

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

Tuesday, September 15, 2020 at 7:00 p.m.

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 15, 2020 electronically via Go to Meeting platform. Board members Ann Bardeen, Ray Cook, Tim Cronin, Brian Murphey, Associate member Wendy Reed, Town Planner Leah Zambenardi and recording secretary Kathryn C. Carr participated electronically.

### **Call to Order**

Chair Cook called the meeting to order at 7:02 PM.

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

Chair Cook read the following statement: "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."

**Request to Schedule Public Hearing: Deer Run Place Definitive Subdivision Plan (519 Main Street & 0 Stewart Street), Deer Run Land Development, LLC** c/o Williams & Sparages LLC, Received June 30, 2020. The West Newbury Conservation Commission is postponing its review due to the number of people required on site walks. Cook asked both Zambenardi and Reed if it would be possible for the Planning Board to proceed. Murphey found benefits in having the Planning Board and Conservation Commission work in tandem. Murphey asked Reed if it was possible to perform site visits with fewer people. Reed stated that October 15th is the stop work deadline; work may resume the following Spring. Bardeen said online meetings provided a good opportunity for public input; screen sharing has been effective. She was willing to proceed, stating the project was not complicated. Cronin asked if standard notice was sufficient and expressed concern for interested parties unable to participate electronically. Abutters will receive a copy of the legal notice that includes instructions to call in to the Public Hearing. Zambenardi may also include telephone call-in instructions for those without computer access. Cronin felt this was important. He suggested the Board should request an extension of the 90-day statutory limit to assure ample time for public comment. Bardeen noted that the timeline resumes 45 days from the date the Governor's State of Emergency ends. Zambenardi stated that she posed a question to Massachusetts Town Planners who subscribe to the MassPlanners email listserv about whether Planning Boards were moving forward with public hearings during the pandemic. She stated that all who applied responded that they were.

The Board set the public hearing date for October 20, 2020. Zambenardi stated that there will be sufficient time to notify abutters. At Reed's request, a full-size plan will be made available to the public for review by appointment at the Town Hall in the first-floor hearing room. Zambenardi will also post the application materials on the Town website.

### **Drakes Landing, Discussion of Potential Bond Reduction**

The Board had received a letter from Melissa E. Robbins, Esq., Deschenes & Farrell, P.C., Counsel for Drakes Landing developer, Cottage Advisors, requesting the Board delay and table the matter regarding the bond reduction without discussion at this meeting and to request that it be placed on the next available Planning Board agenda. She noted the delay would provide time to address the storm water concerns with the Town's Stormwater working group and complete the review of the bond numbers with Meridian.

The Board discussed the storm event of September 10, 2020, questioning how the Town deals with flooding issues. Brad Buschur of Main street had contacted the Town with concerns over flooding and sent YouTube videos of the event. An in-house group is working on the MS4 Permit which includes a new bylaw for storm water management. A virtual meeting is planned for Thursday, September 17. The intent is to schedule a site visit with the developer and the working group. The ConCom has been looking at this and suggested issuing an enforcement order. It will

be discussed further by both groups. Members had seen site photos. Bardeen questioned why it was failing, and asked if it had been designed, reviewed, and built according to the approved design. Photos of Drakes Landing showed construction dirt plugging the drain. Board Members worried that there were serious underlying issues including incorrect grading and the need for larger drain catchments.

Related documents:

Letter, Deschenes & Farrell, P.C., Photographs and video of Drakes Landing

### **Planning Board Membership: Discussion of Open Associate Member Position**

The Town Clerk McCarron had received Richard Bridges' letter of resignation from the Planning Board dated September 8, 2020. McCarron informed the Board it had 30 days from receiving the letter to notify the Board of Selectmen of the vacancy and request a meeting.

Cook asked Associate Member Reed to fill the vacancy. She agreed. The Planning Board will make a recommendation to the Board of Selectmen who will then consider her appointment as a member.

### **Motion**

Cook moved to recommend to the Board of Selectmen that Wendy Reed serve as full board member of the Planning Board until such time as an election is held. Murphey seconded the motion.

Roll Call vote and the motion passed unanimously.

Zambernardi will send to the Board of Selectmen a letter of formal notification of the opening and stating that the Board voted to recommend Wendy Reed as member.

The Associate Member position vacated by Reed, must be advertised; the Planning Board must recommend at least two candidates to the Board of Selectmen. An application form can be included in announcements and posted on the Town website. Former Planning Board Associate member Kim Monahan and another person have expressed interest. Zambernardi explained the interview process that will include virtual meetings with candidates.

**Related Documents:** Letter to Planning Board members from West Newbury Town Clerk McCarron, dated September 8, 2020.

### **General Business**

#### **Correspondence**

Hearing notices: Zambernardi reported that Newbury will hold a hearing on an OSPD special permit, Haverhill will hold hearings on a marijuana dispensary, redevelopment, and a multi-family property.

Two certificates of vote for the EV charging station require Board signatures. The Planning Assistant will let Board members know when the documents are ready to be signed.

### **Minutes**

Review of minutes was postponed.

### **Administrative Details**

The Special Town Meeting will take place on October 17. Bardeen thanked Cook for presenting the Planning Board by-law changes to the Board of Selectmen.

Cronin asked about action related to the proposed 40B/Coffin St project. Zambernardi stated the developer is waiting for the issuance of a Site Approval/ Project Eligibility letter from DHCD.

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

There were none.

### **Adjournment**

Cook moved to adjourn the meeting.

Murphey seconded the motion.

A roll call vote taken and the motion passed 5-0. The meeting adjourned at 7:53 PM.

Respectfully submitted,

Kathryn C. Carr, Recording Secretary