizing some of the site before opening up another part of the site. If we get a good storm the retention pond is going to be filled with the loam that should be taking your seed. He will discuss with others but that is his concern.

E. Sorensen said that they have a Golf Course Superintendent that is consulting on the grass with us. He is telling us when and what to seed. He said that G. Walker, who works at a golf course, is probably not seeding right now.

G. Walker said that D. Jespersen is correct in a lot of ways, but E. Sorensen does have a point. It is a little early for large area seedings, just because they are hard to maintain. Small area seedings you can start in another couple of weeks. He asked if the are hydroseeding.

E. Sorensen said that they are going to track it in with a dozer so it doesn't get washed away.

A. Greco asked the Carbone's how the dust has been at there property.

D. Carbone said it has been fine this year, if she sees it, it is more towards J. Cunningham's property.

J. Cunningham said that she is leaving her doors and window shut because of the hammering, but the dust has not been anything like it was before.

G. Walker said that unless you were turfing the whole site if there is a really good storm E. Sorensen is going to be in a lot of trouble no matter what he does.

G. Morse said that his feeling on the short game area is that it is all speculative until they can speak to a consultant. He said that is more concerned with condition k, somebody has to embrace it. It is not the Boards problem to make it good it is the applicant's problem and they are going to have to have that satisfied.

A. Greco said that she would like to hear from D. Packer, J. Serwatka, and S. Joslin that all the conditions and everything are satisfied to their liking, then she would be ok with opening up the short game area.

D. Jespersen said that if they would like to proceed with leaving the lights out, then the Boards will need a revised plan.

E. Sorensen asked how they are going to leave the issue with the short game area.

D. Jespersen said that P. Paicos and he will meet with the agents required and then they will let E. Sorensen know.

G. Morse explained that if the certificate of occupancy is issued without the lights, then they may never get the lights, even if they come in to ask for them.

E. Sorensen said that they understand that.

L. Murphy said that he personally thinks it would be much cleaner if they took the lights off the table, let this go to a final decision and then come back later for a modification. Rather than keeping it going indefinitely. He would not be very comfortable with that.

D. Jespersen discussed when they should continue the public hearing to.

M. Rosen expressed his concern that after D. Jespersen and P. Paicos speak to the appropriate agents they may still want to come back before the other members before they make a decision and M. Rosen doesn't want that to be two months away.

G. Walker asked if they should set two dates, one if there are complications, one if there is not.

M. Rosen said that he doesn't think they can do that. They would all have to show up that first date open the public hearing and continue it to the next date. Which means we would be dragging everyone out for a meeting, which we also don't want to do.

A. Greco said that what M. Rosen is saying is that if communication doesn't get better then E. Sorensen is not getting the short game. E. Sorensen needs to make sure D. Jespersen feels comfortable giving you a yes.

Motion: A motion was made by L. Murphy and seconded by G. Morse to continue the Public Hearing on the Modification to a Previously Approved Site Plan, Newbury Golf Center, 131, 133, & 151 Scotland Road, Map R43, Lots 2, 11 and 4B; Applicant: Erik Sorensen, President, Newbury Golf Center, Inc. until 7:15 p.m. on September 18, 2019. The motion passed unanimously.

Motion: A motion was made by G. Walker and seconded by A. Greco to continue the Public Hearing on the Modification to a Previously Approved Site Plan, Newbury Golf Center, 131, 133, & 151 Scotland Road, Map R43, Lots 2, 11 and 4B; Applicant: Erik Sorensen, President, Newbury Golf Center, Inc. until 7:15 p.m. on September 18, 2019. The motion passed unanimously.

E. 40B Site Approval/Project Eligibility Application – Byfield Estates, 55 Pearson Drive (joint discussion with Board of Selectmen)

The Board of Selectmen remained while M. Taylor informed both Boards on the recent 40B application the Town has received. The project at 55 Pearson Drive has a new applicant that would be willing to come before the Boards to give a presentation. The

project is essentially the same as the new applicant is buying the drawings from the previous applicant.

The Boards decided a presentation would be helpful. The Boards discussed the best date to have the presentation. The Boards decided to have them come before them on August 21, 2019. They chose September 10, 2019 as an alternate.

They discussed that they would need to get an extension on their comments due to Mass Housing on the project until after they received the presentation.

Motion: A motion was made by G. Walker and seconded by A. Greco to adjourn the Board of Selectmen meeting at 9:02 p.m. The motion passed unanimously.

F. Continued - Mark DePiero, DePiero LLC – Informal discussion re. potential Open Space Residential Development (OSRD) at 105 High Road

B. Grasso came before the Board again to continue the discussion from earlier in the meeting. He explained that their roadway is 22 feet wide and 930 feet long, this is one of the waivers they are asking for, 500 feet is what is required. The second waiver would be the required 53 feet wide down to 45 feet. The cul-de-sac diameter from 165 down to 120 feet. They are staying with the required width of the road. They are also requesting a waiver to include all the upland on the property at continuous upland, even though it is not technically because it is separated by wetlands. B. Grasso explained that they would need this waiver to make the project feasible.

B. Grasso explained that the existing dwelling would be moved and the bonus lot would be the lot with the Barn on it. There would be a common septic system. They are proposing it would be a private way and the maintenance would be taken care of by the Homeowners Association. They are providing a 12-foot turnaround for the fire department in case something was clogged in the cul-de-sac.

L. Murphy asked if the yield plan or conventional plan require any waivers. B. Grasso said no, it would strictly go by subdivision regulation.

L. Murphy asked if there are any setback issues with the Barn. B. Grasso said yes, they would need to bring it from 20 to 10 feet.

M. Taylor made a few comments including that she is not fond of the yield plan, but it appears to conform to the bylaws. She has some concerns about trying to go the route of historic preservation because the Barn has been so modified. Restoring it might be difficult. It would be nice if they could get an affordable unit. To date the Board has never granted a waiver to the contiguous upland requirement, but that provision is in the Bylaws so if the Board feels that it would benefit the project and provide public benefit, then it is the Board's discretion. The waivers in the width of the cul-de-sac really is an issue that should be discussed with the fire department.

They discussed if this development is congruent with the neighborhood it would be located in. They discussed lighting, sidewalks, parking for overflow and public trails.

They discussed the waivers again. They also discussed the particulars of how having the Barn in historical preservation would work. They discussed the open space and how it would or would not be developed and discussed how it might be managed. The Board discussed the length of the cul-de-sac if the waiver allowing the length would be for the benefit of the project.

The Board discussed with the applicant the timeline of the project and when they would like to come back before the Board. They discussed continuing the discussion of the project to the next meeting to give the Board time to digest and think of any other questions they might have. Discussion was tabled to the August 21, 2019, Planning Board meeting

G. Vote re. Planning Board Member of Conservation Commission

Motion: A motion was made by L. Murphy and seconded by G. Morse to recommend P. Paicos as the Planning Board Member of Conservation Commission to the Board of Selectmen. The motion passed unanimously.

H. Liaison Reports

L. Murphy reported on the Zoning Board of Appeals last meeting which included three findings for projects in the Plum Island Overlay district that were unanimously approved; the ZBA's next meeting is August 22, 2019. M. Taylor Reported that the Merrimack Valley Planning Commission would meet next in September.

On a motion made by G. Morse and seconded by L. Murphy, the Planning Board meeting was adjourned at 9:42 p.m.

Respectfully Submitted,

Emily Noble
Planning Board Administrator