

## **Meeting Minutes**

### **Newbury Planning Board**

Wednesday, November 16, 2022

Virtual Meeting via Zoom

*Final – Approved April 19, 2023*

**Members Present:** Larry Murphy (Chair); Peter Paicos; George Morse; Leslie Matthews; Woody Knight  
**Members Absent:** Mary Stohn (Associate Member)  
**Staff Present:** Martha Taylor, Planning Director

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

Opening Statement from Chair: Murphy announced that this November 16, 2022 Open Meeting of the Newbury Planning Board was being conducted remotely in accordance with Chapter 107 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 March 31, 2023. 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 the opening remarks, the Chair turned to the agenda.

#### **A. Appearances/Submissions:**

##### **William DiFrancesco, Stowaway Storage Newbury, LLC: Request for Extension of Site Plan Approval for Newbury Self-Storage Expansion, 131 Newburyport Turnpike**

Murphy asked applicant William DiFrancesco to explain his request. Deliveries of construction materials for his buildings, previously approved following the Planning Board’s site plan review, has been sporadic and slower than anticipated. He asked the Board for more time to complete the installation of the self-storage units.

**Motion:** Paicos made a motion that in accordance with Section 97-9A(8) of the Newbury Zoning Bylaw, the Planning Board grant an extension of the site plan approval for the expansion of Newbury Self Storage Phase 3 to June 1, 2023. Morse seconded the motion. There was no further discussion on the motion. A roll call vote was taken and all Board members voted yes.

#### **B. December Planning Board Meeting Schedule**

The Board members discussed the December meeting schedule and decided to hold one December meeting on December 14, 2022.

#### **C. Meeting Minutes:**

There was extra time before the start of the 7:15 Public Hearing, so the Board chose to take items out of order and reviewed the Planning Board Meeting Minutes from October 19, 2022. Knight made a motion to approve the Minutes. Matthews seconded the motion. All members voted yes in a roll call vote.

**D. Public Hearing (Continuance): Special Permit Modification Application, 140R Main Street (Map R41, Lot 42), requesting modification of the Special Permit granted to Borrego Solar Systems, Inc., on May 16, 2018, to allow construction of a utility access road, including a bridge, in the location of an existing cart path; Applicant: New Leaf Energy; Owner: Karen E. Yesair Thiel and Kavy N. Yesair, Successor Trustees of the Ruth A. Yesair Trust, 138 Main Street, Byfield, MA 01922. (Applicant has requested continuance to next available meeting date.)**

At 7:15pm, Murphy read the public hearing notice and explained the applicant had asked for a continuance of the hearing so as to have more time for consultation with the fire department and to finalize plans before coming back to the Planning Board. There were no questions.

**Motion:** Matthews made a motion to continue the 140R Main Street special permit public hearing to December 14, 2022, at 7:15pm. Morse seconded the motion. There was no discussion on the motion. A roll call vote was taken and all Board members voted yes.

**E. New Business:**

- 1. 68 Green Street/Farm View Lane Subdivision, Michael Dos Santos, Crane Properties:**
  - a. Request for approval of grading change at easterly end of right-of-way as field change due to existing conditions**

Murphy asked for applicant Michael Dos Santos and Chris York from Millenium Engineering to explain the request for 68 Green St. They explained that in finishing the road to the subdivision they ran into some ledge along the edge. York showed the plan to explain the issue. The initial plan showed a gradual slope along the edge of the new road, near Parcel Y boundary, but due to the ledge they need to redesign it. They met with Martha Taylor, Samantha Holt Conservation Agent, as well as the Town's peer review engineer Joe Serwatka on site to review the proposed change along the property line. Taylor showed photographs from the site visit of the road edge and swale. Serwatka has written a letter for the PB which confirms his approval of the proposed changes. Paicos asked about the arbor vitae trees showing along that parcel line and whether they were still needed due to the new fence that has been built by the neighbor. Dos Santos suggested he put together a new landscaping plan to bring to the Board and Paicos agreed that would be helpful. Morse asked about snow disposal relative to the ledge and swale. York said snow should not be pushed into the swale. Matthews and Knight did not have any questions. Taylor explained this could be handled as a field change if the Board was comfortable with that. The changes will be shown on the as-built and the applicant will bring a revised landscaping plan back to the Board.

**Motion:** Paicos made a motion to accept the proposed change as a field change due to existing conditions. Knight seconded the motion. A roll call vote was taken and all Board members voted yes.

- 2. 15 Coleman Road/Fieldstone Lane OSRD, Tom Zahoruiko, Zendko, LLC: Request for waiver of required property line radius at east side of intersection of Coleman Road and Fieldstone Lane (adjacent to Witchstone/Father Stone)**

Murphy explained this request was made in writing. Tom Zahoruiko is travelling so unable to be at the meeting. Taylor shared the plan to explain the request to carve out a small parcel to protect the Fieldstone/Witchstone and convey that deed to the Historic Commission. She explained the need to reduce the radius from 30 feet to 20 feet to allow this conveyance; this will require a new public hearing because the waiver was not included in the initial public hearing and decision for the project. Though not a final plan showing the entire subdivision, the plan before the Board tonight can serve as the submission. Morse asked

about the sight lines on the road. Murphy asked about the large trees along the road at that location. Knight had visited the site and agreed the line of sight was sufficient. The Board stated comfort with waiving the submission requirements and the filing fee.

**Motion:** Murphy asked for a motion to accept the filing as sufficient, to waive the filing fee, and to authorize the Planning Director to schedule the public hearing at the first practicable date. Paicos made the motion. Knight seconded. A roll call vote was taken and all Board members voted yes.

**F. Old Business:**

**1. 1 Marsh Meadow Special Permit Application; Applicant: Damon Jespersen – referred by Select Board to Planning Board for review, per Zoning By-Law § 97-11.C.(1)**

Murphy introduced the discussion. Paicos recused himself from the discussion. Murphy explained the Select Board as the special permit granting authority for the application held a hearing on November 7, 2022, which both he and Taylor attended. The Planning Board submitted a letter to the Select Board regarding the project which was read into the record at the Select Board meeting. The letter described the considerations the Planning Board thought would be important in the review, including parking, traffic, and safety, etc. During its public hearing, the Select Board discussed the applicant's proposed uses of the parcel, scheduled a site walk, and continued the public hearing until December 6, 2022.

**G. Liaison Reports:**

1. Select Board: Matthews summarized some topics from recent Select Board meetings, including police appointments, a historic presentation, and licenses.
2. Zoning Board of Appeals: Murphy reported the ZBA discussed projects at 6 Girard Way, 80 Northern Boulevard, and 16 Green St.
3. Conservation Commission: Paicos a project the Commission is reviewing for a viewing platform at The Trustees' Old Town Hill reservation.
4. MVPC: Taylor reported that there would be a kick off meeting for the MVPC Regional Hazard Mitigation Planning project on December 7, 2022.

**H. Planning Director's Report:** Taylor attended two recent Mass Housing Partnership webinars focused on public outreach and site plan review considerations for the MBTA housing legislation zoning requirements.

**Motion:** There being no further business, Murphy called for a motion to adjourn the meeting. A motion was made by Paicos and seconded by Matthews to adjourn the Planning Board meeting. A roll call vote was taken and all Board members voted in favor.

The meeting was adjourned at 8:05 p.m.

**Materials reviewed at the meeting:**

- **"68 Green Street/Farm View Lane Subdivision, Michael Dos Santos, Crane Properties:** Amended Roadway Grading Plan, dated November 9, 2022, prepared by Millennium Engineering.
- **15 Coleman Road/Fieldstone Lane OSRD, Tom Zahoruiko, Zendko, LLC:** Written request received from Tom Zahoruiko on November 14, 2022; draft ANR Plan, revision date of 11/4/2022.

Respectfully Submitted,

Kristen Grubbs  
Assistant Planner