

Meeting Minutes

Newbury Planning Board

Wednesday, January 18, 2023

Virtual Meeting via Zoom

Final – Approved April 19, 2023

Members Present: Larry Murphy (Chair); Peter Paicos; Leslie Matthews; Woody Knight; Mary Stohn; George Morse

Staff Present: Martha Taylor, Planning Director

Planning Board Chair Larry Murphy opened the meeting at 7:00pm and by roll call confirmed the Board members who were present: Murphy, Paicos, Matthews, Knight, and Stohn. Also present were Planning Director Martha Taylor, Maggie Brown, Essex County Greenbelt Association, and Al Averill, American Farmland Trust.

Opening Statement from Chair: Murphy announced that this January 18, 2023 Open Meeting of the Newbury Planning Board was being conducted remotely in accordance with Chapter 107 of the Acts of 2022, which extends the Governor’s March 12, 2020 “Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A § 20,” until March 31, 2023. This Order suspends the requirement of the Open Meeting Law to have all meetings in a publicly accessible *physical* location and allows public bodies to meet entirely remotely so long as reasonable public access is afforded so that the public can follow along with the deliberations of the meeting. Murphy stated that the Planning Board was convening by video conference via Zoom, as posted on the Planning Board’s agenda, and provided information on how people could view and join the Zoom meeting and participate when public comment was invited. Murphy then described the ground rules and guidelines for the meeting proceedings and public participation. He concluded by stating that each vote taken in the meeting would be conducted by roll call vote.

Following these opening remarks, the Chair turned to the agenda.

PB Member George Morse joined the meeting at 7:06pm.

A. New Business: Maggie Brown, Essex County Greenbelt, and Al Averill, American Farmland Trust – Discussion re. Farmland of Local Importance

At 7:07pm, Murphy welcomed Maggie Brown, of Essex County Greenbelt (“Greenbelt”), and Al Averill, of American Farmland Trust (“AFT”), for a discussion of “Farmland of Local Importance”. Brown stated she was attending as a representative of Greenbelt to express support for the initiative to designate farmland of local importance. The designation does not restrict the land, it has no regulatory association, there is no cost to the municipality, and it may make certain farms eligible for funding from the US Department of Agriculture (USDA).

Al Averill, a soil scientist who has worked for USDA for 40 years, presented slides explaining the project to identify important farmland soils in Massachusetts that have a suitability for crop production, so as to provide protection funding eligibility to those properties. The Natural Resources Conservation Survey (NRCS) Soil Survey identifies soil types so as to determine the suitability of properties for crop production. The soil survey website also has extensive data about what soil types are suitable for different kinds of land use. The website is found at: <https://websoilsurvey.nrcs.usda.gov/> Averill’s contact info is albert.averill@usda.gov, or telephone # 413-253-4356

Averill continued to discuss the details of the federal program that provides financial support for the farmland protection and the protection of land with soils that are valuable and suitable for crop production.

Averill explained the process for a local community recognizing and designating “farmland of local importance” as a demonstration of the community’s commitment to valuing open space, agriculture, and landowner choice. The Town would approve a list of soils that are found on properties that are currently being used for local production. The designation in no way obligates any landowner to any particular land use; rather, it provides one component of eligibility for a property and landowners to access funds from the federal agricultural land easement program to support the preservation of local agriculture.

Planning Board members thanked Averill, asked a few clarifying questions, and expressed support for the program as a way to help preserve local farmland. There were no questions from the public.

Motion: Paicos made a motion to authorize Chair Murphy to sign the farmland of local importance designation for Newbury. Matthews seconded the motion. Murphy took a roll call vote and all Planning Board members voted yes.

Planning Director Taylor asked Averill and Brown what the best way to get this information out to local farmers is. Averill stated he would be glad to write a description up and it could be sent in a newsletter or posted on the town website. Board members discussed other ways to get the word out to local farmers including word of mouth and case examples of successful projects. Brown stated Greenbelt often holds workshops and information sessions to discuss farmland protection opportunities.

B. Old Business: Continued Discussion of MBTA Communities Multi-Family Zoning Requirements and Action Plan (Action Plan due January 31, 2023)

At 7:48pm, Murphy turned to the next agenda item, continued discussion of the MBTA Communities zoning project. Murphy asked Taylor to recap where the Town is in the process. The PB held a work session on January 5, 2023, to discuss the zoning requirements and what strategies the Town might use in which locations. Taylor clarified that the program is not a “40B” program; rather the State is asking local communities to expand the density and diversity of local housing. Taylor shared a map developed by Merrimack Valley Planning Commission (MVPC) which shows the half mile radius located around the MBTA train stations (Newburyport and Rowley). Newbury is designated an “adjacent small town” under Section 3A of the MBTA Community legislation due to its proximity to the Newburyport train station, and as such is required to designate a multi-family zoning district per the requirements in the legislation. The Town is required to submit an action plan for the requirements by January 31, 2023, and the Town’s district compliance deadline is December 31, 2025. The Planning Board is planning to take steps to bring the zoning change to Newbury Annual Town Meeting in April, 2024. Taylor then reviewed the draft action plan for discussion. The plan lays out the timeline of the Town hiring a housing/planning consultant or other technical assistance by June, 2023, holding public workshops and discussions in the Fall of 2023, and bringing proposals to the Select Board and public hearings in February-March of 2024. The Board also discussed the possible zoning strategies to allow multi-family development by right, including developing an overlay district and/or modifying one or more current zoning districts. The consultant will help the Town look at the options. The draft timeline and possible zoning strategies will be included with the action plan that Taylor will submit to the State Department of Housing & Community Development (DHCD) at the end of January.

C. Planning Director’s Report

At 8:25pm, Taylor reported that the Town has hired an assistant planner, Kristen Grubbs, who will be starting work on January 30, 2023.

Taylor met this month with the Town's master plan consultant and revised the schedule for moving forward with that effort. The draft Economic Development, Transportation, and Natural Resources sections of the plan will be provided to MVPC to be reviewed by them in February and March. MVPC has also produced draft maps which will be reviewed. The goal is to get a full draft of the Master Plan completed by the end of March, and to present the draft plan to Town Meeting in April. The project will then seek input through a public survey and other meetings through the spring, with the goal of completing the plan by the end of the fiscal year (June 30, 2023).

Taylor reported that the State's Covid emergency legislation which allowed remote meetings for committees is due to expire March 31, 2023. Town Counsel has advised that at this point there has been no indication that the order allowing the remote meetings will be extended.

Taylor reminded the Board that the public hearing for a definitive subdivision and common driveway proposal at 170 Orchard St is scheduled for February 1st.

D. Liaison Reports:

Board members gave reports starting at 8:30pm.

- Select Board: Matthews reported that at the recent meeting, there was a discussion about donations to the police department, green crabs, appointment of a fish commissioner was postponed, liquor licenses were granted, and there was some discussion of the increase in costs at the Town's dump.
- Zoning Board of Appeals: Murphy reported the ZBA will be meeting tomorrow night and has two continued public hearings on the agenda, one at 80 Northern Boulevard and one at 16 Green St.
- Conservation Commission: Paicos reported an executive session meeting was held recently.
- MVPC: Taylor reported two long-time employees at MVPC are retiring, Transportation Planner Tony Komornick and Administrative Assistant Nancy Lavallee. There is no regular MVPC Commissioner's meeting in January.

Motion: Matthews made a motion to adjourn the meeting. Morse seconded. All members voted yes by roll call vote. The meeting was adjourned at 8:34pm.

Materials reviewed at the meeting:

- Documents related to the Massachusetts Multi-Family Zoning Requirement for MBTA Communities (Section 3A of MGL c. 40A), including a map developed by Merrimack Valley Planning Commission which shows the half mile radius located around the MBTA train stations in Newburyport and Rowley and a draft of the Town's action plan.

Respectfully Submitted,

Kristen Grubbs
Assistant Planner