



**Town of West Newbury  
Planning Board  
Tuesday September 19, 2023  
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:**

As is permissible by State Law 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 Brian Murphey called the meeting to order at 7:00 P.M. Members in attendance were Ann Bardeen, Ray Cook, Tim Cronin, Deb Hamilton and associate member Ian James. Town Planner, Sue Brown, was also in attendance. All participated via Zoom Conference.

**1. 7:00 – Public Hearing on Proposed Zoning Bylaw Changes: Addition of Accessory Dwelling Units Bylaw, Strike and Replace Non-Conforming Uses and Structures Bylaw**

Planning Board members reviewed the most recent draft of the Accessory Dwelling Units bylaw and discussed their final thoughts. Ernie Roberts, of West Newbury, questioned if it was one unit per lot. Murphey confirmed it was one unit per lot. Mary Moody, of West Newbury, questioned where an AirBnB would fit into the ADU bylaw? Murphey stated the ADU bylaw has nothing to do with an AirBnB type unit, that is regulated under Town bylaws. Cheryl Richardson, of West Newbury, questioned how quickly a building permit could be submitted if the ADU bylaw was to be passed at Special Town Meeting in October. Ray Cook stated that after a bylaw is approved at Town Meeting, it must go through the State Attorney General for final approval, which could take approximately a few months.

**Murphey made a motion to approve the submittal of the Accessory Dwelling Units bylaw to the Town, as presented and amended. Seconded by Cook. Roll call vote was taken and the motion passed 5-0.**

Sam Joslin, Building Commissioner, discussed the Non-Conforming Uses and Structures bylaw. Joslin explained that this bylaw is put into place so residents can build with issuance of a building permit on a non-conforming lot or a lot with a non-conforming structure without having to request relief from the Zoning Board of Appeals, provided that the requested change/addition does not create a new non-conformity. Tim Cronin stated he thinks this reflects the practices that are in place now.

**Murphey made a motion to approve for submission to Fall Town Meeting the bylaw to strike and replace Non-Conforming Uses and Structures bylaw with the changes made tonight, subject to Town Counsel approval. Seconded by Cook. Roll call vote was taken and the motion passed 5-0.**

**2. 7:30 – Public Hearing – 26 Church Street – Special Permit for a Kennel in a Residential District**

Town Planner, Sue Brown, read the Public Hearing notice. **Murphey made a motion to open the Public Hearing for 26 Church Street for a Special Permit for a Kennel in a residential district. Seconded by Cook. Roll call vote was taken and the motion passed 5-0.** Chris Castro, father of applicant Sean Castro, of 26 Church Street, gave a brief overview, followed by Sean Castro giving an overview of the business model. Murphey questioned if 8 dogs would be the maximum and what breed of dogs? Chris Castro stated it would mainly be Labs and Shepherds but can range from Golden Retriever to Doodles, as those are typically used for comfort dogs. Murphey voiced concern regarding barking at night. Sean Castro stated that Chris already has 6 dogs on the premises and limits it to two dogs going outside at a time to reduce noise. Sean stated that the kennel itself would be foam insulated to reduce noise and would be near the barn in the backyard. He also stated that the dogs are kept inside overnight. Deb Hamilton questioned if any protection work was performed with the dogs. Chris stated that he does obedience competitions with his personal dogs. As far as comfort dogs, it can vary from hospitals to police departments to aiding with medical emergencies. Murphey stated a subsequent owner of this property would need to seek a new Special Permit. Ernie Roberts, of 16 Church Street, stated concern of the dog noise and believes there needs to be a definition of “breeding.” Roberts had concerns regarding waste handling, maximum number of dogs, and noise. Castro does not plan to breed any dogs but if he does it would be a max of one or two litters per year.

Deb Duncanson, of 27 Church Street, raised concerns regarding noise. Duncanson stated there has been excessive noise and barking in the past. John McGrath expressed concerned over the fact that Castro is already out of compliance with his 6 personal dogs. Castro stated he already inquired about a temporary kennel permit and was advised to wait till he applied for the Special Permit. David Moody of 15 Church Street questioned signage. Castro stated no signage will be on property. **Murphey made a motion to continue the public hearing for the Special Permit for a kennel in a residential district at 26 Church Street to the October 3, 2023 Planning Board meeting at 7:00 P.M. Seconded by Hamilton. Roll call vote was taken and the motion passed 5-0.**

**3. 8:30 – Public Hearing – Continued from September 5, 2023 – 87 Crane Neck Street – Special Permit for a Reduced Frontage Lot**

*See below motions.*

**4. 8:30 – Public Hearing – Continued from September 5, 2023 – 87 Crane Neck Street – Special Permit for Common Driveway**

**Murphey made a motion to open the public hearing for 87 Crane Neck Street for the Special Permit for a Reduced Frontage Lot and a Special Permit for a Common Driveway. Seconded by Cook. Roll call vote was taken and the motion passed 5-0.**

Brown stated that the applicant would be ready for the October 3, 2023 Planning Board meeting. **Murphey made a motion to continue the Public Hearing on 87 Crane Neck Street for the Special Permit for a Reduced Frontage Lot and a Special Permit for a Common Driveway to the October 3, 2023 Planning Board meeting at 8:15 P.M. Seconded by Cronin. Roll call vote was taken and the motion passed 5-0.**

**5. Housing Opportunities Initiative Status Report Discussion**

Dillon Sussman, of Dodson & Flinker, stated that if the Town has more than one area of land they are trying to adopt a zoning district for, at least 50% of the land has to be contiguous. Sussman suggested to keep both the Dunn and Knapp property on the table until further discussion. Sussman presented conceptual plans for Planning Board members to review.

**6. Fall Town Meeting, Discussion of 3 Minute Board and Committee Report regarding Housing Opportunities Initiative**

Brown stated that Town Manager, Angus Jennings, suggested that the Planning Board do a 3-minute report or quick recap regarding the housing opportunities initiatives. Bardeen stated that the Bylaws would be a more important subject to recap for the Fall Town Meeting. The other Planning Board members agreed with Bardeen.

**7. General Business:**

- **Minutes** – August 15, 2023; Others, if any.  
**Murphey moved to approve the minutes of August 15, 2023, as amended. Seconded by Hamilton. Roll call vote was taken and the motion passed 5-0.**
- **Correspondence** – None.
- **Administrative Details** – None.
- **Items not Reasonably Anticipated by the Chair 48 Hours in Advance of a Meeting**

**Adjournment:**

**Murphey moved to adjourn the meeting at 10:14 P.M. Seconded by Cook. Roll call vote was taken, and the motion passed 5-0.**

Respectfully submitted,

Katelyn Bradstreet, *Administrative Assistant to the Planning Board*