

TOWN OF WEST NEWBURY PLANNING BOARD

Meeting Minutes

Tuesday, March 2, 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, March 2, 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; Michael Crowe-Deer Run Land Development, Kennebunk, Maine; Chris Sparages – Williams & Sparages-189 North Main St., Suite 10, Middleton, MA; Michael Migliori, Attorney for Deer Run Land Development; Kate Day, 503 Main 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. 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.

Cook took the agenda items out of order to discuss 'Updates' under the General Business agenda item.

Updates

Stormwater Bylaw – Zambenardi stated that the stormwater working group met shortly after the last Planning Board meeting. She shared a rough draft of a stormwater bylaw largely based off the model bylaw provided by MVPC. She stated that members of the committee found there was more work to do in terms of addressing policy decisions such as the applicability of the Bylaw (to the MS4 Area only, or to the whole Town), and who should serve as the permit granting authority. The group thought that having MVPC step in at this point would be very helpful in terms of guiding the Town through the policy decisions. If MVPC is not able to help, the Town Manager is considering putting in an Article request in for the spring to fund consultant services. She stated that the Town will not meet the June 30th deadline for having a Bylaw in place, and that the goal is to now have it done in time for Fall Town Meeting. She stated that she has dedicated a good amount of time preparing the rough draft of the bylaw and regulations and that her role moving forward will be as a member of the committee and to help as needed.

Flood Plain Bylaw – Zambenardi stated that the Town Manager suggested that the Floodplain Bylaw be brought forth as an Article for spring Town Meeting. His reasons included that the proposed changes are straightforward to incorporate changes mandated by FEMA, and that the Selectmen do not want to overcrowd the fall town meeting agenda. Zambenardi stated that the Board would have to hold a public hearing very soon in order to do

this. Murphey stated that the Board has not reviewed the changes in any great detail and he is not comfortable sponsoring an Article and scheduling a hearing without having a clear understanding of how the changes impact West Newbury. Members of the Board discussed this further and concurred with Murphey. The Board would like to review the proposal in the spring and early summer and submit an Article for fall Town Meeting. Cook agreed to contact the Town Manager to inform him of this.

Recent Amendments MGL Ch. 40A – Zambenardi stated that she attended a virtual planner’s meeting sponsored by MVPC and that Chris Kluchman of DHCD gave a brief presentation on the issue. Zambenardi stated that West Newbury is categorized as an “MBTA Community” per the Bylaw and will have to comply with new requirements for multi-family buildings. She stated that voting requirements for zoning amendments that increase housing stock have been reduced from a super majority to a simple majority. She stated DHCD is working on guidelines for cities and towns and that she will keep apprised on the topic.

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 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.

Sparages stated that he submitted additional materials on 2/26/21 including revised plans that include changes Meridian Engineering had asked for, and an access easement to the back lot on the Vuylsteke property. Murphey asked if it would be paved. Sparages stated it would likely stay in its natural state and mowed. Sparages also submitted a letter to the Board explaining the waivers and why granting waivers to allow the project would benefit the public.

Murphey stated that the waiver request letter is clear and well put together. He suggested that the Board seek comments from the Town’s Open Space Committee (OSC), the WN Riding & Driving Club, and the Essex County Trails Association (ECTA) to hear about their interest in the trails, their support for the trails and if they foresee any issues or roadblocks. He stated that it would be prudent for the Board to have documented support from these groups to demonstrate the public benefit for the record.

Crowe stated that he has been in discussions with Carol Lloyd at ECTA and that he has also been in contact with the WN Riding & Driving Club. He stated that he has not had contact with the Town’s OSC. Reed stated that she is a member of the OSC and that she will ask them. Murphey suggested that Deb Hamilton might be a good person to contact since she is active in both ECTA and the WN Riding & Driving Club.

Migliori stated that he provided a draft trail easement to ECTA and the Town for review. He stated he also provided the Town with a draft Home Owners Association document. Zambenardi stated she reviewed both documents, made comments, and then passed them to Town Counsel Michael McCarron for his review last week.

She stated she has not heard back from McCarron yet. Cook asked that she check in with him on this to see if he can conduct his review in time for the next meeting.

Cook stated that, in his opinion so far, the waivers appear reasonable considering the scope of the project as a whole.

Cook then asked the public if they had any questions or comments. There were none.

Members concurred that the issues are very close to being addressed and the Board would be preparing to make a decision soon. Zambarnardi stated that the revised plans have been sent to Meridian Engineering for its review and that she anticipates their response will be submitted in time for the next meeting.

Motion

Cook made a motion to continue the public hearing to March 16, 2021 at 8:00 p.m.

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

Documents Reviewed: Documents and plans submitted to the Planning Board by Williams & Sparages on 2/26/21.

General Business (continued)

- Correspondence: Zambarnardi stated that the Board received copies of 3 public hearing notices for projects in Groveland.
- Minutes: February 16, 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: Recording Secretary, Zambarnardi stated that the Town has hired a recording secretary to prepare meeting minutes for the Board and that her first meeting will be March 16th.
- Items not Reasonably Anticipated by the Chair 48 Hours in Advance of a Meeting - There were none.

Adjournment

Cook moved to adjourn the meeting at 7:53 pm

Bardeen seconded the motion

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

Respectfully submitted,

Leah Zambarnardi

Town Planner