

Meeting Minutes
Newbury Planning Board
Wednesday, May 3, 2023
Virtual Meeting via Zoom

FINAL – Approved June 7, 2023

Members Present: Larry Murphy (Chair); Peter Paicos; Woody Knight; George Morse; Leslie Matthews; Mary Stohn (Associate Member)
Staff Present: Martha Taylor, Planning Director; Kristen Grubbs, Assistant Planner

Planning Board Chair Larry Murphy opened the Planning Board (PB) meeting at 7:00 p.m. Murphy took a roll call vote and all Planning Board members were present: Paicos, yes; Morse, yes; Matthews, yes; Knight, yes; Murphy, yes; Stohn, yes. Planning staff were also present and stated so: Taylor, yes. Grubbs arrived at 7:05pm.

Opening Statement from Chair: Murphy announced that this May 3, 2023 Open Meeting of the Newbury Planning Board was being conducted remotely in accordance with Chapter 2 of the Acts of 2023, 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, 2025. 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, Murphy turned to the agenda.

A. April 2023 Financial Report: Murphy read the April 2023 financial report into the record.

B. New Business:

- Emily Innes, Innes Associates – Discussion of Draft Master Plan

The Town’s planning consultant, Emily Innes, of Innes Associates, was on the Zoom call and shared her screen to review the Town’s progress towards completion of its Comprehensive or Master Plan. Innes explained that the authority for development of a comprehensive plan lies within M.G.L. Chapter 41 Section 81D, which gives the Planning Board the responsibility for oversight of the development of the plan and its adoption. Comprehensive plans have document elements required for every community, and may include additional discussion of issues uniquely relevant to each community. Innes explained that the function of a plan is to give guidance to a town for actions the Town can take over a ten-year period to address the plan elements. The plan is intended to guide policies for the Town and investments in both time and resources.

Innes ran through a summary of the work that has been done by the Newbury community to update the plan, efforts which have included several stages of public input, including a lot of work and a public survey completed before the effort was interrupted by the Covid19 pandemic. Innes was hired by the Town to evaluate past work and fill in any gaps, to coordinate with MVPC for updates to the Transportation, Economic Development, and Natural Resources sections, and to update the data in the remainder of the plan. Innes explained that the current 2023 draft document includes multiple sections: the Executive Summary; Introduction; Expanded Vision Goals, & Actions; Existing Conditions; Plan Elements; Implementation Plan; and Tools & Resources. The Plan Elements

include: Land Use, Community Services, Economic Development, Historic & Cultural Resources, Housing, Natural Resources, and Transportation. The document also includes summaries of data and the extensive research compiled and updated by Innes and by staff at the Merrimack Valley Planning Commission. Innes stated that the Executive Summary is the most important piece for people to focus on when reviewing the document.

Innes reviewed the current proposed schedule for final review and adoption by the Planning Board:

- Comments due from PB members: May 8
- Final Draft Available and Public Survey Opens: May 24
- Public Meeting: June 12 – Newbury Library
- Survey Close: June 19
- Meet with PB: June 21
- Meet with PB: July 5 and/or 19 (as needed)

Murphy asked Taylor and the Board members for any comments or questions. Taylor thanked Innes and reiterated that the survey and plan documents will be available on line as well as with paper copies in locations such as the Library, Town Clerk's office, and the Council on Aging. Paicos thanked Innis and commented her work has been very helpful to bring the project forward to this point. Morse had no comments. Matthews said she agreed with Paicos's comments. Knight said he thought it is great that there is a clear schedule to the future, and looks forward to hearing public comments in the survey. Stohn stated that this document is very important, and said she looks forward in an energetic and enthusiastic way to the public's comments on the document. She stated that the plan will not be sitting on a shelf but will be a living, updateable document, and one that is powerful and important in terms of guiding Newbury's work. Stohn asked Innis if she had worked with other towns similar to Newbury. Innis talked about a planning project she had completed with a town in Rhode Island with different villages, each with a different character and identity. Innes agreed with Stohn that the different village identities in Newbury was very important to the plan. Murphy acknowledged the tremendous amount of work that has gone into this draft and thanked Innes and Taylor. Murphy welcomed public participation in its review.

Murphy asked if there were any comments from the public.

Stephen Mangion of 14th Street stated that he had been previously involved in Newbury's master plan efforts. He stated that it is important for the public to remember that it is a guidance document and not binding on the community. He said he lives on Plum Island and looks forward to seeing how the plan for Plum Island addresses important issues about the future, including development pressures and natural resource considerations including the island's location within an Area of Critical Environmental Concern (ACEC). He agreed that it is very important to advertise the plan and the process extensively, and to give people the opportunity to pay attention and weigh in with comments. Mangione said there are some sections of the document that could be revised so as to more sensitively address certain controversial issues in the town, including the goal related to the location of town offices. Stohn and Murphy agreed that the issue of the town hall needs to be addressed carefully. Paicos reminded his Board members that it is very important to spend the time and give comments back to Innes on the draft.

Innes responded that she and Taylor will be reading the draft document with an eagle eye for typos, and asked the Board members to focus their review of the document on the vision and priorities, on any items that don't "ring true", and on considerations such as the tone. Murphy commented that the heart of the document is the vision statement and the goals.

Mangione asked about the study about Plum Island that the State had funded a year or two ago, and wondered whether that document may have some relevancy for the master plan and might be helpful to guide the goals for

Plum Island. Paicos stated that these concerns are well noted and that the information about Plum Island including its climate vulnerability has been incorporated into the draft plan. Murphy said he looked forward to the work together on the plan over the next couple months and thanked Innes again.

- Potential Zoning Amendments and Planning Board Projects:
 - MBTA Communities Multi-Family Housing (required)

Murphy asked Taylor to describe the schedule for the MBTA Housing compliance process. Taylor said the Town is up to date with all its reporting requirements for the State, and is on track with its proposed timeline for bringing zoning changes required by the MBTA legislation to Town Meeting in April 2024. Taylor stated the Town is submitting to the Mass Housing Partnership for technical assistance with the compliance model, identifying multi-family housing districts, and drafting the zoning amendments. Paicos stated that it is important for all to understand that this is not mandating any development but instead creating the zoning to allow for it, and that there will be a lot of discussion with the public about the effort over the next year. Morse, Matthews, Knight, and Stohn had no additional comments.

Steve Mangione, 14th Street, has said he has heard that the State will impose penalties on a town for not adopting this zoning, including the ability for the town to get grant money from the State. He thinks it will be important for the town to get information known about how much money the town has on the line in order to encourage support for the initiatives.

Pam Wool, 16 Withington St, is aware that towns can build in to the language for this MBTA zoning a requirement for affordable units in the multi-family developments, and wondered at what point in the process Newbury will be having discussions about this. Taylor explained that the legislation does allow a town to include a requirement of up to 10%, and in some cases 20%, affordable housing in the zoning provisions for their multi-family development. Wool stated she thinks it is important to keep that opportunity in mind and to keep the discussion of attracting affordable housing at the forefront of this process. Taylor agreed that it will be helpful to learn from how other towns are addressing the zoning. Wool asked if Newbury was participating in the opportunities that the State and its partners are offering for assistance with education and outreach. Grubbs replied that she and Martha have had conversations with CHAPA outreach staff and will be seeking their assistance in these areas.

Jack Rybicki, Larkin Rd, asked whether the proposed Little River transit village, which was voted down years ago, would have been a compliant development under the current MBTA zoning mandates. Taylor explained that the Little River project had been proposed as a “40R” district, which allows for mixed uses of housing and retail. The MBTA legislation specifically focuses on housing, although a community can consider a mixed-use district as part of their planning. Taylor explained the current MBTA guidelines require Newbury to zone for 154 units at 15 units/acre, and they do not all need to be in the same location. Rybicki replied that this was helpful to think about, saying that if 250+ housing units were possible and of interest to a developer on the Little River transit site in 2006, it seems possible to imagine 150 units near the train station and along Route 1 being interesting to a developer in 2023. Rybicki stated that it would also seem that there is an opportunity in this effort to work to protect itself from 40B developments, by providing for affordable units in the zoning, thereby increasing the Town’s 40B Subsidized Housing Inventory (currently at approximately 3% but mandated to be 10%). Rybicki thanked the Planning Board for their time and all their good work and said he looks forward to the master plan draft which is a great thing to come forward.

- Affordable Housing:
 - Inclusionary Zoning

- Affordable Housing Trust

Murphy asked Taylor to update the Board. Taylor stated that the Board and previous assistant planner Emily Noble had done a fair amount of research on inclusionary zoning for Newbury a couple years earlier, including looking at models from other towns. Taylor stated this would be a good thing for the Board to reconsider and to include as a companion to the considerations around the Town's MBTA zoning. Inclusionary zoning could require that developments of a certain size include one or more affordable units or allow a developer to make a payment, "in lieu of" the unit, into a dedicated fund. This would require a change to the zoning bylaw as well as the creation of an affordable housing trust fund. Murphy suggested if any Planning Board member is especially interested in this, he or she should reach out to Taylor. Taylor mentioned that West Newbury recently passed inclusionary zoning and offered that someone from that town come speak to the Board about their process. Paicos stated that getting this instrument in place would be a way to communicate to developers that if they want to develop in Newbury they need to help with this issue of creating affordable housing. Morse, Matthews, and Stohn had no comments. Knight commented that a mechanism to help with the creation of affordable housing would be great.

Pam Wool, 16 Withington, stated that there is a statewide organization called Affordable Housing in Massachusetts that provides assistance to communities with the MBTA legislation as well as with inclusionary zoning and creation of an affordable housing trust. Wool also stated there a number of citizens who are interested and willing to support and help organize this work as it moves ahead.

Morse stated he had to leave the meeting and signed off of the Zoom at approximately 8:01pm.

- Wireless Communications
 - Small Cell Regulations
 - Additional Locations for Cell Towers to Improve Coverage

Murphy asked Taylor to update the Board on wireless communications. She summarized that a few years ago the Town worked with consultant David Maxim to update the wireless communications bylaw. He identified areas in town that have poor coverage and suggested the town take another look at locations for towers. One parcel identified was the Public Works Highway Barn on High Rd and another is somewhere near Triton Middle/High School. Taylor said it would be good to look at these locations and consider the pros and cons, including discussions with the Superintendent at Triton. In addition, small cell regulations are addressed in the bylaw but the Board has not yet completed regulations which provide guidance on small cell facilities in the public right-of-way (ROW) and outside the public ROW. Murphy and Taylor discussed working with Town Counsel and looking at other communities' regulations. Murphy offered to assist Taylor with this research and bring proposals back to the full Board. Knight said that there are issues with coverage on Plum Island and small cell facilities might be appropriate. Paicos, Matthews, and Stohn had no additional comments.

- Lot Dimensions

Murphy stated that the Board had looked at this issue a couple years ago, exploring ways to guide the configuration and shape of lot sizes by changes to the town's regulations for the creation of new lots. Taylor said she has seen some information from what other towns have done recently and it would be worth gathering up research from other towns and bringing options back to the Board. Matthews, Stohn, and Knight had no comments. Paicos commented that this initiative is not intended to limit development but to guide it to happen in an appropriate manner. Murphy agreed the framework is not to prohibit development but to provide subdivision control.

C. Planning Director's Report: Murphy requested Taylor give the Planning Director's report. Taylor stated that she is working on the application for the MBTA technical assistance, as well as the Housing Production Plan and the Hazard Mitigation Plan with MVPC. These long-term planning efforts go hand in hand with the master planning work and will be incorporated into the draft master plan.

D. Liaison Reports: Board members gave brief reports as liaison to the following committees.

- **Select Board:** Matthews noted that the recent Select Board meeting was the Annual Town Meeting.
- **Zoning Board of Appeals:** Murphy noted that the April 20th included approval of a detached accessory apartments at 177 Middle Road. The application for an accessory apartment at 229 High Road was withdrawn with no prejudice.
- **Conservation Commission:** Paicos noted that the Conservation Commission had met the night before and discussed the 170 Orchard Street application, which included a modification request to allow for the addition of a farm path to access the agricultural area of the property, which was approved. There was also discussion about an applicant wanting to bury a propane tank on Plum Island in a vulnerable coastal location.
- **MVPC:** Taylor gave a summary of the recent MVPC Planners meeting which provided an overview of the Regional Energy Planning Assistance program, as well as an analysis and preview of a mapping tool to provide information about Electric Vehicle charging stations across the region. Information was provided about the work municipalities are engaged in for decarbonization of municipal buildings and other net zero planning to meet the State's 2050 Climate Action Plan requirements.

Motion: Matthews made a motion to approve the April 19, 2023 Planning Board Meeting Minutes. Knight seconded. There was no discussion. A roll call vote was taken: Paicos, yes; Matthews, yes; Knight, yes; Stohn, yes; Murphy, yes.

Motion to Adjourn: There being no further business, Matthews moved to adjourn the meeting. Knight seconded. A roll call vote was taken: Paicos, yes; Morse, yes; Matthews, yes; Knight, yes; Stohn, yes; Murphy, yes.

The meeting was adjourned at 8:18pm.

Respectfully Submitted,

Kristen Grubbs
Assistant Planner