



**Town of West Newbury  
Planning Board  
Tuesday March 1, 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 7:01 P.M. Members in attendance were Ann Bardeen, Ray Cook, Jake Cormier, Tim Cronin, and Deb Hamilton. Town Planner Leah Zambenardi was also in attendance. All participated via Zoom Conference. Brian Murphey was not in attendance.

- 1. Subdivision Approval Not Required Plan (ANR) – 0 River Road (Assessors Map R24, Lots 8 & 8B) – Albert Ting and Nancy Pau – Convey ± 3.5 acres from Map R-24, Lot 8B to Map R-24, Lot 8**  
Albert Ting and Nancy Pau came before the PB to discuss moving a portion of Lot 8B to Lot 8. The portion of land Pau was referring to was the previous location of the septic system which has since been moved to the north west section of Lot 8B. Ray Cook questioned the Lot numbers in the notes on the ANR plan. Cook recommended that Ting and Pau have the engineer clarify the notes on the plan to reduce confusion. Ann Bardeen mentioned that there has not been a change in access or frontage. Leah Zambenardi reiterated that the engineer will adjust the notes prior to having the PB endorse their signatures on the ANR.  
**Bardeen made a motion to have the Planning Board endorse this plan as one not requiring approval under the Subdivision Control law. Seconded by Cook. Roll call vote was taken and the motion passed 4-0.**
  
- 2. 7:15 P.M Public Hearing – Special Permit for a Reduced Frontage Lot – 0 Middle Street (Assessors Map R22, Lot 2) – Gorman Homes, LLC**

**Cronin moved to open the public hearing. Seconded by Cook. Roll call vote was taken and the motion passed 4-0. Zambernardi read the public hearing notice.** Cronin discussed the documents that were submitted by Gorman Homes, LLC which included a cover letter, application for special permit by Millennium Engineering, and an aerial plan; all dated from January 2022. There was an additional set of plans submitted in February of 2022 which included drainage, grading, and structural details. An authorization form was also submitted to allow Millennium Engineering to represent Gorman Homes, LLC, as needed. John Gorman, owner and applicant, is seeking Lot C to be his new residential home. Gorman mentioned there was opposition from neighbors regarding his application. Gorman presented his application and discussed the history of the land with the PB.

Cronin mentioned that 6.A.1 of the Zoning Bylaw is applicable in this instant. 6.A.1 allows the PB to authorize the special permit if dimensional requirements are met. Cronin read the requirements and restrictions pertaining to the Zoning Bylaws to the PB. Cronin questioned how the building and septic locations were chosen for the property. Gorman responded that he wanted to keep the property out of the buffer zone for the bordering vegetated wetlands. The location of the septic system was chosen based on results of testing in the area. Cronin expressed concern regarding the hill on the property and how stormwater will be managed during construction as well as post-construction. Gorman explained there would be erosion control implemented on the downhill side of the property, which borders Lot C and Flinn residence. Silt socks and silt fences would be used to ensure water does not run to downhill lot during construction. For the post-construction stormwater management, swales would be put along property line between Lot C and Flinn residence that dumps into a rain garden. Cronin questioned if wetlands was on the property. Gorman mentioned there was wetlands in the rear of the property and construction would not impact the wetlands or the buffer. Cronin expressed concern regarding the space between the Flinn residence well and the septic system on the proposed new property. Gorman stated it would be approximately 300 feet apart. Cronin stated Zambernardi confirmed the dimensional requirements were met for the reduced frontage lot. Bardeen and Cook expressed concern regarding the additional lot, Lot B, that has no access to the land area. Gorman stated he has no intent on providing access to that land from Lot C. Cook provided an overview of section 8.A.2.f of the Zoning Bylaws and expressed concern regarding the following, “the use developed will not adversely affect the neighborhood.” Cook also expressed concern about Lot C because in a previously presented ANR plan, Lot C was listed as “not a buildable lot.” Deb Hamilton discussed the grading of the frontage, expressing concern that there most likely will not be any trees left on the frontage, which may affect neighboring residents. Gorman stated there would be trees remaining at the left of the driveway but due to grading, most trees surrounding the proposed dwelling would need to be cut down. Cook estimated that the slopes in the front of the house would be close to 15%-20%, whereas the back of the house could have slopes up to 30%. Cook brought up the fact that there is no additional access to the lot from the rear in case the septic system needs to be serviced. PB members requested new contiguous and buildable area calculations, site disturbance area, grading around septic system area, slope percentages before and after grading, and access to septic system.

Zambernardi read comments from other Town Officials. Paul Sevigny, Board of Health Director, stated he had no comments other than that Gorman is aware that a septic design is needed. Sam Joslin, Building Inspector, stated there weren't any issues regarding zoning. Joslin mentioned the frontage noted on MiMap measures 46 feet but the frontage actually measures 150+ feet. Assessor and MVPC will be notified. ConCom sent over a letter requesting the PB not approve a reduced frontage lot on Archelaus Hill Road unless the proposal is reconfigured to 1.) allow access to Lots B and C from Archelaus Hill Road OR 2.) to return to the prior two lot proposal with access to the former proposed Lot B from Archelaus Hill Road and a condition that the property not be further subdivided. DPW Director, Wayne Amaral, stated the applicant will need to complete a driveway opening permit.

Cronin opened up comments from the Public.

Richard Baker of 288 Middle Street, stated the Registry of Deeds lists these lots as being not building lots. Baker stated Gorman has since changed what he originally presented to the PB three months prior. Baker stated if Gorman had brought the Lots to the PB as building lots, the plan would have had to been submitted as a Subdivision Plan. Dennis Staats, of 13 and 15 Archelaus Hill Road, stated he submitted a letter that was agreed upon by many residents of Archelaus Hill Road. Staats stated he believes if the PB asked the residents of Archelaus Hill Road to comment, they would say the building of this lot would adversely affect the neighbors/neighborhood. Staats expressed concern regarding Gorman coming back to the PB with more division of the lots. Cook stated if a resident has frontage and acreage, they are able to subdivide the lots. Staats stated there are 15 other property owners that are adjacent to Gorman's property that agree with Staats on not wanting the lot developed. Staats expressed concern regarding the setback of the well area and the proximity to the septic system, questioning if it becomes a Board of Health issue. Staats also expressed concern over the fact that Gorman purchase the lot as one whole lot, then ended up turning it into three separate lots. Cook stated the creation of the lots was through the ANR process. Staats questioned if any members of the PB had ties with Gorman and if so, those members should recuse themselves due to a conflict of interest. Staats stated he wanted the PB members to all attest to not having any ties with Gorman. Hamilton stated she was the broker representing the Morley's, who were the original owners of the property. The Morley's put the property up for sale and Gorman was the purchaser. Hamilton stated she did not represent Gorman in any way, even when he sold the two lots that he did build on.

Zambernardi read letters from various residents for the record; two letters showed support of the development of the lot. Support letters were from Greg and Laura Bibler of 7B Archelaus Hill Road and Stephen Dallas and Mina Barghi of 7a Archelaus Hill Road. Zambernardi then read a letter from several residents opposing the development of the lot. Residents included Markerelli, Lot 2 -Tiezzi, Lot 5 - Flinn, Lot 6 - Bukow, Lot 9 Metrakas, Lot 10 and 12 - Leone, Lot 11 - Stackpole, 13 and 15 - Staats, Lot 16 - Bachmann, Lot 17 – Pettegrew and 288 Middle Street - Richard Baker. Baker stated he had the option of purchasing the lot from the Morley's but did not want to pay nearly as much as Gorman had paid for it. Jake Cormier observed that more residents opposed versus approved the development of the lot.

Zambernardi reviewed the questions the PB members had so they can be researched and reviewed at a future meeting. Questions included the slopes of land before and after grading including the trees being taken down, location of well on Flinn's property, how septic system would be accessed at the back of Lot C and grading requirements of the septic area, proximity of the well to the surrounding wells and septic in neighborhood. **Cook motioned to continue the public hearing to March 15, 2022 at 7:15 P.M. Seconded by Cook. Roll call vote was taken and the motion passed 4-0.**

### **3. Zoning for Multi-Family Units for MBTA Communities (Section 3A of Mass General Laws, Chapter 40A) – Continued Discussion for Planning Board Comments**

- i. Zambernardi shared a draft of the comments regarding the MBTA Communities. Cronin and Cook made edits and comments on the draft prior to the meeting. Zambernardi stated she previously spoke to Town Manager Angus Jennings regarding setting up a presentation to the Select Board for the upcoming Select Board meeting on March 14, 2022. PB members discussed the draft edits. Major points outlined in the draft included the following:

- West Newbury being included as a MBTA adjacent community but having no direct MBTA or other public transit services
- Limited ability to comply due to no existing sewer infrastructure, limited capacity for additional septic systems
- Existing public water system is already at capacity
- No realistic means for a rural community without extensive public service infrastructure

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- The need/want for the Town to preserve the large remaining tracts of land

Wendy Reed of the Select Board stated she didn't believe there would be enough time at the next Select Board meeting to go over the comments but suggested to emphasize the importance of land use issues. Reed questioned if the PB was planning on soliciting public comments, stated the PB has not done that yet and thought the Select Board was taking on that job. Reed suggested the Town just simply not comply with the MBTA Communities guidelines. Cook suggested for the Town to put their best effort towards complying.

**Cook made a motion to approve the document as edited and present these comments to the Select Board for their review and the potential release to the public. Seconded by Bardeen. Roll call vote was taken and the motion passed 4-0.**

#### **4. General Business:**

##### **i. Updates: 87 Main Street**

- PB went over the inspection report from Meridian for 87 Main Street. Notes stated site was in overall moderate condition. Meridian met with Zambernardi, Michelle Greene of ConCom and Contractor to discuss issues regarding the recent offsite silt runoff. Zambernardi stated a pipe froze and broke over the winter; a trench was dug on the surface for water to flow into new plunge pool. Contractor claimed the pond would be a long-term solution. Straw wattles and silt fence were put in place at Lot 3.

##### **ii. Minutes: August 17, 2021, September 7, 2021, & February 15, 2022**

- Minutes were not reviewed.

##### **iii. Correspondence:**

##### **iv. Administrative Details:** Set hearing date for review of Inclusionary Housing Zoning Bylaw Amendment with Public

##### **v. Placement of Items for Future Planning Board Agendas:**

- There were no items

##### **vi. Items not Reasonably Anticipated by the Chair 48 Hours in Advance of a Meeting:**

- There were no items

#### **Adjournment:**

**Cronin moved to adjourn the meeting at 10:05 P.M. Seconded by Bardeen. Roll call vote was taken, and the motion passed 4-0.**

Respectfully submitted,

Katelyn Bradstreet, *Administrative Assistant to the Planning Board*