

## **TOWN OF WEST NEWBURY PLANNING BOARD**

### **Minutes**

**August 4, 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 August 4, 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: Sam Joslin, West Newbury Building Commissioner/Zoning Enforcement Officer, Kathleen Feehery – 540 Main St., James Ward - 16 Archelaus Place.

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

Cook read Governor 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 limitations 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. 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 as provided for in the Order. A reminder that persons who would like to listen to this meeting while in progress were informed that they may do so by calling the phone number provided on the meeting agenda."

#### **Update from Building Commissioner/Zoning Enforcement Officer Sam Joslin Re: Potential Development of 33± acre parcel located off Archelaus Place and Poor House Lane (Tax Parcel – Map 140, Parcels 30F and 30)**

Joslin provided a summary of the 32-acre parcel project history and current status. A variance had been issued in 1980, but was never exercised. Town Counsel determined that an agreement made at the time remained an active agreement; and the developer could request a Special Permit from the Planning Board to develop the property. There are issues with frontage. The developer must request that the Board of Selectmen accept Poor House Lane as a public way up to the point it was discontinued by Town Meeting in the 1980s. Cook noted that the frontage is inadequate. The potential developer of the property has stepped away at this point. Cook suggested the Board be proactive to clear up issues in anticipation of future development on the site. Further, he suggested that Greenbelt or CPC or other community groups from the Town might look into acquiring the property.

Discussing further, board members noted the need for affordable housing, access issues, information on the road abandonment.

Murphey noted that a discussion with Town Manager, Board of Selectmen, Town Counsel and Joslin should proceed before any further Planning Board action.

Cook asked for public comment.

Kathleen Feehery – 540 Main St. and member of the Riding and Driving Club said it was important to preserve the trails. She agreed with Cook that the Conservation Commission or other group engagement would be a good idea.

James Ward - 16 Archelaus Place said the neighborhood opposes the development; he believes the past decision should stand. Cook noted that the Planning Board reviews, but does not initiate development nor bring it to the CPC.

Cook thanked Joslin who would review the road status with Town Counsel, noting again that at present, all requests had been withdrawn.

**Receipt of Notice of Intent to Sell a Portion of 183 River Road Pursuant to M.G.L. Ch. 61, S.8 & M.G.L. Ch. 61A, S. 14 for Construction and Use of a Single-Family Dwelling & Accessory Structures – Joseph J. Grew c/o Miranda P. Gooding, Glovsky Counselors-At-Law**

Cook reviewed the Town's Policies and Procedures for Right of First Refusals for Chapter Land, noting the tight time schedule to provide Planning Board comments to the Board of Selectmen.

Cook shared an aerial photo of the River Road parcel; members were familiar with it. Reed noted that farmers were interested in the rest of the parcel. A meeting with Greenbelt was planned. Bardeen asked if the Town should purchase the property. Zambenardi had reviewed the Open Space Plan. In it, the two parcels owned by Grew are identified as parcels of conservation interest. Cook noted its potential value to the Town in open space and agricultural use, as well as affordable housing.

Kathleen Feehery noted that the parcel, which will come out of Chapter Land, contains the best agricultural land.

Cook reminded the Board that its mission statement includes preserving the rural character of the town. He suggested Zambenardi prepare a letter noting the property's agricultural and recreational value, pointing out the Brown Spring Farm example, and the benefit of creating trail access connecting River Road to Mill Pond. Feehery noted the developer was interested in the whole parcel, like Brown Spring. Cook noted that that was a well-known parcel, and that the one under discussion is lesser known, therefore, not as many people may be interested.

**MOTION**

7:44 PM Cook moved to make a recommendation to the Board of Selectmen with comments previously noted.

Bridges seconded the motion. There was no further discussion.

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

*Documents Reviewed: Notice of Intent to Sell 183 River Road, from dated July 27, 2020 from Glovsky to State Forester, Mass DCR*

**Review of Planning Projects List, Including Use of Housing Contribution Payments Made Pursuant to Zoning Bylaw Section 5.F. "Inclusionary Housing Requirements"**

The Board had discussed the possibility of using Housing Contribution Payments to monitor affordable housing at its last meeting. The Board had a number of questions about the Housing Authority's the capacity to perform the work. The Board had consented to using some of its consulting fund to review the regulations. The Board noted that creating capacity, whether it be a consultant or staff, to administer the monitoring was a critical piece. The Board agreed that creation of an Affordable Housing Trust was the appropriate long-term solution. Zambenardi reviewed possible tenets of the draft regulations that she had discussed with the Town Manager and Cook. The role of the Town Manager, establishing a funding mechanism, establishing how the funds could be used, and volunteer roles were among topics discussed. Cook believed the Town Manager was interested in establishing an Affordable Housing Trust in the long-term. Bardeen noted that the state law is used to establish housing trusts, and which is the appropriate mechanism for handling such funds in the long-term.

The process of drafting and adopting interim regulations was discussed. If KP Law were to create the first

draft, costs have been estimated at \$3,500; Planning would contribute \$1,000 and Board of Selectmen would contribute the balance. Zambenardi stated that KP Law's budget could be trimmed down further by eliminating their attendance at meetings and by having her create the first draft. She noted that CPC funding can be directed toward an Affordable Housing Trust. The Town Manager had suggested that the interim regulations have a \$10,000 annual cap on spending the housing contribution payments. Bridges said if a Housing Trust was developed, assurance that funds were going to housing was a must. Cook suggested working toward Spring 2021 Town Meeting for proposing the Affordable Housing Trust. Reed asked if KPLaw was the appropriate firm for this work and whether a housing specialist might be more appropriate.

### **MOTION**

Cook moved to authorize Zambenardi to work with Town Manager on interim rules and procedures that would govern spending Housing Contribution Payments, and define allowable uses of the funds such as monitoring affordable units and working toward the establishment of the Housing Trust with goal to present it at Spring 2021 Town Meeting. Murphey seconded the motion. There was no further discussion. Cronin had to leave the meeting.

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

### **General Business**

Updates: Cook asked the Board to opine on which articles should be included in the Special Town Meeting to be held October 17, 2020; public hearings would be needed in early September. Members decided to submit the Article as it had been previously drafted.

Reed provided an update on Drakes Landing, noting that drainage remains a serious problem. Cook shared photos of the site taken the previous week; they will be sent to Meridian. The Board will request a site visit and written comments.

### **Correspondence**

The Planning Board's comments on the 40B project on Coffin Street had been sent to the Selectmen. Zambenardi had attended a site visit to the property. She made some site design suggestions to limit the direct impact visual and environmental impact on abutters.

### **Minutes**

The Board reviewed the draft minutes of the May 5, 2020 meeting and made changes.

### **MOTION**

Cook moved to accept the minutes of May 5, 2020 as amended. Murphey seconded the motion. There was no further discussion.

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

The Board reviewed the draft minutes of the June 16, 2020 meeting and made changes.

### **MOTION**

Cook moved to accept the Minutes of June 16, 2020 as amended. Murphey seconded the motion. There was no further discussion.

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

The Board reviewed the draft minutes of July 7, 2020 and made changes.

### **MOTION**

Cook moved to accept the minutes of July 7, 2020 as amended. Murphey seconded the motion. There was no further discussion.

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

## **Administrative Details**

Items not Reasonably Anticipated by the Chair 48 Hours in Advance of a Meeting  
There were none.

The Board discussed upcoming meetings. September 2 - Public Hearing on the EV charging stations. September 15 – the Board will revisit the Public Hearing date for Deer Run. Oct 6 – Public Hearing for Sullivans Court regarding trails.

Cook noted that in the past, summer board meetings had been cancelled and asked the Board to comment. After a brief discussion, the Board cancelled the August 18, 2020 meeting. No vote was needed. The next meeting is scheduled for Wed. September 2, 2020.

## **Adjournment**

### **MOTION**

Cook moved to adjourn at 9:30 p.m. Bridges seconded the motion. There was no further discussion. A Roll Call vote was taken and the motion passed 4-0.

Respectfully submitted,

Kathryn C. Carr, Recording Secretary