

Meeting Minutes

Newbury Planning Board

Wednesday, March 20, 2024

Virtual Meeting via Zoom

FINAL – approved April 17, 2024

Planning Board (PB) Chair Larry Murphy opened the March 20, 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 Kinter joined at 7:03pm.

Opening Statement from Chair: Murphy announced that this March 20, 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.

ANRs/Submissions:

William Heney, Heney Law: Resubmission of ANR Plan for Proposed Lot Line Change between 44 Fatherland Drive, Map R18, Lot 54, and 42 Fatherland Drive, Map R18, Lot 53; Owner/Applicant (44 Fatherland Drive): Patrick T. Shea and Mercedes R. Shea Living Trust, Mercedes and Patrick Shea, Trustees; Owner (42 Fatherland Drive): Frances M. and Carl J. Orlandi

Attorney Bill Heney was present representing the property owners to explain this is the same plan that was submitted and approved by the Board last December. There were no changes to the plan other than a change of name due to one of the owners conveying the property to a Trust. Board members had no questions.

Motion: Knight made a motion to accept the ANR Plan for Proposed Lot Line Change between 44 Fatherland Drive, Map R18, Lot 54, and 42 Fatherland Drive, Map R18, Lot 53. Stohn seconded the motion. Members voted all in favor: Paicos, yes; Knight, yes; Stohn, yes; Kinter, yes; Murphy, yes.

Liaison & Meeting Reports:

Select Board (SB): Taylor reported that the SB met on March 12 and voted to approve the warrant for the Annual Town Meeting on April 30, 2024.

ZBA: Murphy reported that the ZBA met on March 14th to review several public hearings. The Board approved an extension of time to begin construction for 55R Pearson Drive 40B project which had been in litigation.

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

MVPC: Taylor reported that the next MVPC Commissioners meeting is March 21.

Public Hearings: Proposed Zoning Amendments for 2024 Annual Town Meeting

- **Re-noticed: 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
 - Amendment to Attachment 1 – Zoning Overlay and Resource Districts Map to show the proposed MBTA Communities Multi-Family Overlay District (MCMOD)

At 7:15pm, PB Member Knight read the legal notice announcing the new public hearing for the MBTA zoning. Murphy explained there was a new notice for the hearing due to the revisions made to the bylaw amendment since originally presented to the Town at the earlier public hearings.

Murphy gave a brief overview of the State's 3A legislation. Murphy welcomed Ian Burns, technical consultant from MVPC helping Newbury with the compliance. Burns shared his screen to display slides, describing the proposal and pointing out the proposed multi-family districts. Board members had no questions. Taylor then shared her screen to show the bylaw amendment, pointing out redlined changes since the previous version.

Public comments were received:

- Jack Rybicki, 37 Larkin Road
- Leslie Matthews, 111 Main Street

Motion: Stohn moved to close the public hearing for the MBTA Communities Multi-Family Overlay District bylaw and District Map. Knight seconded. Members voted all in favor: Paicos, yes; Knight, yes; Stohn, yes; Kinter, yes; Murphy, yes.

The Planning Board members then deliberated and discussed recommending approval of the revised bylaw and proposed districts.

Motion: Paicos recommended approval of the bylaw as it appears in the Town Meeting Warrant. Stohn seconded. Members voted all in favor: Paicos, yes; Knight, yes; Stohn, yes; Kinter, yes; Murphy, yes.

- **Continuance: 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)

Murphy explained that there had been two developments since the last public hearing discussion. One was that the newspaper charged with posting the legal notice had not run the notice twice which is required, resulting in a defect with the statutory posting process. He also announced that the School Committee has shared its wish that the Town withdraw the two Triton parcels from consideration for the Wireless Districts for this Town Meeting. Because the Warrant has already been posted, it is too late to technically withdraw the article. The Board discussed next steps.

Motion: Knight moved that the Planning Board recommend to Town Meeting that no action be taken on this article at the 2024 Annual Town Meeting and more time be taken to study the proposal. Kinter seconded. Members voted all in favor: Paicos, yes; Knight, yes; Stohn, yes; Kinter, yes; Murphy, yes.

Public Hearing (continued from February 21, 2024): 7 Bittersweet Lane (Map U09, Lot 21B), Common Driveway Special Permit Application; Owner: David W. Foley Sr. and Nancy J. Foley; Applicant: Gage Foley

Murphy opened the continued public hearing for the 7 Bittersweet Common Driveway. The applicant's engineer Steve Sawyer was in attendance. Taylor explained there is a need to clarify ownership of the parcels which will require more time. The applicants need to submit a letter authorizing improvements to the driveway signed by each of the owners of the three parcels. The applicant's attorney will be updating the easement document and correcting the plans. All documents should be sent to Town Counsel for review. Board members had no questions. There were no public comments or questions.

Motion: Paicos moved to continue the 7 Bittersweet Public Hearing to April 17, 2024 at 7:15pm on Zoom. Knight seconded. Members voted all in favor: Paicos, yes; Knight, yes; Stohn, yes; Kinter, yes; Murphy, yes.

There was no Old Business nor New Business.

Planning Director's Report

Taylor reported there is planning underway for additional outreach for the MBTA Multi-Family Zoning Bylaw in advance of Town Meeting, including public information sessions and updated fact sheets. She also reported that the Town's consultant for the "MS4" Stormwater Program has notified the Town that there are some necessary updates for the Town's stormwater bylaw, wetlands bylaw, subdivision rules & regs, and site plan review. More information will be shared about those changes which will require either public hearings (for the regulations) or future action at Town Meeting (for the bylaws).

Planning Board Meeting Minutes – None available to review.

Motion: Knight moved to adjourn the meeting. Stohn seconded. Members voted all in favor: Paicos, yes; Knight, yes; Stohn, yes; Kinter, yes; Murphy, yes.

The meeting was adjourned at 8:21pm.

Respectfully Submitted,

Kristen Grubbs
Assistant Planner

Materials reviewed at the meeting:

- [Slides presented by MVPC](#) for the MBTA Multi-Family Zoning proposal

The Video archives of this meeting can be viewed here:

<https://www.youtube.com/watch?v=x1At2VyYBTo&list=PLOXz2PtcuxoBefxzxTF9hNzSkSpWUgDxM&index=1>