



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

***For Remote Participation (see below)***

1. 87 Crane Neck Special Permits for Reduced Frontage Lot and Common Driveway – Discuss and Vote
2. Housing Opportunities Initiative – Presentation and Discussion of Concept Plans and Draft Zoning Regulations with Dodson & Flinker
3. Town Planner Report
4. General Business:
  - Minutes – October 3, 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 2 of the Acts of 2023 that includes 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. 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/84013007591?pwd=NngxSXlZMnFlZzdhdhQlo1aVlqTFAvQT09>

Meeting ID: 840 1300 7591

Passcode: 789004

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.



**TOWN OF WEST NEWBURY  
OFFICE OF THE PLANNING BOARD  
381 MAIN STREET  
WEST NEWBURY MA 01985  
978-363-1100 X125 Fax: 978-363-1119**

**CERTIFICATE OF VOTE  
SPECIAL PERMIT FOR REDUCED FRONTAGE LOT WITH CONDITIONS  
Assessors Map R-3, Lot 14B  
87 Crane Neck Street**

**November 7, 2023**

- I. APPLICATION:** Special Permit for Reduced Frontage Lot at 87 Crane Neck Street, received by the Planning Board on July 27, 2023 and the Town Clerk on July 27, 2023. Note that the Owner/Applicant simultaneously submitted an application for a Special Permit for a Common Driveway for 87 Crane Neck Street. The Board viewed, distributed, posted and held hearings on the Special Permits jointly.

A Supplemental Information packet dated September 26 was received by the Planning Board and Town Clerk on September 27, 2023.

- II. OWNER/APPLICANT:** Brook View Trust (William & Dianne Spalding Trustees) 87 Crane Neck Street, West Newbury, MA 01985.

**III. REFERENCES:**

- Planning Board Application for Special Permit, Received July 27, 2023.
- Plan Sheet C1.1(2 sheets) entitled, "Common Driveway & Stormwater Management Plan, 87 Crane Neck Street, West Newbury, MA; dated 7/26/23; prepared by Williams & Sparages. 189 North Main Street, Suite 101, Middleton, MA 01949.
- Supplemental Information Package Cover Letter from Williams & Sparages, dated September 26, 2023.
- Concept Plan Conventional Subdivision in West Newbury, MA, dated 9/13/2023; prepared by Williams & Sparages, 189 North Main Street, Suite 101, Middleton, MA 01949.
- Updated Common Driveway & Stormwater Management Plan that illustrates the option for a single driveway for each lot, dated 7/26/2023; prepared by Williams & Sparages, 189 North Main Street, Suite 101, Middleton, MA 01949.
- Aerial View titled Sketch Plan, 87 Crane Neck Street, West Newbury, MA
- Section Plan 87 Crane Neck Street, West Newbury, MA; dated 9/1/2023; prepared by Williams & Sparages, 189 North Main Street, Suite 101, Middleton, MA 01949.

#### **IV. FILING and PUBLIC HEARING INFORMATION:**

The Application was filed with the Planning Board and the Town Clerk on July 27, 2023, was published in the Daily News of Newburyport on August 1 and August 8, 2023, and was mailed to Parties in Interest and the Planning Boards of abutting cities and towns on July 27, 2023. The public hearing notice was posted with the Town Clerk on July 27, 2023.

Copies of the Application package were distributed to the Board of Health, Building Inspector, Conservation Commission, Department of Public Works, and Fire and Police Departments for comments. The Police & Fire Chief responded by email on August 1 stating that visibility of street numbers or identification for emergency responders would be key and on August 8 stating the turnaround for fire trucks will be sufficient, but there are limited places to park fire trucks. The Conservation Commission responded by email on August 9 stating that the project presented no concerns and noting that the Conservation Commission approved the crossing, gravel driveway and other work in the wetlands in 2022. The Board of Health responded by email on August 9 stating that the project presented no concerns. The Building Inspector responded on August 23 that the project presented no concerns and the Department of Public Works responded by email on August 25 that the project presented no concerns.

The Public Hearing was opened jointly with the Public Hearing on the Common Driveway on August 15, 2023. Board Members Ann Bardeen, Raymond Cook, Timothy Cronin, Brian Murphey and Deborah Hamilton were present and voting.

Chris Sparages representing the Applicant, Brook View Trust presented a plan showing the division of 87 Crane Neck Street into two lots, the front lot of 2.805 acres that includes the existing home, and a reduced frontage back lot of 7.8 acres that the applicant hopes to build on, both lots served by a shared driveway. Mr. Sparages described the site's topography and wetland features, noting the applicant received a permit from Conservation Commission in April of 2022 to allow for the construction of a gravel driveway crossing over the wetland in the interior of the property. He also noted the applicant has applied for a Stormwater Management Permit from the Board of Health. Mr. Sparages outlined how the plan meets and or exceeds Reduced Frontage Lot zoning requirements including a lot size of 7.8 acres where only 3.67 acres is required, and a buildable area at least the area of a 200' radius circle. He noted the proposed building is in the middle of the back lot, exceeding lot setback requirements, 180 – 200 feet from lot lines, and far from abutting residential buildings. Mr. Sparages feels the siting assures that site development would not interfere with abutters enjoyment of their own properties and would have no detrimental impact on the neighborhood.

In discussing the Common driveway, Mr. Sparages noted the public benefit of the common driveway is to reduce the number of curb cuts in an area of wetland resources. The shared portion of the common driveway already exists and would be recrowned, the extension is approximately 600 feet and will be gravel except for an area close to the proposed home. The Common Driveway and Utility Easement area will be subject to the covenant restrictions related to the driveway maintenance and both will be recorded at the Registry.

Planning Board members focused their discussion on set back distances from abutters, the limit of clearing, the alignment, width and use of the existing and proposed driveways, emergency vehicle access and maneuverability, wetland resources, driveway construction standards and maintenance.

The Board received public comments from Attorney Deschaine, representing abutters Chris and Kelly Dukarski and asked for clarification regarding Conservation Commission conditions and when wetlands were delineated. Mr. Sparages responded the Order of Conditions were granted in April of 2022 and wetlands were delineated in July of 2021. Attorney Deschaine questioned if the frontage of Lot 1 includes any upland area. He opined that the development of the back of the lot would be detrimental to the abutters he represents and further that access to the lot without the common driveway was not reasonable and practical and thus does not meet zoning standards.

Board members agreed that they did not need to schedule a formal site walk. Deb Hamilton agreed to work with Mr. Spaulding to schedule an informal walk for herself and Ms. Cosgrove.

After due consideration Board Members voted unanimously (5-0) to continue the Public Hearing to September 5th at 8:15 pm.

The Public Hearing was continued on September 5, 2023. Board Members Ann Bardeen, Raymond Cook, Timothy Cronin, Deb Hamilton and Brian Murphey were present and voting. In response to a request from the Applicant, the Board Members voted (5-0) to continue the public hearing to September 19, 2023 at 8:15 pm.

The Public Hearing was continued on September 19, 2023. Board Members Ann Bardeen, Raymond Cook, Timothy Cronin, Deb Hamilton and Brian Murphey were present and voting. In response to a request for a continuation from the Applicant, the Board Members voted (5-0) to continue the public hearing to October 3, 2023 at 8:15 pm.

The Public Hearing was continued on October 3, 2023. Board Members Ann Bardeen, Raymond Cook, Timothy Cronin, Deb Hamilton and Brian Murphey were present and voting.

Rich Williams of Williams & Sparages presented on behalf of the Applicant. Mr. Williams presented the newly submitted information beginning with the updated Common Driveway Plan. He noted the addition of a gravel turnaround large enough for a ladder truck to back in and drive out, the flagging of additional wetlands, flags D1A- D13A- along Crane Neck Street and back into the property, and noting a piece of property the abutters are currently using as paddock area. Mr. Williams confirmed some wetlands graphics were erroneously not removed outside the new flagging. Mr. Williams discussed the change to the limit of clearing area – approximately 100 feet from the proposed home and septic area. The area of the back lot outside the limit of clearing is noted as an area of forest management where vegetation including trees would be managed, but not clear cut. He noted the applicant has a permit from the Conservation Commission to do that work in the buffer zone.

Mr. Williams presented a sketch plan showing an aerial view of the property and abutting properties, with distance of 950 feet portrayed from the nearest abutting dwelling to the proposed dwelling along with other distances portrayed between neighbor's homes and other elements of the proposed development. Mr. Williams then presented a cross section that illustrated the distance between the proposed house and abutting dwelling and the height and extent of existing tree canopy between the two homes.

Mr. Williams then presented common driveway waiver requests, noting that current requirements for a minor road were for paved roads and asking for a reduction of the 20 foot wide travelled way to a minimum width of 14 feet, noting that coarse stone and gravel along the driveway allowed for a wider way. The existing conditions offer a deeper gravel subbase than is required in the minor roadway standards.

The Applicant is also asking for a waiver from pavement and cross slope requirements – noting that they do not intend to pave the driveway. The cross slope requirements is to prevent puddling and since the drive does not currently puddle, no change is needed.

Mr. Williams presented two options for land development if a Special Permit for a common driveway was not allowed. A Conceptual Subdivision Plan showed a short road could be created to provide the required frontage for each lot, noting it would require disturbing a wetland, creating a new curb cut and changing the streetscape. He also showed a Conceptual Plan for a driveway for each lot, with the driveway for lot one being developed through the wetlands. Mr. Williams noted that each of the alternative options would have a greater impact on the lot's natural resources

The final change noted on the Common Driveway Plan is the addition of a split rail fence to eliminate the potential looped driveway for Lot 1.

The Board focused its discussion and questions on the possibility of reasonable practical access, benefits of a common driveway, the grade of the common driveway and the potential for runoff.

Attorney Douglas Deschenes of Finneran and Nicholson, representing abutters Mr. and Mrs. Dukarski, challenged the possibility of the conceptual subdivision road providing access. He claimed that practical frontage is required for both lots and opined that Lot 1, due to wetlands along the front that would require filling, did not have practical frontage. In terms of the reduced frontage lot, Mr. Deschenes contends that both lots are required to have reasonable access, but they do not. He asked if the new wetland flagging has been certified by the Conservation Commission, as he contends that the upland identified by the new flagging is inaccurate as it seems to be based on vegetation only and not soils. Attorney Deschenes, also opined that waivers to the subdivision road standards are not an option, given the bylaw requires Common Driveway dimensions and construction meet the requirement for Minor Roadway Standards.

The Applicant's attorney Jeffrey Roelofs responded to points raised by Attorney Deschenes, noting that the reasonable practical access language includes the words "the possibility

of.....reasonable practical access.” He opined that this language makes it clear that the applicant does not need to guarantee approval of a permit.

Mr. Roelofs also noted that roadway standards have been waived for other common driveways as the waiver authority is within the subdivision regulations itself. He noted that even in subdivisions, Boards have the authority to waive the roadway standards.

Board Members voted (5-0) to close the public hearing, noting they would render a decision and post with the Town Clerk within 90 days.

At its regularly scheduled Planning Board Meeting on November 7<sup>th</sup>, the Board discussed .....After due consideration the Board voted (?-?) to approve the Special Permit for the Reduced Frontage Lot based on findings of fact and with the below waivers and stated conditions.

**V. FINDINGS OF FACT:**

The Planning Board makes the following findings as required by Section 11.2.6 of the West Newbury Zoning Bylaw, dated, amended dated, amended date.

- a. The specific site is an appropriate location for the use or structure.
- b. The use developed will not adversely affect the neighborhood.
- c. There will not be an undue nuisance or serious hazard to vehicles or pedestrians, and adequate and appropriate facilities will be provided to ensure the proper operation of the proposed use, structure or condition.
- d. The proposed use or structure will be in harmony with the general purpose of this Bylaw.
- e. The requested use will not overload any public water, drainage, or any other municipal system to such an extent that the requested use or a developed use in the immediate area or in any other area of the town will be unduly subjected to hazards affecting health, safety or the general welfare.

**VI. CONDITIONS:**

**(based on CoV for 418 Main Street- 2004)**

- a. There will be no further subdivision of Lot 1 or Lot 2 as shown on said Plan.
- b. Lot 1 and Lot 2 on said Plan shall be labeled “no further subdivision” on the Plan.
- c. In accordance with West Newbury Zoning By-Law Section 5.2. e., a reduced frontage lot created by special permit shall not be further subdivided, reduced in area, and/or changed in size or shape. The Planning Board shall require a recorded deed restriction setting forth this restriction in perpetuity to ensure the aforementioned criteria shall be provided to the Planning Board
- d. This agreement shall be binding upon the executors’ heirs and assigns and successors in title of the owner.
- e. Project construction shall be limited to the hours of 7:00 a.m. to 5:00 p.m., Monday

through Friday, Saturdays from 8:00 a.m. to 3:00 p.m. Construction during the evening, on Sundays and on all holidays, is expressly prohibited. (needed? - this permit is for a reduced frontage lot)

- f. Prior to the endorsement of the plan, the following shall be done:
  - 1. The Applicant shall make a notation on the plans, which references the conditions and dates of this Certificate of Vote.
  - 2. Lots 1 and 2 on said Plan shall be labeled “No further Subdivision”.
- g. The endorsed Plan together with a signed copy of the Certificate of Vote shall be recorded at the Registry of Deeds. Three recorded copies of the above shall be submitted to the Planning Board prior to any work on the site. One copy of each of the above shall also be submitted to the Town Clerk.
- h. An “as-built” or “record conditions” plan shall be provided to the Planning Board upon completion of the project.
- i. In accordance with West Newbury Zoning By-Law Section 11.2.8, this approval which has been granted by the Planning Board shall lapse within two (2) years from the grant thereof, if a substantial use thereof has not sooner commenced except for good cause or, in the case of a permit for construction, if construction has not begun by such date except for good cause.
- j. No alteration of these plans shall be made or effected other than by an affirmative vote of four or more members of the Board at a duly posted meeting and upon issuance of a written amended decision.

#### **VI. ADMINISTRATION:**

Following the expiration of the applicable appeal periods, the Applicant shall record this endorsed Certificate of Vote and Plans at the Registry of Deeds. The Applicant shall also secure a statement for recording from the West Newbury Town Clerk, indicating that the applicable appeal periods have lapsed and that there have been no appeals or that if any appeal has been filed that it has been dismissed or denied. A copy of the recorded documents shall be provided to the Planning Board.

All other stipulations of the Certificate of Vote and Site Plan shall remain in full force and effect.

All applicable laws, bylaws, rules, regulations, and codes of state law, federal law, and the Town of West Newbury shall be complied with, and the Owner shall obtain all necessary permits, licenses, and variances, as applicable.

The action of the Planning Board does not waive or alter any other permit or approval requirements, including, but not limited to, those of the Board of Health, the Inspection Department, and the Conservation Commission.

#### **APPEALS:**

Any appeal of this decision shall be made pursuant to Chapter 40A, Section 17 and shall be filed with the Town Clerk and the Superior Court within 20 days after the filing of the decision with the Town Clerk.

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**CERTIFICATE OF VOTE  
SPECIAL PERMIT  
Assessors Map R-3, Parcel 14B  
87 Crane Neck Street**

At a meeting of the West Newbury Planning Board held on November 7, 2023, Board Members voted to approve the Application for Special Permit for a Reduced Frontage Lot at 87 Crane Neck Street with Conditions.

➤ Final Certificate of Vote, as approved by the Board

The Vote was as follows:

Ann E. Bardeen	In favor	_____
Raymond A. Cook	In favor	_____
Timothy N. Cronin	In favor	_____
Deborah R. Hamilton	In favor	_____
Brian R. Murphey	In favor	_____





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OFFICE OF THE PLANNING BOARD  
381 MAIN STREET  
WEST NEWBURY MA 01985  
978-363-1100 X125 Fax: 978-363-1119**

**CERTIFICATE OF VOTE  
SPECIAL PERMIT FOR COMMON DRIVEWAY  
Assessors Map R-3, Lot 14B  
87 Crane Neck Street**

**November 7, 2023**

- I. APPLICATION:** Special Permit for a Common Driveway at 87 Crane Neck Street, received by the Planning Board on July 27, 2023 and the Town Clerk on July 27, 2023. Note that the Owner Applicant simultaneously submitted an application for a Special Permit for a Reduced Frontage Lot for 87 Crane Neck Street. The Board viewed, distributed, posted and held hearings on the Special Permits jointly.

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the frontage of Lot 1 includes any upland area. He opined that the development of the back of the lot would be detrimental to the abutters he represents and further that access to the lot without the common driveway was not reasonable and practical and thus does not meet zoning standards.

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Mr. Williams then presented common driveway waiver requests, noting that current requirements for a minor road were for paved roads and asking for a reduction of the 20 foot wide travelled way to a minimum width of 14 feet, noting that coarse stone and gravel along the

driveway allowed for a wider way. The existing conditions offer a deeper gravel subbase than is required in the minor roadway standards.

The Applicant is also asking for a waiver from pavement and cross slope requirements – noting that they do not intend to pave the common driveway. The cross slope is to prevent puddling and since the driveway does not currently puddle, no change is needed.

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The final change noted on the Common Driveway Plan is the addition of a split rail fence to eliminate the potential looped driveway for Lot 1.

The Board focused its discussion and questions on the possibility of reasonable practical access, benefits of a common driveway, the grade of the common driveway and the potential for runoff.

Attorney Douglas Deschenes of Finneran and Nicholson, representing abutters Mr. and Mrs. Dukarski, challenged the possibility of the conceptual subdivision road providing access. He claimed that practical frontage is required for both lots and opined that Lot 1, due to wetlands along the front that would require filling, did not have practical frontage. In terms of the reduced frontage lot, Mr. Deschenes contends that both lots are required to have reasonable access, but do not. He asked if the new wetland flagging has been certified by the Conservation Commission, as he contends that the upland identified by the new flagging is inaccurate as it seems to be based on vegetation only and not soils. Attorney Deschenes, also opined that waivers to the subdivision road standards are not an option, given the bylaw requires Common Driveway dimensions and construction meet the requirement for Minor Roadway Standards.

The Applicant's attorney Jeffrey Roelofs responded to points raised by Attorney Deschenes, noting that the reasonable practical access language includes the words "the possibility of.....reasonable practical access." He opined that this language makes it clear that the applicant does not need to guarantee approval of a permit.

Mr. Roelofs also noted that roadway standards have been waived for other common driveways as the waiver authority is within the subdivision regulations itself. He noted that even in subdivisions, Boards have the authority to waive the roadway standards.

Board Members voted (5-0) to close the public hearing, noting they would render a decision and post with the Town Clerk within 90 days.

At its regularly scheduled Planning Board Meeting on November 7<sup>th</sup>, the Board discussed .....After due consideration the Board voted (?-?) to grant the following waivers and approve the Special Permit for the Common Driveway based on findings of fact and with the below stated conditions.

**V. WAIVERS:**

Relative to section 7.D.7. of the Zoning Bylaws that requires Common Driveway dimensions and construction meet the requirements of Minor Roadway Standards.

- a. The Planning Board grants a waiver of the requirement for a paved 20' travelled way width. In place thereof a gravel driveway with a minimum width of 14' is required.
- b. The Planning Board grants a waiver of the requirement of a 6" paved surface. In place thereof, a gravel driveway is allowed.
- c. The Planning Board grants a waiver of the requirement of a 2% driveway cross-slope. In place thereof, a gravel driveway of varying cross slopes as exists or to be developed is allowed.

**VI. FINDINGS OF FACT:**

The Planning Board makes the following findings pursuant to Section 9.8 and as required by Section 11.2.6 of the West Newbury Zoning Bylaw, dated, amended dated, amended date.

Section 9.8

- a. The Common Driveway provides a reasonable public benefit, which would not otherwise be obtained without us of a common driveway. Said benefits include the reduction in the number of curb openings on Crane Neck Street, and protection of significant natural features (wetland resources) which can be avoided by provision of the common driveway.

Section 11.2.6

- b. The specific site is an appropriate location for the use or structure.
- c. The use developed will not adversely affect the neighborhood.
- d. There will not be an undue nuisance or serious hazard to vehicles or pedestrians, and adequate and appropriate facilities will be provided to ensure the proper operation of the proposed use, structure or condition.
- e. The proposed use or structure will be in harmony with the general purpose of this Bylaw.
- f. The requested use will not overload any public water, drainage, or any other municipal system to such an extent that the requested use or a developed use in the immediate area or in any other area of the town will be unduly subjected to hazards affecting health, safety or the general welfare.

**VII. CONDITIONS:**

- a. No more than three residential lots shall ever be served by the common driveway.
- b. The length of the common driveway shall not be used to satisfy zoning frontage requirements.

- c. Any easement or easement conditions obtained by the property owners over an abutting lot shall be subject to approval of the Planning Board.
- d. The Planning Board shall require covenant restrictions for the proper maintenance of common driveways by all affected property owners. All covenants and deed restrictions shall be recorded at the Registry of Deeds, Essex County South and referenced on the plan.
- e. The Town of West Newbury is not responsible for repair, maintenance, plowing or snow and ice control of the Common Driveway. This is the responsibility of the owners, and shall be noted in the Common Driveway Maintenance Covenant as in perpetuity.
- f. Future lot owners shall not petition the Board of Selectmen for repair, maintenance, plowing or snow and ice control of the Common Driveway. This Condition shall be noted in the Common Driveway Maintenance Covenant as in perpetuity.
- g. House numbers for each lot shall be posted at the intersection of the Common Driveway and the private driveway.
- h. This agreement shall be binding upon the executors' heirs and assigns and successors in title of the owner.
- i. Project construction shall be limited to the hours of 7:00 a.m. to 5:00 p.m., Monday through Friday, Saturdays from 8:00 a.m. to 3:00 p.m. Construction during the evening, on Sundays and on all holidays, is expressly prohibited. (needed?)
- j. Prior to the endorsement of the plan, the following shall be done:
  - 1. The Applicant shall make a notation on the plans, which references the conditions and dates of this Certificate of Vote.
  - 2. Lots 1 and 2 on said Plan shall be labeled "No further Subdivision".
- k. The endorsed Plan together with a signed copy of the Certificate of Vote shall be recorded at the Registry of Deeds. Three recoded copies of the above shall be submitted to the Planning Board prior to any work on the site. Once copy of each of the above shall also be submitted to the Town Clerk.
- l. An "as-built" or "record conditions" plan shall be provided to the Planning Board upon completion of the project. (is this just for completion of the common driveway?)
- m. In accordance with West Newbury Zoning By-Law Section 11.2.8, this approval which has been granted by the Planning Board shall lapse within two (2) years from the grant thereof, if a substantial use thereof has not sooner commenced except for good cause or, in the case of a permit for construction, if construction has not begun by such date except for good cause.
- n. No alteration of these plans shall be made or effected other than by an affirmative vote of four or more members of the Board at a duly posted meeting and upon issuance of a written amended decision.

### VIII. ADMINISTRATION:

Following the expiration of the applicable appeal periods, the Applicant shall record this endorsed Certificate of Vote and Plans at the Registry of Deeds. The Applicant shall also secure a statement for recording from the West Newbury Town Clerk, indicating that the applicable appeal periods have lapsed and that there have been no appeals or that if any appeal has been filed that it has been dismissed or denied. A copy of the recorded documents shall be provided

to the Planning Board.

All other stipulations of the Certificate of Vote and Site Plan shall remain in full force and effect.

All applicable laws, bylaws, rules, regulations, and codes of state law, federal law, and the Town of West Newbury shall be complied with, and the Owner shall obtain all necessary permits, licenses, and variances, as applicable.

The action of the Planning Board does not waive or alter any other permit or approval requirements, including, but not limited to, those of the Board of Health, the Inspection Department, and the Conservation Commission.

**IX. APPEALS:**

Any appeal of this decision shall be made pursuant to Chapter 40A, Section 17 and shall be filed with the Town Clerk and the Superior Court within 20 days after the filing of the decision with the Town Clerk.

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**CERTIFICATE OF VOTE  
SPECIAL PERMIT  
Assessors Map R-3, Parcel 14B  
87 Crane Neck Street**

At a meeting of the West Newbury Planning Board held on November 7, 2023, Board Members voted to approve the Application for Special Permit for a Common Driveway at 87 Crane Neck Street with Conditions.

➤ Final Certificate of Vote, as approved by the Board

The Vote was as follows:

Ann E. Bardeen	In favor	_____
Raymond A. Cook	In favor	_____
Timothy N. Cronin	In favor	_____
Deborah R. Hamilton	In favor	_____
Brian R. Murphey	In favor	_____



# Town Planner Report

November 7, 2023

## **Housing Opportunities Initiative (MBTA Community Multi-Family Zoning District)**

Nov 7<sup>th</sup>, Dodson & Flinker are presenting Concept Plans for the potential Overlay Zoning Districts on the so-called Knapp and Dunn Greenhouse properties along with draft Zoning Regulations.

Feedback may lead to changes in the Regulations that will be shared at the November 15 Town Projects Fair and Forum when the Housing Opportunities Initiative will be highlighted. Following the Forum, the Consultant Team will continue testing the Zoning against EOHLC (Executive Office of Housing and Livable Communities) Compliance Model, and seeking community feedback on any changes.

The final deliverable for the Initiative in the spring will be Zoning Regulations for a Multi-Family Overlay District that will bring the Town into compliance with MBTA Communities Law (Section 3A) if adopted at the 2024 Annual Town meeting.

## **ADU and Non-Conforming Bylaw Changes**

Both Bylaws were passed by Town Meeting on October 23<sup>rd</sup> and the Town Clerk has submitted the required documentation to the Attorney General's Office which has 90 days which to decide whether the proposed amendments are consistent with the constitution and the laws of the Commonwealth.

## **Housing Production Plan**

The virtual sub-regional HPP meeting was held on, October 12<sup>th</sup>. A follow up in-person West Newbury forum is being planned, tentatively for the second week in December. MVPC working with Consensus Building Institute (CBI) will facilitate an interactive event at the Town Annex.

It is important for the Planning Board and the Select Board to be engaged in the development of the Town's Housing Production Plan as both are required to adopt the Plan in advance of submitting to the EOHLC for approval. I will continue to provide updates on the process and will share drafts of the Plan as soon as submitted – likely early in 2023.

## **Town Projects Fair and Forum**

Two forums will make up this year's Town Projects Fair and Forum: November 9<sup>th</sup> will feature the Route 113 Corridor Study and the River Road Resiliency Study and November 15<sup>th</sup> will feature the Housing Opportunities Initiative. In addition to featured projects which will include presentations and question and answer periods along with engagement stations, there will be numerous stations intended to share information about the many other projects the Town has underway. Some of these include Page School Conditions Assessment; Solar Site Feasibility Study, Invasive Species Management, SAGE Center Programs and Events and others.

The overall goal for the Town Projects Fair and Forum is to provide information and gather community input on various projects and highlight the depth of planning, and the level of coordination going on among Boards, Committees and Town Staff.

## **113 Corridor Improvement Study**

The Consultant Team, TEC Engineering has mapped existing conditions and is seeking input at the November 7 Fair and Forum to identify community needs along the corridor. The study is the first step in a multi-year process to make considerable safety and livability improvements along Route 113.

Sue Brown, Town Planner  
11/2/2023

# Town Planner Report

November 7, 2023

## **River Road Climate Change Resiliency Project**

On Oct 3<sup>rd</sup>, community leaders, town staff, board and committee members and others enjoyed a Merrimack River boat tour to view first-hand the conditions of the shoreline that makes up West Newbury's norther border.

In addition to land assessment and mapping the project will offer numerous opportunities for community engagement including, forums, progress meetings, GAR Library events, field trips, virtual education events and citizen science opportunities.

Like, the Route 113 Corridor Study, this is a beginning step in a process to identify, develop consensus about and plan for an array of near, mid, and long-term resiliency options for River Road and its environs.

## **Evergreen Farm – Ash Street**

At the Oct. 23<sup>rd</sup> Town Meeting, voters authorized the Town to use up to \$175,000 in CPA funds to co-acquire a conservation restriction on 14 acres at Evergreen Farm at 114 Ash Street. Greenbelt is leading the effort to preserve Evergreen Farm, and currently has an accepted offer to purchase the entire 36 acres for \$1.9 million (contingent upon an appraisal). Greenbelt's fundraising plan is to sell 18 acres of the Farm to the Dept. of Fish & Game for an addition to Crane Pond Wildlife Management Area. The other 18 acres will be sold to a private buyer; 14 of these 18 acres will be forever protected from development by the CR that the Town and Greenbelt would co-hold. The CR will allow farming to continue on the land. 4 acres, which include all existing structures, would remain unrestricted.

## **Potential Future Zoning Amendments**

With successful adoption of the ADU and Non-Conforming Zoning Amendments at Fall Town meeting, I thought I'd remind the Board of other possible Zoning Amendments that have been discussed.

- Inclusionary Housing Bylaw – potentially amend and/or clarify how housing contributions are calculated
- Steep Slopes Bylaw – potential new bylaw to restrict or regulate development on steep slopes
- Adult Use of Marijuana Bylaw – potential new bylaw to regulate the building and operation of non-medical marijuana facilities

From the Building Inspector's list include:

- Revise/edit/delete Definitions so they pair with the Building Code in language, update outdated language and remove or add definitions as needed for clarity
- Format Section 4 Use Regulations to a table format
- Section 6.2 – Performance Standards – some of this needs to be updated or revised
- Flood Plain Bylaw update – The update is ready to go. Just need to change map panel numbers to reflect new Charles River Watershed mapping once the map numbers are issued
- Parking/loading Regulations- update
- BESS – Battery Energy Storage Systems – new bylaw



REC'D W. MENEBBY CLARK  
23 OCT 30 AM 9:39

# Amesbury

Planning Board  
Tel: (978) 388-8110  
Fax (978) 388-6727

City Hall  
62 Friend Street  
Amesbury, MA 01913-2884

**DATE:** October 23, 2023  
**TO:** Newburyport Daily News  
**FROM:** Becky Frey, Community Development Coordinator  
**RE:** LEGAL NOTICE – ZONING AMENDMENT 2023-97

## CITY OF AMESBURY LEGAL NOTICE

The Amesbury City Council referred Bill 2023-97 to the Planning Board to amend the Amesbury Zoning Ordinance. Pursuant to Massachusetts General Law, Chapter 40A, Section 5 and the Amesbury Zoning Ordinance and Map, Section XV, Amendment, Validity, Effective Date, the Amesbury Planning Board will hold a public hearing on **Monday November 13, 2023**, at a **virtual** meeting in accordance with the provisions of Massachusetts General Laws, Chapter 40A, Section 9 at **7:00 pm** to hear a proposal to amend the existing Zoning Ordinance and Map of the City of Amesbury as follows:

Bill #2023-97 – to amend “Section II Definitions; Section V Table of Use Regulations; and to add Section XI.K.3” for Accessory Dwelling Units.

This meeting will be conducted under S. 2475, an act relative to extending certain COVID-19 measures adopted during the state of emergency, signed on June 16, 2021, and further extended through March 31, 2025. The public can view this meeting on ACTV Channel 6, the ACTV website or their Facebook page: [www.facebook.com/AmesburyCommunityTelevision](http://www.facebook.com/AmesburyCommunityTelevision). Call the Office of Community & Economic Development at 978-388-8110 with any questions.

A full and complete copy of the proposed zoning amendments are available in the City Clerk’s Office, Amesbury City Hall at 62 Friend St., during regular business hours.

Pascal Rettig  
Planning Board Chair

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



REGD & NEWBURY CLERK  
23 OCT 23 PM 12:00

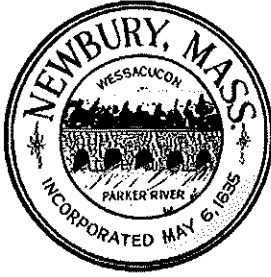
**LEGAL NOTICE**

*Project Location: 912 Salem St, Map 41 Lot 095*

*Filing: Special Permit*

*Notice to run in the Eagle Tribune on October 16, 2023 and October 23, 2023.*

The Groveland Planning Board will hold a public hearing on Monday October 30, 2023 at 7:00 PM in the Main Meeting Room of Town Hall, 183 Main Street, Groveland, MA, under General Laws, Chapter 40A, as amended, Groveland Zoning Bylaw Section 13, and Groveland Stormwater Bylaw and Regulations, for the application made by Mark A Abare, for the premises located at 912 Salem St Map 41 Lot 095, in the Industrial (I), Residential 1 (R1), and Residential 2 (R2) Zoning Districts, and owned by William T Bryan III, for a Site Plan Approval and Stormwater Management and Land Disturbance Permit. The application is for the construction of a contractor's yard and associated site work for the project. The supporting materials are on file in the EDPC Department at the Town Hall, and may be viewed during the hours of, Monday through Thursday 8AM to 3PM, or call 978.556.7214.



**TOWN OF NEWBURY  
ZONING BOARD OF APPEALS  
12 KENT WAY, SUITE 101  
BYFIELD, MA 01922**

REC'D & NEWBURY CLERK  
23 NOV 1 AM 2023

**ABUTTER NOTIFICATION  
NEWBURY ZONING BOARD OF APPEALS MEETING**

Notice is hereby given that the Newbury Zoning Board of Appeals will hold a public hearing on Thursday, November 16, 2023, at 7:30 p.m. in the Hearing Room, 2<sup>nd</sup> Floor, Newbury Municipal Offices, 12 Kent Way, Byfield, MA 01922, on the application of **The Cottages Commercial, LLC, by Vincent Godin, Manager, of 14 Plum Island Boulevard, Newbury, MA 01951 for property at 2-8 Old Point Road.**

The Applicant is requesting a **SPECIAL PERMIT/FINDING** for relief from the Newbury Zoning Bylaw Section 97-4D(4) (Change of Use) to allow modifications to the property, including installation of a 40'x40' pavilion and an 8'x20' storage container on the site, and to approve use of a 7'x30' section of the site for removable storage sheds. These modifications require an amendment of the Zoning Board of Appeals Decision dated January 19, 2021, for the property located at 2-8 Old Point Road, Plum Island, Newbury, MA 01951 (Assessor's Map U02, Lots 153A and 154).

Questions on this project or requested copies of this application may be directed to the Zoning Board of Appeals at the Town of Newbury offices at 12 Kent Way, Suite 101, Byfield, MA 01922. Please call the Administrator at 978/465-0862 x304 with any questions/comments.