

## Meeting Minutes

### Newbury Planning Board

Wednesday, August 2, 2023

Virtual Meeting via Zoom

***FINAL – Approved August 16, 2023***

Planning Board Chair Larry Murphy opened the Planning Board (PB) meeting at 7:00 p.m. Murphy took a roll call of Planning Board members present: Paicos, yes; Morse, yes; Stohn, yes; Murphy, yes. Planning Director Martha Taylor and Assistant Planner Kristen Grubbs were also present and stated so. Murphy welcomed applicants and their representatives. Planning Board member Knight arrived at 7:02pm.

Opening Statement from Chair: Murphy announced that this August 2, 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 first agenda item.

#### **A. New Business:**

- Tom Zahoruiko, Zendko, LLC, re. Fieldstone Lane (15 Coleman Road):
  - Update on project status
  - Request. to release Lot 4 (8 Fieldstone Lane) from the Restrictive Covenant

Tom Zahoruiko, (4 High Street, North Andover) was before the Board to provide an update on the open space residential subdivision project he has been developing at 15 Coleman Road: seven house lots on a new private road called Fieldstone Lane, and an open space parcel that has been conveyed to the Essex County Greenbelt Association. The project is essentially complete. All heavy trucks are done their work, homes are built, road is in, plants are planted and all landscaping complete Remaining items include the final top coat of paving, a split rail fence near the open space and stormwater structure, granite monuments and iron pins marking right-of-way and lot boundaries to be installed, and completion of the final as-built plan. A closing on Lot 4 is scheduled for August 23<sup>rd</sup> which is contingent on the release of that lot. Taylor and Grubbs walked the site with Zahoruiko last week. Conservation staff and Essex County Greenbelt staff have also walked the site recently. Taylor has provided Zahoruiko with the requirements for final release. A cost of all unfinished items will need to be determined and then Zahoruiko will need to provide a bond or funds for that value to the Town in advance of the lot release. Murphy asked Taylor to review the subdivision rules and regulations as a reminder for the Board. Murphy asked about a change to the plan regarding the access easement to the stormwater structure near the trailhead. Zahoruiko clarified the approved easement area is clear now so can be used, although the preferred path will be over the gravel path at the trailhead. There will not be any changes to the as-built. The path location will be surveyed for the plan. The binder coat on the roadway has been in place for more than a year including a winter. More than 200 plants have been planted and have a high survivability rate. The plant list has been reviewed and approved by Conservation as well. Zahoruiko will provide Taylor with the final status early in the week before the next PB meeting (August 16) and will confirm the value of any outstanding items in advance.

**B. Old Business:**

Taylor described several zoning bylaw amendments that the Planning Board and staff have begun to research and prepare for proposals at a future Town Meeting, including:

- Inclusionary Zoning
- Wireless Communications – Expanded Tower District
- Lot Dimensions

Town staff members have done research on other communities' bylaws for guidance in developing language for Newbury, to be considered in advance of the spring Town Meeting. Inclusionary zoning is a regulation that would require a developer to include provisions for affordable housing within a proposed subdivision. Newbury has some areas in Town where there is no coverage for cell phones. For safety reasons, this wireless communications coverage gap should be addressed by expanding the cell tower overlay district. In addition, small cell regulations must be updated which is done by public hearing and not through Town Meeting. Newbury's current lot configuration regulations do not include requirements for regularly shaped lots. Staff is reviewing other communities' bylaws to recommend modifications to Newbury's lot shapes. Recommendations for zoning bylaw amendments must be sent by the PB to the SB, which refer the amendment back to the PB for a public hearing. Decisions about amendments to move forward for Spring 2024 Town Meeting must be moved forward by December.

- Update on MBTA Communities Multi-Family Zoning

Planning staff are working with MVPC staff to review parcels that could be included in an overlay district to allow multi-family development "by right". Using the 3A legislation compliance tool developed by the State, initial proposals will be developed and brought to the Planning Board and Select Board in September. Public outreach for this initiative will be important. The compliance deadline for Newbury to pass this new zoning as required by the MBTA legislation is December, 2025. The current plan is to bring the proposal to Town Meeting in the Spring of 2024.

**C. June 2023 Financial Report:** Murphy read the Planning Board expenses for the month of July, 2023.

**D. Liaison/Meeting Reports:**

- Select Board – Taylor reported that the Select Board met on July 25. There was a long discussion of a request for an entertainment license for live music for a wedding at the Sunset Club on Plum Island. The license was granted for live music until 9:00 p.m. Newbury Town Day will be held on August 26. The SB adopted a public comment policy for meetings outside of public hearings. Finance Committee has also adopted it. Planning Board may consider a similar policy. The SB gave recognition to Fire Chief Doug Janvrin for his retirement.
- ZBA – Murphy reported that the ZBA had its regular meeting on July 20, including a public hearing on 134 Northern Boulevard which was continued.
- Conservation Commission – Knight reported that Conservation met last night and reviewed multiple projects: new septic systems, decks, enforcement orders. There was discussion on granting a Certificate of Compliance for the Newburyport Turnpike Self Storage units.
- MVPC – Commissioners and Planners group do not meet in the summer. Projects with MVPC are moving forward including the Hazard Mitigation Plan update and the Housing Production Plan update.

**E. Planning Director's Report**

Grubbs reported that she and Taylor met this week with Meegan O'Neil, the director of Essex County Habitat for Humanity, and a Habitat outreach volunteer from West Newbury, to discuss Habitat's work across the region and what Newbury is doing relative to affordable housing. Beyond building affordable unit for families, Habitat helps towns pursue creative strategies including housing trust funds, building friendly 40B developments, and grants for rehabilitation of units. Taylor reported that Mark DePiero, who has permitted a couple projects in Newbury in recent years, sadly passed away. An as-built has been submitted by the Newburyport Turnpike Self-Storage property and will be in front of the PB in a few weeks.

**F. Planning Board Meeting Minutes**

- June 7, 2023
- June 21, 2023
- June 29, 2023
- July 19, 2023

Murphy asked if PB members had any amendments to each set of minutes. There were no edits.

**Motion:** Morse made a motion to approve the minutes of June 7, June 21, June 29, and July 19, 2023. Stohn seconded. All members voted: Paicos, yes; Morse, yes; Knight, yes; Stohn, yes; Murphy, yes.

**Motion:** Stohn made a motion to adjourn the meeting. Knight seconded. All members voted: Paicos, yes; Morse, yes; Knight, yes; Stohn, yes; Murphy, yes. The meeting was adjourned at 8:31pm.

**Materials reviewed at the meeting:**

- Draft spreadsheet listing inclusionary zoning requirements in other MA communities' zoning bylaws
- Draft document describing lot dimensions and definitions in other MA communities' zoning bylaws

Respectfully Submitted,

Kristen Grubbs  
Assistant Planner