



**Town of West Newbury
Planning Board
Tuesday, November 16, 2021
381 Main Street, Town Office Building
www.wnewbury.org
Minutes of Meeting**

Open Session: 7:00 p.m. by remote participation (see below)

Addendum to Meeting Notice regarding Remote Participation

Pursuant to Chapter 20 Of the Acts of 2021, which has extended permissions for boards and commissions to conduct remote meetings, the Planning Board conducted this meeting via remote participation to the greatest extent possible. 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 7:00 p.m. Members in attendance were Ann Bardeen, Tim Cronin, Ray Cook, Jake Cormier, and Brian Murphey. Associate Member Deborah Hamilton and Town Planner Leah Zambarnardi, were also in attendance. All participated via Zoom Conference.

Cronin took the agenda out of order and the Board considered #2 first.

Subdivision Approval Not Required Plan – 442 Middle Street (Map R-27, Lot 30) & 0 Middle Street (Map R-27, Lot 30A), Essex County Greenbelt Association (“Greenbelt”) & Connors Family Revocable Living Trust – Reconfiguration of 2 Parcels

Maggie Brown from Greenbelt presented a plan to reconfigure lot lines where the Connors family would convey approximately 8 acres to Greenbelt, which would then become part of the Artichoke River Woods Reservation to the west. She stated this would also complement open space to the east which is owned by Newburyport as a watershed buffer. Board Members asked questions of Brown and Zambarnardi. The adequacy of frontage for Lot 2A was discussed. At the conclusion of the discussion, Bardeen made a motion to endorse the plan as one not requiring approval under the Subdivision Control Law. Cook seconded the motion and it carried 5-0.

Continued Review of Draft Stormwater Management Regulations, Application Form, and Fees, with Jennifer Hughes, MVPC

Jennifer Hughes from Merrimack Valley Planning Commission was present to assist the Board. Cook thanked Hughes and Zambarnardi for their support. Regarding the Regulations, Hughes stated she accepted the changes Zambarnardi sent to her after the last meeting. She stated that the only remaining highlighted sections are a few remaining comments from Zambarnardi. Board Members reviewed the comments page by page made some minor changes. The Board then reviewed model fees provided by Hughes and determined an appropriate fee for incorporation into the Regulations. The Board reviewed and approved the application forms prepared by Zambarnardi. The Board tabled the discussion about the model conditions until the next meeting. The Board also discussed scheduling the public hearing for adoption of the Regulations for December 21, 2021.

3. Planning Board and Town Planner, Work Planning & Priorities Discussion

Zambernardi displayed a Planning Projects List document dated 11/16/21. Cronin stated that the Board has made progress with stormwater.

Cronin then took the agenda out of order to discuss “Items not Reasonably Anticipated by the Chair 48 Hours in Advance of a meeting,” to receive an update from Select Board Member Wendy Reed on the Town’s adoption of the Affordable Housing Trust statute at fall Town Meeting and next steps. Reed stated that the Select Board voted the previous night to establish an Affordable Housing Trust Bylaw Committee to review adoption of a local Affordable Housing Trust Bylaw. She stated that the Town Meeting vote had been presented as the first step in a process, and that if adopted, there would be opportunities for public input on how the Trust would operate and the composition of the Board if the Trust were adopted. She stated that it would be a short term committee, intended to convene from December 6, 2021 thru April 30, 2022. She reviewed the duties and responsibilities of the committee, and stated that a consultant is available to assist the committee in this work in addition to assistance that Zambernardi would provide. She stated that the Select Board is in the process of creating an Affordable Housing Trust website, which will include a request for volunteers to serve on the committee. She stated that the applications would be reviewed at the December 6, 2021 Select Board meeting and committee members would be selected. Reed invited the Board to have one of its Members participate. Cronin stated that it is important that the Planning Board have a role. Deb Hamilton stated she would like to represent the Planning Board because affordable housing is of great interest to her, having worked in housing for over 40 years. Cormier suggested that Hamilton provide periodic updates to the Board and Members offered to assist Hamilton if needed. Cronin thanked Reed for bringing this to the Board’s attention.

General Business:

- Updates:
 - Sullivans Court Extension – Zambernardi stated that recording the trail easement is required as a condition of the Board’s approval of the project. She stated that the Conservation Commission has had the trail easement under review for some time. She stated that Cronin, Cook and Zambernardi attended an August meeting of the Conservation Commission to review the draft trail easement with them. Upon the Conservation Commission’s approval the document, it was forwarded to the Select Board who in turn engaged Town Counsel for a final review. Town Counsel made recommendations and attended the November 1, 2021 meeting of the Conservation Commission to review the suggested language changes. Zambernardi stated that the document is well on its way to would soon be finalized and accepted. She stated that Tom Neve will soon submit as-built and street acceptance plans and will fund Meridian’s peer review, which is expected to be provided within the next month or two. Should this review occur as planned, the project will be brought forward to spring Town Meeting for final street acceptance.

Cronin asked about the anticipated \$10,000 gift for construction of the trail to River Meadow Drive. Zambernardi stated that the Board holds a performance bond upwards of \$19,000 to guarantee completion of the entire project. KP Law advised that the bond be released and the gift accepted as separate transactions and would be available to facilitate. Cronin stated that he received an email from Brad Buschur of 347 Main Street with a concept plan attached for construction of the trail, “Whetstone Greenway.” Cronin forwarded the email to the Board for its information.

- 519 Main Street (Major Boyd Drive) – Zambernardi displayed a construction inspection report dated November 5, 2021 from Meridian Engineering. Murphey asked about the schedule for paving and Zambernardi responded that the developer, Michael Crowe needs a street opening permit from MassDOT to connect the project’s water line to the main line, and that he would hold off on paving until it’s accomplished. Bardeen stated that the Inspection Report indicates that the stormwater management devices were installed without Meridian’s presence. Zambernardi confirmed that both the Board’s approval and the Subdivision Regulations require that the consultant engineer be present during installation of specific items, including stormwater management. Cormier stated his concern about the risk of closing out the project without the required observations/inspections. He cautioned that a catch basin could sink if the underlying soil wasn’t compacted properly. Murphey recommended that David Kelley of Meridian be

asked to provide information on the data he would need to make a determination of whether the devices were installed properly. He suggested that Zambarnardi convey this information to Crowe with Meridian copied, reminding that an inspection should have occurred and that he be diligent with future required inspections. Board Members agree.

- Drakes Landing – Zambarnardi apprised the Board of two recent issues: 1. The condominium management company notice pooling water near the septic system and sent correspondence to the Town with concern that a pipe had broken. She stated that the Town’s Health Agent Paul Seigny looked into the matter and concluded that the accumulation is due to a construction vehicle veering off the service road and leaving tire ruts. Cook commented that unit owners commonly bring up issues like this and ask the Planning Board to intervene when the developer is finishing up a project, adding that some of the issues are not within Planning Board’s jurisdiction. 2. James Provencher of 11 Daley Drive had previously complained of drainage backup at the rear of his unit and the building inspector had responded. Zambarnardi stated she was recently contacted by Provencher who noted the problem was occurring and asked that the Planning Board intervene. Murphey stated that the complaint be forwarded to the Building Inspector for enforcement. Board Members asked that Kelley provide an update on the status of construction inspections, and whether the inspection schedule is being followed.
- Common Driveway Serving Lots on Main Street (formerly 87 Main Street) – Cronin stated that substantial runoff has been observed after recent storms. Zambarnardi stated that the last building is under construction and that the soil is still exposed, causing excessive stormwater runoff onto Main Street. She stated that MassDOT was on-site this past Sunday during a rainstorm for a street opening permit inspection. They called in the Building Inspector who directed the developer to install temporary controls to redirect the stormwater. She stated that Kelley and the Conservation Agent Michelle Green plan to meet with the developer on site tomorrow. She stated that Kelley will provide an inspection report to the Board with the status and recommendations for temporary measures. Murphey expressed disappointment with developer not shoring things up properly. Zambarnardi noted that the Conservation Commission has jurisdiction past the common driveway and that she will ask Green for an update from their perspective.
- West Newbury Affordable Housing Trust (discussed earlier in the meeting)
- West Newbury Tree Committee – Cronin stated that he was contacted by Fred Chania of the Tree Committee who asked for time on the Board’s agenda to discuss the tree survey and accompanying report, noting that this material is posted on the Tree Committee’s website. Cronin stated that Chania would like to share ideas on how the Tree Committee can assist the Planning Board by making recommendations for protecting trees during construction and best practices. He would like to discuss the lines of communication so that the Planning Board can call upon the committee as a resource. Board members added Chania to the December 7th agenda for a period of 10-15 minutes. Murphey discussed the reality of a homeowners’ right to take trees down and the Town’s limits on regulating this activity.
- Archelaus/Middle Street – Zambarnardi stated that John Gorman would be submitting an ANR plan to divide the parcel, creating 3 lots. Only Lot A would be buildable as it has a valid Order of Conditions from the Conservation Commission for installing a driveway in the wetland area. She stated that the other 2 lots (B & C) would each have notations “not a building lot”. She stated that Gorman had indicated to her that he is considering filing a definitive plan for those lots and she would like to recommend that he come before the Board to discuss his plans and receive informal feedback before moving forward with an application. Bardeen noted there are a number of steps along the way in the event he would like to make lot B or Lot C buildable. Cronin stated it would be a good idea for outreach to occur before having a plan filed.
- Correspondence – Zambarnardi read a legal ad from Haverhill for a special permit for an over-55 development.
- Minutes: June 1, 2021 – Approval of the minutes was tabled to a future meeting.
- Administrative Details: Town Planner Job Description – There was no update. Zoom subscription -

Zambernardi stated that the Board had been sharing the cost of the Zoom subscription with the Conservation Commission. She stated that the Conservation Commission has elected not to renew, and asked the Board if it would pay for the whole subscription, \$14.99 per month. Members concurred that it is a worthwhile service and approved of continuing the subscription.

Adjournment:

Bardeen moved to adjourn the meeting. Seconded by Cook.
Roll call vote was taken, and the motion passed 5-0

Respectfully submitted,

Leah Zambernardi
Town Planner