

**West Newbury Planning Board
Meeting Minutes
Tuesday, June 2, 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 June 2, 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: Thomas Neve, Rose Vetere, 54 Coffin St., Tom Horgan, 33 River Meadow Place, Richard Parker, 153 Crane Neck Street.

Call to Order

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

The roll call was taken. All Planning Board members, the Associate Member, and the Recording Secretary participated remotely.

Murphey read Gov. Baker's Addendum to Meeting Notice 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, 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. For this meeting, members of the public who wish to listen to the meeting may do so by calling the telephone number provided.

No in-person attendance of members of the public are permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we 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.

Murphey explained the use of muting, thanked the public in advance for their participation.

1. Sullivan's Court (Approved 2015) – Walker Development, Thomas Neve – Trails and Lot 6 Culvert

Lot 6 Culvert

The Board addressed the Lot 6 Culvert first. Meridian Associates, Inc. (MAI) had performed a review of the documents provided to the West Newbury Planning Board related to the wetland/intermittent stream crossing associated with Lot 6 and provided comments. Thomas Neve subsequently provided additional information on actions taken in response to the noted concerns. In reviewing Neve's responses, Meridian had no further comment on each of matters in question.

Board members asked additional questions about paving, side slopes and the project entrance.

Murphey asked for Board comments. Cook had read the Meridian letter and examined plans and details. He accepted Meridian's conclusions. Bridges agreed, noting that any other issue would fall under the jurisdiction of the Building Inspector. Cook asked about additional paving. He noted a 10% grade may be steep.

Cronin asked about project status with the Conservation Commission. Neve had copied the Commission on all information sent to Planning. Should the Planning Board move favorably, Neve expected to be placed on the Conservation Commission agenda for review.

Motion: Cook moved that revision to the culvert as revised by Neve and reviewed by Meridian be considered a minor modification. Cronin seconded the motion. There was no further discussion. A Roll Call vote was taken and the motion passed 5-0.

Motion: Cook moved to accept the minor modification as revised and reviewed by Meridian. Bridges seconded the motion. There was no further discussion. A Roll Call vote was taken and the motion passed 5-0.

Murphey called for public comment.

Mr. Horgan and Ms. Vetere had no comments. Mr. Parker said he had heard nothing objectionable.

Documents Reviewed:

Letter from Meridian Associates to West Newbury Planning Board, Jun 1, 2020.

Trails

The Building Inspector and Town Manager had reviewed the entire trail from River Meadow to Sullivans Court, concluding that the entire trail needed to be ADA compliant. The Planning Board's conditions called for the boardwalk to be accessible. Neve had indicated he was unwilling to make the entire trail ADA compliant. Murphey had participated in conference calls on the subject. Murphey had asked Neve to update his drawings.

Neve reported that the Building Inspector spoke with the State office of ADA compliance and explained how he interpreted the requirements. The Town Manager and Building Inspector had examined the property. Neve recounted issues with the land and the bridge, offering possible solutions, identifying areas could not be made ADA-compliant without significant build out. He stated his willingness to forfeit his \$10,000 bond on the project. The Board discussed further.

Cook shared a project map with the Board and public, noting that the boardwalks must be complete. He suggested possible future CPC funds could be used to make it accessible while limiting environmental damage. The project bond was discussed. Murphey asked the Board to agree to accept a legal document to ensure Neve's bond money for Sullivan's Court stay with the project until funds could be added to in order to finish the project in ADA-compliance.

Cook noted that not building a trail could be considered a Major Modification to the plan. Bardeen felt strongly that the bond amount of \$10,000 stay with the project.

Neve suggested the Board confer with Town Counsel. Cook noted that the Planning Board determines what constituted a minor modification. Cronin agreed that it was an important part of the project. There was no quote for the bridge and boardwalk. The Board must make sure that \$10,000 is adequate to complete the job. Neve described the parameters.

Tom Horgan asked about dimensions. Rick Parker asked to see an electronic copy of the plan. Neve will have it copied or share his own.

Cronin asked if the boardwalk appeared on the plan.

Reed noted plans need to be approved for permitting, noting that construction detail was insufficient to make decisions on the impact on wetlands. Neve will confer with the Conservation Commission on the details. Cook noted that the language in the decision stated the boardwalk must be accessible, further that the Board would abide by the decision and the laws that apply to the best of its ability.

Tom Horgan noted through the chat function that a stone dust path is unlikely to be ADA compliant.

Possible legal ramifications for the Town were noted. Cook suggested the Board consult with the Town Planner and Town Counsel.

Rick Parker, speaking for himself, noted that the trail section connects two neighborhoods; linkage is important. He believes it should be ADA compliant and agrees with the Building Inspector on this issue.

Murphey asked Neve about other items e.g. the Street Acceptance Plan and As-Built Plan. Reed asked about the Easement for River View Trail. Neve reserved the right when he sold the lot and will deed it to the Town.

There were no further questions from the Board. Murphey said it had been a long and productive discussion, and thanked Neve for his patience and time.

Request by Wendy Reed of the Conservation Commission to discuss local Wetlands Bylaw

The Conservation Commission is in the planning stages of a review of Wetlands Bylaw and a fee structure for non-compliance. It will look at other town's bylaws. Cronin will look at Planning Bylaws to ensure there is no conflict with the Conservation Commission regulations. Reed noted that Section 25 of the Town Bylaws requires the Town uphold State Wetlands bylaws. A notice of violation may be issued, but not fines.

Ann asked about using a model bylaw. Rick Parker felt that a wetlands bylaw is appropriate.

Cook asked for public comments.

Tom Horgan said it was a great idea.

Rose Vetere commented that all bylaws should be customized to the community including the Wetlands Bylaws

Election of Officers for FY21 – Chair, Vice Chair, Secretary,

Murphey explained the position rotation that has been used in the past.

Motion:

Murphey moved that the slate for the upcoming year effective 2020 be:

Raymond Cook, Chair

Richard Bridges, Vice Chair

Timothy Cronin, Clerk

Cronin seconded the motion.

There was no further discussion. A roll call vote was taken for each position.

Chair: Ray Cook

5-0

Vice Chair: Rick Bridges

5-0

Clerk: Tim Cronin

5-0

Membership on Community Preservation Committee

Cook had served on this committee. He explained the committee's work. Bardeen had served in the past.

Cronin expressed interest in serving.

Motion:

Murphey nominated Tim Cronin to serve as the Planning Board representative on the Community Preservation Committee. Cook second. There was no further discussion.

A Roll Call vote was taken and the motion passed 5-0.

Representation on the Merrimack Valley Planning Commission

Murphey explained the time commitment. West Newbury is the smallest town in the organization

Motion:

Cook nominated Murphey to represent West Newbury on the Merrimack Valley Planning Commission, Cronin second. There was no further discussion.

A Roll Call vote was taken and the motion passed 5-0.

General Business

Updates

Murphey had sent 566 Main St. materials to Town Planner Zambenardi, currently on leave. She will be able to review the submitted plans and will advise the Board of any obvious issues to be discussed on June 16. Permits have been filed with the Town Clerk's office. LandTech is the engineer. Murphey will forward information to the Board. This ANR will garner some interest.

Minutes

Carr will send minutes to Tim for review; he will then send to Cook.

Recordings of previous meetings were not saved.

The current meeting is being recorded. Cook will save.

Adjournment

Board members thanked Murphey for his service as Chair. Murphey moved to adjourn. Bridges seconded.

A Roll Call vote was taken and passed 5-0.

Respectfully submitted,

Kathryn C. Carr, Recording Secretary