

**TOWN OF WEST NEWBURY
PLANNING BOARD
Tuesday December 19th, 2023 7:00 p.m.
AGENDA**

For Remote Participation (see below)

1. Housing Opportunities Initiative
 - a. Revised Regulations
 - b. District Decision
 - c. Schedule
2. Zoning Definitions
3. Project Review Proposal – Meridian
4. Update on proposed Public Trails Review meeting
5. Town Planner Report
6. General Business:
 - Minutes – None
 - Correspondence
 - Administrative Details (Annual Report)
 - 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/83184601270?pwd=OE14NnN5MGV4NzJmcGIKT1VCR1pXUT09>

Meeting ID: 831 8460 1270

Passcode: 062062

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.

**Instructions for completing Executive Office of Housing and Livable Communities'
(EOHLC) Pre-Adoption Application**

Section 3A of the Zoning Act

MBTA Communities seeking assurance that proposed zoning will meet Section 3A requirements before bringing that zoning to a local legislative session can submit a "Pre-adoption Review Application". This application is an option, not a requirement, and it is available on the [Section 3A website](#) under "District Compliance". Please be advised that a pre-adoption review application must be submitted at least 90 days prior to a local legislative session to allow for a timely EOHLC review.

This application requires information about the MBTA community's specific requirements as provided in Appendix I of the Compliance Guidelines, and information from the Compliance Model demonstrating that the zoning designated for compliance with the law meets the requirements of the statute and the Compliance Guidelines. Demonstrating compliance via the Compliance Model is a mandatory component of this application, but it is not a guarantee of district approval. EOHLC will review Compliance Model results for accuracy, and will review the MBTA community's zoning and other local rules and regulations, without limitation, to ensure compliance with the law. The pre-adoption application may be completed by relevant municipal staff. The district compliance application will need to be signed by the municipal CEO.

The following documentation must be provided with the application by file attachments, web links, or if necessary, files sent under separate cover:

1. A completed Compliance Model Excel workbook file demonstrating the district's "zoning metrics", including land area, estimated unit capacity, gross density, geographic contiguity, and, if applicable, the percentage of district land area and unit capacity (relative to the community's minimum requirements) that is within transit station area, if applicable.
2. A zip folder containing complete GIS shapefile data for the district(s) designated for compliance.
3. A copy of the municipal zoning ordinance or bylaw and zoning map.

Municipalities with inclusionary zoning must include information on the inclusionary zoning requirements, as well as an economic feasibility analysis if the requirements meet certain thresholds. Please refer to the economic feasibility details and instructions for information on how to complete this section of the application. A pre-adoption review can be completed without the economic feasibility analysis.

An applicant can save progress on this application and return to the form later. However, if the user uses the "Save and Resume" feature, uploaded files will not be saved. The user will receive a link to return to the application after saving it. Additionally, please note that links to saved applications expire after 30 days. Please gather and keep files needed for uploading and only upload them when prepared to hit the "SUBMIT" button at the end of the application.

The maximum file size for ALL uploads in this application is 25 MB. There is no additional file size limit per individual file. If a user tries to submit a form with files totaling more than 25 MB, an error message will display and may cause the user to start the application over. If there are challenges uploading files due to size limitations, please email those files directly to emma.snellings@mass.gov and nathan.carlucci@mass.gov.

Once the pre-adoption application is submitted, EOHLC will evaluate it for its compliance with the law and will send a letter summarizing the results of the review to the municipality. If additional materials or evidence are needed, EOHLC may request additional information be submitted.



August 7, 2023

Ms. Sue Brown, Town Planner
Town of West Newbury
Town Office Building
381 Main Street
West Newbury, MA 01985

Subject: Hydraulic Evaluation
MBTA Communities (3A) Zoning Compliance Initiative – Water Planning
Assistance
West Newbury, MA
T&H No. 7520

Dear Ms. Brown:

Tata & Howard, Inc. (T&H) has completed a hydraulic evaluation of three potential locations for a multi-family development to assist with the water planning aspect of the MBTA Communities (3A) Zoning Compliance Initiative.

Background

An electronic copy of the PowerPoint presentation titled “West Newbury Housing Opportunities Initiative (aka MBTA Communities Zoning Compliance) Potential Zoning District Sites” prepared by Dodson & Flinker, dated June 27, 2023, was provided to T&H for review. The presentation indicates three potential locations/parcels for a future multi-family district development including the Mullen Property, the Dunn Property, and the Knapp Property. All three potential locations are located along Main Street in West Newbury, MA.

The Town’s MBTA (3A) Zoning Compliance Initiative is currently in the early stages of planning and evaluation. The PowerPoint presentation does not indicate the proposed number of units for the multi-family district development, nor does it show the proposed utility configurations for the development. A high-level evaluation was completed for the three potential locations to determine if any one location or combination thereof is more favorable in regard to water supply from the existing West Newbury water distribution system.

The estimated domestic demand at the potential multi-family district development is currently unknown. The demand will heavily depend upon the number of housing units

and number of bedrooms proposed for the development. Therefore, an evaluation of the impact of the potential demand from the development on the West Newbury water distribution system was not included as part of this analysis. If an estimated domestic demand for the potential development is provided, or assumptions can be made as to the size of the development and estimated demand per unit, the existing hydraulic model of the West Newbury water system can be updated with the potential development demand and the effects on the rest of the system can be evaluated.

In addition, the estimated needed fire flow at the potential development is unknown. The estimated needed fire flow should be determined by a fire protection engineer once a draft plan for the proposed development is in place. If the proposed development includes sprinkler systems, the needed fire flow will depend on the requirements of the sprinkler systems. In general, the 2014 ISO Guidelines for Determination of Needed Fire Flows states that where evidence is available from local fire or building officials to document the installation, approval, testing, and maintenance of the sprinkler system as defined in Chapter 6 of the NFPA Standard, the needed fire flow shall be the greater of the demand at the base of the sprinkler system riser or 1,000 gallons per minute (gpm) at 20 pounds per square inch (psi). As part of this analysis, the available fire flow was estimated in the West Newbury water distribution system to determine the estimated available fire flow at each potential development location. However, at present, it cannot be determined if the estimated available fire flow is adequate for the potential development.

Hydraulic Model Simulations

The existing hydraulic model of the West Newbury distribution system was updated and verified in October 2022 by T&H as part of the Town's Water Distribution System Study Update. The updated hydraulic model was used to estimate the existing pressures and estimated available fire flows along Main Street at the three potential development locations. Static pressures and estimated available fire flows were evaluated with the Brake Hill Tank at a water level of 295 feet above MSL (five feet below overflow elevation). The Pipestave Booster Pump Station was offline, and the interconnection with the Town of Groveland was closed. The hydraulic model was run under a 2022 system maximum day demand (MDD) of approximately 264 gallons per minutes (gpm).

Hydraulic model simulations were first completed under existing pipe conditions. Please note that the Town is currently in the design phase to upgrade the existing 6-inch diameter water main in Church Street from Main Street to Bridge Street and in Prospect Street from Main Street to Church Street to new 8-inch diameter ductile iron water main. Construction of this water main improvement is scheduled to begin in the summer of 2024. Therefore, it was assumed that the improvement would be completed prior to the start of construction on the potential new development. Thus, the new 8-inch diameter water mains along Church Street and Prospect Street were incorporated into the model and included as part of the existing pipe conditions.

The Massachusetts Department of Environmental Protection published Guidelines for Public Water Systems recommend a minimum pressure of 35 psi at ground level under average day, maximum day, and peak hour demand conditions. For water mains or individual service lines where static pressure is above 100 psi, it is recommended that pressure reducing devices be utilized. Pressure above this level can result in increased water use and leaks from fixtures and also increased leakage throughout the distribution system. Under the existing pipe conditions with a system MDD, the estimated static pressure along Main Street ranges from approximately 65 to 95 pounds per square inch (psi).

It is recommended that a distribution system provide a minimum pressure of 20 psi at ground level throughout the system under MDD during a fire flow event. The estimated available fire flow along Main Street while maintaining a minimum system pressure of 20 psi ranges from approximately 500 gpm near the Pipestave Booster Pump Station to approximately 3,200 gpm adjacent to the Brake Hill Tank. Please note that changes in system conditions, including changes in tank operating levels, water supplies operating, and changes in water usage patterns, could decrease or increase the static pressure or available fire flow in an area. The attached Figure No. 1 indicates the resultant estimated available fire flows in this area with the existing pipe conditions. The three potential development locations are also shown on this figure. Table No. 1 summarizes the resultant estimated static pressure and available fire flows at the three potential development locations. It is assumed that water service for all three potential development locations will connect to the existing distribution system on Main Street. For the Mullen Property, it is assumed that the development would connect to the existing distribution system at both Main Street and Church Street.

Table No. 1
Estimated Static Pressure and Available Fire Flow – Existing Pipe Conditions

Potential Development Location	Estimated Static Pressure (psi)	Estimated Available Fire Flow (gpm) while Maintaining 20 psi
Mullen Property	76 (Main Street) 115 (Church Street)	700 (Main Street) 800 (Church Street)
Dunn Property	80	800
Knapp Property	87	1,100

As noted above, it is currently unknown what the needed fire flow would be for the potential development. However, the needed fire flow will likely be at least 1,000 gpm based on the 2014 ISO Guidelines for Determination of Needed Fire Flows. For a minimum needed fire flow of 1,000 gpm, the estimated available fire flow along Main

Street or Church Street under existing pipe conditions would not be adequate at the Mullen Property or Dunn Property.

Hydraulic model simulations were completed with recommended water main improvements along Main Street. As part of the Town's Water Distribution System Study Update, it is recommended that the existing 8-inch diameter and 10-inch diameter water mains on Main Street from Church Street to the Pipestave Booster Pump Station be replaced with new 12-inch diameter ductile iron water main. It is also recommended that the existing 10-inch diameter water main on Main Street from the Brake Hill Tank to Church Street be replaced with new 16-inch diameter ductile iron water main. These improvements were included in the hydraulic model under this simulation.

With the recommended pipe improvements in place and the system under MDD conditions, the estimated static pressure along Main Street ranges from approximately 65 to 95 psi. The estimated available fire flow along Main Street while maintaining a minimum system pressure of 20 psi ranges from approximately 1,100 gpm near the Pipestave Booster Pump Station to approximately 3,200 gpm adjacent to the Brake Hill Tank. The attached Figure No. 2 indicates the resultant estimated available fire flows in this area with the recommended pipe improvements on Main Street. The three potential development locations are also shown on this figure. Table No. 2 summarizes the resultant estimated static pressure and available fire flows at the three potential development locations. It is assumed that water service for all three potential development locations will connect to the existing distribution system on Main Street, and the Mullen Property will also connect to the existing distribution system on Church Street.

Table No. 2
Estimated Static Pressure and Available Fire Flow – Proposed Future Main Street Water Main Improvements

Potential Development Location	Estimated Static Pressure (psi)	Estimated Available Fire Flow (gpm) while Maintaining 20 psi
Mullen Property	76 (Main Street) 116 (Church Street)	2,400 (Main Street) 1,700 (Church Street)
Dunn Property	80	3,100
Knapp Property	87	3,300

For a minimum needed fire flow of 1,000 gpm, the estimated available fire flow along Main Street or Church Street with the proposed future Main Street water main improvements would be adequate at any of the three properties proposed for the new

development. However, as stated above, it is currently unknown what the needed fire flow at the potential development would be.

Other Considerations

Other factors in addition to hydraulic capacity may be considered when determining the best location for a future housing development. Such factors may include the availability of water infrastructure to connect a water service to, the age or material of the water main which the water service will connect to, ability to loop or have multiple service connections, etc. Each of the three potential development properties could connect to existing water infrastructure and would not require the extension of the distribution system for water supply.

Under existing water main conditions, each of the three potential development properties would connect to an existing 10-inch diameter water main that is known to have a hydraulic deficiency. Although the needed fire flow at the potential development is unknown, it is unlikely that the existing estimated fire flow would be sufficient with existing pipe conditions for the Mullen and Dunn Properties, and potentially the Knapp Property.

The potential future Main Street water main improvements would result in the Mullen and Dunn Properties connecting to a new 12-inch diameter ductile iron water main and the Knapp Property connecting to a new 16-inch diameter ductile iron water main. Connecting to new ductile iron water main would create a more reliable supply connection for the development. In addition, the upgraded water mains on Main Street would increase the inherent capacity for fire flows at the potential development properties. Therefore, depending on the needed fire flow for the development, the potential future Main Street water main improvements may result in a sufficient available fire flow at the development.

Under each hydraulic scenario, the Knapp Property has the highest estimated available fire flow of the three potential development locations. This is largely due to the Knapp Property being the closest to the Brake Hill Tank resulting in less headloss along the path of flow from the tank to the property location. However, as stated, the needed fire flow at the potential development is currently unknown.

Under either hydraulic scenario, the Mullen Property could have two connections to the existing distribution system: one at Main Street and one at Church Street. Having two water service connections would provide the added benefit of redundancy for the Mullen Property. If a water main break were to occur in the vicinity of one of the water service connections, water could continue to be supplied to the development from the other connection. The two connections could also yield higher available flows throughout the development depending upon the proposed configuration of the water infrastructure in the new development.


Ms. Sue Brown, Town Planner
Town of West Newbury

August 7, 2023
Page 6 of 6

We appreciate the opportunity to assist you on this important project. If you have any questions, please do not hesitate to contact us.

Sincerely,

TATA & HOWARD, INC.



Jon W. Gregory, P.E.
Vice President

Enclosures

cc: Mr. Angus Jennings, Town Manager
Town of West Newbury



Church Street and Prospect Street
New 8-inch diameter water main
to be constructed in 2024

Mullen Property

Dunn Property

Knapp Property

Brake Hill Tank
Capacity: 0.4 mg
Overflow Elevation: 300 feet

Legend

Estimated Available Fire Flow

- 500 gpm and less
- 500 - 1,000 gpm
- 1,000 - 1,500 gpm
- 1,500 - 2,000 gpm
- 2,000 - 2,500 gpm
- 2,500 - 3,000 gpm
- 3,000 - 3,500 gpm
- 3,500 gpm and greater

Water Main Diameter

- 4-inch and smaller
- 6-inch
- - - - 8-inch
- - - - 10-inch
- - - - 12-inch

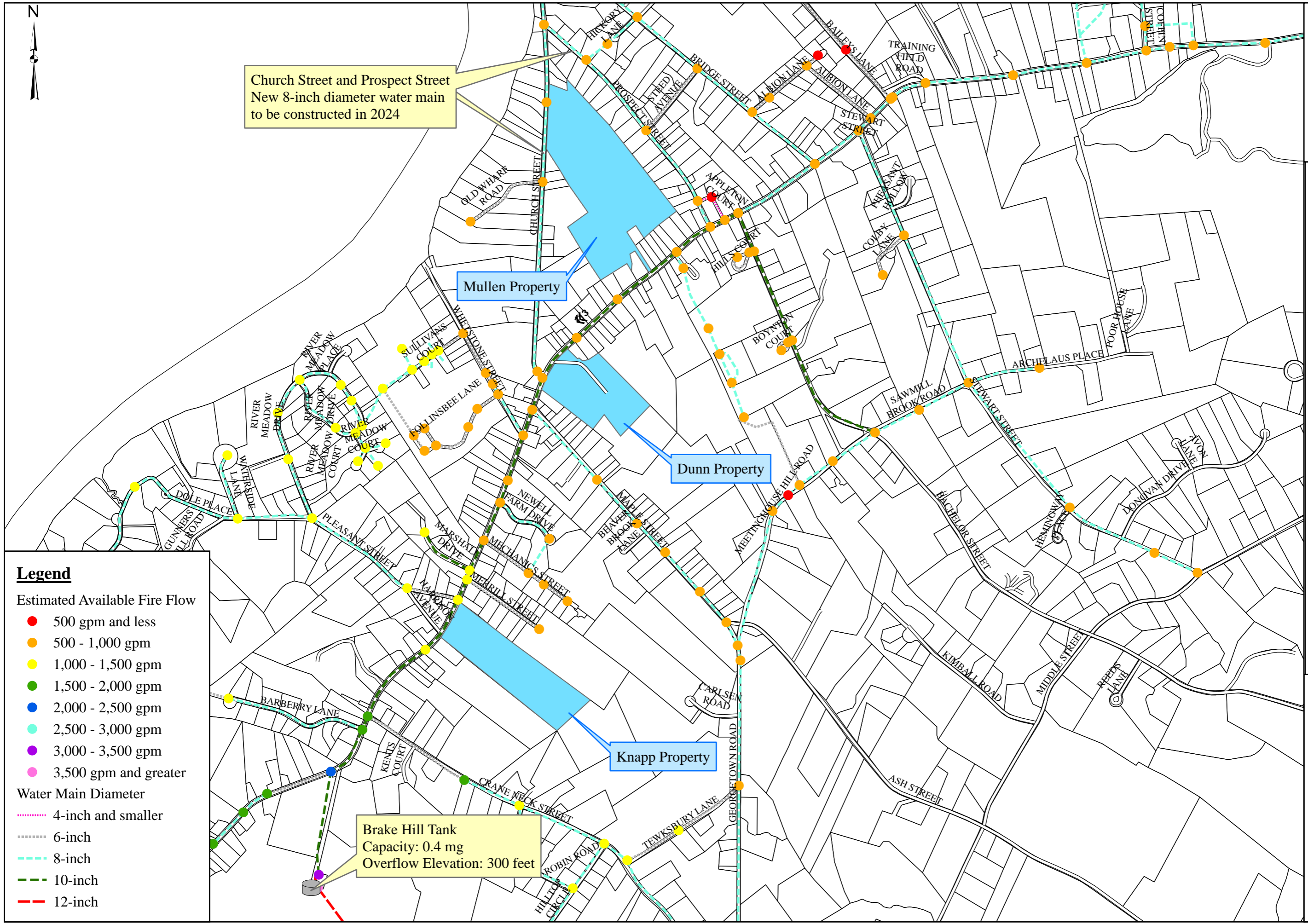


Figure No.

1

Estimated Available Fire Flow - Existing Conditions

MBTA Communities (3A) Zoning Compliance Initiative

Water Planning Assistance

West Newbury, Massachusetts



TATA & HOWARD

Date: August 2023
Approximate Scale: 1" = 1,000'



Church Street and Prospect Street
New 8-inch diameter water main
to be constructed in 2024

Mullen Property

Dunn Property

Knapp Property

Brake Hill Tank
Capacity: 0.4 mg
Overflow Elevation: 300 feet

- Legend**
- Water Main Diameter
- 4-inch and smaller
 - 6-inch
 - - - - 8-inch
 - - - - 10-inch
 - - - - 12-inch
 - 16-inch
- Estimated Available Fire Flow
- Less than 500 gpm
 - 500 - 1,000 gpm
 - 1,000 - 1,500 gpm
 - 1,500 - 2,000 gpm
 - 2,000 - 2,500 gpm
 - 2,500 - 3,000 gpm
 - 3,000 - 3,500 gpm
 - 3,500 gpm and greater

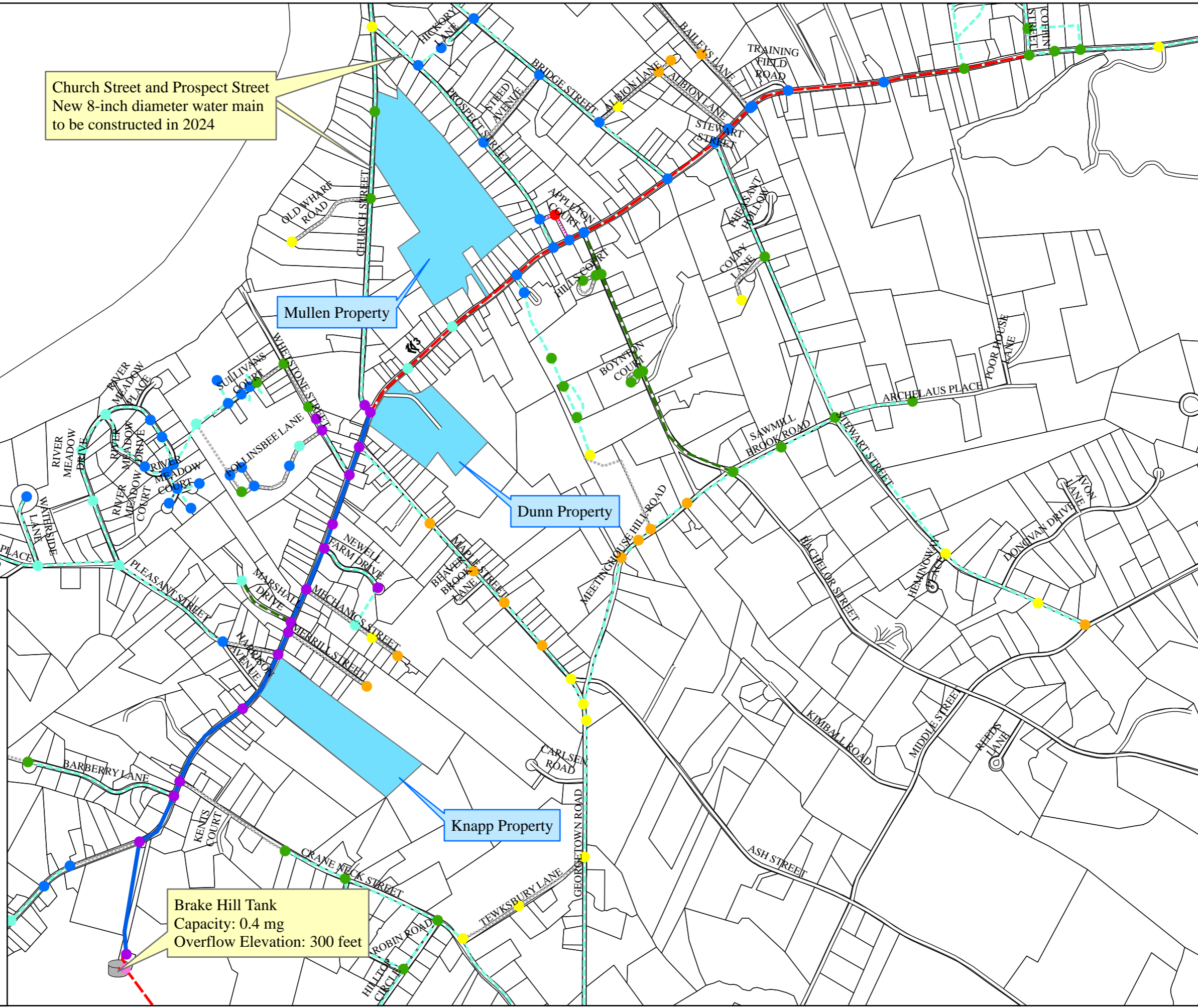


Figure No.

2

Estimated Available Fire Flow - Proposed Future Main Street
Water Main Improvements

MBTA Communities (3A) Zoning Compliance Initiative
Water Planning Assistance

West Newbury, Massachusetts



TATA & HOWARD

Date: August 2023
Approximate Scale: 1" = 1,000'

SECTION 2. DEFINITIONS

For the purposes of this by-law certain terms and words are herein defined as follows:

Words used in the present tense include the future; words in the singular number include the plural and words in the plural number include the singular; the word “shall” is mandatory and not directory; the word “lot” includes the word “plot”; the word “land” includes the words “marsh” and “water”.

~~Accessory Building. A building not attached to any principal building, customarily incidental to and located on the same lot with the principal building. [Amended by vote of Annual Town Meeting, Article 13, effective November 4, 2019, and approved by the Attorney General on November 1, 2021 and posted according to law on November 4, 2021]~~

Accessory Structure. A structure that is accessory to and incidental to that of dwelling(s) and that is located on the same lot

Accessory Use. A use subordinate and customarily incidental to the principal use and located on the same lot as the principal use. [Amended by vote of Annual Town Meeting, Article 13, effective November 4, 2019, and approved by the Attorney General on November 1, 2021 and posted according to law on November 4, 2021]

Addition. An extension or increase in floor area, number of stories or height of a building or structure.

Adult Use. Adult use shall mean any of the following adult uses as separate or combined entities or activities.

(1) Adult bookstore: an establishment having a substantial or significant portion of its stock in trade, books, magazines, and other matter which are distinguished or characterized by their emphasis depicting, describing or relating to “Sexual conduct” or “Sexual excitement” as defined by MGL Chapter 272, Section 31; (2)

Adult video store: an establishment having a substantial or significant portion of its stock in trade videos, movies, CD-ROM, DVD or similar technologies that provide images to be viewed on or off premises which are distinguished or characterized by their emphasis depicting, describing or relating to “Sexual excitement” or “Sexual conduct” as defined in MGL Chapter 272, Section 31; (3) Adult paraphernalia store: an

establishment having a substantial or significant portion of its stock, devices, objects, tools or toys which are distinguished or characterized by their association with sexual conduct or sexual excitement as defined by MGL Chapter 272, Section 31; (4) Adult motion picture theater: a building or structure used for presenting

material distinguished by an emphasis on matter depicting, describing or relating to sexual conduct or sexual excitement as defined by MGL Chapter 272 Section 31; (5) Adult live entertainment establishment: any establishment which displays live entertainment which is distinguished or characterized by its emphasis

depicting, describing or relating to sexual conduct or sexual excitement as defined by MGL Chapter 272 Section 31.

Animal Hospital or Veterinary. Facilities for keeping animals to be treated, in treatment or recovering from treatment in accord with normal veterinary practice as established by the Massachusetts Board of Registration of Veterinary Medicine.

~~Apartment. A dwelling unit which occupies a part of a building, other parts of which may or may not be used as dwellings.~~

~~Apartment House. A building arranged, intended or designed to be occupied by two or more families living independently of each other.~~

Assisted Living Facility. A managed residential community, operating under provisions of MGL Chapter 19D and contained in one or more primary buildings consisting of private residential units with or without kitchens. Further, said facilities may provide assistance with activities of daily living, together

with meal service, housekeeping services, social and recreational activities and personal care services, transportation services, in a group setting primarily limited to individuals 62 years and older or couples, one of whom is at least 62 years of age, who require help or assistance with activities of daily living but do not require full time nursing care.

~~ATM/Automatic Teller Machine. A drive in or walk in banking facility which either stands as a single structure or is attached to another building.~~

~~Basement. The part of the building which is wholly or partly below ground level. A story that is not a story above grade plane (see “story above grade plane”)~~

Basement, Finished *[Deleted, by vote of Annual Town Meeting, Article 13, effective November 4, 2019 and approved by the Attorney General on November 1, 2021 and posted according to law on November 4, 2021]*

Bed and Breakfast. A house, or portion thereof, where up to four lodging rooms, with meals, are provided providing that the maximum duration of any tenant shall be less than 14 consecutive nights. The operator shall live on the premises, or in an adjacent premises immediately abutting the residence with the bed and breakfast facility. *[Amended by vote of Annual Town Meeting, Article 24, effective October 18, 2020, and approved by the Attorney General on January 25, 2022 and posted according to law on April 1, 2022]*

~~Boarding House. A building or premises, other than a hotel or bed & breakfast, for not more than four (4) persons, provided that the principal use is as a private residence, where rooms are let and where meals may be regularly served by prearrangement for compensation; not open to short term paying guests. *[Amended by vote of Annual Town Meeting, Article 24, effective October 18, 2020, and approved by the Attorney General on January 25, 2022 and posted according to law on April 1, 2022]*~~

~~Building. A structure having a roof or cover for the shelter, housing, or permanent habitation for one (1) or more persons. Any structure used or intended for supporting or sheltering any use or occupancy.~~

Building Inspector/ Building Official. See Inspector of Buildings/Building Commissioner.

Building Lot or Lot. *[Deleted, by vote of Annual Town Meeting, Article 13, effective November 4, 2019 and approved by the Attorney General on November 1, 2021 and posted according to law on November 4, 2021]*

Cemetery. An area of land for the interment of human remains.

~~Child Care Center. A child care center or school age child care program as defined in Massachusetts General Laws Chapter 15D, Section 1A. *[Amended by vote of Annual Town Meeting, Article 13, effective November 4, 2019, and approved by the Attorney General on November 1, 2021 and posted according to law on November 4, 2021]*~~

Cluster Zoning. *[Deleted, by vote of Annual Town Meeting, Article 13, effective November 4, 2019 and approved by the Attorney General on November 1, 2021 and posted according to law on November 4, 2021]*

Condominium. A system of real estate ownership in which a person or persons, partnership or corporation own one or more units or parcels in a multi-unit structure or parcel of land plus an undivided interest in elements and/or components owned jointly by all of the unit or parcel owners, or as defined in Chapter 183A of the General Laws.

Congregate Housing. A group living arrangement for elderly persons and persons with disabilities who cannot easily maintain their own housing, financially or otherwise, but who do not need nursing home care. The persons living together may care for themselves or may have ~~some~~ support services. *[Amended by vote of Annual Town Meeting, Article 24, effective October 18, 2020, and approved by the Attorney General on January 25, 2022 and posted according to law on April 1, 2022]*

~~Cooperative. A system of ownership in which shares in a corporation are owned, entitling an owner or owners to occupancy of a portion of real estate owned by the corporation.~~

Contiguous and Buildable Area. See Section 6.A.2. *[Amended by vote of Annual Town Meeting, Article 13, effective November 4, 2019, and approved by the Attorney General on November 1, 2021 and posted according to law on November 4, 2021]*

Corner Lot. A lot abutting two or more public or private ways at their intersection. *[Amended by vote of Annual Town Meeting, Article 13, effective November 4, 2019, and approved by the Attorney General on November 1, 2021 and posted according to law on November 4, 2021]*

Cul-de-sac. A dead-end street with the closed end consisting of a turn around. Refer to the West Newbury Planning Board Rules and Regulations Governing the Subdivision of Land, as may be amended. *[Amended by vote of Annual Town Meeting, Article 13, effective November 4, 2019, and approved by the Attorney General on November 1, 2021 and posted according to law on November 4, 2021]*

Dwelling. Any building, or part thereof, used for habitation for one (1) or more persons, but not including commercial accommodations for transient occupancy or trailers or mobile homes, however mounted.

~~Dwelling Unit. One (1) or more rooms with cooking, living, sanitary and sleeping facilities arranged for the use of one (1) or more persons living together as a single housekeeping unit. A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.~~

Family. One (1) or more persons living together in one dwelling unit, but not including sororities, fraternities and other communal arrangements.

Family Day Care. A day care facility for not more than six children located in a building in which the primary purpose is residential.

Farming. The use of land for agriculture as defined in Massachusetts General Laws Chapter 128, Section ~~A~~, as may be amended. *[Amended by vote of Annual Town Meeting, Article 13, effective November 4, 2019, and approved by the Attorney General on November 1, 2021 and posted according to law on November 4, 2021]*

Floor Area. Floor area shall be the cumulative floor area, of all levels within the perimeter of the outside walls of the building under consideration, without deduction for hallways, stairs, closets, thickness of walls, columns or features. In the case of a multi-unit building, the center of the common wall shall be included.

Frontage. The linear extent of a lot measured along a constructed street ~~right-of-~~ or way from the intersection of one side lot line to the intersection of the other side lot line of the same lot, which can be used for access to the lot but not including any portion thereof devoted to a right-of-way or a driveway serving more than one lot unless a special permit for a common driveway has been approved by the Planning Board.

Frontage at corner lot. ~~At a corner, frontage shall be measured to the point of intersection of the extension of the sideline of the rights-of-way. (see diagram in Appendix One).~~ *[Amended by vote of the Annual Town Meeting, second session, on May 6, 2009, approved by the Attorney General on August 11, 2009 and posted according to law on August 20, 2009]* Frontage for a corner lot shall be measured on the side of the lot that will be used to access the property and the proposed construction will front on.

Frontage on Curved Streets and in Cul-De-Sacs. For lots fronting on curved streets and cul-de-sacs, the frontage distance shall be determined by measuring the cumulative linear distances along the curves and any tangent sections there between, where the lot fronts on the street. ~~See diagram in Appendix One.~~ *[Added by vote of the Annual Town Meeting of April 30, 2007, approved by the Attorney General on June 11, 2007 and posted according to law on June 25, 2007.]*

Garage, Private. Covered space for the housing of motor vehicles, but not for the rental of more than two (2) stalls or for commercial repair of vehicles or commercial storage of vehicles.

Garage, Public. Any garage other than a private garage, available to the public, operated for gain, and which is used for storage, repair, rental, greasing, washing, servicing, adjusting or equipping of automobiles or other motor vehicles, or supplying of gasoline or oil to motor vehicles.

Gasoline Station. An establishment which provides for the refueling of and servicing of motor vehicles and operations incidental thereto, and may include facilities for lubricating, washing or otherwise servicing motor vehicles, but not including the painting thereof by any means.

Hazardous Materials. A substance or solid material in a quantity or form that significantly contributes to serious illness or death, or that poses a substantial threat to human health or poses an unreasonable risk to health, safety, property or the environment when improperly managed, including all materials listed as hazardous by the Environmental Protection agency, under the Toxic Substance Control Act, Federal Resource Conservation and Recovery Act or similar authority, the Department of Energy or the Commonwealth of Massachusetts pursuant to applicable General Laws.

Hotel. A building, or portion thereof, or a group of buildings on a single lot, intended to be used for the temporary occupancy of ~~three (3) or more~~ short-term paying guests ~~who are lodged~~, with or without meals, and in which major provision for cooking may be made in a central kitchen but may not be in the individual rooms or suites. *[Amended by vote of Annual Town Meeting, Article 24, effective October 18, 2020, and approved by the Attorney General on January 25, 2022 and posted according to law on April 1, 2022]*

Inspector of Buildings/ Building Commissioner. The administrative chief of the building department in a municipality who is charged with the enforcement of 780 CMR in accordance with M.G.L. c. 143 §§ 3 and 3A as well as the enforcement of the Zoning-By- Law.

Kennel. Facilities for keeping four (4) or more dogs three (3) months old or older on a single premises, whether maintained for breeding, boarding, sale, training, hunting or other purposes and including any shop where dogs are customarily kept for sale.

~~Kindergarten. A school or class of young children, usually from four (4) to six (6) years of age.~~

Loading Space, Off-Street. An off-street space ~~or berth~~, on the same lot with a building, for the temporary parking of vehicles while loading or unloading merchandise or material, and which has access to a street or other appropriate means of ingress or egress.



Lodging House. A one-family dwelling where one or more occupants are primarily permanent in nature and rent is paid for guest rooms.

Lot. An area of land in single ownership with definite boundaries, established by a recorded plan or deed, including a lot created by combining several previously recorded lots, and used or available for use as the site of one or more buildings or for any other purpose. *[Amended by vote of Annual Town Meeting, Article 13, effective November 4, 2019, and approved by the Attorney General on November 1, 2021 and posted according to law on November 4, 2021]*

Lot Area. ~~The area of a lot exclusive of any area in a street or way, public or private. *[Added by vote of the Annual Town Meeting of April 30, 2007, approved by the Attorney General on June 11, 2007 and posted according to law on June 25, 2007.]*~~ The area of the horizontal plane of a parcel of land bounded by the front, side and rear lot lines.

Lot Width. The shortest distance between the side lot lines of the lot measured at the minimum front set back line.

Maximum Building Coverage. The maximum permissible area that may be covered by the ground floor area of all buildings, portions or that building and appurtenances on a lot when viewed from above; to be measured as a percent of the required minimum lot area in the zoning district where the lot is located.

Maximum Lot Coverage. The maximum permissible area that may be covered by all impervious surfaces on a lot, such as but not limited to buildings, pools, paved tennis courts, paved driveways and walkways; to be measured as a percent of the required minimum lot area in the zoning district.

Membership Club. A private, non-profit organization, building or grounds, to include specifically country clubs and fraternities and other organizations to which membership is limited or controlled.

Mobile Home. Any vehicle or object, which is drawn by or used in connection with a motor vehicle and which is so designed and constructed or reconstructed or added to by means of such accessories as to permit the use and occupancy thereof for human habitation, whether resting on wheels, jacks, or other foundations. It shall include the type of vehicle or modular construction commonly known as a mobile home, containing complete electrical, plumbing, and sanitary facilities and designed to be installed on a temporary or permanent foundation for permanent living quarters.

Municipal Buildings and Use. Facilities owned by the Town of West Newbury, operated by the Town of West Newbury, or both, and the uses conducted therein.

[Added by vote of Annual Town Meeting, Article 13, effective November 4, 2019, and approved by the Attorney General on November 1, 2021 and posted according to law on November 4, 2021]

Non-Conforming Lot. A non-conforming lot is an existing lawful lot, which does not conform to the regulations for the district in which it is located and which existed at the time of the publication of notice of the hearing before the Planning Board respecting the regulation to which it does not conform as described in M.G.L. 40A § 6.

Non-Conforming Use. A non-conforming use of land or building is an existing lawful use of land or building which does not conform to the regulations for the district in which such use of land or building exists and which existed at the time of publication of notice of the hearing before the Planning Board respecting the regulation to which it does not conform as described in M.G.L.

40A § 6.

~~Nursery School. A place for group pre-school training of children.~~

Open Space Preservation Development A residential development in conformance with the Section 6.B, in which the buildings and accessory uses are clustered together into one or more groups separated from adjacent property and from other groups in the same development by intervening open land, and in which the minimum dimensional requirements of lots are reduced and the land gained thereby is preserved as open space. *[Amended by vote of Annual Town Meeting, Article 13, effective November 4, 2019, and approved by the Attorney General on November 1, 2021 and posted according to law on November 4, 2021]*

Principal Building. A building in which the primary use of the lot on which the building is located is conducted.

Principal Use. The ~~main~~ primary use of land or structures on a lot, as determined by the Inspector of Buildings.

~~Screened Area. A section shielded from view from adjacent areas by fencing, hedges or trees.~~

Screening. The material used to shield an area from view.

Short-Term Paying Guest. A person who rents a room in a hotel or bed & breakfast for less than 14 consecutive nights. *[Amended by vote of Annual Town Meeting, Article 24, effective October 18, 2020, and approved by the Attorney General on January 25, 2022 and posted according to law on April 1, 2022]*

Sign. Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names, or trademarks, whether stationary or portable, by which anything is made known, such as are used to designate or locate an individual, a firm, an association, a corporation, a profession, a business, or a commodity or product, which are visible from a public or private street or right-of-way and used to attract attention.

~~Stream, Bank of. Rising ground bordering a flowing body of water as defined in 310 CMR 10 of Massachusetts Regulations.~~

Street. A public way or a private way either shown on a plan approved in accordance with the subdivision control law, or otherwise qualifying a lot for frontage under the subdivision control law.

Street Line. The dividing line between a street and a lot and, in the case of a public way, the street line established by the public authority laying out the way upon which the lot abuts.

~~Structure. Any construction, erection, assemblage or other combination of materials upon the land, necessitating pilings, footings or a foundation for attachment to the land including swimming pools two (2) feet or more deep or having a surface of seventy five (75) or more square feet and including all swimming pools permanently equipped with a water circulating system.~~ That which is built or constructed.

~~Swimming Pool. An artificial pool of water or a natural pool altered to have a depth of two (2) feet or more at any point or seventy five (75) or more square feet of surface and used for swimming or bathing, located indoors or outdoors, together with the equipment, and appurtenances used in connection with the pool.~~

~~Town House. A single family dwelling attached to another single family dwelling, in such a manner that each dwelling has a floor at ground level and front and rear access to the outside.~~

Trailer. Any vehicle or object which is drawn by a motor vehicle.

Veterinary. See Animal Hospital

Wetlands. Swamps, bogs and freshwater wetlands as defined by Chapter 131, Section 40 of the General Laws of the Commonwealth of Massachusetts. *[Amended by vote of Annual Town Meeting, Article 13, effective November 4, 2019, and approved by the Attorney General on November 1, 2021 and posted according to law on November 4, 2021]*

Yard. An open space, other than an enclosed court, on the same lot with a building or group of buildings, which open space lies between the building or group of buildings and a lot line, and is not occupied or obstructed from the ground upward by a building or a structure, except for fences.

Yard, Front. A yard extending across the full width of the lot and lying between the street line of the lot and the nearest line of the building. The depth of a front yard shall be the minimum distance between the building and the front lot line.

Yard, Rear. A yard extending across the full width of the lot and lying between the rear lot line of the lot and the nearest line of the building. The depth of a rear yard shall be the minimum distance between the building and the rear lot line.

Yard, Side. A yard between the side lot line of the lot and the nearest line of the building, and extending from the front yard to the rear yard, or, in the absence of either of such yards, to the front or rear lot lines, as may be. The width of a side yard shall be the minimum distance between the building and the side lot line.





VIA EMAIL: townplanner@wnewbury.org

December 6, 2023

West Newbury Planning Board
Attention: Sue Brown, RLA Town Planner
Town Hall Office Building
381 Main Street
West Newbury, MA 01985
Phone: (978) 363-1100 Ext. 125

**Re: Engineering Review
Definitive Subdivision Plan Review
Eagle Nest – 125 River Road
West Newbury, Massachusetts
Town of West Newbury Project No.: 2022-WN-004
MAI Project No.: 6501**

Dear Planning Board Members:

Pursuant to the above referenced executed contract dated November 1, 2022 and as requested by the Client, the following represents a proposal from Meridian Associates, Inc. (MAI) to the West Newbury Planning Board for performing an engineering review of the above referenced Definitive Subdivision Plan and application materials. In general, our scope of work would encompass pertinent sections of the Town of West Newbury Zoning By-Law, Town of West Newbury Rules and Regulations Governing the Subdivision of Land, Town of West Newbury Stormwater Management By-Law, MassDEP Stormwater Regulations, and generally accepted engineering practices.

Engineering review to include:

- Review Definitive Subdivision Plans and associated documents filed with the Planning Board, excluding the Schedule E – Environmental Impact Statement;
- Review for compliance with the Town of West Newbury Rules and Regulations Governing the Subdivision of Land;
- Review of stormwater drainage design and calculations under Town of West Newbury Stormwater Management By-Law and MassDEP Stormwater Management Regulations;
- One (1) Site visit with Planning Board and / or Applicant;
- Attendance at two (2) Planning Board Public Hearings; and
- Preparation of two (2) Comment Letters and review of two (2) Response Letters.

Engineering time associated with the review of a project is dependent on many variables, as is initially difficult to quantify. As such, we do not propose to perform this review on a fixed fee basis. Based on our experience with other projects of this magnitude, and in order to provide you with a general range of anticipated fees, we offer the following breakdown of manpower allocation:




Review Definitive Subdivision Plans and associated documents filed with the Planning Board, excluding the Schedule E – Environmental Impact Statement;	14 Hours
Review for compliance with the Town of West Newbury Rules and Regulations Governing the Subdivision of Land;	14 Hours
Review of stormwater drainage design and calculations under Town of West Newbury Stormwater By-Law and MassDEP Stormwater Management Regulation	12 Hours
One (1) Site Visit;	4 Hours
Attendance at two (2) Online (virtual) Planning Board Meetings;	6 Hours
Preparation of two (2) Comment Letters and Review of two (2) Response Letters;	10 Hours
Total Estimated Hours:	60 Hours
Total Estimated Fee:	\$12,250

Again, this amount should serve solely as a general indicator of anticipated fees, and not as a fixed fee proposal. We propose to bill on an hourly basis for actual work performed in association with this project. If we foresee that our anticipated time on this review is significantly different than what is indicated above, we will notify you at the earliest opportunity. Additional review time (if needed) would be performed on an hourly basis, at the above stated rate.

If this proposal is acceptable to you, we will schedule work upon receipt of a signed copy of this proposal and after notification that funds have been made available for our services on this project. Thank you for the opportunity of submitting this proposal.

Sincerely,

MERIDIAN ASSOCIATES, INC.


 _____ Authorized Signature
 David S. Kelley, PE, Director or Engineering

ACCEPTED BY CLIENT:

Client Firm Name West Newbury Planning Board
 _____ Authorized Signature
Chair, Planning Board Name/Title
 _____ Date
12/8/2023

Town Planner Report

December 19, 2023

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

Dodson & Flinker are refining Draft Zoning Regulations based on Board recommendations.

Next steps are:

- Confirm draft regulations and district/districts (12/19 or 1/2)
- Select Board review of draft regulations and district/districts (12/20 -1/2)
- Submit Pre-Adoption Review Application to EOHLC [90-day window] (Jan)
 - [Pre-Adoption Review Application Form | Mass.gov](#)
- Public outreach [PB meetings, website, article, survey, office hours, other?] (on-going)
- Public Hearing (March)
- Annual Town Meeting (April)

Note public water information below

Housing Production Plan

MVPC working with Consensus Building Institute (CBI) will facilitate an interactive event at the Town Annex in mid-January.

113 Corridor Improvement Study

The Consultant Team is compiling comments from Town Projects Forum. Considering existing conditions and resident feedback the Team will develop draft concept plans for the five focus areas.

River Road Climate Change Resiliency Project

Drone mapping took place on December 6th with residents invited to watch in person and virtually. Consultants also evaluated area culverts on Dec 6th and 12th.

On December 7th the Consultant Team hosted a virtual discussion on tidal rivers and sea level rise. You can watch here: [Climate Change Resiliency Virtual Session - West Newbury \(youtube.com\)](#)

Evergreen Farm – Ash Street

Greenbelt anticipates submitting an ANR Plan for the site tentatively for February 20th.

Proposed New Trails Review Process

A working group led by Wendy Reed and Michelle Green has developed a checklist intended to serve as a framework for requesting/proposing new trails to assure that detailed consideration of the location, access, installation and maintenance of the trails is part of the upfront planning. Stakeholder feedback was solicited at a public meeting on December 13th.

Public Water Information

Water production and use

- West Newbury is permitted to withdraw/produce 200,000 gallons per day from Town wells
- Typical non-summer withdrawal is 140,000 gpd (70% of available)
- Typical summer season withdrawal is as high as 250,000 g/d (125% of available from Town)
- 150,000 gpd purchased from Newburyport during summer season
 - Combined water available is 350,000 gpd (250,000 gpd is 70% of available)
- Summer increase primarily due to irrigation, pools, car washing

Sue Brown, Town Planner

12/14/2023

Town Planner Report

December 19, 2023

Potential impacts of MBTA housing project:

- Max 90 units—estimation using State assumptions (2.8 people/home x 100 gpd) = 25,200 gpd
 - Would bring non-summer withdrawal to 165,200 (83% of available)
 - Would bring summer withdrawal to 275,200 (79% of available)
- Likely buildout 40 units of housing – estimated to withdraw 11,200 gpd - 5.6% increase
 - Would bring non-summer withdrawal to 151,200 (76% of available)
 - Would bring summer withdrawal to 261,200 (75% of available)
- Water use is paid by household, provides income to water department, increases Water Department operating budget

Total number of households using public water

- 1077 meters/water connections
 - 130 gpd per household non summer
 - 232 gpd per household summer
- Using the typical water consumption for W Newbury:40 units = 3.7% increase
 - 5,280 gpd non summer to daily consumption of 140,000 gpd
 - 9,280 gpd summer to daily consumption of 250,000 gpd

Potential Zoning Initiatives

2024 Annual Town Meeting

- MBTA Communities Multi-Family Overlay District
- Definitions

Future Town Meetings

- Inclusionary Housing Bylaw –amend and/or clarify how housing contributions are calculated
- BESS – Battery Energy Storage Systems – new bylaw
- Telecommunications – Update existing bylaw
- Section 4 Use Regulations - convert to a table format
- Section 6.2 Performance Standards – update/revise as needed
- Flood Plain Bylaw – Change map panel numbers to reflect new Charles River Watershed mapping once the map numbers are issued
- Parking/loading Regulations - update
- Stormwater Bylaw – update
- Adult Use of Marijuana Bylaw – potential new bylaw to regulate the building and operation of non-medical marijuana facilities
- Steep Slopes Bylaw – potential new bylaw



Town of Groveland
Economic Development
Planning & Conservation Department
Planning Board
 183 Main Street
 Groveland, MA 01834

Brad Ligols, Chair
Walter Sorenson, Vice Chair
John Stokes III
DJ McNulty
Chris Goodwin
Jason Naves, Associate Member

MEMORANDUM OF DECISION
AQUIFER PROTECTION OVERLAY
SPECIAL PERMIT

PROPERTY: 4 FEDERAL WAY
ASSESSORS MAP 49 LOT 005-G

APPLICANT: MTC Mechanical Co. Inc
 13 Columbia Dr Unit #12
 Amherst, NH 03031

DATE: November 15, 2023

ADDRESS: 4 Federal Way
 Groveland, MA 01834
 Map 49 Lot 005-G

MEETING: August 22, 2023, September 5, 2023

TOWN OF GROVELAND
 RECEIVED/POSTED
 TOWN CLERK
 2023 DEC -4 AM 10:59

YOU ARE HEREBY notified of the Decision of the Planning Board on the application made by MTC Mechanical Co. Inc (the "Applicant") for property located at 4 Federal Way, Groveland, Massachusetts, Assessor's Map 49 Lot 005-G, located in the Industrial (I) District (the "Property").

As set forth in the application filed with the Board and testimony, the Applicant sought an Aquifer Protection Overlay Special Permit to install two 500Kw 480 diesel generators to support the site.

The application was filed on June 29, 2023. The hearing was advertised in the Lawrence Eagle-Tribune on August 7, 2023, and August 14, 2023. All abutters were notified via Certified Mail Return Receipt. The public hearings were conducted on August 22, 2023, and September 5, 2023, when the Board voted to APPROVE the Aquifer Protection Overlay Special Permit application.

The following members were present: John Stokes III, Brad Ligols, Chris Goodwin, and Jason Naves.

FINDINGS OF FACT

The proposed Project will not adversely impact the natural built environment of the Town and the use is in harmony with the general purpose and intent of the Groveland Zoning Bylaw if constructed as approve by the Board.

The proposed Project has been designed to avoid substantial disturbance of the soil, topography, drainage, vegetation, aquifer, and other water-related natural characteristics of the site due to the containment required by the Board.

The proposed Project is the result of discussion with the Planning Board and Municipal Department Staff. The proposal will have limited impact on neighboring tenants.

DECISIONS

The motion of the Board was as follows:

TOWN OF GROVELAND
 RECEIVED/POSTED
 TOWN CLERK
 2023 DEC -4 AM 10:59

Goodwin motions to approve the application for 4 Federal Way with the conditions that Groveland local emergency contact whether that be Fire Department or other is moved to the top of the alarm notification chain and that there are containments built around both tanks that are applicable for the volume of the tanks and that the Board has a view of the plans before they are signed off according, and containment to industry standards. Stokes III seconds the motion. All in favor, the motion passes.

SPECIAL CONDITIONS

- 1) The Town Planner shall enforce all conditions in this Memorandum of Decision on behalf of the Planning Board.
- 2) Per the Spill Prevention, Control, and Countermeasures that were provided on November 1, 2023, the Groveland Fire Department shall be immediately notified if a spill were to take place at the property.
- 3) The containment shall be constructed per the submitted plans dated 11/01/2023. Further information on the plans is below.
- 4) The containment shall be constructed in accordance with Groveland Zoning Bylaw Section 6.2(G)(1)(e).
- 5) Any change or expansion shall require the Owner/Applicant to present a proposal to the Planning Board to determine if the modification will require further approval.
- 6) The project site is located in Zone 2 of the Aquifer Protection Overlay District. All other items listed under Section 50-6.2(G)(1) and Section 50-6.2(G)(2) shall be prohibited unless specifically granted by this permit.
- 7) The Applicant shall provide for the long-term maintenance of the tanks and their containment to ensure that they remain in optimal operating condition.

PRIOR TO ANY SITE WORK & ISSUANCE OF A BUILDING PERMIT

- 8) The Memorandum of Decision must be recorded at the Southern Essex Registry of Deeds. Two (2) copies of the signed and recorded Memorandum of Decision must be delivered to the Planning Department, digitally and hard copy, and the Town Clerk.
- 9) A construction schedule shall be submitted to the Planning Department for the purposes of tracking the construction and informing the public of anticipated activities on-site.

DURING CONSTRUCTION

- 10) The construction contractor shall employ all available best-management-practices for the control of dust, run-off, and general construction nuisances, including but not limited to watering, planting, stabilization, track-out shaker plates, and/or stockpile coverings.

- 11) Catch basins shall be adequately protected and maintained to prevent siltation into drainage structures.
- 12) It shall be the responsibility of the Applicant to ensure that no erosion from the construction site shall occur which will cause deposition of soil or sediment upon adjacent properties or public ways, except as normally ancillary to off-site construction. Discovery of off-site erosion will be a basis for the Planning Board to make a finding that the project is not in compliance with the approved Plans. In the event off-site erosion is discovered as a result of construction activity, the Planning Board shall give the applicant written notice of such finding within 48 hours to provide evidence of correction action.
- 13) In an effort to reduce noise levels, the Applicant or contractor shall keep in optimum working order, through regular maintenance, any and all equipment that shall emanate sounds from the structures or site.

GENERAL CONDITIONS

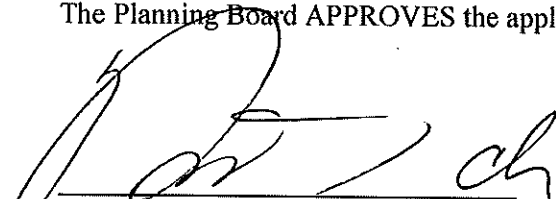
- 14) Subject to the conditions contained herein, the Project shall be substantially constructed in accordance with the approved plans, which are on file with the Planning Board.
- 15) The Planner or members of the Planning Board shall have the right to enter and inspect the area subject to this Decision at reasonable hours to evaluate the compliance with the conditions stated in this Decision.
- 16) Any action taken by a Town Board, Commission, or Department which required changes in the plan or design of the buildings, as presented to the Planning Board, may be subject to modification by the Planning Board.
- 17) If the Applicant wishes to modify the approved plans, it shall submit proposed modifications to the Planning Board. Where such modification is deemed substantial, the same standards and procedures applicable to an original application for site plan approval shall be required by the Planning Board; provided, however, that the Planning Board may determine that the proposed modification is insubstantial and approve the same without the need for any further Planning Board approval or hearing. Authorization to modify the Record Plans shall be obtained prior to any substantial modification in the field.
- 18) The contractor shall contact Dig Safe at least 72 hours prior to commencing any excavation.
- 19) The Applicant shall at all times use all reasonable means to minimize inconvenience to residents in the general area.
- 20) Exterior construction of the Project shall not commence on any weekday before 7:00 AM and shall not continue beyond 6:00 PM except for emergency repairs. Exterior construction shall not commence on Saturday before 8:00 AM and shall not continue beyond 5:00 PM with the same

exceptions. The Building Commissioner may allow longer hours of construction in special circumstances, provided that such activity normally is requested in writing by the Applicant except for emergency circumstances, where oral communication shall be followed by written confirmation. There shall be no exterior construction on any Sunday or state or federal legal holiday. Hours of construction operation shall be enforced by the Police Department.

- 21) The Applicant shall receive all other local, state, and federal permitting required to begin and complete this project.
- 22) The Applicant is hereby notified that should the Applicant disagree with this decision, the Applicant has the right under MGL c40A Section 17, to appeal this decision within twenty (20) days after this decision has been filed with the town Clerk.
- 23) The following information shall be deemed part of the decision:

Plan titled: #4 Federal Way, Groveland Massachusetts 01834
Prepared for: MTC Mechanical Company, Inc.
12 Columbia Drive, Unit #12
Amherst, New Hampshire 03031
Prepared by: Hancock Associates
34 Chelmsford Road
Chelmsford MA 01824
Dated: Revised to 11/01/2023

The Planning Board APPROVES the application for Aquifer Protection Overlay Special Permit.



Brad Ligols, chair