

Meeting Minutes

Newbury Planning Board

Wednesday, January 17, 2024

Virtual Meeting via Zoom

FINAL – Approved February 7, 2024

Planning Board (PB) Chair Larry Murphy opened the January 17, 2024 Newbury Planning Board (PB) meeting at 7:00 p.m. Murphy took a roll call of Planning Board members present: Paicos, yes; Knight, yes; Stohn, yes; Kinter, yes; Murphy, yes. Planning Director Martha Taylor and Assistant Planner Kristen Grubbs were present and stated so. Murphy welcomed applicants and their representatives.

Opening Statement from Chair: Murphy announced that this January 17, 2024 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.

December 2023 Financial Report - Murphy read into the record the Planning Board expenses for the month of December, 2023.

Liaison & Meeting Reports:

- Select Board - Taylor stated that the Select Board met on January 10. The Town's technology director reported on a planned refresh of the Town's technology program. Taylor reported that the Town's submission to be designated a Green Community was submitted at the end of December. The SB also held an executive session discussion.
- Zoning Board of Appeals - Murphy reported that the ZBA meeting on December 21 included discussion of two projects: 7 Bittersweet Lane variance request and the Sunset Club's special permit modification request.
- Conservation Commission - Knight reported that the Commission met and reviewed a few projects, including granting permission for an in-ground propane tank at 84 Boston Road. The Commission also reviewed changes to state regulations that have been proposed by the State to improve climate resiliency.
- MVPC - Taylor reported that the December MVPC Commissioners meeting included an open house and tour of the offices. The January MVPC Planners meeting will be focused on transportation projects in the region.

At 7:15pm, Murphy explained that there were two concurrent public hearings on the agenda tonight for the project at 170 Orchard St.

- **Concurrent Public Hearings (continuances): 170 Orchard Street (Map R20, Lot 43A); Owner/Applicant: The Estate of Lewis Bulgaris, c/o Dianne Yurkavich**
 - **Definitive Subdivision Plan Application for "Fields Way," 170 Orchard Street**
 - **Common Driveway Special Permit Application for Common Driveway serving two lots at proposed "Fields Way" Subdivision, 170 Orchard Street**

Murphy formally opened the two public hearings and explained that certain Board members were eligible to vote on the two projects. Murphy welcomed applicants Bob Griffin and Michael McNiff and asked Taylor to share her Zoom screen to review updates to the draft subdivision decision. Taylor summarized the different sections of the decision, walking through the multiple requested waivers in detail. Board members had the opportunity to ask questions and give comments on the draft decision. Taylor reviewed the draft conditions of approval. Taylor and the PB members discussed the additional documents required for the approval, including the performance guarantee, restrictive covenants, and the homeowners' association documents. Taylor reviewed the requirement in the draft decision for a parcel of the land to be conveyed to a land conservation organization for the open space purposes and agricultural use.

Motion: Paicos moved to continue the 170 Orchard Subdivision Public Hearing to February 7, 2024, at 7:15pm, on Zoom. Knight seconded. The three eligible voting PB members voted in the roll call vote: Paicos, yes; Knight, yes; and Murphy, yes.

Motion: Knight moved to continue the 170 Orchard Subdivision Common Driveway Special Permit Public Hearing to February 7, 2024, at 7:15pm, on Zoom. Paicos seconded. The four eligible voting PB members voted in the roll call vote: Paicos, yes; Knight, yes; Stohn, yes; and Murphy, yes.

Murphy turned to the next agenda item, the 7 Bittersweet Lane Common Driveway Special Permit.

- **Public Hearing (continuance): 7 Bittersweet Lane (Map U09, Lot 21B), Common Driveway Special Permit Application; Owner: David W. Foley Sr. and Nancy J. Foley; Applicant: Gage Foley**

Murphy welcomed the applicant's engineer Steve Sawyer who explained that the ZBA had finalized their decision granting the requested waiver for the driveway design, and that decision will be filed with the Town Clerk soon. Murphy asked Taylor to share her screen with the Common Driveway Special Permit criteria. Board members reviewed and discussed the findings and conditions of the decision. There were no questions from members of the public. The documents will be reviewed by the Fire Chief and by Town Counsel in advance of the next meeting.

Motion: Stohn moved to continue the 7 Bittersweet Common Driveway Special Permit Public Hearing to February 21, 2024, at 7:15pm, on Zoom. Knight seconded. The four eligible voting PB members voted in the roll call vote: Paicos, yes; Knight, yes; Stohn, yes; and Murphy, yes.

Old Business:

- Proposed Zoning Amendments for Spring 2024 Annual Town Meeting – Review and Referral to Select Board:
 - MBTA Communities Multi-Family Zoning – Review with Ian Burns, MVPC
 - Water Supply Protection Overlay District By-Law Amendments
 - Wireless Communications Facilities By-Law Amendment – Expansion of Tower District

Taylor shared her screen and reviewed a revised schedule for the public hearings leading up to the Spring 2024 Annual Town Meeting, which will be held on April 30, 2024. PB members reviewed the timeline for hearings in February and March for zoning amendment proposals.

Staff members from MVPC, Ian Burns and Kayla Rennie, were in attendance on Zoom to summarize updates to the Multi-Family Overlay District zoning bylaw amendment. Burns walked through edits made to the proposed

zoning bylaw since the Board's workshop on January 3, 2024. Much of the bylaw language is based on the State's model bylaw, with changes made relevant to Newbury.

Motion: Kinter moved to submit the MBTA Multi-Family Overlay District zoning draft bylaw to the Select Board with the request to refer it back to the Planning Board for a public hearing. Knight seconded. PB members voted in a roll call vote: Paicos, yes; Knight, yes; Stohn, yes; Kinter, yes; and Murphy, yes.

Taylor updated the Board on the discussions regarding the other proposed zoning amendments. The Board felt it would make more sense to include the housekeeping edits to the Water Supply Protection District with housekeeping needed throughout the zoning bylaw, and to defer those proposed amendments for a future Town meeting when the entire recodification of the bylaw would be considered.

Taylor reviewed the wireless town district zoning amendments as discussed at the January 3, 2024 Planning Board workshop. There were no changes to the proposal. Board members had no new questions.

Motion: Paicos moved to submit the Wireless Communications Overlay District zoning amendment to the Select Board with the request to refer it back to the Planning Board for a public hearing. Stohn seconded. PB members voted in a roll call vote: Paicos, yes; Knight, yes; Stohn, yes; Kinter, yes; and Murphy, yes.

Motion: Knight moved to set the Planning Board public hearing date for the MBTA Communities Multi-Family Overlay District and the Wireless Communications Overlay District zoning bylaw amendments, for February 21, 2024, at 7:15pm, via Zoom, contingent upon the Select Board referring the amendments back to the Planning Board. Stohn seconded. The PB members voted in the roll call vote: Paicos, yes; Knight, yes; Stohn, yes; Kinter, yes; and Murphy, yes.

New Business:

- Candidate for open Planning Board Associate Member seat:
 - Stephen Mangion, 21 14th Street, Plum Island

Murphy welcomed Steve Mangion to explain his interest in serving as associate member for the vacant seat. A Plum Island resident, Mangion summarized the letter of interest he had submitted to the Planning Board and the Select Board. explained his long-time interest in public service and his professional background in geology and work with the EPA. Murphy explained that the associate member seat is a position appointed annually by the Select Board, in contrast to full PB member seats which are elected positions.

Motion: Paicos moved to refer the appointment of Mangion to the Associate Planning Board position to the Select Board. Kinter seconded. PB members voted in a roll call vote: Paicos, yes; Knight, yes; Stohn, yes; Kinter, yes; and Murphy, yes.

- FY2025 Goals

Taylor explained staff are in the process of developing a budget package for the Town Administrator for Fiscal Year 2025 (July 1, 2024-June 30, 2025). The budget information includes goals for the Planning Board and Planning Department. Taylor reviewed the current FY'24 goals. The Board felt it would be helpful to have another opportunity to discuss the array of future initiatives and projects. Staff will schedule that meeting in the days to come.

Planning Director's Report - Taylor mentioned the upcoming Housing Production Plan meeting at the library on Monday, January 29, 2024, at 6:30pm and will send more information soon. The long-term Hazard Mitigation Plan project led by MVPC is also continuing. Grubbs updated the group that the next meeting of The Greater Newburyport Housing Choice Coalition will be tomorrow night (January 18, 2024.)

Motion: Stohn moved to adjourn the meeting; Kinter seconded. Members voted: Paicos, yes; Knight, yes; Stohn, yes; Kinter, yes; Murphy, yes. The meeting was adjourned at 9:10pm.

Respectfully Submitted,

Kristen Grubbs
Assistant Planner