

## Meeting Minutes

### Planning Board

Wednesday, February 16, 2022

Virtual Meeting via Zoom

APPROVED

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

Peter Paicos 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 February 16, 2022 Open Meeting of the Newbury Planning Board was being conducted remotely consistent with the “Act relative to extending certain COVID-19 measures adopted during the State of Emergency,” which extends the Governor’s March 12, 2020 “Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A § 20,” until April 1, 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. P. Paicos 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, P. Paicos turned to the agenda.

- A. Liaison Reports:** L. Matthews reported on the February 8, 2022, Select Board meeting, including the Board’s vote to submit the proposed zoning amendment on wireless communications to the Planning Board for public hearing. L. Murphy reported that the ZBA would be meeting the next night, February 17, 2022, and that the agenda included a new hearing requesting a Special Permit/Finding for proposed work at 5 Cinder Ave. and review of written decisions for 141 Northern Blvd. and 7 Hutchins Road. P. Paicos reported that the Conservation Commission had met on Tuesday, February 15, 2022, to discuss proposed amendments to the Town of Newbury Wetlands By-Law and development of draft regulations related to the new by-law. M. Taylor reported that the next MVPC Commissioners meeting was scheduled for the next day, February 17, 2022, and the next Regional Planners meeting was scheduled for February 24, 2022.
- B. Planning Director’s Report:** M. Taylor reported that MVPC has received a grant to review the by-laws/ordinances and regulations in the 15 municipalities in the MVPC Region for revisions that could be made to design requirements and guidelines to reduce stormwater runoff. She will be working with MVPC’s Environmental Planner on this effort for Newbury.
- C. Public Hearing (Continuance) – Application for Modification of a Previously Approved Site Plan, The Governor’s Academy, Parker River Environmental Studies Building, 313 Newburyport Turnpike (Map R15, Lot 11); Applicant/Owner: The Governor’s Academy (continued from February 2, 2022):**

P. Paicos opened the public hearing continuance, and noted that the Board would be reviewing the draft Decision that had been prepared by the Planning Director as directed by the Board at the last session of the public hearing. Before turning to the Decision, he asked Tom Woodruff, Director of Facilities for the Governor's Academy, and Drew Garvin, Meridian Associates, who were present at the meeting to represent the project, whether they had any additional information to present. D. Garvin said that he had submitted copies of the dock plan to M. Taylor and that they had received J. Serwatka's review letter dated February 9, 2022, which indicated that all comments had been adequately addressed. T. Woodruff noted that he had reviewed the draft Decision and had no comments or concerns.

P. Paicos then asked the Board members whether they had any further comments or questions on the project before reviewing the draft Decision. All said no.

P. Paicos asked if M. Taylor had received any written comments from the public on the Application. She replied no. He then asked if any members of the public would like to speak on the project before the Board reviewed the draft Decision. No members of the public asked to speak.

M. Taylor brought the draft Decision up on the screen and summarized the draft section by section. P. Paicos asked the Board members whether they had any comments or questions on the Decision or any suggested revisions. All said no. He then asked T. Woodruff whether he had any comments, questions, or concerns regarding the Decision. T. Woodruff replied that he had none.

P. Paicos called for a motion, second, and vote to close the public hearing.

**Motion:** A motion was made by G. Morse and seconded by L. Matthews to close the public hearing on the Application for Modification of a Previously Approved Site Plan, The Governor's Academy, Parker River Environmental Studies Building, 313 Newburyport Turnpike (Map R15, Lot 11); Applicant/Owner: The Governor's Academy. There was no discussion on the motion. A roll call vote was taken: L. Murphy, yes; G. Morse, yes; L. Matthews, yes; W. Knight, yes; P. Paicos, yes.

P. Paicos then called for a motion, second, and vote to approve the proposed Modification and the Decision.

**Motion:** A motion was made by W. Knight and seconded by G. Morse to approve the proposed Modification and approve the Decision on the Application for Modification of a Previously Approved Site Plan, The Governor's Academy, Parker River Environmental Studies Building, 313 Newburyport Turnpike (Map R15, Lot 11); Applicant/Owner: The Governor's Academy. There was no discussion on the motion. A roll call vote was taken: L. Murphy, yes; G. Morse, yes; L. Matthews, yes; W. Knight, yes; P. Paicos, yes.

**D. Public Hearing (Continuance) – Special Permit Application for 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 February 2, 2022):**

P. Paicos stated that the Board had received a written request from Eric McLean, Managing Member, on behalf of Alliance Newbury 1 LLC, to continue the public hearing on the proposed solar project to the next Planning Board meeting and asked for a motion, second, and vote to continue the hearing to March 2, 2022, at 7:15 p.m. via Zoom.

**Motion:** A motion was made by L. Matthews and seconded by G. Morse to continue the public hearing on the Special Permit Application for 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, March 2, 2022, at 7:15 p.m. via Zoom. There was no discussion on the motion. A roll call vote was taken: L. Murphy, yes; G. Morse, yes; L. Matthews, yes; W. Knight, yes; P. Paicos yes.

#### **E. Old Business:**

##### **1. Proposed Zoning Amendments for Spring 2022 ATM – Wireless Communications:**

M. Taylor reported that she had sent the working draft of the proposed revisions to Town Counsel for review and would be meeting with her the next day to discuss. The Board then discussed the format for the public hearing on the proposed zoning amendment, which is scheduled to be held on March 2, 2022, at 7:15 p.m. M. Taylor will prepare a brief PowerPoint presentation with bullets identifying the changes to the by-law and will have the entire document available to pull up on the screen for review if needed. L. Murphy noted that there seems to be some ambiguity in the provisions regarding Small Wireless Facilities with respect to where they are allowed. This will need to be reviewed. M. Taylor was asked to see if the Board's wireless consultant, David Maxson, would be available to attend the meeting.

##### **2. Multi-Family Zoning Requirement for MBTA Communities:**

The Board continued the discussion started at the February 2, 2022, meeting regarding the State legislation and related guidelines requiring MBTA Communities to allow a certain amount of multi-family housing "by right" within a half mile radius of a commuter rail station, subway station, ferry terminal, or bus station, as applicable. While the Board members agreed that the aim of increasing diversity in the Town's housing stock is very good, the requirements present serious issues for the Town due to the lack of buildable land within half a mile of the commuter rail station in Newburyport and the lack of water and sewer infrastructure. Board members wondered how Newbury compares to other municipalities in this regard, whether any waivers are possible, and what amount of grant funding the Town might lose if it does not come into compliance. Discussion with Newbury's State legislators was suggested.

#### **F. Meeting Minutes:**

Most of the Board members had not been able to finish review of the March 3, 2021, meeting minutes, so it was agreed to table approval of these minutes to the next meeting.

A general discussion of minutes ensued. P. Paicos noted that the Planning Board had set a very high standard for minutes that exceed the requirements of the Open Meeting Law (OML). L. Murphy noted that the OML does not require a transcript of meetings and that the

amount of detailed information that has been included in the minutes has placed a terrible burden on the Planning Department. P. Paicos said this was true especially in light of the much higher than usual number of applications that have been submitted and public hearings that have been held over the past couple of years. L. Murphy added that the Planning staff has been following the Board's direction and that these comments were not intended in any way as a criticism of the work that has been done. All the Board members agreed that it would be beneficial to reduce the amount of detail contained in the minutes, particularly since the meetings are recorded and people can view the videos if they want more detailed information on what was discussed.

P. Paicos then noted that there is also a backlog of minutes that have been drafted but not yet approved and suggested that, in order to expedite the process, the Board might authorize the Chair and Vice Chair to review and approve earlier minutes. L. Murphy added that the OML does not specify the method for approving minutes and that the Board does have the authority to do this. The Board members agreed that it would be beneficial to expedite approval.

**Motion:** A motion was made by W. Knight and seconded by G. Morse to authorize the Chair and Vice Chair to review and approve minutes which have been drafted for meetings up through December 31, 2020. A roll call vote was taken: L. Murphy, yes; G. Morse, yes; W. Knight, yes; L. Matthews, yes; P. Paicos, yes.

There being no further business, P. Paicos called for a motion to adjourn. A motion was made by G. Morse and seconded by L. Matthews to adjourn the Planning Board meeting at 8:02 p.m. A roll call vote was taken: L. Murphy, yes; G. Morse, yes; L. Matthews, yes; W. Knight, yes; P. Paicos, yes.

**List of materials reviewed at the meeting:**

- Draft Planning Board Decision on Application for Modification of August 29, 2018 Site Plan Review Approval for The Parker River Environmental Studies Building, 313 Newburyport Turnpike, Byfield, MA; Applicant: The Governor's Academy

Respectfully Submitted,

Martha Taylor  
Planning Director