



**Town of West Newbury**  
**Planning Board**  
**Tuesday July 19<sup>th</sup>, 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 Ann Bardeen called the meeting to order at 7:00 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. Update on Associate Planning Board Member Search**

- Leah Zambarnardi stated the position has been posted on the volunteer opportunities section of the Select Board page on the Towns website. No applications have come in as of yet. Zambarnardi reached out to the Town Clerk and Town Manager for guidance; they have put out a notice specifically for the Associate Planning Board Member search.

**2. Update on Horsley Whitten Study of Stormwater Management Related Bylaws and Regulations**

- Town manager, Angus Jennings, gave an update on the Horsley Whitten Study. Jennings stated the Stormwater Working group has been meeting regularly which includes several Town employees from various departments. He stated the study was largely funded by an article at the Spring 2021 Town Meeting. The idea of the work is to look at the Stormwater Bylaws and Regulations in terms of subdivision regulations, Zoning Ordinance Bylaw, parking regulations, etc. to ensure conformity and consistency. The Town has asked Horsley Whitten to prepare a flowchart to allow staff to give advice to applicants regarding which sequencing would make the most sense. Horsley Whitten will work on recommendations that would be referred to the Stormwater working group before heading to the Board level. Jennings stated the Town is in the early stages of the work but would like to implement changes and/or recommendations before the 2023 construction season. Brian Murphey expressed concern

regarding the level of changes and the tight timeframe of early Fall. Jennings stated January will be the latest for getting things where they need to be so the 2023 construction season is not affected.

### **3. Review of Accessory Dwelling Units Information**

- Zambarnardi stated she sent the Planning Board members two documents describing what an accessory dwelling unit is and information on statutory framework, etc. One document was from the AARP which was updated in 2020/2021. The document explained what a statute might look like and what a local bylaw or ordinance might look at. The second document was from the Pioneer Institute which was updated in 2019 regarding the state of zoning for accessory dwelling units in Massachusetts. A study was performed on the different bylaws and regulations across towns and cities in the state; such as by-right, by special permit. Does the primary unit have to be owner occupied? Is it a year-to-year renewal? Bardeen stated she could not find any information in the articles pertaining to septic systems versus public sewer systems, which will be a topic of interest for the Town. Murphey wanted to clarify that the Town currently allows in-law apartments, duplexes, etc. but the Town would like to further more possibilities.
- Tim Cronin stated the House Bill 5007 that Zambarnardi sent out in the Planning Board member email did not get passed. Cronin stated some of the House Bill 5007 was embodied in House Bill 5034 which had information on a Starter Home District. Zambarnardi stated she did her own research and could not find any indication that the House Bill passed. The House Bill would have prevented cities and towns from requiring special permits or otherwise prohibiting accessory dwelling units. Zambarnardi stated the Starter Home provision was for a starter home zoning district that a city or town may adopt, it was not a mandate. Bardeen suggested continuing this discussion at future meetings once Planning Board members have all read through the Accessory Dwelling Unit documents.
- Deb Hamilton had several questions regarding accessory dwelling units including is there a difference between an accessory apartment, in-law apartment, and a two-family home? The Town currently allows two-family homes but Hamilton questioned the rental guidelines; can it be rented long-term? Short-term? Hamilton also spoke to Building Inspector, Sam Joslin, who brought up the topic of difficulties in a bank financing a two-family home. Hamilton suggested the Planning Board should not disregard AirBnBs entirely.

### **4. General Business**

- **Updates: Austin Property, Poor House Lane, MVPC Report on Green Infrastructure Practices**
  - **Austin Property, Poor House Lane:** As of the last week, Greenbelt is in discussion with the owners through their council for potential Greenbelt acquisition within the Town. Select Board will have an executive session in their upcoming meeting that Greenbelt will participate in. Jennings suggested that the Open Space Committee and Planning Board should designate someone to participate. Hamilton expressed interested in serving as the designated Planning Board member.
  - **MVPC Report on Green Infrastructures Practices:** Zambarnardi stated she received the draft report in time for year-end for the MS4 Year 4 Permit. The reporting was done to help fulfill the year 4 MS4 requirements to assess current bylaws and regulations for street design and parking lots that deal with impervious surfaces. Reporting was also done to help bring the bylaws up to date for the LID (low impact development) component. Report recommends how the Town could improve the bylaws.
- **Minutes:** November 2, 2021, May 3, 2022, June 21, 2022, Others if any.
  - Planning Board members reviewed minutes and provided comments on suggested changes, if any.  
**Bardeen moved to approve the November 2, 2021 minutes, as amended. Seconded by Murphey. Roll call vote was taken and passed 4-0. Hamilton was not in attendance.**  
**Bardeen moved to approve the May 3, 2022 minutes, as amended. Seconded by Cook. Roll call vote was taken and passed 5-0.**

**Bardeen moved to approve the June 21, 2022 minutes, as amended. Seconded by Cronin. Roll call vote was taken and passed 5-0.**

- **Correspondence:** A notice from the Town of Newbury regarding an approved solar installation on Boston Road.
- **Administrative Details** – Reminder of August Meeting Dates: Monday August 1, 2022 & Tuesday, August 23, 2022.
- **Placement of Items for Future Planning Board Agendas: Schedule Stormwater Educational Session**
  - Zambenardi stated David Kelley from Meridian suggested breaking down the Stormwater Educational Session into two parts. August 1<sup>st</sup> and August 23<sup>rd</sup> will be the two sessions.
  - Bardeen suggested Cook presents his steep slopes findings.
  - Continued discussion on Accessory Dwelling Units on August 23<sup>rd</sup>.
- **Items not Reasonably Anticipated by the Chair 48 Hours in Advance of a Meeting:**
  - Hamilton mentioned she was appointed by the Select Board to the Affordable Housing Trust. Hamilton discussed the meeting regarding the Mill Pond all-access trail. Questioned what involvement the Planning Board would have as far as what is being proposed? Hamilton stated the plan is to implement better parking to avoid parking along the pond. Cook stated with the changes regarding to parking, a site plan review would definitely need to be performed. Bardeen questioned who has jurisdiction over the process. Hamilton stated the proposal came from Parks and Rec.
  - Zambenardi received an email from 519 Main Street – Michael Crowe provided an updated schedule for this Summer and Fall. Schedule included the following: next week - erosion control inspection with ConCom, August 1<sup>st</sup>-15<sup>th</sup>: complete construction of infiltration basin, prepare a preliminary as-built plan of the drainage areas of roadways. August 15<sup>th</sup>-31<sup>st</sup>: water service installation. September 1<sup>st</sup>-15<sup>th</sup> electric service installation, planting of ponds. Sept 15<sup>th</sup>-30<sup>th</sup>: complete road grade with gravel, complete plantings. October 1<sup>st</sup>-15<sup>th</sup> install binder on roadway, install foundation on Lot 4, complete site stabilization.

**Adjournment:**

**Bardeen moved to adjourn the meeting at 8:23 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*