

Meeting Minutes

Newbury Planning Board

Wednesday, November 2, 2022

Virtual Meeting via Zoom

Final – Approved April 19, 2023

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

Planning Board Chair Larry Murphy opened the meeting at 7:00 p.m. and by roll call verified that all Planning Board members were in attendance.

Opening Statement from Chair: Murphy announced that this November 2, 2022 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 the opening remarks, the Chair turned to the agenda.

Liaison Reports:

1. **Select Board:** Matthews presented a report of recent Select Board meeting topics, including Council of Aging events, donations, business licenses, acceptance of a Mass Trails grant awarded for the Newbury Parker St trail connection and a fire department grant; appointment of Patty Fisher as new police chief, and tax abatements for veterans which were to be approved.
2. **Zoning Board of Appeals:** Murphy presented the report of the ZBA’s decision at 17 10th Street on Plum Island and other projects, and a recommendation of associate member Jack Kelly to become a full member filling a vacancy.
3. **Conservation Commission:** Paicos mentioned the Commission’s review of projects including 140 Main Street and 1 Marsh Lane.
4. **MVPC:** Taylor reported that the October MVPC Planners’ meeting was the kick-off meeting for the update of the regional Housing Production Plan.

October 2022 Financial Report: Murphy read into the record the October 2022 Financial Report.

New Business:

1. **Release of Escrow Funds - Governor’s Academy Student Center:** Murphy explained that the Planning Board voted on April 20, 2022, to approve the As-Built Plan and to deem the work to be in compliance with the requirements and conditions of the Site Plan Approval Decision for the French Student Center Renovations. Now the Board needed to authorize the closing of the town’s escrow

account set up for the costs of peer review engineering. A final invoice for peer review was received from Joe Serwatka and paid; no other expenses related to the project are expected.

Motion: Knight made a motion to release the remaining funds in the escrow account for this project, totaling \$135.56 as of 9/30/2022, plus any additional interest accrued for the month of October. Matthews seconded. All members voted yes in roll call vote.

Public Hearing (Continuance): Special Permit Modification Application, 140R Main Street (Map R41, Lot 42), requesting modification of the Special Permit granted to Borrego Solar Systems, Inc., on May 16, 2018, to allow construction of a utility access road, including a bridge, in the location of an existing cart path; Applicant: New Leaf Energy; Owner: Karen E. Yesair Thiel and Kavy N. Yesair, Successor Trustees of the Ruth A. Yesair Trust, 138 Main Street, Byfield, MA 01922.

At 7:15pm, Murphy read the hearing announcement and explained the applicant has requested continuance to Wednesday, November 16, 2022 in order to give more time to address the comments from the town's peer review engineer.

Motion: Morse made a motion to continue the 140R Main Street Special Permit Modification Public Hearing to November 16, 2022, via Zoom. Paicos seconded. All members voted yes in roll call vote.

New Business (continued):

2. 1 (One) Marsh Meadow Special Permit Application; Applicant: Damon Jespersen – referred by Select Board to Planning Board for review, per Zoning By-Law § 97-11.C.(1)

Paicos explained that he was recusing himself from discussion as an abutter to the project. Murphy described the project, saying the applicant Damon Jespersen has applied for an indoor and outdoor recreational use special permit to the Select Board for 1 Marsh Meadow, and the Select Board has referred the project application to the Planning Board for review and any recommendations. The Select Board is the special permit granting authority for the project. The Planning Board is reviewing the project at the Select Board's request, per the Town's zoning bylaw, and this is not a public hearing. Discussion ensued regarding recommendations the Planning Board wanted to make to the Select Board.

Matthews asked if there were any conditions in the original special permit regarding recreational use of the property. Murphy replied that while the original permit and a prior modification did include conditions related to the architecture of the barn, there were no conditions that pertained to use of the barn, and the use of the property is the focus of the current request. Matthews asked if there has been a clarification of the definition of recreational use versus commercial use. Murphy said he thought the Select Board would be discussing that at its next meeting. Knight said it would be helpful if Taylor showed the plans.

Taylor screen-shared the original open space subdivision plan set showing the lots, as well as the recently submitted parking plan sketch for the proposed use of the barn. The Board discussed the plan as displayed including raising questions regarding the lack of specificity of the parking plan proposal. Taylor described additional questions, including whether the applicant's request was regarding only the 1 Marsh Meadow lot or all of the lots in the subdivision, and also seeking more clarification on the parking and on the business plan for the proposed use of the barn (number of visitors, number of cars, etc.) Taylor thought it might be helpful for the Select Board to ask the Building Commissioner whether any other permits would be required, to ask the applicant if there are to be any other additional improvements to the site, and to have everything reviewed by

Police and Fire for safety. Matthews raised additional questions about parking and safety regarding use of the property for large scale events.

Murphy suggested it might be helpful to have the Planning Board submit preliminary comments to the Select Board in advance of their upcoming meeting. Other options include authorizing Taylor to submit staff comments, to review comments at a future Planning Board meeting, or to submit no response.

Motion: Knight moved to authorize the Chair of the Board and the Planning Director to draft a letter to the Select Board with preliminary comments based on the materials received to date and on the Planning Board's discussion. Morse seconded. Matthews requested that the Planning Board members be copied on the letter when submitted. Taylor agreed that would be fine. In a roll call vote, Paicos recused himself. All other members voted yes.

Planning Director's Report: Taylor gave some project updates. The project at 3 Newburyport Turnpike will be holding a pre-construction meeting. Taylor attended a site visit at 84 Boston Road which is starting clearing and construction. Taylor will be attending this year's Great Marsh Symposium with a theme of "building roads through marshes." Taylor passed along to the Board two correspondences. A letter has been submitted to the Select Board and the Planning Board by resident David Powell regarding the Tree Warden's intention to cut down invasive trees along Newman Road near The Trustees' Old Town Hill property. Also the Town received a notice from the Georgetown Zoning Board of Appeals regarding a waiver request and public hearing for a parcel in Georgetown which abuts the Larkin Road/Parish Commons project. Taylor will follow up with any further information. Paicos brought up concerns about the impact on newly paved Boston Rd from the heavy equipment at 84 Boston Road, and asked that the Board be cognizant of these issues with future projects.

Meeting minutes were not ready for review.

Motion: Matthews made a motion to adjourn the meeting. Morse seconded. All members voted yes in a roll call vote. The meeting was adjourned at 8:02 p.m.

Materials reviewed at the meeting:

- OSRD Index Plan, Marsh Meadow, Newbury, Mass. Hayes Engineering. Dated Nov. 16, 2004. Recorded Octo. 9, 2008 (Plan Book 416 Plan 65).
- One Marsh Meadow Parking Sketch Plan submitted by Applicant Damon Jespersen.

Respectfully Submitted,

Kristen Grubbs
Assistant Planner