



**Town of West Newbury
Planning Board
Tuesday December 6th, 2022
381 Main Street, Town Office Building
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 7:03 P.M. Members in attendance were Ann Bardeen, Ray Cook, Tim Cronin, and Deb Hamilton. Brian Murphey was not in attendance. Town Planner Sue Brown and Administrative Assistant Katelyn Bradstreet were also in attendance. All participated via Zoom Conference.

1. Final Draft of Recodification of Zoning Bylaw with Building Commissioner, Sam Joslin

- Building Commissioner, Sam Joslin, stated that Town Planner, Sue Brown, had taken time to review and make comments on the reorganization of the Zoning Bylaw. Brown felt the table of contents could have been put in a different order, Joslin agreed. Joslin stated he is almost ready to release the latest draft and within the next month, he will have Brown review the document to ensure nothing is missed. Joslin stated the warrant article for spring Town Meeting is almost ready but will need to rewrite the article to match the new reorganization recommendations that Brown made. Joslin is hoping to propose the article and draft document to the Planning Board for review and to receive final comments by next month, followed by a review by KP Law to ensure the article is correct and lastly, hold the public hearing meetings. Bardeen suggested to replace the old appendix with the new table of contents. Joslin stated he spoke to the Town Clerk regarding this matter. The Town Clerk expressed concern that making it an appendix would require any changes or updates be approved through Town Meeting due to it being part of the zoning. The solution would be just a sheet/handout/reference guide that could be amended at any time. Bardeen questioned the next steps and if it would be sponsored by the Planning Board. Joslin stated he would prefer it to be sponsored by the Planning Board.

2. Solar Bylaw Review with Robin Stein, KP Law

- Robin Stein from KP Law joined the meeting to speak about the Towns current solar bylaw and recommend any changes, if needed, to improve the bylaw. Stein recommended that the Planning Board research where solar is currently allowed in the Town, as its limited, is there a significant public health

safety or welfare reason for it? If not, where else can the Town allow it? Special Permit and as-of-right can be options to allow solar. Stein stated the Town's current solar bylaw is in good condition but it is tied to the existing overlay district. Cook agreed with Stein that the Town's current solar bylaw is in decent condition as it stands, but could be improved. Cook stated the overlay district is the critical issue. Cook mentioned the whole Town could be the overlay district. Cook expressed concern regarding the Planning Board members having the appropriate knowledge to decide where and where not the solar should go in the Town. Cook stated it is up to the Planning Board to propose to the Select Board and bring to the Town for approval where the overlay district should be. Bardeen agreed with Cook. Bardeen questioned how, under the public health, safety and welfare portion, the Planning Board would establish reasonable control to get the bylaw passed. Stein stated it would be an amendment to the existing bylaw and a change to the zoning map. Town Planner agreed to work with a member of the Planning Board and a member of the Select Board to bring forth recommendations.

3. Review Draft of MBTA Communities Action Plan

- Brown stated the draft of the MBTA Communities Action Plan is simply an online form. Section 1 is simply identifying which Town is submitting the form, who is filling out the form, etc. Section 2 is the housing overview and includes topics such as what the Town has tried prior, Towns history with housing, current housing planning initiatives, etc. Section 3 is the preliminary zoning strategies and includes what the Town *may* do. This is not a mandate and the Town is not locked into any of the suggestions. Brown stated the zoning strategies most likely to be used is a new 40R or other overlay zoning district and a new base zoning district(s). The second portion of section 3 asked about potential districts and locations. Section 4 was the action plan timeline which begins in January of 2023 and ending in December of 2025, which is when compliance is required. Brown reiterated that all dates and timelines are suggested and the Town is not tied down to this action plan. Planning Board members made suggestions and comments. The draft action plan will be forwarded to the Select Board for their review and approval.

4. Finalize 2023 Planning Board Meeting Schedule

- Planning Board members finalized the 2023 meeting schedule. No changes were made from the previous tentative 2023 meeting schedule. Dates may be switched around at the discretion of the Planning Board members and the Town Planner. The 2023 meeting schedule can be viewed on the Towns website under the Planning Board tab.

5. Notice of Application for Pentucket Regional Middle High School Site Plan Modification

- A public hearing has been scheduled for Tuesday December 20th, 2022 at 7:15 PM. Bardeen stated she would like to see a site plan in context showing where this is on the school property and in relationship to the neighborhood. A request for a site plan drawing has been sent to the applicant.

6. General Business:

• Town Planners Report

- Brown provided updates. In January, Brown is hoping to secure a consultant, with the help from Town Manager, Angus Jennings, to do the work for the multi-family zoning district. The first Housing Production Plan meeting occurred and went very well. Brown stated she has begun researching the adult-use marijuana business bylaw, accessory dwelling unit's bylaw and wireless bylaw. The stormwater management bylaw is well developed and Brown is hoping to bring the recommendations from the Stormwater Taskforce to the Planning Board within the next few weeks. 519 Main Street is the only active site as of right now. Conservation Agent, Michelle Greene, will ensure the site is stabilized. Lots 1 and 3 have their foundations and underground permits. There will be no further work until the spring.
- **Minutes – November 15, 2022; Others, if any**

- **Cook moved to approve the minutes of November 15, 2022, as amended. Seconded by Cronin. Roll call vote was taken and the motion passed 4-0 (Murphey not in attendance).**
- **Correspondence:** Correspondence from several surrounding Towns were shown including two from the Town of Newbury and two from the Town of Groveland.
- **Placement of Items for Future Planning Board Agendas:**
 - Solar Bylaw Discussion
 - Stormwater Management Bylaw Recommendations
 - Accessory Dwelling Units
- **Items not Reasonably Anticipated by the Chair 48 Hours in Advance of a Meeting:**
 - There were no items

Adjournment:

Bardeen moved to adjourn the meeting 8:27 P.M. Seconded by Cook. Roll call vote was taken, and the motion passed 4-0 (Murphey not in attendance).

Respectfully submitted,

Katelyn Bradstreet, *Administrative Assistant to the Planning Board*