

**TOWN OF WEST NEWBURY  
PLANNING BOARD  
Tuesday February 7<sup>th</sup>, 2023 7:00 p.m.  
AGENDA**

***by Remote Participation (see below)***

1. Updates on Stormwater Management Regulations
2. Updates on Solar Bylaw
3. Discussion on Planning Board Hearing Options for Town Meeting Articles
4. Discussion on MBTA Communities Initiative
5. Discussion on Accessory Dwelling Units
6. Town Planner Report
7. General Business:
  - Minutes – January 17, 2023; Others, if any
  - Correspondence
  - Administrative Details
  - Placement of Items for Future Planning Board Agendas
  - Items not Reasonably Anticipated by the Chair 48 Hours in Advance of a Meeting

*The Planning Board reserves the right to take Agenda items out of order.*

Addendum to Meeting Notice Regarding Remote Participation

Pursuant to Chapter 22 of the Acts of 2022 (parts of which were extended on July 15, 2022) An Act Extending Certain COVID - 19 Measures Adopted During the State of Emergency,” this meeting of the West Newbury Planning Board will be conducted via remote participation to the greatest extent possible. Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found on the Town of West Newbury website, at [www.wnewbury.org](http://www.wnewbury.org). Members of the public who wish to view and/or listen to the meeting may do so using Zoom, by calling the telephone number or using the VideoLink listed below:

Zoom Meeting Instructions:

Phone: 1+(646) 558-8656

VideoLink: <https://us06web.zoom.us/j/86226601510?pwd=ZUQxNUdJbWZHQTZCKzJoVWtMZTJEQT09>

Meeting ID: 862 2660 1510

Passcode: 609317

No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we 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.

## Solar Bylaw Related Amendments

### Section 3.A.1 – strike “Large-Scale Ground-Mounted Solar Photovoltaic Installations Overlay Districts”

**Section 3.B.1** - Said districts are hereby established as shown, located, defined and bounded on a map entitled “Town of West Newbury Zoning Map, based on Zoning Map dated September 1, 1967, adopted at Special Town Meeting of October 25, 2010”, amended at the 2023 Annual Town Meeting, filed with the office of the Town Clerk, which map, together with all explanatory matter thereon, and amendments thereto, is hereby incorporated and made a part of this by-law.

**Commented [RS1]:** The warrant article will be to amend the zoning bylaw and zoning map and I recommend you prepare a version of the map showing the elimination of the overlay district.

**Commented [TP2R1]:** I am working with MVPC to produce this map as well as produce an illustrative/not zoning map to show the area where LGSPI would be allowed.

**Commented [TP3]:** We are reorganizing the bylaw and so a number of the references will change – including the number of this bylaw. Do we leave as is and vote this one first, or vote this after the recodification, using the new numbering? Proposed as 8.3

### **Section 5.G. LARGE-SCALE GROUND-MOUNTED SOLAR PHOTOVOLTAIC INSTALLATIONS ~~OVERLAY DISTRICT~~**

*[Section 5.G. adopted by Amendment effective May 3, 2012 by vote of Annual Town Meeting, Article 18, and approved by the Attorney General on August 30, 2012, and posted according to law on September 7, 2012]*

**Commented [RS4]:** This will need to be updated.

#### 5.G.1. Purpose

The purpose of this ~~Bylaw-Section 5.G~~ is to ~~regulate-allow~~ for the development of Large-Scale Ground-Mounted Solar Photovoltaic Installations (LGSPI) ~~while balancing the needs of the Town to protect public health, safety or welfare. in an established district(s) where they are allowed. To that end, this Section The Bylaw~~ provides standards for the placement, design, and construction of ~~LGSPIs~~ LGSPI ~~such installations. The standards aim to address public safety, and minimize impacts on scenic, natural, and historic resources.~~

#### 5.G.2. Definitions

**Large-Scale Ground-Mounted Solar Photovoltaic Installation (LGSPI):** A solar photovoltaic system that is structurally mounted on the ground and is not roof-mounted, and has a minimum nameplate capacity of 250 kW DC.

~~**Large Scale Ground Mounted Solar Photovoltaic Installation (LGSPI) Overlay District:** The location[s] designated by a Town Meeting vote in accordance with Massachusetts General Laws Chapter 40A, §5., where LGSPI are a permitted use. Any designated location[s] [is/are] shown on the Town of West Newbury Zoning Map pursuant to Massachusetts General Laws Chapter 40A §4. A plan of an approved Overlay District delineated by metes and bounds shall be recorded at the Southern Essex Registry of Deeds. These plans shall also be filed in the Office of the Town Clerk.~~

**On-Site Solar Photovoltaic Installation:** A solar photovoltaic installation that is constructed at a location where other uses of the underlying property occur.

**Rated Nameplate Capacity:** The nominal rated output of electric power production of the Photovoltaic system in Direct Current (DC).

**Solar Photovoltaic Array:** an arrangement of solar photovoltaic panels.

### 5.G.3. Applicability

~~This Section applies to LGSPI proposed to be constructed after the effective date of this Section. This Section also pertains to physical modifications that materially alter the type, configuration, or size of these installations or related equipment.~~ The provisions set forth in this Section shall apply to the construction, operation, and/or repair of LGSPI as well as to any physical modifications that materially alter the type, configuration, or size of an LGSPI or related equipment.

### 5.G.4. General Requirements for all ~~Large~~ Large-Scale Ground-Mounted Solar Photovoltaic

Installations The following requirements are common to all LGSPI to be sited in designated locations.:

~~a. A LGSPI may be constructed as of right on any Lot that is located within 1,000 feet of necessary supportive infrastructure as mapped by National Grid, the electric utility company servicing the town so long as that Lot is not located on a High Conservation Value parcel as mapped by the Commonwealth's SMART tool, defined as having 50% or more of parcel identified as BioMap Core Habitat or Critical Natural Landscapes as mapped by MassWildlife and the Nature Conservancy at the time of application.~~

~~a-b. Compliance with Laws, Ordinances and Regulations. The construction and operation of all LGSPI shall be consistent with all applicable local, state and federal requirements, including, all applicable safety, construction, electrical, and communications requirements. All buildings and fixtures forming part of a solar photovoltaic installation shall be constructed in accordance with the State Building Code. Acting pursuant to G.L. c. 44, §53G, the Planning Board may require an applicant to pay the cost of peer review services to inspect the installation of any LGSPI.~~

~~b-c. Building Permit and Building Inspection. A Building Permit is required for construction, installation, or modification of LGSPI as provided in this Section. An Application for a Building Permit for LGSPI must be submitted with all documents required by the Building Inspector's Office and the requirements of the Site Plan Review Decision.~~

~~e-d. Site Plan Review. LGSPI are subject to Site Plan Review, Zoning Bylaw Section 8.B., by the Planning Board prior to construction, installation or modification as provided in this Section. In addition to the requirements of Section 8.B., Site Plan Review, and Planning Board Regulations, the Applicant shall submit the following:~~

- i. Name, address, phone number and signature of the project proponent, as well as all co-proponents or property Owners, if any
- ii. The name, address, contact information and signature of any agents representing the project proponent, and
- iii. Documentation of actual or prospective access and control of the project site. The project proponent shall submit documentation of actual or prospective access and control of the project site sufficient to allow for construction and operation of the proposed solar photovoltaic installation
- iv. Zoning district designation for the parcel(s) of land comprising the project site, Street Address, Assessors' Map and Lot Number, North Arrow, and Locus Map
- v. ~~An~~ aerial photograph showing the existing property and structures, abutting properties, structures and streets. The proposed LGSPI, appurtenant structures,

**Commented [TP5]:** As mapped by the electric utility company servicing the town

**Commented [RS6]:** This may need clarification. Is National Grid the only operator in Town or should this be more general? Do they do specific mapping? What is the SMART tool? I recommend referencing something that is easily identifiable. The Solar Massachusetts Renewable Target (SMART) Program is DOER's incentive program established to support the development of solar in Massachusetts.

Also, I recommend including in your file the documentation as to why these criteria protect health, safety and welfare in case the Town need to defend the Bylaw. Also, if you have not done so already, I recommend analyzing how much of the Town would be available for solar based on these criteria with an eye to Tracer Lane.

**Commented [TP7R6]:** An alternative to SMART Program, "defined as having 50% or more of parcel identified as BioMap Core Habitat or Critical Natural Landscape as mapped by MassWildlife and the Nature Conservancy."

**Commented [TP8]:** should we add a requirement for: "A map showing the parcel in relationship to the allowable area criteria: Within 1000 feet of Supportive Infrastructure and not on a parcel of High Conservation Value?"

driveways and other proposed improvements shall be superimposed upon the aerial photograph.

- vi. Blueprints or drawings of the solar photovoltaic installation signed by a Registered Professional Engineer licensed to practice in the Commonwealth of Massachusetts showing the proposed layout of the system and any potential shading from nearby structures.
- vii. A description of the type of mounting system.

Waiver Authority. The Planning Board may waive documentary requirements of Site Plan Review as it deems appropriate.

e. In addition to that set forth in Section 8.B, the following standard shall apply to a LGSPI:

5.G.5. Dimensional Requirements.

- a. All LGSPI and Appurtenant Structures shall conform with the Table of Dimensional Control below.

**Table of Dimensional Control for Large- Scale Ground-Mounted Solar Photovoltaic Installations Overlay District**

Structures	Minimum Lot Area In feet	Lot Frontage In feet	Percent of Required Lot area as Contiguous and Buildable (6.A.2)	Distance from Overlay District Parcel Boundary In feet	Maximum Lot Coverage %	Maximum Building Coverage %	Maximum Height in feet (6.A.3.)
Solar Photovoltaic Array	n/a	n/a	n/a	50	n/a As per District	n/a As per District	15
Appurtenant Structures	n/a	n/a	n/a	40	n/a As per District	n/a As per District	35

**Commented [RS9]:** I recommend these be reviewed and revised given the other changes to the bylaw.  
  
If these dimensional requirements are *in addition* to the other dimensional requirements, I recommend stating so in Section 5.G.5.a above. For example, is there no minimum lot area or frontage requirement?

**Commented [RS10]:** "PV Array" is not defined. I recommend either (a) specifically defining PV Array, or (b) use a term already defined in the bylaw (e.g., LGSPI or Solar Photolytic Array).

- b. Appurtenant Structures. All appurtenant structures, including equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other. Whenever reasonable, structures should be screened from view by vegetation and/or fencing, and/or joined or clustered to avoid adverse visual impacts.

5.G.6. Design Standards

- a. Lighting. Lighting of solar photovoltaic installations shall be consistent with local, state and federal law. Lighting of other parts of the installation, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties. Where feasible, lighting of the solar photovoltaic installation shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.

- b. Signage. Signs on LGSPI shall comply with Section 7.C. of the Zoning Bylaw. A sign consistent with the Zoning Bylaw shall be required to identify the Owner and provide a 24-hour emergency contact phone number. Reasonable identification of the manufacturer or Operator of the solar photovoltaic installation may be provided.

Solar photovoltaic installations shall not be used for displaying any advertising.

**Commented [RS11]:** You may want to consider just asking for contact info for whomever is going to respond in an emergency .

**Commented [TP12R11]:** Shall we change the first sentence to read ... "to identify the owner and OPERATOR and provide a 24 hour emergency contact phone number for EACH.

c. Utility Connections. Reasonable efforts, as determined by the Planning Board, shall be made to place all utility connections from the solar photovoltaic installation underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider.

**Commented [RS13]:** The application of this may be limited by the building/electrical code or other regulations.

d. Safety and Security. Appropriate measures shall be proposed to secure the facility from unauthorized entry.

#### 5.G.7. Environmental Standards

a. Wetlands. LSGPI shall comply with the requirements of M.G.L. Chapter 130, as amended as well as the Town's local wetland Bylaw.

b. Stormwater Management. Stormwater Management shall comply with the Town's Stormwater Management Bylaw and Regulations and the Department of Environmental Protection Stormwater Management Policy, as amended.

c. Noise. LSGPI and equipment shall comply with Section 7.A.4. of the Zoning Bylaw, and the provisions of the Department of Environmental Protection's Division of Air Quality Noise Regulations, (310 CMR 7.10., as amended).

d. Land Clearing, Soil Erosion and Habitat Impacts. Clearing of natural vegetation shall be limited to that which is necessary for the construction, operation and maintenance of the facility or otherwise prescribed by applicable laws, regulations, and bylaws.

#### 5.G.8. Monitoring and Maintenance.

The Large-Scale Ground-Mounted Solar Photovoltaic Installation Owner or Operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures.

#### 5.G.9. Modifications

The Building Inspector shall determine if a proposed Modification to an LGSPI made after issuance of the required Building Permit shall require the filing and approval of a new Site Plan and Application with the Planning Board .

**Commented [RS14]:** You may want to give some specific guidance on the factors for the building commissioner to consider.

Planning Board Hearing Date Options and Timeline

STEPS	Option 1: 3/7/23 Hearing Date	Option 2: 3/14/23 Hearing Date	Option 3: 3/21/23 Hearing Date
Article Submission & PB Referral*	Jan 1 - Feb 15	Jan 8 - Feb 22	Jan 15 - Mar 1
Send Legal Notice to Paper	02/16/23	02/23/23	03/02/23
1 <sup>st</sup> Publication	02/20/23	02/27/23	03/06/23
2 <sup>nd</sup> Publication	02/27/23	03/06/23	03/13/23
PB Hearing Date**	03/07/23	3/14/2023 (Special Meeting)	3/21/2023 ***
Planning Board Report to Town Meeting***	No later than March 23, 2023		
Close ATM Warrant	6-Feb-23		
FinCom Booklet Publication	April 10 (assumed)		
Annual Town Meeting	Monday April 24		

\* Statute gives 14 days for SB to refer to PB, but I use the same date as the Article Submission date; Note the deadline to submit articles to Town Mngr for ATM is Feb 2nd.

\*\* Within 65 days of submission/referral date

\*\*\* I like to set a deadline of no later than 1 week before FinComm Booklet publication date



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**Request for Qualifications (RFQ)**  
**for Planning Consultant Services**

**MBTA Communities(3A) Zoning Compliance Initiative**

**Contract #2023-WN-002**

**January 2023**

The Town of West Newbury seeks a Planning Consultant to lead the town in an effort to achieve compliance with the MBTA Communities As-Of-Right Multi-Family Zoning District requirements. This Request for Qualifications (RFQ) has been prepared and issued by the Town as a process to select the best consultant for this task.

West Newbury is identified as an MBTA “Adjacent Small Community” as there are no MBTA stations in Town or within ½ mile of its border. It is therefore necessary that the Town undertake a study examining the feasibility of creating a zoning district or districts that allows a minimum of 87 multi-family units as of right. In order to successfully sponsor a zoning amendment for Town Meeting approval, it will be necessary to undertake an iterative public process that involves all town residents and stakeholders.

The Town has received a Rural and Small Town Grant and has pledged matching local funds to support this Initiative and will be selecting a consultant from the State’s PRF76 Approved Consultants List through this targeted solicitation for qualifications. The Town will select the Consultant that in the Town’s opinion outlines a clear and comprehensive approach to a public engagement process that helps build consensus and illustrates a strong understanding of the State’s technical assessment tools developed for this initiative. The Town is interested in a consultant team with strong communication and presentation skills and an ability to translate technical information into easily understood maps and graphics for various engagement opportunities.

Town Planner Sue Brown, working with the Town Manager Angus Jennings, will work directly as Project Manager with the Consultant and will be the primary point of contact for the Project.

DPW Director Wayne Amaral and Board of Water Commissioners will be involved with reviewing public infrastructure capacity and advising regarding infrastructure limitations and/or opportunities for system improvement/expansion.

The Water Department is conducting a comprehensive drinking water distribution system study update to determine adequacy of the system to meet current and estimated future demands through 2042.

Police Chief Michael Dwyer, who also serves as Chief Engineer of the West Newbury Board of Fire Engineers, will be consulted regarding appropriate siting of potential higher-density housing districts as relates to transportation safety, infrastructure and public safety response times.

In addition to Town staff roles, regular updates regarding this initiative will be provided at meetings of the West Newbury Select Board and the Planning Board, among others. All meetings will be posted publicly, and all Select Board meetings are televised on local cable and available for viewing on the Town's YouTube channel.

The Town anticipates engaging the Planning Consultant in February or March 2023.

The Consultant would then undertake the following tasks within the general timeline indicated:

1. Work with Project Manager to develop a robust and iterative Public Engagement Plan. (Feb/Mar 2023)
2. At the Project Kick-off Meeting, train staff, boards and local officials about requirements of the law and outline the scope of the initiative. Prepare information suitable for the general public for the Town's website. (Mar 2023)
3. Gather and analyze information and conduct Public Meetings. (Apr-Sept 2023)
  - a. Determine Town's recent goals and strategies for housing development through focused staff and board member interviews and by reviewing existing Town Planning Reports, maps, infrastructure/capital improvement plans, etc.
  - b. Analyze current Zoning and General Bylaws and Subdivision Regulations and identify barriers to achieving compliance with the Multi-Family Zoning requirements.
  - c. Review existing conditions, and create a map or maps to illustrate land use and transportation patterns, "Developable Land" of a scale as defined in the MBTA Communities Guidelines, existing infrastructure in Town and within proximity to Town boundaries, and areas meeting the State's Smart Growth Principles to the greatest extent practicable.



- d. Coordinate with Water Department's Engineering Consultant to understand Drinking Water Distribution System Infrastructure and its adequacy for meeting estimated future demands.
- e. Facilitate Public Meetings to review information and receive feedback (a-d above). Produce materials as necessary for Public Meetings including outreach materials, and meeting summaries, and for populating the website.
4. Work with staff and local boards and conduct Public Meetings and other engagement strategies to identify up to three potential alternative districts or district combinations. Outline potential regulatory changes required for compliance (height, parking requirements, use restrictions). (May–Nov 2023)
  - a. Identify and create maps of potential zoning district(s) or district combinations.
  - b. Present Density Visualizations, Visual Preference Surveys or similar strategies to gauge community choices.
  - c. Identify options for regulatory approaches.
  - d. Utilize the MBTA Communities Compliance Model to evaluate identified District(s) for compliance with density, size and minimum unit capacity.
    - Export parcel data and import data into the compliance model.
    - Review existing zoning and assist with completion of the model checklist.
    - Review proposed zoning and assist with completion of the model checklist.
    - Determine parcel overrides in the model if changes to constrained land are required.
    - Run the model to test for compliance with district size, unit capacity, density metrics, etc.
    - Test potential modifications and amendments to district boundaries and/or intensity requirements.
  - e. Generate Findings Report with Recommendations for Zoning Amendment(s).
  - f. Facilitate Public Meeting(s) to review materials and receive feedback (a-e above). Produce materials as necessary for Public Meetings including outreach materials, and meeting summaries, and for populating the website.
5. Draft Zoning Bylaw Amendment and Conduct Public Meeting(s) (Nov 2023-Jan 2024)
  - a. Translate proposed district requirements (use, intensity, location, exceptions, etc. into draft zoning amendment.
  - b. Review existing zoning and other applicable state and local regulations for ALL potential conflicts (limitations, restrictions, defined terms).

- c. Develop all necessary amendments to existing Bylaw in a form customary to municipality.
  - d. Facilitate Public Meeting(s) to review materials and receive feedback (a-c above). Produce materials as necessary for Public Meeting(s) including outreach materials, easy-to understand explanatory material (graphic and narrative) and meeting summaries.
6. Pursue Zoning Bylaw Amendment per G.L. Ch 40A, S. 5. (Jan–April 2024)
- a. Support the Town Planner in preparing for and presenting at the 40A Zoning Bylaw Amendment Public Hearing and the Annual Town Meeting including developing outreach materials for distribution and the website.

### **Selection Process.**

If you are interested in providing consulting services to the Town for this initiative, please submit your proposal for Town review with a:

- Brief (no more than three pages) description of your approach to this project, along with a recommended budget and schedule by task.
- Sample of outreach/presentation materials for a similar project.
- Team member qualifications and experience on similar projects.

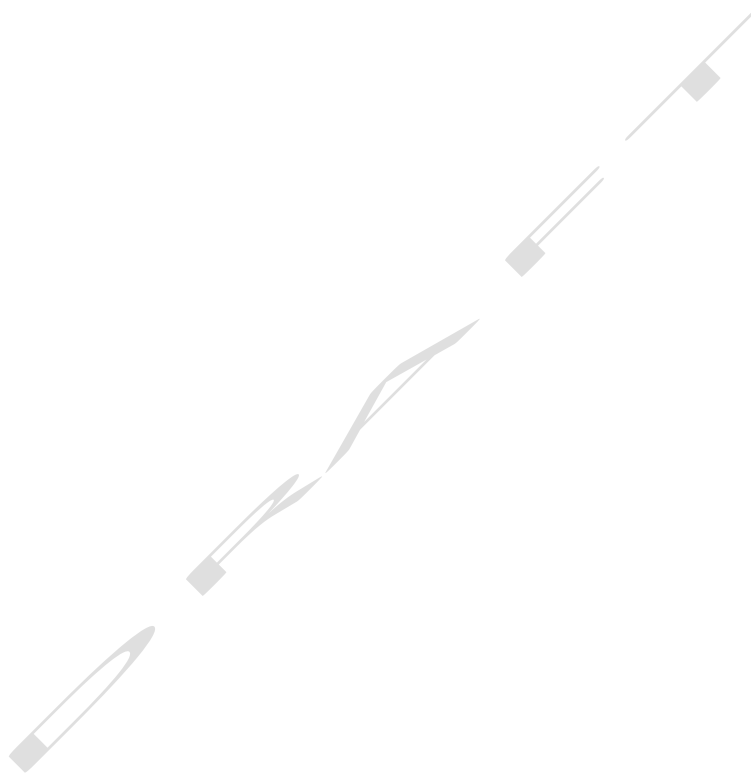
Send your response via email to [townplanner@wnewbury.org](mailto:townplanner@wnewbury.org). Submissions shall be received no later than **4pm on Thursday, February 9, 2023**. Any questions or inquiries regarding this RFQ should be sent to same e-mail address no later than 4pm on Wednesday, February 1, 2023.

The Town's Consultant Review Team will include the Town Manager, Town Planner, and Chief Procurement Officer. Upon review of submission qualifications the Town anticipates recommending two or more firms for interview, said interviews to be conducted by the Planning Board. The successful Consultant will be selected based on the following criteria:

- 1) Demonstrated successful completion of projects of comparable scope.
- 2) Established competence and experience of proposed project team members.
  - a. Project approach
  - b. Effective public engagement
  - c. Technical expertise
  - d. Graphic excellence.
- 3) Proposed schedule and budget.

The Team will recommend three or more Consultants (if possible) for an interview by the Planning Board. The Planning Board will make a recommendation for contract award to the Chief Procurement Officer, who will prepare a standard town contract. The anticipated date of contract award is late February to early March.

The Town of West Newbury reserves the right to reject any and all proposals, in whole or in part, and to negotiate the terms and conditions with any proposer and to accept any proposal, in whole or in part, which the Town deems, in its sole opinion, to be in the best interest of the Town of West Newbury.



Comparison of ADU Bylaws

Community	Status	How Permitted	SPGA	Form	Lot Size Requirement	Unit Size	Max # BRs	Owner-Required Residency	Ownership	Design	Required Additional Parking for ADU	min lease term	Other
West Newbury	Being Considered	By Right *BI reviews criteria to assure compliance *BOH confirms septic capacity	PB	within, attached, or detached (existing and new)	Per District	max=900SF (SP if larger)	2	One unit needs to be owner occupied; if someone is renting their home, and an accessory structure could provide housing for another family - should this be prohibited? ( See #1 below)	Single ownership (condominium ownership not allowed)	New entrance location?	? , WN has no parking requirement by use - simply requires adequate for use	30 days? Consider min lease term req only if one unit is not owner occupied (see #2. below)	If in detached Accessory Building, must meet setbacks per district of PDU.
Smart Growth Model	Model	By right within existing SFD, SP for attached or detached		within and in accessory structure (existing and new)		max=900 SF ( SP if larger)	2 and no more than 3 people within ADU	yes, allow temp absence		new entrances to side or rear	1, with waiver if transit avail		when ADU sold, new owner must notarize occupancy to BI , Prior to Bldg permit must submit floor plan
Barnstable (48,919)	Existing	By right in existing, detached and new , by SP if does not meet regulations	ZBA	within and in accessory structure (existing and new)		max=lesser of 50% of fl area of SFD and 900 SF	2 and no more than 2 adults	yes		appearance of SFD, entrance subordinate		12 months	BOH must document adequacy of sewerage disposal
Dover (5,923)	Draft	SPA or SP if over dimensional req.	PB	within, attached and in accessory structure		max=lesser of 50% of fl area of SFD and 900 SF		yes		appearance of SFD, no second floor exterior stairs allowed	1	30 days	approval from BOH required for septic and water capacity, Arch Review Committee Approval required for SP , assessor structure ADUs must meet setback requirement of principle structure
Gloucester (29,729)	Existing	By-right (both within and detached) SP if does not meet regulations	ZBA	within and in accessory structure (existing and new)		max=lesser of 50% of fl area of SFD and 900 SF		yes, allows temp absence		appearance of SFD, exterior stairways enclosed or on rear of bldg, PDU entrance dominant, exterior finishes same as PDU	1	30 days	driveways must be min 4 ft from side lot line with landscaped buffer, ADU cannot be held in separate ownership, ADUs approved previously by SP considered a permitted Accessory Use
Lexington (34,454)	Existing	By- right in dwelling 5 yrs+, SP for ADU in dwelling < 5 yrs, or if in accessory structure		within and in accessory structure		max=1000 SF	2	yes, allows temp abs <2yrs, may rent during abs with notice		Subordinate in size, appearance of SFD, enclosed exterior stairs to upper floors, principal entrance dominant	1		SP if > 1000 sf provided not > 40% of gfa of principal DU, SP for units in accessory structure provided it does not exceed 1,000 SF
Mashpee (15,060)	Existing	By-right		within and in accessory structure (existing and new)		not less than 300 SF and not more than 40% of SFD	2	yes		improvements to be consistent with original with SFD character, unit to be secondary in design	1	30 days	shall meet wastewater treatment reqs, no new driveway or curbcut without BI determination that it is required due to top or other, must remain in common ownership, amnesty for pre-existing, ADUs,
Newbury (6,716)	Existing	By-right within existing or new PDU, SP in detached accessory structure	ZBA	within and in accessory structure	40,000 sf if det unit exist before May 2013, 60,000 sf if after	max=the lesser of 35% of PDU, or 1000 SF	2	yes, allows temp abs 6 mos, may rent during abs with notice		compatible, appropriate screen/buffers against light, sight and sound	1 with direct street access		size of principal DU must be 1,600 SF +, no boarders or lodgers within PDU or ADU, combined BR of PDU and ADU cannot exceed septic design capacity

Pelham (1,280)	Existing	By right in Village Center Districts, By SP and with SPA in others	ZBA	within and in accessory structure (existing and new)		max=800 SF	2 and no more than 3 people within ADU	yes with temp absences of 6 mos per 24 mos period, cannot rent when absent		appearance of SFD, any new entrances to side or rear	1 (min of 3 for both)		if addition (within, attached or detached) cannot increase original SFDU by more than 1/3, requires BOH to ensure septic adequate for alteration, on sale of property new owner must notarize to BI occupancy as residence
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PDU Principal Dwelling Unit  
 SP Special Permit  
 SPA Site Plan Approval  
 SFD Single Family Dwelling  
 SF Square Feet  
 BI Building Inspector

Notes from AARP – Accessory Dwelling Units: Model State Act and Local Ordinance

1. Owner occupancy covenants or conditions give pause to homeowners and institutions financing home purchases because of the limits they place on successive owners, who will not be able to rent out or lease their main house, which might be necessary as a result of a divorce, job transfer or death. They can also make financial institutions reluctant to provide financing for construction of an ADU, and because covenants or conditions serve as a restriction on a mortgage lender's security interest in a property, lenders may withhold consent to any owner occupancy requirement that takes the form of a covenant.

Aside from its effect on ADU production, there is a problem with the logic and fairness of applying an owner occupancy standard to ADUs if there is no such requirement with single-family homes generally. If single-family homes can be rented out (by a nonresident owner), then what is the policy basis for requiring occupancy when there is an ADU on the property?

2. There is a counterargument in support of short-term rental use of ADUs. The high return spurs the construction of more ADUs than would otherwise occur and these ADUs typically, over time, convert into long-term rentals or other uses. If the goal of ADU authorization is wealth creation or allowing people to stay in their homes as they age, then the use of ADUs for short-term rentals should be encouraged because short-term rentals help realize those objectives.

### **MBTA Community Multi-Family Zoning District**

The MBTA Community Action Plan was submitted to the State via the on-line portal on Jan 19<sup>th</sup> in advance of the Jan 31 deadline.

I forwarded the Request for Qualifications (See attached) to preapproved Consultants:

Dodson & Flinker [www.dodsonflinker.com](http://www.dodsonflinker.com) Stantec [www.stantec.com](http://www.stantec.com)  
VHB [www.vhb.com/boston](http://www.vhb.com/boston) Utile, Inc. [www.utiledesign.com](http://www.utiledesign.com)

Responses are due Feb 9<sup>th</sup>. Angus, Wayne Amoral as Chief Procurement Officer and I will review to assure submittals meet the Towns' criteria and will forward three or more, if possible to the Planning Board for consideration. Referred Consultants will make a brief presentation on their qualifications and approach to the project at the Feb 21 PB Meeting. The PB will recommend a preferred Consultant to Wayne who will handle contracting.

I would anticipate a kick off meeting in March.

Katelyn and I are working on a project webpage.

### **Housing Production Plan**

I am serving as the Project Manager. A small Stakeholder Committee will help me guide the process, provide input on how to engage community members, and review deliverables and community input. I anticipate meeting less than monthly over the year or so initiative. Stakeholder Committee members confirmed to date include:

Select Board and Housing Trust:	Wendy Reed
Council on Aging:	Christine Marshall, COA Director
Conservation Commission:	Molly Hawkins
At large Housing Advocate:	Ann O'Sullivan
Town Manager:	Angus Jennings

I would love to have a member of the Planning Board on the Stakeholder Committee as well.

### **Solar Facilities Bylaw**

Tim Cronin, Rick Parker (SB), Chip Wallace (Resiliency Committee) and I met on Dec 19 and Jan 4, and we all met with Robin Stein on Jan 17<sup>th</sup>.

Robin has provided a draft that includes the group's recommendations:

- Allow town-wide provided the parcels **ARE** within 1000 feet of identified "supporting infrastructure" and **ARE NOT** within an identified "high value resource area".
- Provide for Professional Construction Oversight paid by Applicant.
- Change purpose statement from "regulate" to "allow"

I am working with Town Assessor and MVPC to create a map that shows the parcels where Solar Facilities would be allowed.

If the Bylaw is approved at the ATM, the Zoning Map would be updated to eliminate the existing "SGPSI Overlay District".

Sue Brown, Town Planner  
2/2/2023

**Accessory Dwelling Unit Bylaw**

ADU Bylaw Comparison Matrix has been updated to show proposed draft W Newbury regulations. Elements for further consideration include design requirements such as door placement, exterior stairs, design compatibility and parking requirements. WN has no parking requirement by use - simply requires parking adequate for use.

I would like to hear the Board's recommendations/ideas for engaging the larger community in the discussion?

**Stormwater Management Regulations**

Stormwater Task Force last met on Jan 11. Lori Kennedy (Horsley Witten) updated a redlined draft and shared a few examples of communities with two levels of application requirements and compliance standards. The Stormwater Task Force would like to assure resource protection in the most efficient and effect way possible and in consideration of the Town's capacity to permit, monitor and enforce the Bylaw. The example regulations offered a good option for a two-level approach.

- All disturbances of 1 acre or more would require Stormwater Management Permit (no change)
- PB would designate Board of Health to accept, review applications and permit projects
- Projects within the MS4 Area would follow regulations as currently written for applications, construction site management, post construction management and long-term operation
- Single and Two-Family residential projects outside the MS4 that DO NOT connect/contribute to a municipal stormwater system would:
  - Follow regulations with less stringent application standards (eliminating the need for highly technical hydrological studies)
  - Be required to meet construction-site stormwater management performance standards to the maximum extent practicable.
  - Be required to evaluate and implement LIP planning and Design unless impractical
  - Be required to implement at least one appropriately sized and designed Stormwater BMP
  - Be required to maintain post-construction stormwater BMP's to ensure they continue to function as designed
  - NOT be required to submit an annual report

I anticipate the final redlined draft of Regulations with recommended changes by or before the Feb 21 meeting.

**Wireless Bylaw**

No change. KP Law has begun review and will report back to the Board when complete.

**Adult Use Marijuana Businesses Bylaw**

When would the Board like to bring a proposed bylaw to Town Meeting? Perhaps consider a four to six month process to:

- 1) Review, compare Bylaws from other communities and provide recommendations to Town Planner
- 2) Review draft bylaw
- 3) Request Town Counsel review of draft Bylaw
- 3) Advertise and Hold Public Hearing
- 4) Write Report to Town Meeting

Sue Brown, Town Planner  
2/2/2023

**Land Protection Opportunity**

The CPC voted 3-2 to recommend CPA funding for the 32 Acre Sawmill Brook Parcel that ECGA has under agreement for \$705,000 - contingent on TM approval of CPA Funds.

The Town, supported by ECGA also intends to request funds through a [LAND Grant](#) (Local Acquisitions for Natural Diversity) that would reduce the Town's financial commitment if received.





**Town of West Newbury  
Planning Board  
Tuesday January 17<sup>th</sup>, 2023  
381 Main Street, Town Office Building  
[www.wnewbury.org](http://www.wnewbury.org)  
**DRAFT 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 7:06 P.M. Members in attendance were Ann Bardeen, Ray Cook, Tim Cronin, Deb Hamilton and Brian Murphey. Planner Sue Brown and Administrative Assistant Katelyn Bradstreet were also in attendance. All participated via Zoom Conference.

**1. Planning Board Approval of Proposed Reorganization of Zoning By-Laws**

- Sue Brown stated the only new item of the proposed reorganization was the draft warrant article. Brown explained that the text of article showed how it will be recodified and renumbered. Planning Board members did not have any feedback.

**2. Draft Decision and Certificate of Vote for Pentucket Regional Middle High School Special Permit Modification for Lighting**

- The document was reviewed by members of the Planning Board. Amendments were suggested and made. **Bardeen moved to approve the draft decision and certificate of vote, as amended. Seconded by Cook. Roll call vote was taken and the motion passed 4-0 (Hamilton abstained).**

**3. Review Draft Scope of MBTA Community Consultant**

- Brown explained that this was the draft scope for the consultant that they will hire to run the process. Cronin questioned if this was the scope for the contract itself. Brown confirmed that it was. Board members suggested changes to the wording and structure of the scope.

**4. Review of Draft FY22 Annual Report**

- Planning Board members reviewed the draft of the FY22 Annual Report. Members had a few questions on specific permitting activities, such as an approved or modified Definitive Plan at Sullivan’s Court Extension. Bradstreet stated she would review the minutes to ensure the information is accurate.

**5. Updates on Solar Bylaw**

- Brown stated that Robin Stein from KP Law joined in on the Solar Bylaw meeting. Stein offered some insight but agreed that the current bylaw didn’t require much change. Stein had also mentioned that in the purpose section of the bylaw, it should be changed to state that the Town would like to facilitate the

allowance of solar. Bardeen suggested the use of the word “permitted.” Stein will make the necessary policy changes and send a new draft to Brown. Brown will then share the new draft with Planning Board members to see if any additional changes need to be made.

#### **6. Discussion on Accessory Dwelling Units “ADU”**

- Brown added a new line to the ADU Comparison Matrix document for the Town of West Newbury. Planning Board members reviewed the document and updated the specifications for the Towns ADU bylaws. Board members will continue to discuss the ADU bylaws at the next meeting.

#### **7. General Business:**

- **Town Planner Updates, if any**

Brown stated she is still moving forward with stormwater regulations with Horsley Whitten but some items are still in discussion.

- **Minutes: January 3, 2023; Others, if any**

- Bardeen moved to approve the minutes of January 3, 2023, as amended. Seconded by Cronin. Roll call vote was taken and the motion passed

- **Correspondence:**

- **Administrative Details:** There were none.

- **Placement of Items for Future Planning Board Agendas:**

- **Items not Reasonably Anticipated by the Chair 48 Hours in Advance of a Meeting:**

Ray Cook questioned if there were any updates to Poor House Lane. Deb Hamilton stated Greenbelt has made an offer that she believes will be under consideration.

#### **Adjournment:**

**Bardeen moved to adjourn the 9:13 P.M meeting. Seconded by Hamilton. Roll call vote was taken, and the motion passed 5-0.**

Respectfully submitted,

Katelyn Bradstreet, *Administrative Assistant to the Planning Board*

# The Town Common

WEEKLY COMMUNITY NEWSPAPER

# LEGAL NOTICES

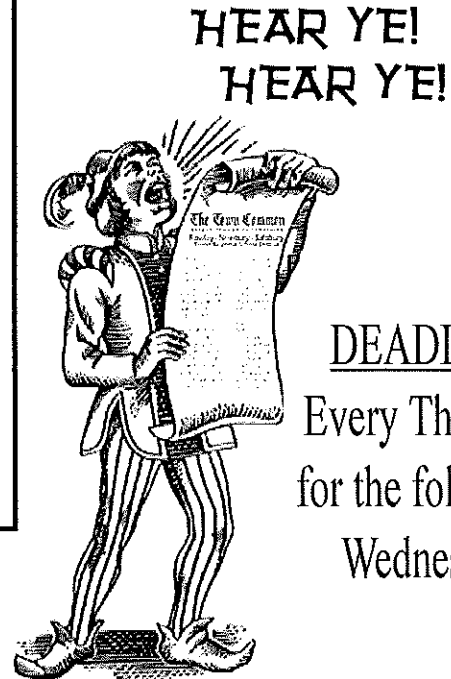
*Printed Every Wednesday*

Per Massachusetts General Laws:

"In all cases where notice of a public hearing is required, notice shall be given by publication in a newspaper of general circulation in the city or town once in each of two successive weeks..."

Every Wednesday, Legal Notices & Announcements will be seen with others making this section "the place" for town announcements, hearings, and legal notices.

**AN AD  
THIS SIZE  
(1 col x 3")  
(approx. 100 words)  
COSTS ONLY  
\$49/wk**



**DEADLINE**  
Every Thursday  
for the following  
Wednesday

**AN AD THIS SIZE  
(2 col x 6")  
(approx. 400 words)  
COSTS ONLY  
\$98/wk**



**AN AD  
THIS SIZE  
(2 col x 3")  
(approx. 200 words)  
COSTS ONLY  
\$74/wk**



...also listed on-line at  
[masspublicnotices.org](http://masspublicnotices.org)

The Town Common 77 Wethersfield Street, Rowley, MA 01969  
[advertise@thetowncommon.com](mailto:advertise@thetowncommon.com)  
Deadline: Thursdays for the following Wednesday Issue

**Town of Groveland**  
**Planning Board**  
183 Main Street  
Groveland, MA 01834



RECEIVED

JAN 27 2023

WEST NEWBURY  
PLANNING BOARD

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**LEGAL NOTICE**

*Project Location: 833 Salem Street, Map 47 Lot 34*

*Filing: Site Plan Review, Aquifer Protection Overlay Special Permit, Stormwater Management & Land Disturbance Permit*

*Notice to run in the Eagle Tribune on January 25, 2023, and February 1, 2023.*

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The Groveland Planning Board public hearing on Tuesday February 21, 2023 at 7:00 PM in the Main Meeting Room of Town Hall, 183 Main Street, Groveland, MA, under the Groveland Zoning Bylaw, for an application made by 833 Salem Street Groveland Self-Storage LLC, for the premises located at 833 Salem St Map 47 Lot 34, located in the Industrial (I) Zoning District for site plan review (Section 50-13.2(A)(1)) and a special permit for the impervious cover (Section 50-6.2(H)(3) of the Groveland Zoning Bylaw. The Applicant is also applying for a special permit pursuant to Chapter 14 Stormwater Management and Land Disturbance Section 1405(A). The supporting materials are on file in the Economic Development, Planning, & Conservation Department at the Town Hall, and may be viewed during the hours of, Monday through Thursday 8AM to 3PM.



# Haverhill

RECEIVED

JAN 27 2023

WEST NEWBURY  
PLANNING BOARD

City Clerk's Office, Room 118  
Phone: 978-374-2312 Fax: 978-373-8490  
cityclerk@cityofhaverhill.com

## HYBRID HEARING

City Council Chambers, City Hall, Room 202, 4 Summer st

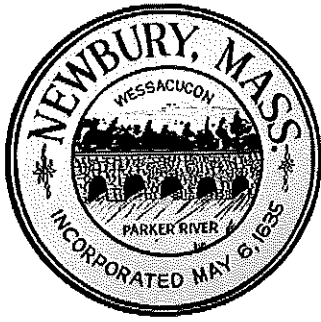
Notice is hereby given that a hearing will be held for all parties interested, in a hybrid meeting (virtual/in person), on Tuesday, February 14, 2023 at 7:00 PM; for Special Permit, CCSP 22-15 from Martin Murphy for applicant JV Hostetter Family LLC, for property located at 261 River st that is in two different Zones; what was formerly known as the IG Zone and in the RU Zone. Owner is requesting to build an addition 80' x 130', to one of its existing on-site buildings that is currently wholly in the IG Zone; to be used primarily for warehouse purposes, with a portion to be used as an ancillary commercial office. (Residents who are interested in commenting on this Special Permit can either (1) Appear in person (Council Chambers, Room 202) or (2) Attend remotely using the link and pin provided on Mondays on the City's website.)

Description of area, maps and plans are on file in the City Clerk's Office.

Linda L Koutoulas  
City Clerk

Haverhill Gazette

January 27 & February 3, 2023



## Town of Newbury

Office of  
THE PLANNING BOARD  
12 Kent Way  
Byfield, MA 01922  
978-465-0862, ext. 312

RECEIVED  
JAN 19 2023  
WEST NEWBURY  
PLANNING BOARD

Date: January 17, 2023

Re: **Findings and Decision on the  
Application of New Leaf Energy  
For a Modification to the Special Permit  
Granted to Borrego Solar Systems, Inc.  
For a 2.795 mW Solar Energy Generating Facility  
140R Main Street, Newbury, MA**

**Assessors Map R41, Lot 42**

**Property Owner: Karen E. Yesair Thiel and Kavy N. Yesair, Successor Trustees  
of the Ruth A. Yesair Trust**  
**Project Owner: Main Street Solar 1, LLC**

On Wednesday, January 4, 2023, the Newbury Planning Board, as Special Permit Granting Authority, voted unanimously to approve the Special Permit Modification Application submitted by New Leaf Energy requesting approval to construct a maintenance access road along an existing cart path and to remove an existing wetland crossing and replace it with a bridge in order to satisfy National Grid's (NGRID's) requirement for maintenance access within the project site from the existing solar installation to the point of interconnection located on the NGRID transmission corridor. The Modification to the Special Permit was approved with conditions under § 97-5.F. of Newbury's Zoning By-Law.

The complete text of the Findings and Decision is available at the Town Clerk's Office, 12 Kent Way, Byfield, MA, during regular office hours.

Appeals of this decision shall be made in accordance with MGL Chapter 40A, Section 17, and shall be filed within twenty (20) days of the date of filing of this decision with the Newbury Town Clerk.

**Date of filing with the Town Clerk: January 5, 2023**