



**Town of West Newbury  
Planning Board  
Tuesday August 23<sup>rd</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 7:01 P.M by reading the remote meeting notice. Members in attendance were Ann Bardeen, Ray Cook, Jake Cormier, Tim Cronin, and Deb Hamilton, and Brian Murphey. Town Planner Leah Zambenardi and Planning Board Administrative Assistant Katelyn Bradstreet were also in attendance. All participated via Zoom Conference.

**1. Stormwater Educational Session Part 2: Construction Inspections, Violations & Enforcement**

- David Kelley from Meridian discussed construction inspections, violations, and enforcement in regards to stormwater management. Kelley shared his screen with the Planning Board to show the Stormwater Inspection and Maintenance Report by Meridian Associates, which is a form that the inspector will use during project inspections. Kelley stated he does not think he is able to enforce any monetary violations but he can list the issues in his inspection reports. Kelley stated the Planning Board has the ability to sign off on completion. If enforcement orders have not been addressed, the Planning Board does not have to sign off on the project.

**2. Discussion of Zoning Amendment to Allow Office Use Within the Residence C Zoning District by Special Permit**

- Leah Zambenardi stated the board asked her to prepare a draft amendment for the purpose of allowing business and professional offices by special permit of the Planning Board in the Residence C district. Zambenardi stated she looked at surrounding Towns’ bylaws and followed the existing section of the bylaw to complete the draft amendment. Bardeen stated that Town Manager, Angus Jennings, suggested that the language be reviewed by Town Counsel before the public hearing date. Sam Joslin, Building Inspector, stated the language seemed straight forward and with the special permit aspect, it

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should limit people taking advantage of the bylaw. Brian Murphey suggested to not limit the number of employees in the bylaw language. He stated it can be addressed as the Planning Board listens to the applicant when applying for the Special Permit. Cook agreed. Tim Cronin also agreed with Murphey and suggested that people are still working remotely and that may cause confusion. Cronin stated the bylaw doesn't seem much different than the existing bylaw for home businesses. Bardeen stated the first line of the bylaw can be removed which is "No more than X persons are regularly employed in connection with such use." Appropriate changes were made to the proposed bylaw amended and Bardeen stated it would be ready to be sent to KP Law for review.

### **3. Discussion with Building Inspector, Sam Joslin, Regarding Recodification of Zoning Bylaws**

- Joslin stated the Zoning Bylaws need to be updated and reorganized. Joslin stated there is a standard format that most cities and towns use. Joslin went over the draft with the Planning Board and stated that at this point, no wording changes were made, only reorganization. Joslin stated he has not yet cross-referenced other bylaws.

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

- **Updates: GL Ch. 40A, s. 3A "MBTA Communities" Final Guidelines Issues 8-10-22; Drakes Landing; 519 Main Street**
  - GL Ch. 40A, s. 3A "MBTA Communities" Final Guidelines Issues 8-10-22 – Bardeen stated the rural adjacent communities are down to 87 units and no minimum land area. Bardeen stated with the density of 15 units per acres, the minimum size of a parcel would have to be 6 acres. Murphey believed the Town has an extra year to come into compliance with the guidelines. Bardeen stated there is a deadline of January 31, 2023 to submit an action plan for the Town. Wendy Reed, of the Select Board, stated there is a webinar on September 8, 2022.
  - Drakes Landing – Kelley stated there was an email from Karen Iorio from the HOA, she listed concerns such as the sloped granite curbing, sidewalks not being set properly, final cleanout of drainage structures, etc. Kelley stated all matters have been closed from Meridian after going on site to review the issues with contractors, inspectors, etc. The final cleanout of drainage structures remains open; waiting on records from Cottage Advisors showing that they were cleaned out and if not, Chip Hall will coordinate for them to be cleaned.
  - 519 Main Street – Kelley stated construction is active again. Received their highway access permit from Mass DOT to connect the water line. Stormwater basins have been rough graded and associated piping had been installed. There was a request from Meridian to change the stormwater pipe material from Reinforced Concrete pipe to a High-Density Polyethylene pipe. Cook stated he had no issue with the change. Kelley stated he is due to be on the project site later this week to review.  
**Cook made a motion to propose the replacement of the Reinforced Concrete pipe with the High-Density Polyethylene pipe as a minor plan change. Seconded by Bardeen. Roll call vote was taken and the motion passed 5-0.**  
**Cook made a motion to approve the proposed minor plan change. Seconded by Bardeen. Roll call vote was taken and the motion passed 5-0.**
- **Minutes: March 15, 2022, April 5, 2022, April 19, 2022. Others, if any.**  
**Bardeen made a motion to approve the minutes of January 18, 2022, as amended. Seconded by Cook. Roll call vote was taken and the motion passed 5-0.**  
**Cook made a motion to approve the February 1, 2022, as amended. Seconded by Murphey. Roll call vote was taken and the motion passed 5-0.**  
**Bardeen made a motion to approve the minutes of March 15, 2022, as amended. Seconded by Cook. Roll call vote was taken and the motion passed 5-0.**

**Cook made a motion to approve the minutes of April 5, 2022, as amended. Seconded by Hamilton. Roll call vote was taken and the motion passed 5-0.**

- **Correspondence:** A public hearing notice from the Town of Newbury for a Special Permit. A public hearing notice from the City of Haverhill for a zoning amendment change.
- **Administrative Details: Town Planner Search & Office Staffing, Associate Planning Board Member Search, Planning Informational Binder**
  - Bardeen stated the Town Planner position was listed to the website and resumes have already come through. Bardeen discussed the Planning informational binder that Zambernardi had created prior to her departure. No update on the Associate Planning Board member search.
- **Placement of Items for Future Planning Board Agendas:**
  - Accessory Dwelling Units (September 6, 2022); Public Hearing on Zoning Amendment to allow office use in Res-C District by Special Permit (September 20, 2022); Horsley Witten Review of Stormwater Related Bylaws/Regulations (Fall 2022); Steep Slopes (Fall/Winter)
- **Items not Reasonably Anticipated by the Chair 48 Hours in Advance of a Meeting:**
  - There were no items

**Adjournment:**

**Bardeen moved to adjourn the meeting at 9:03 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*