

**WEST NEWBURY PLANNING BOARD
MINUTES OF MEETING
March 19, 2019**

Pursuant to a meeting notice posted by the Town Clerk that was delivered to all Board members, a meeting of the West Newbury Planning Board was held on March 19, 2019 at 7:00 pm in the Planning Office at the West Newbury Town Offices, 381 Main Street. Board Members Ann Bardeen, Richard Bridges, Raymond Cook, Kim Monahan (arrived at 7:16), Brian Murphey, and Associate Member Tim Cronin were in attendance. Town Planner Leah Zambernardi was also in attendance.

Call to Order

Bardeen called the meeting to order at 7:05 PM

1. Pre-Application Discussion: Modification to Definitive Plan – John McGrath, 16 (now 22) Church Street

The Board had an informal Discussion with John McGrath re: 16 Church Street. Mr. McGrath, 244 Main Street provided the permitting background on the land at 16 (now 22) Church Street. He received ZBA approval in 2001 for a variance from the frontage requirements. The approval resulted in the creation of 1 additional building lot with reduced frontage. The approval included a restriction on building on the rear portion of the property. He stated that he later received definitive plan approval from the Planning Board for a waiver of the frontage requirements under the Subdivision Control Law. The Planning Board's written decision indicates that a Conservation Restriction be put upon the back land. McGrath seeks to remove the reference to a Conservation Restriction in the Planning Board's decision, noting that it was a substantial burden on the landowner. He stated that the approvals allow for the possibility of 2 additional, conforming building lots and one protected area at the rear of the property. The lower, wetter land on Whetstone Street would be difficult to build upon regardless. In response to a question from Bardeen, McGrath said he does not intend to seek endorsement for the two additional building lots at this time. His intent is to clean up his estate for his successors.

There followed a discussion of buildable lots, boundaries, and access.

Bardeen concurred that Condition 2 of the Planning Board's written decision was a burden, being more restrictive than what the ZBA called for. She stated that the intent of the condition was to make it clear that there is not to be any access from Whetstone Street. She noted this was an error on the part of the Planning Board in 2001. It was noted that a farm road would remain with access to Whetstone Street

Bardeen concurred that the appropriate permitting process would be for McGrath to apply for a modification of the Planning Board's Definitive Plan approval. Cook observed that McGrath had signed off on the 2001 decision implying that he was in agreement with the conditions of approval. Cook stated, however, under the existing bylaws, such a restriction would not be imposed and that he would accept reversing this decision.

A discussion of current bylaws followed, with Zambernardi noting it would be a modification to the definitive plan approval, thus requiring a public hearing. Public notification will be required. The earliest this could take place is April 16, 2019. Zambernardi explained the requirements and fees, to which McGrath agreed.

Materials Reviewed: 2001 ZBA Variance for 16 Church Street; 2001 Definitive Plan Approval for 16 Church Street

2. Presentation by Energy Advisory Committee regarding West Newbury's participation in the Massachusetts EOEEA Municipal Vulnerability Preparedness (MVP) Program.

Richard Parker 153 Crane Neck Street, West Newbury, member of the Energy Advisory Committee (EAC) addressed the Board. The Energy Advisory Committee and Open Space Committees are working together to support West Newbury's application to and participation in the Massachusetts EOEEA Municipal Vulnerability Preparedness (MVP) Program. Key aspects of the MVP Program process are designed to facilitate communication between departments and stakeholders in participating municipalities, helping them collaboratively identify and assess a community's climate change vulnerabilities, and to develop mutually agreed upon strategies to mitigate those vulnerabilities and increase community resilience. There is a two-part process: an application process, followed by the MVP process. The product defines vulnerabilities and suggests mitigation. The EAC seeks Planning Board support and active participation in the MVP Program process.

Parker noted that the Board of Selectmen has affirmed participation in this process. Parker provided information on the program to the Board. He noted the Town Manager's concern about staff time, but noted most work will be done by volunteers. The goal is to engage all boards and committees to get a range of perspectives, noting that Planning Board participation was critical. He noted that this would be more comprehensive than the Merrimack Valley Planning Commission's Hazard Mitigation Plan. Discussion ensued about cost/benefit of participation. Parker noted that Newburyport participated, and is now implementing some of the recommended actions.

Parker said Planning Board participation would consist of roughly 8 hours of two sessions with roughly 12 Town employees and volunteers. Planning Board member familiarity with bylaws would be helpful to others.

Murphey expressed concerns regarding staff time and the need to comply with MS4 stormwater standards first or run the risk of sanctions. Bardeen deferred to the Town Manager's concern about staff time. Bridges suggested an approach similar to the Open Space Plan where the Planning Board was asked to add its comments when the final draft was prepared. Cook noted the value in bringing people together. Zambarnardi suggested a regional approach, as done with housing where MVPC worked with each community.

Parker noted that the Planning Board's commitment would be about 8 hours of meetings. He suggested a letter of support from the Board would be helpful. He noted that other boards have committed to the process. The deadline for submitting the application is May 3, 2019.

Bardeen and Murphey suggested the Board speak with the Town Manager. All members are concerned about possible staff time requirements. Other board members noted concerns with personal and professional time commitments beyond the Planning Board. Parker noted there is a rolling application process. Funding commitment would be received by the beginning of the next fiscal year.

Murphey suggested that Zambarnardi ask the Town Manager for further input.

Materials Reviewed: MVP Program Application and Guidelines

3. Review of Planning Board Application Fees

Bridges provided a compilation of fee structures from other communities for study. He noted that Newburyport's fee structure was very simplified, and that some of the more common items such as special permits, were lower in West Newbury and might be raised. Board Members agree to review the materials and take the matter up at a future meeting.

Materials Reviewed: Fee Structures from other communities provided by Rick Bridges

4. General Business

Updates – Sullivan Court Extension Trail Easement

Zambernardi stated that the trail easement had not been executed as of February 20, 2019. It is subject to approval by the Conservation Commission and will be filed with the Registry of Deeds. Per the Planning Board's Certificate of Vote, Condition XIII, this easement needs to be executed before the project can close out.

Zambernardi explained that in 2013, Tom Neve came before the Board regarding a trail easement at Sullivan Court extension. This would fall under Conservation Commission which would sign off on behalf of the Town. However, the easement was not brought forward to the Conservation Commission for approval at the time. Jay Smith, Conservation Commission Agent recently wrote a memo to the Board stating the changes it would like. This was distributed to the Board. Zambernardi suggested that the Conservation Commission's comments should be submitted directly to Neve rather than the Planning Board. She stated that she is bringing this to the Board's attention at this time in case members have comments they would like her to relate back. Bardeen suggested Zambernardi refer this issue back to the Conservation Commission. No documents needed to be signed by the Planning Board regarding the trail easement.

Zambernardi stated the Town retains a \$28,000 bond from Neve to guarantee completion of the project. The pending work items include construction of the trail.

Materials Reviewed: Memo from the Conservation Commission re: the trail easement

Review and Acceptance of Minutes

December 18, 2018: The Board reviewed and noted changes. Bardeen moved to accept the minutes with changes. Cook seconded the motion and it carried 5-0.

February 5, 2019: The Board reviewed and found no changes were needed. Bardeen moved to accept the minutes of February 5, 2019 as written. Cook seconded the motion and it carried 4-0-1 with Murphey in abstention.

Vouchers

Zambernardi submitted vouchers for expenses including a wireless module for projector and a bill for legal ads. She also submitted payroll for signature.

Correspondence

Zambernardi stated that the Board received a letter from MVPC with the amount to budget for its payment for next year. This has increased roughly 2% each year. Zambernardi stated that the Board received notice that Cottage Advisors has put out the Affordable housing application information for Drakes Landing.

Updates

Zambernardi provided an update on zoning articles. Zambernardi referred to the study suggested by Rick Parker identifying developable parcels near three phase power lines and whether the 150 foot setback is too limiting. The Board may want to make changes as a result of the study. Per Town Counsel, the Board may amend the Article from the floor of Town Meeting. She stated that Town Counsel recommended that a report be available at Town Meeting describing further changes if this is pursued. Bardeen noted this may or may not happen.

Legal consulting for permit reviews: The Town has contracted with Kopelman and Page for legal assistance including Planning Board permit reviews. The applicant will be charged for services, not the Town. Zambernardi will put together a list of 53G references in its regulations and bylaws for review by Kopelman and Page.

Public Safety Sign: The Board of Selectmen received the Planning Board's letter but has not put it on its agenda. The Selectmen asked what outcome the Planning Board was seeking.

Town Meeting: Bridges will not be able to attend. Cook updated the table for the OSPD Article. Zambernardi resent the updated articles to the Finance Committee and the Selectmen, and posted them on the Planning Board's website.

Bardeen made a motion to adjourn at 9:10 pm. Cook seconded. The motion passed 5-0.

Respectfully submitted,

Kathryn C. Carr
Recording Secretary