



TOWN OF WEST NEWBURY

381 Main Street, West Newbury, MA 01985

ZONING BOARD OF APPEALS DRAFT MEETING MINUTES 6-11-20

ZBA Members attending: Paul Kelly (Chair), Patrick Higgins (Member), William Bachrach (Member), Judith Gregg (Member), Richard Davies (Member) and Dennis Lucey (Associate Member).

Absent members: None

Meeting was called to order at 6:03 PM. Meeting was by remote participation. Meeting was recorded.

1. Angus Jennings began the 40B project discussion and referred to the revised rules and regulations as amended by the ZBA at its June 4th meeting, with subsequent amendments by Angus Jennings, Sam Joslin, Mike McCarron and Jon Witten.
2. Resident John Dodge presented additional questions as prepared by Patricia Reeser. These questions included concerns about uneconomic conditions, open space and recreation plans, wetlands delineation, mature trees and shade trees, and trails which should be identified as "all access" trails.
3. Attorney Jon Witten confirmed the developer should have a trail plan for any development.
4. Building Inspector, Sam Joselin, will evaluate and respond to Pat Reeser's questions.
5. Mike McCarron suggested that the board should file now with the Town Clerk the latest version of the Rules and Regulations. The board can amend the Rules and Regulations again and file the changes with the Town Clerk. The board voted unanimously to approve and file the current version of the Rules and Regulations.
6. Sam Joselin will prepare a revised list of documents to be submitted by the developer to the town as respects any 40B project. This list will outline minimum requirements. This document will be kept separate and not added to the actual Rules and Regulations as it will change frequently.
7. Jon Witten suggested we do not detail in the Town's Rules and Regulations what would be considered an "uneconomic condition" as the issue is very broad and circumstantial.

8. The ZBA can request assistance from its chosen consultants at the expense of the developer. This will apply to all services except legal services. The town is also eligible to request from the state up to \$15,000 for consulting fees related to the processing and filing of 40B documentation. The consulting associated with these fees is provided to the state for the benefit of the West Newbury 40B project.
9. As respects the transfer of permits, Massachusetts Housing allows these transfers which are very common. Therefore, it is best to leave out of the town's Rules and Regulations any wording restricting permit transfers.
10. It was determined that Performance Guarantee wording will be added to Section 7.2 as relating to rendering decisions.
11. Jon Witten advised that the ZBA should frequently request any updated pro forma documents.
12. Jon Witten advised that any suggested amendments to the Comprehensive Permit addressing a change for one housing unit (e.g. a deck addition for the one unit) should actually be handled with a "special permit" request for that one unit only. Mike McCarron advised that no special permit is required for a non-conforming structure if the change is non-substantial. If the change is substantial, the special permit could be denied. The Planning Board oversees and handles special permits, not the ZBA.
13. Jon Witten noted that the Comprehensive Permit is likely to be regularly changed by the developer, as evidenced by other projects by this developer.
14. Angus Jennings announced that board member, Bill Bachrach, will be retiring from the ZBA when his current term expires 6/30/20. The Selectmen and Town Manager will seek new candidates to be considered for the board, as well as consider any associate members to be changed to full voting members.
15. The ZBA will conduct another virtual public hearing on July 2, 2020 at 6PM to review recent changes to the town's Comprehensive Permit Rules. Any additional recommended changes will be addressed at that time.
16. Comprehensive Permit Rules revised and approved at this 6/11/20 meeting are attached to these minutes.

Meeting was adjourned at 7:30 P.M.

Respectfully submitted,
Judith D. Gregg
Judy Gregg
ZBA Board Member