

WEST NEWBURY PLANNING BOARD
Meeting Minutes
Tuesday, December 15, 2020 at 7:00 p.m.

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 Tuesday, November 4, 2020 electronically via Go to Meeting platform. Board Members Ann Bardeen, Ray Cook, Tim Cronin, Brian Murphey, Wendy Reed, Associate member Jake Cormier, Town Planner Leah Zambenardi, and Recording Secretary Kathryn C. Carr participated electronically.

Also participating electronically:

Stacey Vuylsteke, 525 Main St., W. Newbury

Paula & Stephen Cutter, 44 Coffin St., W. Newbury

Ethan Lema, 69 Ash St., W. Newbury

David Kelley - Meridian Associates, Inc., 500 Cummings Center, Suite 5950, Beverly, MA

Chris Sparages – Williams & Sparages - 189 North Main St., Suite 10, Middleton, MA

Melissa Robbins - Deschenes & Farrell, P.C., 515 Groton Road, Westford, MA

Maria-Jose Garcia Anguiano, 69 Ash St., W. Newbury

Call to Order

Chair Cook called the meeting to order at 7:00 PM

All Planning Board members, the Associate Member, Town Planner, and the Recording Secretary participated electronically.

Cook read Gov. Baker's Addendum to Meeting Notice regarding Remote Participation.

Addendum to Meeting Notice regarding Remote Participation Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the West Newbury Planning Board will be conducted via remote participation to the greatest extent possible. Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found on the Town of West Newbury website, at www.wnewbury.org. For this meeting, members of the public who wish to view and/or listen to the meeting may do so by logging in to the website or by calling the telephone number listed below. GoToMeeting Instructions: Join the meeting from computer, tablet or smartphone using <https://global.gotomeeting.com/join/410160181>. OR By calling: +1 (646) 749-3122 and entering Access Code: 410-160-181.

No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on the Town of West Newbury website an audio or video recording, transcript, or other comprehensive record of proceedings as soon as practicable after the meeting.

Drakes Landing Open Space Preservation Development (Approved January 2018) - Daley Drive – Cottage Advisors, LLC (continued from November 4, 2020 Planning Board Meeting)

1. Update on Stormwater Issues

2. Review and Acceptance of Phase I Work Status Report and Phase I As-Built Plan and Release of Phase I Performance Bond
3. Request for Review and Acceptance of Phase II Work Status Report and Reduction of Phase II Performance Bond
4. Request for Minor Change Related to Unit Releases – Units 28 & 35

David Kelley had conducted a site inspection and issued a report, stating at the new pavement at the entrance to the development has been constructed to plan. He observed that the storm water was conveyed as designed during a recent rain event. Cook shared photos of the site from Kelley's report. Kelley stated that regrading of the entrance appeared to have created the elevated crown and additional vertical separation to the curb inlet. He recommended that an as-built plan be submitted confirming the grades are appropriate. On Thursday Chip Hall indicated that his engineer, GM2 (formerly Cammett) will reshoot the elevations and will provide the results. The results have not been submitted to date. Hall agreed with Kelley's assessment and noted that a water flow test was positive.

Cook asked Board members for questions and comments. Grading changes and the water test were further explained. Murphey had observed drainage during a natural rain event and saw the water pitching in the proper direction.

The release of funds was then discussed. Hall provided an update on units sold, unsold, under construction and units not yet started, and the trails.

Motion

Cook made a motion to release the remaining balance of \$34,949 from the Phase I Performance Bond. Cronin seconded the motion and it carried 5-0.

Motion

Cook made a motion to reduce the Phase II Performance Bond from \$25,479 to \$14,694. The remaining funds will guarantee completion of final paving in the Phase II area, hydroseeding/stabilization, and erosion control & maintenance. Murphey seconded the motion and it carried 5-0.

Melissa Robbins explained that a closing is soon scheduled for Unit 28. She stated that Unit 35 was previously released by the Board in September, but a closing is not scheduled at this time. She asked that the Board reverse its September release of Unit 35 making it subject once again to the Covenant Not to Convey. She asked that the Board then vote to release Unit 28 from the Covenant Not to Convey in order to allow for the sale of the unit.

Motion

Cook made a motion to reverse the release of Unit 35 so that it is subject to the Covenant Not to Convey, and to release Unit 28 from the Covenant Not to Convey. Murphey seconded the motion and it carried 5-0.

Zambernardi stated that Robbins has provided the legal documents for signature by the Board.

Related documents: 6015 2020-12-09 Inspection Report; Phase 1 As-Built; 6072 Phase I Work Status Report; Phase I Amnd TriParty Drakes; Phase I TriParty Drakes; Phase I Work Status Report; Tri-Party Phase I Release

Public Hearings, Discussion and Decisions: Applications per the Scenic Roads Bylaw, Ch XXXII of Town of West Newbury Bylaws for the removal of stone walls:

- **44 Coffin Street, Owner/Applicant: Paula Cutter**
- **69 Ash Street, Owner Applicant Maria-Jose Garcia Anguiano**

A Public Notice of the hearings had been posted. Abutters had been notified. Zambenardi read the public notice.

The West Newbury Planning Board will hold Public Hearings on Tuesday, December 15, 2020, beginning at 7:15 PM to consider applications per the Scenic Roads Bylaw, Ch. XXXII of Town of West Newbury Bylaws for the removal of stone walls at: 1. 44 Coffin Street, Owner/Applicant: Paula Cutter; 2. 69 Ash Street, Owner/Applicant: María-José Garcia Anguiano. For questions or to view the application(s) contact zambenardi@wnewbury.org. Interested persons may participate in the meeting by joining from computer, tablet or smartphone using <https://global.gotomeeting.com/join/704032133> OR by calling: 1 (571)317-3122 and entering Access Code: 704-032

The Cutters seek to locate approximately 21 linear feet of stone wall to allow driveway access to service a new single-family dwelling. The portion of the stone wall that will be removed will be relocated to an area directly to the north where stones are missing; an area along the frontage that has no stone wall.

44 Coffin Street

Cook showed the plan on the screen. Greg Hochmuth stated that approvals from the Board of Health, the Conservation Commission had been secured and the ANR Plan had been endorsed. Cook showed photos of the proposed driveway location. There is one large hickory in the center of the driveway. Hochmuth stated that it has been deemed a high hazard tree within the town right of way and will be removed.

Cook asked the board for questions. Murphey had seen it and had no objections. Cronin asked that the description of the proposal be stipulated in the approval letter. There were no further comments from Board. Cook asked for public comment. There were no comments.

MOTION

Cook moved to approve the plan at 44 Coffin St. as provided to the Board to remove stones for the driveway entrance per the plan and to move the stones north of the new driveway entrance to recreate and finish the wall. Murphey seconded. There was no further discussion. A Roll Call vote was taken and passed unanimously 5-0.

69 Ash Street

Ms. Anguiano sought to remove part of the stone wall to allow for a 12-foot opening allowing access to her planting field from Ash Street. The portion of the stone wall that would be disturbed has had stones removed or that have fallen away in the past. The removed stones will be used to stabilize the edges of the driveway opening of the existing wall. The DPW director had reviewed this with Zambenardi.

The Board had reviewed the application, plan, and site photos from Anguiano. Zambenardi had provided a marked up aerial photo to clarify the location of the opening for review. Ms. Garcia Anguiano reiterated the information from her application. She stated that rocks will be placed on either side of the 12-foot opening.

Cook asked for further comment from the Board and the Public. There were none.

MOTION

Cook moved to allow Ms. Maria-Jose Garcia Anguiano to remove the stones to either side of the drive access and to use those stones to define the edges of the stone wall at the 12-foot driveway opening.

Cronin seconded. There was no further discussion. A Roll Call vote was taken and passed unanimously 5-0.

Related documents - Scenic Road Application and related information for both projects.

Continued Public Hearing (continued from November 17th PB Meeting): Definitive Subdivision Plan - 519 Main Street & 0 Stewart Street, Assessors' Map R14, Lots 36 & 54 – Owner/Applicant: Deer Run Land Development LLC, 6 Mechanic Street, Kennebunk Maine - Subdivide one existing building lot into four new building lots (8 total units), including a new roadway with associated utilities and improvements [L]
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The applicant requested to continue the Public Hearing without discussion to the next meeting, January 5, 2021. Board members had no objections.

MOTION

Cook moved to continue the Public Hearing to January 5, 2021. Bardeen seconded. There was no further discussion. A Roll Call Vote was taken and the motion passed 5-0.

Discussion of Regulations for Housing Contribution Payments and Resale Fees Pursuant to the Inclusionary Housing Bylaw

Zambernardi had sent the Board Members the draft document. Cook provided background on the project. He stated that Zambernardi had prepared interim regulations until such time as an Affordable Housing Trust is established. Cook asked the Board if they had any questions or comments. Bardeen had questions and comments about the Town's role in the initial sales and wanted to make sure it's noted that this is the developer's responsibility. Board Members discussed the estimated cost of administering a resale and how many resales occurred in a given year. Zambernardi will incorporate suggested edits and provide them to the Town Manager and Town Counsel who are both still reviewing the document. She will bring the draft back to the Board once it has been made final.

General Business

Minutes

The Board reviewed the minutes of October 20, 2020. Changes and clarifications were made. Cook moved to accept as amended. Bardeen seconded. A Roll Call Vote was taken and the motion passed 5-0.

Correspondence

2 public hearing notices for projects in Newbury were read into the record.

Administrative Details

The Draft Budget will be reviewed at a future meeting. The Annual Report is due Jan 7, 2021. Zambernardi will place it on the January 5 agenda. Zambernardi sent a proposed meeting schedule to the Board. Board Members finalized the meeting schedule with Zambernardi

Items not reasonably anticipated by the Chair

Murphey discussed issues with storm water runoff at 87 Main Street. Zambernardi stated that David Kelley had looked at this and made recommendations to the developer to put in a series of temporary check dams until the spring when the driveway could be completed.

Cook had participated in a meeting with the Selectmen. He felt Planning's priorities are aligned with those of the Board of Selectmen, particularly as pertains to Affordable Housing. Reed also attended and found it a useful exercise.

Zambernardi noted there was no Vice Chair of the Planning Board. The Board asked if Cronin could serve both as Vice Chair and as Clerk.

Adjournment

Cook moved to adjourn at 9:07 pm. Murphey seconded.

A Roll Call Vote was taken and the motion passed 5-0.

Respectfully submitted,

Kathryn C. Carr, Recording Secretary