



**Town of West Newbury
Planning Board
Tuesday January 18, 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 7:02 PM. Members in attendance were Ann Bardeen, Ray Cook, Jake Cormier, Tim Cronin, Deb Hamilton & Brian Murphey. Town Planner Leah Zambernardi was also in attendance. All participated via Zoom Conference.

1. Update on FY23 Planning Board Budget

Leah Zambernardi shared the salary wage worksheet with the PB from the meeting with Tim Cronin, Town Manager Angus Jennings, and Town Accountant Stephanie Frontiera. Tim Cronin stated he thought the meeting went well and that Jennings supported the proposed rate and the increase in hours to 30 hours without prior approval. Cronin stated there was a concern regarding how they would reflect the total number of hours per week since it would fluctuate between 25 hours and 30 hours. Deb Hamilton made a comment regarding the increased importance of the Planner position to the Town and questioned Zambernardi if she normally worked over 30 hours per week. Zambernardi replied that she has only worked over 30 hours per week once or twice and it was not a regular occurrence.

Cronin stated the administrative position was still budgeted at 6 hours per week. The position has yet to be formally posted to the Towns’ website. Cronin suggested the PB try to find a current employee to take on additional hours to help out with the role and free up time for Zambernardi to focus on planning. Cronin stated the next step is for Jennings to propose the budget to the Selectboard for comments and concerns. Once the Selectboard has made those comments and concerns, the budget will be proposed to the Finance Committee. Zambernardi stated she would keep the PB updated on meeting

dates and suggested that members attend the said meetings so show support of the wage increase. Ann Bardeen stated she hoped that Jennings support of the wage increase will be enough for the Finance Committee to approve the increase. Cronin showed concern regarding the wage study that is still pending and how that will affect the decision of a wage increase. Cronin stated Jennings supported the wage increase regardless of the results of the wage study.

PB reviewed the overall line-item budget and discussed. The overall line-item budget increased significantly over last year. Zambarnardi stated it was mostly due to the increased cost of the recording secretary which doubled from \$100 per meeting to \$200 per meeting. Zambarnardi stated that it could be possible for the administrative assistant position to take on more hours to complete minutes for the PB. Cronin stated the PB is very far behind on transcribing meeting minutes. Bardeen questioned if minutes are behind due to the increased cost or if the recording secretary is no longer working. Zambarnardi stated the recording secretary is present but also does meeting minutes for the Select Board and is behind on those as well.

Cronin motioned to approve the Planning Board Budget for FY23. Seconded by Murphey. Roll call vote was taken and the motion passed 5-0.

2. Sullivan's Court Extension Updates

- **Funding for trail connecting Sullivan's Court Extension to River Meadow Drive**
Thomas Neve is planning on bringing the funds to the upcoming Selectboard meeting to be accepted by the Selectboard.
- **As-Builts and Street Acceptance Plans** Zambarnardi stated the as-built and street acceptance plans were submitted and being reviewed by David Kelley from Meridian Associates. Thomas Neve revised plans and resubmitted them. Zambarnardi stated Kelley will be completing the second review this upcoming week.
 - Developer will need to submit plans. PB will send plans for peer review to ensure they comply and then sent to Selectboard.
 - Zambarnardi stated the PB still has the performance bond which she believed was around \$19,000 and a small amount in escrow. Zambarnardi stated Neve will most likely be requesting a bond release once as-builts are approved. Zambarnardi suggested a partial release of \$10,000. Murphey questioned if Neve requested the partial release. Zambarnardi stated Neve has emailed her a few times regarding the \$10,000. Bardeen stated to wait until the upcoming Select Board meeting and to wait until the check clears. Murphey and Cronin suggested to have Neve submit a written formal request.
- **Project Close Out**
 - Street Deed submitted by Neve. Zambarnardi expected the Select Board to want new legal counsel to review the deed and make any changes for final street acceptance plan.
 - Form K Project completion certificate sign off sheet will be required to be signed off by the water department, building inspector, health department, and Meridian.
 - Drainage system: Zambarnardi stated that MS4 is active, needs to be maintained long term and that annual reports must be submitted. Zambarnardi stated she would like to work with Neve on this matter and would also like to include Michelle Greene, of ConCom and Wayne Amaral, DPW Director. Ray Cook stated the Town needs to check up on other developments that owe the PB an annual report. Zambarnardi wanted to establish a system to deem who is responsible for what. Cronin questioned if the developer or if the HOA would be responsible for the funding of the inspection. Cook suggested the funding be a line-item expense on the upcoming budgets. Jake Cormier questioned if the PB or Town can hold legal liability against the HOA if they do not fulfill their bargain of the acceptance. Zambarnardi stated the PB can require performance

bonds for future unforeseen issues. Bardeen suggested that ConCom, PB, and DPW get together to create a document that can be sent to HOA as a reminder that the annual report is due. Murphey and Cook agreed. Cook suggested for the forms to be submitted online from the Town's website.

3. General Business

Updates: Drakes Landing, Affordable Housing Trust Bylaw Committee, Multi-Family Zoning District per MBTA Communities Act, Comprehensive Plan, Stormwater Management Regulations

- **Drakes Landing**

Zambernardi stated the HOA had contacted her previously regarding the signs in the development. HOA was also concerned regarding the one way around the peanut park and wanted to change the street to a two-way. Zambernardi shared the widths of the streets with the PB and mentioned the street parking restrictions that are in place at the development. Cook stated the street is to be a one-way due to the turning radius of vehicles. Bardeen recalled the one way being put into place due to emergency vehicles, etc. Zambernardi stated she would communicate with the HOA that it would not be a good idea to amend the one-way restriction. Crosswalk on route 113 was supposed to be laid out in the Fall but the Mass DOT permit had expired. Developer Chip Hall had reapplied and the crosswalk will be laid out in the Spring.

- **Affordable Housing Trust Bylaw Committee**

Hamilton stated the public listening session is on January 26th at 7pm. Hamilton stated a PowerPoint presentation was created for the public. Once the public responds with comments and concerns, they can begin drafting the bylaw. Cronin questioned the type of feedback the PB is looking for. Zambernardi stated they are specifically looking for the types of projects the public is envisioning; does the public want 40B units, which would include larger multi-family developments, or would they want smaller projects, which would not qualify as 40B? Hamilton questioned the funding, the makeup of the board, the terms, and who is expected to serve. Zambernardi stated another question for the public was the role in term of projects and the trust/board, and if the projects would be funded on a rolling basis. Cormier suggested a tool like SurveyMonkey so the public can provide feedback via the Town's website. Zambernardi stated the meeting would be via Zoom. Hamilton had to leave the meeting.

- **Multi-Family Zoning District per MBTA Communities Act**

- Cronin stated there is much dismay from the public regarding how this Act would work for the Town. Zambernardi and Jennings attended a webinar sponsored by the State. Adjacent communities, like the Town, need to be in compliance by 2024. To be in compliance this year, the Town must submit an information sheet indicating the level of technical assistance they will need in order to comply.
- Bardeen mentioned she had read an article regarding the different percentages of the total number of multi-family units required depending on the category of community, level of public transit available, etc. Bardeen thought the Town would only need a percentage of the 750 multi-family units due to the Town being an adjacent community. Zambernardi stated the minimum for the Town is 750 units. Zambernardi stated there is a form on the DCHD website to submit questions. Cook questioned if the Town needed to have the 750 units built by 2024. Zambernardi stated that the Town does not have to have the units built, they just need to allow them by-right in a district no smaller than 50 acres, which equates to 15 units per one acre. Zambernardi stated existing units count towards the overall minimum. Bardeen questioned how this applies to the Town when there is not a public transit station nearby. Cook questioned the wastewater issue. Zambernardi suggested the Town look at land that is most suitable for developing. Zambernardi also mentioned that there were discussions regarding infrastructure

upgrading grants, private developers funding treatment plants for specific development, etc. Cook mentioned the water drinking lines are already at capacity and the Town would need to build a new drinking water plant to supply the increased population. Bardeen stated that approximately two-thirds of the Town is on Town water and Cook stated the addition of the 750 units would nearly double the water demand. Bardeen suggested working with similarly situated towns. Zambenardi stated she believes comments are due by March. Cook suggested the PB provide a link to the website to submit comments. Zambenardi stated the Town can send an expression of interest to the State by June to apply for technical assistance funding which could fund a consultant that the PB can work closely with. Cook mentioned the land that would be used for these units would increase drastically in price which would then drive up the price of the surrounding houses making them unaffordable for the average person. Cronin suggested encouraging comments via the Town website. Murphey stated the PB should not do it without the approval of Jennings and the Selectboard.

- **Comprehensive Plan**

- Cronin suggested to have volunteers help out with the plan. Cronin stated he will elicit interest in and outside of the Board and also suggested to propose the Selectboard for support of the effort formally. This would also help out potential grant funding for a consultant to help with the workload of the plan. Cronin and other members of the PB suggested to have older and newer members of the community volunteer since the comprehensive plan will be what the Town envisions in a 5-10 year span. Cronin stated State regulations are part of the comprehensive plan and included sustainability, land use, etc. Cronin stated the comprehensive plan is not a project that needs to be started right away. The Town will need to apply for grant funding, etc. Zambenardi stated the grant maximum is \$75,000 but it could cost upwards of \$200,000 to complete the plan. Cronin stated the PB can revisit this matter in an upcoming meeting.

- **Stormwater Management Regulations**

- Zambenardi stated the Town is reconvening the Stormwater Committee. MVPC has received a grant to assist the Town to comply with stormwater requirements. Zambenardi stated she has several projects that need to be completed in compliance with those requirements. Zambenardi stated she needs to designate time to streamline forms and permits and to do so, she would need to cut back hours from working on other projects. Murphey expressed concern regarding the strict timeline for the Affordable Housing project. Murphey stated the Affordable Housing project has a deadline and will be looking for a vote at Spring Town Meeting. Murphey suggested that Zambenardi hold off on streamlining forms and permits for three months until after the Affordable Housing project is completed. Zambenardi stated she would work additional hours to complete the forms and permits project. Cormier suggested the Town use a software like PermitLink to digitalize permits.

- **Minutes:** No minutes were reviewed.

- **Correspondence:** Zambenardi state the PB received a legal notice from the City of Haverhill regarding a two-story garage within 500ft of Millvale Reservoir. Zambenardi said the PB also received a legal notice from the Newbury Zoning Board for a permit for maximum lot coverage on Plum Island.

- **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**
 - Zambenardi stated she had sought out legal opinions about Poor House Lane and having it developed for two residential building lots.
 - Zambenardi stated she also asked about Gorman's property on Archelaus Hill Road regarding a reduced frontage permit for one of the unbuildable lots, Lot C. Cronin mentioned to Zambenardi to keep him in the loop regarding this matter.

Adjournment:

Cronin moved to adjourn the meeting at 9:15 P.M. Seconded by Murphey. Roll call vote was taken, and the motion passed 4-0.

Respectfully submitted,

Katelyn Bradstreet, *Administrative Assistant to the Planning Board*