

**West Newbury Planning Board  
Meeting Minutes  
May 19, 2020**

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 May 19, 2020 electronically via Go to Meeting platform. Board Members Ann Bardeen, Richard Bridges, Ray Cook, Tim Cronin, Brian Murphey, Associate Member Wendy Reed, and Recording Secretary Kathryn C. Carr participated electronically.

Also participating electronically: Attorney Mitchell Kroner, 3 Cannon Hill Road Groveland, MA, Barbara Burkenbush, 22 Farm Lane, Rose Vetere, 54 Coffin Street, Richard Parker, 153 Crane Neck Road, Kathy Feeherry, 540 Main Street, Jean Lambert, Timothy Cullen, 12 Cortland Lane

**Call to Order**

Chair Murphey called the meeting to order at 7:00 PM.  
Roll call was taken.

Murphey read a statement regarding remote participation pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, and stated that this meeting of the West Newbury Planning Board will be conducted via remote participation to the greatest extent possible.

Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found on the Town of West Newbury website, at [www.wnewbury.org](http://www.wnewbury.org). For this meeting, members of the public who wish to view and/or listen to the meeting may do so by: logging in to the website or by calling the telephone number given.

Murphey explained how the Board would take public comment.

**Subdivision Approval Not Required Plans for 22 Main Street (Pentucket Regional School District) and 22 Farm Lane (Barbara W. Berkenbush) regarding a land swap between the properties.**

Attorney Mitchell Kroner explained Mrs. Berkenbush would get 2.5 acres of riverfront frontage. The School District would get 1 acre. Both plan and deeds will state they are not buildable lots, but will be combined with existing lots. The properties will be combined. Murphey asked for Board comment, and asked Attorney Kroner to clarify it is purchased for the setbacks.

Murphey called for public comment or question, asking the public to use the chat function or unmute themselves. There were no questions.

**Motion**

Bardeen moved to accept the application as one not requiring approval under the subdivision control law. Cook seconded the motion. A Roll Call Vote was taken and the motion passed 5-0.

Board Members would sign the plan at a later date.

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**Discussion of Planning Board Review and Recommendation re: Chapter 40B Project Eligibility/Site Approval Application to MassHousing for 152 housing units, including 38 affordable units at 28 Coffin Street and 566 Main Street, Proposed by Cottage Advisors MA, LLC.**

Murphey noted the project information had been posted on the Town website and that the Board had received public comment.

The Board reviewed the written plan. Cook noted property line discrepancies. All highlighted text will be removed. Topography was discussed. Cook used the CBA definition for steep slopes, which is 20% or greater.

With respect to the wetlands, the Board agreed to capture the language from the Wetlands Protection Act.

Cortland. Some buildings are too close to wetlands buffer; a 25-foot buffer is usually imposed by the West Newbury Conservation Commission.

A Yield Plan was included in the application. Murphey noted deficiencies and asked for Board comment.

Proposed frontage on Cortland Lane and Main Street was discussed; it was unclear if it was existing or potential. Main Street is the other frontage. Cook noted that if the Town owned the land on Cortland Lane, technically it is not frontage. Bardeen suggested the phrase "this proposed" frontage. Bridges noted that the septic system relied on 24-7 electricity, a potential issue in an outage.

Application materials were reviewed. Board members questioned the applicant's identifying the project as located in a "pedestrian friendly" neighborhood, further noting that the development streets and slopes were not pedestrian friendly.

Water supply wording was changed to water supply and infrastructure. Murphey noted that the Water Department will prepare a report in response to this application.

If Cortland Lane was used to enter the development, the corner would be tight.

Bardeen noted that while Police, Fire, and Emergency Management Departments, public safety - were identified under peer review #4, Public Works, Water and the Board of Health should be included. A list in the ZBA handbook should be referenced.

The Board reviewed the drawings from the application. Cook had scaled items in Autocad; he explained his methodology. Some buildings are shown on or adjacent to significant slopes.

Wetlands were shown on the plan. Reed spoke about issues that might arise during Conservation Commission review; wetlands delineations are likely to change the use of road salt is not allowed within 100 feet of the wetlands.

Additional graphics on the maps were commented upon.

Murphey had received a note from Dana Bridges, 416 Middle Street, about project impact on schools.

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Richard Bridges noted the 40B handbook does not include evaluation of project impact on schools. The developer estimated 32 children would be added. Census data indicates 42% of West Newbury households now have children. Using the bedroom count and unit size could result in 127 children.

Cook noted that commenting on project impact on schools is not within the Planning Board's scope of work. Murphey noted an analysis of school impact had gone to the Town Manager.

Murphey opened the meeting for public comment.

Jean Lambert spoke about The Coffin Stream Assemblage, Native American artifacts found on the site, now in a Maine museum. Cook noted that both Massachusetts and Federal law protects such artifacts. She further expressed concern that with the proposed number of units, one developer could shape the Town.

She asked about unsold affordable units, the ramification for the Town and if they would convert them to market rate units. She expressed concern about the Community House's 30-space parking lot resulting in more paving of open space close to wetlands.

Cook noted these as valid concerns, but suggested they fall within the ZBA's purview. All parking areas are referenced on the plan.

For the record, Rose Vetere noted the appraisal of 28 Coffin had been done by LandVest, not LandTech.

At 8:11 pm, Murphey called for additional public comment.

Kathy Feehery had attended the Board of Selectmen meeting last week where it was stated that there are 1,700 housing units in West Newbury. If this is deemed a large project by the ZBA, it could be denied. The application itself identifies the proposal as a large project.

Timothy Cullen asked how owners are selected and how the affordable price is set. Murphey noted a formula using the median housing cost, income and assets is used to qualify an applicant, who is then entered into a lottery system.

In 38 units in this development, the price would be regulated and the developer would not be able to increase the price.

Motion:

Murphey moved that with regard to the issues discussed by the Board, he would work with Cook and submit the Board's concerns to the Town Manager expeditiously. Cook seconded the motion. There was no further discussion. A roll call vote was taken and the motion passed 5-0 in the affirmative at 8:24 PM.

Cook invited all citizen participants to stay for the remainder of the meeting.

Documents Reviewed: Application for Chapter 40B Project Eligibility/Site Approval, dated May 1, 2020.

**Sullivan's Court**

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Murphey had sent a letter to Tom Neve regarding Lot 6 culvert concerns and requesting clarification on the trail status. Neve declined to address each issue. The Board discussed. Murphey has invited him to appear again before the Board. Cook suggested informing the Building inspector of the Board's concern about culvert safety in the future.

The Board discussed the culvert and ADA trails. Murphey said that going forward, the Board would be more cognizant of trails and ADA.

### **Planning Department Continuity Plans and Updates**

Murphey, Zambenardi, and Jennings had spoken about establishing an affordable housing trust. An outside person/group could manage this, with Zambenardi returning in July. Board members discussed further. Cook did not think it is within the Planning Board's scope of work.

Murphey said that a Storm Water Bylaw would be drafted and voted upon at a future Town Meeting.

The Board returned to a general discussion on an Affordable Housing Committee vs. an Affordable Housing Trust. Murphey suggested additional discussion at a later date. Bridges met with the Selectmen about 4 years ago to establish an affordable Housing Committee.

John Sarkis, a former Planning Board member, had sent a request to have an informal discussion about Archelaus Place/ Poor House Lane.

### **General Business:**

*Minutes* – Members reviewed the April 7<sup>th</sup> and 21<sup>st</sup> minutes.

Motion: Murohey moved to approve the minutes with edits. Cook seconded the motion and a roll call vote was taken. The motion passed 4-0 (Bardeen had left prior to the vote).

### **Adjournment:**

Motion: Murphey moved to adjourn the meeting at 9:22 PM. Cronin seconded, and the motion passed 4-0.