

Newbury Planning Board
Meeting Minutes 2024-2-21
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Virtual Meeting via Zoom

FINAL – approved 3-6-24

Planning Board (PB) Chair Larry Murphy opened the February 21, 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. Associate member Steve Mangion, Planning Director Martha Taylor, and Assistant Planner Kristen Grubbs were also present and stated so.

Opening Statement from Chair: Murphy announced that this February 21, 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.

Liaison & Meeting Reports:

- Select Board – Taylor reported on some grants received by the police and fire departments.
- ZBA – Murphy reported on the last ZBA meeting, which included three public hearings.
- Conservation Commission – Knight reported that the next meeting is tomorrow night. Taylor announced the Town has hired a new Conservation Agent, Sean Young.
- MVPC – Taylor reported that the Commissioners meeting focused on discussion and approval of the budget, with updates on the mid-year budget for FY’24 and approval of the FY’25 budget.

Planning Director’s Report – Taylor reported that staff have been spending time working with MVPC staff on the Hazard Mitigation plan update, the Housing Production Plan update, and the MBTA Zoning effort.

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- February 7, 2024 – Knight made a motion to accept the February 7, 2024 meeting minutes. Stohn seconded. Members voted: Paicos, abstained; Knight, yes; Stohn, yes; Kinter, yes; Murphy, yes.

Public Hearings

At 7:15pm, PB Chair Murphy read the legal notice for the Public Hearings for the Zoning Amendments and opened the hearings.

- **Public Hearing (new): Proposed Zoning Amendments for 2024 Annual Town Meeting:**
 - **Proposed new MBTA Communities Multi-Family Overlay District:**
 - **Amendment to ARTICLE IV – REGULATIONS OF OVERLAY DISTRICTS to add a new by-law, § 97-4.G. MBTA Communities Multi-Family Overlay District (MCMOD) to allow multi-family housing as of right in this Overlay District in accordance with Section 3A of the Zoning Act (Massachusetts General Laws Chapter 40A); and related Amendment to Attachment 1 – Zoning Overlay and Resource Districts Map to show the proposed MBTA Communities Multi-Family Overlay District (MCMOD)**

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Murphy welcomed Kayla Rennie and Ian Burns from the Merrimack Valley Planning Commission to present information about the MBTA Zoning bylaw. Rennie displayed slides that reviewed the background of the legislation and the requirements, the proposed zoning districts for Newbury, and the parameters and details of the bylaw draft itself.

Murphy opened the discussion for any Planning Board or public comments. The following members of the public asked questions and made comments. For more information and detail please review the PB Meeting video archives available here: <https://www.youtube.com/playlist?list=PLOXz2PtcuxoBefxzxTF9hNzSkSpWUgDxM>

Marianne Regan, 5 Adams Lane
Jack Rybicki, 37 Larkin Road
Amy Speak, 22 Longbrook Road
Pam Wool, 16 Withington Street
Gail Cutter, 23 Coleman Road
Lynn Marks, 3 Longbrook Road

PB Member Paicos thanked everyone for the work, and underscored the reason the Town needs to work on this zoning is so we can be in control of our own development, both where it is and also what kinds of design standards we want to have.

Murphy asked Taylor if there were any written comments. Taylor read comments received from:

Paul & Melissa Goldner, 19 Pearson Drive
Fred Thurlow, 23 Marsh Ave
Dan and Carol Valianti, 233 High Road

Murphy stated Town Counsel will be reviewing the draft.

Taylor said that the Selectboard and Finance Committee will be reviewing the draft warrant on March 12, so will need a final recommendation from the Planning Board at its meeting on March 6. The Planning Board could have another discussion in an extra meeting on February 28 if desired. Rennie completed her presentation and the Board thanked MVPC for all their work.

- **Proposed amendment to Wireless Communications Facilities – Wireless Communications Tower District:**
 - **Amendment to ARTICLE IV – REGULATIONS OF OVERLAY DISTRICTS, § 97-4.C. Wireless Communications Facilities, § 97-4.C.2.a) Tower Use Restrictions to add parcels to the Wireless Communications Tower District (WCTD), which enables wireless communication services to operate on tower-mounted facilities; and related Amendment to Attachment 1 – Zoning Overlay and Resource Districts Map to show the expanded Wireless Communications Tower District (WCTD)**

Taylor turned to Assistant Planner Kristen Grubbs to present slides on the Wireless bylaw proposal. Board members and the public discussed the amendment. The following members of the public asked questions and made comments. For more information and detail please review the PB Meeting video archives available here: <https://www.youtube.com/playlist?list=PLOXz2PtcuxoBefxzxTF9hNzSkSpWUgDxM>

Amy Speak, 22 Longbrook Road
Tom Martellone, 127 Elm Street
Marc Davidson, 20 Longbrook Road
Courtney Carroll, 6A Fraser Lane

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Mary Anastasio, 17 Longbrook Road

Taylor read a written comment from Richard and Paula Piccolo at 92 Caldwell Road.

Murphy suggested that both hearings be continued together.

Motion: Stohn moved to continue both public hearings to Wednesday, February 28, 2024, at 7:05pm, on Zoom. Paicos seconded. All members voted yes: Paicos, yes; Knight, yes; Stohn, yes; Kinter, yes; Murphy, yes.

- **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 opened the 170 Orchard public hearings (subdivision and common driveway special permit and) at 9:15pm. Taylor shared her screen with the draft decisions and discussed the minor modifications made about monumentation, boundary markings, and the homebuyers’ acknowledgement about agricultural and/or recreational use. Michael McNiff and Sean McDonnell from Griffin Engineering were in attendance and stated their approval of the changes as presented. Taylor also reviewed the Special Permit decision for the common driveway.

Murphy stated that Town Counsel will review the draft deeds for Lot 3 & 4 and the Homeowners’ Declaration of Trust, and the Performance Guarantee will be delivered before the plan is endorsed. No questions from PB. No public comments.

Motion: Knight moved to approve the 170 Orchard subdivision decision as amended. Paicos seconded. All voting members voted: Paicos, yes; Knight, yes; Murphy, yes.

Motion: Knight moved to close the 170 Orchard St subdivision public hearing. Paicos seconded. All voting members voted: Paicos, yes; Knight, yes; Murphy, yes.

Motion: Knight moved to approve the 170 Orchard Common Driveway Special Permit decision as amended. Paicos seconded. All voting members voted: Paicos, yes; Knight, yes; Stohn, yes; Murphy, yes.

Motion: Paicos moved to close the 170 Orchard St Common Driveway Special Permit public hearing. Knight seconded. All voting members voted: Paicos, yes; Knight, yes; Stohn, yes; Murphy, yes.

- **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 opened the 7 Bittersweet Common Driveway Public Hearing at 9:30pm. Voting members include Murphy, Paicos, Knight, and Stohn. Taylor shared the draft decision and stated there is clarification needed regarding the multiple family trusts involved. The draft includes discussion of the ZBA’s review of adjusting design specs of driveway. The Planning Board had reviewed the findings at a prior meeting

The applicant was not in attendance and there was no public comment. There were no additional comments from PB members.

Motion: Knight moved to continue the 7 Bittersweet Street Common Driveway Special Permit public hearing to March 20, 2024, at 7:15pm, on Zoom. Paicos seconded. All voting members voted: Paicos, yes; Knight, yes; Stohn,

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yes; Murphy, yes.

Motion: Knight moved to adjourn the meeting. Stohn seconded. All members voted: Paicos, yes; Knight, yes; Stohn, yes; Kinter, yes; Murphy, yes.

The meeting was adjourned at 9:36pm.

Respectfully Submitted,

Kristen Grubbs
Assistant Planner

Materials reviewed at the meeting:

- MBTA Communities, Planning Board Public Hearing, February 21, 2024 – Presentation Slides from MVPC
- Wireless Communications in Newbury, presentation slides
- Written comments regarding the Zoning Amendments from:
 - Paul & Melissa Goldner, 19 Pearson Drive
 - Fred Thurlow, 23 Marsh Ave
 - Dan and Carol Valianti, 233 High Road
 - Richard and Paula Piccolo, 92 Caldwell Road
- 170 Orchard Street – draft Subdivision Decision and draft Common Driveway Special Permit Decision
- 7 Bittersweet Street – draft Common Driveway Special Permit Decision