



**Town of West Newbury
Planning Board
Tuesday April 19, 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 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. Discussion of Priority Projects

- **Discussion of tools for regulating disturbance and/or creation of steep slopes during permit reviews**
 - Cronin stated he looked at the regulations and found regulations regarding roadways and slopes alongside roadways but not much regarding steep grades or slopes during the development process. Cronin suggested looking at planning agencies or other communities regarding steep slopes and revisit the PBs current criteria and design standards. Brian Murphey stated his interest was in 87 Main Street and there had been a discussion with the building inspector regarding the slope at that development and it being just under the maximum allowable slope. Murphey questioned if it was legal in our Town bylaws or Mass building codes. Zambarnardi stated the building inspector stated it was part of the Mass building code. Murphey questioned the allowable slope percentage. Zambarnardi stated she thought that it was 25% but would double check. Ray Cook stated a 25% slope is far too steep for a driveway and can become very dangerous. Zambarnardi discussed several steep slope resources she found on the internet from North Reading and Pennsylvania to help address the situation. Zambarnardi recommended seeking the other land use departments to see what they regulate and recommend. Cook stated he could go around Town to measure the slopes of different areas and roads. Zambarnardi had

discussed this topic at the Stormwater working group and the members were supportive. Zambarnardi pointed out that 87 Main Street was not subject to the Stormwater Bylaw three years ago when it was permitted and now it would be subject to that and a full Stormwater management plan would be required. Fred Chanania of 47 Coffin Street, Chair of the Tree Committee, was brought into the discussion. Chanania recommended there should be tailored requirements for different degrees of slopes. Chanania expressed concern regarding the vegetation on the slope at 87 Main Street. Cook stated in 6.A.2 it discusses that slopes greater than 20% shall not be considered buildable land. PB further discussed the rules and regulations.

- **Updates to Planning Board Application Forms, Fees, and other possible amendments to Planning Board & Subdivision Regulations**

- Cronin discussed slopes and necessity to retain natural vegetation. Chanania recommended a replacement tree requirement and stated that it usually needs a girth requirement as well. For example, if two trees were cut down, one tree would have to be planted. Chanania also expressed concern regarding guidance on protecting existing trees during construction. Cook supported the replacement tree requirement. Bardeen mentioned that it may cause people to put more thought into site planning and to site projects in already cleared areas.
- Zambarnardi put together a general PB permit application form and included information the PB asks for every permit. She then stated that there are add-ons for the different types of permits. Zambarnardi stated she is working with PermitLink to develop the applications online.
- Zambarnardi stated the last fee updates was approximately three years ago and would be a good idea to look into reformulating the fees. Zambarnardi stated there is not yet a fee implemented for a Scenic Roads permit or for Stormwater Bylaw.

- **Continued Review and Update of Zoning Bylaw (Zoning Tools for Affordable Housing, Accessory Units, Open Space Preservation Development Incentives)**

- Cronin questioned if the Zoning Tools for Affordable Housing was in conjunction with the Trust. Zambarnardi stated she believes it will be. Zambarnardi stated the Trust is looking at projects and the zoning will have an impact on the feasibility of these projects, such as accessory dwelling units, conversions of large single-family homes, etc., unless they are going the 40B route, which seems unlikely due to resident feedback. Deb Hamilton recommended the PB bring information to Town Meeting regarding the diversification of the housing stock and the options of getting more smaller units into Town. Hamilton stated the Knapp's Greenhouse is a great option for affordable housing. Murphey was unsure of how the Board of Health felt about the detached-unit type of housing regarding the common ownership/septic system issues. Cook stated the PB needs to coordinate with the Board of Health and Selectboard regarding Air B&B concerns and affordable housing trust for further input. Murphey suggested drafting a note to the Board of Health to see if they would like to discuss accessory units being tied into the same septic system or an upgraded system.
- **Open Space Preservation Development Incentives** – Special permit program that incentivizes smart growth principles. Picking up on work the Town intended to do after the last Bylaw change to OSPD. Drakes Landing and Follinsbee Lane were two OSPD projects and involved the same developer. The Board found that the yield plan showed what could be reasonably built on a site by-right according to current zoning and subdivision regulations. A change was made to only allow a single-family unit on a yield plan for the sake of developing the yield plan. Zambarnardi stated she wanted to revisit the density incentives section to make the By-law current and attractive to developers. Cook said there are only five categories currently which includes open space, cottage units, accessory dwelling units, historic preservation and affordable housing units. Cook suggested to review increase the bonus percentages for all categories and remove or change the number of density bonuses.

2. General Business

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- **Updates: Executive Office of Housing and Economic Development (EOHED) Feedback on Expression of Interest (Community One Stop Grant Program), Mill Pond Access Trail Project, Greenscapes North Shore Coalition Regulation Review for Stormwater Management Project, Updated Zoning and General Bylaws, MBTA Communities, 87 Main Street**
 - **EOHED Feedback on Expression of Interest** – PB submitted an Expression of Interest in mid-March for the Community One Stop Grant program for two projects; technical assistance for MBTA Communities Act and technical assistance for Stormwater Bylaw review. Zambarnardi stated EOHED provided feedback rather quickly, confirmed the Town is a MBTA-adjacent community and confirmed the Town would qualify for the rural and small-town planning grant. Both above projects fall within the planning and zoning category of the grant so Zambarnardi suggested the PB only apply to one grant. Zambarnardi suggested going for the technical assistance for the MBTA Communities Act grant because the Town has other avenues to do the Stormwater Bylaw review such as the DPW line expense for Stormwater, MVPC, etc.
 - **Mill Pond Access Trail Project** – Landscape architect has two concepts. Zambarnardi suggested to TM that architect should go to PB for feedback. TM was not supportive of that suggestion and thought the PB would have been helpful during the first step of visioning. Zambarnardi stated the TM said the project may not happen for a few years, the Town will need to apply for grants, and the plans may change again. TM recommended to not intervene until the project is feasible. Hamilton stated she went to the visioning meetings; suspected the plans proposed will primarily affect the area between the Mill Pond building and area before the trails begin. Hamilton stated several ideas were put forth regarding improving parking behind Mill Pond building, creating a walkway separate from roadway, etc.
 - **Greenscapes Regulation Review for Stormwater Management Project** – Zambarnardi stated this is a grant through MVPC the Town receives as a member of the coalition. MVPC will look at the Town's bylaws and do a review on Stormwater Management techniques.
 - **Updated Zoning and General Bylaws** – Zambarnardi stated all new and amended bylaws, which were approved back in October, have been approved by AG. The most current Bylaws are available on the website.
 - **MBTA Communities** – Form must be submitted by May 2nd.
 - **87 Main Street** – DEP was having a site visit with ConCom agent and developer. DEP was stern regarding what they wanted done in advance of the meeting. It appears a second rip rap channel made from driveway to wetland area. No runoff onto Main Street and did not see much sediment on Main Street. Hydroseeded the slope.
- **Minutes: September 21, 2021, October 19, 2021; Others if any.**
 - Planning Board members reviewed September 21, 2021 minutes and provided comments on suggested changes, if any. PB did not review October 19, 2021 minutes.

Cronin moved to update the September 21, 2021 minutes. Seconded by Cook. Roll call vote was taken and passed 4-0. (Murphey did not attend September 21, 2021 meeting)
- **Correspondence:** Zambarnardi stated there were two legal ads from the Town of Newbury for special permits/findings for construction on Plum Island.
- **Administrative Details:**
 - **Permitting Software** – Zambarnardi stated the consultant is working on a quote. She also stated that the PB budgeted \$1,000 for expenses for FY23 for the software and the PB will also have money leftover in the expense budget for FY22. Zambarnardi is expecting the quote to be over \$1,000.
 - **Schedule Date for Planning Board Officer Elections** – May 2nd Planning Board officer elections. Bardeen suggested approaching SB for another associate member for the PB.
 - **Time-off Request** – Zambarnardi and Bardeen vacation planned for 4th of July week. No PB meetings scheduled for that week. Zambarnardi may be away the week of August 8th, 2022.

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- **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**

Adjournment:

Cronin moved to adjourn the meeting at 8:58 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*