

TOWN OF WEST NEWBURY PLANNING BOARD

Meeting Minutes

Tuesday, March 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, March 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: 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; Wayne Amaral- DPW Director; Bob Grasso - Engineering Land Services; Lynne Spencer - Spencer, Sullivan & Vogt; Mark Edgar; Cheryl Knight; Denis Hamel, GM2 Associates; Karen Iorio- 33 Daley Dr.; Brad Buscher- 347 Main St.; Mike Capachietti – Meridian Associates; Fay Gill – Main Street; Jen Solis – Daily News; Shane & Maura McCarthy – Main Street; Rick Parker – Selectmen.

Call to order

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

Cook took the agenda out of order.

Subdivision Approval Not Required Plan – 15 Rogers Street & 0 Garden Street, Assessor's Map R20, Lots 6 & 6A – Patrick & Jennifer O'Keefe (Applicant); Stephen C. & Lisa Ann Hayden (Owner/Applicant); and Artichoke Farm Trust, Heather Caron, Trustee (Owner)

Cook shared the plan on the screen. He explained that the purpose of the plan is to convey 0.75 acres from 0 Garden Street to 15 Rogers Street, and to create 1 new building lot. Bob Grasso of Engineering Land Services confirmed this and added that Lot 1 would be a new building lot that meets all of the dimensional standards for building lots and that Parcel A would be added to Lot 6A. Cook noted that Lot 6A has sufficient frontage as there is an existing building on the parcel and that the frontage is being added to. He stated that Lot 1 would also have sufficient frontage of 350-feet. He stated there is practical access into the lot. He also noted there is a stone wall and that any disturbance would need to be reviewed under the Scenic Roads Bylaw.

Murphey asked if the remaining parcel, 0 Garden Street would have sufficient frontage after the land transfer. Grasso stated that the parcel will have 230-feet of frontage on Rogers Street. Cook showed the parcel on the Town's web mapping interface, MiMap. It was also noted that the parcel has more than enough frontage on Garden Street as well.

Cronin asked for clarification on the purpose of the plan, that there would be separate dimensions for that lot and whether it meets the dimensional requirements under zoning. He also noted that the stone wall and street trees

might need to be reviewed. Cook and Zambarnardi described the process for applying under the Scenic Roads Bylaw.

Motion

Bardeen made a motion to endorse the plan as one not requiring approval under the Subdivision Control Law. Cronin seconded the motion.

Roll call vote was taken and it carried (5-0).

Cook noted there is still time before the public hearing scheduled for 7:15 and asked Zambarnardi if there are any updates under New Other Business.

Updates

Zambarnardi stated there is a request from the West Newbury Tree Committee to appear before the Planning Board and to discuss their charge and how they might be of assistance to the Planning Board. After some discussion about future agenda items, the Board decided to invite them to the April 20, 2021 regular meeting at the beginning of the meeting.

Public Hearing: Site Plan Review Application – 363 Main Street, Soldiers & Sailors Memorial Building, Assessors Map R10, Lot 34 - Owner/Applicant: Town of West Newbury, 381 Main St., West Newbury, MA – Site improvements associated with renovation of historic building including paving, landscaping, screening, walkway installation & lighting.

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.

Zambarnardi read the Public Hearing Notice: “Pursuant to the West Newbury Zoning Bylaw Section 8.B, the West Newbury Planning Board will hold a public hearing on Tuesday, March 16, 2021 beginning at 7:15 PM to consider a Site Plan Review Application for site improvements at the Carr Post/American Legion Building. The property is located at 363 Main Street, Assessors Map R10, Lot 34, in the Res C Zoning District. The Owner/Applicant is the Town of West Newbury, 381 Main St., West Newbury.”

Lynn Spencer of Spencer, Sullivan & Vogt and Denis Hamel of GM2 presented the plans to the Board. Spencer opened the meeting by thanking the Board for the input and direction it provided at the consultative meeting they had in February. She stated it was very helpful as they fine-tuned the plan to make the application. Spencer addressed how the building is proposed to be used and stated that when Town Meeting approved the article for Community Preservation funding for this building, it was done with the understanding that the building would be properly restored and rehabilitated according to the Secretary of the Interior’s Standards for Historic Preservation, for purposes like those that the building was first constructed for, which is community gatherings and use. It’s a small building, the footprint of the first floor is 1,000 square feet and the second floor has a sloped roof and even less square footage. It’s suited for small gatherings, which has been the use on an off for 100 years. With the investment and work that is about to begin, it will live another 100 years.

Hamel described the existing conditions of the site, which is 9,000 square feet. Associated with it is an easement for a parking area, which is on the property of Drakes Landing. He stated that was negotiated a few years ago with the developer of the Drakes Landing project. He stated there is also an easement across to Daley Drive for access to Main Street. There is currently paving in front of building with a landscaped island. He stated that the

flag pole is located within the right of way to Main Street and it will have to be moved onto the property. He discussed the existing cess pool, and that DPW will repair the water main prior to construction. He noted that the electric service is overhead. He stated that as part of the Drakes Landing project, trees were planted between the abutter and the parking lot as a buffer but they will need to be removed to make room for the proposed tight tank. He stated there is a sidewalk that runs along the side of the building to Main Street. The sidewalk picks up on the other side of Main Street and goes all the way back to the Town Offices. There are some trees located along Daley Drive that were planted as part of the Drakes Landing project, which provide shade in the area.

Hamel then displayed the proposed site plan. He stated that all the pavement out front will be taken out, and grass will replace it. He stated they would pave and stripe the parking area in the back, including a handicapped parking space for a van. He stated that the Drakes Landing developer will be installing a painted cross walk on Main Street with a handicapped ramp on each side. He stated there would be bluestone walkways in the front and at the back of the building.

He discussed the tight tank and that it would be pumped out periodically. He stated that when it is near full, an alarm would sound. He stated it is the purview of the Board of Health. He stated they would install a 3,500 gallon tank and that an alarm would sound when the tank gets to 3/5 of the way full, which is 2300 gallons (the same capacity as the pumper truck). He stated that an audible alarm would sound and that a light would flash until the tank is pumped out. He noted there would be temporary propane tanks on the side of the building for heat. He stated that the Select Board is discussing converting the building from gas to electric in the future, but has not yet decided. He added there would also be a couple of condensers located on the outside of the building for heat and air conditioning. He noted that an infiltration trench would be installed around the edges of the building to catch stormwater runoff from the roof. He stated there would be no gutters on the building. He noted that the crushed stone area would be 2-foot wide, by 2-foot deep and that it would provide some infiltration into the ground.

Cook explained the public hearing process and the purpose of Site Plan Review for the benefit of the public. Cook asked the PB Members for comments. Reed referred to the tight tank alarm – noting it is a local alarm – and asked if it should sound off-site to a building that is populated daily. Hamel stated the alarm only goes off when the tank is used. He noted they will need to establish a protocol to let people using the building know what they should do when the alarm goes off. Hamel stated that the cess pool and bad soils associated with it will be removed and filled.

Cook referred to the new plantings that would have to be removed. He asked if it would be possible to save them and offer them to the Town or the neighbors. Hamel stated that the plantings are rhododendrons and evergreens, not very large, and should be easy to move. Murphey commented that there is not adequate screening at the parking lot for the abutters and suggested the Town should provide adequate screening. Cook supported this. Bardeen suggested relocating/adding plants. Cook noted that the walkway looks awkward, too rectangular, but that he trusts Spencer's skill.

Cronin asked for clarification on the walkways and how they relate to Main Street. Hamel noted that as part of the Drakes Landing project and the street opening permit for Daley Drive, MassHighway required that the 2 existing access points at the front of the Soldiers & Sailors Memorial Building be removed. He pointed out the walkway connections, including the handicapped ramps on either the side of the street that would be built by the developer of Drakes Landing. He stated the ramps would be tactile warning panels, and that a crosswalk would be painted across Main Street. He noted that work is not part of this project, it is part of the Drakes Landing developer's MassDOT permit. He stated that it is not shown on this plan because it is not part of this project.

Cook asked about the splash zone from rain running off the roof, and noted that the tower might have rain runoff that splashes back onto the granite stair in front of the building, which might cause durability issues.

Hamel referred to the grading plan and described the process for installing the tight tank including a dewatering area because of the high water table. He stated that erosion control would be installed to protect the abutters and the Drakes Landing stormwater system. He noted that the dewatering area would only be used for 1 day. He stated that stormwater is designed to flow toward Main Street from front of building and into the Drakes Landing system from the back of the building. He stated that they recently went before the Conservation Commission received a negative determination on their Resource Area Delineation, therefore they would not have to file a Notice of Intent with the Conservation Commission.

Hamel stated they would leave the front parking area as is until the construction of the exterior of the building has completed, to allow space for storage and lay down. It would be planted with grass afterward. He noted the lawn could be used for community events such as the Memorial Day parade gathering.

Hamel then referred to the landscape plan. He noted that the existing vegetation and trees do not provide a great deal of low visual break to the building, but there is no new activity on that side. He stated the abutters would have the same view they have now, though the building would be nicer with the renovation. He noted there would be 3 arborvitae trees located around the tight tank and that they left an opening for accessing the tight tank with the pump truck hose. Hamel stated they would probably only need to pump the tank one time per year. He noted that the neighbors' garage abuts the side of the property and has no windows on that side. He stated that the existing trees would be the buffer to the neighbor from parking area.

Hamel stated they are planning to place uplighting underneath the canopy of the tree near the sidewalk. He stated that there is street lighting on Main Street, so they would not need much new lighting. He stated there would be building mounted lights at both of the main entrances, 3 light poles in the main parking lot and that trees will provide screening for that. He stated there would be no lumens/foot candles going off the property line based on the lighting plan and the manufacturers calculations.

Murphey referred to the arborvitae and that they might not be deer resistant. He commented that the remaining trees would have large canopies and that is not adequate for screening. He stated his concern that parking lot lighting will shine into the house and the abutting property. He would like to see the rhododendrons and any other trees on the property relocated in a manner that provides additional screening lower to the ground. He stated he would like to see this in the Site Plan requirements. Cook shared his concerns.

Hamel stated that they would plan to relocate the plantings between the property line where the abutters garage terminates and perhaps a couple more. Hamel will relate this to the landscape architect. Murphey asked that there be more consideration of the screening. Cronin asked that whatever is selected from the ground to the 6 to 7-foot level have low cover that is dense and evergreen. Reed asked about water availability from the building for watering. Spencer stated they had not planned for an exterior hose, but it sounds like that would be a good idea.

Hamel referred to the site lighting plan including 3 lamp posts in the parking area, building mounted light at the front and back doors, and the uplighting for the tree. He asked for the Board's opinion on the appropriateness of accent lighting for the tree. He stated they might also need to uplight the flag if it ends up being flown at night. Cook stated he does not have a problem with modest uplighting. He stated he is concerned about wall pack lighting and that he would like to get cut sheets on the pole lighting. He noted that wall packs are not attractive, especially on a historic building. Bardeen noted that uplighting for trees typically have low voltage, low lumens,

and can be on a photo sensor. She stated they are an aesthetic feature and not used for safety. She stated that wall mounted lighting on the building would be fine if it reflects the historic language of the building. She asked about the hours of illumination and stated she would not be in favor of lighting a flag 24 hours per day. She stated that this building is three doors down from 1910 building and that it might be more appropriate to light the flag at the Town Office Building. Spencer stated the front portico has an inset entry, and they plan to install a pendant light that takes its cue from some of the old fixtures in the building. She stated that the rear entry would have a discreet downlight with a down shield down that sits quietly at the door. She stated that not much is needed because of the three 3 light standard in the parking area. She stated the lighting is quiet, shielded, and directs light to the ground; doing so in a way that is consistent with the foot candle requirements of the code. Murphey clarified that the cut sheets being requested should include the manufacturer details.

Cook noted that when the Board has reviewed discretionary Special Permits in past, it focused on details of the lighting. He stated that Site Plan Review does not have the same level of discretion as the Board would have with a special permit. Murphey stated that the Board should make recommendations on what it believes is appropriate. He stated the Board is reviewing this project for the town, to ensure the best choices landscaping for landscaping and lighting are recommended. Cook agreed that its within the Board's purview to give advice.

Motion

Cook made a motion to recess the public hearing as there is a scheduled public hearing for 519 Main Street at 8:00 p.m., to and reconvene at 8:03 p.m.

Murphey seconded the motion.

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

Cook called the 8:00 public hearing to order.

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 and waive reading of the legal notice.

Bardeen seconded the motion.

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

Motion

Cook made a motion to recess the public hearing, so they can return to the public hearing for the Soldiers & Sailors Memorial Building, until 8:20 p.m.

Bardeen seconded the motion.

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

Cook stated that the public hearing for 519 Main Street is in recess and that the Board will resume the public hearing for the Soldiers and Sailors Memorial Building.

Continued Public Hearing: Site Plan Review Application – 363 Main Street, Soldiers & Sailors Memorial Building, Assessors Map R10, Lot 34 - Owner/Applicant: Town of West Newbury, 381 Main St., West Newbury, MA – Site improvements associated with renovation of historic building including paving, landscaping, screening, walkway installation & lighting.

Cook asked Members of the public for their questions and comments. He stated that people can speak or make a comment in the “chat” function.

Maura McCarthy, 357 Main Street, stated she is the closest abutter to the Carr Post. She stated she is happy to hear about the Board’s concerns with lighting and landscaping. She stated that her family and the Board seem to be on the same page. She stated she favors a natural screening solution for the parking lot area. She referred to the pole lighting and asked if that is only going to be on and in use when the Carr Post is being used for an event; or is the plan is for it to be on all the time. Spencer stated she worked hard to find a fixture that has a motion sensor in it, so it would only be activated when some motion causes the lighting to be on. McCarthy asked how sensitive the sensor would be, for example, would it be triggered if a car drove by or by an animal or strong wind. She would be concerned if it went on and off often because of the sensitivity. She stated she appreciated the emphasis on no street lighting on Daley Drive when it was being permitted. She is concerned because the lighting being discussed would be visible from her kitchen. Spencer stated she would look at the sensitivity issues and make sure she can respond at the next meeting. Cook stated that the concern that maybe somebody driving on Daley Drive would trigger the motion sensor is a good point.

Cook noted there is a comment in “chat”, from Karen Iorio from 33 Daley Drive and that she is concerned about the amount of parking spots. She wants to make sure there is no overflow parking on Daley Drive. She is also concerned about adequate lighting of the crosswalk. Cook stated that the crosswalk is not part of this scope of work here, but that is a concern, and that there are probably MassDOT standards that need to be adhered to. Hamel stated that if overflow parking is needed, the plan is to have people park at the town offices and walk over. Cook stated that Daley Drive was not designed for on-street parking. Hamel concurred that the road is not conducive for parking due to the width and curbing. He commented that putting up “no parking” signs would be more of an eyesore, than helpful. Zambarnardi stated that Daley Drive is a private way and the Homeowners Association can post “no parking”, but that she’s not sure the police can enforce parking on a private way.

There being no more public comments, Cook asked the Board Members for additional thoughts. Cronin stated he would like clarity on the parking lot and the lighting specifications from the manufacturers to make sure it’s staying within the parking lot area. Cook looked at the foot candle numbers and commented that they were very low, which is good. Cook suggested that the Town have direct communication with McCarthy on the landscaping. Murphey referred to his experience with lighting in commercial lots. He noted that it’s one thing to say the light won’t diffuse on the property, but it can still be seen. Whether these lights have a cut off feature would help. A cut sheet with manufacturers details would answer that. He stated that the pole light is in an awkward spot for an abutter.

Cook stated that Brad Buschur, 347 Main Street suggested in “chat” that a shadowbox fence along the property line might be a way to screen the parking lot from the abutter.

Cormier asked how snow removal would be handled. He also suggested that while the front yard is torn up, it might be appropriate to run conduit to the crosswalk to allow for some lighting there, such as blinking/flashing lights. Spencer commented that is a wonderful idea because they would have loved to put the electrical power under-ground. She noted that because there is a moratorium due to recent roadwork on Main Street, they are in fact going to bury conduit for the potential that in the future they might be able to get the power under the ground. Right now, the lines run from a pole to the corner of the building.

Iorio stated she appreciates the parking lot lighting sensitivity considerations for residents of Daley Drive who will be passing by. She asked if they would they need to tear up Daley Drive to install the water line. Hamel stated

the water line avoids Daley Drive and the Town's DPW will repair it soon to fix a leak somewhere between the shutoff and the building. Cook stated that the Town's DPW Director, Wayne Amaral, used the "chat" and confirmed this.

Motion

Cook made a motion to continue the public hearing to April 6, 2021 at 7:15 p.m.

Cronin seconded the motion.

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

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 continued public hearing at 8:20 p.m.

Cronin seconded the motion.

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

Zambernardi stated that Mike Capachietti from Meridian Engineering and Wayne Amaral the Town's DPW Director were present for the hearing.

Cook asked Mr. Sparages for an update. Sparages stated that they were last before the Board on March 2nd. Since that time Meridian issued an updated review letter dated March 15th with some minor comments. He met with the Conservation Commission and presented the same revised plans that they presented to the Planning Board on March 2nd. At the Conservation Commission meeting there was a request to make the replication area bigger near the entrance. Sparages stated they agreed because they have the space, and there are no trees there. He stated that the replication area would double in size and increase from 260 sf to 520 sf. He noted they are working on the Order of Conditions for their next meeting in 2 weeks. Sparages updated the Board on what they have done since the last meeting. He noted that the review of the Homeowner's Association document continuing with Town Counsel, and that the Essex County Trails Association and the West Newbury Riding and Driving Club had issued letters in favor of the trails.

Sparages explained the 2 remaining changes requested by Meridian and how he addressed them. Capachietti confirmed that the Applicant has satisfied their requests. He stated that the other matters were deferred to the Conservation Commission and DEP because of their jurisdictions.

Zambernardi stated that Town Counsel looked at the Trail Easement and HOA documents and discussed them with Attorney Migliori as late as today. She stated that the Board asked about the DPW Director's position on whether the road should be accepted as public or if it should remain private. She stated she spoke with him earlier on this and that he is present to answer the Board's questions. She stated that the Board received this evening two letters of support from ECTA and the WN Riding and Driving Club. Reed reminded the Board that the Open Space Committee had been asked to provide a letter, but they are not meeting until March 17th, so that letter is forthcoming. She stated that Sparages submitted the trail map and the easement to the Committee, which they will discuss tomorrow night. Zambernardi read the comment letters from ECTA and the WN Riding & Driving Club in support. Zambernardi stated that before final endorsement of the plan, the Board should decide upon the naming of the road. She stated that the Housing Contribution Payment per the Inclusionary Housing Bylaw should also be discussed.

Cook asked that the question of the street name be brought to the Historical Commission. Murphey stated that in the past he recalled the Historical Commission and the Selectmen took part in naming the street. He suggested that Zambenardi reach out to the Historical Commission and the Selectmen. Zambenardi stated that the Board's Subdivision Regulations call out that the Planning Board is the authority for naming streets in a new development approved under the Subdivision Control Law. Members of the Board concurred that the Selectmen should be given the opportunity to provide input if they'd like.

Cronin asked about the drainage areas near the street. Cronin observed that the plans depict 2 shallow drainage areas along the west side of the street and stated that he is concerned that they are right up against the abutting property. He is concerned about overflow. He noted there is standing water there now and that the new drainage areas should assist somewhat in that, but this roadway will be constructed there as well. He asked if Meridian had looked at the calculations for the depth of that area – which seems to be about 2-feet. He wants to make sure they are adequate for capacity and he wants to make sure that the runoff won't end up on the abutting properties. Capacietti stated Meridian reviewed and approved this at the initial submission and the calculation hasn't been changed. He explained that in their review they make sure the areas have been designed for the 100-year storm and that the land is graded so the water flows in the proper direction. Cronin asked for clarification that the slope goes away from the abutting property. Capacietti stated that the water drains across the street away from the abutter to the west. The other area has a pipe and the water goes in the other direction. Cook stated that in his experience, the front entrance gets very wet. He thinks the new engineered system will help improve that area quite a bit. Cronin stated the direction is fine, the depth is his concern – with one area being only 1-foot deep and the other on the west having about 2-foot depth, but that one has a pipe to drain it away.

Zambenardi noted that the Vuylstekes will have an access easement over the property to the new road. She noted that the easement crosses the infiltration trench. She asked whether the engineers are in agreement that the trench won't be compromised by the abutters' use of the easement. Sparages stated that the trench would have 2" to 5" diameter washed stone, that it would be stable and sturdy and that it would support the weight of a tractor. He noted that there would be overlapped filter fabric on top of the trench that provides additional support. Cronin asked about the written easement. Sparages stated that they will provide it and a vehicle will be allowed to cross it for purposes of maintenance. Cronin asked about timing for collecting the easements. Zambenardi confirmed they would make sure the documents are recorded upon final endorsement of the plans.

Cormier noted there is a 6-foot retaining wall on the easterly side of the roadway. Sparages stated it is 15-feet from the edge of pavement. Cook asked whether a guardrail needed to be there. Capacietti stated that is usually regulated by Town Bylaws. He noted it is outside the ROW by quite a bit. There is no sidewalk there, and no one should be walking there. It might require a building permit.

Cook stated that Buschur put in "chat" that anything more than 30-inches requires a guardrail. Zambenardi stated that the wall is quite a distance from the pavement and that the Building Inspector should be checked in with.

Amaral stated he discussed the possibility of accepting the roadway as a public way with Zambenardi several times and that he provided a comment letter to the Board on it. He stated that the DPW has its hands full already and for that reason he does not want to be responsible for more streets. Cook stated that if the developer complies with the Rules and Regulations with respect to the road, he's providing housing for new residents, improving the trail network, etc., why shouldn't he be able to have the road accepted as public. Amaral stated he will respond for himself and for the fire chief. He addressed the width of the roadway being 20-feet and stated that he and the Fire Chief recommend that the developer post "no parking" for the paved roadway. He stated

that they have concerns with the cul de sac island shown on the plan. He asked if it has a raised, 6-inch curb; if it is flush; if it is comprised of pavers? He stated they are concerned about how the back house on Lot 2 is accessed for an emergency. Sparages stated the inside island is to be planted, it has an inner radius of 24-feet, and an outer radius of 50-feet, which is enough radius for a ladder truck to turnaround. He stated the outer part will be paved, and the driveway going back to Lot 2 is a 14-foot wide driveway. Amaral asked if a turning radius template could be done for that driveway. Sparages stated they always do one for the cul de sac, but that they could certainly do a fire apparatus plan for a truck coming around the cul de sac and going down the driveway for Lot 2. Amaral asked if the island would be curbed. Sparages stated there is no curbing proposed; it would be flush to the grass with a nice shoulder. Amaral noted that the Fire Chief should be satisfied because in the worst case he would drive over the island if there are no trees there. Sparages stated that the planting plan for cul de sac island included small shrubs and 1 tree and some benches. Sparages stated that he would show the chief the traffic planning computer program, and would copy Wayne Amaral.

Amaral stated that another concern is snow plowing and storage. He stated that DPW dislikes roads like this because they are difficult to plow. He stated there are 3 large trucks in town for plowing and that the DPW contracts out for large storms. He stated that for small storms (less than 4-inches), DPW plows the whole town with the larger trucks. He noted their large size and the challenges with plowing narrower streets. He also noted the challenge of snow storage, and that he does not see any snow storage locations in general. He stated that he is also concerned about plowing a cul de sac with a tight radius and an island during a storm and then having to go back after the storm to do additional cleanup with a backhoe. He added that they can only plow so close to the edge of pavement with the large trucks during a snowstorm. Sparages responded that although the paved width of the straightaway is 20-feet, what they've done at the cul de sac for fire apparatus and for snow storage is make the pavement 26-feet wide. He stated that 26-feet width of pavement provides is allot of room for snow storage. He added that there is room for snow storage in the middle of the cul de sac and along the straightaway. He stated that with only 20-feet of pavement, there is 15-feet on either side of the paved road that is within the right of way that can accommodate snow storage. Sparages stated that they typically choose small shrubs so snow can be pushed into the center of the cul de sac. Amaral stated that in practice residents call him about dying shrubs in the spring due to the salting and snow storage. He asked if they have thought of a flush island that has pavers, where planters could be put out in the summer and taken in for the winter. Sparages stated this isn't typically done a Town setting and reiterated that 26-feet of pavement is wide and adequate. Cook asked about Sullivans Court, which has a similar cul de sac. Amaral stated that they typically scrape the grass around the cul de sac at Sullivans Court and that survival rates of plants in the island are about 50%. He noted that residents have an expectation that the Town's excellent plowing program will continue. He stated he worried about what it would look like 5 years from now.

Cronin asked if DPW was amenable to taking care of the other facilities in the Right of Way. Cook stated that though the developer may intend to have the road accepted, that is a separate approval. Zambenardi stated the Board requires as-built and street acceptance plans, and will review them prior to the project going forward for street acceptance with the Town. Cook asked about stormwater maintenance. Sparages stated that the Town would only provide for snow plowing and that the operation and maintenance of the stormwater system is the responsibility of the homeowners association – including the two catch basins that would be located in the Right of Way. Zambenardi pointed out that the Town would assume responsibility for paving and general maintenance of the roadway and trash pickup.

Reed asked about who would maintain the landscaping in the Right of Way. Sparages stated that would be the responsibility of the homeowners association.

Attorney Migliori addressed the Board regarding the trail easement and the homeowner's association documents. He noted that Town Counsel, Michael McCarron stated that ECTA easements are typically open to the public but they could change their mind on that. Migliori stated that this would not likely happen as this conflict with their charge. Zambenardi observed that there is a note on the plan referring to the trails as "open to public except limiting motorized vehicles and given to ECTA". She asked if that satisfies any concerns about the trails being open to the public. Bardeen stated that the proposal includes typical language for a trail easement. She stated that the easement has to be granted to an entity that oversees easements, and ECTA's mission it is to do that kind of work. She stated she is not in favor of putting such a note in the drawing in case it conflicts with the written document. She suggested that they should let the easement stand on its own. Migliori suggested modifying the note to something such as "see recorded easement, recorded herewith". Bardeen noted that sometimes entities will have to close trails for maintenance or safety, and that is what is meant by closure. Migliori stated that the Board seems to be fine with ECTA having control over the trails without changing the language. Reed stated that the Open Space Committee is concerned about that aspect and asked that the Board table the discussion until they can weigh in. Migliori stated that if ECTA releases the rights, those rights can be granted to Town or other non-profit. He indicated that the term "Grantee" would be changed to "West Newbury". Migliori then referred to the homeowners association and stated that McCarron was concerned about the terms used for the different ownership types of the trust and that they are still working on it.

Zambenardi then went over the list of matters discussed:

- Easement language to be provided for Vuylsteke's access;
- Housing Contribution language for the Certificate of Vote;
- Finalize the trail and homeowners association language;
- Review emergency access for cul de sac and Lot 2 driveway with Fire Chief, copy DPW;
- Clarify snow storage plan – perhaps in the O&M plan, or in a plan note;
- Get feedback from the Building Inspector on the 6' wall and whether a guard rail is needed;
- Modify the note on the plans for the trail to only refer to the easement document;
- Modify the plans to reflect the increase of the wetland replication area;
- Work with Historical Commission and the Selectmen regarding the selection of a street name;
- Wait for comments from the Open Space Committee.

Planning Board members concur that Zambenardi should begin drafting the Certificate of Vote.

Cronin asked about the trail easement and construction details. Migliori stated the plan would be attached to the trail easement itself in addition to what is shown in the subdivision plans. Cronin asked about the design of trails such as the width, construction and commented that the Open Space Committee might comment on that. He added that there should be a note somewhere about how the trails will be treated. Murphey stated that ECTA should be the entity who decides this. Sparages noted that the only trail being constructed is next to the Lot 2 driveway, that there's no construction planned for the trails in the woods – just mowing. Crowe stated the trails are already there and exist and no construction would occur other than maybe a bridge. Cook stated that there should be some note someplace stating just that. Sparages stated that he determined trail network with GPS and put it on plan. He reiterated that none of trails will be built/constructed, other than the trail along Lot 2.

Crowe asked for clarification about the Housing Contribution Payment and noted that it is determined by the Bylaw that established a formula, and mechanically how and when that payment gets made. Cook stated that in the past the Board based the amount off expected sales value other than the actual sales value. Zambenardi stated that number was worked out at the time of permitting with the Planning Board for Follinsbee, Drakes and Sullivans Court, which was ahead of the time of the actual sales. Migliori stated the most accurate number will

be the sale price. Board Members and Zambarnardi agreed. Zambarnardi noted that the Bylaw requires that the payment be made in full prior to issuing the final Certificate of Occupancy.

Motion

Cook made a motion to continue the public hearing to April 6, 2021 at 8:00 p.m.

Cronin seconded the motion.

Roll call vote was taken and it carried 5-0.

Discussion of updates was resumed.

Pentucket School Building Project - Zambarnardi stated the Board received a request from the School District for approval of a modification to the approved site plan to allow for the construction of a new maintenance building. The Board had a question about how the request was being filed. The new building will be located on the .985 acre parcel that was transferred from Barbara Berkenbush to the District property in June 2020. The site plan was approved in March 2020 and it did not show the .985 acre parcel. The Board questioned whether this project could be considered a modification to the site plan, due to the fact that the land was not yet owned by the District nor was it shown on the final plans at the time of the site plan approval. The Board asked Zambarnardi to get more clarification on this before the next meeting.

34 Ash St. – Zambarnardi stated that the Board received an application under the Scenic Roads Bylaw for a permit to remove part of a stone wall and two trees to accommodate a new driveway. The Board set the public hearing for the April 20, 2021 meeting.

Stormwater Bylaw – Zambarnardi stated that the Town will engage Jennifer Hughes from MVPC for help with the bylaw.

Minutes: Cook tabled review of the March 2nd minutes to the next meeting.

Adjournment

Cook moved to adjourn the meeting at 9:55 pm

Murphey seconded the motion

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

Respectfully submitted,

Leah Zambarnardi
Town Planner