

West Newbury Planning Board
Tuesday June 4, 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 June 4, 2019 at 7:00 pm in the Planning Office at the West Newbury Town Offices, 381 Main Street. Board Members Ann Bardeen, Raymond Cook, Brian Murphey, and Tim Cronin were present. Richard Bridges was absent. Town Planner Leah Zambenardi was also in attendance.

Call to Order

Bardeen called the meeting to order at 7:01 PM.

General Business

Update: Sullivan's Court

Zambenardi reported that there are questions about whether a permanent culvert would be constructed to run under the Lot 3 driveway. Final paving for the common driveway and storm water run-off need to be satisfactorily completed. Bardeen noted that because the culvert was not on the original plan, it is important to know that the drainage scheme is working. Neve will attend the June 18 Board meeting; Mr. Horgan and Meridian Engineering will be invited to attend. Murphey suggested Neve be encouraged to complete the project allowing the Board to sign off on the project. Zambenardi stated that the Board holds a performance bond. The Board guarantees that the subdivision has been built according to the approved plans by requiring an As-Built Plan to be reviewed by Meridian Engineering. She stated that the deadline for completion is August 31, 2019.

Documents Reviewed: Construction Inspection Summary by Meridian Engineering

Update: Drakes Landing

Zambenardi said the last inspection report noted compromised sediment barriers. The inspection report also noted that had been repaired with no sediment flowing. Meridian returned again on April 31. The Town Manager has received three calls from residents about construction hours and vehicle noise. Construction is expected to last another 12-18 months. The Town Manager has spoken to Glen Clohecy concerning work hour enforcement. He asked developer Chip Hall to reinforce the rules. Fines may be issued.

Documents Reviewed: Construction Report Summaries

Continued Public Hearing and Possible Decision on Request for Modification of Definitive Plan– John McGrath – 22 Church Street (formerly 16 Church Street)

Bardeen recessed the regular meeting at 7:15 PM and opened the continued public hearing for John McGrath's requested Modification of the Definitive Plan.

Comments from the Open Space Committee and the Conservation Commission were reviewed and discussed.

Attorney Lisa Mead, representing Mr. McGrath, reviewed the request, reading her opinion letter dated May 14, 2019 to the Board in which she proposed language for the Certificate of Vote. The decision

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deadline is August 8, 2019 (135 days from the date of application). She added that the land would still be protected under the variance and that the property falls under Chapter 61A, which allows the Town a Right of First Refusal option. Mead stated that the Board is being asked to clarify language of the original intent of the Planning Board's decision. The variance language clearly identifies two buildable lots and one unbuildable lot.

Bardeen moved to close the public hearing. Murphey seconded the motion. The motion carried 4-0.

Bardeen made a motion to approve the request for a Modification of the West Newbury Planning Board's Approval of a Definitive Plan dated May 1, 2001 so as to conform to the Variance for insufficient frontage granted by the West Newbury Zoning Board of Appeals on February 15, 2001, finding that the requirement of a conservation restriction as set forth in the Definitive Plan Approval is not required and that Condition 2 be omitted and in its place the following be added:

"2. Development of Lot 2A as shown on said plan entitled "Lot Line Adjustment Plan" by Cammett Engineering and dated January 29, 2004 and recorded in Plan Book 374 Plan 70 in the Essex County Registry of Deeds is restricted to two additional building lots to front on Church Street and one unbuildable lot encompassing the remainder of the property."

Murphey seconded the motion.

There was additional discussion regarding Lot 3. Mead noted that the variance, the conditional definitive plan approval and modified definitive plan approval would be referenced on future ANR Plans. Cronin was absent during previous discussion on this topic and was therefore not eligible to vote on the matter. The motion carried 3-0.

Documents Reviewed: Draft Certificate of Vote Approval of modification of a Definitive Plan 22 Church Street (formerly 16 Church Street); 16 Church Street Written Comments Received

Bardeen reconvened the Regular Meeting at 7:37 pm.

Correspondence

Bardeen stated that notices from other Towns will be addressed at a future meeting.

Discussion of Administrative Assistant Position

Zambernardi explained that at its June 10 meeting, the Board of Selectmen will review the wage schedule for all Town employees and will vote on the Planning Department Administrative Assistant Position job description. The position will be posted internally for 10-days and then in the Daily News for 4 days. The Board reviewed the job description.

Documents Reviewed: Administrative Assistant Job Description

Discussion of Associate Member Position

Zambernardi provided the status of potential candidates for the Associate Member position. Only one candidate is able to commit.

Bardeen moved that the Board forward Wendy Reed's name to Board of Selectmen as its nomination as West Newbury Planning Board Minutes, June 4, 2019. Approved July 16, 2019

the Associate Member of the Planning Board. Cronin seconded the motion. The motion carried 4-0. Bardeen asked Zambenardi to write a letter to the Board of Selectmen from the Board identifying Wendy Reed as the selected candidate.

Board Re-Organization

Bardeen noted the traditional rotation makes Murphey the next chair, followed by Cook. The Clerk position would be filled by the immediate former chair.

Bardeen moved the following slate of officers to serve July 2019-June 2020:

Brian Murphey, Chair; Raymond Cook, Vice Chair; Ann Bardeen, Clerk. Cook seconded the motion. The motion carried 4-0.

Bardeen moved that Murphey serve as Planning Board representative to Merrimack Valley Planning Commission, and Cook to the Community Preservation Committee. Cook seconded the motion. The motion carried 4-0.

Items not Reasonably Anticipated by the Chair 48 Hours in Advance of a Meeting

There were no items.

Executive Session

Bardeen recessed the regular Planning Board meeting for the purpose of entering Executive Session to discuss strategy with respect to litigation at 8:01 PM. A roll call vote was taken. All members present voted to enter Executive Session. Bardeen stated that the Board would reconvene the regular meeting at the conclusion of the Executive Session.

The chamber doors were re-opened. The regular session resumed at 8:33 PM.

Minutes

The minutes of the following meetings were reviewed:

April 16, 2019 – Cook moved to approve as amended. Murphey seconded. The motion carried 4-0.

May 7, 2019 - Bardeen moved to approve the minutes. Cook seconded. The motion carried 4-0.

May 22, 2019 – Cook moved to approve the minutes. Cronin seconded. The motion carried 4-0.

Cook thanked Ann for her service as Board Chair.

Adjournment

At 8:59 Bardeen moved to adjourn the meeting. Cook seconded and the motion carried 4-0.

Respectfully submitted

Kathryn C. Carr, Recording Secretary