

TOWN OF WEST NEWBURY PLANNING BOARD

Minutes

Tuesday, July 21, 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 July 21, 2020 electronically via the Go to Meeting platform. Board Members Ann Bardeen, Richard Bridges, Ray Cook, Tim Cronin, Brian Murphey, Associate Member Wendy Reed, Town Planner Leah Zambarnardi and Recording Secretary Kathryn C. Carr participated electronically.

Also participating electronically: Wayne Amaral-West Newbury DPW Director, Linda and Dennis Lucken, 72 Ash Street, Michael Crowe, Boxford, Greg Hochmuth, Williams & Sparages, Middleton, MA., Michael Richie 28B Coffin St., Rose Vetere 54 Coffin St., Donald Doak, 14 Cortland Lane, Timothy Cullen, 12 Cortland Lane, Jean Lambert, 215 River Road.

Call to Order

Cook called the meeting to order at 7:05 PM.

The Roll Call was taken. All Planning Board members, the Associate Member, Town Planner, and Recording Secretary participated remotely.

Public Hearings Held Pursuant to Scenic Roads Bylaw (Chapter XXXII of West Newbury Town Bylaws)

Clerk Cronin read the Legal Notice printed in the Wednesday July 8, 2020 and Monday, July 13, 2020 editions of the The Daily News concerning the Public Hearing.

Legal Notice

West Newbury Planning Board

The West Newbury Planning Board and Tree Warden will hold Public Hearings on Tuesday, July 21, 2020, beginning at 7:00 PM to consider applications per the Scenic Roads Bylaw, Ch. XXXII of Town of West Newbury Bylaws for the removal of trees and/or stone walls by: 1. 414 Middle Street, Owner/Applicant: Estate of Gordon Follansbee, 15 Meadowsweet Road, West Newbury; 2. 72 Ash Street, Owner: Linda & Dennis Lucken, 30 Elijah Street, Woburn, Applicant: Williams & Sparages, 189 North Street, Ste 101, Middleton. For questions or to view the application(s) contact lzambarnardi@wnewbury.org. Interested persons may participate in the meeting by joining from computer, tablet or smartphone using <https://global.gotomeeting.com/join/656310221> OR by calling: 1 (571) 317-3112 and entering Access Code: 656-310-221

Signed Ann Bardeen, Clerk, Planning Board and Wayne Amaral, Tree Warden

Greg Hochmuth, Williams & Sparages, provided an overview of property ownership, and previous permitting. A tree had been removed and a cut was made in a stone wall for a driveway. The owners believed that permits were in place. The property owners offered to provide tree(s) to be planted in Town as decided by the Board and the Tree Warden.

Cook showed a 2017 Cammett Engineering plan and the current plan, indicating where the cut had been made. Zambarnardi had visited the site and shared photos. At Cook's request, Amaral provided comments on the type of tree to be donated. Cook had reviewed the bylaw, but found little guidance. Board members looked to Amaral for input on the size, type, and cost of an appropriate tree. Cook opened the discussion to the public at 7:28 PM; there were no comments.

MOTION

Cook moved to approve the tree removal and the stone wall opening at 72 Ash St. as described in the

plans and application providing that the applicant donate a tree to the Town priced between \$500-\$1,000, of the species and at the location determined by Mr. Amaral who will work with West Newbury Tree Committee, and that the ends of the stone walls be stabilized to ensure that they will not unravel at the driveway opening.

Murphey amended the motion to state that the stabilization materials be similar to the existing stone. Bardeen seconded the motion.

Discussion

The dollar range was changed to "up to \$1,000." There were no objections to that change. There was no further discussion.

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

As this was a joint public hearing with the Tree Warden, Cook asked Amaral for comments. Amaral concurred with the Board's decision.

The Tree Warden will alert the Board when the trees are purchased, and a Board member will review.

b. 414 Middle Street, Gordon Follansbee

Bridges, as an abutter, recused himself from the discussion. Cook turned off Bridges' video and audio feeds, and muted him, and asked Mr. Follansbee for comment. He was present did not respond due to illness.

414 Middle Street does not have a driveway cut; to create it, tree removal is required. Amaral had examined four locust trees and had identified them as hazardous. Two of the four were on the Warden's list of trees to be removed in 3-4 years. They could be removed sooner than scheduled at the applicant's expense. Amaral had marked the trees.

Cook had visited the site, and saw no issue at the driveway. He shared the site plan and photographs and asked for further Board comment. Bardeen, Cronin, Murphey, and Reed had visited the site to see preconstruction conditions.

MOTION

Cook moved to approve the plan for driveway cut and removal of hazardous trees as described in the application, with the condition that the stone wall ends be stabilized.

Murphey seconded the motion.

There was no further discussion.

A Roll Call vote was taken and the motion passed 4-0. Bridges had recused himself.

Amaral noted that the applicant is required to submit an application to the DPW for the driveway cut. This was not included in the motion.

MOTION

Cook moved to close the Public Hearing. Cronin seconded the motion. Bridges had recused himself.

A Roll Call vote was taken and the motion passed 4-0.

Bridges returned to participate in the rest of the meeting.

Request to Schedule Public Hearing: Deer Run Place Definitive Subdivision Plan (519 Main Street & O Stewart Street), Deer Run Land Development, LLC c/o Williams & Sparages LLC, Received June 30, 2020. Revisit discussion from April 7, 2020 & July 7, 2020 Planning Board Meetings regarding House Bill 4598 (Massachusetts 191st Legislature 2019-2020), "An Act to address challenges faced by

municipalities and state authorities resulting from COVID-19", Section 14, as may be amended.

Cook asked members of the Board if it would like to proceed or postpone a decision on the request. Bardeen noted that all statutory deadlines are suspended until 45 days after a declared end to the State of Emergency. Noting that the Board had no statutory obligation to begin, Cook was in favor of starting the Public Hearing process, and making documents available to the public online and, perhaps, at the Library.

Reed noted that the ConCom-required field work for the project would be postponed; field sampling requires working in close quarters. Cronin noted the potential barriers of on-line participation for some interested citizens. Additional feedback should be sought. Murphey suggested resuming this discussion at the September 15, 2020 Planning Board meeting.

MOTION

Murphey moved to continue the discussion on when to schedule the Deer Run Place Definitive Subdivision Plan public hearing to the Board's September 15, 2020 meeting. Bridges seconded the motion.

Discussion

Zambernardi stated that the Town has capacity to review the project. Bardeen suggested that the Board should take this up earlier if the State of Emergency ended before September; this was added to the motion.

A Roll Call vote was taken.

Bardeen- aye, Bridges – aye, Cronin –aye, Murphey -aye

Cook - nay

The motion carried 4-1.

Documents Reviewed: email from Michael McCarron Sent: Tuesday, July 14, 2020 3:52 PM To: Leah Zambernardi, Subject: RE: Sullivans Court to River Meadow Trail & Other Questions.

Discussion of Limited Site Plan Review of Public, Municipal, and Municipal Recreational Uses per S. 8.B.3.b. of the Zoning Bylaw:

Page School Playground and Electric Vehicle Charging Stations Projects

Cook reiterated his belief that the proposed playground and charging stations are for public use, therefore require site plan review. Multiple documents were reviewed. The Planning Board will not be allowed to seek a legal opinion on the matter per the Board of Selectmen. Board members responded strongly to this limitation. Cronin had contacted the Attorney General's Office. He was concerned that public comments would not be expressed without a public hearing.

Cook had spoken to the Town Manager and reiterated his earlier concerns that both projects bring people onto school property during school hours. The Town Manager is developing a written use policy.

Access to school property, drainage, traffic, parking, and sufficient handicapped parking were identified by Board members as issues that should be reviewed.

Murphey asked Amaral to comment on equipment installation, drainage, and parking. He would review installation information. He would contact the School Department and the ADA Coordinator about traffic calming, parking lot striping and possible unwanted people on school property. He has previous experience as a traffic engineer in the traffic department in Cambridge.

Murphey suggested holding a public discussion rather than a public hearing on the proposed Page School playground at the Board's September 2, 2020 meeting. Cook suggested the EV charging station

placement be scheduled for the September 2nd meeting as well. Members concurred. Zambenardi will prepare and place in the newspaper the public hearing notice on the electronic charging stations for Tuesday, Sept. 2, 2020, at 7 PM.

Documents Reviewed: Letter from Town Manager Jennings to Board of Selectmen Re: applicability of Site Plan Review, dated May 1, 2020; Memo to Town Manager Jennings from Town Counsel McCarron, dated March 5, 2020; Letter to Town Manager Jennings from KPLaw, dated April 21, 2020.

Planning Board Review and Comment of Revised Plan and Letter dated June 30, 2020 to MassHousing, Submitted by Cottage Advisors, LLC for Cottages at Rolling Hills off Coffin Street

Board members had reviewed the revised documents. Cook noted several concerns: project proximity to wetlands, lack of additional parking for visitors, a community building that no longer appeared on the plan. The Conservation Commission had discussed hiring an outside firm to review the plan.

Cook asked for public comment.

Michael Ricci, 28B Coffin St. felt his property would be adversely affected by the proposed development, stating there was insufficient space to grade and to plant the visual screening promised by the developer. He expressed concern about a planned intersection and traffic resulting from serving 91 houses. He thanked the Board.

Donald Doak, 14 Cortland Lane. Thanked the Board for continuing the public hearing. Hill Law firm (Boston) had submitted 1st round comments to MassHousing, with more to come. Over 200 citizens have shared comments on social media.

Rose Vetere, 54 Coffin Street. She asked if any Board members participated in the project site walk. She noted that the first site walk did not extend to the full width of the property and was therefore incomplete; wetlands were not included. She felt that project scope was being withheld from neighbors. Cook said he didn't know which Planning Board member would be on the upcoming site walk. The Conservation Agent had attended the first one. Site walks are limited to 10 people or fewer due to pandemic per the Governor's order. Multiple walks could be scheduled.

MOTION

Cook moved that the Planning Board accept comments as revised and submit said comments to Board of Selectmen. Murphey seconded the motion. There was no further discussion.

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

Cook will work with Zambenardi on changes for the submission, due July 29, 2020.

Review of Draft Planning Projects List

Zambenardi had updated items under Planning Projects, noting on-going permitting.

There were two affordable housing items and housing policy discussion on the list. Housing is an important issue for the Town.

Zambenardi stated that the Inclusionary housing bylaw allows the Planning Board and the Board of Selectmen to approve regulations that govern housing contribution payments. Neither the bylaw or administrative rules address the process for accessing these funds. She stated that the Board of Selectmen and Town Manager are currently the monitoring agents. There are administrative costs involved with monitoring affordable units and issues can come up at any time that need to be addressed. Annual certification and other monitoring tasks currently fall upon the Town Manager. The Town Manager stated

that he does not have the time or staff needed to take this on. He would therefore like to access the housing contribution payments to cover monitoring as an interim measure until an Affordable Housing Trust Fund can be established, which is the mechanism by which such funds are typically handled. He would also like to access the funds to initiate the process of establishing the Trust.

Zambernardi stated the original plan was to contract with KP Law to draft the regulations, however it has since been suggested that Zambernardi write the initial draft, with KP Law support. Time management is an issue with this added responsibility. Zambernardi reviewed the Planning Board budget and suggested some of its consultant line be dedicated for the expense of hiring KP Law. Cook noted that while money is set aside to be spent, there is no mechanism to spend it. He agreed that regulations for funds expenditure would have to be written.

The Board further discussed the role that the Housing Authority might take in this and the potential for establishing an Affordable Housing Trust. Murphey was not opposed to having Zambernardi look at this, though he thought Planning involvement should be limited to carrying out the existing bylaw.

Cook took a straw poll of Board members about using Planning funds to facilitate this. They were in favor. They were also in favor of Zambernardi drafting the regulation with the assistance of KP Law, Town Counsel and the Town Manager.

General Business:

Updates: Sullivans Court

Cronin stated he had been working on the trails issue. He stated that there has been a determination from the Building Inspector/ADA Compliance Officer that the trails must be ADA compliant. This presents a problem in that Neve is not able to build the trails to this standard. Cook asked if the bond money could be accessed and earmarked for construction of the trails. It was determined that the Board would have to release the bond money and then the Town would have to accept it as a gift and earmark it. Cook further noted that to accomplish this, a public hearing would be necessary to modify the Definitive Plan that would in effect release the bond money and recommend it be donated to the Town, and no longer require that Neve build the trails. Cook stated that failing to build the trails constitutes a major modification. He suggested the Board conduct this hearing on October 6, 2020.

MOTION

Cook moved that the Board release the bond money in an amount to be determined and that the Town consider accepting that money to construct a trail and boardwalk connecting the project to River Meadow at some future point and that the trail to the river not be required to be built, but that an easement should be granted for it. Murphey seconded the motion.

Discussion on the motion:

Cronin asked if the Board had determined what the correct amount of money was to be withheld.

Discussion ensued regarding contacting contractors with experience building such trails to get a quote.

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

A public hearing will be scheduled for October 6, 2020.

Documents Reviewed: Email from Michael McCarron Sent: Tuesday, July 14, 2020 3:52 PM To: Leah Zambernardi, Subject: RE: Sullivans Court to River Meadow trail & Other Questions

Correspondence

Zambernardi had received complaints about High School construction noise. These were forwarded to the Building Inspector who will work with the OPM to address this.

Reed asked about landscaping at Sullivans Court. Zambernardi had looked at it, and will review the

plan. Cook suggested that members visit the site.

Planner Update

Sam Joslin, West Newbury Building Commissioner/Zoning Enforcement Officer, will attend the next Planning Board meeting to update the Board on Archaelaus Place/Poor House Lane. He has issued an opinion. Zambenardi will provide a concise summary that was written by Michael McCarron to the Board.

Minutes

There were no objections to reviewing minutes at the next meeting.

Associate Member Position

The Associate Member of the Planning Board is appointed annually by the Board of Selectmen upon receiving a nomination from the Planning Board. Reed expressed interest in continuing in this role.

Motion

Cook nominated Wendy Reed for Associate Member of the Planning Board for FY21.
Bridges seconded. There was no further discussion.
A Roll Call vote was taken and the motion passed 5-0.

Adjournment

Cook moved to adjourn at 9:50 PM. Cronin seconded.
A Roll Call vote was taken and the motion passed 5-0.

Respectfully submitted,

Kathryn C. Carr, Recording Secretary