



Town of West Newbury
Select Board and Finance Committee Joint Meeting
Wednesday, September 27, 2023 @ 6:00pm
381 Main Street, Town Office Building
www.wnewbury.org
Meeting Minutes

Open Session: Chairman of the Finance Committee Rob Phillips opened the session at 6:00pm.

Participation at the Meeting:

- Rick Parker, Wendy Reed, Chris Wile- Select Board
- Ross Capolupo, Dan Innes, Ann O'Sullivan, Rob Phillips, Jim Sperelakis- Finance Committee
- Angus Jennings- Town Manager
- Jim Blatchford- Town Clerk
- Sue Brown- Town Planner
- Jenny Walsh- Town Accountant
- Bob Janes, Mark Marlowe- Water Department representatives

Announcements:

- This meeting is being broadcast on local cable TV and recorded for rebroadcast on the local cable channels and on the internet. Meeting also accessible by remote participation; instructions below.
- Fall Special Town Meeting to take place on Monday, Oct. 23, 2023 at 7pm in the Annex
- Call for volunteers! FY24 positions on Boards/Commissions/Committees. See www.wnewbury.org/volunteer
- Reminder to subscribe for emailed Town agendas/news/announcements at www.wnewbury.org/subscribe

Regular Business

6:00pm: Convene Joint Session with Finance Committee regarding proposed STM Warrant Articles

A. Consideration of recommendations regarding proposed Warrant Articles for fall Special Town Meeting: proposal from Weston & Sampson for study of sites for viability as water sources and other Articles included on draft Special Town Meeting warrant

On Article 16 (amending the Zoning Bylaw to revise and add Section 6 on Accessory Dwelling Units) Town Planner Sue Brown spoke. According to the Planner, after research into other communities, the plan to establish an ADU Bylaw had crystalized in 2023 in an effort to diversify housing stock and offer more affordable options. She said the Planning Board had voted no changes on the proposed Bylaw and they recommended adoption (5-0). The Building Inspector also recommended approval. Reed asked if the ADU Bylaw would enable someone to still have a short-term rental. Brown responded that the ADU would be treated as an extension of a home, and so if short-term rentals were still permissible in West Newbury after the Special Town Meeting, ADUs would be allowed to serve as rentals. Dan Innes asked how the ADU would be taxed. It was clarified that the tax bill would be applied to the property owner but itemized by structure. Parker asked if a revenue-producing property's introduction would impact property values, and Phillips clarified it would be based more on the values/properties of the structure itself. Wile asked if a multi-family dwelling could put in an ADU and Brown said that it would be restricted to single family homes only. **Wile motioned to approve draft Article 16. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain). Innes motioned to approve draft Article 16. The motion was properly seconded. The motion unanimously passed. (5 Yes, 0 No, 0 Abstain).**

On Article 17 (amending Section 7 of the Zoning Bylaw and replacing it with a new Section 7, the Nonconforming Use Bylaw) Town Planner Sue Brown spoke. The amendment was brought by the Building Inspector to create more efficiency and enforceability in the Zoning Bylaws. The amendment focuses on the nonconforming use permitting process. With this amendment, the issuing of said permits can be done administratively provided that the alteration to the structure does not create a new non-conformity. The group identified some sections of the proposed Bylaws that required further clarity. Reed suggested voting on the measure pending clarification of the language. **Wile motioned to approve draft Article 17 pending clarification on Section 7.6.1C3 from the Building Inspector and the answer not intimating substantive changes to the regulation. The motion was properly seconded.** Parker asked again for clarification on 7.6.1C3 before the final vote, and Brown stated she felt that the Section meant that someone reconstructing after a catastrophe and/or demolition could not exceed the original floor area or footprint of the structure, or exceed applicable requirements regarding setbacks. **The motion then unanimously passed. (3 Yes, 0 No, 0 Abstain). Innes motioned to approve draft Article 17 pending the Non-Conforming Uses Bylaw. The motion was properly seconded. The motion unanimously passed. (5 Yes, 0 No, 0 Abstain).**

On Article 6, (to fund the Weston & Sampson hydrogeological study) Jennings briefed the room on the need to reconsider water source viability with regard to sea level rise (based off the 100-year storm levels plus 6 feet metric). Weston & Sampson had engaged in mapping work in other communities to identify threats such as these. The firm provided the Town a map, which the Select Board and Finance Committee viewed for the first time. Before delving into greater discussion, Select Board member **Wile motion to approve draft Article 6. The motion was properly seconded.** Parker endorsed the study despite previous skepticism of its efficacy as a planning tool- citing it as a methodical step to analyze a number of variables in one go. The further studying would cost the Town time putting another well in but the detail it offers is very valuable. Discussion carried on, touching on a number of issues including the Artichoke watershed, water rights, and previous testing techniques used and locations in Town. Parker brought up the concern of potentially interfering with the Parker River watershed if a water source was found there though Reed said that it might be unlikely. The room debated whether 31 Dole Pl. ought to be considered in the new study, with some saying that all the angles had been covered on Dole Place with previous analyses, and others saying that it should be looked at within the context of the new study and serve as a benchmark. Reed reached out to Marlowe and Janes. Janes said they could not comment on the materials provided by Weston & Sampson because they had not had time to read

over the very recently released map. Janes said he felt Dole Pl. should still be considered, and that there were a few other sites he wanted to examine but could not reveal due to negotiations with the landowners. He also referred to the Dunn property (drillable but high in sodium content) and the Andreas property (drillable but high in radon). Janes outlined problems with other sites that had been considered, offering to make the information available to anyone who needed it. Sperelakis asked if the new study would take into account PFAS- Reed stated that PFAS analysis would most likely be conducted in a secondary phase. **The motion unanimously passed. (3 Yes, 0 No, 0 Abstain). Innes motioned to approve draft Article 6. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).**

On Article 2 (to see if the Town will transfer an amount from Free Cash to reduce tax rates) Jennings asked the Board to make their recommendation. He provided information on the matter from a memo in the Select Board packet which provided the data on the tax rate and proposed transfer (this year in the amount of \$250,000). Phillips provided further data on the historical ups and downs of the Free Cash fund, and the group discussed. Wile felt it was best to keep the taxation rate the same, as did O'Sullivan. Many in the room emphasized the need for a projection of future capital expenses/debts related to upcoming projects to enhance decision-making (Jennings relayed that the proposed ClearGov budgeting software being pursued by grant would assist with this process). **Parker motioned to approve draft Article 2 transferring the amount of \$222,000 to reduce tax rates. The motion was properly seconded. The motion failed. (1 Yes, 2 No [Reed and Wile], 0 Abstain). Reed motioned to remove the Article from the Warrant. The motion was properly seconded. The motion passed. (2 Yes, 1 No [Parker], 0 Abstain).**

On Article 3 (proposed amendments to the FY24 Budget) Jennings highlighted updated numbers to the Pentucket Regional School District budget. **Wile motioned to approve draft Article 3, Line Item 21. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain). Innes motioned to approve draft Article 3, Line Item 21. The motion was properly seconded. The motion unanimously passed. (5 Yes, 0 No, 0 Abstain).**

On Article 11 (to undertake an engineering study on drainage on portions of Bachelor St., Main St., Maple St., and Meetinghouse Hill Rd.) Jennings stated he did not expect much support for the measure. **Wile motioned to remove draft Article 11 from the Warrant. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).** The Board was concerned about the precedent being set that the Town fund activities on private-owned land, despite sympathy toward impacted landowners. Reed said that funds were available to assist these homeowners (though not from Town sources).

On Article 14 (to purchase property at 114 Ash St. in conjunction with Essex Greenbelt) **Wile motioned to approve draft Article 14. The motion was properly seconded.** Wile offered his thoughts on repeated violations of conservation restrictions through time in West Newbury, which were a threat even with the protections imposed by the potential purchase. **The motion unanimously passed. (3 Yes, 0 No, 0 Abstain). Innes motioned to approve draft Article 14. O' The motion was properly seconded. The motion unanimously passed (5 Yes, 0 No, 0 Abstain).**

On Article 21 (repealing the Personnel Bylaw), Jennings explained that revised a Personnel Policy was forthcoming. **Wile motioned to repeal the Personnel Bylaw under the auspices of draft Article 21. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain). Innes motioned to repeal the Personnel Bylaw under the auspices of draft Article 21. The motion was properly seconded. The motion unanimously passed. (5 Yes, 0 No, 0 Abstain).**

On Article 25 (to establish an Opioid Settlement Stabilization Fund) Jennings offered additional information on the framework for use provided by the Commonwealth. The Select Board were named as plaintiffs in the suit, enabling them to spend the funds unless they chose to delegate that responsibility. **Wile motioned to accept draft Article 25. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain). Innes motioned to accept draft Article 25. The motion was properly seconded. The motion unanimously passed. (5 Yes, 0 No, 0 Abstain).**

B. Applications for Committee appointments

a. Alejandra Chandler as Associate member to Conservation Commission

Parker motioned to appoint Chandler as an Associate member for the Fiscal Year The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain). Parker asked after the vote why the switch in responsibilities was taking place, and it was determined that Chandler was unable to attend all the required meetings.

b. Haley McCraven to Conservation Commission

Parker motioned to appoint McCraven to the Commission for a three year ending on June 30, 2026. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).

Parker motioned enter Executive Session. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain). The Board entered Executive Session at 8:40 pm.

To access a video recording of the meeting, use the link below:

<https://www.youtube.com/watch?v=K6-wtbwJdKQ>