



**Town of West Newbury  
Planning Board  
Tuesday June 7, 2022  
381 Main Street, Town Office Building  
[www.wnewbury.org](http://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 by reading Governor Baker’s Addendum to meeting, as noted above. Members in attendance were Ann Bardeen, Ray Cook, Tim Cronin, Deb Hamilton & Brian Murphey. Town Planner Leah Zambarnardi was also in attendance. All participated via Zoom Conference.

**1. Subdivision Approval Not Required Plan – 0 & 2 Middle Street, West Newbury (WN Assessor’s Map R-3, Lots 12 & 53) & 0 Center Street, Groveland (Groveland Assessor’s Map 9, Lot 2).  
Create 3 Building Lots (2 new lots in Groveland, and 1 lot for existing house in West Newbury and Groveland)**

Eric Botterman from Millennium Engineering attended the meeting on behalf of the applicant. Leah Zambarnardi showed the PB the assessors maps from West Newbury and Groveland. Ray Cook stated that there was a sliver of land that was not shown on the assessor’s map but was shown on the plan of land. Lot line is slightly into Groveland in order to create the 200 feet of frontage and 40-foot minimum lot width. Ann Bardeen stated Lot 3 does not have the required frontage in West Newbury. Botterman stated the State allows the crossing over to an abutting town to meet the frontage and area requirements. Cook suggested that above the PB signatures on the Plan of Land, there should be a note stating, specifically, the creation of Lot 3 did not require approval. PB members stated they felt that they only had jurisdiction to approve Lot 3. Botterman agreed with PB and agreed to revise the plan.

**Cook made a motion on the creation of the proposed Lot 3 on Middle Street in West Newbury as represented on the plan does not require the PBs approval under the subdivision control law. Seconded by Bardeen.** Cook stated the PB will sign the Plan of Land once the revisions have been made to specify that the PB is signing off only on Lot 3. **Roll call vote was taken after further discussion and the motion passed 5-0.**

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## 2. Officer Elections

- Jake Cormier's position on the PB was next in line to become the Chair. Since Cormier had resigned from his position and his replacement, Deb Hamilton, is new to the Board, Cronin questioned the best way to move forward. Deb Hamilton stated she would like another year on the board before taking on that position. Murphey stated the next in line for Chair would be Bardeen after Hamilton. Cronin will serve as the clerk, Hamilton as the Vice Chair and Bardeen as the Chair. Wendy Reed of the Select Board mentioned to the PB that the CPC position is a 3-year term and that Bylaw has not been followed by the PB for several years. Appointments will be made at the June 27th meeting. Reed stated they could modify the appointment of the PB at the Fall Town Meeting. Murphey stated that the year rotation for the CPC rep position has worked well for the PB. Cook agreed. Cook was designated as the CPC rep and Murphey as the MVPC rep. **Murphey made a motion for Bardeen to become the Chair of the Planning Board, Hamilton as the Vice Chair and Tim Cronin as the Clerk. Seconded by Cook. Roll call vote was taken and the motion passed 5-0.**

## 3. Discussion of Planning Board Application Forms and Fees Update & Other Possible Amendments to Planning Board Regulations (CAD file plan requirements, WN Tree Committee)

- Zambenardi provided a visual of the fees to the PB and stated that surrounding towns have not increased their fees over the past three years. Zambenardi suggested a 10% increase to the fees would be appropriate. Bardeen questioned the need for the increase in fees. Zambenardi stated that with the increase of expenses, it may be a good idea to increase the income from the fees. Cook brought up the fact that the Town does not have major or minor modification fees, site plan review fee for major or minor projects. Bardeen suggested the PB should definitely have a major modification fee. Cook showed concern regarding the fee pushing residents away from coming to the PB for major modifications. Bardeen brought up a point that other towns have a site plan review fee for major and minor projects but do not have a general site plan review fee like West Newbury. Zambenardi stated the PB has the ability to waive the fees. Bardeen suggested the PB have a fee for a major modification to a special permit and a fee for a major modification to a site plan review and if a project were to have both, the PB can waive one fee. If a project only has one, the fee will still apply. Zambenardi did not want to impose a fee on the 'Publication and Abutter Fees,' stating the application fee covers most of the administrative work. Cook reiterated the proposal to add two fees; \$200 for major modifications to a special permit and \$200 for major modifications to a site plan review if there is no concurrent special permit.

**Cook made a motion to keep the fees in place at current levels, add a fee of \$200 for major modifications to a special permit and add a fee for \$200 for major modifications to a site plan review if there is no concurrent special permit. Seconded by Cronin.** PB continued the discussion on the PB fee schedule. Bardeen stated the fee schedule that was up during the meeting was extremely confusing. Zambenardi agreed and stated the PB can continue the discussion at the next meeting once the fee schedule is adjusted. **Cook tabled the motion to the next meeting.**

- **CAD File Plan Requirements:** Zambenardi stated it is to add language that is up to par with the Board of Assessors and MVPC for CAD funds to work with MiMap. Once a plan is approved, there will be a post approval submittal requirement in the CAD file to the Assessor's office. Murphey questioned if the building inspector's office requires a CAD file for an As-Built. Zambenardi stated she did not know and would speak to the building inspector for further information. Zambenardi stated the language will be part of the regulations.
- **Tree Committee:** Recommendations for incorporation into PB Regulations. In a previous meeting, Fred Chanania, Chair of the WN Tree Committee, suggested that the PB involve the tree committee when reviewing subdivision and site plans. Zambenardi stated the PB could amend the PB Regulations and Subdivision Regulations to include the tree committee as a recipient of plan applications.

Zambernardi reviewed all permits where the Open Space Committee is provided with a copy of the application materials. The Open Space Committee is provided preliminary plan application materials, and definitive plan application materials under the Subdivision Regulations. Under the PB Regulations, the Open Space Committee is provided with an invitation to pre-application site visit. Zambernardi stated these are good places to add the Tree Committee as the Tree Committee is also an advisory board like the Open Space Committee. Zambernardi stated the Tree Committee would be helpful in looking at the trees to be removed, landscape plans, etc., for site plans, special permits, and Scenic Roads Applications for Tree Removal. Zambernardi suggested adding the Tree Committee to the list of recipients of the application materials for site plans and special permits. Cook showed concern regarding the official status of the Tree Committee and the Open Space Committee. Reed stated there is a bylaw that establishes the Open Space Committee but not the Tree Committee. The Tree Committee was established and voted by the Select Board in 2019. Zambernardi stated the Tree Committee will not be approving any plans but will be able to provide feedback or comments regarding the applications. Cook suggested the PB could add the Tree Committee as a matter of policy and not adjust the Regulations. Zambernardi agreed. Zambernardi stated she will update the form for the Tree Committee to receive notifications via email.

#### **4. Discussion of Administration & Implementation of Stormwater Management Bylaw and Regulations**

- Zambernardi stated there had been many discussions on what the Town wanted to have Meridian do in relation to the Stormwater Management Bylaw.
  - The first scope included in-house services that the Town would pay Meridian for on an hourly basis
    - Meridian would provide hourly on-call advisory technical assistance on Bylaws and Regulations and respond to inquiries from applicants at direction of PB
  - The second scope was to conduct an educational meeting with the PB to provide information and guidance on the technical aspect on the Stormwater Management Permit Applications
    - Would include Stormwater Management Plans, Erosion Control Plans, Operational Maintenance Plans
    - Would also include the preparation of draft Stormwater Management Construction Inspection and Maintenance guidelines and standard forms. The guidelines will set forth what will be expected during construction inspections (i.e. identifying structures to be inspected, protocols and procedures for identifying deficiencies, recommending repairs and confirming repairs are satisfactory). Meridian would prepare the standards for approval by the PB and standards/guidelines would be incorporated into the Stormwater Management Rules and Regulations
    - Educational meeting and guidelines/forms would be a set fee of \$4,000. Funds will be coming from the Town and not directly from the PB
  - Zambernardi stated Town Manager, Angus Jennings, wanted a different engineering consultant to assist homeowners in permitting. Murphey questioned why the PB would not be using Meridian as the consultant. Zambernardi stated that it would be a conflict if Meridian was the project designer as well as the reviewer. Cronin mentioned he thought it was a good idea to have two separate firms for consultant management
  - Zambernardi stated it is in the PB authority to waive and delegate applications. PB can choose to view applications or they can delegate it to another entity to help homeowners
  - Zambernardi discussed the Authority and Delegation of Authority for the Stormwater Management Regulations

#### **5. General Business:**

- **Updates: Administrative Assistant Position, Associate Planning Board Member Search, 519 Main Street, 87 Main Street, Drakes Landing, Community One Stop Grant Application for technical assistance re: As-of-right Multi-family Zoning District in MBTA Communities (M.G.L. Ch. 40A, S. 3A)**
  - **Administrative Assistant Position:** DPW administrative assistant, Katelyn Bradstreet, will be taking on additional hours with the PB.
  - **Associate Planning Board Member Search:** Cronin suggested to post the position onto the Towns website
  - **519 Main Street:** Zambarnardi stated Mike Crowe's contractor was no longer working for Crowe. Crowe will essentially have to start over with the site contractor, setting him back. Crowe still needs to apply for the State permit to allow water connections on Main Street. Three septic systems have been permitted. Crowe anticipates he will be paving in October/November followed by foundations. Detention basis still needs to be constructed.
  - **87 Main Street:** Zambarnardi stated the developer is requesting to modify the Order of Conditions with a new plan and is continuing to work with ConCom. Zambarnardi will obtain an update from ConCom and report back at next meeting.
  - **Drakes Landing:** Zambarnardi spent time with members of the HOA to resolve issues within the PB jurisdiction. Zambarnardi received an update from developer, Chip Hall, about the final As-Builts and close out. Hall told Zambarnardi they are finalizing the crosswalk on Main Street and once completed, he will have the engineering consultant finalize the As-Builts to send to PB and ConCom to complete the final close out. HOA provided a punch list of items to Zambarnardi. Zambarnardi pointed out which items fall under the jurisdiction of the PB. PB discussed the punch list items.
  - **Community One Stop Grant Application:** Cronin stated the application was submitted. Zambarnardi stated they may award funding to regional planning agencies instead of individual towns. The Town may not receive an award directly but would receive assistance from MVPC. Final guidelines have not been set as of yet.
- **Minutes:** May 3, 2022; Others if any.
  - Minutes were not reviewed.
- **Correspondence:**
  - Two legal notices from Haverhill for public hearings regarding an expansion of a car dealership at Welcome Street and Pecker Street and a special permit to develop a two-story garage.
- **Administrative Details: July 15<sup>th</sup> expiration of Chapter 22 of the Acts of 2022 allowing for Remote Participation. Possible designation of Planning Board Member to working group responsible for studying re-zoning of Soldiers & Sailors Building site**
  - Cronin had not heard anything regarding an extension on the law allowing Remote Participation.
  - Reed stated at the Spring Town Meeting, the Soldiers & Sailors Building site was voted to be put up for disposition, whether that is for lease or for sale, with a historic preservation restriction and rezoning. Reed suggested having the Select Board collaborate with the PB. Zoning amendment will need to be made by September in order to bring to Fall Town Meeting. Cook suggested changing the Bylaw that exists in 5.A.3 instead of rezoning the area. Reed envisioned one meeting to look at options and move forward.
- **Placement of Items for Future Planning Board Agendas: Steep Slopes Bylaw; Accessory Dwelling Units Bylaw; Pipestave All Access Trail; Revisit initiation of Comprehensive Plan Effort, including consulting support; Revisit potential updates to the Subdivision Rules and Regulations related to climate change.**
- **Items not Reasonably Anticipated by the Chair 48 Hours in Advance of a Meeting**

**Adjournment:**

**Cronin moved to adjourn the meeting at 9:50 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*