

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

### **Meeting Minutes**

**Tuesday, January 19, 2021 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, January 19, 2021 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 Zambernardi, and Recording Secretary Kathryn C. Carr participated electronically. Also participating electronically: David Kelly-Meridian Engineering; Howard Hall – Cottage Advisors, 487 Groton Rd. Suite A, Westford, MA; Chris Sparages – Williams & Sparages- 189 North Main St., Suite 10, Middleton, MA; Melissa Robbins- Deschenes & Farrell, P.C., 515 Groton Road, Westford, MA.

#### **Call to order**

Cook called the meeting to order at 7:05 PM

The Roll Call was taken.

All members and the associate member were present.

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

#### **Interim Regulations for Housing Contribution Payments and Resale Fees pursuant to Section 5.F.8. of the West Newbury Zoning bylaw 'Inclusionary Housing'**

Members had reviewed the draft. The date of the Planning Board review and the words "that regulations shall be promulgated by the Planning Board and approved by the Board of Selectmen" will be added.

#### **MOTION**

Cook moved to accept the regulations as edited and revised on January 19, 2021 and to forward them to the Board of Selectmen for approval.

Murphey seconded the motion.

Roll call vote was taken and passed 5-0.

**Continued Public Hearing: Definitive Subdivision Plan – 519 Main Street & ) 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 made a motion to open the public hearing and to waive reading of the public hearing notice.

Murphey seconded the motion.

Roll call vote was taken and passed 5-0.

Cook stated that the Applicant had requested another continuance. Murphey suggested a 3-month extension, affording abutters a chance to comment. Chris Sparages was in attendance and agreed to an extension from February 28, 2021 to April 30, 2021. Sparages would send a letter signed by Mr. Crowe to this effect.

Cook asked Planning Board members and abutters for comments. No abutters were present.

Board members shared issues that they would like the Applicant to discuss at the public hearing:

- Provide rationale for a waiver of the frontage at Main Street and for the storm water system. What is the benefit to the Town in waiving these requirements?
- Address the question of whether the road should be public or private, as the DPW Director is not in favor of this becoming a public road.
- Prepare to name the street. This should include involvement from the historical commission.
- Address the concern with individual duplexes being responsible for aspects of the drainage system that are located on their lot. A single homeowners association should have responsibility for the entire system.
- Recognize that the review extends beyond the comments going back and forth between the project engineers. Board Members and the public will also have questions and comments.
- Communicate the status of the Conservation Commission review with the Board.
- Provide a hard copy of the revised plan set to the Board.
- Provide a commitment regarding the trails, including maintenance, control and a funding line in the association budget.

### **Motion**

Cook moved to continue the Public Hearing to February 2, 2021 at 7:15.

There was no further discussion .

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

### **Drakes Landing Open Space Preservation Development (Approved January 2018) – Request for Release of Unit 37 from the Covenant not to Convey**

Melissa Robbins stated that twenty-seven units have been released. There are 5 more units to be released.

The release of the 28<sup>th</sup> unit was predicated upon the completion of all trails. Hall stated that the rain impact on the trails has been rectified. Additional changes will be made to prevent rain impact moving forward. The Board reviewed Hall's photographs. Cook had walked the trails and identified some issues. Hall had submitted a drainage modification to address the issue from GM2 Engineering.

Cook shared a letter from David Kelley dated January 19, 2021 and a plan for Drakes Landing. Hall explained his use of a swale and level spreader to slow the water and redirect it from the trail into a woodland buffer. Board members expressed concern about longer term damage to the trail and erosion.

Robbins said the trails will be the responsibility of the owners. Maintenance requirements and a conservation restriction are in place and are in the condo documents. Reed expressed concern that the owners may not know

about the requirements nor how to meet them. Robbins said the Conservation Restriction has been approved by the State. She opined that they are in compliance for release of the 28<sup>th</sup> unit.

Cook asked Kelley, representing the Town, to comment. Kelley said the swale and spreader were good ideas, and suggested a stone berm near the level spreader.

Cook asked Planning Board members for questions and comments. Not all the easements have been recorded. There is a Conservation Restriction ready to go on record. Once the Board of Selectmen all sign the document, it will be recorded.

Murphey suggested that Kelley add a note to his inspection report regarding the gravel placement. He is fine with proceeding.

Cormier was concerned about trails declining over time. Zambenardi questioned if trail maintenance was addressed in the Condo Association documents and budget. Hall said trail system maintenance is currently budgeted at \$800 per year, roughly 16 hours per year. Current owners agree to the Association documents upon purchase. Hall is the trustee until the units are sold.

#### **MOTION**

Murphey moved to release unit 37 from the Covenant not to Convey.  
Cronin seconded.

#### **Discussion**

Reed asked to have photos of the trail damage shared. Cook asked about the materials used and the swale.

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

Documents Reviewed: Letter and plan from G2/Cammett dated Jan. 19, 2021 regarding trail washout.

#### **General Business**

##### **Updates**

Sullivan's Court - There is a request before the Community Preservation Committee for funding to complete the trails. Brad Buschur, Parks & Recreation Commission asked if the parking lot was part of the development. Cook showed a photo of the parking area. Tim had asked that Neve be required to provide a parking area as depicted on the plans. Zambenardi stated that an as Built Plan is required and that it will be reviewed by Meridian Engineering. If there are no parking spots evident on the ground, Meridian will pick up on this and report it back to the Board. Bardeen and Cronin asked that Mr. Neve be informed of the issue now and the Board concurred.

##### **Minutes**

The Board reviewed minutes of November 4, 2020. Cook moved to accept the minutes as amended. Murphey seconded and the motion passed 5-0.

The Board reviewed minutes of November 17, 2020. Cook moved to accept the minutes as amended. Murphey seconded and the motion passed 5-0.

##### **Correspondence**

Correspondence had been received from the Merrimack Planning Office, and a Legal notice from Haverhill regarding a special permit for 149 Washington Street.

#### Administrative Details

Town Report: Board members had reviewed the Draft Planning Board/Department Section of the Annual Town Report for Fiscal 2020. Cook, Bardeen, and Cronin made small corrections and formatting suggestions. Cook thanked Zambarnardi.

#### Items Not Reasonably anticipated by the Chair

Members noted that there is a request for funding to be used for the purchase of 28 Coffin St. sponsored by Greenbelt. There was discussion over the 40B project proposed for the site by Cottage Advisors and whether it would be moving forward with permitting.

Ms. Carr informed the Board that she was resigning from her position as Recording Secretary. Board Members thanked her for her service to the Board.

#### **Adjournment**

Cook moved to adjourn the meeting at 8:33pm

Bardeen seconded the motion

The Roll call vote was taken and passed 5-0.

Respectfully submitted,

Kathryn C. Carr  
Recording Secretary