



**Town of West Newbury
Planning Board
Tuesday February 1st, 2022
381 Main Street, Town Office Building
www.wnewbury.org**

Minutes of Meeting

Open Session: 7:00 PM by remote participation (see below)

Addendum to Meeting Notice regarding Remote Participation:

Pursuant to Chapter 20 Of the Acts of 2021, “An Act Relative to Extending Certain COVID-19 Measures Adopted During the State of Emergency”, Approved by the Governor, June 16, 2021, which extended permissions for boards and commissions to conduct remote meetings, the Planning Board conducted its meeting via remote participation. The meeting agenda included instructions for the public about how to participate remotely. No in-person attendance of members of the public was permitted, but every effort was made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that it has been unable to do so, despite best efforts, the Board 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.

Chairperson Tim Cronin called the meeting to order at 7:00 PM. Members in attendance were Ann Bardeen, Ray Cook, Jake Cormier, Tim Cronin, Deb Hamilton & Brian Murphey. Town Planner Leah Zambarnardi was also in attendance. All participated via Zoom Conference.

1. Application for Special Permit for a Reduced Frontage Lot Pursuant to West Newbury Zoning Bylaw Section 6.A.1 – 0 Middle Street (Assessors Map R22 – Lot 2) – Acknowledge Receipt of Application and Schedule Public Hearing Date for March 1, 2022. *There will be no substantive discussion.*

Tim Cronin stated the PB has all materials required for the application. Brian Murphey mentioned he will not be available on March 1st for the Public Hearing. Leah Zambarnardi stated if Murphey watches the recording of the missed session and signs a certificate stating that he did in fact listen to the session and view the documents, he is eligible to participate in the hearings moving forward and to vote on the matter. All other PB members agreed with the March 1, 2022 public hearing date and Cronin finalized the date.

2. Sullivan’s Court Extension Updates

- **As-Built and Street Acceptance Plans**
 - As-Built Plan was submitted to Planning Board and is under review.
 - Street Acceptance Plan was submitted to Planning Board and is under review.
- **Project Close Out**

- Zambenardi developed a punch list for the PB members to view and discuss. Punch list items included a newspaper announcement by the developer at least 14 days prior to final release of surety, a written statement submitted by the developer to the Town Clerk and Planning Board by registered mail indicating the construction or installation in connection with the surety has been completed in accordance with the requirements of the subdivision regulations. Zambenardi stated she will assist Thomas Neve with the forms that are required in the written statement. The PB has 45 days to review and execute the Form J Compliance Certificate or to reject it and ask for certain information that is missing. Once that is completed and filed at the Registry of Deeds, Neve can continue with Street Acceptance by the Town. If the request is approved at Town Meeting, Neve is required to record the documents within 90 days of acceptance. Zambenardi stated there are a few pending items that included confirming all legal documents are submitted and recorded. Trail Easement is signed and notarized and is scheduled to be picked up by Neve and recorded by February 2, 2022. Long-term O&M is pending and Zambenardi questioned who would be responsible for receiving this and keeping it on record for the Town. ConCom, PB and DPW would receive copies of the document but one department will need to be responsible for following up with the reporting annually. Zambenardi suggested figuring out who is responsible in the Town if there is a maintenance or violation/compliance issue. Ray Cook suggested a central digital PDF library for documents such as the above. Cook also suggested that the Building Inspector, as the code enforcement officer, should be responsible for violation/compliance issues. Cronin states that around a dozen other properties will need annual reports gathered. Cook suggested to have a budget line-item available for a department to check up on stormwater enforcements or possibly hire an external engineering company. Ann Bardeen agreed with Cook regarding the building inspector taking over this responsibility.
- Zambenardi said she had spoken to the Towns' sales rep for a module of PermitLink for the Planning Board. This would enable the stormwater documents to be placed in the records of the property and can be publicly accessible. Cronin questioned if Zambenardi feels comfortable to bring this up to the building inspector to see if this is a task that he can be responsible for.

3. General Business

Updates: ANR 9 & 11 River Road, Affordable Housing Trust Bylaw Committee, Zoning for Multi-Family Housing, Stormwater

○ ANR 9 & 11 River Road

- Cronin stated this would be reviewed in an upcoming meeting; either March 1 or March 15, if they can get the application materials in time. Zambenardi stated the plan is all set and it is a transfer of land between two properties on a private way. Bardeen questioned if there was an easement for 9 River Road. Zambenardi stated she would look into it. Bardeen also questioned the frontage on River Road. Zambenardi stated there can be frontage as long as it follows the subdivision control law. Bardeen suggested the PB looks deeper into the frontage situation between Ironwood Way and River Road.

○ Affordable Housing Trust Bylaw Committee

- Deb Hamilton stated the public listening session was a success. Zambenardi stated there was an overall agreement that this effort would be focused on creating affordable housing on a project-by-project basis. Meeting 40B affordable housing requirements would require the Town to have 10% affordable housing. The Town is currently at around 2.8%. Zambenardi stated that the 10% goal is probably unattainable unless the Town had a large development come in with rental units. Cronin questioned if there were written comments being elicited and where they go once submitted. Hamilton stated written comments are accepted and go directly to the

Select Board. Zambarnardi questioned the level of control the Trust Board would have and whether they would have the authority to expend funds pursuant to the trust and bylaw. Zambarnardi also questioned if the Town wants another level of sign off from the Select Board for items like the purchase of a property. Hamilton stated she hoped to have the draft bylaw ready for Spring Town Meeting. Hamilton mentioned that the Committee is working on the draft bylaw, it will then go to the Select Board for approval and once approved, it will go onto the warrant.

- **Zoning for Multi-Family Housing for MBTA Communities Act**

- Zambarnardi and Murphey were present at the MVPC webinar. Zambarnardi stated the session was for planners in the region. Zambarnardi brought up a point that the Town only has around 1700 units and adding another 750 units would not be possible with the current infrastructure. Zambarnardi stated the Planner from Amesbury suggested sharing infrastructure resources with neighboring towns. MVPC promised to assemble all questions and comments made during the webinar into a digest to distribute and share. Zambarnardi stated this is a great way for the Town to review and make additional comments. Zambarnardi questioned the window of time to submit comments and how the Town wants to approach this. MVPC was asked about a regional approach to making comments but MVPC thought Town leadership should submit their own comments individually. The PB is the land use board for the Town and Zambarnardi asked if members wanted to start working on comments to submit. Zambarnardi stated Cronin and her discussed talking to the Select Board to see if they want the PB to share their comments. Murphey suggested to have Zambarnardi inform TM Jennings of the February 4th MVPC meeting for Mayors and Managers and a webinar on February 24th with the Secretary of DHCD. Murphey stated the deadline is in May for a note from the Select Board and Town Manager whether the Town will be in compliance. Murphey mentioned that several surrounding towns simply stated they would not comply. Bardeen suggested the Town outweigh the pros and cons of non-compliance. Murphey questioned how this many units would even be zoned. Cook suggested an overlay district where the developer has a by-right. Zambarnardi stated that comments are due March 31st. Murphey suggested each PB member think of questions/comments and at the next meeting, the PB will analyze them before sending them to the Select Board and TM Jennings.

- **Stormwater**

- Zambarnardi stated MVPC announced to planners the funding was already received through the MassDEP MS4 Municipal Assistance Grant. The grant is to work with communities and viewing their bylaws, regulations and ordinances against the Federal Stormwater Requirements. Zambarnardi stated the Town just completed this and is assuming the Stormwater bylaws will be in good shape. MVPC and GreenScapes will be partnering to do the work and will report their recommendations to the Town. MVCP will be looking for a liaison from each town to help with outreach. Zambarnardi stated she believed she would be the best suited to be the liaison since she is familiar with the land use regulations and will discuss with the Stormwater Management group and the PB at a later date. Murphey questioned if ConCom agent, Michelle Greene, could help out and be a resource, if needed.

➤ **Minutes:** July 20, 2021; Others if any.

- Planning Board members reviewed July 20, 2021 minutes and provided comments on suggested changes, if any.

Cronin moved to approved the July 20, 2021 minutes, as amended. Seconded by Bardeen. Roll call vote was taken and passed 5-0.

➤ **Correspondence:**

- There were no items.

➤ **Administrative Details:**

- There were no items.

➤ **Placement of Items for Future Planning Board Agendas:**

- There were no items.

➤ **Items not Reasonably Anticipated by the Chair 48 Hours in Advance of a Meeting**

- Zoning Bylaw Amendment: Zambarnardi stated a zoning bylaw amendment has come up due to discussions on local preference with the Affordable Housing Trust Bylaw committee. Zambarnardi mentioned that the State has requirements for communities that want to include local preference in a development and must submit a report indicating, with statistical evidence, a local need. The Towns' inclusionary bylaw indicated that local preference is required but that is not the case. Zambarnardi stated TM Angus recommended that the Affordable Housing Bylaws be consistent and had KP Law review the Inclusionary Housing Bylaw. Zambarnardi stated she hoped to bring the revised Inclusionary Bylaw to Spring Town Meeting.
- Rick Parker/Native Plantings at Pentucket: Zambarnardi stated Parker wanted to address the PB regarding the native plantings at the Pentucket School District property. Murphey mentioned that the PB should not be involved in the decision. Zambarnardi stated Parker had questions for the PB regarding modification of the maintenance building and Condition of Approval on native plantings being incorporated to the landscaping plan. Zambarnardi stated Parker was hoping to hear if the PBs intent was specific to the piece of land the maintenance building. Bardeen stated it was two separate applications which were two years apart and had been approved.
- Mill Pond All-Access Trail: Cronin stated a consultant, Trent Lloyd, had been hired to get feedback from various boards on the development of the trails at Mill Pond. The Town had accepted a proposal for Lloyd's services. Cook stated the Town needs a formal site plan review. The site plan review bylaw requires a pre-application conference. Zambarnardi stated Lloyd will be meeting with the Open Space committee, Parks & Rec, Select Board, Planning Board and Mill Pond committee for design workshops.
- PermitLink Update: Zambarnardi stated she spoke to the sales rep regarding the PermitLink module for the PB. She explained the top tier module would be upwards of \$10,000 but it would track timelines, date of application, date of hearing, populate legal ad and send the legal ad. Zambarnardi suggested getting the basic package for the meantime to see how it works for the PB. She explained that it may cost \$500 for the development of each type of application depending on complexity.

Adjournment:

Cronin moved to adjourn the meeting at 9:09 P.M. Seconded by Murphey. Roll call vote was taken, and the motion passed 5-0.

Respectfully submitted,

Katelyn Bradstreet, *Administrative Assistant to the Planning Board*