

Meeting Minutes

APPROVED

Planning Board

Wednesday, December 5, 2018

Newbury Municipal Offices

Members Present: Rachel McManus, Chair; Peter Paicos; George Morse; Larry Murphy;
Kristen Grubbs (Associate Member)

Staff Present: Martha Taylor, Town Planner

Rachel McManus, Chair, called the meeting to order at 7:01 p.m.

A. November Financial Report

R. McManus read the November 2018 Financial Report into the record.

B. Town Planner's Report

M. Taylor reported that there has been an inquiry for a possible location for a retail Marijuana establishment, both medical and recreation/adult use. The Board may need to review their zoning setbacks.

There has been a request for a curb cut from a development in Georgetown that has access on Larkin Road in Newbury.

C. Public Hearing – Open Space Residential Development (OSRD) Special Permit Application, 170 Orchard Street, Map R-20, Lot 43A; Applicant: Charing Cross Realty Trust

R. McManus opened the public hearing on this matter at 7:06 p.m.

P. Paicos read the Public Hearing notice.

Jeff Roelofs, attorney for the applicant, came before the Board. Bill Luster, one of Principals for the applicant, and Kim Turner, Landscape architect from Katie Turner, were also present.

J. Roelofs introduced the applicant, Charing Cross, as well as the property. Charing Cross has been a residential developer since 1970 and specializes in condominiums and “neighborhood” developments. The property is 20.57 acres, primarily used for agriculture. J. Roelofs outlined the materials that were included in the application to the Planning Board.

J. Roelofs explained what an Open Space Residential Development (OSRD) is. He explained with a conventional subdivision approach they could have 14 lots on this property. There is a lot bonus based on the amount of Open space preserved in an OSRD, J. Roelofs said that Charing Cross could have a 2-lot bonus, but has chosen to take advantage of only one. J. Roelofs explained that with this OSRD they are proposing 15 lots consolidated in the front area of the property, with a cul-de-sac, each lot with a

minimum of 50 feet of frontage and a minimum of 5,000 square feet of area, leaving 15.13 acres of preserved open space.

Kim Turner, Landscape Architect for the project, came before the Board to go through the design process. The overall intent for this OSRD was to react to the natural and historic features of the site, and to enhance those features through the thoughtful layout of the project. The first step was to do a comprehensive site analysis. The first consideration was to provide buffers between the project and the surrounding residences. Second, there are wetland and woodland resources. The property is mostly open agricultural field, except for the back of the property which is wooded, for this reason they decided to place the residences towards the front of the property where they would cause less impact. K. Turner pointed out that there are two specimen chestnut trees on the property. K. Turner showed an areal depiction of the proposed OSRD and explained that it is much smaller than the Pearson Drive development, more comparable to the Courser Brook development. She also pointed out how much open space is being preserved, 73% of the site.

K. Turner walked through the design of residential portion of the project. The road leading into the property is slightly undulated, with a cobblestone apron at the entrance. The houses are settled close to the road to provide a stronger sense of community. There is a proposed sidewalk on one side of the road and trees lining both sides. K. Turner explained they are proposing a fieldstone wall on either side of the road at the entrance and down at the end of the cul-de-sac to protect the wetland. They are also proposing a pollinator meadow, to reduce the amount of manicured lawn and create another resource area. At the end of the cul-de-sac they are proposing a victory garden or community garden, which is also where the trail system would begin. The trails would go through the open space, a proposed orchard area, then into the wooded area to the back of the property.

Bill Luster, Charing Cross, came before the Board and addressed the Engineering Review comments from Joe Serwatka, the peer review engineer for the Town, in the absence of their engineer. He said that they are going through the comments and will address them at the next public hearing. B. Luster commented that this sort of development, an OSRD, is a sweet spot for Charing Cross Realty Trust (CCRT). They completed one recently in Swampscott and just started another in Bridgewater, all with similar small lot sizes, 4,000-7,000 square feet, and house square footage on the small side, 2,000-2,600. They have been doing it for a few years and look forward to working with Newbury on this project.

J. Roelofs showed some images of what the houses could look like in this OSRD. He then briefly went through some waivers that they are requesting for this project.

R. McManus announced that because this is a Special Permit Public hearing the Board's associate member, K. Grubbs, would be a voting member because they need a super majority to be approved. R. McManus opened the hearing up to questions from the Board.

G. Morse asked why only one of the Co Executives of the estate signed the Owner letter of authorization.

J. Roelofs said their understanding was that either one of them could sign it.

G. Morse said that if there are two executives, they both have to sign, one can't delegate another to sign.

L. Murphy asked if they would be condominium form of ownership. B. Luster said no fee simple. L. Murphy asked with a shared septic system. B. Luster said yes with a Homeowners association. L. Murphy asked if that raises any issues with Title V, with houses being in separate ownership. B. Luster said that they have not had any issues yet with similar developments in other places.

L. Murphy asked if they anticipate that they will propose that the roadway be public and taken over by the town. J. Roelofs said yes, they are designing it to be set up for that. L. Murphy asked if the trails would be open to the general public. B. Luster said yes. L. Murphy asked about parking for those members of the public. B. Luster said that they have not shown any parking in the current plan but that they could look into it.

L. Murphy asked if they have only done perc tests in the area of the shared system or have you perc tested the whole site. B. Luster said that they tested all the way to the back of the site and in the middle and found the best material where they placed the shared system. L. Murphy asked if there were any concern about the buildability of any of the lots on the yield plan. B. Luster said no, they found suitable soils, but they thought that it would be better up front and shared.

K. Grubbs said that it is her understanding that this property is in chapter 61A and asked if they could talk about how that plays into the discussion. J. Roelofs said that this is an issue that has come up relatively recently for them. That is something that they will need to work through with the town to get the property out of chapter 61A which involves paying rollback taxes and an option for the town to purchase the property, so they will be working their way through that.

G. Morse said that one thing that will come up is the length of the way, which is 920 ft, the usual length is 500 feet, so that will be something they have to think about and will need some explanation, it is relatively clear, but it is beyond the length they usually authorize. Back to L. Murphy's comment, G. Morse said if the trails are a public amenity then there will need to be some parking for people, not ten spaces, but some.

L. Murphy commented that they are asking for a waiver on the width of the road as well. J. Roelofs said yes only with respect to that portion of the road from Orchard Street to the first lot, it is shy about three feet, so it is a pretty minor waiver, but it is just because of the width they made the property when they made the lot. L. Murphy said that one of the concerns is if it became a town road would it be wide enough for the town to maintain it.

G. Morse asked what the actual width of the road.

J. Roelofs said that they are not sure, that they will defer that question.

R. McManus said that there seem to be some discrepancies in the way the wetlands are depicted in different plans, maybe that's something they want to defer until their engineer

is here. R. McManus also asked whether a couple of the lots depicted on the yield plan would be buildable based on the location of the wetlands.

B. Luster said if it is ok, they would like to defer those questions and bring them to Bill Manuel, who did the wetland delineation.

P. Paicos said that it appears that there are still a lot of materials to be processed and reviewed. P. Paicos asked for an explanation of what they are going to have for a nice buffer between the existing properties and the development. K. Turner responded that it will be primarily larger evergreen trees that are underplanted with native large shrubs, like rhododendron and viburnum. There is an existing buffer of trees that is between 50 and 100 feet and then the new plantings would be at the edge of that.

L. Murphy commented that lots 8 and 9 did not look like they have 50 feet of buffer between them and the property line.

K. Turner checked the distance with the scale and said that in that particular spot it is closer to 30 feet.

K. Grubbs asked what the nature of the agreement with the property owner of the lot shown for the road to go through in the yield plan. Additionally, there seem to be significant wetland in the back portion of the property.

J. Roelofs said that there is an option agreement that the developer has made with the property owner on Pearson Drive. In regards to the wetlands, there would be some challenges with permitting the house lots and roadways in the buffer zone. Every town is different in what it requires for process and permitting for a Yield plan. In reading through Newbury's by-laws, they seem to be somewhat relaxed. We think that we could get 14 lots out there, but that does not mean we think it would be an easy permitting process.

R. McManus asked if the 73% open space included the wetland, as far as determining the bonus lots. J. Roelofs said yes, so then it would be just one bonus lot.

R. McManus said that in some of the plans the wetlands are shown going across the whole lot so it is hard to believe that some of those lots in the yield plan would be buildable.

J. Roelofs said that he would check into that.

G. Morse asked if B. Luster had a sample document for the HOA that he could get to M. Taylor. B. Luster said yes.

R. McManus opened the hearing up to questions from the public.

Jerry Strazzulla, 172 Orchard Street, said that the first lot behind his property will be built in a swamp. When he put in a garage on his property a year ago and they started digging it was like a geyser. The wetlands go all the way back to the chestnut tree. The curve in Orchard street right there could be an issue. There is another house being built nearby.

All this development is going to diminish their property value. He does not want to have cars turning into his driveway or headlights coming through his windows at 10 at night with it being a town road. It is a nice development but it doesn't work here.

Ann Quill, 4 Great Meadow Road, said Orchard Street does have a curve there, there is not enough time to see someone coming. She also said that she is concerned with the swales that if you end up in them you will be upside down. There are some concerns whether Orchard Street can handle the development.

Channing Howard, 61 Central Street, asked if someone could address whether there are by-laws that reference line of sight coming out of a road. The two residences on either side of the lot are really close.

M. Taylor responded that normally the town requires a 30-foot radius, the applicant has requested a waiver for that, largely because the 50 feet of frontage is already smaller than what we require. There are standards for sight lines and sight distances that could be addressed by a traffic study.

J. Roelofs said that they could get a traffic consultant out there to review the sight lines.

Scott Melanson, 173 Orchard Street, came before the board with Valerie Clark and said that they just purchased the property that is across the street from where the end of this road into the development would be. When they were looking for a house to buy they were looking for a nice street and they have lived in Byfield for 18 years and really love it. They are concerned about having lights shining in their windows. The street is pretty busy already and it is already hard to get out of their driveway and then if you add 14 houses it's going to be crazy. V. Clark said that they are also concerned for the wildlife that is going to be driven out.

Melissa Mack, 168 Orchard Street, asked how the entrance to the development is going to work because right now they will be going through their driveway. Their house is right on the corner so they would be directly affected, it is a major concern of theirs.

Tom Frackiewicz, 21 Pearson Drive, asked about storm water drainage will be affected, it is already a wet area and drainage is an issue. He mentioned that if the town was interested in the property it maybe could be better used by the town.

R. McManus said they definitely want to schedule a site walk.

P. Paicos read comments from the town. First from highway department, they would like to make sure the road will be wide enough if it is going to be town owned as well as some other issues they might run into if the town is going to own the way. From the Historical Commission, no comment and no opposition. The Fire Chief, commented that the fire department will require two fire hydrants and caution that the circle not have any hinderances in the fire trucks turning radius.

A site walk was scheduled for Saturday, December 15, 2018 at 9:00 a.m.

Motion: a motion was made by P. Paicos and seconded by G. Morse to continue the public hearing on this matter until January 2, 2019 at 7:10 p.m. The motion passed unanimously

D. Woodbury Cammett, Cammett Engineering – Presentation re. Shared Septic System for proposed Coleman Road OSRD, 15 & 17 Coleman Road

Woodbury Cammett, came before the Board to discuss a shared septic system for an Open Space Residential Development (OSRD) on Coleman Road. They would like to get the Board's comments and opinions before moving forward. The lot is a total of 40.55 acres. A conventional development would allow for 23 lots, including the historical farm house and the existing residence. W. Cammett showed the Board two different development concepts that would be possible for this lot for both a conventional development and an OSRD. W. Cammett explained that they could not build a conventional or OSRD without a shared septic system in this property. The Board discussed that they would need to get comments from the Board of Health and advisement and tentatively planned for the applicant to return before the Board at the meeting on January 16, 2019.

E. Jeffrey Hofmann, Millennium Engineering, Inc. – Submission of ANR Plan for 4 Great Meadow Road; Applicant: Ann Quill, Ann L. Quill Revocable Trust

Jeffrey Hofmann, Millennium Engineering, Inc. came before the Board to discuss the ANR plan for 4 Great Meadow Road.

Motion: a motion was made by L. Murphy and seconded by G. Morse to approve the ANR plan for 4 Great Meadow Road. The motion passed unanimously.

F. Marshall Jespersen – Discussion re. Proposed Work on Barn at 1 Marsh Meadow Lane

Marshall Jespersen came before the Board to explain the plan to work on and restore the Barn at 1 Marsh Meadow Lane. M. Jespersen walked the Board through the various updates and changes that will be made to the barn. They are going to try to restore the barn to the time period that it was originally built.

R. McManus suggested that M. Jespersen seek advisement from an historical architect to confirm that the plans are consistent with the Secretary of the Interior's Standards.

There was some discussion about how get the project moving forward, specifically who needs to approve the plans.

G. Potential Zoning and General By-Law Amendments for April 2019 ATM:

M. Taylor informed the Board members that she gave each of them copies of the solar by-laws from Deerfield and Dighton Massachusetts to look over. G. Morse volunteered to take a closer look.

M. Taylor talked about comments that they received from Sam Joslin on amendments to noise and hours of work by-laws. S. Joslin also suggested prohibiting roosters except for on farms.

H. Jim Robinson Resignation

R. McManus announced that Jim Robinson resigned from the Board as of December 1, 2018.

I. Election of Planning Board Officers

R. McManus commented since J. Robinson was elected the Board's Vice Chair a new person will have to be selected and she suggested P. Paicos.

Motion: A motion was made by G. Morse and seconded by L. Murphy to elect Peter Paicos as the Planning Board's Vice Chair. The motion passed unanimously.

Motion: A motion was made by G. Morse and seconded by P. Paicos to elect Larry Murphy as the Planning Board's Clerk. The motion passed unanimously.

Motion: A motion was made by P. Paicos and seconded by G. Morse to recommend to the Select Board that Rachel McManus be appointed as the Planning Board Member of the Conservation Commission. The motion passed unanimously.

Motion: A motion was made by G. Morse and seconded by L. Murphy to designate P. Paicos as the alternate signatory authority for Invoices and Payroll. The motion passed unanimously.

Motion: A motion was made by G. Morse and seconded by L. Murphy to authorize R. McManus and P. Paicos as signatory authorities for ANR Plans. The motion passed unanimously.

J. Liaison Reports

M. Taylor reported that the Selectmen took a vote to go back to the January 2017 vote to do a standalone police station and renovations to town hall as funds allow. The building committee has been dissolved and they plan to reappoint a three-person committee. G. Morse had no report from the ZBA. M. Taylor reported that she went to the quarterly planners meeting that day for MVPC.

R. McManus commented that with having these two OSRDs the Board should think about having a baseline data report so that they have a document with photos so that they know what the property looked like when the restrictions were placed. This will help with the maintenance of the property.

K. Grubbs asked if there has been a standard for what the Board recommends for the ownership of the open space in an OSRD. M. Taylor responded that in the past the Town's preference was that a nonprofit own the property or holds the restriction. There have been many ways that it has been handles in the past.

M. Taylor reported that a letter was written to the Board of Caldwell Farm regarding the Trails that were supposed to be built with the OSRD and they need to respond by December 15, 2018.

On a motion made by G. Morse and seconded by P. Paicos, the meeting was adjourned at 9:36 p.m.

Respectfully Submitted,

Emily Noble
Planning Board Administrator