

## **WEST NEWBURY PLANNING BOARD**

### **Minutes of Meeting**

**April 16, 2019**

Pursuant to a meeting notice posted by the Town Clerk that was delivered to all Board members, a meeting of the West Newbury Planning Board was held on April 16, 2019 at 7:00pm in the Planning Office at the West Newbury Town Offices, 381 Main Street. Board Members Ann Bardeen, Richard Bridges, Raymond Cook, Brian Murphey, and Associate Member Tim Cronin were present. Town Planner Leah Zambarnardi was also in attendance. Member Kim Monahan was absent.

#### **Call to Order**

Chair Bardeen called the meeting to order at 7:03 PM.

#### **General Business**

##### *Updates: Study of Parcels Proximate to 3-Phase Power Lines*

Zambarnardi showed a working map of West Newbury showing locations of 3-Phase Power Lines and parcels possibly suitable for solar arrays under the proposed LGSPI Zoning Bylaw. Rick Parker of the Energy Advisory Committee provided information on the power lines and Zambarnardi provided information on the parcels. Cook noted the proposed Special Permit process provides a mechanism to address projects requiring a smaller setback than 150-feet. Rick Parker reported the Energy Advisory Committee has concerns about the requirement for a special permit and that it may undermine the Town's Green Community status. He cited the expedited permitting process and not requiring a special permit. Bridges noted the goal of the proposed bylaw was to provide clarity for developers and abutters. Murphey noted the size limitation reflected the Town's desire to better regulate large commercial installations. Zambarnardi clarified that the proposed special permit process provides relief from the dimensional requirements. LGSPI would remain a permitted use.

##### ***Documents Reviewed: Parcel Study of Solar Suitable Areas***

Bardeen recessed the regular meeting of the Board and opened the Scheduled Public Hearing at 7:23 PM.

#### **Request for Modification of Definitive Plan – John McGrath – 22 Church Street (formerly 16 Church Street)**

Bridges read the legal notice.

"The West Newbury Planning Board will hold a Public Hearing on Tuesday, April 16, 2019, at 7:15 PM in the Planning Board Office, Town Office Building, Second Floor, 381 Main Street, to consider an Application for a Modification of a Definitive Plan Approval dated May 3, 2001 per M.G.L. Ch. 41, Sections 81R, 81T & 81U and the Town of West Newbury Rules and Regulations Governing the Subdivision of Land, at 16 Church Street (now 22 Church Street), Assessors Map R-11, Parcel 90, in the Residence C Zoning District, to modify the Approval so as to conform to the Variance for insufficient frontage dated February 15, 2001 re: restricted area. Owner/Applicant: John McGrath, 16 Church Street, West Newbury, MA 01985. A copy of the Application Materials may be viewed at the Office of the Town Clerk or the Planning Board Office during office hours. Interested parties are requested to attend.

Richard Bridges, Clerk"

McGrath provided a history of the property, including a 2001 decision to apply a conservation restriction on the property. He noted the parcel's wetlands designation made the land in the back unbuildable.

Bardeen noted that based on previous information from Mr. McGrath, the current Planning Board believes that the Planning Board in 2001 should only have affirmed the language of the ZBA, and that the addition of the Conservation Restriction language went farther than the ZBA decision and was at best unnecessary.

Murphey noted that the Planning Board has clarified decisions of previous Planning Boards in the past.

The Board decided to postpone the hearing until all relevant boards and commissions have had sufficient time to respond to the notification sent by Zambarnardi.

Bardeen moved to continue the Public Hearing to May 7, 2019, at 7:15 PM. Cook seconded. The motion carried 4-0.

***Documents Reviewed:***

*Planning Board letter to all relevant Town Departments*

*West Newbury Zoning Board of Appeals Variance Approval, recorded 4/20/01*

*West Newbury Planning Board approval of Definitive Plan, recorded 5/8/01*

*Form C Application for Approval of a Definitive Subdivision plan fee receipt, recorded 3/25/19*

*W.C. Cammett Engineering, Inc. Site Plan, stamped 3/5/01.*

*Approval Under sub division Control Not Required, dated 2/3/04*

*Request for Modification of Definitive Plan Approval, John McGrath, recorded 3/28/19*

Bardeen reconvened the Regular Meeting at 7:48 PM

**Minutes Review and Acceptance- Executive Session February 16, 2016, and Regular Meeting minutes of March 19, 2019, April 2, 2019**

The Board reviewed the minutes and provided clarifications.

Bardeen moved to accept the minutes of the Executive Session of February 16, 2016. Bridges seconded the motion. The motion carried— 4-0.

Bardeen moved to accept the minutes of March 19, 2019. Bridges seconded the motion. The motion carried 4-0.

Bardeen moved to accept the minutes of April 2, 2019. Bridges seconded the motion. The motion carried— 4-0.

**Vouchers:** The Board signed payment vouchers.

**Correspondence:** Zambarnardi noted that correspondence consisted primarily of notices of other public hearings; towns are required to notify abutting towns of certain changes. Cook noted his high confidence in Zambarnardi's attention to these notices.

**Upcoming Town Meeting, Monday, April 29, 2019**

The Board discussed the proposed solar bylaw, and points that could be made at Town Meeting: the defined setback is more easily understood, it removes ambiguity, streamlines parcel reviews, and includes a decommissioning provision, protecting the Town and abutters. They also discussed points that could be made related to the OSPD. Zambarnardi will create a bullet point summary to accompany the Articles. Cook will speak to the solar article at Town Meeting. Murphey will speak to the OSPD

**Administrative Details**

Zambarnardi asked the Board for its preferences in receiving background materials. Individuals made their preferences known.

**Discussion of Article 30 Re: Community Preservation Act**

West Newbury Planning Board, Minutes April 16, 2019. Approved June 4, 2019.

Article 30 of the Town Meeting Warrant proposes to reduce the current 3% surcharge on real estate tax for the Town's Community Preservation Act fund to 0.5%. The Community Preservation Committee (CPC) Chair, Bill Bachrach, had asked the CPC Members to discuss Article 30 with the Boards/Commissions they represent. Bachrach had suggested that the Boards/Commissions take a vote on the article and send comments back to the CPC in time for its meeting on April 18<sup>th</sup>. The Board discussed the CPC funding and targeted parcels. Bridges noted the value of it to the Town. Cook, as the Board's representative to the CPC, asked for Planning Board support for keeping 3%.

Cook moved that Planning Board express support to keep the present 3% rate. Bardeen seconded. The motion carried 4-0.

### **Drakes Landing**

In response to Murphey's question about the Drakes Landing OSPD F units, Zambenardi noted that Hall decided not to submit a request for a major modification and that the builder removed the dormers within a day. Zambenardi stated that Hall requested a copy of the transcript of the meeting.

### **Other matters**

To fill a vacant Planning Board position, Associate Member Cronin must be elected in the Town Election. He will run a write-campaign for the 1- year term. Murphey will run for a 5-year term.

### **Adjournment**

Bardeen moved to adjourn at 8:38. Bridges seconded. The motion carried 4-0.

Respectfully submitted

Kathryn C. Carr, Recording Secretary.