

**West Newbury Planning Board Meeting  
Minutes  
Tuesday, November 4, 2020**

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 Tuesday, November 4, 2020 electronically via Go to Meeting platform. Board Members Ann Bardeen, Ray Cook, Tim Cronin, Brian Murphey, Wendy Reed, Associate member Jake Cormier, Town Planner Leah Zambernardi, and Recording Secretary Kathryn C. Carr participated electronically.

Also participating electronically: David Kelly-Meridian Engineering, Howard "Chip" Hall – Cottage Advisors, Melissa Robbins- Deschenes & Farrell, P.C., Thomas Neve-Walker Development. Thomas Horgan - 33 River Meadow Place.

**Call to Order**

Cook called the meeting to order at 7:01 PM. The roll call was taken. All Planning Board members, the Associate Member, Town Planner, and the Recording Secretary participated electronically.

Cook read Gov. Baker's Addendum to Meeting Notice regarding Remote Participation.

"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 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 listed below. GoToMeeting Instructions: Join the meeting from computer, tablet or smartphone using <https://global.gotomeeting.com/join/410160181>. OR By calling: +1 (646) 749-3122 and entering Access Code: 410-160-181.

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".

**Drakes Landing Open Space Preservation Development (Approved January 2018) - Daley Drive – Cottage Advisors, LLC (discussion continued from October 6, 2020 Planning Board Meeting)**

**Update on Paving and Stormwater Discharge Issues**

David Kelley, Meridian Engineering, had prepared an inspection report. He identified two issues: 1) two water gate covers should be brought flush with the final pavement grades, and 2) a rip-rap check dam is to be installed down gradient of the catch basin near station 16+00: the rim elevation is higher than the roadway grading. Hall had sent an email to Kelley on 11/2/20 confirming that risers were installed on two water gates mentioned in the report.

Hall updated the Board on paving and retention basin issues. Seventy percent of paving has been completed. The two items in Kelley's report identified as open had been addressed. These were identified on plans shared with the Board and public. Water valves and grade levels have been rectified. Catch basins drain to a retention basin behind unit 16. The loop road had the final paving coat. Cook asked about a rip rap check dam near catch basins 7 and 8, identified by Kelley. Hall's fix, a riprap dam off the roadway directing water to the catch basins, was temporary until phase 2 is completed. They will be removed prior to snow storms so as not to impede plows.

Meridian recommended retaining 10% of the bond or \$1,430, until erosion control measures were removed. Cook asked for Board comment. Murphey said that the issues had not been resolved therefore no money should be released until after the effects of a heavy rain event were observed. Hall recapped the work performed. Reed said the Board owed it to the abutters to assure the issues are addressed. Cook asked if rain event testing, using a fire truck could determine the success of mitigation steps taken, and asked the Board for comment. Murphey was willing to accept this in lieu of waiting for a rainstorm. Kelley, Murphey, and Chip Hall will observe and video tape the test. Cook suggested that DPW's Wayne Amaral also observe. Cronin asked Kelley to set the parameters. Hall will organize the test. He has high confidence it will work. He will return to the Board to explain test results. Zambenardi been copied on an email to the Town Manager from Brad Buscher at 347 Main Street. Water used in the test would be paid for by the person performing the test.

Cronin had questions related to trails and Phase 2 paving. One section of trails is still under construction.

Attorney Melissa Robbins to discuss the trail easements, which will be granted to the Town. Bardeen noted this discussion about trails is not on the agenda. It will be placed on the next meeting agenda.

Robbins said all work has been completed as shown on the plan, therefore funds should be released. Murphey reiterated his belief that the bond should not be released. Cronin noted primary purpose of the bond is the completion of the road and infrastructure. Cook reviewed the Meridian letter list and asked Hall to get a cost estimate for the remaining topcoat paving to be done and to arrange a water test with the fire department. Zambenardi was asked to forward the final date for the water test to Board members. The item will be added to the next Planning Board agenda.

*Related documents: Request for Review and Acceptance of Phase I Work Status Report and Phase I As-Built Plan and Release of Phase I Performance Bond; Request for Review and Acceptance of Phase II Work Status Report and Reduction of Phase II Performance Bond*

**Review Certificate of Vote - Modification to the Approval of a Definitive Plan, Sullivan's Court Extension, Estate Homes at River's Edge Recorded at Southern Essex Registry of Deeds in Book 34171, Page 236 and Plan Book 448, Plan 67, Re: Inclusionary Housing Requirements, Trails and Trail Easements**

*Discussion of Remaining Completion Items including As-Built Plans, Trail Easements & Landscaping Discussion of the Acceptance of Funds from Thomas Neve for Trail Construction and Partial Release of Performance Bond*

Remaining items include filing the easement for the trails connecting Sullivan's Court to River Meadow and the trail to the river.

Neve had circulated an easement document to Conservation Commission. Reed would follow up with the Conservation Agent.

Zambenardi had spoken with Town Counsel and the Town Accountant, in regard to holding \$10,000 for the trails. They agreed that the language on page 2, #2, was sufficient for the Town Accountant to create the restricted gift fund.

Neve asked the Board to review the plantings he provided around the cul de sac.

The Board reviewed photos of the existing conditions provided by Zambenardi. Neve's plan is to have the roadway, including the circle, be declared a public way, making the Town responsible for plowing and maintenance. Board members expressed concern that the plantings did not comply with the approved planting plan for this area. Board Members requested that the planting be brought into compliance in the spring.

Tom Horgan questioned whether the parking area for the trails was constructed noting it was poorly maintained.

Road acceptance was discussed. The Board of Selectmen must approve the road; it would then be accepted by Town Meeting. Without acceptance by the Town, the Sullivan's Court Extension residents are responsible for road maintenance. Bardeen expressed concern that home owners bought properties with the expectation that the road would eventually be public.

The Planning Board's original decision was discussed.

The Board of Selectmen are responsible for road acceptances. Cook stated that it had been Planning Board's understanding that the road would eventually be a town way.

Responsibility for care and maintenance of circle plantings was discussed. Zambarnardi confirmed that the maintenance will be the responsibility of the Home Owners Association, based on Home Owners Association documents.

The Certificate of Vote, the performance bond, and appeal period were discussed. Cook suggested the language for the bond release be done before the end of the year. Zambarnardi will form the motion with input from Town Counsel.

There was additional discussion about the beehive inlet gate, the swale, permanent occupancy permits, the retaining wall, and remaining plantings. Bardeen noted that Neve's planting plan did not comport with the original plan. He disagreed. Murphey suggested a letter be sent to home owners of Lot 3, cc'd to the ConCom, saying they must install the beehive drain. Cook asked Zambarnardi to draft the letter. Bardeen questioned the continued involvement of the Planning Board. Zambarnardi will draft a letter and the Building Inspector will be copied.

### **Related Documents**

*Memo re: Trail easement, Sullivan's Court., Jay Smith, Conservation Commission to Planning Board, March 7, 2020*

### **Certificate of Vote (Sullivan's Court)**

Board members reviewed the document dated October 6, 2020, making several changes and clarifications. Members will sign the documents at the 1910 Building.

### **Review of Planning Board Priorities and Projects**

*Affordable Housing* - Draft regulations for the handling of Housing Contribution Payments and resale fees have been prepared by Zambarnardi for review by the Town Manager and Town Counsel. The Board will discuss them at its December 1, 2020 meeting. Cook explained that the next step would be for the Town to establish an Affordable Housing Trust. The establishment of regulations would come first, as it provides the vehicle to fund development of the Housing Trust.

*Coffin St. 40B* - Zambarnardi stated the next step in the process is for the State to issue its approval for the developer to move forward with an application to the Town. The local preference element was noted and the Town will need to prepare it. Once the State issues its letter, the developer can file with the ZBA.

The Planning Board will be asked to review the project and make comments.

*Scenic Roads Bylaw:* The Board discussed establishing standards and procedures, including criteria and notice. Cook said while important, this was not a top priority for the Planning Board.

*Stormwater Bylaw:* This should be ready for Spring Town Meeting. A stormwater committee is in place. Cook asked if this is a bylaw that could be put forward by the Board of Selectmen.

Cook asked members to identify other projects. Reed stated that Building Commissioner Sam Joslin had applied for a grant to review Policies and Guidelines for accessibility, including standards for public trails. Zambarnardi stated that a number of recommendations in the Town's Housing Production Plan should be reviewed, such as the conversion of large estate homes to condominiums, and the addition of accessory units. Cook noted that the accessory unit issue could be part of the affordable housing discussions. Murphey questioned whether there would be support for such measures. Cook suggested a longer discussion at a future meeting.

### **General Business**

Updates: Associate Planning Board Member Position;

Jake Cormier, new Associate Member, was welcomed by Cook and other board members. The other candidate for the position, Kim Monahan, will join the ZBA.

### **Notice of Intent to Sell & Proposed Use of Land for 183 River Road Pursuant to M.G.L. Ch. 61, S.8 & M.G.L. Ch. 61A, S. 14 0**

Cook showed the map of 183 River Road. The property is to be subdivided, but the ANR plan has not yet been submitted to the Board.

Zambarnardi questioned whether the Town has the right of first refusal on the smaller lots that would be retained by the current owner. The property is in chapter land now.

### **Minutes: September 2, 2020; September 15, 2020**

Review of the minutes was delayed for another meeting.

**Administrative Details.** There were none.

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

### **Adjournment.**

MOTION. Cook moved to adjourn the meeting at 9:30 pm.

Murphey seconded the motion.

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

Respectfully submitted,

Kathryn Cogswell Carr, Recording Secretary.