



**Town of West Newbury  
Planning Board  
Tuesday October 3, 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 7:01 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 – Continued from September 19 – 26 Church Street – Special Permit for a Kennel in a Residential District**

**Murphey moved to open the public hearing. Seconded by Ann Bardeen. Roll call vote was taken and the motion passed 4-0. Deb Hamilton was not yet in attendance.**

Murphey reiterated that a Special Permit requires the approval from 4 of the 5 Planning Board members. Sue Brown stated that the Town is looking to clarify its kennel licensing specifications. There was an assumption that a kennel license was only for a commercial use but after looking at the State's specifications, personal use for one's own pack is also permitted. Brown stated a pack can be 4, 10 or over 10. Ray Cook pointed out the definition of kennel is in the zoning bylaw. The definition stated a kennel is made up of 4 or more dogs that are older than 3 months old which would mean a litter of puppies would not count towards the total number of dogs. Chris Castro spoke before the Planning Board and reiterated that the kennel would be for 8 dogs. Members of the public expressed concern over decreased property values. Castro explained that recent properties surrounding Fox Hill Farm have sold for over asking. Tim Cronin questioned what Castros intention was for the number of dogs. Castro stated he is asking for the "over 10" permit. Cook questioned the kennel, as in the shelter of the dogs, and the ownership of dogs.

Peter Nolan of 31 Church Street questioned if the Town of West Newbury allows for two businesses in a residential location since Castro is working with Fox Hill Farm to train their dogs, as well as his own personal dog training. Nolan questioned if Fox Hill Farm should be applying for a Special Permit as well. Murphey stated Fox Hill Farm has no stake in the property aside from their employee living at 26 Church St. Nolan expressed concern regarding the number of dogs on the property. Castro stated he is an independent contractor for Fox Hill Farm. Castro also stated he is not planning on having more than 10 dogs at a time.

Deb Hamilton questioned what types of dogs will be on the property. Castro stated it can be German Shepherds, Labs, Goldendoodles, Great Dane, etc. Planning Board members expressed confusion over details. Murphey suggested the Castro's consider withdrawing their Special Permit application without prejudice and seek clarification through the Town Clerk and the Select Board on dog licensing requirements. If necessary, the Castro's can resubmit the application. Murphey stated if the Castro's seek a vote from the Planning Board and are denied, they cannot re-apply for two years. Cook stated he is not ready to vote on this due to the confusion over the Town licensing requirement. Brown stated the kennel license simply means you are licensing a group of dogs versus an individual license for each dog and has nothing to do with a facility. Cook stated the Planning Board should seek an opinion from Town Counsel to see if they are licensing the building or the business.

Patrick Higgins, of Captain Pierce Drive, suggested the Planning Board seek Town Counsel, review Town bylaws, etc. to make sure the legal facts are correct before closing the public hearing.

**Murphey made a motion to close the public hearing on the 26 Church Street Special Permit application. Seconded by Cook. Roll call vote was taken and the motion passed 5-0.** Murphey stated further discussion among Planning Board members will occur at the November 7, 2023 meeting.

2. **8:15 – Public Hearing – Continued from September 19 – 87 Crane Neck Street – Special Permit for a Reduced Frontage Lot**  
*See below.*

3. **8:15 – Public Hearing – Continued from September 19 – 87 Crane Neck Street – Special Permit for a Common Driveway**

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

Rich Williams, from Williams and Sparages, provided the Planning Board with an updated plan that addressed some previous comments. Williams stated he added a gravel turnaround area in the rear lot, which is big enough for a ladder truck. Additional wetlands were flagged. Rear lot will be cleared beyond the buffer zone. Williams stated if the common driveway special permit was not approved, a 2-lot subdivision could be put in place. Cook stated that each lot frontage must provide a possibility of reasonable practical access. Cook questioned if Williams' alternative plans would prove that without the common driveway, each lot frontage would provide reasonable practical access. Bardeen stated the subdivision option would provide the frontage. The wetlands crossing option would also not be looking for a Common Driveway Special Permit, it would provide two separate driveways. Bardeen stated she believed this was an appropriate use for a common driveway. Cook and Hamilton agreed.

Attorney Doug Deschenes, representing direct abutters Christopher and Kelly Dukarski at 81 Crane Neck Street, addressed the proposed subdivision road. Deschenes expressed concern regarding the wetland filling being approved by the Conservation department or the DEP.

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

4. **Accessory Dwelling Unit Bylaw**

Brown stated the Select Board and FinCom approved the warrant articles and recommended approval of both, as submitted. There was confusion on what would be approved under a simple majority vote versus what would be approved under a 2/3's vote. Cook stated that an alternative is first, the bylaw could be approved and then a second warrant article would be needed to alter the language for

inclusion of Special Permit options. Murphey stated a preference to work under the 2/3's vote. Other members agreed.

**5. Fall Town Meeting – Board Report**

Brown stated she could draft up a report for the Fall Town Meeting. Murphey suggested having it be short – a paragraph or two.

**6. Town Planner's Report**

Non-MBTA projects will be featured in a forum on November 9, 2023. MBTA (Housing Opportunities) forum will be on November 15, 2023. A Housing Production Plan virtual sub-regional meeting will be held on October 12, 2023.

**7. General Business:**

- **Minutes – None.**  
**Murphey moved to approve the minutes of September 5, 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 9:52 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*