

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

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

1. 7:00 P.M – Public Hearing on Proposed Zoning Changes; Zoning Bylaw Recodification and Renumbering; Large-Scale Ground-Mounted Solar Photovoltaic Installations Bylaw
2. Stormwater Management Permit Update
3. Discussion on Accessory Dwelling Unit Bylaw
4. Town Planner Report
5. General Business:
  - Minutes – February 7, 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/81038167346?pwd=UVRGQVNXd3ZEUEhWOWhxQWdXYVBuQT09>

Meeting ID: 810 3816 7346

Passcode: 176504

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.

# West Newbury Planning Board

## Memo

To: Legal Ads  
Attention: Christa MacDonald  
The Daily News  
Telephone (978) 961-3181  
Email: [NTLegals@newburyportnews.com](mailto:NTLegals@newburyportnews.com)

From: Katelyn Bradstreet, Administrative Assistant  
Town of West Newbury Planning Board  
(978) 363-1100 ext. 135  
[Planning.admin@wnewbury.org](mailto:Planning.admin@wnewbury.org)

Date:

Re: **Legal Notice for West Newbury**

Please place the following Legal Notice in the February 20 and February 27 edition of the **The Daily News**. Please send the invoice to:

West Newbury Planning Board  
381 Main Street, West Newbury, MA 01922  
Attn: Katelyn Bradstreet

Please call or email Katelyn to confirm receipt of this Legal Notice. Thank you.

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### Legal Notice West Newbury Planning Board

The West Newbury Planning Board will hold a Public Hearing on Tuesday March 7<sup>th</sup>, 2023 during a meeting that begins at 7:00 p.m. to consider the Board's recommendations for the following changes to the Town of West Newbury Zoning Bylaw: 1) to recodify and renumber the Town of West Newbury Zoning By-laws in their entirety, including all internal citations in order to improve the organization of the Bylaws and allow future changes within the appropriate subsections; 2) to Amend Section 5G Large-Scale Ground Mounted Solar Photovoltaic Installations Overlay District by replacing the existing District with locational criteria for the installation of LGSPI and other minor amendments to definitions and design standards; and 3) to delete Section 3.A.1 and Section 3.B.1 pertaining to the mapping of the current LGSPI District.

To view the proposed changes visit: <https://www.wnewbury.org/planning-board/pages/current-documents> or contact [planning.admin@wnewbury.org](mailto:planning.admin@wnewbury.org).

Interested persons may participate in the meeting by joining from computer, tablet or smartphone using: <https://us06web.zoom.us/j/87344476579?pwd=NWlaanN0VU5vQitPRkRFSnRYUUZEZdz09>

OR by calling: +1-646-558-8656. Enter Meeting ID: **873 4447 6579**

Passcode: **354117**

Katelyn Bradstreet,  
Administrative Assistant

**ARTICLE XX:** To see if the Town will vote to recodify and renumber the Town of West Newbury Zoning By-laws in their entirety, including all internal citations thereto, in the manner set forth in the Town of West Newbury By-laws with effective dates through October 23,2021, and addendums thereto, a copy of which has been placed on file with the Town Clerk, and further to amend said existing Zoning By-laws as set forth below:

1. Delete the existing table of contents and add a new Table of Contents as set forth in the Revised Zoning By-laws;
2. Delete Section 1 and replace with Revised Section 1;
3. Recodify Section 2 of the existing Zoning By-laws as Section 2 of the Revised Zoning By-laws;
4. Recodify Sections 3.A and 3.A.1 as Section 3.1 and 3.1.1 of the Revised Zoning By-law; Recodify Sections 3.B and 3.B.1 as Section 3.2 and 3.2.1 of the of the Revised Zoning By-laws; Recodify Sections 3.C, 3.C.1, 3.C.2, 3.C.3 and 3.C.4 as Sections 3.3, 3.3.1, 3.3.2, 3.3.3 and 3.3.4 of the Revised Zoning By-laws;
5. Rename Section 4A Non-conforming Uses to Non-conforming Uses and Structures; Recodify Sections 4.A, 4.A.1, 4.A.2, 4.A.3 and 4.A.4 as Sections 7.1, 7.1.1, 7.1.2, 7.1.3 and 7.1.4 of the Revised Zoning By-laws; Recodify Sections 4.B and 4.B.1 as Sections 4.1 and 4.1.1 of the Revised Zoning By-laws; Recodify Sections 4.C, 4.C.1 and 4.C.2 as Sections 4.2, 4.2.1 and 4.2.2 of the Revised Zoning By-laws; Recodify Sections 4.D and 4.D.1 as Sections 9.1 and 9.1.1 of the Revised Zoning By-laws; Recodify Section 4.E as Section 9.9 of the Revised Zoning By-laws;
6. Recodify and rename Section 5.A, Residence A, B and C Districts, as Section 4.3, Uses Permitted in Residential A, B and C Districts; Recodify Section 5.A.1, 5.A.2, 5.A.3 and 5.A.4 as Sections 4.3.1, 4.3.2, 4.3.3 and 4.3.4; Recodify Section 5.B, 5.B.1 and 5.B.2 as Sections 4.4, 4.4.1 and 4.4.2; Recodify Sections 5.C, 5.C.1, and 5.C.2 as Sections 4.5, 4.5.1 and 4.5.2; Recodify Sections 5.D Floodplain Overlay District as Section 8.1 Floodplain Overlay District deleting Section 5.D.5, Severability, and revise and incorporate as Section 1.7.; Change the title of Section 5.D.17 Uses to 8.1.17 Permitted Uses; Recodify Section 5.E as Section 9.6; Recodify Section 5.F as Section 6.1; Delete Section 5.F.10 Severability, revising and incorporate as Section 1.7; Recodify Section 5.G as Section 8.3;
7. Rename and recodify Section 6, Intensity of Use as Section 5 Dimensional Requirements; Recodify Section 6.B as Section 9.1;
8. Rename and recodify Section 7 Conditions for Use as Section 6.2 Performance Standards; Rename and recodify Section 7.B Off-Street Parking and Loading as Section 6.3 Parking; Recodify Section 7.C Signs as Section 6.4 Signs; Recodify Section 7.C.2.I.2 as Section 6.4.3; Delete Section 7.C.5, Severability, and revise and incorporate as Section 1.7; Recodify Section 7.D as Section 9.8; Recodify Section 7.E as Section 9.7;
9. Recodify Section 8, 8.A and 8.A.1 as Section 11, 11.1 and 11.2; Recodify Section 8.B, Site Plan Review, as Section 11.3; Recodify Sections 8.C, 8.D and 8.E as Sections 11.4, 11.5 and 1.5;
10. Delete table of context in Section 9; Rename and recodify Section 9. Personal Wireless Service Facilities as Section 9.5, Wireless Communication Facilities;
11. Recodify Section 10 as Section 8.2;
12. Recodify Section 11 as Section 9.4;
13. Recodify Section 12 as Section 9.3;
14. Recodify Sections 13-19, Reserved, as Section 10, Reserved;
15. Delete Section 20, Validity and replace with Section 1.7 Severability;
16. Add Appendix A, Zoning District Map; Add Appendix B, Overlay District Map(s), Recodify Appendix One as Appendix C; Recodify Appendix Two as Appendix D.

Or take any other action relative thereto.

Zoning Bylaw Recodification - Comparisons of Table of Contents

Existing	Moved to Section	Proposed
Section 1	PURPOSE AND AUTHORITY	1
		Section 1
		GENERAL PROVISIONS
		1.1 Title
		1.2 Authority
		1.3 Scope
		1.4 Applicability
		1.5 Amendments
		1.6 Severability
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		DEFINITIONS
Section 3	ESTABLISHMENT OF DISTRICTS	3
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	4.A. Non-conforming Uses	7
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		4.2 Uses Permitted in all Districts
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		4.4 Uses Permitted in Business (B) District
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		DIMENSIONAL REQUIREMENTS
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	5.D. Floodplain Overlay District	8.1
	5.E. Siren or Public Alert & Notification Systems	9.6
	5.F. Inclusionary Housing Requirements	6.1
	5.G. Large-Scale Ground-Mounted Solar Photovoltaic Overlay District	8.3
		5.1 Table of Dimensional Control
		5.2 Reduced Frontage Lot Special Permit
		5.3 Lot Dimensional Requirements
		5.4 Building Dimensional Limits
		5.5 Yard Setbacks
		5.6 Lot and Setback Requirements for Special Permit Uses
		5.7 Lot Shape and Width
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		5.9 Deleted
		5.10 Lot Access Through Legal Frontage
Section 6	INTENSITY OF USE	5
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Section 7	CONDITIONS FOR USE	6
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		NON-CONFORMING USES AND STRUCTURES
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	7.B. Off-Street Parking and Loading	6.3
	7.C. Signs	6.4
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		OVERLAY DISTRICTS
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	8.A.2. Planning Board Acting as Special Permit Granting Authority	11.2
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Section 9	PERSONAL WIRELESS SERVICE FACILITIES	9.5
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		9.1 Open Space Preservation Development
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		9.6 Siren or Public Alert & Notification Systems
		9.7 Assisted Living Facilities
		9.8 Common Driveways
		9.9 Temporary Moratorium on Medical Marijuana Treatment Centers/Registered Marijuana Dispensaries. DELETED
Section 10	GROUNDWATER PROTECTION OVERLAY DISTRICT	8.2
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Section 11	WIND MONITORING AND METEOROLOGICAL TOWER	9.4
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Section 13-19	Reserved for Future Use	10
Section 20	VALIDITY	1.7

# Zoning Recodification and Renumbering

## Comparison of Existing and Proposed Section 1

### Existing:

**SECTION 1. PURPOSE AND AUTHORITY** *[Section 1. amended by Amendment effective May 3, 2012 by vote of Annual Town Meeting, Article 21, and approved by the Attorney General on August 30, 2012 and posted according to law on September 7, 2012]*

1.A. The purpose of this by-law is to promote the health, safety, welfare and convenience of the inhabitants of West Newbury by dividing the Town into districts and regulating the uses therein, with a view to encouraging the most appropriate use of land in the Town, to protecting and improving property values and to furthering the objectives of Chapter 808 of the Acts of 1975.

1.B. This By Law is adopted under the authority provided by and in accordance with the provisions of Chapter 40A of the General Laws of the Commonwealth of Massachusetts, and Article 89 of the Massachusetts Constitution, the Home Rule Amendment.

1.C. All references to this Zoning Bylaw, state statutes, and other references shall be considered "as amended."

### Proposed:

#### **Section 1. GENERAL PROVISIONS**

##### 1.1 Title

This bylaw shall be known and may be cited as the "Zoning Bylaw of the Town of West Newbury, Massachusetts" and is referred to herein as "this bylaw."

##### 1.2 Authority

This bylaw is enacted in accordance with the provisions of the General Laws, Chapter 40A, and any and all amendments thereto.

##### 1.3 Purpose

These regulations are enacted to promote the general welfare of the Town of West Newbury, to protect the health and safety of its inhabitants, to encourage the most appropriate use of land throughout the Town, to preserve the cultural, historical and agricultural heritage of the community, to increase the amenities of the Town and to reduce the hazard from fire by regulating the location and use of buildings and the area of open space around them, all as authorized by, but not limited to, the provisions of the Zoning Act, MGL c. 40A, as amended, Section 2A of 1975 Mass. Acts 808, and by Article 89 of the Amendments to the Constitution of the Commonwealth of Massachusetts.

##### 1.4 Scope

For these purposes, the construction, repair, alteration, reconstruction, height, number of stories, and size of buildings and structures, the size and width of lots, the percentage of lot area that may be occupied, setbacks, courts, and other open spaces, the density of population, and the location and use of buildings, structures, and land in the Town are regulated as hereinafter provided.

#### 1.5 Applicability

All buildings or structures hereinafter erected, reconstructed, altered, enlarged, or moved, and the use of all premises in the Town, shall be in conformity with the provisions of this bylaw. No building, structure or land shall be used for any purpose or in any manner other than as expressly permitted within the district in which such building, structure or land is located. Where the application of this bylaw imposes greater restrictions than those imposed by any other regulations, permits, restrictions, easements, covenants, or agreements, the provisions of this bylaw shall control. If within this bylaw a zoning bylaw or part thereof is in conflict with another zoning bylaw or part thereof, the most stringent shall apply.

#### 1.6 Amendments

This bylaw may from time to time be changed by amendment, addition, or repeal by the Town Meeting in the manner provided in MGL c. 40A, § 5, and any amendments thereto.

#### 1.7 Severability

The invalidity of any section or provision of this bylaw shall not invalidate any other section or provision herein.

## 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.

### **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]*

#### 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 ~~LPGSIs~~ 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 environmental, 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
- iv.v. A map showing the parcel in relationship to the allowable area criteria



- v-vi. An aerial photograph showing the existing property and structures, abutting properties, structures and streets. The proposed LGSPI, appurtenant structures, driveways and other proposed improvements shall be superimposed upon the aerial photograph.
- vi-vii. 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-viii. 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	Mini - mum Lot Area In feet	Lot Frontage In feet	Percent of Required Lot area as Contiguous and Buildable (6.A.2)	Distance from <u>Overlay District</u> Parcel Boundary In feet	Maximum Lot Coverage %	Maximum Building Coverage %	Maximu m Height in feet (6.A.3.)
<u>Solar Photovoltaic Array</u> PV Array	n/a	n/a	n/a	50	<u>n/a</u> As per <u>District</u>	<u>n/a</u> As per <u>District</u>	15
Appurtenant Structures	n/a	n/a	n/a	40	<u>n/a</u> As per <u>District</u>	<u>n/a</u> As per <u>District</u>	35

- 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 Operator 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.

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.

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.

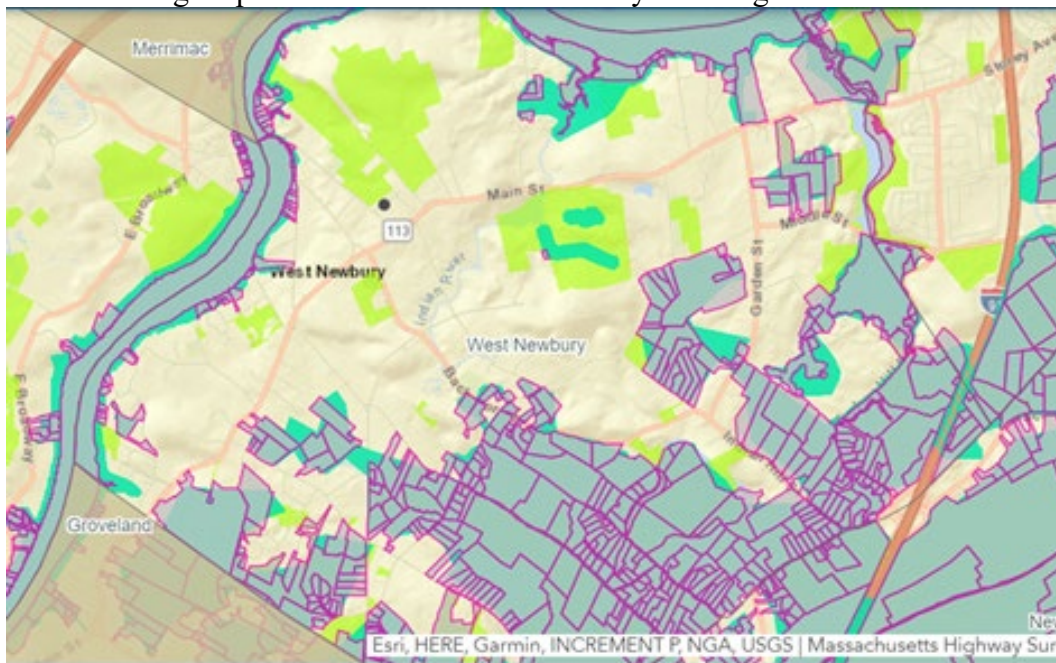
## High Conservation Value Map

**High Conservation Value** is defined as parcels with 50% or more of their land mapped as *BioMap2* and/or *Priority Habitat* parcels.

**BioMap** (developed by MassWildlife and The Nature Conservancy) is an important tool to guide strategic protection and stewardship of lands and waters that are most important for conserving biological diversity in Massachusetts and includes area identified as Core Habitat and Critical Natural Landscapes. [What Is BioMap? \(arcgis.com\)](http://arcgis.com)

**Priority Habitats** are habitat of state-listed rare species in Massachusetts based on observations documented within the last 25 years in the database of the Natural Heritage & Endangered Species Program (NHESP). [Natural Heritage GIS Resources | Mass.gov](http://Mass.gov)

The following map shows areas in West Newbury with High Conservation Value.



Parcels with 50% or more BioMap2 and/or Priority Habitat



NHESP BioMap2 and Priority Habitat



Land Protected through Article 97



An official Town Map representing the location of supportive infrastructure and all properties within 1000 feet of supporting infrastructure is being prepared.

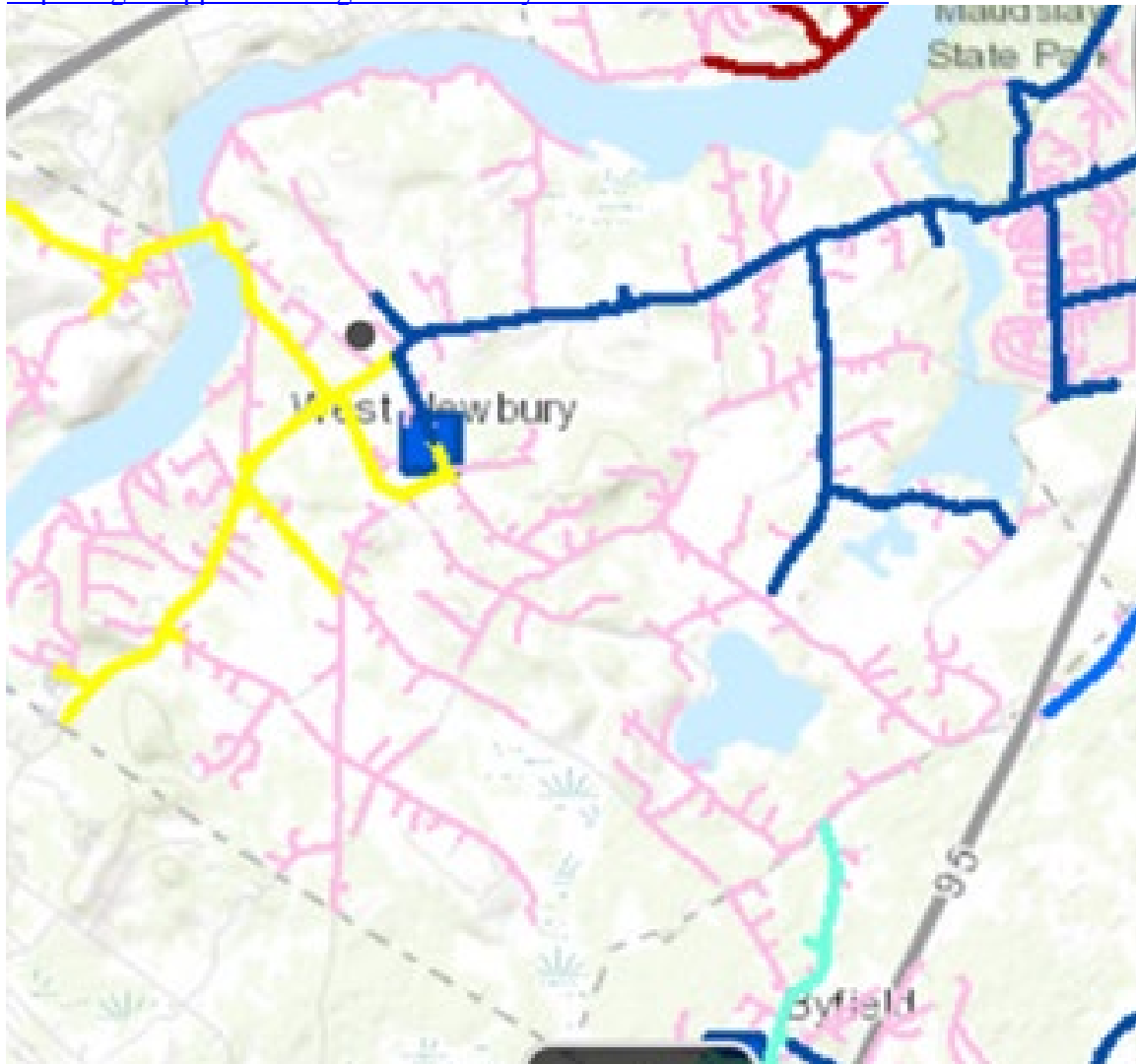
## Supportive Infrastructure Map for

The following map shows the hosting capacity for Large Scale Photovoltaic Installations in West Newbury.

Blue indicates (3-phase) capacity ,  
Yellow indicates a bit less capacity  
Pink indicates insufficient capacity

National Grid - Massachusetts System Data Portal

<https://ngrid.apps.nationalgrid.com/NGSysDataPortal/MA/index.html>



An official Town Map representing the location of supportive infrastructure and all properties within 1000 feet of supporting infrastructure is being prepared.

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

Wayne Amoral (Chief Procurement Officer) is negotiating a contract with Dodson and Flinker.

I would expect we will set up a kick-off meeting in early March.

Please see and direct others to the project webpage. [MBTA Communities Multi-Family Housing District | Town of West Newbury MA \(wnewbury.org\)](#)

### **Housing Production Plan**

MVPC is gathering information and will be scheduling an initial public meeting within the next 4-6 weeks.

### **Solar Facilities Bylaw**

Town Counsel Robin Stein has submitted a final redlined draft with comments.

I am still waiting for maps from MVPC.

### **Housing Initiatives**

I have developed a brief overview of the four housing related initiatives currently underway in town to help explain both the reason for the initiatives and what each is about.

- Affordable Housing Trust Action Plan
- Housing Production Plan
- MBTA Communities Multi-Family Overlay District Study
- ADU Bylaw Study

I am happy to have your input via email, phone or face-to-face.

Regarding the Affordable Housing Trust Action Plan:

The AHT is hosting a listening session on March 16 at 7 PM to solicit input on their [AHT Draft Action Plan](#). You may also submit input by email at [housingtrust@wnewbury.org](mailto:housingtrust@wnewbury.org)

### **Stormwater Management Regulation**

The Stormwater Task Force last met on Feb 15. Following a discussion on the definition of “connect or contribute to a municipal stormwater system” – the Task Force recommends eliminating the language and instead giving the Stormwater Authority’s Designee (Board of Health) the authority to require any single and two-family residential project to install one or more BMP’s to assure adequate protection regardless of whether they connect or contribute to a municipal stormwater system. Making this change would remove the need to define “connect or contribute to” as the Stormwater Group and Horsley Witten agree it is open to interpretation without substantial qualifications built into the definition. The change also provides the Authority greater ability to require more than a single BMP.

Any single or two-family project outside the MS4 district would be a Tier Two project with the more limited submittal requirements, no reporting requirement AND

- All projects would require a minimum of one BMP sized to handle the 1” storm event.
- All projects would be prohibited from increasing runoff (rate and flow) from the project site.

Town Planner Report  
March 7, 2023

- the BOH as the PGA's agent could require at its discretion one or more additional BMP's to control runoff.

Should the BMPs (even if installed as permitted) not adequately handle runoff, the BI could find the project to not be in compliance and could require additional actions to be taken until the project is deemed compliant. The applicant would have the option to be permitted as a Tier One project.

The Working Group recommends pricing as follows:

Tier 1: Base price \$500 plus an additional \$100 for each additional acre or fraction of an acre that would be rounded to the next full number

Ex: 1 acre to 1.49 acres = \$500, 1.5 acres to 2.49 acres = \$600, 2.5 acres to 3.49 acres = \$700...

Tier 2: Base price \$250 plus an additional \$50 for each additional acre or fraction of an acre that would be rounded to the next full number

Ex: 1 acre to 1.49 acres = \$250, 1.5 acres to 2.49 acres = \$300, 2.5 acres to 3.49 acres = \$350...

**Other Bylaws under consideration for amendments:**

ADU Bylaw – Draft regulations being developed by the Board.

Wireless Bylaw – Existing bylaw may be unenforceable due to changes in state regulations.

Adult Use Marijuana Bylaw – Must be brought before Town Meeting. Consider a six-month time frame to prepare.

Steep Slopes Bylaw – Consider new bylaw to protect environment from impacts of developing on steep slopes.



100 Turnpike Street  
 North Andover, MA 01845-5033  
 Tel: 978-946-2000  
 Fax: 978-685-2432

**For Billing Questions Call: 978-725-5110**

Billing Date: 02/28/23  
 Account Number: 10872

Page 1 of 1

The Eagle-Tribune | The Salem News | The Daily News of Newburyport  
 Gloucester Daily Times | Andover Townsman | The Haverhill Gazette  
 Derry News | Carriage Towne News

Balance Brought Forward	\$495.57
Payments & Credits	\$0.00
Charges & Adjustments	\$874.50
Finance Charges	\$0.00
<b>Total</b>	<b>\$1,370.07</b>

ADVERTISER: WEST NEWBURY PLANNING BOARD

CHARGES/CREDITS AD DESCRIPTION/PUB CODES	RUNS	RATE	SPACE	COST	DISCOUNT	AMOUNT
01/31/23 Balance Brought Forward						495.57
NT - Newburyport Daily News Legals Class Display, LEG - Legals March 7 Planning Board 2/20/2023	1	58.30	7.50	437.25		437.25
NT - Newburyport Daily News Legals Class Display, LEG - Legals March 7 Planning Board 2/27/2023	1	58.30	7.50	437.25		437.25

\*\*\*\*\*PLEASE RETURN BOTTOM PORTION WITH YOUR PAYMENT\*\*\*\*\*

Payment Due Date: 3/25/2023  
 Account No: 10872

Amount Due:	<b>\$1,370.07</b>
Amount Paid:	\$ _____
Balances over 30 days are subject to a 1.5% finance charge or \$5.00, whichever is greater.	
Check Number:	_____

WEST NEWBURY PLANNING BOARD  
 ATTN: LEAH ZAMBERNARDI  
 381 MAIN ST  
 WEST NEWBURY MA 01985-1450

Use Reverse side to pay by credit card	Over 30	Over 60	Over 90	Over 120
	.00	495.57	.00	.00



**Town of West Newbury  
Planning Board  
Tuesday February 7<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 7:03 P.M. Members in attendance were Ann Bardeen, Ray Cook, Tim Cronin, Deb Hamilton and Brian Murphey. Town Planner Sue Brown was also in attendance. All participated via Zoom Conference.

### **1. Updates on Stormwater Management Regulations**

- Sue Brown stated the Stormwater Working Group have been trying to come to conclusions on adjusting the regulations to make them practical, while still protecting the Town. The working group has come up with a draft recommendation for the Planning Boards input and it includes having a two-tiered approach. It would remain having a permit requirement but if it is outside the MS4 area and does not connect to an MS4 system, then it would go through a less onerous permitting process. This would require the applicant to put in a VNP to handle the one-inch rain event, similar to MS4. Brown would like to put in the language that the project could not increase runoff to another property, public way or to a public resource. The other recommendation was to have the Planning Board pass the authority for the permitting to the Board of Health which has the capacity in its Agent to do that **work. \*what work?\*** Bardeen agreed that it made sense to have a two-tiered system. Brian Murphey questioned if 87 Main Street was within the MS4 district. Building Commissioner, Sam Joslin, stated it was not in the MS4 district. Brown stated that if it contributes to the drain/stormwater system, it would go through the highest permitting system. Murphey questioned why the Board of Health would have the authority. Brown stated it is more of a capacity issue and health agent, Paul Sevigny, has the knowledge base on permitting sewer systems. Murphey stated it would make more sense if ConCom was the permitting authority. Joslin stated that all projects go through the Board of Health as a starting point since all projects require septic (no public sewer in town). Brown stated the final red-lined draft will be available in the future to review with the Planning Board.

### **2. Updates on Solar Bylaw**

- Brown shared the red-lined version of the Solar Bylaw Amendment. Brown went over the changes that were recommended from Robin Stein. Planning Board members reviewed the document and discussed proposed changes.

### **3. Discussion on Planning Board Hearing Options for Town Meeting Articles**



- Brown shared the hearing date options and timeline with the Planning Board members. Options included the 3/7 meeting, a special meeting on 3/14, or a meeting on 3/21 only if FinCom does not wish to review. Bardeen stated she would rather not have a special meeting designated for the public hearing due to other obligations. Brown and Bardeen agreed to hold public hearing at the 3/7 meeting.

#### 4. Discussion on MBTA Communities Initiative

- Brown stated she sent out the RFQ to four consultant teams and received one proposal so far. Once the deadline to submit proposals has been met, Brown will review proposals to ensure all applicable information is provided. Brown will then schedule their presentations for review to the Planning Board. Bardeen stated it would be a great idea to have Town Manager, Angus Jennings, attend the presentation meeting.

#### 5. Discussion on Accessory Dwelling Units

- Brown updated the ADU matrix excel sheet that she created previously. Planning Board members, along with Brown and Joslin, agreed to update the owner-occupancy requirements to allow for a temporary 6 month absence per year and owner may rent out the space with prior notice to the town, single ownership only (condo ownership not allowed), etc. Board members discussed new entrance locations, parking options, minimum lease terms, etc. Discussion will continue at the next meeting.

#### 6. Town Planner Report

- Brown shared her report with the Board members. Brown suggested to have one of the Planning Board members be on the stakeholder committee for the Housing Production Plan. Brown mentioned that the planning page on the Towns website will have a section dedicated to the MBTA Communities project. No change in the Wireless Bylaw – KP Law has begun to review and will report back to the Planning Board once completed.

#### 7. General Business:

- **Minutes – January 17, 2023; Others, if any**
  - Bardeen moved to approve the minutes of January 17, 2023, as amended. Seconded by Cook. Roll call vote was taken and the motion passed 5-0.
- **Correspondence:** Alternative legal ad options – The Town Common paper. Planning Board members stated they had never heard of it. Bardeen suggested to stick with what we’ve used previously – The Daily News.
- **Administrative Details:** There were none.
- **Placement of Items for Future Planning Board Agendas:** There were none.
- **Items not Reasonably Anticipated by the Chair 48 Hours in Advance of a Meeting:** There were none.

#### Adjournment:

**Bardeen moved to adjourn the meeting at 9:12 P.M. Seconded by Murphey. Roll call vote was taken, and the motion passed 5-0.**

Respectfully submitted,

Katelyn Bradstreet, *Administrative Assistant to the Planning Board*



**Town of Groveland**  
**Zoning Board of Appeals**  
183 Main Street  
Groveland, MA 01834

**LEGAL NOTICE**

*Project Location: 6-8 Elm Park, Map 10 Lot 13*

*Filing: Special Permit*

*Notice to run in the Eagle Tribune on February 1, 2023 and  
February 8, 2023.*

**RECEIVED**

FEB 14 2023

WEST NEWBURY  
PLANNING BOARD

The Groveland Zoning Board of Appeals will host a public hearing on Wednesday February 15, 2023 at 7:30 PM in the Public Safety Building, 181 Main Street, Groveland, MA, under General Laws, Chapter 40A, as amended, for Application #2023-5 made by Your Place and Ours, LLC, for the premises located at 6-8 Elm Park, Map 10 Lot 13, located in the Business (B) Zoning District for a Special Permit in accordance with Section 50.4.5 (Table of Uses) of the Groveland Zoning Bylaw to operate a restaurant. 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.

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



RECEIVED

FEB 22 2023

WEST NEWBURY  
PLANNING BOARD

**Legal Notice**

Notice to run in the Eagle Tribune on February 20, 2023, and February 27, 2023.

The Groveland Planning Board will hold a public hearing on Tuesday, March 7, 2023 at 183 Main St, Groveland beginning at 7:00 p.m., pursuant to M.G.L. Ch.40A, Section 5 to consider amendments and additions to the Zoning Bylaw as follows:

- 1) Amend Section 50-8.2(A): Delete and replace the definition of Lot Regularity.
- 2) Amend Section 50-8.2(C): Delete and replace the definition of Street Line.
- 3) Amend Section 50-2.1: Add the definition of "Building Inspector".
- 4) Amend Section 50-2.1: Add the definition of "Farm, Non-Exempt".

For questions or to view the materials contact [aschindler@grovelandma.com](mailto:aschindler@grovelandma.com). Texts of the proposed amendments are on file and can be viewed at the Economic Development, Planning and Conservation Department Monday – Thursday 8AM-3PM 183 Main Street Groveland, MA 01834.

11 5 FEB 2023



# Haverhill

RECEIVED

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

WEST NEWBURY  
PLANNING BOARD

## 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, March 7, 2023 at 7:00 PM; for Zoning; to amend the Code of the City of Haverhill, Chapter 255 for Inclusionary Zoning. *(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.

Kaitlin M. Wright  
City Clerk

Haverhill Gazette

February 17 & February 24, 2023

CITY OF NEWBURYPORT



**NOTICE OF JOINT PUBLIC HEARING  
PLANNING BOARD AND  
CITY COUNCIL PLANNING & DEVELOPMENT COMMITTEE**

RECEIVED

WEST NEWBURY  
PLANNING BOARD

Notice is hereby given pursuant to Massachusetts General Laws Chapter 40A, Section 5 (The Zoning Act) and the Newburyport Zoning Ordinance, Section XXII-B (Adoption and Amendment), that the Newburyport Planning Board and City Council (acting through its Planning & Development Committee) will hold a Joint Public Hearing on Wednesday, March 1, 2023 at 7:00 p.m. Said hearing will be located in the function hall at the Senior/Community Center, 331 High Street, Newburyport, MA 01950 and with "remote" online access via Zoom (*a.k.a. a "hybrid" public meeting*). All interested parties should look to the City Website meetings calendar ([www.cityofnewburyport.com/calendar](http://www.cityofnewburyport.com/calendar)) as the hearing date approaches for confirmation of details.

The purpose of this Public Hearing is to present, and hear testimony and comment from interested persons relative to, proposed amendments and additions to the Zoning Ordinance for the City of Newburyport, said amendments being submitted to the City Council for consideration on January 30, 2023. After the Public Hearing the Planning Board will, as required by law, vote its recommendations on each proposal and report them back to the full City Council.

There are two (2) proposed zoning ordinance amendments (*and one related General Ordinance amendment*). A summary is provided below. Copies of the full text of such ordinances and maps thereof are available for review by interested parties on the City website and in the Offices of the City Clerk and Office of Planning & Development (City Hall, 60 Pleasant Street, Newburyport, MA 01950) during regular business hours. Questions regarding these ordinances may be directed to the Director of Planning & Development, Andrew R. Port, at (978) 465-4400.

Summary of Proposed Zoning Ordinance Amendments:

1. ODNC00135\_01\_30\_2023 Zoning Amendment ITIF Remove Residential Use - *remove the current allowance for an Intermodal Transportation Improvement Fund (ITIF) Special Permit for residential uses*
2. ODNC00137\_01\_30\_2023 Zoning Amendment Planning Board Membership - *modify Planning Board membership from 9 members to 7 members plus 2 associate members (alternates)*
3. ODNC00136\_01\_30\_2023 General Code Amendment Planning Board Membership - *modify Planning Board membership from 9 members to 7 members plus 2 associate members (alternates)*

NEWBURYPORT PLANNING BOARD

Rick Taintor, Chair

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Published 2/13/23 and 2/20/23 in the Newburyport Daily News



**Town of Groveland**  
**Economic Development**  
**Planning & Conservation Department**  
**Zoning Board of Appeals**

TOWN OF GROVELAND

2023 FEB 21 AM 11:19

TOWN CLERK  
RECEIVED/POSTED

**DECISION FOR SPECIAL PERMIT**

**APPLICATION #2023-5, 6 – 8 ELM PARK**

**PETITIONER:** Your Place and Ours, LLC      **DATE:** February 15, 2023  
368 Middle Rd  
Haverhill, MA 01830

**ADDRESS:** 6 – 8 Elm Park      **HEARING:** February 15, 2023  
Groveland, MA 01834  
Map 10 Lot 013

YOU ARE HEREBY notified of the Decision of the Board of Appeals on the application made by Your Place and Ours LLC (the “Applicant”) for property owned by Compass Realty Trust, PO Box 1416, Wakefield MA 01880, located at 6 – 8 Elm Park, Groveland Massachusetts, Assessors Map 10 Lot 013, located in the Business (B) (the “Property”).

As set forth in the application filed with the Board and testimony given at the public hearing, the Applicant sought a Special Permit pursuant to MGL 40A and the Groveland Zoning Bylaws Section 4.5, in accordance with the Table of Uses for a Special Permit for the use of a restaurant.

The application was filed on January 25, 2023, and notice of such public hearing was given by posting in Town Hall, publication in the Eagle Tribune on February 1, 2023 and February 8, 2023, and by certified mail return receipt to all parties-in-interest as defined in MGL Chapter 40A Section 11.

The Board, as authorized by the Groveland Zoning Bylaw Section 14.4, heard Application #2023-5 at a public hearing on February 15, 2023 at the Groveland Public Safety Building.

The following members were present at the hearing: Chris Goodwin, John Stokes II, Brad Ligols, and John Grohol.

**FINDINGS**

The Board makes the following findings in connection with this Decision:

The adverse effects of the proposed use will not outweigh its beneficial impacts to the Town or the neighborhood, in view of the particular characteristics of the Property, and of the proposal in relation to that Property, upon consideration of the following:

The social, economic and community needs will be served by the proposal. The proposal will continue the use of the property as a family style restaurant, which has been the use at the Property for a number of years.

The traffic flow and safety, including parking and loading, will remain the same as it has been historically, which has proved no issue. All parking and loading will be

accommodated through the use of the public parking lot across from the building. Traffic flow will be limited to the hours of operation specified below.

Adequate utilities and other public services are available on-site, including Town water and sewer services.

Neighborhood character and social structures will not be compromised. The proposal is for a restaurant located within the Business Zone, and the Property has been used as a restaurant for a number of years.

No adverse impacts to the natural environment are anticipated. The proposal is for a restaurant and will have no additional ground impact than what is currently existing, nor are there any wetlands within the immediate vicinity of the Property.

No negative fiscal impacts will result from the proposal.

The proposal is consistent with the Town's Community Development Plan and Master Plan, which recognize the Property's Business Zoning and history of use as a restaurant.

For the reasons stated above, the Board finds that the application meets the criteria for granting a Special Permit.

#### **CONDITIONS**

1. Use of the Property as authorized hereunder is for a "Restaurant", as defined by the Groveland Zoning Bylaw Section 2.1, more specifically the Applicant's proposed continuation of Your Place and Ours as family style restaurant serving pizza, subs, salads, burgers, etc.
2. The hours of operation shall be: 7 AM – 11 PM, Monday through Sunday.
3. Signs shall adhere to the Groveland Zoning Bylaws Sections 11.7 through 11.7.
4. Shall meet all Groveland Board of Health regulations and apply for all appropriate food establishment permits.
5. Lighting shall remain the same.
6. The dumpster shall be located at the rear of the building and fenced in.
7. This Special Permit is subject to recall, given written notification to the Applicant and discussion at a public meeting, if written complaints are received from abutters.
8. This Special Permit is non-assignable and becomes void upon the sale of the business.
9. Any change of use to this Special Permit will require a subsequent hearing prior to any changes being allowed to commence and could require a new filing.
10. The Applicant shall receive any required federal, state, and local permits required to operate.

11. If the rights authorized to the Applicant by said Special Permit are not exercised within two (2) years from the date of granting of said Special Permit (filing date with the Town Clerk of the Boards decision), then such rights granted shall become null and void unless a substantial use thereof has commenced, expect for good cause.

**DECISION**

The Board voted unanimously to approve Application #2023-5 and grant the Applicant a Special Permit for a restaurant use within the Business Zone at the Property.

The application package shall be deemed part of the decision.

The motion was as follows:

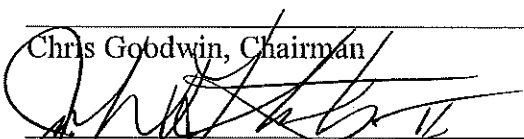
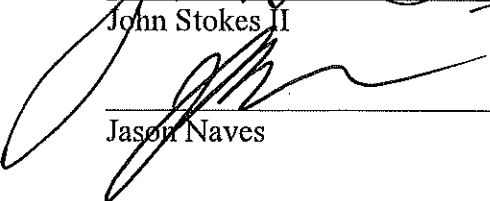
C. Goodwin made a motion to grant a Special Permit for use for a restaurant at 6 – 8 Elm Park, Groveland MA, with the proposed hours and conditions. B. Ligols seconded the motion. **A vote was taken. Voting aye: John Stokes II, aye. John Grohol, aye. Chris Goodwin, aye. Brad Ligols, aye. Motion approved.**

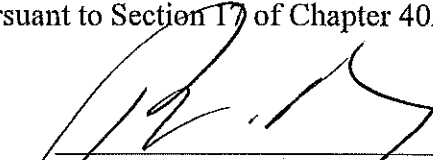
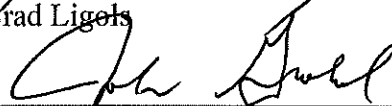

	YES	NO	ABSTAIN	ABSENT
CHAIR (C. GOODWIN)	X			
MEMBER (J. STOKES II)	X			
MEMBER (J. NAVES)				X
MEMBER (J. GROHOL)	X			
MEMBER (B. LIGOLS)	X			
ALT. MEMBER (M. PARENTEAU)				X

This Special Permit does not take effect until it has been recorded in the Southern Essex District Registry of Deeds. The Book and Page number must be communicated to the Town Clerk and Town Planner for documentation.

Any appeal of this decision shall be made pursuant to Section 17 of Chapter 40A.

**BOARD OF APPEALS**

Chris Goodwin, Chairman  
  
 John Stokes II  
  
 Jason Naves

  
 Brad Ligols  
  
 John Grohol  
  
 Mark Parenteau, Alternate



+++++

Executed as a sealed instrument this 15 day of (date) FEBRUARY 2023

COMMONWEALTH OF MASSACHUSETTS

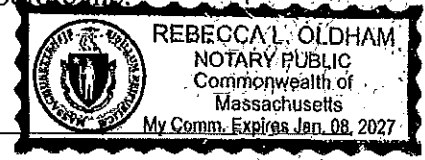
ESSEX, SS

(DATE) 2/15/2023

The personally appeared the name John Stokes II, Brad Ligotis, John Gronol, Jason Nauris and acknowledged the foregoing instrument to be his free act and deed, before me.

[Handwritten Signature]

Notary Public



My Commission Expires: