



**Town of West Newbury
Planning Board
Tuesday December 21st, 2021
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 7:03 PM. Members in attendance were Ann Bardeen, Ray Cook, Jake Cormier, Tim Cronin, & Brian Murphey. Town Planner Leah Zambarnardi was also in attendance. All participated via Zoom Conference. Deb Hamilton was not in attendance.

Chris Wile regarding Comprehensive Plan:

Chris Wile of 150 Main Street, introduced himself to the board. He stated the last Comprehensive Plan was done in 1999 and the Town is in need of a new Plan. Wile said it is estimated to cost roughly \$100,000. Wile hoped the Planning Board (“PB”) and Select Board will recognize the need for a new comprehensive plan. Cronin asked Wile if he would be addressing the Select Board. Wile thought the PB should take the lead on the issue. Murphey stated he would be supportive of the discussion going forward. Cook also mentioned he would support the discussion. Wile stated it was a heavy workload for the PB, even with hiring a third-party consultant. Wile stated the PB should establish a Comprehensive Plan Committee for the Town of about 10-12 people from different groups that already exist. Bardeen and Cormier were also in favor. Cronin stated this would be brought up again in a future meeting. Zambarnardi suggested the PB review a website called Community One Stop for Growth which provides funding resources and community planning grants. Fred Chania of 47 Coffin Street suggested that the PB to keep in touch with Town Manager, Angus Jennings to see how he would like the process to move forward.

Public Hearing: Adoption of Stormwater Management Regulations

Zambarnardi read the public hearing notice to the Board. Cronin welcomed the Public to comment. No comments from the Public were made.

Cronin moved to close the Public Hearing. Seconded by Bardeen. Roll call vote was taken, and the motion passed 5-0.

Cronin moved to adopt the Stormwater Regulations as published on the website. Seconded by Cook. Roll call vote was taken, and the motion passed 5-0.

Continued Public Hearing: Scenic Roads Bylaw Permit - Gorman Homes, LLC – Lot A, 0 Middle Street (Assessors Map R22, Lot 2) - Removal and Resetting of 25-feet of Stone Wall for a Driveway Installation

Cronin moved to reopen the Public Hearing. Seconded by Cook. Roll call vote was taken, and the motion passed 5-0.

Zambernardi read the public hearing notice.

Cronin recapped the previous portion of the public hearing, stating that there needed to be a resubmittal/correction of the plan showing the correct location of the removed tree. The revised plan was displayed. Brian Murray from Millennium Engineering stated the tree location has been properly located on the plan. He noted that 25-feet of stone wall would be removed and incorporated into the additional stone wall to the left of the driveway access. John Gorman, applicant, stated the stones will be stacked on the left side of the driveway. Wayne Amaral, Director of DPW, submitted a tree evaluation report form that stated he approved removal of the tree due to it being a high-hazard tree with minor dieback, trunk damage, etc. Zambernardi showed images of the tree to the Board.

Cronin moved to close the Public Hearing. Seconded by Murphey. Roll call was taken, and the motion passed 5-0.

Cronin moved to issue the Scenic Roads permit. Seconded by Cook. Roll call was taken, and the motion passed 5-0.

ANR Plan: Gorman Homes, LLC- 0 Middle Street (Assessors Map R22, Lot 2) – Divide Parcel into 3 Lots: Lot A (Building Lot), Lot B (“Not a Buildable Lot”), & Lot C (“Not a Buildable Lot”)

Cronin stated that since the last meeting, the PB consulted Town Counsel and received a memo back indicating that the plan only showed one buildable lot. Cook suggested that the words “Not a Buildable Lot” should not be in quotation marks on the plan. Bardeen stated she wanted the plan to conform with the regulations in stating “Not a Building Lot,” versus “Not a Buildable Lot” which is currently noted on the plan. Cronin agreed with Bardeen.

Bardeen moved to endorse the plan as one not requiring approval under the Subdivision Control Law. Seconded by Cronin. Roll call vote was taken, and the motion passed 5-0.

A revised plan would be submitted for the Board’s signature.

General Business:

Updates: 87 Main Street, 519 Main Street, Drakes Landing, Sullivans Court Extension

- 87 Main Street: David Kelley from Meridian stated the common driveway has not been paved but additional erosion control has been installed such as silt socks, hay bales, etc. He stated some slopes have eroded/washed out and recommended that they put some stabilization on the side of the hill in case of rain. Kelley stated he did not see any heavy silt build up on the street or in the catch basin. He stated his final
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concern was the water running down the driveway and then freezing all the way to Route 113. He stated that the developer agreed to install asphalt berm below the lowest driveway at a diagonal direction. This will ensure water coming down the hill will hit the berm and be directed to the rip rap swale. The developer agreed to maintain the berm in case of plow damage. Murphey had shown a photo from December 11th of silt running down the middle of the common driveway. Kelley stated the asphalt berm would redirect the silt and water into the swales. Robert Johnson of 14 Lexington St. Stoneham, MA, owner of 87 West LLC, the entity which owns property stated that if workers are at the site, they move the haybales which causes the silt. Johnson stated the septic is to be installed soon and once installed, it will be backfilled and then they can start to stabilize the hill. Cronin suggested Johnson keep PB and Zambenardi in the loop on activity on the site.

➤ 519 Main Street: Cronin welcomed Mike Crowe of 6 Mechanic Street of Kennebunk, Maine. Kelley stated the site was stable, no grass was growing but there is no noticeable erosion, and the roadway is up to sub-grade. Crowe provided Kelley with photos taken during construction of the piping installed, and Kelley confirmed that the structures were installed with proper stone base, etc. The Board discussed the lack of communication during construction for installation of drainage and the need to have items observed while being installed. Kelley agreed to review the as-builts in the Spring once the remaining stormwater management devices are installed and the binder asphalt coat is on. Kelley and Crowe mutually agreed to have better communication going forward. Crowe stated he met with the Conservation Commission agent, Michelle Greene, earlier that morning regarding concerns with erosion control, etc. Crowe stated that Greene approved the erosion control on site. Cronin reviewed the punch-list provided by Meridian. Cronin questioned if the stormwater collection is working well. Kelley stated it was working well now that everything is connected, the slopes are stable, and the constructed wetland details are done, etc.

➤ Drakes Landing: Zambenardi stated the Drakes Landing Homeowners Association (“HOA”) was concerned about the height, size, and quantity of signage on Daley Drive. Kelley and DPW had reviewed the signs and stated that they are all per-plan and meet State standards. Zambenardi stated the HOA wanted to modify the signage to be smaller and questioned whether they would need to submit a request for a modification to the site plan. Murphey questioned why the PB would be responsible and suggested they close out the project so the HOA can change the signs as they please. Bardeen agreed that it does not sound like a PB issue. Zambenardi stated the Provencher’s at 11 Daley Drive were concerned about drainage behind their unit. They believed the grade level at the outlet pipe area is too high, not allowing water to flow. She stated the Building Inspector indicated he reviewed the plans and the installed drainage system and it meets the requirements of the building codes. He stated the installation system is designed for normal rainfall and will back up during abnormally high rainfall events. He suggested damp-proofing or water-proofing the foundation to allow standing water to dissipate. Zambenardi stated the HOA management company sent her a list of HOA concerns and that Chip Hall replied with items he will and will not address. Chania stated the PB has much more experience and should do what they can to help. Zambenardi suggested that the HOA create a list of concerns, and the Board can have Kelley peer review the list and figure out which items remain in PB jurisdiction and are of concern. Murphey was concerned regarding the design standards of the drainage. He suggested that there needs to be some consideration with the additional precipitation in the drainage design. Cook stated we are limited by the State laws for the design of the stormwater system.

➤ Sullivans Court Extension: Zambenardi stated the Select Board accepted the Trail Easement document for Sullivans Court. Bardeen stated she did not see any submitted street acceptance or as-builts. Zambenardi stated they have been submitted, Kelley reviewed them and asked for more information. She stated she is waiting for the developer’s response.

Minutes: There were no minutes reviewed.

Correspondence: Zambernardi stated the PB received a Public Hearing Notice from Haverhill.

Administrative Details: FY23 Budget, 2022 Meeting Schedule, Annual Report

- FY23 Budget: Zambernardi showed the PB the draft budget schedule. Cronin brought up the MBTA Communities Act that was discussed at a prior PB meeting. Murphey suggested the PB discuss the topic more in-depth at the January meeting.
- 2022 Meeting Schedule: Zambernardi shared the 2022 meeting schedule with the PB to see if any changes needed to be made. No changes were made and Zambernardi noted that changes can be made during the year, as needed.
- Annual Report: Zambernardi stated she would prepare the FY21 report for the Board's review.
- 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. There were no items.

Adjournment:

Cronin moved to adjourn the meeting at 9:06 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*