

Meeting Minutes

Planning Board

Wednesday, May 18, 2022

Virtual Meeting via Zoom

APPROVED

Members Present: Larry Murphy, Acting Chair; Woody Knight; Leslie Matthews; George Morse

Members Absent: Peter Paicos, Chair; Mary Stohn (Associate Member)

Staff Present: Martha Taylor, Planning Director

Larry Murphy, Acting Chair, opened the Planning Board meeting at 7:00 p.m. and verified that all members and persons expected to be present were in attendance.

He then announced that this May 18, 2022 Open Meeting of the Newbury Planning Board was being conducted remotely in accordance with Chapter 22 of the Acts of 2022, which extends the Governor's March 12, 2020 "Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A § 20," until July 15, 2022. 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. L. 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. He concluded by stating that each vote taken in the meeting would be conducted by roll call vote.

Following the opening remarks, L. Murphy turned to the agenda.

A. April 2022 Financial Report: L. Murphy read the Planning Board's April 2022 Financial Report into the record.

B. Liaison Reports:

1. Select Board: L. Matthews reported that the May 10, 2022 Select Board meeting had been cancelled due to the Town Election and that a DCC meeting would be held the on May 19.
2. ZBA: L. Murphy reported that the May ZBA meeting was scheduled for May 19; the agenda included a public hearing on an application for a Special Permit/Finding for property at 10 10th Street;
3. Conservation Commission: P. Paicos was not present to report on the Conservation Commission;
4. MVPC: M. Taylor reported that the owner of Jessica's Brick Oven Bakery, which is one of the recipients of a business loan from the Merrimack Valley Economic Development Corporation Revolving Loan Fund, was present at the last Commissioner's meeting to give a presentation on the business and what it has been able to accomplish with the loan. At the last Planners meeting the President for the North Shore Habitat for Humanity presented ways in which municipalities might be able to partner with Habitat, including identifying municipally-owned parcels that could be sold or donated to Habitat.

C. Planning Director's Report: M. Taylor reported on the status of the Master Plan update. The Town has engaged a consultant, Emily Innes, who is the owner of Innes Associates and a Byfield resident, to help complete the Plan, since the original consultant, COG, is no longer providing planning services. Ms. Innes, who has extensive experience preparing Master Plans, including Plans that have stalled for a while, will update data in the draft Plan based on the most recent census data, update information and recommendations that are out of date, and assemble the various sections into the final document. Town Departments have been asked to provide updates on staffing and current initiatives. Climate change planning that has been undertaken over the past few years, including the Town's Municipal Vulnerability Plan and the Plum Island Sea Level Rise project, will be added. The updated information, along with all the information from the Master Plan survey and focus groups, will be incorporated into the draft Plan, which will then be brought back to the Board for discussion.

D. Meeting Minutes:

1. L. Murphy stated that, as authorized by the Board, he had reviewed and approved the minutes of March 20, 2019, March 26, 2019, and April 3, 2019.

2. Minutes of April 7, 2021:

L. Murphy suggested a correction to the third paragraph on page 5 regarding the Yield Plan for the proposed 15 Coleman Road OSRD. There was no discussion on the correction.

Motion: A motion was made by G. Morse and seconded by W. Knight to approve the meeting minutes of April 7, 2021, as amended. There was no discussion on the motion. A roll call vote was taken: G. Morse, yes; L. Matthews, yes; W. Knight, yes; L. Murphy, yes.

3. Minutes of March 2, 2022:

Motion: A motion was made by G. Morse and seconded by L. Matthews to approve the meeting minutes of March 2, 2022, as written. There was no discussion on the motion. A roll call vote was taken: G. Morse, yes; L. Matthews, yes; W. Knight, yes; L. Murphy, yes.

E. Public Hearing (Continuance) – Special Permit Application for a Ground-Mounted Solar Photovoltaic Installation, 75 Boston Road (Newbury Landfill) (Map R36, Lot 27); Applicant: Alliance Newbury I LLC; Owner: Town of Newbury (continued from April 6, 2022):

At 7:15, L. Murphy announced that Eric McLean, on behalf of Alliance Newbury I LLC, had submitted a written request asking the Board to continue the public hearing to consider the Special Permit Application for a ground-mounted solar installation on the Newbury Landfill at 75 Boston Road to June 1, 2022, since only four voting members of the Board were present at the meeting and approval requires a super-majority to vote in favor. The Board voted to continue the public hearing and there was no discussion on this Application.

Motion: A motion was made by L. Matthews and seconded by G. Morse to continue the public hearing on the Special Permit Application for a Ground-Mounted Solar Photovoltaic Installation, 75 Boston Road (Newbury Landfill) (Map R36, Lot 27), Applicant: Alliance Newbury I LLC, Owner: Town of Newbury, to Wednesday, June 1, 2022, at 7:15 p.m. via Zoom. There was no discussion on the motion. A roll call vote was taken: G. Morse, yes; L. Matthews, yes; W. Knight, yes; L. Murphy, yes.

F. New Business:

1. Adam True, Gadsden Lane, LLC – Request for approval of minor grading adjustments and additional clearing on Lots 1 and 2 and on 219 High Road at the 217 & 221 High Road, “Gadsden Lane,” Subdivision, approved June 2, 2021

As neither Adam True nor anyone representing him was present, M. Taylor briefly described the modifications for which the Applicant was seeking approval, including selective clearing and pruning on Lots 1 and 2 and on 219 High Road (formerly 221 High Road) and grading adjustments on Lot 2. She noted that she, Adam True, Scott Cameron, Samantha Holt, and Joe Serwatka had done a site walk on April 14, 2022, to review the proposed scope of work. The work is outside the buffer zone so there is no concern on the part of the Conservation Commission and the vegetated filter strip which is serving as part of the stormwater management system will not be disturbed. The Board will need to determine if this is a minor modification or a major modification – if a major modification, a public hearing will be required.

L. Murphy asked if any of the Board members had any questions or comments. G. Morse asked if Joe Serwatka had any significant comments regarding the proposed changes. M. Taylor replied that he had no significant comments at the time of the site walk, but did suggest that, since some additional clearing was being done on the south side of Lot 2, the grades be adjusted appropriately. The Plan that has been submitted reflects those grading changes. There being no other questions or comments, L. Murphy took a straw poll on whether the Board members felt that the requested modifications were minor or major. G. Morse, L. Matthews, W. Knight, and L. Murphy all concurred that the modifications were minor in nature and would not require a public hearing.

L. Murphy then asked for a motion to request the Planning Director to draft a Decision consistent with the Board’s discussion that night for the Board’s next meeting:

Motion: A motion was made by W. Knight and seconded by G. Morse requesting the Planning Director to draft a Decision consistent with the Board’s discussion for review at the next meeting. There was no discussion on the motion. A roll call vote was taken: G. Morse, yes; W. Knight, yes; L. Matthews, yes; L. Murphy, yes.

Scott Cameron of the Morin-Cameron Group, Inc., engineer for the project, joined the meeting after the vote was taken – he had been unable to join earlier due to attendance at a public hearing in another municipality. L. Murphy and M. Taylor recapped the discussion and the straw vote that was taken and asked Mr. Cameron if there was anything he would like to add. He said that it sounded as if everything had been covered and the discussion was closed.

There being no further business, L. Murphy called for a motion to adjourn. Prior to making a motion, W. Knight asked whether the Board meetings would continue in the Zoom format. M. Taylor replied that under the current law, Boards can continue to meet entirely remotely until July 15 – she will check to see if Town Counsel has any information on a possible extension. L. Murphy noted that the Board will continue meeting via Zoom at least through the first meeting in July. Even if Boards must go back to meeting in person, remote participation will still be possible, as long as a quorum is physically present.

A motion was made by W. Knight and seconded by L. Matthews to adjourn the Planning Board meeting. A roll call vote was taken: W. Knight, yes; L. Matthews, yes; G. Morse, yes; L. Murphy, yes. The meeting was adjourned at 7:32 p.m.

Materials reviewed at the meeting:

- “Site Plan of Land in Newbury, Massachusetts, 2 Gadsden Lane (Lot 2),” prepared for Gadsden Lane, LLC, by the Morin-Cameron Group, Inc., dated May 6, 2022, revised May 16, 2022, and June 1, 2022.

Respectfully Submitted,

Martha Taylor
Planning Director