

TOWN OF WEST NEWBURY PLANNING BOARD

Meeting Minutes

Tuesday, June 16, 2020 at 7:00 p.m.

by Remote Participation

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 16, 2020 electronically via the 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: Melissa Robbins, Deschenes & Farrell, P.C., 515 Groton Road, Westford, MA – representing Cottage Advisors, LLC, Chip Hall, Cottage Advisors, Rose Vetere, 54 Coffin Street, Jean Lambert, 215 River Road, Tom Horgan, 33 River Meadow Place.

Call to Order

Cook called the meeting to order at 7:00 p.m.

The roll call was taken.

Cook 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 is being 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 can participate by viewing on a personal device or by calling in to the number provided. Access information is provided on the meeting agenda.

No in-person attendance of members of the public will be 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.

Cook explained to the use of muting and the chat function, and thanked members of the public in advance for their participation.

566 Main St. ANR

Subdivision Approval Not Required Plan – Owners: Andrew J & Kathryn Alsup and John Beaucher - Applicant: Cottage Advisors MA, LLC - Parcels: 566 Main Street (Assessors Map 230, Lot 50); 28 Coffin Street (Assessors Map 230, Lot 90); 0 Coffin Street (Assessors Map 230, Lots 40, 90, 110, & 120); 0R Main Street (Assessors Map 230, Lot 6B) – Combine All Seven Parcels Into 1 Parcel

Cook explained the Approval Not Required process to the public. He displayed the plan virtually with

attendees. He asked Board members to determine if the land had frontage on existing roads, and if those roads were sufficient to provide access to the lot. Bardeen noted that both frontage and area were compliant with zoning.

Motion

Bardeen moved that the project did not require approval under the subdivision control law. Murphy seconded.

Discussion on the motion: Ms. Robbins answered questions on behalf of the developer. Through the chat function, Ms. Lambert expressed concerns related to the proposed 40B project on Coffin Street. Cook noted that her concerns could be taken up during discussion of that project.

Ms. Vetere asked about combining lots of different owners. Cook believed this to be possible.

Robbins stated that all owners of the lots have signed an agreement.

Bridges noted that the Town Planner, while on leave, had reviewed application and plan and noted minor adjustments in terminology on the plans under review.

With there being no other comments, a roll call vote was taken. Cook, Murphey, Bardeen, Bridges, and Cronin voted in favor. The motion carried 5-0.

Documents Reviewed:

ANR Final Plans dated May 18, 2020

Form A ANR- 566 Main St., dated May 27, 2020.

Email from Town Planner with review comments.

Drakes Landing Open Space Preservation Development (Approved January 2017) – Request by Cottage Advisors, LLC on Behalf of Unit Owners for a Minor Modification for the Removal of a Section of the Sidewalk that Runs Along the Inside of the ‘Peanut’ Portion of the Project.

The original plan was approved in 2017. The applicant requested the Board treat this request to remove a section of sidewalk as a minor modification. Sloped granite curbing would remain. Attorney Robbins provided signatures of the residents of the development supporting the sidewalk removal. The project engineer had determined there would be no adverse drainage issues resulting from the sidewalk removal. She stated that residents of the seven units around the road section would have safe and adequate pedestrian access. On behalf of the owners, she requested that this removal be allowed as a minor modification.

Motion

Cook moved that the proposed curb removal be defined as a minor modification. Bardeen seconded.

Discussion on the motion: Murphey asked the reason for the request. Developer Chip Hall said sloped granite curbing was being installed. Resident Cheryl Knight, 10 Daley Drive had surveyed the residents. The majority did not want the sidewalk. Cook noted that owners of 19 residences had signed the letter to the Board in favor of the sidewalk removal. No one had refused to sign. Murphey stated that removal did not rise to a major modification. Cook expressed concern about handicapped accessibility.

There being no more comments regarding the motion, a roll call vote was taken. Bardeen, Cook, Cronin, Murphey and Bridges voted in favor. The motion carried 5-0.

The Board then discussed the substance of the request. Bridges expressed concerns about handicapped access for future residents. The width and levelness of the road was noted. Robbins suggested that the 20-ft. width of the road was a sufficient width for car and wheelchair to pass safely.

Reed asked if the Town's ADA coordinator should comment. It was suggested that this an issue for the Building Inspector.

Bardeen noted that people in many units will have to cross the road to get to a sidewalk. Robbins noted that a sidewalk was not required, but if installed, it must be ADA compliant.

Motion

Cook made a motion to allow that the sidewalk not be built pursuant to the applicant's request. Bardeen seconded the motion. A Roll Call vote was taken. Bardeen, Cook, Cronin, and Murphey voted in favor. Bridges voted in opposition. The motion carried 4-1.

Documents Reviewed:

Letter: Deschenes & Farrell P.C. re: Drakes Landing OSPD Request, dated 6/5/20.

Letter: GM2 Cammett, dated 6/3/20.

Neighborhood Statement of Support for not installing sidewalk, but supporting curb installation.

Drakes Landing Unit Release

Cook asked to take agenda items out of order to address a request in Drakes Landing to allow an owner to complete the P&S and move in. Attorney Robbins noted the closing was scheduled for Thursday, and that the unit had to have been released during Phase 2. Affordable units had to be built in Phase 1. She requested to swap some of the units already released with two market-rate units to go out and two market rate units to come in. Cook had received an email from Town Counsel Michael McCarron who had no objection to the unit swap, but wanted to ensure the Planning Board Affordable unit construction and transfer timeline was not disrupted. Robbins confirmed that the swap was for two market rate units.

Motion

Cook moved to allow the unit swap as described by Robbins. Murphey seconded the motion. Discussion on the motion: Bardeen requested actual language describing the swap. Robbins read portions of a letter sent to McCarron for review.

Cook had sent a letter to Robbins about the short notice and asked for further Board input. There was none.

A roll call vote was taken and the motion carried 5-0.

Robbins asked three members of the Planning Board to sign the required documents before Wednesday. Cook would ask the Planning Assistant to have the documents placed in the 1910 Building lobby for Board signatures. Cook thanked Robbins and the public.

Documents Reviewed: Modification to Lot Release for Units in Phase II

Sullivans Court (Approved 2015) – Walker Development, Thomas Neve – Discussion of Communication Regarding Trails and Landscaping

Cook had written to Town Counsel regarding the issues with Walker Development. Cook read the email of June 8, 2020, which outlines the facts and asks questions. Discussion ensued. Cronin stated that a set of plans for the trail and bridge should now be required of the applicant and provided to both the Planning Board and Conservation Commission for approval. ADA compliance was discussed.

The original bond total was \$28,050 with \$10,000 set aside for the trails.

Documents Reviewed

Definitive Subdivision Plan of Sullivans Court Extension AKA Estate Homes at River's Edge

Certification of Vote Approval of Special Permit Applications for Three Reduced Frontage Lots and a Common Driveway to Serve Three Lots Sullivans Court Extension, dated April 21, 2015.

Electronic Communication from Tom Horgan to Raymond Cook and subsequently to all Planning Board members dated June 6, 2020.

Email dated June 8, 2020 from Ray Cook to Michael McCarron

General Business:

Updates Cook stated he is happy to report that the Town Planner will complete her leave on June 29, 2020. She will work remotely until the 1910 building reopens.

Citizen Comments

David Brin, River Meadow Drive, noted high traffic on trails near his home. It is a very popular trail. The Board returned to the trails discussion. Bridges suggested asking Town Counsel if bond money from the Sullivans Court project could be used for a bridge design and construction. Members felt the \$10,000 bond would be insufficient.

Minutes – May 5, 2020; May 19, 2020; June 2, 2020

The Recording Secretary will send all draft minutes to Cook to place in Dropbox. He asked that all members review them.

Bylaws and Town Meeting

The Town Manager had asked the Board which proposed Planning Bylaw articles could be postponed to a future Town Meeting. Cook will ask him if previously held public hearings would be required again. Bridges noted the process to include outreach to the equestrian community. Cook will write to the Town Manager.

Cook thanked Reed for explaining the trails issues.

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

There were none.

Administrative Details

Cook had signed the Planning Assistant's time sheet and sent it to Finance Administrator.

Adjournment

Cook moved to adjourn at 9:00 p.m.

Cronin seconded.

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

Respectfully submitted,

Kathryn C. Carr
Recording Secretary