



RECEIVED
TOWN CLERK
WEST NEWBURY, MA
2020 MAR 23 AM 10:10

**TOWN OF WEST NEWBURY
OFFICE OF THE PLANNING BOARD
381 MAIN STREET
WEST NEWBURY MA 01985
978-363-1100 X125 Fax: 978-363-1119**

**CERTIFICATE OF VOTE
PENTUCKET REGIONAL HIGH-MIDDLE SCHOOL BUILDING PROJECT
22-24 MAIN STREET
Assessors Map R-1, Parcels 10, 20 & 30
March 4, 2020**

At a meeting of the West Newbury Planning Board (hereinafter the "Board") held on March 4, 2020, Board members voted to approve with Conditions the Site Plan Review Application for the Pentucket Regional High-Middle School Building Project (hereinafter the "Project") at 22-24 Main Street, Assessors Map R-1 Parcels 10, 20 & 30 (hereinafter the "Parcel"), by a vote of 4 to 0. Planning Board members Ann E. Bardeen, Raymond A. Cook, Tim Cronin and Brian R. Murphey voted in favor. The Board responded to the application materials and plans referenced below, which are herein incorporated by reference and on file in the Planning Office. The submittal is further described as follows:

OWNER/APPLICANT: Pentucket Regional School District c/o Superintendent Justin Bartholomew, 22-24 Main Street, West Newbury, MA 01985. (hereinafter the "Applicant")

PARCEL INFORMATION: 22-24 Main Street, West Newbury, MA 01985
West Newbury Assessors Map R-1 Parcels 10, 20 & 30
Groveland Assessors 2-8
Zoning District: Res-B & Res-C

REFERENCES:

- Planning Board Application for Site Plan Review with Attachments, Received November 6, 2019.
- Plan Set entitled, "Pentucket Regional School District Building Project 24 Main Street Planning Board Application Revised"; dated 10/30/19 and 12/19/19, revised 1/24/20, 1/31/20, 2/3/20 & 2/18/20; prepared by Dore & Whittier Architects, Inc., 260 Merrimac Street, Building 7, 2nd Floor, Newburyport MA 01950, which includes the following sheets:
 - Title Sheet
 - Survey (Issued 12/19/19, Issued for Pricing Set 2/4/20), 4 Sheets, Drawings EX0.00 through EX0.03
 - Phasing (revised through 1/24/20), 5 Sheets, Drawings GP1.10 through GP4.00

- Civil (revised through 1/31/20), 18 Sheets, Drawings C0.01 through C-4.04
- Landscape (revised through 1/24/20), 25 Sheets, Drawings L1.00 through L4.07
- Architectural (revised through 1/24/20), 12 Sheets, Drawings A1.10 through A4.20
- Electrical (revised through 2/18/20), 10 sheets, Drawings E0.10 through LT1.03
- Stormwater Report for Pentucket Regional School District Building Project, 24 Main Street, West Newbury and Groveland, MA, prepared for Dore and Whittier Architects by Nitsch Engineering, Inc. 2 Center Plaza, Suite 430, Boston, MA 02143; dated 11/4/19, revised through 1/17/20.
- Appendix G of Stormwater Report – Soil Investigations; dated 1/17/20.
- Letter dated 9/29/18 from MassDEP to Dr. Jeffrey Mulqueen c/o Richard Kirby of LEC Environmental Consultants, Inc. Re: Wetlands/West Newbury Negative Determination
- Memorandum dated 12/4/19 from Bryan Zimolka of Nitsch Engineering to Maria Fernandez-Donovan of Dore and Whittier re: Pentucket High School – Site Traffic Assessment.

PRE-APPLICATION CONFERENCE:

A Pre-Application Conference was held on November 6, 2019, in compliance with Section II.1. of the Planning Board Rules and Regulations (the “Regulations”).

FILING and PUBLIC HEARING INFORMATION:

The Application package was filed with the Planning Board on November 6, 2019. Pursuant to §VI.A of the Regulations, Legal Notice was published in the Daily News of Newburyport on November 19, 2019, mailed to abutters and Planning Boards of abutting cities and towns on November 19, 2019 (re-sent on 11/25/19), and posted with the Town Clerk on November 18, 2019.

Copies of the Application package were distributed to the Board of Health, Building Inspector, Conservation Commission, Department of Public Works, Fire, Police, and Water Departments, and to the Board’s Technical Review Consultant, Meridian Associates. Responses were received from Fire Chief Michael Dwyer (12/2/19), Health Agent Paul Sevigny (12/3/19), Police Chief Jeffrey Durand (11/29/19), and Water Manager/Superintendent Michael Gootee (12/5/19). The Applicant has been made aware of the comments and requests contained in these letters and has stated it will work with those entities to address the comments and requests outside of the Site Plan Review process. Meridian Associates provided review comments and responses on 11/26/19 and 2/4/20. The Applicant has adequately addressed comments made by Meridian to date through this Site Plan Review process. Each correspondence referenced above is incorporated herein by reference and is on file in the Planning Office.

The Public Hearing was scheduled to begin on December 3, 2019 but was postponed due to poor weather. The public hearing opened on December 17, 2019 and was continued to January 7, 2020 (postponed), January 21, 2020 (postponed), February 4, 2020 and February 18, 2020. The Public Hearing was closed on February 18, 2020 and the matter was then continued to March 4, 2020. Topics of discussion during the course of the public hearing included, but were not limited to the following points. Please refer to the minutes of the meeting for more detail.

- i. Project phasing and construction timeline;

- ii. Traffic circulation plans, intersections, sidewalk placement, delivery vehicle access, parking spaces, and handicap vehicular and pedestrian accommodations. Some Board concerns and recommendations that were not satisfied during the Site Plan Review process, but the Board requested the Applicant to consider, included: 1. Creation of an accessible public walkway leading east from the central parking area, past the baseball field, to the existing Main Street crosswalk and restaurant on the east side of Main Street; 2. Traffic and Pedestrian Safety concerns stemming from the confluence of the proposed 2-way traffic flow at the northern entrance, a new pedestrian crosswalk, and the existing two-way traffic flow at Farm Lane; 3. Reduction of the posted speed limit to 35 mph between Chestnut Hill and 78 Main Street.
- iii. Safety measures for students and faculty during and post construction;
- iv. Coordination of construction activity so as not to conflict with school drop-off, pick-up, deliveries and other school-related activities;
- v. Construction hours;
- vi. Potential need for blasting;
- vii. Peer review comments by Meridian Engineering of the Stormwater Management System and compliance with the Board's Site Plan Review Bylaw and Regulations;
- viii. Comments received from the Fire Chief, Health Agent, Police Chief, Water Manager/Superintendent (as noted above), and from Members of the public.

Board Member Tim Cronin missed the February 4, 2020 portion of the public hearing and provided certification that he reviewed the record of the missed session pursuant to G.L Chapter 39, Section 23D, therefore is eligible to vote on the matter. The certification is herein incorporated by reference and on file in the Planning Board office.

PERMITTING MECHANISM:

The Project consists of land and structures used for educational purposes on land owned by a subdivision of the Commonwealth as described by Massachusetts General Law Chapter 40A, Section 3 and the West Newbury Zoning Bylaw (hereinafter the "Zoning Bylaw"), Section 4.B. "Exempt Uses", and therefore cannot be prohibited or unreasonably regulated or restricted by the Zoning Bylaw, provided, however, that the project is subject to reasonable regulations concerning bulk and height of structures and determining yard sizes, lot area, setbacks, open space, and parking and building coverage requirements. Further, the Project is considered a building, facility and use, which is "Public, municipal, and municipal recreational" pursuant to Section 8.B.3. of the Zoning Bylaw and is therefore subject to Site Plan Review. Accordingly, the Planning Board conducted limited Site Plan Review (Zoning Bylaw Section 8.B.).

EXCEPTIONS FROM THE ZONING BYLAW AGREED TO BY THE BOARD:

Consistent with MGL Chapter 40A, Section 3 (hereinafter the "Dover Amendment") and the decision in to Trustees of Tufts College vs. City of Medford, 415 Mass. 753 (1993), (hereinafter the "Tufts Case"), a degree of accommodation is required between the educational use and the legitimate municipal concerns typically found in zoning law. The Tufts Case further specifies that "such an accommodation cannot be achieved by insisting that an educational institution seek a variance to obtain permission to complete its project." The Board therefore agrees to the accommodations listed below that vary from the parking and height requirements of the Zoning Bylaw:

Parking: Pursuant to Section 7.B.1. of the Zoning Bylaw, "For uses permitted by this by-law adequate off-street parking...shall be provided for daily and/or customary uses in connection with the use". Per Meridian Associates, the Institute of Traffic Engineers recommended parking space to student ratio is 0.45 parking spaces per student, which calculates to a minimum requirement of 430 parking spaces, where only 426 are provided. The Board agrees to 426 parking spaces as an accommodation consistent with the Dover Amendment and the Tufts Case.

Height: Section 6.A. of the Zoning Bylaw restricts the height of buildings to 35-feet. The design height of the new building is 49-feet, 7-inches. The Board, therefore, agrees to a building height of approximately 50-feet, as an accommodation consistent with the Dover Amendment and the Tufts Case.

CONDITIONS:

1. Meridian Associates Peer Review Letter (2/4/20):
 - i. Comment 3.1. notes that the size and volume of the existing retention basin is in question due to the absence of contours below the water surface shown on the survey. The Applicant shall determine and add these contours to the survey and modify the stormwater management design accordingly, if needed. The revised information shall be submitted to the Planning Board and Meridian Associates for review and sign off.
 - ii. Comment 4., Plan Sheet C3.01 – Comment #3. It is noted that the size and elevation of the existing pipe running underneath the new building is still unknown. Once this information is obtained, the Applicant will revise the stormwater management design accordingly, if needed, and will provide the information to the Planning Board and Meridian Associates for review and sign off.
2. A copy of the final Construction Stormwater and Pollution Prevention Plan shall be submitted to the Planning Board for its records.
3. The Applicant shall submit to the Planning Board the final Bid Set Documents, Drawings and Specifications (hereinafter the "Bid Set Documents"), incorporating all changes required by this Certificate of Vote. Items such as those in Condition 1. above, which might not be addressed for some time, shall be included as a note in the Bid Set Documents. The final plans shall bear the seals and signatures of the Registered Architect, Surveyor, Landscape Architect and Professional Civil Engineer.
4. The project shall be built substantially in accordance with the Bid Set Documents, this Certificate of Vote, and revisions listed in this Certificate of Vote to be submitted. The Applicant shall submit notice of any substantial plan changes beyond the Bid Set Documents to the Planning Board. Upon receipt, the Planning Board shall determine whether a formal filing for a plan modification is in order.
5. This is a public project that involves Controlled Construction and oversight by the Owner's Project Manager and the West Newbury Municipal Inspections Department and its consultant inspectors. The Board, therefore, does not require construction project inspections on its behalf.
6. As-Built Plan and Certification: Following construction, an As-Built Plan and a Certification of Compliance from the Project Engineer shall be furnished to the Planning Board, the Water Department, the Municipal Inspections Department and the Department of Public Works. The As-Built Plan shall contain the following:

- i. Final building location;
 - ii. On-site roads, ramps and sidewalks;
 - iii. Parking lot perimeter;
 - iv. Permanent monument and boundary points;
 - v. Basin and manhole rims, inverts and sump elevations for stormwater drainage and sewerage;
 - vi. Location of water mains and primary gate valves;
 - vii. Location of gas mains and primary gates;
 - viii. Location of primary electric service line;
 - ix. Location of drainage and slope easements, if any;
7. All applicable laws, bylaws, rules, regulations, and codes of state law, federal law, and the Town of West Newbury shall be complied with, and the Owner shall obtain all necessary permits, licenses, and variances, as applicable.
8. The action of the Planning Board does not waive or alter any other permit or approval requirements, including, but not limited to, the Municipal Inspections Department and the Conservation Commission.
9. This approval shall lapse within two years from the grant thereof, if a substantial use thereof has not sooner commenced except for good cause or, in the case of a permit for construction, if construction has not begun by such date except for good cause. Such approval may, for good cause, be extended in writing by the Planning Board upon written request of the Applicant.
10. This Decision shall be recorded at the Southern Essex District Registry of Deeds by the Applicant. Proof of recording of the Decision and all other documents must be provided to the Planning Board.

APPEALS: Appeals of the Planning Board's final action on a Site Plan Review Application shall be made to the Zoning Board of Appeals in accordance with Section 8A of this Bylaw, and within thirty days of filing the Decision with the Town Clerk.

(The remainder of this page has been intentionally left blank.)

CERTIFICATE OF VOTE

At a meeting of the West Newbury Planning Board (hereinafter the "Board") held on March 4, 2020, Board members voted to approve with Conditions the Site Plan Review Application for the Pentucket Regional High-Middle School Building Project (hereinafter the "Project") at 22-24 Main Street, Assessors Map R-1 Parcels 10, 20 & 30, subject to the Conditions of this Certificate of Vote, and subject to the following:

- Final Certificate of Vote and Conditions, as approved by the Board.
- Final Plans, which include Site Plan, Lighting, and all other details, as approved by the Board, and
- Any other documents deemed to be necessary.

The Vote was as follows:

Ann E. Bardeen	_____	In Favor
Timothy N. Cronin	_____	In Favor
Raymond A. Cook	_____	In Favor
Brian R. Murphey	<u>B R Murphey</u>	In Favor

CERTIFICATE OF VOTE

At a meeting of the West Newbury Planning Board (hereinafter the "Board") held on March 4, 2020, Board members voted to approve with Conditions the Site Plan Review Application for the Pentucket Regional High-Middle School Building Project (hereinafter the "Project") at 22-24 Main Street, Assessors Map R-1 Parcels 10, 20 & 30, subject to the Conditions of this Certificate of Vote, and subject to the following:

- Final Certificate of Vote and Conditions, as approved by the Board.
- Final Plans, which include Site Plan, Lighting, and all other details, as approved by the Board, and
- Any other documents deemed to be necessary.

The Vote was as follows:

Ann E. Bardeen

Timothy N. Cronin

Raymond A. Cook

Brian R. Murphey

Timothy N. Cronin

In Favor

In Favor

In Favor

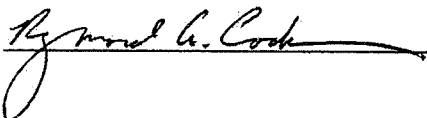
In Favor

CERTIFICATE OF VOTE

At a meeting of the West Newbury Planning Board (hereinafter the "Board") held on March 4, 2020, Board members voted to approve with Conditions the Site Plan Review Application for the Pentucket Regional High-Middle School Building Project (hereinafter the "Project") at 22-24 Main Street, Assessors Map R-1 Parcels 10, 20 & 30, subject to the Conditions of this Certificate of Vote, and subject to the following:

- Final Certificate of Vote and Conditions, as approved by the Board.
- Final Plans, which include Site Plan, Lighting, and all other details, as approved by the Board, and
- Any other documents deemed to be necessary.

The Vote was as follows:

Ann E. Bardeen	_____	In Favor
Timothy N. Cronin	_____	In Favor
Raymond A. Cook	 _____	In Favor
Brian R. Murphey	_____	In Favor

CERTIFICATE OF VOTE

At a meeting of the West Newbury Planning Board (hereinafter the "Board") held on March 4, 2020, Board members voted to approve with Conditions the Site Plan Review Application for the Pentucket Regional High-Middle School Building Project (hereinafter the "Project") at 22-24 Main Street, Assessors Map R-1 Parcels 10, 20 & 30, subject to the Conditions of this Certificate of Vote, and subject to the following:

- Final Certificate of Vote and Conditions, as approved by the Board.
- Final Plans, which include Site Plan, Lighting, and all other details, as approved by the Board, and
- Any other documents deemed to be necessary.

The Vote was as follows:

Ann E. Bardeen



In Favor

Timothy N. Cronin

In Favor

Raymond A. Cook

In Favor

Brian R. Murphey

In Favor