



**Town of West Newbury  
Planning Board  
Tuesday October 4<sup>th</sup>, 2022  
381 Main Street, Town Office Building  
[www.wnewbury.org](http://www.wnewbury.org)  
**Minutes of Meeting****

**Open Session:** 7:00 PM by remote participation (see below)

**Addendum to Meeting Notice regarding Remote Participation:**

Pursuant to Chapter 20 Of the Acts of 2021, “An Act Relative to Extending Certain COVID-19 Measures Adopted During the State of Emergency”, Approved by the Governor, June 16, 2021, which extended permissions for boards and commissions to conduct remote meetings, the Planning Board conducted its meeting via remote participation. The meeting agenda included instructions for the public about how to participate remotely. No in-person attendance of members of the public was permitted, but every effort was made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that it has been unable to do so, despite best efforts, the Board will post on the Town of West Newbury website an audio or video recording, transcript, or other comprehensive record of proceedings as soon as practicable after the meeting.

Chairperson Ann Bardeen called the meeting to order at 7:02 PM by reading the remote meeting notice, as noted above. Members in attendance were Ann Bardeen, Ray Cook, Tim Cronin, Deb Hamilton & Brian Murphey. Planning Board administrative assistant, Katelyn Bradstreet, was also in attendance. All participated via Zoom Conference.

**1. 7:10 P.M Public Hearing – Zoning Amendment to allow office use in Res-C Zoning District by Special Permit**

Bardeen read the public hearing notice. **Bardeen made a motion to open the public hearing at 7:13 P.M. Seconded by Cook. Roll call vote was taken and the motion passed 5-0.**

Wendy Reed, of the Select Board, stated the Finance Committee typically does not vote on bylaws but they believed this could have a financial impact on the Town. Finance Committee voted 0-5 against the proposed Bylaw amendment and suggested spot zoning. Finance Committee felt that the amendment was opening up the Res-C district to abuse and was far too broad. Ray Cook questioned if the Finance Committee knew that proposed businesses would have to be approved with a Special Permit. Reed stated the Finance Committee was aware of that. Reed stated that Building Commissioner, Sam Joslin, felt that this would increase his workload to be enforcing/policing the bylaw. Town Manager, Angus Jennings, stated Joslin was not as concerned with the workload aspect but was concern about the vagueness; not enough detail in the bylaw. Brian Murphey disagreed with Joslin’s view. Bardeen also disagreed with Joslin’s view, stating this is not to be confused with a home occupation and is strictly meant for business and professional use. Cook agreed with Murphey and also believed this would make Joslin’s job easier. Cook stated many businesses wouldn’t be successful abiding by the new bylaw amendment. David Archibald, Select Board Chair, questioned if existing businesses would be grandfathered into the new bylaw? Archibald also questioned if the Planning Board has had a Special Permit for a business on Main

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Street. Bardeen stated she does not recall ever approving a Special Permit for a business on Main Street. Cook stated spot zoning is never a good idea since it can be misconstrued with favoritism. Ann O'Sullivan appreciated the proposed bylaw.

**Bardeen made a motion to close the Public Hearing at 7:35 P.M. Seconded by Cook. Roll call vote was taken and the motion passed 5-0.**

**2. Executive Session for the purpose of conducting the Town Planner Interviews, pursuant to the following exemption to the Open Meeting Law:**

*MGL Ch. 30A Section 21(a) 2: To conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel.*

**Bardeen moved to enter an Executive Session at 7:45 P.M and to have all Planning Board members affirm that there was no one else present listening to the executive session. Roll call vote was taken and the motion passed 5-0 with all members of the Planning Board affirming that no one else was present.**

**Bardeen moved to close the Executive Session at 9:26 P.M. and reconvene the Open Session. Roll call vote was taken and the motion passed 5-0.**

**3. General Business:**

➤ **Updates: Drakes Landing Catch Basins**

➤ **Minutes:** August 1, 2022, September 6, 2022, September 20, 2022, Others if any.

- Planning Board members reviewed minutes and provided comments on suggested changes, if any.

**Hamilton moved to approve the August 1, 2022 minutes, as amended. Seconded by Bardeen.**

**Roll call vote was taken and passed 5-0.**

**Bardeen moved to approve the September 6, 2022 minutes, as amended. Seconded by Cronin.**

**Roll call vote was taken and passed 5-0.**

**Cook moved to approve the September 20, 2022 minutes, as amended. Seconded by Murphey.**

**Roll call vote was taken and passed 5-0.**

➤ **Administrative Details** – There were none.

➤ **Correspondence:**

- Two legal notices were shown to the board. One from the Newbury Zoning Board of Appeals for a Special Permit for an upward extension. Public hearing notice from the City of Haverhill for a proposed project in the Planned Development District – PDD 22-1.

➤ **Placement of Items for Future Planning Board Agendas:** There were none.

➤ **Items not Reasonably Anticipated by the Chair 48 Hours in Advance of a Meeting:** There were none.

**Adjournment:**

**Bardeen moved to adjourn the meeting at 9:37 P.M. Seconded by Hamilton. Roll call vote was taken, and the motion passed 5-0.**

Respectfully submitted,

Katelyn Bradstreet, *Administrative Assistant to the Planning Board*