

## TOWN OF WEST NEWBURY PLANNING BOARD

### Meeting Minutes

Tuesday, December 1, 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 Tuesday, December 1, 2020 electronically via Go to Meeting platform. Board Members Ann Bardeen, Ray Cook, Tim Cronin, Brian Murphey, Wendy Reed, and Associate Member Jake Cormier, Town Planner Leah Zambarnardi, and Recording Secretary Kathryn C. Carr participated electronically.

Also participating electronically: Chris Sparages – Williams & Sparages, 189 N. Main St., Suite 1010, Middleton, MA; Michael Crowe, Deer Run Land Development L.L.C.; Howard Hall, Cottage Advisors; Donald Bourquard, 148 Crane Neck Street; Francis Fitzpatrick, on behalf of McKenzie Boekholder & Valerie Gingrich of 495 Main St., Tim Collins, 12 Dole Place, and Joseph Grew, 183 River Road.

### Call to Order

Chair Cook called the meeting to order at 7:01 PM.

All Planning Board members and the Associate Member were in attendance.

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

Addendum to Meeting Notice regarding Remote Participation 00Pursuant 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/126354029> OR By calling: +1 (669) 224-3412 and entering Access Code: 126-354-029.

**Continued Public Hearing (continued from November 17th 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**

Chris Sparages and Developer Mike Crowe had requested a continuance of the Public Hearing via email dated Dec. 1, 2020, until Dec. 15, 2020.

### MOTION

Cook opened the public hearing and then moved to not read Public Hearing notice. Murphey seconded. There was no further discussion. A Roll Call vote was taken and the motion passed 5-0.

Cook noted that some of the Planning Board members asked to have a brief the discussion about the recent site walk. David Kelly, representatives from the Planning Board and other Town departments, and several abutters attended the walk led by Sparages. Crowe stated that some flagging had been done after the site walk. He had examined the proposed trail entrance. Cronin asked about the status of discussions with MassHighway and National Grid. Cook asked how Crowe would ensure that equipment used to repair National Grid lines would not crush the septic lines. Sparages had been in touch with National Grid, and Crowe's lawyer had looked for legal documentation of an easement. Sparages stated that having a road or septic line cross a power line easement is not uncommon. He has reached out to National Grid, but they have not yet responded.

Abutter Valerie Gingrich had submitted a letter to the Board stating the existing trail easement on her property is restricted to equestrian use. It does not connect to the property. Cook thanked her, noting the Board also received a letter from Kate Day, 503 Main Street. Issues raised in the letters will be address at a future meeting. Reed asked about access along the entrance road.

Upcoming deadlines were discussed. Zambenardi stated that the recent order from Gov. Baker requires most municipal boards and commissions to move forward with permitting applications with the tolling period beginning on December 1, 2020, unless the Secretary of Housing and Economic Development grants additional time to act. Final action by the Board is now due on Feb. 28, 2021. Continuance dates were discussed. Sparages requested a continuance to Dec. 15, 2020.

#### **Motion**

Cook moved to continue the Public Hearing to December 15, 2020 at 8:00 PM. Cronin seconded.

Discussion

Murphey noted the slow progress of the project. There was no further discussion.

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

#### *Related documents:*

*Email dated Dec. 1, 2020 to Leah Zambenardi from Chris Sparages re: public hearing continuance*

*Email dated Oct 20 2020 to Leah Zambenardi from Katherine Day, 503 Main St., West Newbury, MA*

*Notice of Site Visit*

#### **Drakes Landing Open Space Preservation Development (Approved January 2018) - Daley Drive – Cottage Advisors, LLC (continued from November 4 PB Meeting**

The Board had received a letter from GM2 Associates, Inc., the project design engineer, to Howard Hall regarding the storm water issue at the entrance to Drakes Landing. Chip Hall was in attendance to update the Board on the storm water issue. He requested that the discussion on the bond releases be continued without discussion until the next hearing, allowing time to resolve storm water issues to the Board's satisfaction. Cook had visited the site during a downpour along with several abutters.

Chip Hall indicated that GM2's letter includes a solution that Hall could implement in the next two weeks.

He stated that GM2's original survey was done prior to Main Street being paved by Mass DOT. The entrance will be torn up, regraded and repaved in the next two weeks. Hall had high confidence in the plan. Cook asked for Board comments. Cronin questioned the impact on Main Street due to the change in elevation. Some water will still drain to Main St., according to Cammett. Hall will contact Zambenardi about with a date certain for the paving. Cook asked for public comments. There were none. Additional

input may be received from David Kelley. The Board will continue the discussion at a future meeting.

**Subdivision Approval Not Required Plan – 0 River Road (Assessors Map R-24, Parcels 8, 8A, & 7D)- Joseph Grew – Reconfigure 3 Existing Lots into 2 Building Lots and 5 Non-buildable Lots.**

Tim Collins, the owner/applicant participated electronically. Zambenardi had reviewed a resubmitted ANR that included the reconfiguration of 4 parcels to be divide into three lots. Cook shared the plan. The resubmitted ANR involves the reconfiguration of Parcels 7D, 8, & 8A on Assessors Map R24. There are 7 new lots that are labeled 1, 2, 3, 4, 5, 6, & 8. There is no new lot labeled 7. The Parcels will be divided up as follows: Parcel 8 will be divided into 2 building lots (Lot 1 and Lot 6) and 1 unbuildable lot (Lot 5). Parcels 7D and 8A will be reconfigured into 3 unbuildable lots (Lots 2, 3 & 8).

The Board reviewed photos taken by the project surveyor, John Hargraves. Lot access, buildability, and stone walls were discussed. Murphey had raised Chapter 61 and Town Right of First Refusal issues with Zambenardi, noting an opinion from Town Counsel.

Nancy Pau, purchaser of some of the property, said she and her husband would continue to farm the land and that it would remain in Chapter 61.

**Motion**

Bardeen moved that the Planning Board endorse the plan as one not requiring approval under the Subdivision Control Law.

Murphey seconded the motion. There was no further discussion. A Roll Call vote taken and the motion passed 5-0.

**General Business**

Updates – The Town Manager and Town Counsel are reviewing draft regulations for inclusionary housing payments and collection of resale fees. The Planning Board will review the draft regulations at its December 15th meeting.

Minutes - There were no minutes to review.

Correspondence - Zambenardi summarized several public hearing notices that the Board received from other communities.

Administrative Details - Zambenardi will provide draft schedule and budget at the next meeting. She asked if the Board would like to submit Planning priorities to the Town Manager. Cook stated he would attend the meeting.

Items not Reasonably Anticipated by the Chair 48 Hours in Advance of a Meeting - Cook informed the Board that he received a letter from the Board of Selectmen asking all Board Chairs to provide a list of projects in order of importance. The Planning Board felt it was a good opportunity to identify affordable housing as an area interest.

Cook asked the Board to identify high priority agenda items. Responses included preparing bylaws for Town Meeting, and establishing bylaws related to the formation of an Affordable Housing Trust. Cook will also report on projects that the Board is or has permitted, including Sullivans Court where it is working on establishing \$10,000 of seed money to partially fund an ADA-compliant boardwalk and trail; 519 Main

Street and other projects. Other projects include the Stormwater bylaw, criteria for stonewall alternations and decision guidelines for the Board. Cook noted its importance when working with the Conservation Commission and the Tree Committee.

Zambernardi said that this informs other Town entities on the projects that Planning is working on and how its projects might intermingle with the goals and projects of the other entities.

Cook noted that there would be a hearing scheduled for December 15<sup>th</sup> to review a stone wall at 69 Ash Street. The Planner and DPW Director had visited the site.

### **Adjournment**

Cook moved to adjourn. Bardeen seconded. A Roll Call vote was taken and the motion passed 5-0.

Respectfully submitted,

Kathryn C. Carr, Recording Secretary