

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

### **Meeting Minutes**

**Tuesday, February 16, 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, February 16, 2021 electronically via Go to Meeting platform. Board Members Ann Bardeen, Ray Cook, Tim Cronin, Brian Murphey, Wendy Reed, and Associate Member Jake Cormier, and Town Planner Leah Zambenardi participated electronically. Also participating electronically: Jen Solis – Daily News; John Hargreaves – GA Consultants, Inc.; Denis Hamel – GM2; Lynn Spencer and Doug Manley of Spencer, Sullivan & Vogt; Rick Parker – 153 Crane Neck Street.

#### **Call to order**

Cook called the meeting to order at 7:00 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 provided.

#### **Subdivision Approval Not Required Plan –62, 64 & 74 Bridge Street – Kenneth Cutcliffe & Susan Cronin**

Reed recused herself as she lives across the street from the properties. John Hargreaves was present on behalf of the owners. Cook displayed the plan on the screen for all to view. Cook explained the purpose of the plan. He explained that the division of land involves Map R13, Lot 345 (62 Bridge Street); Map R13, Lot 48 (74 Bridge Street); and Map R13, Lot 344 (64 Bridge Street). 62 Bridge Street would be split into Parcel B and Parcel C. Parcel C would remain its own parcel, and is identified as "Not a Building Lot". Parcel B is not a building lot in and of itself, but would be conveyed to 64 Bridge Street. Parcel A would be carved out of 74 Bridge Street and also conveyed to 64 Bridge Street. 64 Bridge Street would therefore be comprised of Lot 1, Parcel A, & Parcel B containing 1.416 acres.

Murphey noted that there were some emails back and forth in the DropBox file between Hargreaves and the Building Inspector, Sam Joslin regarding whether the 39.86-foot lot line between Parcels A & B is in compliance with the minimum lot width requirements of 40-feet. Hargreaves stated that Parcel A is being conveyed to 64 Bridge Street due to its suitability of soils for a septic system. The soils are more conducive for a septic system than those of Parcel B and 64 Bridge Street. Joslin found that the difference of less than ¼" is negligible, and is in keeping with the intent of the Zoning Bylaw. Murphey stated this matter is not within this Board's purview and asked if there are any issues with the frontage for the lots. Cronin asked about compliance in terms of Parcel C. Hargreaves stated that 64 and 74 Bridge Street would have conforming frontage and lot area. Parcel C would not, and is identified on the plan as "Not a Building Lot".

### **Motion**

There being no further discussion, Bardeen made a motion to endorse the plan as one not requiring approval under the Subdivision Control Law. Cook seconded the motion. There was no further discussion and the motion carried 4-0, with Reed abstaining.

Reed returned to the meeting.

**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.

Bardeen seconded the motion.

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

### **Motion**

Cook made a motion to waive reading of the legal notice.

Cronin seconded the motion.

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

### **Motion**

Cook made a motion to continue the public hearing to March 2, 2021 at 7:15 p.m.

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

### **Pre-Application Conference Regarding Site Plan Review for Carr Post/American Legion Site, 363 Main Street, Town of West Newbury**

Lynn Spencer and Doug Manley of Spencer & Vogt, Denis Hamel of GM2, and Selectmen Rick Parker addressed the Board. Hamel displayed a plan of the site on the screen for all to see. He noted that Cottage Advisors granted the Town an easement to use the parking lot. He stated that the property does not have a septic system; they would install a new tight tank per Board of Health standards. He stated that a previous version of the plan showed a 10-foot-wide driveway beside the building and two driveway openings onto Main Street. He stated the curb cuts are being closed as part of the MassHighway permit for Daley Drive and access will be provided into the parking lot from Daley Drive. He stated that the 10-foot driveway would also be taken out and the front of the property would be landscaped. He stated there would be sidewalk access and an at-grade entrance to the back of the building, providing accessibility for handicapped persons.

Cook stated this is a pre-application conference and indicated it was time for Board Members informal, non-binding feedback. Cook asked about the size of the holding tank. Hamel stated it would be a 2,000 gallon tank, which was calculated based on Title V requirements for office use. Murphey asked whether there would be vent stacks outside. Hamel confirmed there would not be. He stated the system would have alarms inside the building to notify the Town when the tank was at a certain level. Cook asked if the minimum size tank was the way to go and if it should be larger. Hamel indicated that the 2,000 gallon tank should be adequate and they would get the necessary permitting from the Board of Health.

Cook asked about the temporary gas tanks located outside the building. Hamel noted that there is a 5-year moratorium on digging up the pavement in Main Street, as the State paved it a few years ago. He stated that they have to wait until the expiration of the moratorium to connect the building to natural gas pipes in Main Street. Parker stated he would like the building to be all electric, being mindful of our carbon footprint. He prefers not to connect to gas in the street, but to tap solar power.

Cook asked about the shape of the flagstone walkway and suggested a more organic, rounded walk. Murphey stated he would like to see appropriate screening for abutters next to the parking lot area.

Zambernardi noted that the Board's Rules and Regulations include plan requirements that may not be applicable to this project. She stated that they can request waivers from the requirements in writing when they submit the application. Cook stated that Site Plan Review for Town projects shouldn't be seen as unduly onerous, but an opportunity to improve a project.

Spencer indicated that the plan was not final yet and that they were going to present it to the Selectmen at their next meeting on February 22nd. They would bring the Planning Board's comments to the Selectmen and will also discuss the power source with them. They would submit the Site Plan Review application once the Selectmen approve of the plan.

Cook commented that they should anticipate questions about the use of the building. Parker stated that philosophically they should remain versatile. Spencer stated they are designing for assembly space on the first floor and office space on the second floor. Cook stated they will be looking to understand the administration of the property, such as how many people would be expected for assembly and for office noting that assembly usually is a higher usage – and how those numbers influence the considerations made for safety and circulation around the site.

The Board acknowledged that the philosophy is to remain versatile with the building at this point. The Board indicated that the public hearing could be scheduled for March 16<sup>th</sup> at 7:15 p.m.

### **General Business**

- Updates: Storm Water Bylaw in Compliance with MS4 Permit Requirements – Zambernardi provided a brief update on work she has completed since the last meeting including completing a rough draft of the Bylaw. She noted that the stormwater working group would review the draft at its next meeting and would discuss next steps.
- Correspondence: Advisory from Mead, Talerman & Costa, LLC re: Act Enabling Partnerships for Growth, Changes to Zoning Act, G.L. Ch. 40A – Zambernardi stated that changes have been made to the Zoning Act, Chapter 40A and that West Newbury might be affected. She stated that cities and towns with public transit or that are served by public transit will be required to provide areas with by right multi-family zoning. She stated that DHCD is developing guidelines and that she will keep the Board apprised of the matter.
- Minutes: February 2, 2021  
Board Members reviewed the minutes and made edits. Cook made a motion to approve the document with edits, seconded by Murphey. A roll call vote was taken and the motion carried 5-0.
- Administrative Details: FY 22 Budget – Board members reviewed the budget and asked questions. Zambernardi will provide the document to Cook for his signature and then she will submit it to the Finance Department.

- Items not Reasonably Anticipated by the Chair 48 Hours in Advance of a Meeting – Board Members revisited the timing of the Floodplain Bylaw and the Town Manager’s desire to bring it forward at Spring Town Meeting because it seems to be a straightforward proposal. Murphey and the other members expressed concern about the push for this in the Spring when the Board hasn’t yet reviewed the draft in any real detail. They concur that there is no harm in putting this forth in the fall, when they will have more time to review the document and schedule a hearing. It was noted that FEMA will expect cities and towns to adopt this amendment by 2022, so there is time. They also noted that the more urgent matter is the Stormwater Bylaw.

### **Adjournment**

Cook moved to adjourn the meeting at 8:20 pm

Bardeen seconded the motion

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

Respectfully submitted,

Leah Zambarnardi

Town Planner