

From: kendra murphy <kendraleemurphy14@gmail.com>

Sent: Wednesday, April 16, 2025 8:51 PM

To: Mahoney, Ryan <RyanMahoney@allstate.com>; Kaitlyn.blake@gmail.com; Chris Murphy <krsmurphy@yahoo.com>

Cc: nox s <nox15@hotmail.com>; planningboard@townofnewbury.org; townclerk@townofnewbury.org; planning.admin@townofnewbury.org; Tracy Blais <administrator@newburyma.gov>; Assistant Town Administrator <asstadmin@newburyma.gov>; Assistant Planner <assist.planner@newburyma.gov>; Conservation Agent <conscom@newburyma.gov>

Subject: Re: [EXTERNAL] Newbury Heights Concerns

Members of the board ,

My name is Kendra Murphy, and I reside at 9 Parker River Drive. I'm writing as a direct abutter to the proposed Newbury Heights development to express serious concerns and respectfully ask that the Board consider and respond to the questions outlined below.

My family and I recently completed a significant renovation on our home. Like many of our neighbors, we chose this area for its open space, quiet character, and natural beauty. We now have major concerns about how this development will impact not only the value and integrity of our property, but also the overall quality of life in our neighborhood.

One major concern is the potential for blasting during site development. Given the proximity to our homes, we are extremely worried about the risk of vibration damage to foundations and structural elements. What safeguards will be in place? And what recourse will homeowners have should damage occur?

Additionally, if this project does not bring Newbury into compliance with the MBTA Communities zoning mandate— due to its location or other deficiencies — shouldn't the parcel default back to its original Agricultural-Residential zoning? If not, we ask for clarification on the legal grounds being used to justify this scale of development.

We are also seeking transparency around issues such as traffic flow, stormwater runoff, and septic capacity — all of which have serious implications for nearby residents and the surrounding environment.

We are not opposed to responsible growth, but this proposal raises numerous unanswered questions and significant concerns. As residents deeply invested in our homes and this community, we respectfully request that the Board pause and reconsider the path forward until these issues are properly addressed.

Below is a more concise list of concerns we have:

Abutters' Concerns Regarding the Newbury Heights Development (Newbury, MA)

1. Environmental Impact

- Disruption to local wetlands, habitats, and native species.
- Increased risk of flooding or groundwater contamination, especially if construction alters natural drainage or aquifers.

- Proximity to conservation land and sensitive ecological zones may result in long-term degradation of natural resources.

2. Blasting & Structural Risk to Nearby Properties

- Blasting can cause structural damage to nearby homes, especially older properties like the Shudders', including cracked foundations, damaged wells, or shifting of soil.
- Vibrations may also impact underground systems such as septic tanks and irrigation lines.
- Homeowners should not bear the cost of repairs resulting from development activity.

3. Traffic and Safety

- Notable increase in vehicle traffic on narrow, rural roads not designed for high-volume use.
- Reduced safety for pedestrians, cyclists, and schoolchildren.
- Emergency vehicle access could be compromised or delayed by road congestion.

4. Infrastructure Strain

- Potential overuse of aging water, sewer, and electrical systems.
- Questionable availability of long-term maintenance or responsibility from the developer.
- No clear plan to ensure the development does not overburden town services.

5. Leach Field & Septic Concerns

- Risk of leach fields encroaching on private property, including violation of property rights.
- Possible contamination of private wells or groundwater.
- Lack of transparency around septic system placement and maintenance responsibility.

6. Loss of Rural Character & Open Space

- Inconsistent with Newbury's low-density, rural town values.
- Loss of green buffers, tree lines, and open skies.
- Detracts from the peaceful, natural environment residents chose when settling in this area.

7. Zoning & Planning Concerns

- Possible noncompliance with town zoning regulations, conservation restrictions, or density allowances.
- Concerns about special permits being granted without proper public oversight.
- Lack of community input in early phases of planning.

8. Stormwater Runoff & Drainage

- Increased impervious surface will lead to more runoff, potentially flooding abutting yards or driveways.
- Erosion and silting of nearby wetlands and water bodies.
- No assurance that stormwater will be effectively managed onsite.

9. Wildlife Displacement

- Development could force out native species including deer, fox, hawks, and owls.
- Risk to biodiversity in the surrounding natural corridors.

10. Property Value Impacts

- Loss of privacy, tranquility, and natural surroundings may lead to decreased property values.
- Noise, traffic, and construction activity are undesirable to future buyers.

11. Developer Transparency & Community Impact

- Lack of open communication with local residents.
- Unclear timelines, vague commitments, and limited mitigation measures shared to date.
- Residents feel unheard and left out of decisions that will deeply impact their lives.

Zoning Compliance & Legal Standing:

Noncompliance with MBTA Communities Zoning Mandate:

If the proposed Newbury Heights project is being presented as part of Newbury's compliance with the MBTA Communities multifamily zoning law — but does not meet the mandate's requirements (such as location, density, affordability, or proximity to public transit) — the site should not be exempt from its original zoning classification. In Newbury's case, that would be Agricultural/Residential zoning, which carries significantly more restrictions on development density and use.

Legal Precedent and Planning Expectations:

- The MBTA Communities Law (Section 3A of M.G.L. Chapter 40A) requires certain communities to have at least one zoning district of reasonable size where multifamily housing is permitted as-of-right, near public transit.
- If Newbury Heights is not located in an area that meets these requirements (e.g., it's not near an MBTA transit node or lacks infrastructure to support transit-oriented housing), then using this project to "check the box" is legally and procedurally invalid.
- If the project fails to satisfy MBTA compliance criteria, it should not be granted exceptions or overlays that allow it to sidestep the existing Agricultural zoning.

Action Plan for Abutters:

If it becomes clear that the project does not qualify as an MBTA compliance district, abutters have legal standing to:

1. Challenge zoning variances or overlay approvals that were granted under false pretenses.
2. File an appeal with the Zoning Board of Appeals (ZBA) or seek an injunction under Massachusetts General Law Chapter 40A, Section 17, which allows aggrieved parties (like abutters) to appeal zoning decisions in Land Court or Superior Court.
3. Demand that the land revert to its original Agricultural/Residential zoning designation and that any special permits or site plan approvals be revoked or reviewed under that stricter lens.

Thank you for your time.

Sincerely,
Kendra Murphy
9 Parker River Drive

Sent from my iPhone