



**Town of West Newbury
Planning Board
Tuesday April 5, 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 7:05 PM by reading Governor Baker’s Addendum to meeting, as noted above. 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. 7:15 P.M Public Hearing – Proposed Zoning Bylaw Amendment, Section 5.F “Inclusionary Housing Requirements” pursuant to G.L CH. 40A, S. 5.

Leah Zambarnardi read the public hearing notice and **Tim Cronin moved to open the public hearing at 7:15 P.M. Seconded by Cook. Roll call vote was taken and the motion passed 5-0.**

The PB reviewed the working draft of the proposed amendments to the Inclusionary Housing Requirements. Cronin explained that there was duration of residency requirements identified that did not align with the DHCD guidelines. KP Law provided red-line edits to the Towns Zoning Bylaw. Cronin summarized that the purpose of the Bylaw was for the Town to remain in compliance with the DHCD guidelines regarding local preference. The duration of residency requirements that are currently found in the Bylaw are problematic because if the Town is not in compliance with DHCD guidelines, it could impair the classification of units in town and within the State’s subsidized housing inventory. Outside counsel identified portion of the Bylaw that needed updating in order to meet DHCD guidelines. The West Newbury Affordable Housing Trust Fund is now defined in the Bylaw. Local preference language has been updated and duration of residency requirements have been changed to match DHCD guidelines.

Cook motioned to close the public hearing. Seconded by Cronin. Roll call vote was taken and the motion passed 5-0.

Cook motioned to accept the edits to section 5.F of the Inclusionary Housing Requirements as endorsed by the Planning Board for a vote at Spring Town Meeting. Seconded by Murphey. Roll call vote was taken and the motion passed 5-0.

- 2. 8:00 P.M Continued Public Hearing – Special Permit for a Reduced Frontage Lot – 0 Middle Street (Assessors Map R22, Lot 2) – Gorman Homes, LLC. The applicant is requesting a continuance to a future meeting date.**

Zambernardi read the public hearing notice. Cronin moved to reopen the hearing. Seconded by Bardeen. Roll call vote was taken and the motion passed 5-0.

The PB received a letter from Gorman Homes, LLC to move the public hearing from April 5, 2022 to May 3, 2022 so they can continue to work on changes to the plans.

Cronin moved to further continue the public hearing to May 3, 2022 at 7:15 P.M. Seconded by Cook. Roll call vote was taken and the motion passed 5-0.

3. General Business

- **Updates: FY23 Planning Board Budget, Sullivans Court Extension, 87 Main Street, Drakes Landing, 519 Main Street**
- **FY23 Planning Board Budget** – FinCom approved the labor and expense budget. No updates on the Wage Classification Study, consultant is still conducting interviews of Town staff. Zambernardi stated FinCom approved an increase of her hours from 25 hours to 28 hours per week.
 - **519 Main Street** – Zambernardi did not have anything to report.
 - **Drakes Landing** – Zambernardi stated developers will most likely be requesting the release of the last of phase two performance bonds but need As-Builts submitted before doing so.
 - **Sullivans Court Extension** – Zambernardi stated the check list is complete and the final packet had been sent to SB. SB is required to hold a public meeting about the street acceptance before it goes to Town Meeting. PB voted to recommend the street acceptance to SB. Performance bond of approximately \$19,000 will be released with warrant.
 - **87 Main Street** – Zambernardi stated ConCom issued an enforcement order requiring the developer to submit a temporary remediation of erosion and runoff issues. ConCom is also requiring the developer to submit an engineered plan for stormwater runoff, drainage calculations, and a construction phasing schedule. Developer submitted an incomplete plan that did not include drainage calculations. Zambernardi stated developer was asked to attend an internal meeting with TM, ConCom & others due to non-compliance of enforcement order. Zambernardi stated many drainage structures are on Lot 2 and drainage going into structures is runoff from Lot 3 and Lot 2. No drainage easement which will lead to legal issues between Lot 2 and Lot 3. Complete plans with drainage calculations have not been submitted as of yet.
- **Minutes:** February 15, 2022; Others if any.
- Planning Board members reviewed February 15, 2022 minutes and provided comments on suggested changes, if any.
Cronin moved to approve the February 15, 2022 minutes, as amended. Seconded by Murphey. Roll call vote was taken and passed 5-0.
- **Correspondence:**
- Zambernardi stated there was a legal notice from the City of Haverhill for a public hearing on May 3rd regarding Zoning-Accessory Uses - Keeping of Birds or Animals and also regarding parking

regulations. Zambarnardi stated Haverhill also had a Special Permit application to add a 2-story 3-bedroom townhouse with a 4-car garage on Greenough St.

➤ **Administrative Details:**

- Planning Board and Select Board Comment Letter on MBTA Communities Submitted:
 - Comment letter approved by SB and submitted on March 31st.
- Expressions of Interest Submitted under Community One Stop for Growth Grant Program (Technical Assistant for compliance with MBTA Communities Act & MS4 Year 4 Stormwater Permit Requirements):
 - Expression of Interest submitted on March 18th by Zambarnardi. Representatives from different grant programs will review expression of interest and provide feedback. Full applications are due in June. Zambarnardi was unsure if the Town would need the technical assistance for compliance with MS4 Year 4 Stormwater permit requirements since the Town is already working with MVPC. Zambarnardi stated the Town has funds available from FY22 to be used towards stormwater requirements.
- Housing Production Plan:
 - Zambarnardi stated the current Housing Production Plan expires June 17, 2023. Assistance from MVPC to help with statistical work such as census data. MVPC sent an expression of interest on the One Stop for Growth grant application portal to create 15 updated municipal housing production plans for 2023-2028. Cronin questioned the PB's role in this. Zambarnardi stated the PB will be involved with communicating information to the public and holding public meetings. The PB would review the document and send it to the SB for final approval. Zambarnardi stated MVPC support is based upon whether they receive the grant. Zambarnardi stated it took MVPC less than a year to update the plans.

➤ **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**

- Murphey brought up the discussion regarding the plantings at the Pentucket Regional School and questioned if the PB could put a requirement in the subdivision regulations regarding using native plants, where feasible.
 - Cook stated he felt cautious to implement a requirement and that it could lead to a legal battle. PB discussed and stated that a plant list with native plants should be made available for the public.
- Murphey brought up the issue with slopes and the percentages in town. Should it be something the PB looks into?
 - Cook stated the need to distinguish between natural existing slopes versus created slopes.

Adjournment:

Cronin moved to adjourn the meeting at 8:41 P.M. Seconded by Cook. Roll call vote was taken, and the motion passed 5-0.

Respectfully submitted,

Katelyn Bradstreet, *Administrative Assistant to the Planning Board*