

Planning Board
Minutes of January 21, 2009
Approved February 17, 2009

Members Present: Tom Vannatta, Chair; Barbara Freeman, Vice-Chair; Travis Dezotell; Bill Weiler; Ron Williams

Mr. Vannatta called the meeting to order at 7:00 p.m. The Board reviewed the minutes of November 18, 2008 and made corrections.

Mr. Weiler made a motion to accept the minutes of November 18, 2008 as corrected. Mr. Dezotell seconded the motion. All in favor.

CASE: 2008-021: Final Site Plan Review – Joan Morena – 276 Rollins Road – In-home massage therapy business. Tax Map/Lot 029-579-008

Ms. Morena explained to the Board that there were some issues she was not aware of when she made the application for cottage industry regarding deed covenants. Those issues need to be resolved before she can continue with the site plan review hearing. Consequently, she asked the Board to continue her hearing until the next meeting.

Ms. Freeman made a motion to continue the site plan review hearing until February 17, 2009 at 7:30 p.m. Mr. Dezotell seconded the motion. All in favor.

CASE: 2004-006: Angel Hawk Subdivision – Jaimie Gould aka Advanced Conception Property Development, LLC – Development Agreement

Mr. Vannatta reminded the Board that on January 7, 2009, he reported that he had not heard anything from Mr. Gould regarding the Development Agreement. The Board had suggested that a letter be sent to Mr. Gould regarding the covenants and the establishment of an escrow account to the Town of Newbury in the amount of \$3,500.00. As of January 21, 2009, Mr. Gould had not picked up the letter at the post office.

Mr. Vannatta informed the Board that he contacted Mr. Gould on the telephone and read him the above-mentioned letter. Mr. Gould indicated that he sent the signed documents to his attorney who was supposed to contact someone on the Newbury Planning Board or the Town's Attorney. Subsequently, Mr. Vannatta received the following email from Mr. Gould:

Thank you for taking the time to talk with me this afternoon. I tried to adjust my schedule for this evening, to attend the board meeting but was unable to do so. I would like to ask the board to consider revising the development agreement that is due to be submitted by Advanced Conception Property Development LLC. Due to the tightening economy and the winter weather conditions, I do not intend to perform any improvements on the angel hawk subdivision prior to May 15, 2009, so I kindly ask the board to consider revising the agreement to postpone setting up an escrow account in the amount of \$3500 intending for testing and inspections of the subdivision improvements. I agree and fully understand that no improvements can be started without this escrow

account in place. This change will help with business cash flow through the winter months. Thank you for your consideration. Jaimie Gould Advanced Conception Property Development, LLC.

Mr. Weiler commented that the request is not very encouraging. If Mr. Gould doesn't have the funds now and times are getting tougher, he may not get the funds anytime soon.

Ms. Freeman commented that the escrow is a small amount of money compared to the amount of money it will take to complete the off-site improvements.

Mr. Dezotell asked what would happen to the status of the subdivision if Advanced Conception goes bankrupt, and could there be a schedule created for certain requirements to be accomplished.

Ms. Freeman commented that the Town would be in a no-worse position other than the fact he is still not complying with the agreement. Ms. Freeman agreed that a time-line is a good idea because if the offsite improvements do not get done, the conditions for the residents in Angel Hawk subdivision could be awful.

Mr. Williams agreed that the Board should discuss considering an addendum to the covenant which would present a time-line to accomplish the requirements of the bond. He commented that it may be difficult to commit to a certain date because the weather conditions may not be conducive to the type of work that needs to be done. Also, the escrow account does not have to be established until the work is ready to begin.

Mr. Weiler commented that the signed agreement should be submitted right away and then Mr. Gould should approach the Board to ask for relief. He suggested that Mr. Gould should be advised that the Board is favorable to working with him.

Sense of the Board was that Mr. Vannatta should contact Mr. Gould and ask him to come to the February 17th meeting to discuss the Development Agreement.

CASE: CODE – 042: Zoning Amendments – Town Meeting 2009

Mr. Vannatta circulated copies of a letter from the Board of Selectmen that was printed in the InterTown Record on January 20, 2009 addressing the proposed zoning amendment changes. The letter urges Newbury residents to use care and caution when voting and informs residents that the Board of Selectmen feel the proposed ordinances will be difficult to enforce.

Ms. Freeman commented that apparently the Planning Board has not done a good enough job educating the Board of Selectmen and the public on the nature of these amendments. She suggested that the Planning Board should place an article in the paper explaining the nature of the amendments and their benefits and importance to protecting the Town.

CASE: CODE – 022: Sign Ordinance

Mr. Vannatta commented that the sign ordinance should be a priority on the list of projects for 2009 and amended at the 2010 Town Meeting. Input from the people and Boards affected by this ordinance is necessary in order to know specifically what needs to be changed.

Mr. Dezotell suggested that local business owners should be invited to a Planning Board meeting to give input regarding what they need out of a sign ordinance. He commented that the temporary sign ordinance seems to create a lot of problems for the business owner(s) as well as the Code Enforcement Officer.

Mr. Williams asked what was wrong with the sign ordinance.

Ms. Freeman stated that the Planning Board had asked the Board of Selectmen that same question, but they never came back with a response.

CASE: CODE – 043: Affordable Housing

Ms. Freeman commented that a subcommittee is needed to study the needs of Newbury regarding Affordable Housing.

The Board agreed with Ms. Freeman and decided the committee should consist of Renters, Business People, Family Services Representative as well as Planning Board members.

Mr. Dezotell agreed to be a Planning Board representative on the Affordable Housing Committee. As such, he agreed to begin organizing a committee.

Ms. Freeman made a motion to adjourn. Mr. Dezotell seconded the motion. All in favor.
Meeting adjourned at 8:05 p.m.

Respectfully submitted,

Linda Plunkett
Recording Secretary