

Meeting Minutes

Newbury Planning Board

Wednesday, February 7, 2024

Virtual Meeting via Zoom

FINAL – Approved Feb. 21, 2024

Planning Board (PB) Chair Larry Murphy opened the February 7, 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. Newly appointed Associate Member Steve Mangion was also in attendance. 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 February 7, 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.

January 2024 Financial Report - Murphy read into the record the Planning Board expenses for the month of January, 2024.

Liaison & Meeting Reports:

- Select Board (SB) - Taylor stated that the last SB meeting included a vote to refer the zoning amendments back to the Planning Board (PB) for a public hearing. The SB also voted to appoint Steve Mangion to fill the open Associate PB member position through June 30, 2024.
- Zoning Board of Appeals (ZBA) - Murphy reported that the ZBA finalized a permit for the Plum Island Sunset Grille/Pavilion Tent. Two other projects are coming up at the next meeting: an appeal of the enforcement order for 80 Northern Blvd, and an application for 8 & 10 Fordham Way.
- Conservation Commission (CC) - Knight reported that the Commission met and reviewed a couple projects. The Certificate of Compliance was approved for the Governor's Academy pedestrian walkway.
- Merrimack Valley Planning Commission (MVPC) - Taylor reported that there was a recent MVPC Planners meeting with a presentation and discussion from the Administrator of the Merrimack Valley Regional Transit Authority about Merrimack Valley Transit (MEVA) transit service in the region and how that relates to MBTA Communities Multi-Family Zoning districts.

Minutes:

Motion: Stohn made a motion to accept as written the Planning Board Minutes from the meeting held on January 3, 2024. Knight seconded the motion. Members voted all in favor: Paicos, yes; Knight, yes; Stohn, yes; Kinter, yes; Murphy, yes.

Motion: Paicos made a motion to accept as written the Planning Board Minutes from the meeting held on January 17, 2024. Stohn seconded the motion. Members voted all in favor: Paicos, yes; Knight, yes; Stohn, yes; Kinter, yes; Murphy, yes.

Motion: Knight made a motion to accept as written the Planning Board Minutes from the meeting held on February 1, 2024. Kinter seconded the motion. Members voted all in favor: Paicos, yes; Knight, yes; Stohn, yes; Kinter, yes; Murphy, yes.

Planning Director's Report

Taylor reported that the stormwater issues at the 68 Green Street subdivision continue, with ponding at the intersection with Green St from the recent rain storms. The golf center project on Scotland Road is working on closing out, with the Conservation Commission doing a final review in order to address the enforcement order. The Town is still working on the Update to the Hazard Mitigation Plan, which is due to be done by the end of the fiscal year. The Housing Production Plan Update continues to be worked on with MVPC staff, incorporating feedback from the public information session held in January. Taylor and Grubbs will be convening the second Open Space Committee meeting to talk about updating the Town's Open Space and Recreation Plan.

Public Hearings:

- **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**

At 7:15pm, Murphy explained that there were two concurrent public hearings on the agenda tonight for the project at 170 Orchard St. Murphy formally opened both the Subdivision public hearing and Common Driveway Special Permit application hearings. (Voting PB members for the Subdivision decision are Murphy, Paicos, and Knight. Voting PB members for the Special Permit are Murphy, Paicos, Knight, and Stohn.) The Board has seen revised drafts of both Decisions.

Taylor shared her screen to review the revised subdivision decision. Murphy asked Taylor to highlight any changes from last meeting. Taylor reported on her meeting with Vanessa Johnson of Essex County Greenbelt, and reviewed for the Board some edits made relative to the conveyance of the agricultural parcel: monumentation to be required at the boundaries of the agricultural parcel, including the access and other easement areas; access to the agricultural parcel to be retained during construction so the fields can be farmed or maintained; and notification of the active agricultural use with future home owners, which is in line with the Town's "right to farm" bylaw. Taylor stated there would be fencing installed at the boundary between 168 Orchard Street and Lot 1.

Taylor shared the draft of the Common Driveway Special Permit decision on the Zoom screen and reviewed the changes since the last meeting, including that the Certificate of Occupancy would be tied to the final binder course on the common driveway and approved by engineer. Construction hours to start at 8am on Saturday.

Other topics discussed included the required performance guarantee, fencing and boundary markers, status of the Homeowners' Association documents and the easements being reviewed by town counsel.

Motion: Paicos moved to continue the 170 Orchard Subdivision Public Hearing to February 21, 2024, at 7:15pm, on Zoom. Knight seconded. The three eligible PB members voted in a roll call vote: Paicos, yes; Knight, yes; and Murphy, yes.

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

Old Business:

- **The Governor's Academy**, Tom Woodruff and Wendy Reed were in attendance to request the Approval of Record Plan and Determination of Project Completion for:
 - o Alford Coastal Research Center (ACRC, formerly PRESB) – Record Plan prepared by Meridian Engineering; and the
 - o Pedestrian Walkway from Middle Road to ACRC – Record Plan prepared by Civilworks New England

The Planning Board had held a site walk of the ACRC and Pedestrian Walkway project areas on January 24, 2024. Woodruff presented the request to close out the site plan review applications. The science building and walkway have been in use since the start of the school year. Comments on the As-built plans have been received from Town's review engineer and he is satisfied with the completion of both projects. Certificates of Compliance have been issued for both projects by the Newbury Conservation Commission.

Motion: Stohn moved to accept the As-built Plan of the Governor's Academy ACRC, and to determine that construction has been performed in substantial accordance with the approved site plan and approved modifications and all conditions of approval; Knight seconded. All were in favor and the PB members voted in a roll call vote: Paicos, yes; Knight, yes; Stohn, yes; Kinter, yes; and Murphy, yes.

Motion: Knight moved to accept the As-built Plan of the Governor's Academy pedestrian walkway, and to determine that construction has been performed in substantial accordance with the approved site plan and approved modifications and all conditions of approval; Stohn seconded. All were in favor and the PB members voted in a roll call vote: Paicos, yes; Knight, yes; Stohn, yes; Kinter, yes; and Murphy, yes.

Selectboard member Leslie Matthews joined the Zoom meeting during this discussion and commented that as a former Planning Board member involved in the project permitting, she believes The Governor's Academy ACRC is a great addition to the community.

Motion: Kinter moved to adjourn the meeting; Stohn seconded. Members voted in favor in a roll call vote: Paicos, yes; Knight, yes; Stohn, yes; Kinter, yes; Murphy, yes. The meeting was adjourned at 7:53pm.

Respectfully Submitted,

Kristen Grubbs
Assistant Planner

Materials reviewed at the meeting:

- 170 Orchard Street, revised draft Common Driveway Decision
- 170 Orchard Street, revised draft Subdivision Decision
- The Governor's Academy, 1 Elm St
 - Alford Coastal Research Center (ACRC, formerly PRESB) – Record Plan and letter certifying completion, prepared by Meridian Engineering; and the
 - Pedestrian Walkway from Middle Road to ACRC – Record Plan and letter certifying completion, prepared by Civilworks New England
 - Review letters from Joseph Serwatka, peer engineer