

Meeting Minutes
Newbury Planning Board
Wednesday, March 6, 2024
Virtual Meeting via Zoom

FINAL – Approved April 4, 2024

Planning Board (PB) Chair Larry Murphy opened the March 6, 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; Murphy, yes; Associate Member Mangion, yes. Planning Director Martha Taylor and Assistant Planner Kristen Grubbs were present and stated so. Murphy welcomed other attendees. PB member Scott Kinter joined at 7:03pm.

Opening Statement from Chair: Murphy announced that this March 6, 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.

Monthly Financial Report: Murphy read the Planning Board’s February 2024 Monthly report.

Liaison and Meeting Reports:

Select Board (SB): Taylor reported that at the last meeting the Recreation Committee presented the master plan for the Central St Fields completed by Huntress Associates. The SB also appointed new members to the Open Space Committee.

ZBA: Murphy reported that the ZBA meeting in March will have a full agenda with multiple new and continued public hearings.

Conservation: Knight reported that the Commission had a full meeting with several Certificates of Compliance and new projects under review.

MVPC: Taylor reported that MVPC is continuing work on many regional planning projects, including an update to MiMap, the Town’s GIS mapping viewer and tool.

Planning Director’s Report: Taylor reported that staff are continuing to work on the zoning amendments with Town Counsel review, and also met with the Finance Committee to review the articles. Other planning projects moving forward include the Hazard Mitigation Plan Update and the Housing Production Plan Update.

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Motion: Stohn moved to approve the February 21, 2024 minutes as presented. Knight seconded. Members voted all in favor: Paicos, yes; Knight, yes; Stohn, yes; Kinter, yes; Murphy, yes.

Motion: Murphy requested the addition of the written comment from the Piccolos to the “materials reviewed” section of the Minutes. Paicos moved to approve the February 28, 2024 minutes as amended; Kinter seconded. Members voted all in favor: Paicos, yes; Knight, yes; Stohn, yes; Kinter, yes; Murphy, yes.

Murphy explained there are two Public Hearings that had been continued from the last meeting, and opened both hearings at 7:15pm.

- **Public Hearing (continued): 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)**

Murphy stated because of substantive changes to the draft zoning amendment bylaw, the Board will have to re-notice the public hearing for a new meeting in March. Taylor reviewed the few additional redline changes made by Town Counsel since the last review of the bylaw. The new version of the bylaw includes a “cap” on the density of development that will be allowed in the different multi-family districts.

PB Member Mangion asked for clarification of the language in the bylaw about the waiver. Board members supported the idea of keeping the waiver clause which allows for flexibility in review of the standards (design and other) of future projects.

Mangion also asked for clarification about the description of Open Space in the bylaw. Would it be required whether the open space was available for use by the general public or rather for the public residents of the development itself? This would be flexible during the review of a specific project.

Letters of support for the MBTA Communities bylaw were submitted by Maura Fitzpatrick, Elizabeth DeGrenier, and Pam Wool. These letters were read aloud by Taylor. There were no comments from members of the public in attendance on the Zoom.

Murphy asked for any last comments from PB members and all PB members were comfortable with the current draft bylaw.

Motion: Stohn moved to continue the MBTA Communities Multi-Family Overlay District Bylaw Public Hearing to March 20, 7:15pm on Zoom, Knight seconded. Members voted all in favor: Paicos, yes; Knight, yes; Stohn, yes; Kinter, yes; Murphy, yes.

Murphy read the Notice for the second continued public hearing.

- **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 reported that Town Counsel reviewed the draft bylaw and had only one comment, to add the mention of the map for the district to the bylaw.

Taylor reported there were no new written comments from the public since the last meeting. Members of the public were in attendance on the Zoom and shared comments, including:

Amy Speak, 22 Longbrook Road
Tom Martellone, 127 Elm St
Derek Estella, 4 Greentree Lane
Dave Stracher, 25 Greentree Lane
Louisa Simbole, 125 Elm St
Julie Romano, 165 Elm St
Bonnie Patch, 35 Greentree Lane
Margaret Kimble, 125 Elm St

Planning Director Taylor's Zoom connection microphone stopped working at this point in the meeting.

PB Members agreed they would like to hear more input from Public Safety and from the Town's technical consultant in advance of the next meeting, and thought it was important to continue the public hearing for more discussion.

Motion: Stohn moved to continue the Wireless Communications bylaw public hearing to March 20, 2024, at 7:15pm, on Zoom. Kinter seconded. All members voted by roll call: Paicos, yes; Knight, yes; Stohn, yes; Kinter, yes; Murphy, yes.

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

The meeting was adjourned at 8:44pm.

Respectfully Submitted,

Kristen Grubbs
Assistant Planner

Materials reviewed at the meeting:

- Comment letters on the MBTA Zoning Amendment from Newbury residents Maura Fitzpatrick, Elizabeth DeGrenier, and Pam Wool.

The Video archives of this meeting can be viewed here: <https://www.youtube.com/watch?v=5zM-bk5xCIY&list=PLOXz2PtcuxoBefxzxTF9hNzSkSpWUgDxM&index=2>