

**West Newbury Planning Board Meeting  
Minutes  
Tuesday, November 17, 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 17, 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 Zambenardi, and Recording Secretary Kathryn C. Carr participated electronically.

Also participating electronically: David Kelly-Meridian Engineering, Howard Hall – Cottage Advisors, Melissa Robbins- Deschenes & Farrell, P.C., 515 Groton Road, Westford, MA, Thomas Horgan - 33 River Meadow Place, West Newbury, Greg Hochmuth, Williams & Sparages, 189 North Main Street, Middleton, MA, Michael Crowe, 6 Mechanic St, Kennebunk ME, John Hargreaves, GA Consulting, 10 State Street, Newburyport, MA, Joseph Grew, 183 River Road, West Newbury MA. Albert Ting and Nancy Pau, 183 River Road.

**Call to order**

Chair 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 Governor 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**

The Town Planner had received an email from Melissa Robbins, Deschene & Farrell requesting that the Board postpone discussion on the bond release for Drakes Landing and to continue the matter to December 1, 2020. This would allow the Town's engineer and the Applicant's engineer time to resolve issues raised in Meridian's letter regarding the water testing, and determine what level storm event the water test captured. Robbins spoke briefly about easements to ensure public access to trails within the development. She stated that the proposed trail easement language is the same language used for the Cottages at River Hill in 2017, which had been approved by the Board of Selectmen and Conservation Commission.

No formal vote was required.

**36 and 44 Coffin Street**

Greg Hochmuth presented a resubmitted ANR plan for the property. He stated that he had previously withdrawn this ANR due to issues related to practical access of the frontage and the existence of wetlands. Cook asked for questions from Board. Reed noted that some minor items had been identified at a Conservation Commission site walk, and the Order was issued. The Board of Health review is pending. Cook reviewed the application and displayed the plan that identified the wetlands on Lot 1.

#### **MOTION**

Bardeen moved that the Planning Board endorse the plan as one not requiring approval under the Subdivision Control Law. Cook seconded the motion. There was no further discussion. A Roll Call vote was taken and the motion passed 5-0.

Zambernardi stated that there is also a request to schedule a public hearing date pursuant to the Scenic Roads Bylaw to relocate a portion of a field stone wall along Coffin Street to allow access for a driveway to a new single-family home.

#### **MOTION**

Cook made a motion to schedule the public hearing for Tuesday, December 15, 2020 at 7:15 pm. Bardeen seconded the motion. There was no further discussion. The motion carried 5-0.

#### **Continued Public Hearing (continued from October 20<sup>th</sup> PB Meeting): Definitive Subdivision Plan - 519 Main Street & 0 Stewart Street, Assessors' Map R14, Lots 36 & 54 – Owner/Applicant: Deer Run Land Development LLC, 6 Mechanic Street, Kennebunk Maine - Subdivide one existing building lot into four new building lots (8 total units), including a new roadway with associated utilities and improvements**

Cook opened the continued Public Hearing at 7:16 pm.  
Zambernardi read the Public Hearing Notice.

Pursuant to M.G.L. Ch. 41, S. 81T, the West Newbury Planning Board will hold a public hearing on Tuesday, October 20, 2020 beginning at 7:00 PM to consider an application for approval of a Definitive Plan to subdivide one existing building lot into four new building lots (8 total units), including a new roadway with associated utilities and improvements. The property is located at 519 Main Street & 0 Stewart Street, Assessors' Map R14, Lots 36 & 54, and is in the Residence B & C Zoning Districts. The Applicant/Owner is Deer Run Land Development LLC, 66 Lockwood Lane, Boxford MA. The application and plans can be viewed online: <https://www.wnewbury.org/planning-board/pages/519-main-street> or please contact the Planning Office at 978-363-1100 x125 or [zambernardi@wnewbury.org](mailto:zambernardi@wnewbury.org) to view the plans in person. Interested persons may participate in the meeting by joining from computer, tablet or smartphone using <https://global.gotomeeting.com/join/913035629> OR by calling: [+1 \(786\) 535-3211](tel:+17865353211) and entering Access Code: 913-035-629

Tim Cronin  
Clerk

Zambernardi read a formal request to continue the Public Hearing from Chris Sparages dated November 17, 2020. Zambernardi stated that she had notified the neighbors that this item would more than likely be continued without discussion.

Murphey suggested that the Board consider scheduling a site walk. The site walk was scheduled for November 28, 2020 at 9 am with a rain date of December 5<sup>th</sup> at 9 am. A roll call vote was taken and the motion passed 5-0.

Cook moved to continue the Public Hearing to the next Planning Board meeting of December 1, 2020 at 7:15 pm. Bardeen seconded the motion. There was no further discussion. A roll call vote was taken and the motion carried 5-0.

#### **Subdivision Approval Not Required Plan - 183 River Road (Assessors Map R-24, Parcels 8, 8A, 7A & 7D)- Joseph Grew – Reconfigure 4 Existing Lots into 2 Building Lots and 3 Non-buildable Lots.**

Cook showed the plan for 183 River Road and identified the parcel. He explained that Lot 1 would be conveyed to a new owner, Tim Collins. Lot 3, located across the river, is not a buildable lot and would be conveyed to the new owners of Lot 6. The current owner, Mr. Grew, will keep lots 2, 4 and 5. A single owner is purchasing lot 6, which is comprised of Assessors Map R-24, lots 8 & 7A. The property line between the two parcels is being extinguished as part of this proposal.

Cook asked Board members for comment.

Cronin had questions related to terminology used on the plan. Frontage was deemed reasonable for the two new building lots and there were no issues with access. Reed noted that an eagle nest is present on the property. The Conservation Commission has not yet addressed that issue. Cook stated that while the nest is an important consideration, it is a transient element. Cook stated that ANR rules do not provide for public comments, though he may grant an exception and permit comments in his role as Chair. Mr. Hargreaves noted there was a separate access plan that avoided the eagle nest tree. Bardeen noted that access and frontage decisions fall within the Planning Board's purview but other issues such as those related to wildlife do not. Permissions from other Boards will have to be secured.

### **MOTION**

Bardeen moved that the plan under discussion be considered as an Approval Not Required.

Cronin seconded. Discussion: Zambenardi stated that the current owner and both buyers were present online. Cook asked if they had comments. Mr. Grew stated that the buyers of Lot 6 would like to keep the property as two separate lots. They do not want to extinguish the property line between Map 24, Lots 8 & 7A. Board members discussed adequacy of the frontage for the two parcels. After some discussion, Cook asked if Grew would like to proceed with the plan as presented or withdraw so that the plan might be revised. Zambenardi suggested the motion be withdrawn without prejudice and the item be deferred to a later meeting for resolution. Mr. Grew asked that the Board allow him to withdraw the plan without prejudice. Cook withdrew his initial motion and then moved to allow Mr. Grew to withdraw the plan without prejudice. He stated that should Mr. Grew present a new plan, the fee will be waived. Cronin seconded the motion. There was no further discussion. A roll call vote was taken and the motion passed 5-0.

Related materials: ANR Plan of Land for 183 River Road dated 11/3/20.

**Continued discussion of Drakes Landing** – Zambenardi and Murphey provided an update on the Stormwater Management water flush test. The Stormwater flush test was conducted on November 12, 2020. David Kelley, Brian Murphey, Jake Cormier, and the Town Planner had attended. Zambenardi felt the test was generally successful although some grading adjustments to the paving at the road's intersection with Main Street would be needed to disperse more water into the catchment basin. Several in attendance at the test took videos of the event. These had been shared with the Board. Kelley was expected to issue an inspection report with findings and recommendations regarding this test. It will be shared with Board Members upon receipt.

### **Updates**

The Board received a notice of an addition of Chapter 201 to the Acts of 2020, sec. 33-38 regarding permit deadlines. The tolling periods for permits are to be reinstated as of December 1, 2020. Zambenardi had talked with Town Counsel, Michael McCarron about the decision deadline for 519 Main Street in light of this. The Board is required to make a decision and file it with the Clerk within 90 days of December 1, 2020.

### **Correspondence**

A Project Eligibility/Site Approval Letter from Mass. Department of Housing and Community Development for Beaucher Property 40B Project, Coffin Street – Cottage Advisors had been received. This is to inform the Board that the project has received authorization from MassHousing to move forward with their application to the Town.

## **Minutes**

September 2, 2020

The Board reviewed the draft minutes of the September 2, 2020 meeting and made changes.

## **MOTION**

Cook moved to accept the minutes of September 2, 2020 as amended. Cronin seconded the motion. There was no further discussion. A Roll Call vote was taken and the motion passed 5-0

The Board reviewed the draft minutes of the September 15, 2020 meeting. There were no changes.

## **MOTION**

Cook moved to accept the minutes of September 14, 2020. Murphey seconded. A Roll Call vote was taken and the motion passed 5-0.

The Board reviewed the minutes of the October 6, 2020 meeting and made changes.

## **MOTION**

Cook moved to accept the minutes of October 6, 2020 as amended. Murphey seconded. A Roll Call vote was taken and the motion passed 5-0.

## **Administrative Details**

The West Newbury Tree Committee requested time on the Board's agenda to present its "*Guidance for Scenic Road Trees on Public Rights of Way*". The Board decided to table the matter as the Board of Selectmen were in discussions over this. Reed noted that DPW Director Wayne Amaral had a pivotal role in developing the guide.

Schedule Request from Sam Joslin, Building Commissioner for Planning Board Review of Possible Amendments to the Floodplain Overlay District Bylaw Required by FEMA. The Dec 1 and 15 agendas are very full. Cook suggested the 2<sup>nd</sup> meeting in January (January 19). Zambarnardi stated there is no pressure to get this before Spring Town Meeting. She stated that Joslin thought Fall Town Meeting might work.

## **Schedule Continued Discussion of Planning Board Priorities and Projects**

Cook asked Zambarnardi about feedback from the Town Manager on draft regulations for fees collected per the Inclusionary Housing Bylaw. She noted the Town Manager and Town Counsel are currently reviewing the draft. Zambarnardi suggested December 15 for the Board to discuss the draft.

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

There were none.

## **MOTION**

Cook moved to adjourn at 8:56 pm.

Bardeen seconded the motion

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

Respectfully submitted,

Kathryn C. Carr

Recording Secretary