**Planning Board**

**November 15, 2016**

Approved December 20, 2016

**Members Present:** Bruce Healey, Chair; Ron Williams, Bill Weiler, Deane Geddes, Mike Beaton, Members; Russell Smith, Ex-officio Member; Ken McWilliams, Advisor.

Mr. Healey called the meeting to order at 7:07 p.m.

**ADMINISTRATIVE BUSINESS**

**Board Member Resignation**

Mr. Healey informed the Board that Bob Caia, Vice-Chair, has submitted his resignation from the Newbury Planning Board, effective immediately due to a change in residency. In his letter of resignation, Mr. Caia thanked the Board for the opportunity to serve.

**Minutes**

The Board reviewed the minutes of September 27, 2016 and made corrections. Mr. Weiler made a motion to approve the minutes as corrected. Mr. Smith seconded the motion. All in favor.

The Board reviewed the minutes of October 18, 2016 and made corrections. Mr. Weiler made a motion to approve the minutes as corrected. Mr. Williams seconded the motion. All in favor.

**Conceptual Site Plan Review-** Adventure Lifestyles LLC – 2 West Province Road - new owner, reconstruction of B&B, expand deck.

Rudy Franklin, owner of Adventure Lifestyles LLC, told the Board that he and his wife plan to open a health spa. He said his wife will be offering aqua therapy classes at New London Hospital and that their spa will be offering a wide spectrum of services focusing on the area’s older population. As a result, Mr. Franklin noted that the building needs a larger deck to accommodate wheelchair accessibility if needed.

Mr. Healey reviewed the history of the property, noting that in 2004 the then-owner obtained a Special Exception to operate a small spa and B&B. In March 2005, the property owners met with the Planning Board and the spa and B&B were approved with conditions – an upgraded septic system and DES permit. Both conditions were met. The spa/B&B never opened.

In 2006, the Board received a letter noting that the property was leased to Colby Realty. In May 2011, a furniture store opened and operated as the Contessa & the Cowboy until the property burned in February 2014. Reconstruction commenced.

Mr. Healey noted that the site plan on record is from 2005. Mr. Franklin described the significant reconstruction in detail, noting that the original footprint was utilized and period materials were used to ensure that the finished building maintained a historically correct appearance. He reviewed the site plan, septic system and existing deck. He noted that the planned deck is too small and is requesting a deck that measures 6-feet wide by 15.6-feet long with a retractable wheelchair ramp that will be stored under the deck when not needed.

There was discussion about whether a full or minor site plan is required. The Board agreed that a minor site plan is required with an updated site plan to indicate the full extent of the property reconstruction.

**Conceptual Site Plan Review** – Bob’s Beacon Marina - parking lot paving.

Heidi Hannigan, one of the Marina owners, met with the Board. She said paving the parking lot of the Marina would improve its appearance, reduce the dust that is tracked into the office, and enhance customer accessibility. The total area to be paved is 10,000 square feet. Discussion followed.

Points of concern from the Board included the site’s proximity to the lake, that amount of proposed impervious surface, details regarding the proposed materials to be used, drainage, and the necessity of a DES Shoreland Permit.

Mr. Smith directed Ms. Hannigan to Article 7 Impervious Surfaces, Paragraph 7.12.2 of the Newbury Zoning Ordinance. Mr. McWilliams suggested contacting the DOT to check to see if a revised permit is needed. Mr. Healey noted that a stormwater management plan is needed and suggested that the Marina owners hire an engineer to ensure the plan’s accuracy.

Mr. Healey suggested that the Marina owners meet with LSPA and the Newbury Conservation Commission for guidance pertaining to shoreland protection and regulations.

Ms. Hannigan asked about the shelf life of an application approval. Mr. Healey noted that a Planning Board approval lasts for at least two years but that he would confirm that information with town counsel.

**ADDITIONAL BUSINESS**

**Zoning Amendments Drafts**

Accessory Apartment Unit (ADU)

Mr. McWilliams cited an article prepared by Cordell A. Johnson, Government Affairs Counsel, pertaining to the new state law on ADUs. The former read into the record two clarifying points of the new law as follows:

1. *“An interior door shall be provided between the principal dwelling unit and the accessory dwelling unit, but a municipality shall not require that it remain unlocked.”*
2. *“A municipality may also establish minimum and maximum sizes for an accessory dwelling unit, provided that size may not be restricted to less than 750 square feet.”*

The Board reviewed the latest draft of the ADU amendment to the ordinance. Significant discussion followed including the following topics: minimum square footage requirement; oversight responsibilities shifting from the Planning Board to the Code Enforcement Officer (CEO), except for Blodgett Landing; Blodgett Landing oversight to remain with the ZBA.

June Fichter, executive director, LSPA, expressed concern regarding the potential increased density that ADUs will present, specifically, the increase in roof runoff, impervious driveways, and the resulting potential stormwater runoff into the lake. She added that ADUs were originally allowed to offer the community affordable housing but the trend is pointing towards increasing guest housing around the lake.

Nancy Marashio noted that other locations besides Blodgett Landing have undersized lots and questioned how that oversight will work. She also cited Article 4.10 Accessory Apartments, Paragraph 4.10.7 which pertains to a minimum lot size of two acres.

There was further discussion about the legal parameters surrounding oversight for the specific districts in town. Mr. McWilliams agreed to talk with town counsel regarding same and report back at the December 6, 2016 work session meeting.

Wetlands

Discussion centered on removing the words “lakes, ponds and streams” from Paragraph 2.169 Wetland [definition]. Mr. McWilliams noted that in Paragraph 8.3.2 the same words occur and recommended removing them if Paragraph 2.169 is altered.

**Building Regulations**

There was discussion regarding reviewing the existing Building Regulations document. Based on town counsel advice, Mr. Healey recommended that the Board table this item until next year. The Board agreed.

**The Fells Special Exception Hearing**

Mr. Healey informed the Board that the Special Exception hearing for The Fells that was scheduled for the November 14, 2016 ZBA meeting has been continued to the ZBA meeting on December 17, 2016.

**New Board Member Outreach**

Mr. Healey discussed the difficulty in attracting new volunteer members to the various town boards and committees. He noted that the town sends every new resident a “welcome letter” and suggested that a section be added describing the volunteer opportunities available in town. The Board concurred. Mr. Healey said he will approach the Selectboard regarding the next step.

Mr. Smith made a motion to adjourn. Mr. Geddes seconded the motion. All in favor.

Meeting adjourned at 9:18 p.m.

Respectfully submitted,

Meg Whittemore

Recording Secretary