

## Meeting Minutes

### Planning Board

Wednesday, April 20, 2022

Virtual Meeting via Zoom

**APPROVED**

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

Peter Paicos opened the Planning Board meeting at 7:04 p.m. and verified that all members and persons expected to be present were in attendance.

He then announced that this April 20, 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. 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. March 2022 Financial Report:** P. Paicos read the Planning Board's March 2022 Financial Report into the record.
- B. Planning Director's Report:** M. Taylor noted that she had forwarded an email to the Board members from a Byfield resident, Patricia Grimes, expressing concern about the construction taking place at 84 Boston Road and 131 Newburyport Turnpike, particularly the clear-cutting of acres of trees. M. Taylor said that she had invited Ms. Grimes to attend the meeting to speak with the Board about her concerns, but she had not yet arrived. P. Paicos suggested keeping this item open in case Ms. Grimes arrived later in the meeting. M. Taylor then reported that Adam True would be coming before the Board with request for a slight extension of the limit of work behind Lot 2 at the 217/221 High Road subdivision to clear brush and take down some existing small caliper trees and some larger dead and damaged trees. M. Taylor, Sam Holt, and Joe Serwatka had done a site walk with A. True and his engineer, Scott Cameron, who will be developing a plan showing this work, as well as some proposed minor grading changes, for submission to the Board. She reported also that the abutter at 223 High Road has been in communication with A. True regarding the trees to be planted for screening. She then reported that John Colantoni had started work at 108 Main Street, but had removed his equipment shortly afterwards – he is to provide an updated schedule to M. Taylor and S. Holt and inform them at least a week before work starts again. Finally, she reported that she has received a draft ANR plan for a lot line change between two properties on Orchard Street that should be ready for the next agenda.

**C. Liaison Reports:**

1. Conservation Commission: P. Paicos reported that the Conservation Commission had held a public workshop the previous evening to continue discussing proposed amendments to the Town's Wetlands By-Law.
2. Select Board: L. Matthews reported that at its April 12, 2022, meeting the Select Board voted to accept a number of grants and donations, approved a slight amendment to the Intermunicipal Agreement between Georgetown and Newbury for work in Larkin Road related to the Parish Commons development, voted to declare several pieces of DPW equipment surplus, and postponed a dangerous dog hearing to a later date.

The remaining two Liaison Reports were postponed to later in the meeting.

**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 April 6, 2022):**

At 7:15, P. Paicos 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 May 18, 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 W. Knight and seconded by L. Matthews 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, May 18, 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; P. Paicos, yes.

**E. Old Business:**

**1. 15 Coleman Road OSRD: Request to release Lots 1 and 8 from Performance Covenant:**

P. Paicos asked M. Taylor to provide a brief summary. She noted that T. Zahoruiko had first requested release of Lots 1 and 8 from the Performance Covenant on November 10, 2021. At that time, the roadway was to binder and underground utilities were installed, except for the shared septic system, which at that point was being redesigned. A vote on release of the lots was deferred until the septic system installation was complete and a Certificate of Compliance had been issued by the Health Director. The septic system is now complete and the Certificate of Compliance has been issued.

P. Paicos asked T. Zahoruiko about the status of the Witchstone/Father Stone. T. Zahoruiko reported that his surveyor was updating the ANR for the parcel containing the Witchstone/Father Stone to be conveyed to the Town and that they have started construction of the wall dividing Lot 7 and the proposed Witchstone/Father Stone parcel

– the wall will be just within the parcel boundaries and the Town will be able to do work on it without permission. P. Paicos noted that the Stone is a treasure and that he is glad that steps can be taken to protect it.

M. Taylor noted that all is set for conveyance of Lot 8 to the Essex County Greenbelt Association (ECGA).

P. Paicos asked if the Board members had any questions. M. Stohn asked what the respective responsibilities were for Greenbelt, the contractor, and the developer. T. Zahoruiko replied that the access road, etc., will be maintained by the HOA and ECGA will take care of the open space. There were no other questions.

P. Paicos then called for a motion to release Lots 1 and 8 from the Performance Covenant.

**Motion:** A motion was made by G. Morse and seconded by L. Matthews to release Lots 1 and 8 from the Performance Covenant for the 15 Coleman Road OSRD. There was no discussion on the motion. A roll call vote was taken: G. Morse, yes; W. Knight, yes; L. Matthews, yes; P. Paicos, yes.

**Motion:** A motion was made by L. Matthews and seconded by G. Morse to authorize the Chair to sign the Form E, Certificate of Performance, releasing Lots 1 and 8, on behalf of the Board. There was no discussion on the motion. A roll call vote was taken: G. Morse, yes; W. Knight, yes; L. Matthews, yes; P. Paicos, yes.

## 2. **105 High Road OSRD:**

### a. **Request for approval of proposed grading and utility layout changes and associated changes in Exclusive Use Areas 1, 2, 3, and 4, as shown on OSRD Grading/Drainage Plan, Sheets C1.21 & C1.22, prepared by DCI, revised 3/29/22:**

M. Taylor put the draft Decision to approve the proposed grading and utility layout changes in Exclusive Use Areas (EUAs) 1, 2, 3, and 4 as minor modifications up on the screen and summarized the provisions and conditions for the Board.

P. Paicos asked the Board members if they had any questions or comments. There were none. He then asked for a motion to approve the Decision and the proposed grading and utility layout changes in EUAs 1 through 4 as minor modifications.

**Motion:** A motion was made by W. Knight and seconded by G. Morse to approve the Decision approving the proposed grading changes for EUAs 1, 2, 3, and 4, as shown on OSRD Grading/Drainage Plans, Sheets C1.21 and C1.22, last revised 3/29/22, as minor modifications. There was no discussion on the motion. A roll call vote was taken: G. Morse, yes; L. Matthews, yes; W. Knight, yes; P. Paicos, yes.

Mark DePiero, DePiero Properties/105 Seagate LLC, then asked the Board whether he could get foundation permits at his risk prior to execution and recording of the Tripartite Agreement. P. Paicos noted that the Tripartite was very close to being

finalized, following the vote taken at the previous meeting. M. DePiero withdrew his request.

**F. New Business:**

**1. Governor's Academy, French Student Center Renovations - Request for Approval of As-Built and for "Certificate of Compliance" with the Conditions of the Site Plan Review:**

Tom Woodruff, Director of Facilities for the Governor's Academy, and Paul Avery of the Oak Consulting Group were present to request approval of the As-Built Plan for the French Student Center Renovations and approval of the project as being in compliance with the conditions of the Site Plan Review Decision. P. Paicos provided a brief summary, noting that Site Plan Approval from the French Student Center Renovations was granted in November 2019, construction is now complete, the As-Built Plan had been submitted for review and was revised to address one minor comment from J. Serwatka, and that he and M. Taylor had visited the site and all appeared to be in order and in compliance with the SPR approval.

P. Paicos asked the Board members if they had any questions or comments. They had none. He then asked T. Woodruff and Paul Avery if either of them had any questions. Hearing none, he ask for a motion to approve the As-Built Plan and deem the work to be in compliance with the requirements of the Site Plan Approval Decision.

**Motion:** A motion was made by G. Morse and seconded by L. Matthews to approve the As-Built Site Plan for the Governor's Academy, French Student Center Renovations, Sheets AB200 and AB300, dated March 31, 2022, prepared by Oak Consulting Group, and to deem the work in compliance with the requirements and conditions of the Site Plan Approval Decision. There was no discussion on the motion. A roll call vote was taken: G. Morse, yes; L. Matthews, yes; W. Knight, yes; P. Paicos, yes.

**G. Liaison Reports (continued from earlier in the meeting):**

3. MVPC: M. Taylor reported that the Commissioners' meeting was scheduled for the next day and the Planners' meeting would be held the following week, so there was nothing to report at this time.
4. ZBA: M. Taylor reported that two hearings were on the ZBA's agenda for the next night - 10 10<sup>th</sup> Street and 5 Davoli Way, which had been approved previously, but which as originally designed didn't take into account the base flood elevation, so needed approval from the ZBA for an increase in height.

**H. Meeting Minutes:**

**Motion:** A motion was made by L. Matthews and seconded by W. Knight to approve the meeting minutes of March 24, 2021, as written. There was no discussion on the motion. A roll call vote was taken: G. Morse, yes; L. Matthews, yes; W. Knight, yes; P. Paicos, yes.

**I. Other Business:**

Discussion returned to the email from Patricia Grimes, who did not make it to the meeting. P. Paicos noted that the projects at 84 Boston Road and 131 Newburyport Turnpike had gone through public hearings with both the Planning Board and the Conservation Commission and that they are both currently construction sites. While the projects are in compliance with Newbury's Zoning By-Law, the Board expressed concern during the approval process about the removal of trees, the interruption of the wildlife corridor, and the potential impact of site lighting. As a condition of approval, the Applicant for the work at 84 Boston Road was required to provide mitigation for trees that were removed for the project and to replace trees between that property and 131 Newburyport Turnpike that had been removed for construction purposes. He concluded by saying that residents are welcome to come discuss concerns with the Board.

There being no further business, P. Paicos called for a motion to adjourn. A motion was made by G. Morse and seconded by W. Knight to adjourn the Planning Board meeting. A roll call vote was taken: G. Morse, yes; L. Matthews, yes; W. Knight, yes; P. Paicos, yes. The meeting was adjourned at 7:57 p.m.

**Materials reviewed at the meeting:**

- 105 High Road, draft Decision regarding revised grading and drainage plan for EUAs 1 through 4

Respectfully Submitted,

Martha Taylor  
Planning Director