

**Meeting Minutes****APPROVED****Planning Board**

Wednesday, February 6, 2019

Newbury Municipal Offices

**Members Present:**

Peter Paicos, Acting Chair; George Morse; Larry Murphy; Kristen Grubbs (Associate Member)

**Members Participating Remotely:**

Rachel McManus

**Staff Present:**

Martha Taylor, Town Planner

**Guest:**

Martha Leahy

Peter Paicos, Acting Chair, called the meeting to order at 7:01 p.m. and announced that Rachel McManus would be participating in the meeting remotely via telephone due to geographic distance and that all votes would be roll call votes.

**A. January 2019 Financial Report**

P. Paicos read the January 2019 Financial report into the record.

**B. Candidate for Planning Board Open Seat**

Martha Leahy attended the meeting to express her interest in being considered to fill the open Planning Board seat. She noted that she previously served on the Planning Board from 2000 to 2001, has recently retired, and would like once again to be of service to the Town. P. Paicos read her letter of interest, thanked her, and said that the Board will discuss at the next meeting.

**C. Potential Zoning and General By-Law Amendments for April 2019 ATM**

The Board discussed the schedule for the public hearing on this matter and decided to keep it as it is.

L. Murphy reiterated his concerns with removing a residential buffer from the marijuana bylaws. The School buffers were incorporated from the CCC regulations. The Board discussed implementing a residential set back of 300 feet verses 150 feet structure to structure. The Board discussed making it possible to reduce the buffer in specific cases. If the setback was 300 feet it would not allow for use of Pearson Plaza in the Commercial Highway District. Most of the Board agreed that a set back of 150 feet would make more sense, with one member preferring 300 feet.

**Motion:** A motion was made by L. Murphy and seconded by G. Morse to recommend the language to the Selectmen as amended. R. McManus, aye; L. Murphy, aye; G. Morse, nay; P. Paicos, aye. The motion passed.

R. McManus presented the amendments to the wireless bylaws. Foremost, anywhere there was a distance, such as, distance from property lines or distance for notification of abutters, etc. the distance was changed from 900 feet to 300 feet. The Board discussed a few other amendments needed to comply with federal law. The Board also discussed that the wireless bylaws will need a rewrite again when 5G technology comes out.

**Motion:** A motion was made by G. Morse and seconded by L. Murphy to accept these recommendations to the Board of Selectmen. R. McManus, aye; L. Murphy, aye; G. Morse, aye; P. Paicos, aye. The motion passed.

The Board moved into discussion about their special permit granting authority. M. Taylor said that this amendment is just to clear up a discrepancy in the appendix that does not list the Planning Board or the Zoning Board as special permit granting authorities in their respective areas.

**Motion:** A motion was made by P. Paicos and seconded by G. Morse to recommend this amendment to the Board of Selectmen. R. McManus, aye; L. Murphy, aye; G. Morse, aye; P. Paicos, aye. The motion passed.

The next item was a recommendation from the Building Inspector regarding temporary trailers. He suggested amending the bylaws to allow the building inspector to allow the use of an existing building on the property instead of bringing in a temporary trailer. The amendments were read by the Board.

**Motion:** A motion was made by L. Murphy and seconded by G. Morse to accept the revisions to the zoning bylaws regarding temporary trailers. R. McManus, aye; L. Murphy, aye; G. Morse, aye; P. Paicos, aye. The motion passed.

The building inspector also recommended revisions to the general bylaws regarding roosters, to limit their presence to qualified properties. The second recommendation was regulating the removal of earth over 20,000 cubic yards. Third, to limit the hours of construction work in the town, not too early in the morning or late in the night.

**Motion:** A motion was made by G. Morse and seconded by L. Murphy to accept the proposed general bylaw revisions. R. McManus, aye; L. Murphy, aye; G. Morse, aye; P. Paicos, aye. The motion passed.

Discussion of solar revisions was deferred.

#### **D. Town Planner's Report**

M. Taylor reported about the work of the Merrimack Valley Planning Commission (MVPC) on the Byfield Parking Study. She has been given a final draft and responded with some comments. There will be three approval not required applications that will be coming before the Board, on Boston Road, Tenney's Court, and Orchard Street. There are two public hearings scheduled for February 20<sup>th</sup>. The Board discussed that GreenER is going to be having a public information session at the Round School and a meeting with the Board of Selectmen after the information session.

The Board discussed a project on Route 1 that needs to be checked in on, the Conservation Commissioner will be consulted.

Ann Quill, 4 Great Meadow Road, came before the Board to relay her own story of her contractor removing soil from her property to use elsewhere. At the time there was no

legal precedent for her to go after him. She commented that a 100 dollar fine is not enough, one truck load of the soil he took away was worth a lot more than that.

A. Quill also commented that the Board may want to add hunting bows, or traps, to the bylaw that says firearms cannot be discharged on private property without permission.

The last comment from A. Quill was that in the portion of the Parker cRiver that is behind her house the opposite bank is very steep and falling into the river. There should be some prohibition of activities that will increase this occurrence.

The Board suggested that this last issue should be taken up with the Harbor Master or the Conservation Commissioner.

#### **E. Liaison Reports**

M. Taylor reported that the Board of Selectmen just had an abundance of business licenses. R. McManus reported that there has not been a Conservation Commission meeting since the last Planning Board meeting. G. Morse reported that he was not able to attend the last Zoning Board of Appeals meeting. M. Taylor said a lot of what was on their agenda was going to be continued. M. Taylor reported on the last MVPC meeting, the primary item was that they rolled out the Regional Housing Plan to the Commissioners who had not been involved in the process.

A motion was made by G. Morse and seconded by L. Murphy to adjourn the meeting. A roll call vote was taken: R. McManus, aye; L. Murphy, aye; G. Morse, aye; P. Paicos, aye. The meeting was adjourned at 8:33 p.m.

Respectfully Submitted,

Emily Noble  
Planning Board Administrator