

WEST NEWBURY PLANNING BOARD

Minutes

Tuesday, October 15, 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 October 15, 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, Tim Cronin and Brian Murphey were present. Associate Member Wendy Reed and Town Planner Leah Zambenardi were also in attendance.

Also in attendance, Thomas Neve, David Kelley, Sr. Project Manager, Meridian. Richard Baker, 288 Middle Street.

**Call to order**

Murphey called the meeting to order at 7:00 PM.

**Sullivan's Court Extension Definitive Plan and Special Permit (Approved 2015) –**

A. Review of Grade Changes to 9 Sullivan's Court – Requested by Scott Brown, Architect for John and Joann McGrath, Owners

Scott Brown was not in attendance. Murphey recalled the Board's discussion of the swale revision from the last Board meeting. Kelley had reviewed and approved the plans. He suggested the swale not be fully constructed at this time. The timetable, the location and installation of a beehive drain, and disposition of a loam pile were discussed. The McGrath's contractor is responsible for the latter. Zambenardi will ask the building inspector to review Lot 3.

Murphey moved to accept the Site Plan as a field change, A0-A1- by Scott Brown. Bridges seconded and the motion carried 5-0.

B. Review of Request for Assignment of Permits for 9 Sullivan's Court from Project Developer Thomas Neve, Walker Development to John and Joann McGrath, Owners – Requested by Thomas Neve.

Mr. Neve reported that he had transferred all the permits related to Lot 3 to property owners John and Joanne McGrath, saying the owner assumes the responsibility to adhere to the permits with the sale of the property. He asked the Board to deal directly with the McGraths. Cook noted that the Planning Board had not received acknowledgement that the McGrath's were aware that the responsibilities of the permits for Lot 3 should be going to them. Zambenardi reported that Town Counsel said an "assignment of permits" is required. Mr. Neve will provide the Purchase and Sale agreement for the property and an assignment of permits for the McGraths.

Neve requested that the Board release the Bond associated with the property, currently held by the Selectmen. At present, approximately \$28,000 is being held: \$10,000 for the required trail; \$700 for a beehive drain; and the rest is to guarantee completion of the infrastructure. Neve noted that trail construction may take place in the spring.

Zambernardi reported that the public roadway had been completed including the gravel on the public way. Murphey stated he would like an official letter from David Kelley before the bond is released. Bridges requested that Neve and Kelley examine Lot 6 culvert for possible washouts.

Cronin noted the multiple issues to be addressed and suggested the discussion be continued at the Board's November 6 meeting.

*Documents Reviewed:*

Sullivan's Court Extension subdivision schedule of work, revised 10/11/19.

Letter - Meridian Associates acknowledging review of a plan entitled Site Plan – The McGrath Residence at lot No. 3 of Sullivan's Ct. Extension prepared by Scott Brown, dated 10/3/19 and revised through 10/9/19.

Email from Thomas Neve to Leah Zambernardi regarding bond release, dated 10/11/19

**Pentucket Regional School Project - Discussion of Site Plan Review Criteria**

A neighborhood meeting is scheduled for Oct 30. Richard Baker (288 Middle Street) expressed concerned about traffic and parking issues.

Zambernardi explained the role of the Board when reviewing exempt uses (Page 130- section 2), and will speak with Town Counsel about review criteria. She had attended a working group meeting with the OPM, Superintendent, and the architect. Height and residential zoning were discussed.

Zambernardi stated that Brad Dore, architect for the project, presented a proposal to have Nitsch Engineering perform a peer review of the traffic circulation and parking design. The \$11,000 cost of the review may head off issues. A neighborhood meeting will be held Oct. 30, 2019, 7:30 PM at the High School cafeteria.

A project pre-application conference with the team is scheduled for November 6. The official site plan presentation will take place on December 3, location will be determined. Updated plans are available on-line. Town Manager Jennings had prepared a list of items the Planning Board might address, based on his work with in Westford, MA. Construction hours will be discussed at the neighborhood meeting. Abutters within 500 ft. are being notified of the neighborhood meeting.

*Documents reviewed:*

Westford Zoning Bylaw: 2016 regarding educational uses

**Work Planning and Prioritization**

This item was postponed for future discussion.

**General Business**

The Board discussed the Warrant Article narratives. It agreed to include information on the articles' rationale within the explanatory narrative moving forward. Details will be discussed with the Town Manager.

Zambernardi stated that the MS4 Year 1 Annual Report has been submitted to the state. She shared the MS4 Update summary from DPW Director, Wayne Amaral to the Town Manager. Amaral is the

individual responsible for this for the Town. It includes a summary of Year 1 and expectations for Years 1.5- 2.00.

#### **Drakes Landing**

An update will be made at a later date.

#### **Vouchers**

Vouchers were signed for Sullivan's Court, Registry of Deeds fee for recording revised Subdivision Regulations, and payroll.

#### **Correspondence**

Notices for Special Permits in Newburyport for a dog daycare, and an adult-use retail marijuana in Merrimac were reviewed.

#### **Administrative Details**

Murphey reported that the Director of the Merrimack Valley Planning Commission (MVPC) had accepted the City Manager position in Portsmouth. Murphey attended the 60<sup>th</sup> MVPC anniversary celebration.

Cronin suggested an Executive Session be scheduled in an upcoming meeting to discuss securing outside legal counsel.

The Board discussed asking that Mr. McCarron attend an upcoming meeting to discuss the Neve bond situation.

#### **Adjournment**

Murphey moved to adjourn at 8:57 PM. Bridges seconded. The motion carried 5-0

Respectfully submitted,

Kathryn C. Carr  
Recording Secretary