

TOWN OF WEST NEWBURY PLANNING BOARD  
Wednesday, September 2, 2020 at 7:00 p.m.  
*by Remote Participation (see below)*

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 September 2, 2020 electronically via Go to Meeting platform. Board Members Ann Bardeen, Richard Bridges, Ray Cook, Tim Cronin, Brian Murphey, Associate Member Wendy Reed, Town Planner Leah Zambenardi and Recording Secretary Kathryn Carr participated remotely.

Also participating electronically: Richard Parker—Member, Board of Selectmen, Wayne Amaral-West Newbury DPW Director, Arthur Wallace- Chair West Newbury Energy Advisory Committee, Howard “Chip” Hall – Cottage Advisors LLC, and David Kelley, Meridian Engineering.

**Call to order**

Chair Cook called the meeting to order at 7:00 PM.

Roll call was taken.

Cook 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.

**Cook opened the Public Hearing Requested by West Newbury Energy Advisory Committee (Applicant) & Town of West Newbury (Owner) for Limited Site Plan Review of Vehicle Charging Stations at (1.) Page School, 694 Main Street; and (2.) Town Offices, 381 Main Street, West Newbury.**

Cook asked the Planner to read the following legal notice:

**Legal Notice  
West Newbury Planning Board**

Pursuant to the West Newbury Zoning Bylaw Sections 4.B. & 8.B, the West Newbury Planning Board will hold public hearings on Wednesday, September 2, 2020 beginning at 7:00 PM to consider two Site Plan Review Applications for the following properties: 1. Town Offices, 381 Main Street, West Newbury, Assessors Map R14, Lot 6, Res C Zoning District; 2. Page School, 694 Main Street, Assessors Map R23, Lot 23, Res B & C Zoning District. Both applications involve the installation of two (2) ChargePoint Model CT4021 electric vehicle charging stations in the parking lots of each property. The Owner of both parcels is the Town of West Newbury, 381 Main St., West Newbury. The Applicant for both projects is the Town of West Newbury Energy Advisory Committee (same address). For questions or to view the applications contact [lzambenardi@wnewbury.org](mailto:lzambenardi@wnewbury.org). Interested persons may participate in the meeting by joining from computer, tablet or smartphone using <https://global.gotomeeting.com/join/296720141> OR by calling: 1(571)317-3122 and entering Access Code: 296-720-141

Tim Cronin, Clerk

Photos of the proposed charging stations at Page School were shown. Cook explained different charging levels and required time, noting charging time indicates how long vehicles would be on the premises. Photographs of charger signage were reviewed. Parker noted that the initial pavement striping would not limit spaces to EV charging only; this could change to meet demand. Cook expressed concern that gas-powered vehicles would use the spots. Board members asked several questions. Signage may be changed to reflect demand. The charging units cannot be upgraded. Safety bollards and curbing will be installed to protect the units. Chargers are available to all. The per hour charge price can be programmed by the Town; cost to the end user was estimated at \$1-\$2 per hour. This could be altered in the future. Parker said the Board of Selectmen would determine fees. The initial fee structure would reflect the Town's cost for energy and related National Grid charges. Vendor Verizon Solutions will place the

order in its entirety, including maintenance and service plan. Charge Point requires the Town to review before offering a contract. Cook noted a concern about non-residents using the chargers during school hours. Parker said that information on the Town website could be made invisible at certain times. Parker suggested that user queries be directed to the 1910 building.

Placement of charging stations at the 1910 building was discussed. Positioning will take into consideration the possible impact on nearby trees. There were no further questions.

#### **Motion**

Cook moved that the Board approve the plan for two electric vehicle charging stations each at the Page School and at the 1910 Building, as discussed.

Cronin seconded the motion.

#### **Discussion**

Murphey noted that the Planner must write a document of approval and asked the Board for any additional comments.

Zambernardi noted that the Bylaw requires that the plans to be distributed to all Department heads, Boards and Commissions, requesting comments. She had received comments from Building Inspector, Sam Joslin which she read into the record:

"From a building code stand point, they would just need to meet the electrical requirements and the manufacturers installation requirements. For zoning, I would not interpret the setback requirement to apply."

She also asked that the motion include both options for the locations of the charging stations at the Town offices.

The motion was changed to include the following reference: "Install as needed in the locations shown the Board to minimize the impact on trees and be successful in the installation."

Cook placed the motion on hold.

#### **Motion**

Cook moved to accept the waivers to the required documents of site plan review as noted by the documentation reviewed by the Board. Murphey seconded the motion.

There was no further discussion.

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

#### **Motion**

Cook returned to the first motion to accept the site plans as presented to the Board with the additional language regarding the options for the 1910 Building. Cronin seconded the motion.

There was no further discussion.

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

#### **Motion**

Cook moved to close the Public Hearing on the applications.

Bardeen seconded the motion.

There was no further discussion.

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

#### **Related Documents**

*Request letter from Arthur Wallace, Energy Advisory Committee, dated 8/11/20*

Photos Amesbury EV Charging stations

Cover letter and a request for waivers of the submission requirements

Application for Special Permit and Site Plan Review – Page School location

Application for Special Permit and Site Plan Review – 381 Main Street location

## **Discussion of Playground Project at Page School, 694 Main Street**

Planning Board felt strongly that the proposed playground, as a public facility, fell under the required Site Plan Review process, and disagreed with the Town's law firm, KP Law, that the project was for academic use. Cook noted the Board of Selectmen prevented the Planning Board from speaking with an attorney regarding the matter. He asked other Board members if he had summarized correctly. The Board concurred with his statement.

Zambernardi summarized a document provided by Wayne Amaral, DPW Director regarding conversations he had with the Board on this matter at a prior meeting. Both the Board and the DPW Director had concerns about drainage and parking. The drainage design had not yet been finalized, but funds had been allotted.

Cook reiterated his concerns with traffic and parking. He confirmed with Amaral that if there was a need, the Town would address parking issues, specifically handicap parking.

Issues with traffic flow and parking before, after and during the school day were discussed. Amaral will work with the school principal on these items. Additional handicapped parking, signage, and maintenance were briefly discussed. The School Department will be responsible for maintenance. Amaral said a plan for routine maintenance will be put in place. He will remove existing non-handicapped-compliant equipment readying the site for Spring installation of new equipment.

Cook proposed the Board suggest the Board of Selectmen consider additional handicap parking spaces, and state that the Planning Board believes playground usage should not be restricted to town residents, that drainage improvements be made to remove water from both playground and the surrounding area, that consideration should be given to traffic circulation patterns and signage to restrict vehicular traffic during school hours, and that traffic safety should be assured. Bardeen suggested that the comments from Amaral's letter be included in the Planning Board's letter. Cronin noted the CPC had reviewed the project.

### **Motion**

Cook moved that Planning Board formally recommend the above-mentioned items to the Selectmen.

Murphey seconded. There was no further discussion.

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

## **Discussion of Flooding Issues at Drakes Landing Open Space Preservation Development – Daley Drive – Cottage Advisors**

Board members had reviewed related documents. David Kelley summarized issues observed after recent rain events, stating that once finished course of pavement is installed, the stormwater system should function as designed.

Hall had explained to the Board the steps taken and planned. He had been called back to the Conservation Commission to discuss the same issues. He stated the volume of water had overwhelmed the system.

Bridges asked if the steps being taken would survive the winter; Hall could not guarantee, but believed they would. Cook stated that grading of the corner of Daley Drive and Main Street was a specific concern. Hall stated that a final top coat of pavement will take place in late October/early November. Reed noted the Conservation Commission's (ConCom)'s concern about integrity of erosion control in certain areas, noting the soil continues to wash away. ConCom guidance was sent to Hall and he had replied. Sites 12, 14, 16, are foundation holes. Hall stated when they would be done. Kelley identified other areas of possible wash-away.

Zambernardi echoed Reed's concerns, noting that while Hall had responded to flooding issues in the past, flooding was still occurring. She suggested better monitoring. Cook suggested an on-site presence to address issues immediately, when a rain event is predicted. He asked members for feedback. Reed suggested having silt sacks on hand. Chip noted supply chain issues, but will pursue. Zambernardi cited Kelley's letter of August 31 recommending copies of inspection reports and as-built drawings be submitted. Hall plans to return to the Board for a reduction in the triparty agreement.

Cook thanked Hall and Kelley for the update.

#### Related Documents

Three photographs related to rain event at Drakes Landing provided by Hall.

Letter from Meridian Associates, Aug. 31, 2020 regarding Daley Drive-Drakes Landing Storm Water Runoff

Email from Bert Comins to Zambarnardi, Sep 2, 2020 identifying issues of concern to be sent to Hall.

#### **Public Hearing on proposed Amendments to West Newbury Zoning Bylaws**

Zambarnardi read the public notice of the Public Hearing.

The West Newbury Planning Board will hold a public hearing on Wednesday, September 2, 2020, at its meeting which begins at 7:00 p.m., pursuant to M.G.L. Ch.40A, S.5 to consider amendments to the Zoning Bylaw as follows: Amend sections related to: care of animals (5.A.2.c.ii.c); professional home offices (5.A.2.c.iv); rules conflicting with agricultural, educational and child care use exemptions in G.L. Ch. 40A, S. 3 (5.A.3.b, 5.A.3.j & 5.B.2.e); convalescent homes, old age homes & sanitariums (5.A.3.h.); Congregate Housing (S.2 & 5.A.3.i); outdoor retail storage (5.B.1.e); residential units in buildings with commercial enterprises (5.B.2.f); and, properties having rooms for rent (S.2 & 5.A.2.c.iii). This proposal was previously submitted for the 2020 Annual Spring Town Meeting but was postponed due to the pandemic. For questions or to view the proposal contact lzambarnardi@wnewbury.org. Interested persons may participate in the meeting by joining from computer, tablet or smartphone using <https://global.gotomeeting.com/join/296720141> OR by calling: 1(571)317-3122 and entering Access Code: 296-720-141

Tim Cronin Clerk

#### **Motion**

Cook moved to open the Public Hearing. Cronin seconded the motion.

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

Bardeen noted that this is the second time the Board has held a public hearing on this proposal. She stated that another postponement was expensive and time consuming. Cronin noted it was essential for the Zoning Bylaw to get cleaned up to avoid ambiguities, Cook said the clarifications reduced the Town's exposure.

Cook noted the Town Manager had suggested language changes, which he then discussed with the Board.

The Board agreed with the suggested word changes.

#### **Motion**

Cook moved to adopt the new language in a new subsection 5.A.2.iv.g, provided by the Town Manager.

Bridges seconded the motion.

There was no further discussion.

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

The Board reviewed a document created by Zambarnardi that explained why changes were made.

Cook asked Board members to review the document and bring any issues to Zambarnardi's attention, noting that the Warrant would close September 8. Zambarnardi will make changes and send with a cover letter explaining that the changes are corrective, not functional changes, and are consistent with Mass. General Laws and that the Board was in agreement with the Town Manager's recommendation. Reed said that the Selectmen are discouraging submission of new bylaws for consideration at Fall Town Meeting and suggested that someone from the Planning Board may want to attend the Selectmen meeting to advocate that this Zoning Bylaw amendment be considered at Fall Town Meeting. Cook said he would bring it to their attention.

#### **Motion**

Cook moved to take these articles as amended to the Selectmen for inclusion in the Town Meeting Warrant.

Bardeen seconded.

There was no further discussion.

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

### **Motion**

**Cook moved close the Public Hearing. Cronin seconded.**

There was no further discussion.

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

Related documents

Language comparisons of Planning Board and Town Manager's regulations regarding Home office traffic and parking.

### **General Business**

Grew Property

Patricia Reeser had sent an email regarding the Grew property to Cook. Reeser suggested that the Planning Board send a letter to the Board of Selectmen stating that in light of new information that right of first refusal cases in front of the Town are subject to a delayed deadline due to the pandemic, and that the Planning Board wishes to rescind its earlier decision and reconsider the 4-acre lot when it learns more of the disposition of the entire Grew parcel.

Cronin felt the Planning Board needed to state its desire that the property be maintained for agricultural purposes.

Cronin asked Rick Parker about transferring right of first refusal to a non-profit. If the Town is unable to do that, it should be noted that the Planning Board's desire is that the property should be preserved. Discussion centered on the larger piece. The 4-acre parcel is already lined up to be developed. The Board agreed to recommend to the Selectmen an appropriate use for the larger parcel.

### **Updates**

Sullivan's Court

The Board reviewed a letter from Thomas Neve dated Aug 19 re: culvert modification. Zambarnardi had had a video call about the culvert with Conservation Agent Bert Comins and David Kelley. Comins had sent a letter to the Board stating that removing the stone and improving the subsurface was the correct remedy. The Planning Board believes the block should be pulled out. Kelley agreed.

MS4 Stormwater Permit

Wayne Amaral had called a meeting of the working group and Horsley Whitten for August 25; the project timeline for Spring Town Meeting was discussed. They discussed a having a single storm water bylaw that combines the related bylaws from ConCom, Planning Board, and Board of Health. A single bylaw would require the amendment of the other bylaws – perhaps a costlier solution than reviewing and tweaking each bylaw so they comply. Cook said a single consistent document would be the best solution, though noting the process will be time consuming. The extent of applicability beyond the MS4 area to the whole Town was noted. Town staffing limitations lend credence to having everyone be subject to the regulations. MS4 area designation is based on old census data. Zambarnardi and Comins will review projects reviewed by their respective Boards over the last four years and Horsley Witten will look at other towns for examples of enforcement procedures.

Regulations for Inclusionary Housing

Zambarnardi had prepared a draft for the Town Manager and Town Counsel McCarron to review. The Sullivan's Court decision included a statement regarding housing fees to be placed in a designated account and that the Planning Board shall deposit the funds with the treasurer in an account established for this purpose, to be spent only for affordable housing purposes. And only with the authorization of the Planning Board. This conflicts with the Bylaw, which says that housing contribution payments will be governed by the regulations promulgated by the Planning Board and approved by the Board of Selectmen. She asked about revisiting this condition in the Public Hearing for Sullivan's Court when the trails are considered.

Cook made a motion to schedule a public hearing to amend the Sullivan's Court Definitive Plan Certificate of Vote regarding how housing contribution payments should be handled so that the document is consistent with the Bylaw. Bardeen seconded the motion and it carried unanimously 5-0.

### **Correspondence**

Minutes West Newbury Planning Board September 2, 2020. Approved November 17, 2020

Zambernardi stated that applications for two ANRs had been received – 44 Coffin St. and 14 Kimball Road. At 44 Coffin Street, the Cutters and Scotts will both give land to create a building lot. 14 Kimball, referred to as the Graff property, would be split into 4 building lots. Bardeen noted that the property is Chapter land and questioned whether the Town's Right of First Refusal should be exercised prior to the ANR endorsement. The 12-14 acre parcel includes a house and hayfield. Zambernardi will consult with Town Counsel Michael McCarron for his opinion on this.

There was no further correspondence to be reviewed.

#### Minutes

No minutes were reviewed.

#### Administrative Details

Bridges resigned from the Board. He will be moving out of West Newbury.

#### Motion

Cook moved to extend to Bridges the Board's thanks for his work on the Board.

Murphey seconded.

#### Discussion

Members thanked Bridges.

#### Vote

Motion carried 4-0 with Bridges abstaining

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

There were none.

#### **Adjournment**

Cook moved to adjourn the meeting at 9:24 PM.

Roll call vote taken and passed 5-0.

Respectfully submitted,

Kathryn C. Carr  
Recording Secretary