

Meeting Minutes
Newbury Planning Board
Wednesday, June 21, 2023
Virtual Meeting via Zoom

FINAL – Approved August 2, 2023

Members Present: Larry Murphy (Chair); Peter Paicos; Woody Knight; George Morse; Mary Stohn
Staff Present: Martha Taylor, Planning Director; Kristen Grubbs, Assistant Planner

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

Opening Statement from Chair: Murphy announced that this June 7, 2023 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.

A. Appearances/Submissions:

- Stephen Sawyer, P.E., GM2 Associates – Submission of Common Driveway Special Permit Application, 7 Bittersweet Lane, Newbury, MA (Map U09, Lot 21B), Applicant: Gage Foley, 31 Pond Street, Amesbury; Owners: David and Nancy Foley, 11 Bittersweet Lane, Newbury

Murphy read the agenda item and welcomed Engineer Stephen Sawyer to present the submission of a Common Driveway Special Permit application from Gage Foley, to provide access to a house lot at 7 Bittersweet Lane. Sawyer explained that the lots at 7, 9, and 11 Bittersweet Lane had been subdivided in 1999 and there is currently a shared driveway accessing houses at #9 and #11. The proposal is to expand the common driveway to include access for an additional home to be built at 7 Bittersweet Lane.

Motion: Paicos made a motion to accept the application as submitted and to set the public hearing date as July 19, 2023, 7:15 p.m., on Zoom. Knight seconded the motion. All members voted: Paicos, yes; Morse, yes; Knight, yes; Stohn, yes; Murphy, yes.

B. Master Plan Update: Taylor announced that the final draft of the 2023 Master Plan Update has been released for public review. There is a community discussion scheduled for June 29 at the town library. The meeting will present the highlights of the plan and then seek public input on priorities. There is also a questionnaire on line for the public to provide input on the plan elements. The home page, news page, and Planning Board page of the Town website all have links to the event and Master Plan information, which also was released on the Town’s Twitter, Instagram, and Facebook. All property owners will receive a postcard with a link to the plan draft materials and to the survey. The survey is open for responses until July 14. There are printed

copies of the Plan for review at the Town Clerk's office, the Council on Aging, and the Library. Taylor encouraged everyone to check it out and participate in the discussions. June 29th will be also posted as a Planning Board meeting. The Town's planning consultant Emily Innis will present on June 29 and will also attend the PB meeting on July 19 to begin discussion of the adoption of the Master Plan by the Planning Board.

C. 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**

Murphy opened the continued concurrent public hearings for the 170 Orchard St application. Murphy explained that while Stohn is now a full voting Board member, she missed two of the 170 Orchard public hearing discussions while she was an associate member. Therefore, she will not be able to vote on this project. Murphy commented that her input in discussions is still valuable.

Murphy explained that since the last hearing, the applicant had submitted a revised feasible access plan for the common driveways, a revised aerial plan showing all easements and lot lines, and a revised easement for the driveway for 168 Orchard St. Sean McDonnell from Griffin Engineering shared his screen and presented the plan updates to the Board. Murphy asked if the Fire Department had reviewed the plan? Taylor answered not yet.

Murphy asked Taylor if the Town had heard from Greenbelt about the farmland? Taylor said they do have some concerns about the lot configuration and buffering of the farmland and the farm access easement, and had suggested a site visit might be helpful. There was discussion of the desire to not disturb any forested areas for the farming access. Griffin asked for clarification about the process of approval of the feasibility plan for the common driveway.

Knight raised the question about whether the corn had been planted and if that would be a problem for the site visit. Abutter Peter Mack, 168 Orchard St, commented that corn had been planted.

Murphy asked whether the Board members or the public had any other questions about what was presented tonight. Paicos: no; Morse: no; Knight: no; Stohn: no. No written comments have been received.

Murphy asked if the applicant had any further comments. McNiff said he had submitted a new easement for driveway access for 168 Orchard. Taylor commented that the Board needs to be satisfied with the agreement but the details of the easement need to be approved by the property owner and the abutter.

Taylor explained she has started a skeleton draft of a decision as the Board had requested at the last meeting. The draft will require an explanation of the waivers and what the justification for the waivers is, and asked if the Board wanted to discuss those further. Taylor shared the list of waivers on the screen and the Board reviewed them.

Paicos expressed concerns about the waiver requested for the 30-foot radius at the road entrance, saying he is concerned about how sharp a turn it is on the hill of Orchard St. The Board members and the applicant discussed the issues, including whether it would be possible to make it a more gradual turn with more room. Taylor shared a screen showing the Google Earth street view to demonstrate driving up Orchard St. and making that sharp turn

into the proposed new subdivision road. Paicos had strong concerns about safety. McDonnell said the vegetation showing in the Google photos will be cleared up so there will be easier sight lines and adequate sight distance.

Murphy asked the applicant if he could explain how to justify the waiver which is what Taylor needs to describe in the decision. McDonnell answered that the dimensions of the property require the waiver. The group also discussed the driveway being moved for #168 Orchard St. McNiff asked if they could widen the area for the driveway curve for the shoulder towards the stone wall, and discussed the plan layout and dimensions of the road entrance with McDonnell. Knight asked about the location of the telephone pole. McNiff said National Grid would be moving the pole about 8 feet towards the stone wall. Paicos asked for assurance that there would not be a driveway for #168 Orchard coming off of Orchard St. McNiff said he would address that with the abutting owner.

Murphy returned to discussion of the list of waivers: the width of the right of way, the roadway crown waiver, and street trees. Paicos asked that street trees be reconsidered, and discussed with the applicant if this waiver is necessary or if the applicant can provide some trees. McNiff said trees could be put into the yards of the house lots and will address that in the next revised plan. Taylor asked if there is a justification for not having a sidewalk. The Board members were okay with this waiver for sidewalks due to it being a small subdivision.

Murphy noted that the Home Owners' Association (HOA) documents will need to be reviewed by Town Counsel as well as the Police Chief. What has been submitted so far is in draft form. McDonnell stated they are still waiting to finalize those documents.

Murphy said there may be a need for an additional extension for the project review. Paicos commented he appreciates the patience and support of the applicants. Morse commented that the attorneys need to approve the easement documents. Peter Mack made comments clarifying his property boundary at 168 Orchard, showing a Google Earth view of the boundary. Mack said he is happy to have a conversation with the engineers about the shared boundary areas and the driveway reconfigurations.

Motion: Morse made a motion to continue the public hearing on the 170 Orchard St. definitive subdivision plan to July 19, at 7:15pm via Zoom. Knight seconded. All members voted: Paicos, yes; Morse, yes; Knight, yes; Murphy, yes. Stohn was not eligible to vote but stated her agreement.

Motion: Knight made a motion to continue the public hearing on the 170 Orchard St. common driveway special permit to July 19, 7:15pm, via Zoom. Morse seconded. All members voted: Paicos, yes; Morse, yes; Knight, yes; Murphy, yes. Stohn was not eligible to vote.

D. Housing Production Plan:

- Lauren Keisling and Kayla Rennie, Merrimack Valley Planning Commission (MVPC) – Housing Production Plan (HPP) Introduction and Data Collection Overview

Murphy welcomed MVPC Planners Lauren Keisling and Kayla Rennie to present to the Board regarding Newbury's Housing Production Plan Update. The Town has contracted with MVPC to update its five-year housing plan, as part of a regional HPP. Keisling shared presentation slides (see attached slides) and described the HPP process. Keisling described the elements of a housing production plan, and the process underway with the Town - public engagement, data gathering, goal setting. Keisling explained that an HPP allows a community to articulate its vision for housing production in a comprehensive plan and to identify community-specific strategies to achieve the goals. HPPs are a statutory requirement to be used as a tool to grant communities further control over 40B development. She said there will be community engagement opportunities for the public, beginning in

late summer and fall, led by MVPC's partner, the Consensus Building Institute. Keisling presented a preview of some of Newbury's demographic and housing data that will guide the development of the plan, including age, race/ethnicity, housing tenure, income distribution, median household income, cost burden (when a household is paying 30% or more of their monthly income on housing), and other information.

Paicos asked about the process to actually do this work of creating affordable housing effectively, explaining it has been very frustrating for the Board members. He said most developers who come to the town with projects have no appetite for building affordable housing. Also, in Newbury, there are infrastructure constraints that are challenges. An inclusionary bylaw would be helpful. Paicos said that the Board is trying hard to make things happen but feels like it is working "uphill, upstream, up a waterfall". He asked about how to do it in a creative way. The interest is there but it is very hard work. Other Board members thanked the consultants and commented there is a lot to think about and work on.

Pam Wool, 16 Withington St, asked about the stakeholder group for this work, and suggested the effort be broadened beyond the Planning Board with more community representation. Taylor commented that Cindy Currier, director of the Council on Aging, will be supporting the effort, as well as Evelyn Noyes who serves as director of some of the Town's elderly housing developments, and there will be many opportunities for additional public engagement.

Christina Hoffman, 21 Marsh Avenue, stated her appreciation for the presentation and asked if the Town's previous housing plan was on the Town website. Martha confirmed that it is posted on the Planning Board's page.

Murphy thanked Keisling and Rennie for their presentation and stated that the Planning Board is looking forward to the future work on this project.

E. 7 Larkin Road, Sam Colombo, Millennium Engineering, and Coughlin Shea Professional Builders, LLP: Follow up discussion of plan options for proposed residential subdivision at 7 Larkin Road

Murphy welcomed representatives of 7 Larkin Road to discuss plan options for subdivision development on the property. Sam Colombo of Millennium Engineering brought up a plan on the shared screen to display the 27-acre property. Colombo stated that he understands that the Board encourages open space and has also expressed interest in more affordable housing in Newbury. He explained the parcel constraints, stating that it is not possible to propose an Open Space Residential Development because it is not possible to design a plan without needing waivers from the Town's subdivision regulations. The draft design proposes a 6-lot definitive subdivision, each lot with a duplex. Colombo stated all of the units would be affordable units. The new subdivision road would be a length of 1273 feet and 25-foot wide. The first 696 feet of road travels through an existing 50-foot wide easement, and then travels another 577 feet to a cul-de-sac with a proposed 140-foot outside diameter. There has been some testing for septic suitability and more testing is needed. The plan as presented would convey 18.5 acres to Newbury for open space, public parking, and trail access. It is understood that the applicant would need waivers for road length and for the right-of-way width (50 feet).

Chris Coughlin commented that to make this a scenario that would work, considering the cost of the road and other costs, they would be proposing that half of the units be "affordable" and half would be standard town house pricing. Murphy asked about the waivers they would be asking for and Coughlin confirmed it would be for the length of the road and the right-of-way width. Murphy stated this would be a project that would need an environmental analysis.

Paicos said he was encouraged by the offer of 50% affordable homes, and wondered what that would translate to in terms of the cost of a home. Coughlin said that he doesn't have a number right now but would be very willing to discuss this with the Town. Paicos said the Town is trying to get affordable homes built that can be added to the State's Subsidized Housing Inventory (SHI) and suggested the applicants talk more with staff. Taylor commented that Newbury is looking for housing diversity, as well as for homes that can be added to the SHI. The group discussed the State's MBTA Communities regulations and whether this parcel would be appropriate for multi-family housing. Michael Shea commented that they are custom builders of single-family homes, and the property owner is a local resident. They are trying to make the project work for everyone. Morse thanked the applicants for bringing forward a project that includes affordable housing. Knight and Stohn also thanked the applicants.

F. New Business:

Motion: Knight made a motion to keep the Planning Board's current slate of officers. Morse seconded the motion. All voted: Paicos, yes; Morse, yes; Knight, yes; Stohn, yes; Murphy, yes.

- Election of Planning Board Officers (effective July 1, 2023):
 - Chair - Murphy
 - Vice Chair - Paicos
 - Clerk - Knight

Motion: Morse made a motion to keep the Planning Board's authorized signatories. Knight seconded the motion. All voted: Paicos, yes; Morse, yes; Knight, yes; Stohn, yes; Murphy, yes.

- Designation of Authorized Signatories - Chair as primary, Vice chair as secondary
 - ANR Plans
 - Invoices and Payroll

Liaison Positions – The Board discussed the liaison positions to other municipal boards and committees. Murphy stated he was happy to continue as ZBA liaison. Knight has been appointed to represent the PB on the Conservation Commission. There does not need to be a representative to the Select Board because Taylor attends the meetings and is happy to report back to the PB. Taylor will stay as representative to the MVPC. These do not need a formal vote.

G. May 2023 Financial Report: Murphy read the May financial report.

H. Planning Director's report: Taylor reported that the scope of work for the MBTA Communities technical assistance has been approved by the Mass Housing Partnership and signed by the Town Administrator so is ready to be kicked off. The first meeting will be between MVPC and town staff and then they will bring the Planning Board into the discussions.

I. Liaison/Meeting Reports:

- **Select Board** – Taylor gave the report for the June 13 Select Board meeting. The SB has appointed several town committees and has more to do. The Board discussed a request from the Sunset Club for the renewal of their entertainment license. The Town Administrator announced Fire Chief Janvrin's retirement. The Municipal Building Committee will be providing its final report to the Select Board at the June 27th meeting.
- **Zoning Board of Appeals** – Murphy gave a report from the recent ZBA meeting. They finalized a decision on 6 Olga Way.

- **Conservation Commission** – Knight will become liaison on July 1, 2023.
- **MVPC** – Taylor reported there was nothing of substance at the meeting which will be the last Commissioners’ meeting until September.

Meeting Minutes: The June 7, 2023 PB Meeting Minutes will be reviewed at the next meeting.

Motion to adjourn: Morse made a motion to adjourn the meeting. Knight seconded. All members voted: Paicos, yes; Morse, yes; Knight, yes; Stohn, yes; Murphy, yes. The meeting was adjourned at 9:33pm.

Materials reviewed at the meeting:

- Definitive Subdivision Plan with Aerial, 6/20/23, for 170 Orchard Street, Newbury, MA, January 2023; Prepared for Owner/Applicant: The Estate of Lewis Bulgaris, c/o Dianne Yurkavich, 2 Lavallee Lane, Newburyport, MA 01915; prepared by Robert H. Griffin, Griffin Engineering Group, LLC, 495 Cabot Street, 2nd Floor, Beverly, MA 01915.
- Feasible Access Plan for Common Driveway Special Permit for Fields Way (4-Lot Residential Subdivision), Assessor’s Map R-20, Parcel 43A - 170 Orchard Street, prepared by Griffin Engineering Group, LLC, dated 6/19/23.
- Newbury Housing Production Plan presentation slides – MVPC Planner L. Keisling
- 7 Larkin Definitive (Duplex) Concept 5-16-23

Respectfully Submitted,

Kristen Grubbs
Assistant Planner