

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

Tuesday, January 5, 2021 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 January 5, 2021 electronically via the Go to Meeting platform. Board members Ann Bardeen, Ray Cook, Tim Cronin, Brian Murphey, Wendy Reed, and Associate Member Jake Cormier, Town Planner Leah Zambenardi, and Recording Secretary Kathryn C. Carr participated electronically.

Also participating electronically:

Chris Sparages – Williams & Sparages, 189 North Main Street, Middleton, MA 01949

Call to Order

Cook called the meeting to order at 7:04 PM The Roll Call was taken. All Planning Board members, the Associate Member, Town Planner, and Recording Secretary participated remotely.

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. 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/437811589>
OR

By calling: +1 (872) 240-3212 and entering Access Code: 437-811-589

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.

Sullivan's Court Extension Definitive Plan – Walker Development: Discussion of: (1.) The Town's acceptance of \$10,000 in funds from Thomas Neve of Walker Development to be set aside for the design, permitting, and building of the trail between Sullivan's Court Extension and River Meadow Drive; and (2.) Release of \$10,000 in funds from the Performance Guarantee Agreement Securing the Completion of Construction Ways and Municipal Services, between the Town and Walker Development, dated February 5, 2019.

Cook stated that the Town Manager had reservations on how the Town would accept the funds. He wanted more time to examine possible options. He suggested the Board table the matter to a future date, allowing the Finance Department to determine how to accept the funds. Town Counsel's previous opinion on establishing a gift account was withdrawn. Cronin suggested that funds be kept in escrow for now. He suggested that \$10,000 be paid directly to the contractor during the construction. He stated that the estimate for the trail and boardwalk are

\$50,000; the CPC is being asked to approve \$30,000-\$40,000; and \$10,000 would come from Thomas Neve, the developer. The Board felt the bond should be kept where it was and be resolved at a future meeting, following the Town Manager's recommendation.

Continued Public Hearing: 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.

MOTION

Cook moved to re-open the Public Hearing and waive reading of the public hearing notice. Murphey seconded. A roll call vote was taken and passed 5-0.

Cook noted that Mr. Sparages had made a formal request to postpone the Public Hearing until the Board's next meeting.

Zambernardi read the email request for a continuance of the public hearing to the next Planning Board Meeting.

MOTION

Cook moved to continue the Public Hearing to January 19, 2021 at 7 PM. Bardeen seconded. A Roll call vote was taken and the motion passed 5-0.

General Business

Updates - Zambernardi had spoken with the Town Manager regarding a storm water bylaw for Town Meeting – Spring 2021. DPW is leading the charge on the MS4 and had asked the Planner for help with the bylaw. Zambernardi stated her work would be involve preparing a draft, soliciting comments and assisting with seeing the Bylaw through to the Town Meeting vote. The Town Manager asked her to speak with the Planning Board about her participation in the project. Zambernardi said she had time to work on this bylaw with the Stormwater Committee and requested Board feedback. She also stated that the City of Newburyport is looking to have West Newbury adopt a surface water protection bylaw. Staff from West Newbury and Newburyport and a professional will be involved. The focus is protecting the public drinking water supply. She stated this is also needed and asked the Planning Board Members about her Involvement.

Cook noted that the stormwater bylaw is a State mandated requirement and asked for comments from the Board. Murphey and Bardeen expressed concern at the lateness of the request to the Planning Board. Zambernardi will determine if existing bylaws will suffice, and if so, make them consistent, or determine if a new bylaw is needed. MVPC could provide project support. Zambernardi estimated the time for by-law development including research and writing at 5 hours/week, less with MVPC support. The Stormwater Working Group would assist as well. Zambernardi noted there are some questions that need to be decided upon by the Town, such as whether the Stormwater Bylaw should apply to the MS4 boundary or the whole Town. Given that storm water is a town wide issue, she commented it would make more sense to include the whole town, though workload would need to be taken into consideration. The Board was overall supportive in Zambernardi taking on this project.

The Board generally agreed that Zambernardi could help with the surface water bylaw, though the storm water bylaw should be the priority.

Other Business Items

Cook suggested the rest of the meeting items be tabled due to the ongoing audio problem with the virtual meeting platform.

Cook suggested that because the audio is so poor, minutes should be reviewed at a later date.

Adjournment

Due to issues with the audio feed, Cook moved to adjourn the meeting at 7:17 pm. Murphey seconded the motion. The Roll call vote was taken and passed 5-0.

Respectfully submitted,

Kathryn C. Carr, Recording Secretary