



**TOWN OF WEST NEWBURY
PLANNING BOARD
Tuesday January 2nd, 2024 7:00 p.m.
AGENDA**

For Remote Participation (see below)

1. Public Hearing: Eagle Nest Subdivision-125 River Road: [MEETING NOTICE \(wnewbury.org\)](https://www.wnewbury.org)
2. Housing Opportunities Initiative
3. Planning Board FY 2025 Operating Budget
4. Discussion of Potential Projects needing Community Preservation Act Funding
5. General Business:
 - Minutes – December 5, 2023; December 19, 2023
 - Correspondence
 - Administrative Details: 2024 Meeting Schedule
 - 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/85132869953?pwd=ffHhspLsezbeBi7hhdu79Xu1c7V6vB.1>

Meeting ID: 851 3286 9953

Passcode: 426916

No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on the Town of West Newbury website an audio or video recording, transcript, or other comprehensive record of proceedings as soon as practicable after the meeting.

TOWN OF WEST NEWBURY
PLANNING BOARD
West Newbury, Massachusetts

FORM C
APPLICATION FOR APPROVAL OF A DEFINITIVE SUBDIVISION PLAN

Date of Filing

(Request the Town Clerk stamp two (2) Application forms and two (2) prints of the plan, keeping one set at the Town Clerk's office and filing one set with the Planning Board. See Sect. 3.3.2. for additional application procedures.)

To the Planning Board:

The undersigned, being an Applicant under M.G.L. Chapter 41, §81O, for approval of a proposed subdivision plan, hereby submits a Definitive Subdivision Plan and makes application for approval to the West Newbury Planning Board:

1. Name of Applicant(s): Michael Fusco
Address: 64 Main Street West Newbury, MA 01985

2. Name of Owner(s) (if other than Applicant(s)): see attached list of owners
Address: _____

3. Name of Subdivision: Eagle Nest

4. Location and Description of Property (include Assessor's Map & Lot and Zoning District(s)): 125 River Road - Assessor ID R24-12
171 River Road - Assessor ID R24-10A

5. Deed Reference: Book 14031, Page 76 or Certificate of Title _____
Deed Reference: Book 34827, Page 450 or Certificate of Title _____

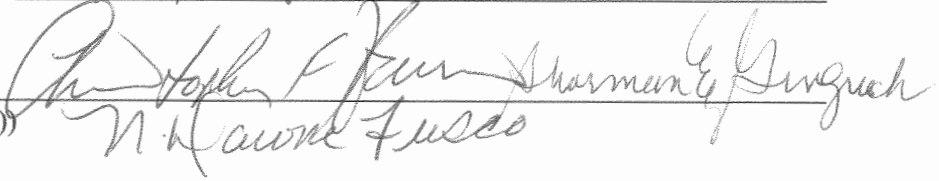
6. Name of Engineer/Surveyor: Andover Consultants, Inc.

Address: 1 East River Place Methuen, MA 01844

7. Easements & Restrictions of Record (Describe & Include Deed References: _____

8. Preliminary Plan Submitted: n/a; Plan Approved _____; Date: _____
Plan Disapproved _____; Date: _____

Signature of Applicant(s): 

Signature of Owner(s): 
(if other than Applicant(s))

Received: Town of West Newbury, Town Clerk (date stamp):

Signature of Town Official Receiving this Application

LIST OF OWNERS

OWNER PARCEL R24-12:

**FUSCO FAMILY IRREVOCABLE TRUST
125 RIVER ROAD
WEST NEWBURY, MA 01985**

OWNER PARCEL R24-10A:

**SHARMAN E. GINGRICH TRUST
SHARMAN E. GINGRICH &
CHRISTOPHER F. HARRIS TRUSTEES
171 RIVER ROAD
WEST NEWBURY, MA 01985**

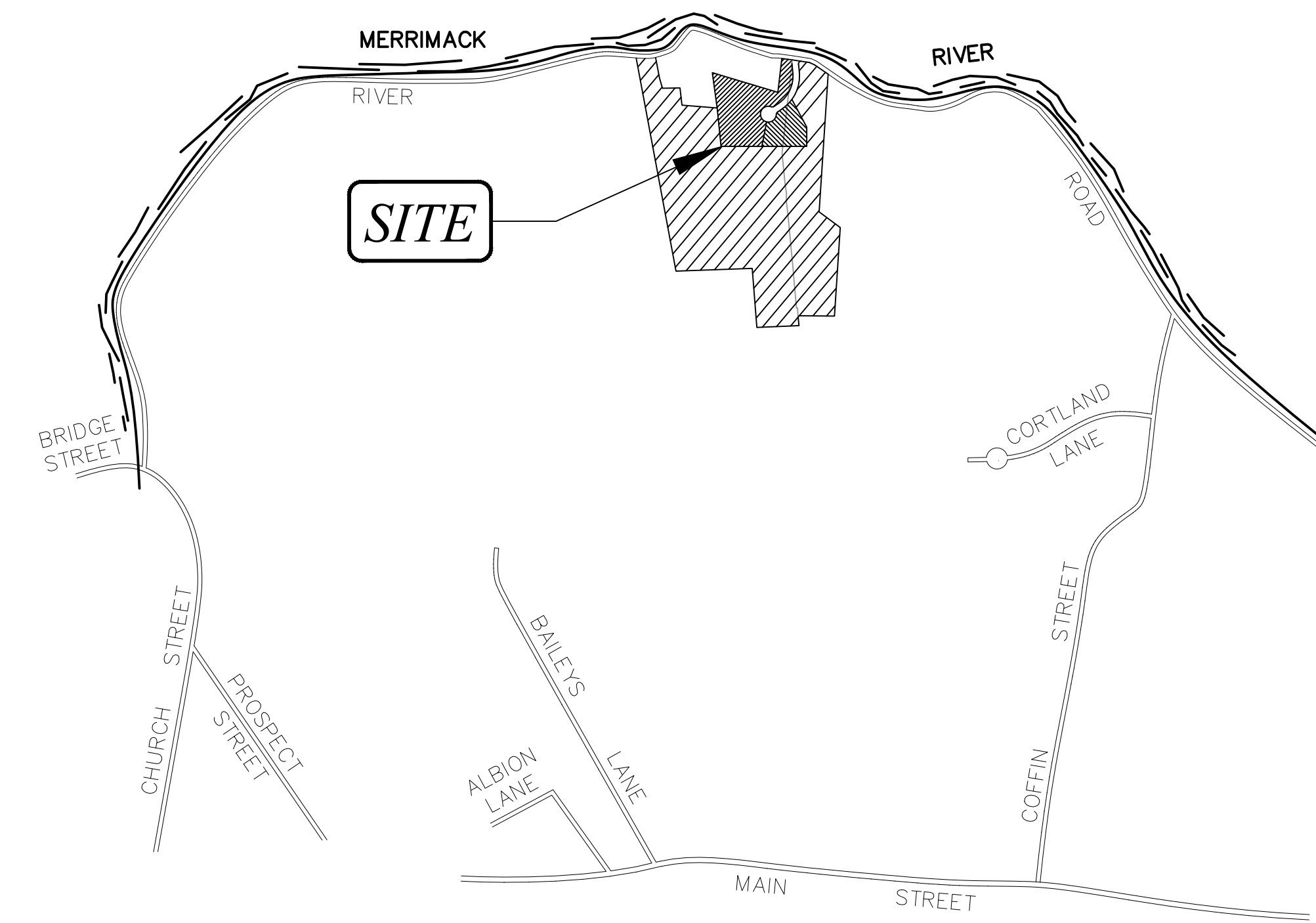
Waivers Sought:

SECTION OF RULES AND REGULATIONS – WAIVER SOUGHT

- 3.3.1.5 – WAIVER TO ALLOW FOR THE ELEVATIONS TO BE NAVD 1988 DATUM.
- 3.3.3.1.11 – WAIVER FROM REQUIREMENT TO LOCATE ALL TREES OVER TEN (10") INCHES IN DIAMETER, EFFORTS HAVE BEEN MADE TO LIMIT CLEARING TO EXTENT POSSIBLE. .
- 3.3.3.4.10 – WAIVER TO NOT REQUIRE TEST PIT LOCATIONS AS THE PROPOSED PROJECT IS FOR TWO (2) SINGLE FAMILY DWELLINGS.
- 3.3.3.4.11 – WAIVER TO REQUIRE SIDEWALK, TRAILS, LIGHTING AND CURBING.
- 3.3.3.4.12 – WAIVER FROM THE REQUIREMENT FOR DRAINAGE CALCULATIONS, AS THE PROJECT IS NOT SUBJECT TO THE STATES STORMWATER STANDARDS (SUBDIVISION WITH FOUR OR FEWER LOTS), ROOF AND DRIVEWAY RECHARGE SYSTEMS HAVE BEEN INCORPORATED INTO THE DESIGN.
- 4.2.4.5 – WAIVER FROM REQUIREMENT OF 250' SIGHT DISTANCE. 250' IS PROVIDED LOOKING WEST, HOWEVER EXISTING ROAD GEOMETRY DOES NOT PERMIT A 250' SIGHT DISTANCE TO THE RIGHT.
- 4.2.4.9 – WAIVER FROM THE REQUIREMENT THAT THE FRONTAGE ON THE EXISTING STREET OF PARCEL SHALL BE AT LEAST THE FRONTAGE REQUIRED OF THE ZONING DISTRICT. THE TWO PARCELS WHICH WILL COMPRISE THE PROPOSED SUBDIVISION DO HAVE THE REQUIRED FRONTAGE, HOWEVER PARCEL R24-12 DOES NOT HAVE THE REQUIRED FRONTAGE AT THE LOCATION OF PROPOSED RIGHT OF WAY.
- 4.2.4.11 – A WAIVER IS REQUIRED TO ALLOW FOR THE RIGHT OF WAY TO BE LESS THAN 1/2 THE FRONTAGE REQUIRED FOR THE ZONING DISTRICT AWAY FROM THE ABUTTING LOT. THE CENTER LINE OF THE RIGHT OF WAY IS LOCATED ±82' FROM THE ABUTTING LOT, HOWEVER THE DRIVEWAY WITHIN THE ROW IS LOCATED 91' FROM THE ABUTTING LOT, THE PROPOSED ROW AND DRIVEWAY LAYOUT HAVE BEEN DRIVEN BY THE LOCATION OF THE DWELLING AND BARN AT #171 RIVER ROAD.
- 4.2.5.1 – WAIVER TO NOT REQUIRED CURBING FOR THIS PROPOSED SUBDIVISION.
- 4.2.6.3 – WAIVER TO ALLOW FOR THE TRAVELED WAY WIDTH TO BE 18' AND TO NARROW DOWN TO 12' AT THE WETLAND CROSSING AS REQUIRED BY MASSDEP FOR A LIMITED PROJECT.
- 4.2.8.2 – WAIVER TO ALLOW FOR DEAD END DRIVEWAY (STREET) TO NOT REQUIRE A CUL-DE-SAC WITH A HAMMER HEAD TURNAROUND PROVIDED INSTEAD.
- 4.2.8.3 – WAIVER TO NOT REQUIRE LANDSCAPED ISLAND IN CENTER OF CUL-DE-SAC AS A CUL-DE-SAC IS NOT PROPOSED.
- 4.3.1.1 – WAIVER TO NOT REQUIRE SIDEWALKS, PEDESTRIAN OR BICYCLE TRAILS.
- 4.3.1.5 – WAIVER TO NOT REQUIRE FOOTPATH AND TRAILS WITHIN THE SUBDIVISION.
- 4.3.1.6 – WAIVER TO NOT REQUIRE BICYCLE PATH/RECREATION PATH.
- 4.4 – WAIVER FROM THE REQUIREMENTS TO PROVIDE STORMWATER MANAGEMENT REQUIREMENT SAND CALCULATIONS. PROPOSED PROJECT PROVIDES STORMWATER MITIGATION BY ROOF RECHARGE CHAMBERS AND DRIVEWAY RUNOFF CRUSHED STONE TRENCHES.
- 4.5 – WAIVER FROM THE REQUIREMENTS TO PROVIDE WATER MAINS, WATER WILL BE SUPPLIED BY PROPOSED WELLS.

Definitive Subdivision "Eagle Nest" River Road West Newbury, Massachusetts

**Issued for Permitting
Not Approved for Construction**



LOCUS PLAN SCALE: 1"=1,200'

APPROVED BY THE TOWN OF WEST NEWBURY PLANNING BOARD

DATE

DATE

DATE

FILED _____

HEARING _____

_____, CLERK OF THE TOWN OF WEST NEWBURY, HEREBY CERTIFY THAT THE NOTICE OF APPROVAL OF THIS PLAN BY THE PLANNING BOARD HAS BEEN RECEIVED AND RECORDED AT THIS OFFICE AND NO APPEAL WAS RECEIVED DURING THE TWENTY DAYS NEXT AFTER SUCH RECEIPT AND RECORDING OF SUCH NOTICE.

TOWN CLERK

I HEREBY CERTIFY THAT THIS PLAN CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF MASSACHUSETTS.

REG. PROF. ENGINEER

ASSESSORS/OWNERS OF RECORD:

PARCEL R24-12
FUSCO FAMILY IRREVOCABLE TRUST
ANTHONY J. FUSCO &
N. DAWNE FUSCO TRUSTEES
125 RIVER ROAD
WEST NEWBURY, MA 01985
BOOK 25609 PAGE 254
PLAN LC 33173-A

PARCEL R24-10A
SHARMAN E. GINGRICH TRUST
SHARMAN E. GINGRICH &
CHRISTOPHER F. HARRIS TRUSTEES
171 RIVER ROAD
WEST NEWBURY, MA 01985
BOOK 34827 PAGE 450
PLAN BOOK 173 PLAN 64

DEED REFERENCE:

ESRO BOOK 14031, PAGE 76
ESRO BOOK 34827, PAGE 450

Zoning Summary Chart

Zoning District:	Residential B
Zoning Regulation Requirements	Required
MINIMUM LOT AREA	40,000 S.F.
FRONTAGE	200 Feet
FRONT YARD SETBACK	40 Feet
SIDE YARD SETBACK	20 Feet
REAR YARD SETBACK	20 Feet
MINIMUM LOT WIDTH	180 Feet
MAXIMUM BUILDING HEIGHT	35 Feet

Drawing Sheet Index

Number	Drawing Title	Original Submittal Date
1 of 10	Cover Sheet	11/20/2023
2 of 10	Lotting Sheet 1 of 3	11/20/2023
3 of 10	Lotting Sheet 2 of 3	11/20/2023
4 of 10	Lotting Sheet 3 of 3	11/20/2023
5 of 10	Existing Conditions	11/20/2023
6 of 10	Layout & Materials	11/20/2023
7 of 10	Grading & Utilities	11/20/2023
8 of 10	Plan & Profiles	11/20/2023
9 of 10	Site Details 1	11/20/2023
10 of 10	Wetland Replication Detail	11/20/2023

- LEGEND:**
- EXISTING CONTOUR
 - EDGE OF WETLANDS
 - EXISTING EDGE OF WOODS
 - EXISTING WATER
 - EXISTING GAS
 - EXISTING DRAIN
 - EXISTING SEWER
 - EXISTING EDGE OF PAVEMENT
 - PROPOSED CONTOUR
 - PROPOSED WATER
 - PROPOSED HAY BALES
 - PROPOSED EDGE OF WOODS

Revision No.	Revision Description	Date

**COVER SHEET
DEFINITIVE SUBDIVISION
EAGLE NEST
WEST NEWBURY, MASS.**

PREPARED FOR: MICHAEL FUSCO
DATE: NOVEMBER 23, 2023
SCALE: 1"=40'

andover
consultants
inc.

1 East River Place
Methuen, Mass. 01844
Telephone: 978-687-3828

Dennis A. Griecci
Reg. Prof. Engineer

0 40 80 120 160 Ft.
0 10 20 40 Meter

I HEREBY CERTIFY THAT THIS PLAN CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF MASSACHUSETTS.
Peter D. Goodwin
REG. PROF. LAND SURVEYOR

APPROVED BY THE TOWN OF WEST NEWBURY PLANNING BOARD

DATE

FILED _____
HEARING _____

I, _____ CLERK OF THE TOWN OF WEST NEWBURY, HEREBY CERTIFY THAT THE NOTICE OF APPROVAL OF THIS PLAN BY THE PLANNING BOARD HAS BEEN RECEIVED AND RECORDED AT THIS OFFICE AND NO APPEAL WAS RECEIVED DURING THE TWENTY DAYS NEXT AFTER SUCH RECEIPT AND RECORDING OF SUCH NOTICE.

TOWN CLERK

REFERENCE PLANS:

PLANS ON FILE AT THE ESSEX COUNTY REGISTRY OF DEEDS, SOUTHERN DISTRICT.

- 1.) PLAN BOOK 173 PLAN 64
- 2.) PLAN BOOK 39282 PLAN 206
- 3.) PLAN BOOK 164 PLAN 207
- 4.) LAND COURT PLAN 33173-B
- 5.) LAND COURT PLAN 33173-A

ASSESSORS REFERENCE:

MAP R24 LOT 12
MAP R24 LOT 10A

ZONING DISTRICT: RB

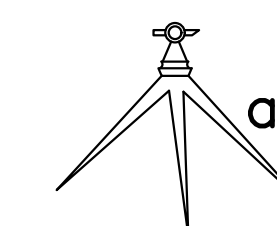
OWNERS OF RECORD:

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125 RIVER ROAD
WEST NEWBURY, MA 01985
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DEFINITIVE SUBDIVISION PLAN
EAGLE NEST
WEST NEWBURY, MASS.

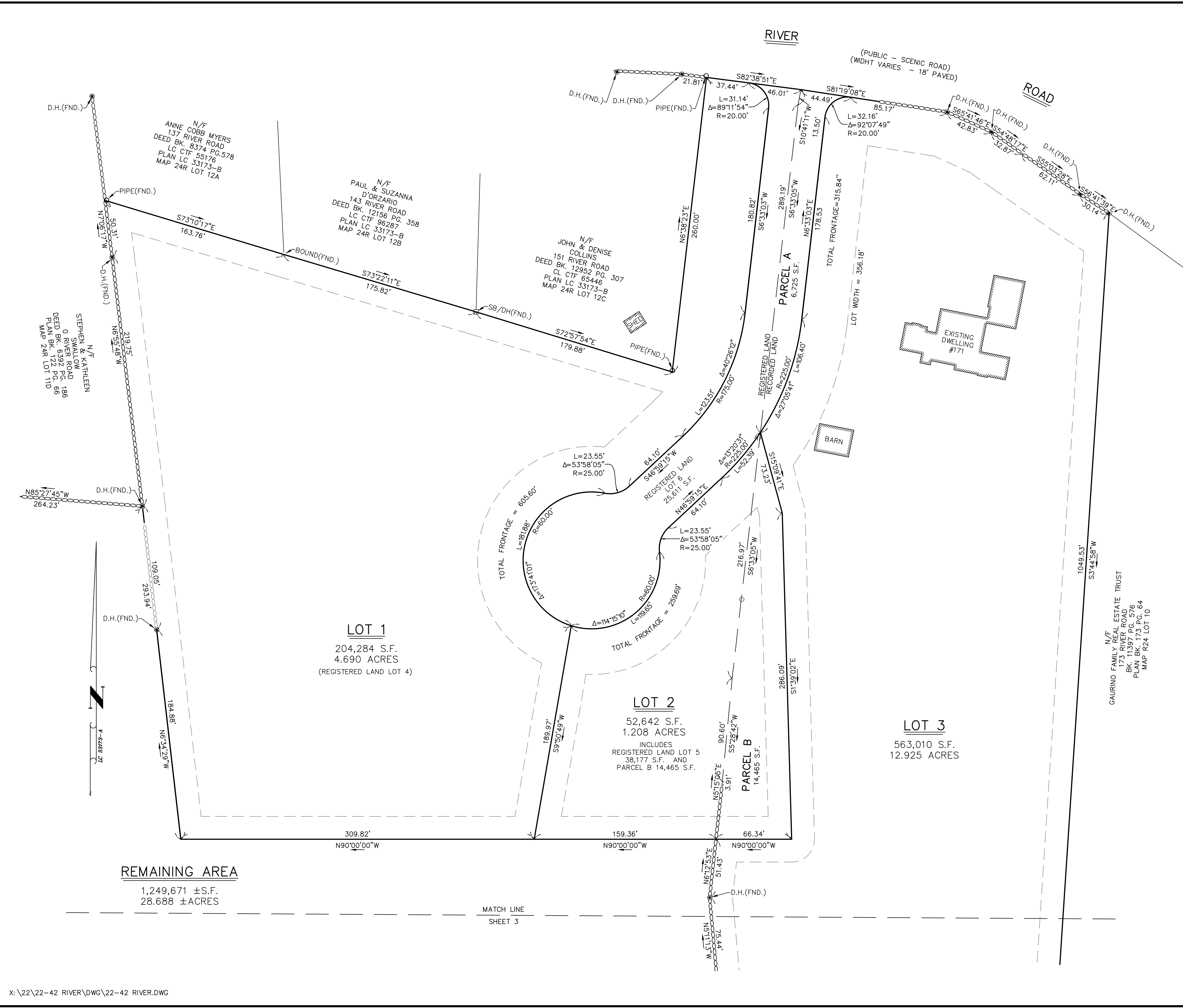
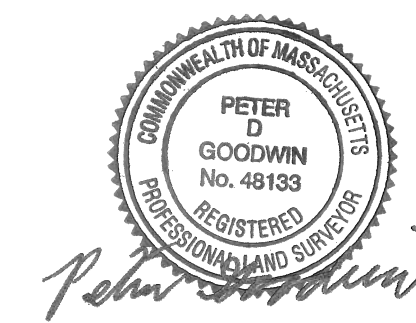
PREPARED FOR: MICHAEL FUSCO
DATE: NOVEMBER 20, 2023
SCALE: 1" = 40'



andover consultants inc.

1 East River Place
Methuen, Mass. 01844
Telephone: 978-687-3828

Peter D. Goodwin
Reg. Prof. Land Surveyor



REMAINING AREA

1,249,671 ± S.F.
28.688 ± ACRES

MATCH LINE
SHEET 3

I HEREBY CERTIFY THAT THIS PLAN CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF MASSACHUSETTS.
Peter Goodwin
REG. PROF. LAND SURVEYOR

REMAINING AREA
1,249,671 ±S.F.
28.688 ±ACRES

SHEET 2
MATCH LINE

REMAINING AREA
1,249,671 ±S.F.
28.688 ±ACRES
REMAINING LAND
FUSCO FAMILY IRREVOCABLE TRUST
125 RIVER ROAD
LOT R24-12

LOT 3
563,010 S.F.
12.925 ACRES

N/E
GAURINO FAMILY REAL ESTATE TRUST
173 RIVER ROAD
BK. 11397 PG. 576
PLAN BK. 173 PG. 64
MAP R24 LOT 10

N/E
MARGOS & MARGARET
GONCALVES
177 RIVER ROAD
DEED BK. 3960 PG. 272
PLAN BK. 164 PG. 87
MAP R24 LOT 9

APPROVED BY THE TOWN OF WEST
NEWBURY PLANNING BOARD

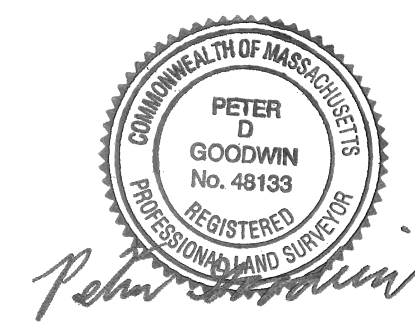
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RECEIVED DURING THE TWENTY DAYS NEXT
AFTER SUCH RECEIPT AND RECORDING OF
SUCH NOTICE.

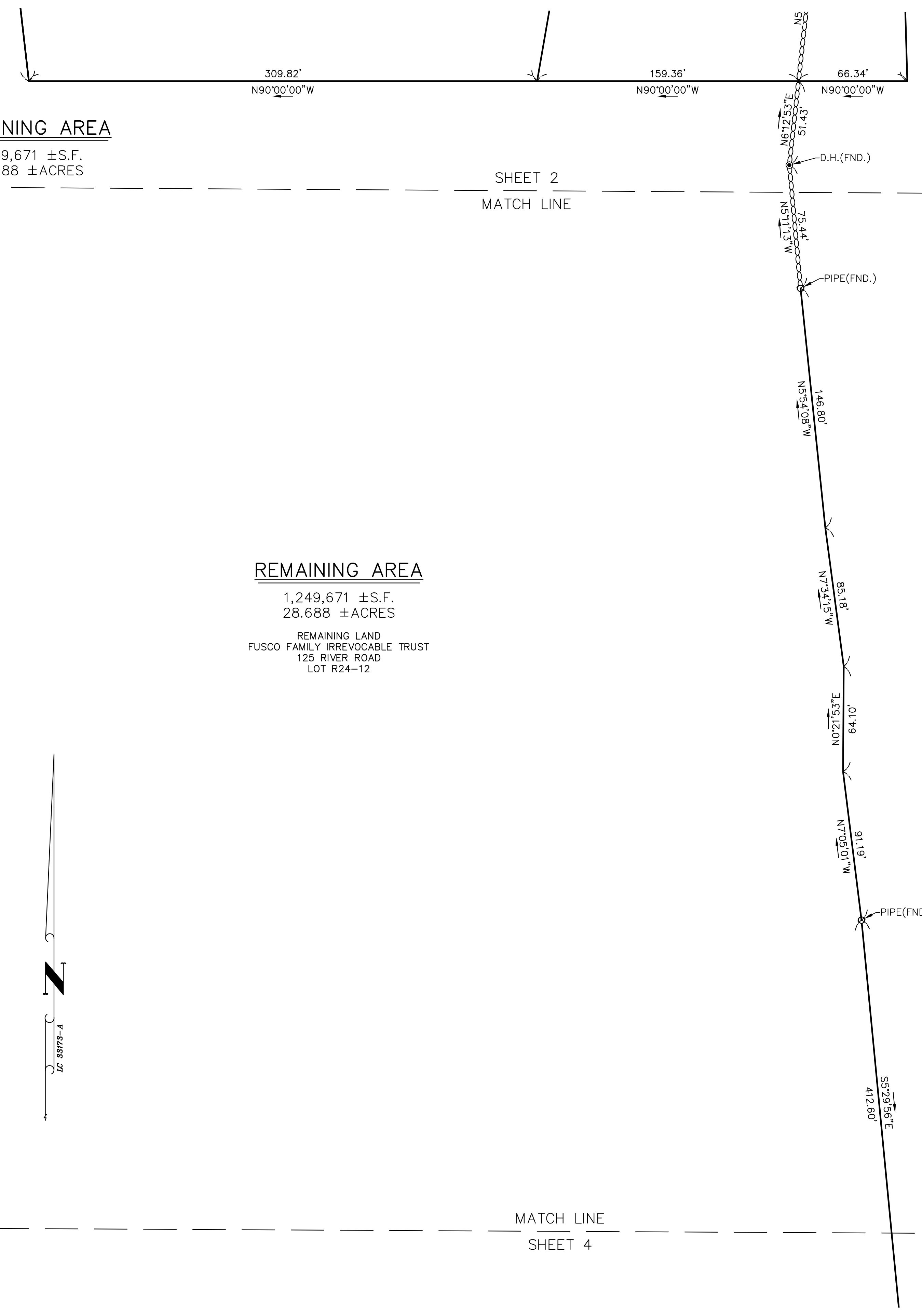
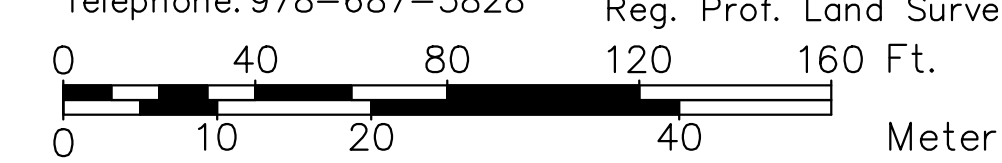
TOWN CLERK

DEFINITIVE SUBDIVISION PLAN
EAGLE NEST
WEST NEWBURY, MASS.
PREPARED FOR: MICHAEL FUSCO
DATE: NOVEMBER 20, 2023
SCALE: 1" = 40'



andover consultants inc.
1 East River Place
Methuen, Mass. 01844
Telephone: 978-687-3828

Peter D. Goodwin
Reg. Prof. Land Surveyor



MATCH LINE
SHEET 4

I HEREBY CERTIFY THAT THIS PLAN CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF MASSACHUSETTS.
Peter D. Goodwin
REG. PROF. LAND SURVEYOR

SHEET 2
MATCH LINE

REMAINING AREA
1,249,671 ±S.F.
28.688 ±ACRES
REMAINING LAND
FUSCO FAMILY IRREVOCABLE TRUST
125 RIVER ROAD
MAP R24 LOT 12

LOT 3
563,010 S.F.
12.925 ACRES

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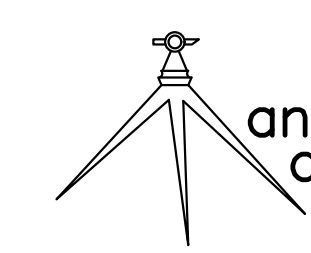
N/F
MARCOS & MARGARET
CONCALVES
17 RIVER ROAD
DEED BK 3960 PG. 272
PLAN BK 11 PG. 87
MAP R24 LOT 9

N/F
ALBERT TING & NANCY PAU
181 RIVER ROAD
DEED BK. 39309 PG. 46
PLAN BK. 39282 PG. 206
MAP R24 LOT 8

N/F
FUSCO FAMILY IRREVOCABLE TRUST
0 LONG HILL PASTURE
DEED BK. 25609 PG. 254
MAP R24 LOT 13

**DEFINITIVE SUBDIVISION PLAN
EAGLE NEST
WEST NEWBURY, MASS.**

PREPARED FOR: MICHAEL FUSCO
DATE: NOVEMBER 20, 2023
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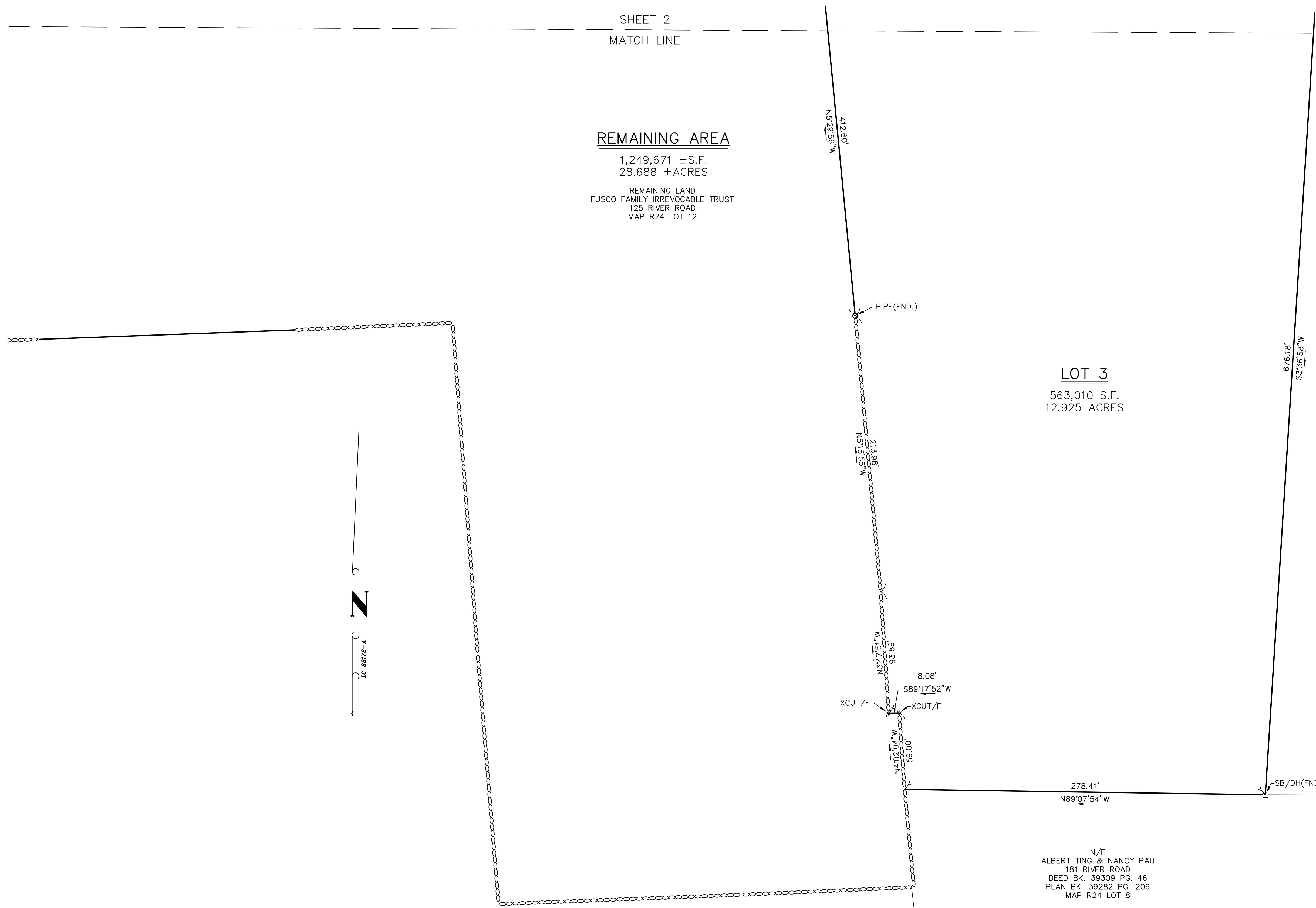


andover consultants inc.

1 East River Place
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Telephone: 978-687-3828



Peter D. Goodwin
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Reg. Prof. Land Surveyor



MERRIMACK RIVER

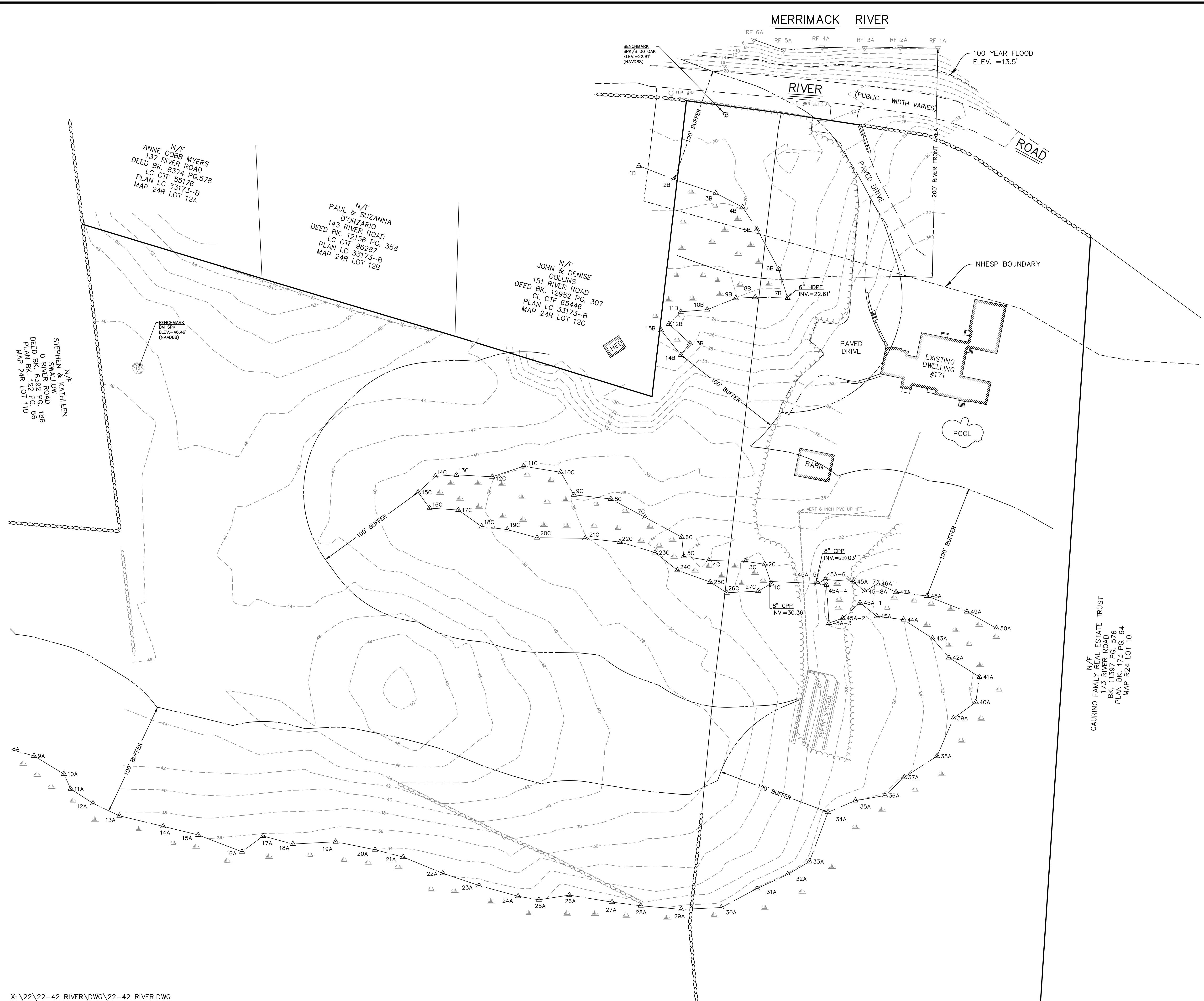
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REG. PROF. LAND SURVEYOR

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TOWN CLERK _____



N/F GAURINO FAMILY REAL ESTATE TRUST
173 RIVER ROAD
BK. 11397 PG. 576
PLAN BK. 173 PG. 64
MAP R24 LOT 10

- LEGEND:
- EXISTING CONTOUR
 - PAVEMENT EDGE
 - RETAINING WALL
 - RIVER BANK FLAG
 - TREELINE
 - U-POLE & GUY WIRE
 - WETLAND FLAG
 - WETLANDS

EXISTING CONDITIONS PLAN
EAGLE NEST
WEST NEWBURY, MASS.

PREPARED FOR: MICHAEL FUSCO
DATE: NOVEMBER 20, 2023
SCALE: 1" = 40'



1 East River Place
Methuen, Mass. 01844
Telephone: 978-687-3828
Peter D. Goodwin
Reg. Prof. Land Surveyor



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REG. PROF. ENGINEER

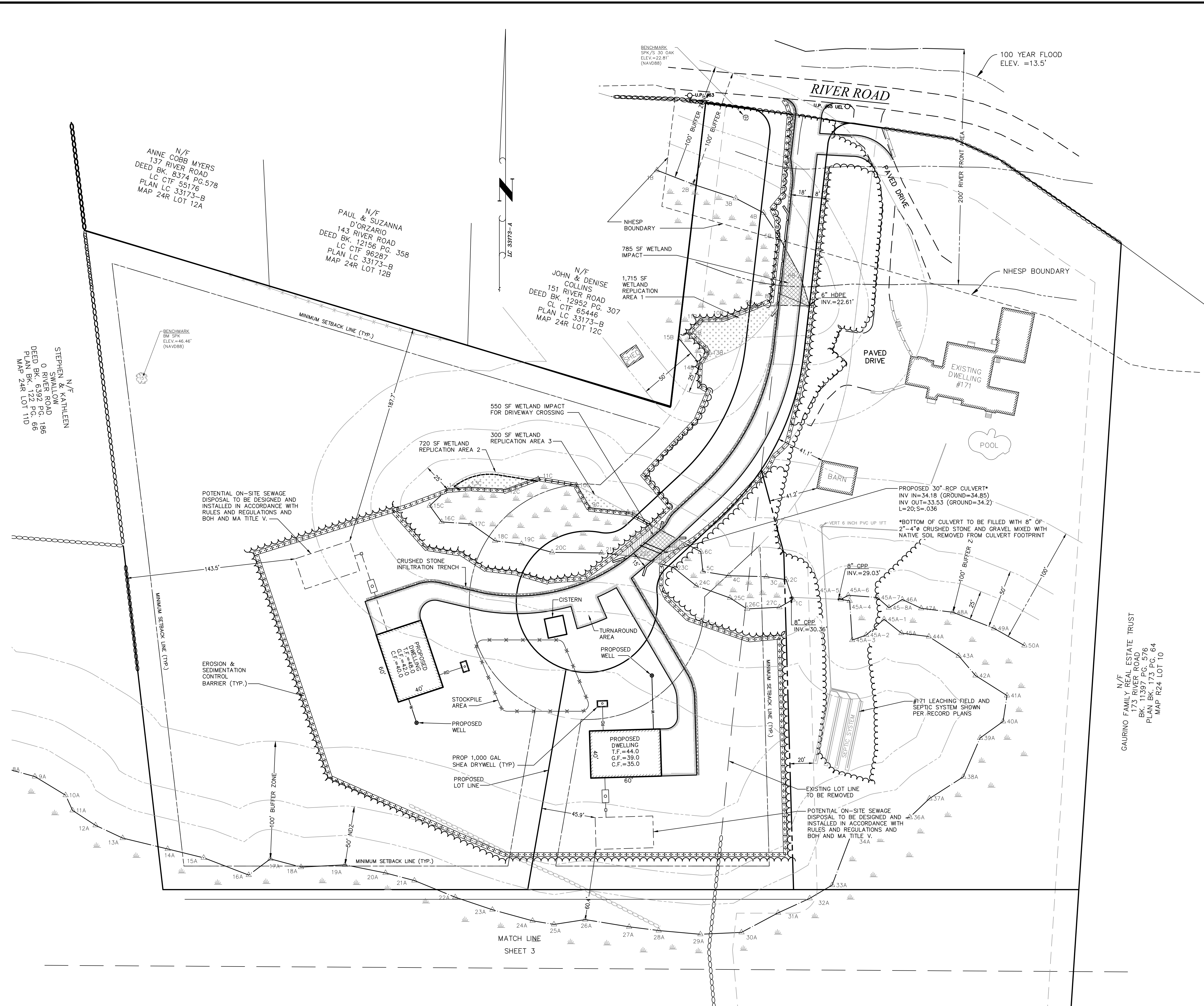
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WEST NEWBURY, MA 01985
BOOK 34827 PAGE 450
PLAN BOOK 173 PLAN 64

DEED REFERENCE:

ESRO BOOK 14031, PAGE 76
ESRO BOOK 34827, PAGE 450



N/F
STEPHEN & KATHLEEN
SWALLOW
0 RIVER ROAD
DEED BK. 6122 PG. 66
PLAN BK. 122 PG. 66
MAP 24R LOT 11D

N/F
ANNE COBB MYERS
137 RIVER ROAD
DEED BK. 8374 PG. 578
LC CTF 55176
PLAN LC 33173-B
MAP 24R LOT 12A

N/F
PAUL & SUZANNA
D'ORZARIO
143 RIVER ROAD
LC 12156 PG. 358
LC CTF 96287
PLAN LC 33173-B
MAP 24R LOT 12B

N/F
JOHN & DENISE
COLLINS
151 RIVER ROAD
DEED BK. 12952 PG. 307
CL CTF 65446
PLAN LC 33173-B
MAP 24R LOT 12C

N/F
GAURINO FAMILY RE-ESTATE TRUST
173 RIVER ROAD
BK. 11397 PG. 576
PLAN BK. 173 PG. 64
MAP R24 LOT 10

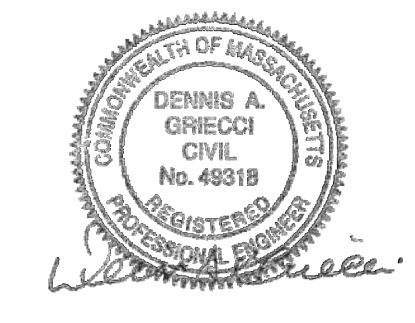
Revision No.	Revision Description	Date
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DEFINITIVE SUBDIVISION LAYOUT & MATERIALS PLAN EAGLE NEST WEST NEWBURY, MASS.

PREPARED FOR: MICHAEL FUSCO
DATE: NOVEMBER 20, 2023
SCALE: 1" = 40'



1 East River Place
Methuen, Mass. 01844
Telephone: 978-687-3828



Dennis A. Grieci
Reg. Prof. Engineer



APPROVED BY THE TOWN OF WEST NEWBURY PLANNING BOARD

DATE

FILED

HEARING

CLERK OF THE TOWN OF WEST NEWBURY, HEREBY CERTIFY THAT THE NOTICE OF APPROVAL OF THIS PLAN BY THE PLANNING BOARD HAS BEEN RECEIVED AND RECORDED AT THIS OFFICE AND NO APPEAL WAS RECEIVED DURING THE TWENTY DAYS NEXT AFTER SUCH RECEIPT AND RECORDING OF SUCH NOTICE.

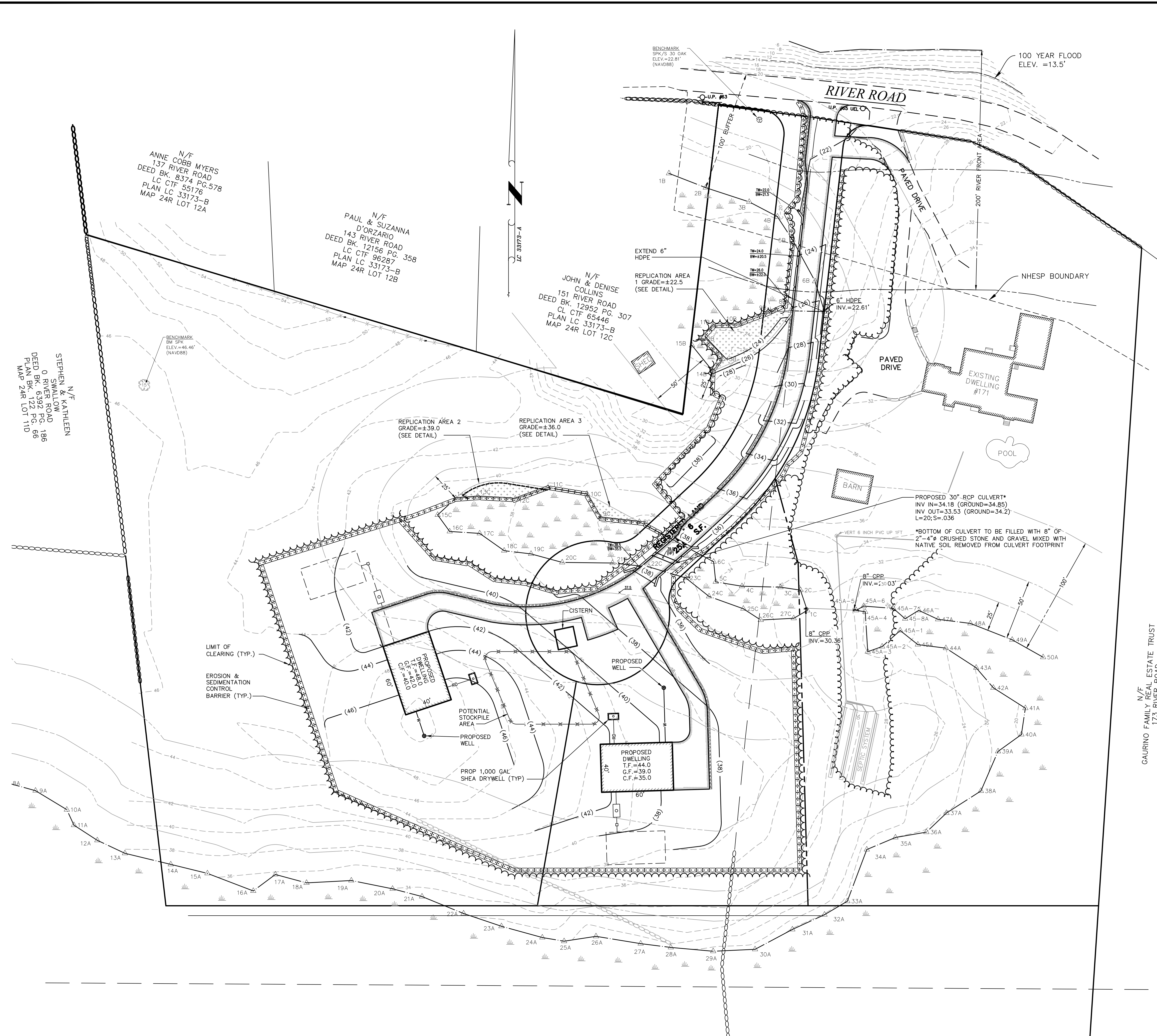
TOWN CLERK

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REG. PROF. ENGINEER

General Notes - Grading, Drainage, Utilities

- 1. TOP SOIL SHALL BE STRIPPED AND STOCKPILE ON SITE AS INDICATED ON PLANS, OR AS OTHERWISE DEEMED APPROPRIATE BY CONTRACTOR. AREAS DISTURBED DURING CONSTRUCTION SHALL RECEIVE SIX INCHES OF LOAM AND SEED. NO TOP SOIL SHALL LEAVE THE SITE EXCEPT IN ACCORDANCE WITH THE WEST NEWBURY SOIL REMOVAL BYLAW.
2. ALL EARTHEN MATERIALS SHALL BE HANDLED IN ACCORDANCE WITH APPLICABLE STATE AND LOCAL LAWS. SOIL SHALL BE STOCKPILED ON SITE AS INDICATED ON THE PLANS, OR AS OTHERWISE DEEMED APPROPRIATE BY CONTRACTOR. NO EARTHEN MATERIALS SHALL LEAVE THE SITE EXCEPT IN ACCORDANCE WITH THE WEST NEWBURY SOIL REMOVAL BYLAW.
3. CONTRACTOR SHALL NOTIFY "DIG-SAFE" (1-888-344-7233) AT LEAST 72 HOURS BEFORE EXCAVATING. CONTRACTOR SHALL PREVENT DUST, SEDIMENT, AND DEBRIS FROM EXITING THE SITE AND SHALL BE RESPONSIBLE FOR CLEANUP, REPAIRS AND CORRECTIVE ACTION IF SUCH OCCURS.
4. DAMAGE RESULTING FROM CONSTRUCTION LOADS SHALL BE REPAIRED BY THE CONTRACTOR AT NO ADDITIONAL COST TO OWNER.
5. CONTRACTOR SHALL CONTROL STORMWATER RUNOFF DURING CONSTRUCTION TO PREVENT ADVERSE IMPACTS TO OFF SITE AREAS, AND SHALL BE RESPONSIBLE TO REPAIR RESULTING DAMAGES, IF ANY, AT NO COST TO OWNER.
6. THIS PROJECT DISTURBS MORE THAN ONE ACRE OF LAND AND FALLS WITHIN THE NPDES CONSTRUCTION GENERAL PERMIT (CGP) PROGRAM AND EPA JURISDICTION. PRIOR TO THE START OF CONSTRUCTION CONTRACTOR IS TO FILE A CGP NOTICE OF INTENT WITH THE EPA AND PREPARE A STORMWATER POLLUTION PREVENTION PLAN IN ACCORDANCE WITH THE NPDES REGULATIONS. CONTRACTOR SHALL CONFIRM THE OWNER HAS ALSO FILED A NOTICE OF INTENT WITH THE EPA.
7. PROPOSED BOUNDS AND ANY EXISTING PROPERTY LINE MONUMENTATION DISTURBED DURING CONSTRUCTION SHALL BE SET OR RESET BY A PROFESSIONAL LICENSED SURVEYOR.
8. CONTRACTOR SHALL NOT RELY SOLELY ON ELECTRONIC VERSIONS OF PLANS, SPECIFICATIONS, AND DATA FILES THAT ARE OBTAINED FROM THE DESIGNERS, BUT SHALL VERIFY LOCATION OF PROJECT FEATURES IN ACCORDANCE WITH THE PAPER COPIES OF THE PLANS AND SPECIFICATIONS THAT ARE SUPPLIED AS PART OF THE CONTRACT DOCUMENTS.
9. PRIOR TO STARTING ANY OTHER WORK ON THE SITE, THE CONTRACTOR SHALL NOTIFY APPROPRIATE AGENCIES AND SHALL INSTALL EROSION CONTROL MEASURES AS SHOWN ON THE PLANS AND AS IDENTIFIED IN FEDERAL, STATE, AND LOCAL APPROVAL DOCUMENTS PERTAINING TO THIS PROJECT.
10. CONTRACTOR SHALL INSPECT AND MAINTAIN EROSION CONTROL MEASURES, AND REMOVE SEDIMENT THEREFROM ON A WEEKLY BASIS AND WITHIN TWELVE HOURS AFTER EACH STORM EVENT AND DISPOSE OF SEDIMENTS IN AN UPLAND AREA SUCH THAT THEY DO NOT ENCUMBER OTHER DRAINAGE STRUCTURES AND PROTECTED AREAS.
11. CONTRACTOR SHALL BE FULLY RESPONSIBLE TO CONTROL CONSTRUCTION SUCH THAT SEDIMENTATION SHALL NOT AFFECT REGULATORY PROTECTED AREAS, WHETHER SUCH SEDIMENTATION IS CAUSED BY WATER, WIND, OR DIRECT DEPOSIT.
12. CONTRACTOR SHALL PERFORM CONSTRUCTION SEQUENCING SUCH THAT EARTH MATERIALS ARE EXPOSED FOR A MINIMUM OF TIME BEFORE THEY ARE COVERED, SEEDED, OR OTHERWISE STABILIZED TO PREVENT EROSION.
13. ELEVATIONS ARE BASED ON NGVD 1988 DATUM.
14. WETLAND FLAGS WERE SET BY NORSE ENVIRONMENTAL SERVICES IN DECEMBER OF 2022 AND JULY OF 2023 AND FIELD LOCATED BY ANDOVER CONSULTANTS.



CAURINO FAMILY REV. ESTATE TRUST
BK. 173 RIVER ROAD
PLAN BK. 173 PG. 64
MAP R24 LOT 10

ASSESSORS/OWNERS OF RECORD:

PARCEL R24-12
FUSCO FAMILY IRREVOCABLE TRUST
ANTHONY J. FUSCO &
N. DAWNE FUSCO TRUSTEES
125 RIVER ROAD
WEST NEWBURY, MA 01985
BOOK 25609 PAGE 254
PLAN LC 33173-A

PARCEL R24-10A
SHARMAN E. GINGRICH TRUST
SHARMAN E. GINGRICH &
CHRISTOPHER F. HARRIS TRUSTEES
171 RIVER ROAD
WEST NEWBURY, MA 01985
BOOK 34827 PAGE 450
PLAN BOOK 173 PLAN 64

DEED REFERENCE:

ESRO BOOK 14031, PAGE 76
ESRO BOOK 34827, PAGE 450

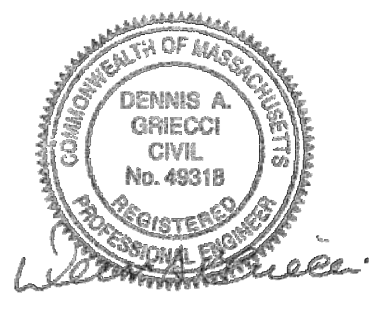
Table with 3 columns: Revision No., Revision Description, Date

DEFINITIVE SUBDIVISION GRADING & UTILITIES PLAN EAGLE NEST WEST NEWBURY, MASS.

PREPARED FOR: MICHAEL FUSCO
DATE: NOVEMBER 20, 2023
SCALE: 1" = 40'



1 East River Place
Methuen, Mass. 01844
Telephone: 978-687-3828
Dennis A. Griecci
Reg. Prof. Engineer



APPROVED BY THE TOWN OF WEST NEWBURY PLANNING BOARD

DATE _____
 FILED _____
 HEARING _____

CLERK OF THE TOWN OF WEST NEWBURY, HEREBY CERTIFY THAT THE NOTICE OF APPROVAL OF THIS PLAN BY THE PLANNING BOARD HAS BEEN RECEIVED AND RECORDED AT THIS OFFICE AND NO APPEAL WAS RECEIVED DURING THE TWENTY DAYS NEXT AFTER SUCH RECEIPT AND RECORDING OF SUCH NOTICE.

TOWN CLERK

I HEREBY CERTIFY THAT THIS PLAN CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF MASSACHUSETTS.

REG. PROF. ENGINEER

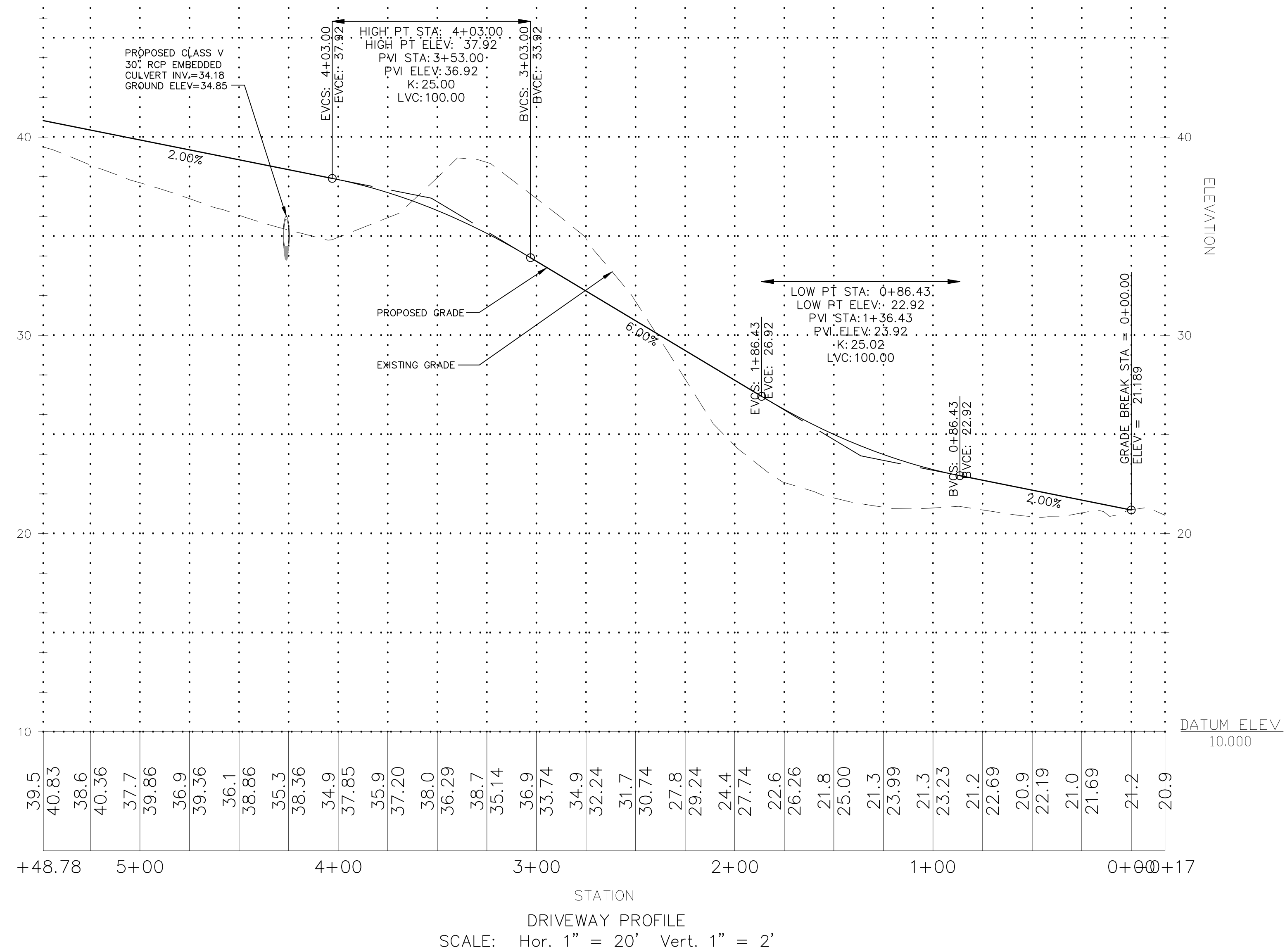
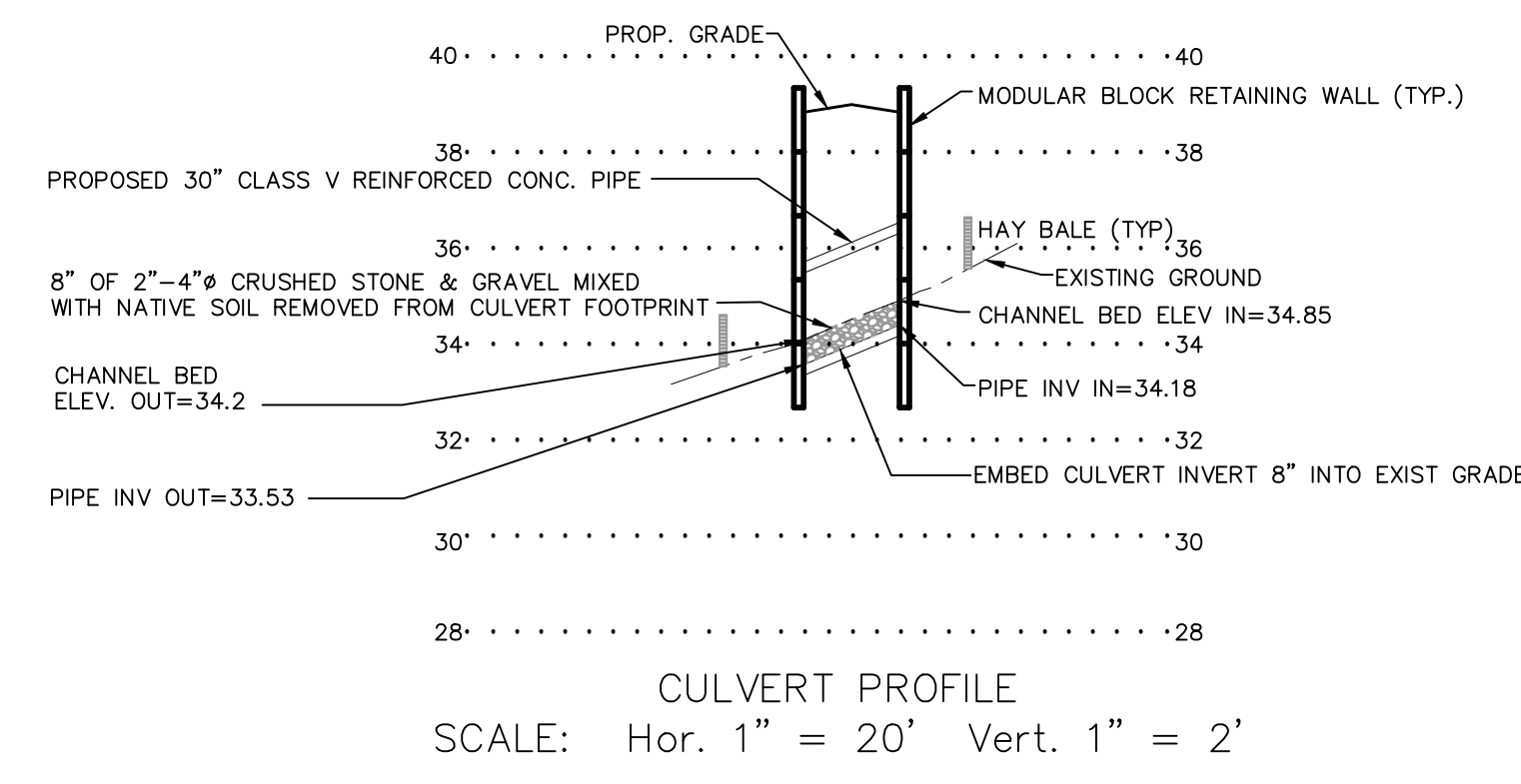
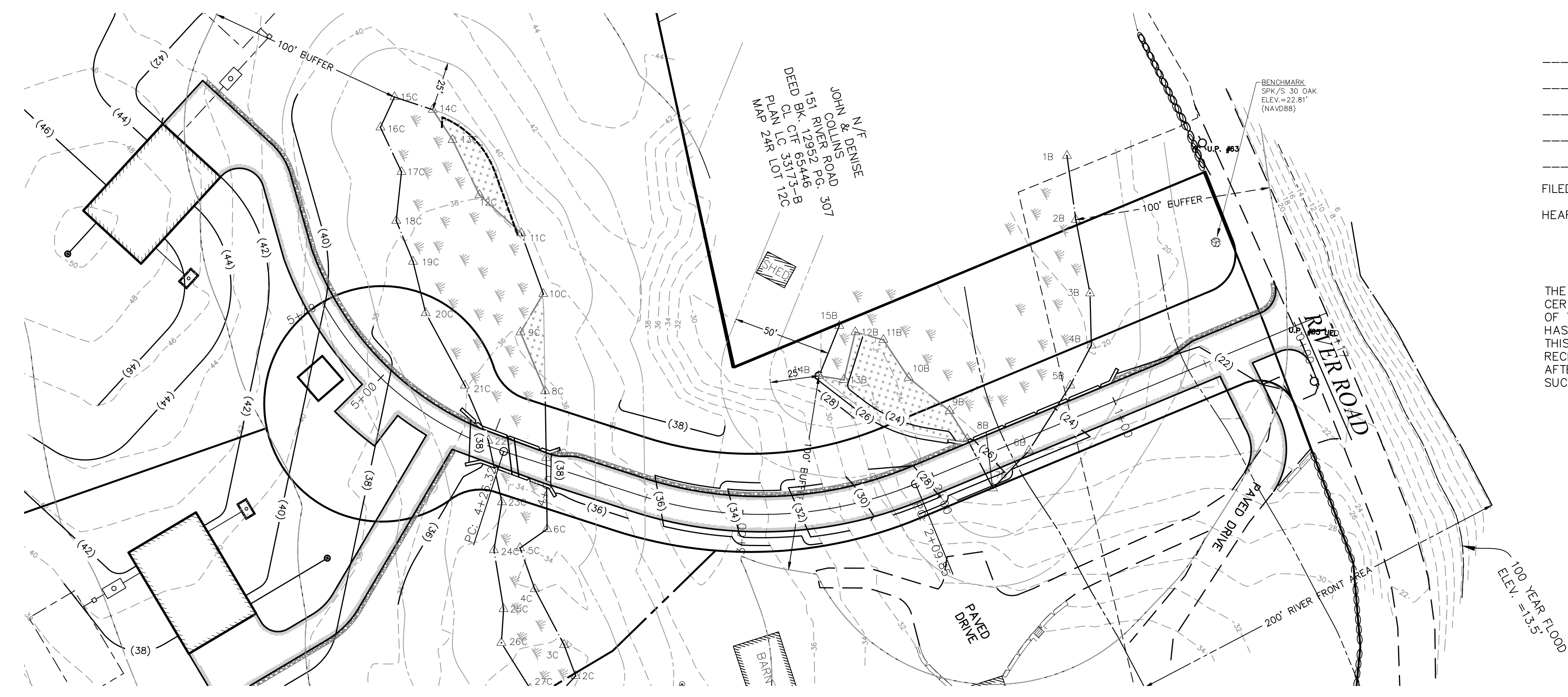
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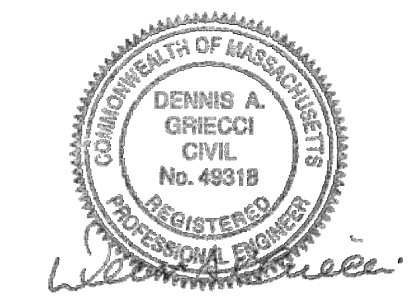
Revision No.	Revision Description	Date

DEFINITIVE SUBDIVISION
 PLAN & PROFILE
 EAGLE NEST
 WEST NEWBURY, MASS.

PREPARED FOR: MICHAEL FUSCO
 DATE: NOVEMBER 20, 2023
 SCALE: 1"=40'

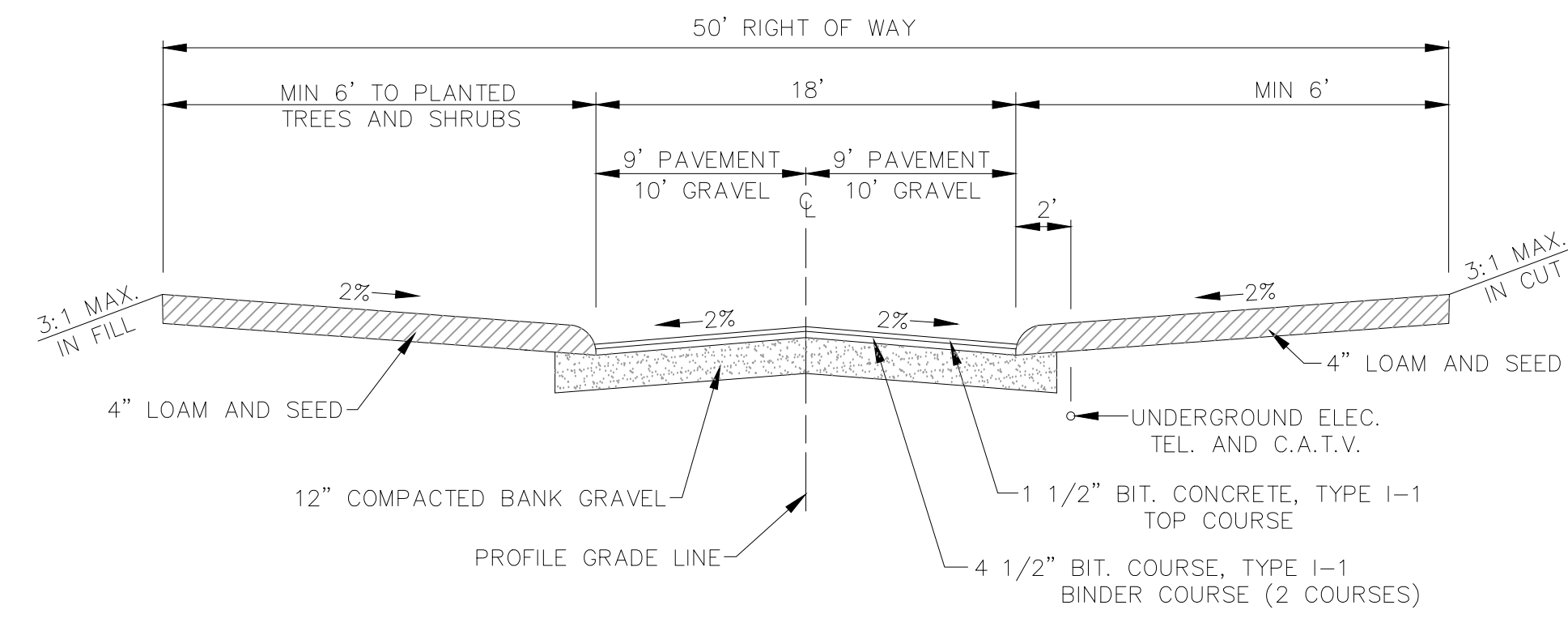


1 East River Place
 Methuen, Mass. 01844
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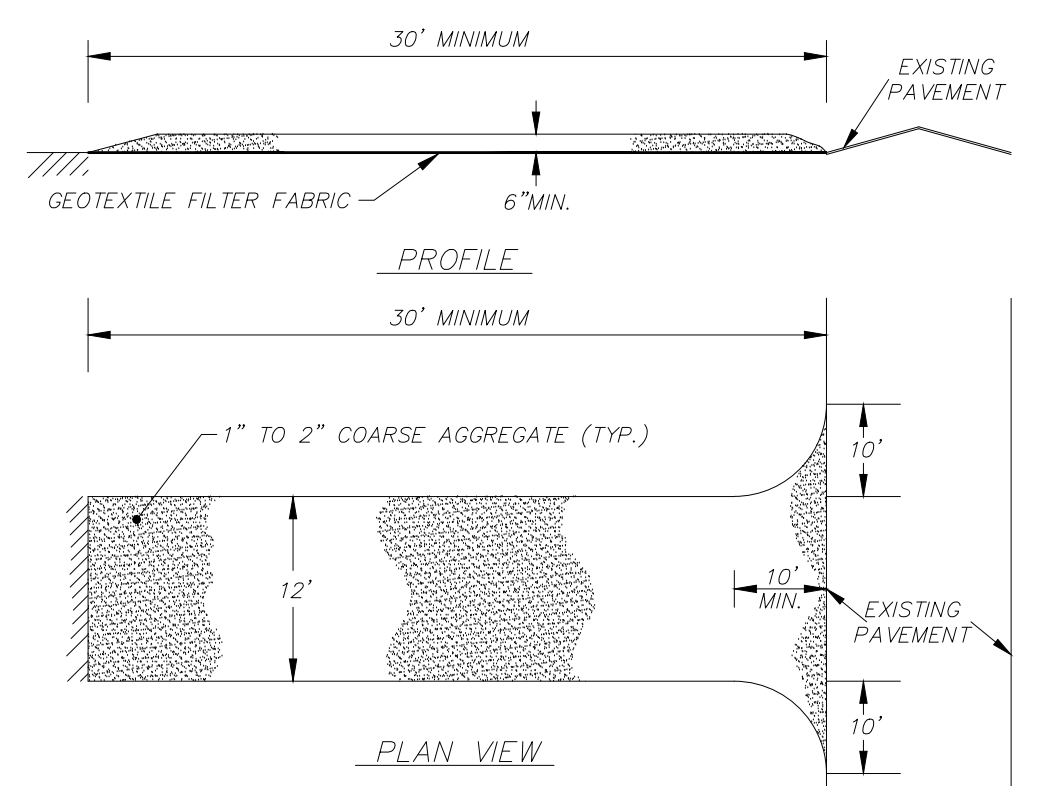


Dennis A. Griecci
 Reg. Prof. Engineer





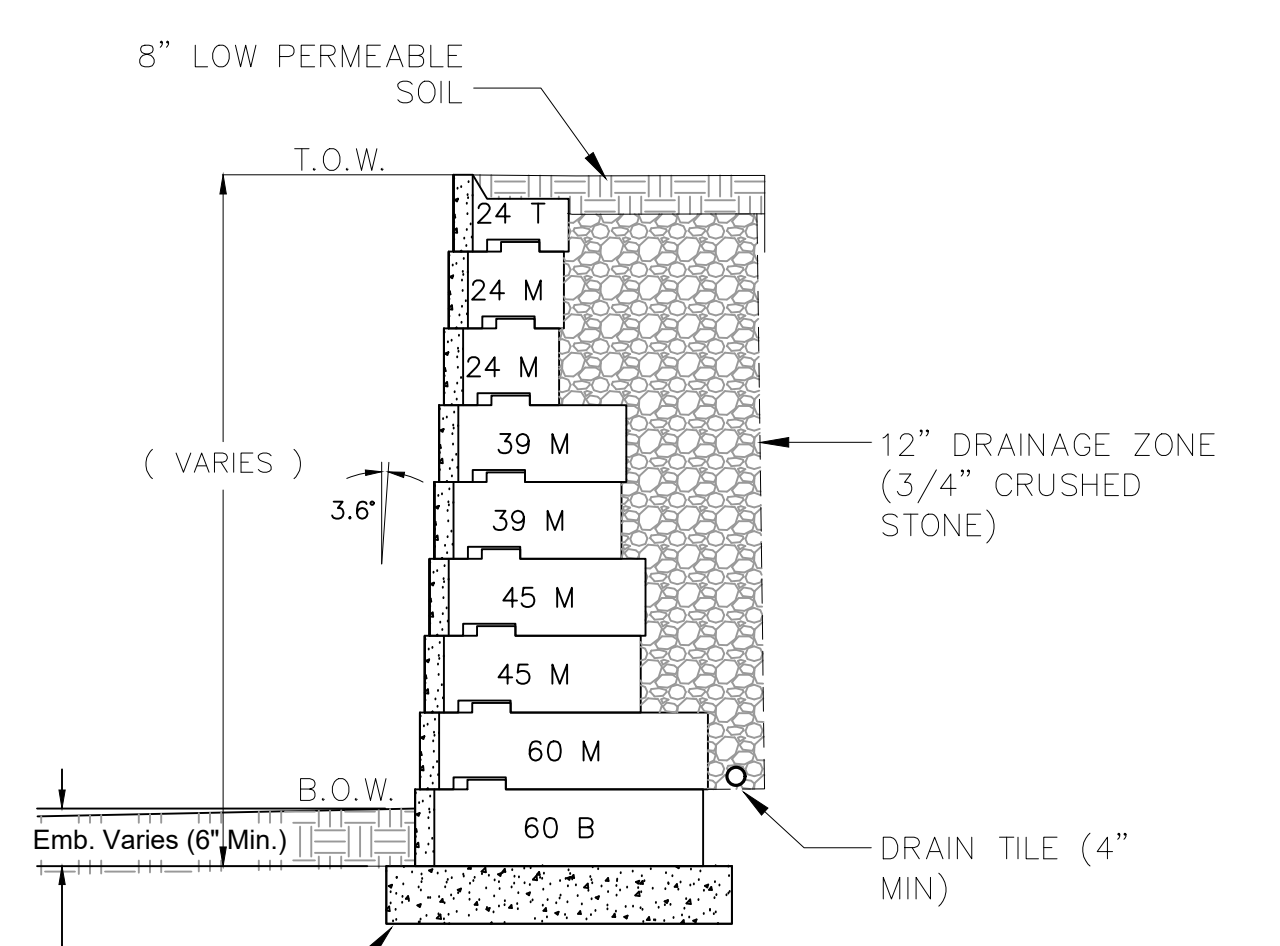
**TYPICAL ROADWAY SECTION
50 FOOT RIGHT OF WAY**
NOT TO SCALE



CONSTRUCTION SPECIFICATIONS:

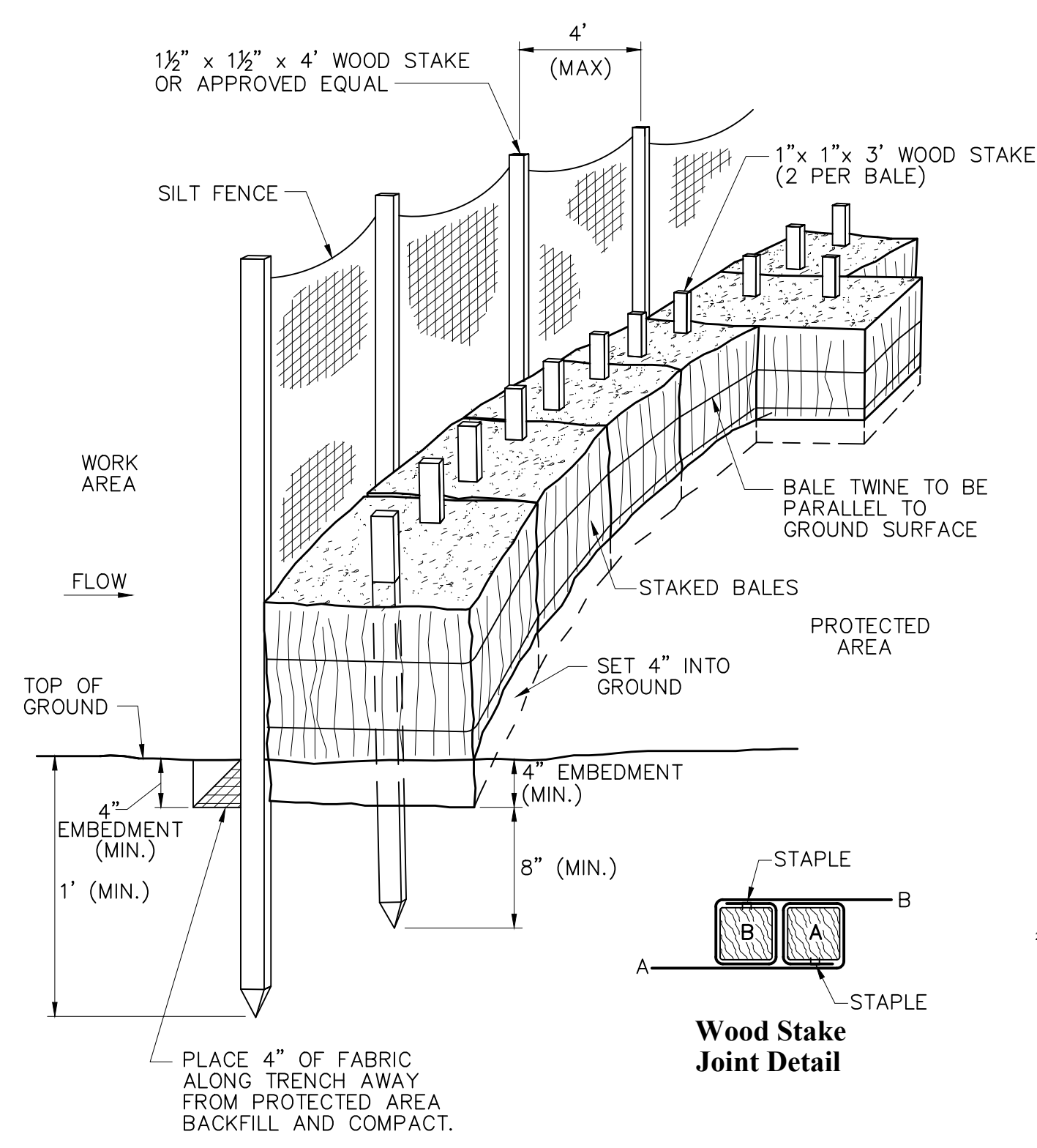
1. THE WIDTH OF THE ENTRANCE SHALL NOT BE LESS THAN A FULL WIDTH OF THE ENTRANCE WHERE INGRESS OR EGRESS OCCURS OR 10 FEET, WHICH EVER IS GREATER.
2. GEOTEXTILE FILTER CLOTH SHALL BE PLACED OVER THE ENTIRE AREA PRIOR TO PLACING THE STONE.
3. ALL SURFACE WATER THAT IS FLOWING TO OR DIVERTED TOWARDS THE CONSTRUCTION ENTRANCE SHALL BE PIPED BENEATH THE ENTRANCE. IF PIPING IS IMPRACTICAL, A BERM SUBSTITUTED FOR THE PIPE.

STABILIZED CONSTRUCTION ENTRANCE DETAIL
NOT TO SCALE

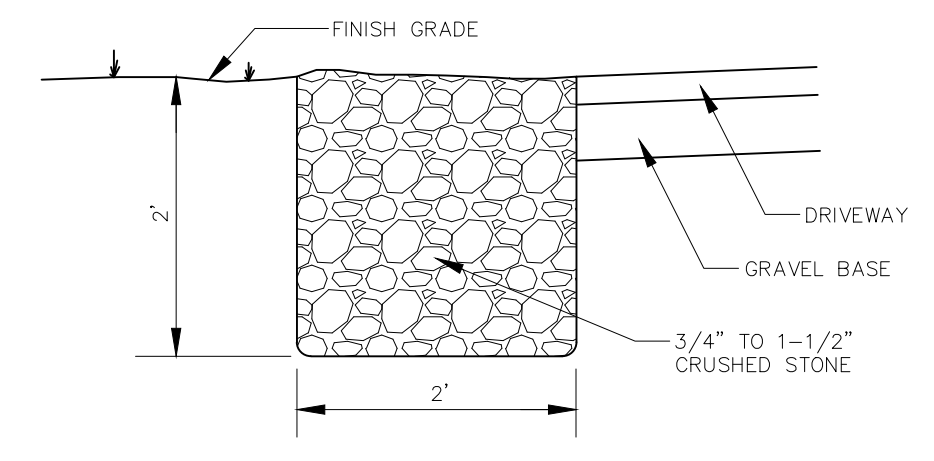


NOTE: SHOWN FOR GENERAL INFORMATION ONLY. FINAL WALL CONFIGURATION TO BE DETERMINED BY THE WALL SUPPLIER ENGINEER LICENSED TO PRACTICE ENGINEERING IN MASSACHUSETTS.

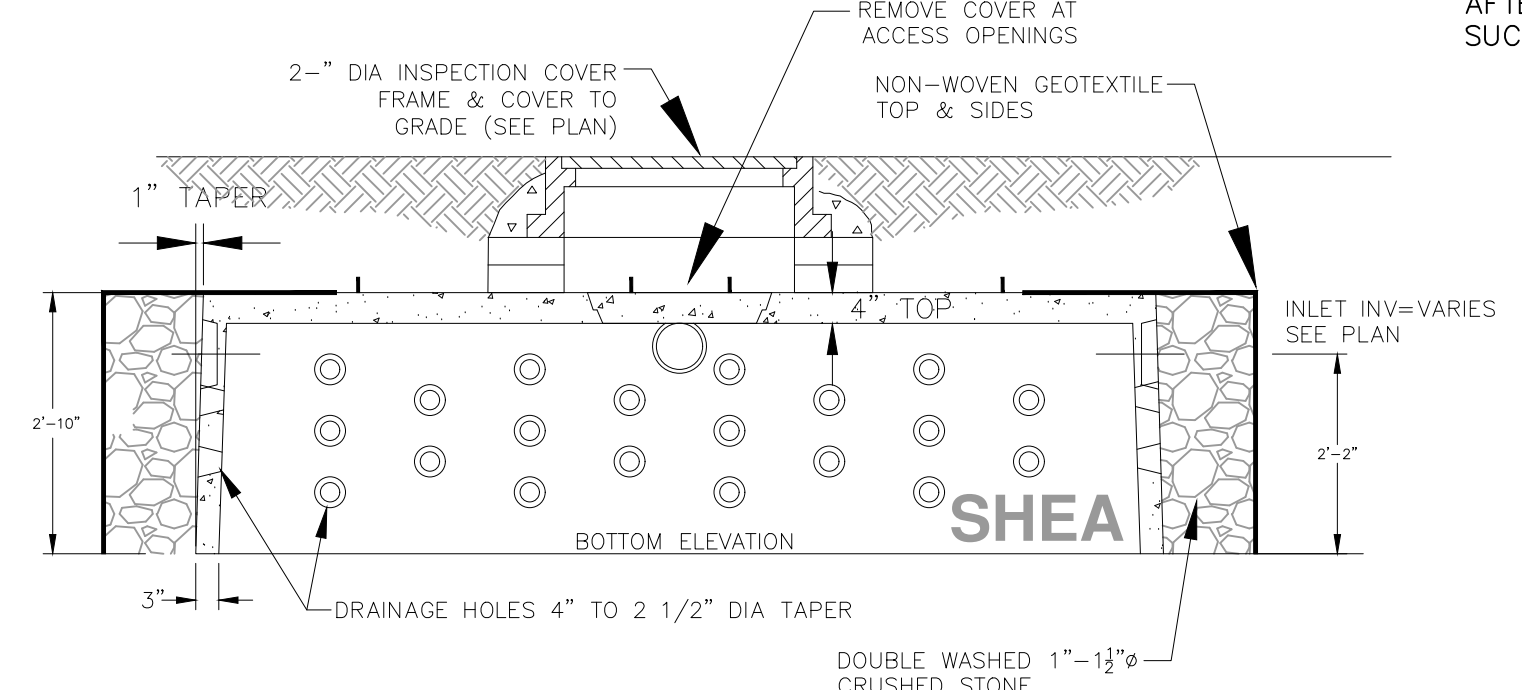
TYPICAL "SHEA" WALL SECTION
(NOT TO SCALE)



SILT FENCE/STRAW BALE BARRIER



CRUSHED STONE INFILTRATION TRENCH
NOT TO SCALE



**SHEA PRECAST CONCRETE
1000 GALLON JUMBO DRYWELL**
NOT TO SCALE

APPROVED BY THE TOWN OF WEST NEWBURY PLANNING BOARD

DATE _____

FILED _____

HEARING _____

_____, CLERK OF THE TOWN OF WEST NEWBURY, HEREBY CERTIFY THAT THE NOTICE OF APPROVAL OF THIS PLAN BY THE PLANNING BOARD HAS BEEN RECEIVED AND RECORDED AT THIS OFFICE AND NO APPEAL WAS RECEIVED DURING THE TWENTY DAYS NEXT AFTER SUCH RECEIPT AND RECORDING OF SUCH NOTICE.

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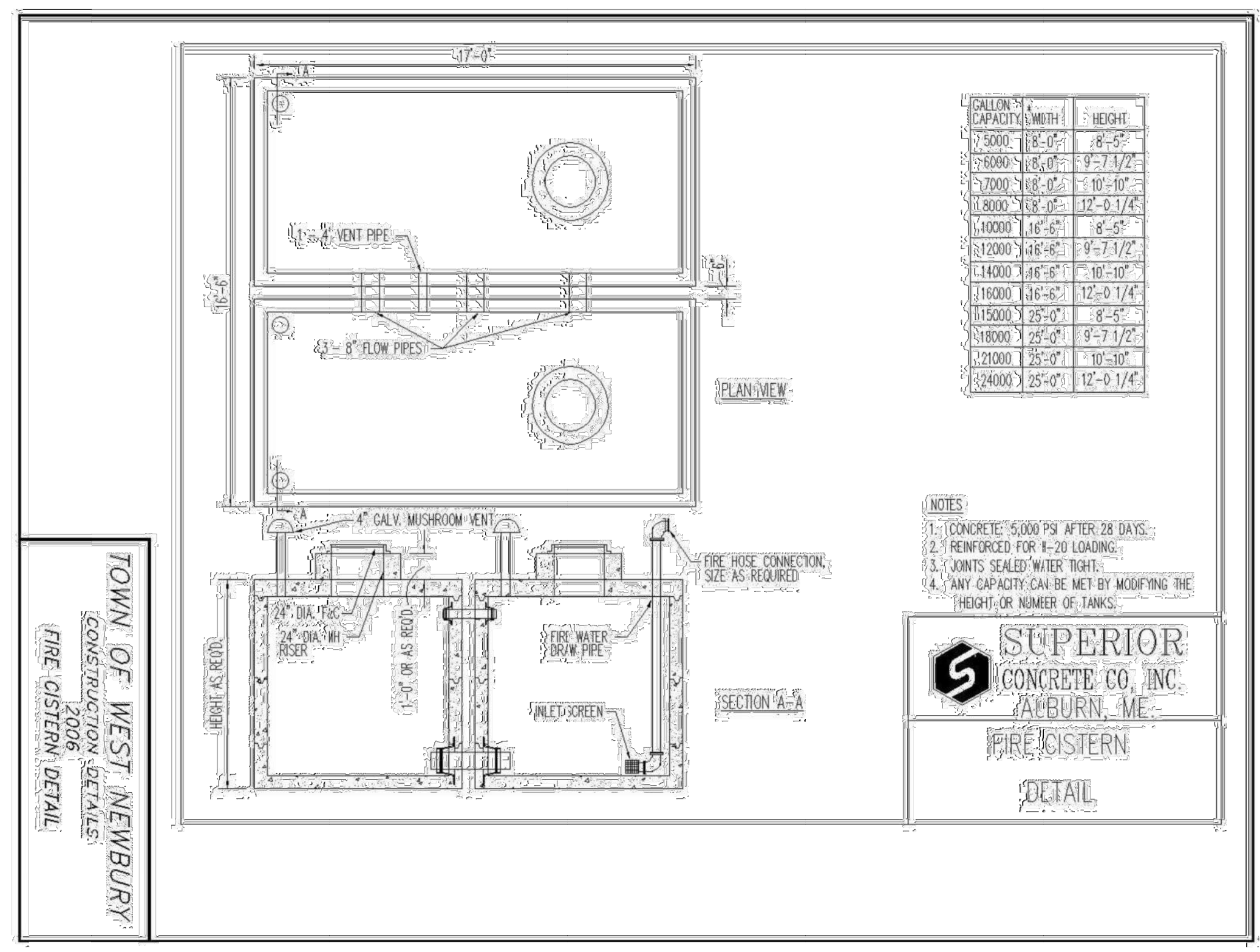
ASSESSORS/OWNERS OF RECORD:

PARCEL R24-12
FUSCO FAMILY IRREVOCABLE TRUST
ANTHONY J. FUSCO &
N. DAWNE FUSCO TRUSTEES
125 RIVER ROAD
WEST NEWBURY, MA 01985
BOOK 25609 PAGE 254
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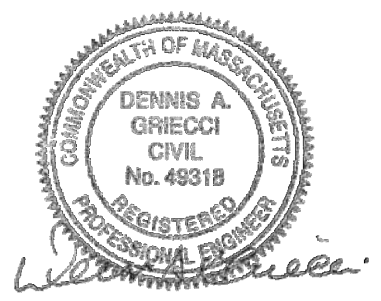


Revision No.	Revision Description	Date

**DEFINITIVE SUBDIVISION
SITE DETAILS
EAGLE NEST
WEST NEWBURY, MASS.**

PREPARED FOR: MICHAEL FUSCO
DATE: NOVEMBER 20, 2023
SCALE: 1" = 40'

andover consultants inc.
1 East River Place
Methuen, Mass. 01844
Telephone: 978-687-3828



Dennis A. Griecci
Reg. Prof. Engineer



APPROVED BY THE TOWN OF WEST NEWBURY PLANNING BOARD

DATE

FILED

HEARING

CLERK OF THE TOWN OF WEST NEWBURY, HEREBY CERTIFY THAT THE NOTICE OF APPROVAL OF THIS PLAN BY THE PLANNING BOARD HAS BEEN RECEIVED AND RECORDED AT THIS OFFICE AND NO APPEAL WAS RECEIVED DURING THE TWENTY DAYS NEXT AFTER SUCH RECEIPT AND RECORDING OF SUCH NOTICE.

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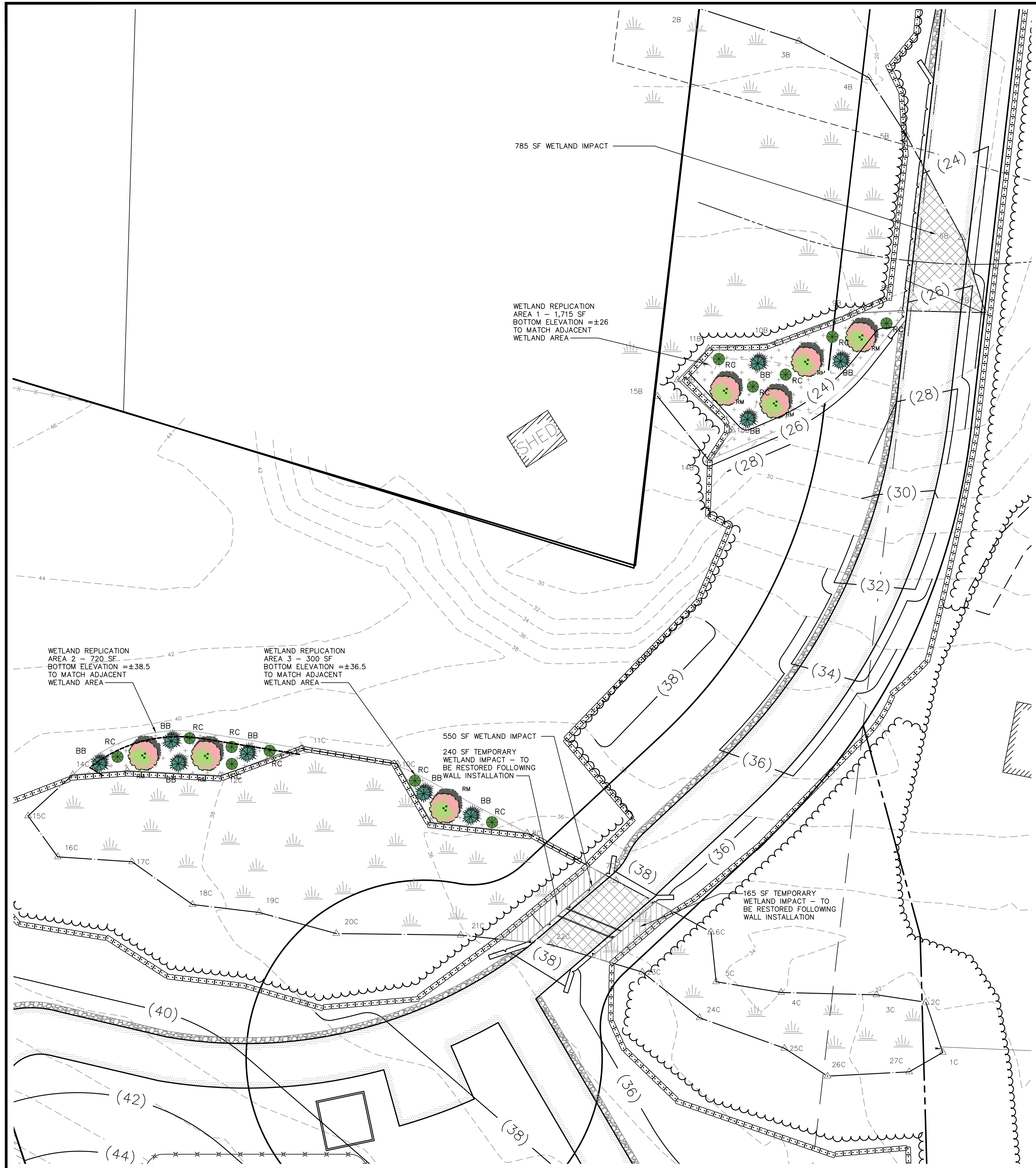
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Wetland Impacts And Mitigation Summary

Area Identification	Total Resource Area Impacted	Total Resource Area Replicated
WETLAND SERIES B (REPLICATION AREA 1)	785 SF	1,715 SF
WETLAND SERIES C (REPLICATION AREA 2/3)	550 SF	1,020 SF
TOTALS	1,335 SF	2,735 SF

NOTES:
1. PROVIDING 2:1 REPLICATION FOR IMPACTED WETLANDS.

Plant List

Key	Qty.	Botanical Name	Common Name
Replication Area 1			
RM	4	ACER RUBRUM	RED MAPLE
RC	5	ARONIA ARBUTIFOLIA	RED CHOKEBERRY
BB	4	VACCINIUM CORYMBOSUM	HIGHBUSH BLUEBERRY
Replication Area 2			
RM	2	ACER RUBRUM	RED MAPLE
RC	5	ARONIA ARBUTIFOLIA	RED CHOKEBERRY
BB	4	VACCINIUM CORYMBOSUM	HIGHBUSH BLUEBERRY
Replication Area 3			
RM	1	ACER RUBRUM	RED MAPLE
RC	2	ARONIA ARBUTIFOLIA	RED CHOKEBERRY
BB	2	VACCINIUM CORYMBOSUM	HIGHBUSH BLUEBERRY

Plant Legend

	RED MAPLE
	RED CHOKEBERRY
	HIGHBUSH BLUEBERRY

REPLICATION DETAIL

1" = 20'

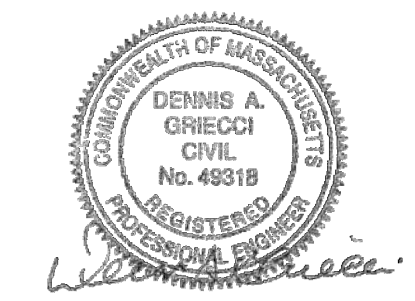
Revision No.	Revision Description	Date

DEFINITIVE SUBDIVISION
WETLAND REPLICATION DETAIL
EAGLE NEST
WEST NEWBURY, MASS.

PREPARED FOR: MICHAEL FUSCO
DATE: NOVEMBER 20, 2023
SCALE: 1" = 40'

andover consultants inc.

1 East River Place
Methuen, Mass. 01844
Telephone: 978-687-3828



Dennis A. Griecci
Reg. Prof. Engineer



November 27, 2023

Town of West Newbury
Planning Board
381 Main Street
West Newbury, MA 01985

**Re: 125 River Road
Definitive Two-Lot Subdivision
Requested Waivers**

Members of the Board:

On behalf of the Applicant, Michael Fusco, the following is a list of waivers from the town of West Newbury's Rules and Regulations Governing the Subdivision of Land adopted October 3, 2006, amended September 16, 2019, and requested for the proposed definitive subdivision which would create two buildable lots for the proposed construction of two single family residential dwellings.

The section of the Rules and Regulations Governing the Subdivision of Land from which a waiver is requested is listed below in *italic* font immediately and a rationale as to why the waiver is required and why it is appropriate to be granted by the Board in **bold** font immediately following.

Section 3.3.1.5 – Waiver to allow for the elevations to be NAVD 1988 datum rather than NGVD-1929 MSL.

Reasoning – NAVD 1988 is a more accurate than its predecessor (NGVD29), additionally, the flood elevation listed by FEMA along the Merrimack River uses NAVD 1988.

Section 3.3.3.1.11 – Waiver from requirement to locate all trees over ten (10") inches in diameter within right-of-way.

Reasoning – The proposed right-of-way has been laid on as necessary based on site conditions (topography, wetlands, etc) and the paved travel way has been reduced to 18' in width (15' in width at wetland crossing) to reduce potential impacts and to limit the required clearing for the proposed way.

Section 3.3.3.4.10 – Waiver to not require test pit locations

Reasoning – Test pits will be conducted for the sanitary (septic) facilities following approvals from the Planning Board and Conservation Commission.

3.3.3.4.11 - Waiver to require location, size, and type of sidewalk, trails, lighting and curbing.

Reasoning – Due to the small scale of the project (two buildable lots), a waiver is requested from the elements.

3.3.3.4.12 – Waiver from the requirement for drainage calculations.

Reasoning – The project is not subject to the state's stormwater standards as it is a subdivision with four or fewer lots, and proposed roof and driveway recharge systems have been incorporated into the design to promote stormwater recharge and treatment and to mitigate stormwater runoff.

4.2.4.5 - *Waiver from requirement of 250' sight distance.*

Reasoning – The required 250' is provided looking west along the current public way, however the existing road geometry of River Road does not permit a 250' sight distance to the right of the proposed private way.

4.2.4.9 – *Waiver from the requirement that the frontage on the existing street of parcel shall be at least the frontage required of the zoning district.*

Reasoning – The two parcels which will comprise the proposed subdivision do have the required frontage when their individual lot frontages are combined; however, 125 does not have the required frontage at the location of proposed right of way to the extent necessary, a waiver is requested from this requirement.

4.2.4.11 – *A waiver is required to allow for the right of way to be less than 1/2 the frontage required for the zoning district away from the abutting lot.*

Reasoning – The center line of the right of way is located $\pm 82'$ from the abutting lot, however the traveled way within the row is located 91' from the abutting lot, the proposed location of the right of way and paved traveled way layout have been driven by the location of the dwelling and barn at #171 River Road. Ample buffering to the adjacent lot is provided by the existing wooded area that is to remain.

4.2.5.1 – *Waiver to not required curbing for this proposed subdivision.*

Reasoning – The project will result in the creation of a private way, which would be considered a minor local access road, meaning that the curbing and berm requirements are unnecessary due to the small nature of the project.

4.2.6.3 – *Waiver to allow for the traveled way width to be 18' and to narrow down to 12' at the wetland crossing*

Reasoning – The regulations allow for a reduction to 18' and lower as the planning board sees fit. Due to the limited travel and traffic of the road, an 18' reduction would be appropriate for the road. Furthermore, the 15' reduction at the wetland crossing is in line with what is required by MassDEP for a limited project to provide access to an upland site, the 15' reduction will help to reduce further impacts on the wetland resource areas and their proposed remediation areas.

4.2.8.2 – *Waiver to allow for dead end driveway (street) to not require a cul-de-sac with a hammer head turnaround.*

Reasoning – A hammerhead turnaround is provided to allow for the turnaround of vehicles.

4.2.8.3 – *Waiver to not require landscaped island in center of cul-de-sac as a cul-de-sac is not proposed.*

Reasoning – A cul-de-sac is not proposed, see above, as such a waiver is requested from this requirement.

4.3.1.1 – *Waiver to not require sidewalks, pedestrian or bicycle trails.*

Reasoning – The proposed private way is considered a minor local access road, meaning that there is no requirement for the creation of sidewalks and trails for bicycles and pedestrians.

4.3.1.5 – *Waiver to not require footpath and trails within the subdivision.*

Reasoning – The requirements for footpaths and trails are not applicable to the current proposed project, due to the abutting properties not having any of the relevant criteria put forth for requiring footpaths and trails within the subdivision, and thus should be waived.

4.3.1.6 – *Waiver to not require bicycle path/recreation path.*

Reasoning – The requirements for bicycle and recreation paths are not applicable to the proposed project, as the abutting properties are not host to existing town recreational paths and the area would not be considered a part of proposed future systems.

4.4 – *Waiver from the requirements to provide stormwater management requirements and calculations.*

Reasoning – The proposed project provides stormwater mitigation by roof recharge chambers and driveway runoff crushed stone trenches.

4.5 – *Waiver from the requirements to provide water mains*

Reasoning – The proposed house lots' water requirements will be supplied by proposed private wells, and require no installation of water mains.

If you have any questions concerning the attached, or require anything further, please feel free to contact me at your convenience.

Sincerely,

Andover Consultants Inc.



Dennis A. Griecci, P.E., LEED AP

Enclosure

Cc: Property Owners

November 27, 2023

Town of West Newbury
Planning Board
381 Main Street
Est Newbury, MA 01985

**Re: 125 River Road
Definitive Two-Lot Subdivision
Environmental Impact Statement**

Members of the Board:

On behalf of the Applicant, Michael Fusco, the following Environmental Impact Statement has been prepared to address the items set forth in Schedule E of the *Town of West Newbury's Rules & Regulations Governing the Subdivision of Land* for a proposed subdivision which would create two buildable single family lots. The section of the Environmental Impact Statement, Schedule E; is reproduced below in italics with our response following immediately in below in bold.

Physical Element – Air Pollution:

Response – The proposed project will create lots for the construction of two single family dwellings, as such there is not expected to be any negative impacts to the quality of air.

Physical Element – Noise Pollution:

Response – The proposed project will create lots for the construction of two single family dwellings, as such there is not expected to be any noise pollution as a result of the project.

Physical Element – Surface and Subsurface Water Pollution:

Response – The proposed project will mitigate stormwater impacts by the proposed roof runoff infiltration drywells and by a crushed stone recharge trench to capture runoff from driveways and the paved travelled way. Both stormwater BMPs will provide stormwater recharge and water quality treatment.

Physical Element – Soils

Response – The proposed project will take steps to mitigate the potential dangers from erosion and sedimentation through the use of the proposed staked silt fence and haybales to slow the velocity of any flowing water and trap any mobilized sediment. The soils present in the limit of work are split between being excessively well drained (upland areas) with low runoff potential, and moderately well drained (lowlands) with poor percolation. Because of these characteristics, by slowing the velocity of water via haybales and sediment fences, any sort of major erosion and sedimentation can be avoided in the area. When construction is completed, any exposed earth will be stabilized through the use of methods like hay or grass seed, dependent on how appropriate it is to apply the given method.

Physical Element – General Ecology

Response – The proposed project will require the filling of wetlands to provide access to an upland area, however this will involve the creation of two separate mitigation areas that will replace the lost wetlands with an area greater than that which is lost. The area does border along the delineated bank of the Merrimack River, with

minimal work proposed within the 200' riverfront area for the creation of the private road. Any potential runoff or sedimentation will be mitigated as stated above in *Physical Element – Soils*. No risk to MESA delineated species or NHESP areas is expected as a result of this project, as appropriate steps are being taken to impede runoff, sedimentation, and water pollution into the riverfront area.

Transportation Element – Traffic Generation

Response – The proposed project will see the creation of two (2) single family house lots, and therefore will not have a significant impact on the traffic volume or pattern in the area. Traffic generation will peak in the mornings and afternoons as residents leave and return for work or school, however this generation is marginal due to the limited nature of the project.

Transportation Element – Street Element

Response – The proposed way shall remain a private road with the maintenance being the primary responsibility of the homeowners' associates.

Transportation Element – Mass Transit

Response – The proposed project will not place any extra burden on existing mass transit and will not require its expansion, since there is no expectation of mass transit service to the site.

Public Utility Element – Water Supply and Distribution

Response – The proposed project will have the two (2) single family house lots supplied with drinking water through on-site private wells and will not require the installation of water mains by the Water Department.

Public Utility Element – Sewage Treatment

Response – The proposed project will have the two (2) single family house lots' sewage needs be handled by on-site sewage disposal (septic) systems and will require no installation of sewer mains by the Water Department. Said disposal systems will be placed away from protected resource areas by the specified distances as to ensure the avoidance of any potential contamination by system failure.

Public Utility Element – Storm Drainage

Response – The proposed project will mitigate stormwater impacts by the proposed roof runoff infiltration drywells and by a crushed stone recharge trench to capture runoff from driveways and the travelled way. Both stormwater BMPs will provide stormwater recharge and water quality treatment.

Public Utility Element – Solid Waste

Response – The proposed project will have two (2) single family dwellings proposed with the expectation of average solid waste production. Coordination will be required with the town and G. Mello Disposal Corp. of Georgetown MA to add the two proposed dwellings to existing routes. It is expected that the contents of the produced solid waste will be in line with that of the average family in the town, including food waste, recyclables, and non-recyclable solids.

Neighborhood and Community Element – Schools

Response – Since the proposed project will only result in the creation of two (2) single family house lots with associated dwellings, they will not have a significant impact on the school system.

Neighborhood and Community Element – Police

Response – Since the proposed project will only result in the creation of two (2) single family house lots with associated dwellings and a private way, the proposed project is not expected to have a significant impact on the town's police service.

Neighborhood and Community Element – Fire

Response – The proposed project will create two (2) single family house lots with associated dwellings and a private way, to accommodate fire protection needs, the private way will be designed to accommodate the entry of fire apparatuses and ambulances comparable to those that provide service to the town of West Newbury. Furthermore, the placement of the cistern will be reviewed with the town fire department. The homes will be built to fire code requirements for smoke and carbon monoxide alarms as well.

Neighborhood and Community Element – Recreation

Response – There will be no additional on-site recreation areas provided to the two (2) house lots aside from the yards that the two homes have. How those yards are applied for recreation is to be decided by the future residents.

Neighborhood and Community Element – Existing Neighborhood Land Use

Response – The proposed project is being subdivided from the property of a neighboring parcel; the land is being converted from an undeveloped woodlot with forested wetlands to two (2) buildable lots. This land use change is not incompatible with the current land use of the neighborhood, being predominantly residential areas.

Social-Economic Element – Population

Response – The proposed project will create two (2) single family dwellings, and thus will not have a large influence on the population of the area.

Social-Economic Element – Low/Moderate Income Housing

Response – The proposed project will create two (2) single family dwellings and is not intended to have any form of low/moderate income housing exceptions made for it.

Social-Economic Element – Employment

Response – The proposed project is a small-scale residential development (two lots) and is not required to perform a full analysis of the employment impact caused by the development.

Aesthetics Element – Architecture

Response – The dwelling on the parent lot of the proposed subdivision (R24-12) is a colonial style single family dwelling. Currently, there are no detailed plans for the design of the two proposed homes at this time, proposed designs will be provided at the time a building permit is filed, pending the approval of the subdivision plans.

Aesthetics Element – Lighting

Response – Currently there are no defined plans regarding the placement of lighting within the two (2) proposed residential lots, lighting will most likely be typical for a single-family residence (attached, pedestal, etc).

Aesthetics Element – Landscaping

Response – Currently there are no defined plans regarding landscaping within the two (2) proposed residential lots, landscaping will be typical for single family residential dwelling.

Aesthetics Element – Visual

Response – The proposed project will be partially visible from the road, and abutters, there are believed to be no major aesthetic impacts however, as the area is currently an undeveloped woodlot with little aesthetic value. Post subdivision aesthetic concerns will be dealt with via a landscaping plan, pending a condition of approval by the town.

Master Plans Element

Response – The proposed two single dwellings will be made compatible with the surrounding single residences and local zoning districts.

Municipal Cost/Benefit Element

Response – The proposed project will not have any net positives or negatives to the town of West Newbury with regards to municipal cost.

If you have any questions concerning the attached, or require anything further, please feel free to contact me at your convenience.

Sincerely,

Andover Consultants Inc.



Dennis A. Griecci, P.E., LEED AP

Enclosure

Cc: Property Owners

**Proposed Multi-Family Zoning Section to Comply with the MBTA Communities Act
Planning Board Review Draft, December 18, 2023**

8.4 MBTA Communities Multi-family Housing Overlay

8.4.1. Purpose

The purpose of the MBTA Communities Multi-family Overlay District (MCMOD) is to allow multi-family housing as of right in accordance with Section 3A of the Zoning Act (Massachusetts General Laws Chapter 40A). The MCMOD provides for as-of-right multi-family housing to accomplish the following purposes:

- 8.4.1.1. To increase the supply of housing in West Newbury.
- 8.4.1.2. To increase the diversity of housing in West Newbury so that it better meets the needs of people across age groups, household compositions, and income levels.
- 8.4.1.3. To ensure that multi-family housing minimizes harm to environmental, historic, and cultural resources.
- 8.4.1.4. To ensure that the design of sites and buildings for multi-family housing supports a good quality of life for occupants and abutters through:
 - a. efficient and attractive site circulation that balances the needs of all modes of travel,
 - b. environmentally sustainable public and private open spaces that fulfill specific ecological, recreational, or scenic functions,
 - c. durable buildings whose massing, and placement shapes human-scaled streets and open spaces while reflecting local building vernacular,
 - d. and parking that is convenient but that does not dominate the experience of the site.
- 8.4.1.5. To allow new homes in locations with adequate public infrastructure including streets, sidewalks, and water infrastructure.
- 8.4.1.6. To increase the municipal tax base through private investment in new residential developments.

8.4.1.7. To support the vibrancy of West Newbury’s village center by allowing new homes close to it.

8.4.2. Establishment and Applicability

8.4.2.1. The MCMOD is an overlay district with a land area of approximately ____ acres. It is superimposed over the underlying zoning district(s) and is shown on the Zoning Map.

8.4.2.2. Subdistricts. The MCMOD contains the following subdistricts which are shown on the Zoning Map:

a. Neighborhood

b. Mixed-Use

8.4.2.3. Applicability of MCMOD. An applicant may develop multi-family housing located within a MCMOD in accordance with the provisions of this **Section 8.4.**¹

8.4.2.4. The provisions of this section apply only to developments on land located within a MCMOD where the property owner has elected to comply with the requirements of the overlay district, rather than complying with those of the underlying zoning district.

8.4.2.5. Relationship to Underlying Zoning. Provisions of this section supersede those of the underlying zoning. If there is a conflict between the provisions of this section and provisions found elsewhere in the Zoning Bylaw, the provisions of this section shall apply. All other provisions of the Zoning Bylaw governing the respective underlying zoning district(s) shall remain in full force, except that no special permit shall be required for multi-family housing, or any accessory use typically associated with multi-family housing, in a MCMOD. Uses that are not identified in **Section 8.4** are governed by the requirements of the underlying zoning district(s).

8.4.3. Definitions.

¹ Note: Yellow highlights indicate cross-references to section numbers. They are included for the drafter’s convenience and will be removed for the final draft of the Bylaw.

For purposes of this **Section 8.4**, the following definitions shall apply.

As-of-right. Development that may proceed under the Zoning in place at time of application without the need for a special permit, variance, zoning amendment, waiver, or other discretionary zoning approval.

Building Type, Apartment Building. A residential building containing dwelling units arranged around a central hallway. Apartment buildings typically have more than one story, but dwelling units do not typically span more than one story.

Building Type, Mixed-Use. A building containing both residential uses and non- residential uses, including, commercial, institutional, industrial, or other uses.

Building Type, Stacked Flats. A residential building with two to twenty-four residential dwelling units. Dwelling units may have individual entrances or may share an entrance, stairway and/or short hallway. The building may have entrances on multiple sides to serve groups of dwelling units. Dwelling units are typically stacked on top of each other but may occupy more than one story.

Building Type, 3-5 Family. A small multi-family residential building with three to five residential dwelling units. Dwelling units may have individual entrances or may share an entrance, stairway and/or short hallway. The building may have entrances on multiple sides to serve groups of dwelling units. Dwelling units may be side-by-side, above-and-below, front-to-back, or in another arrangement. Units may occupy more than one story. This building type includes townhouses which have the following characteristics: units are arranged side-by-side separated by common walls, units typically have narrow massing facing a street and may have more than one story, entries are typically on the narrow side of the unit and typically face a street or courtyard.

Building Type, Two-Family. A residential building in which two residential dwelling units are contained within a single free-standing structure. Units may be arranged side-by-side, above-and-below, front-to-back, or in another arrangement.

Compliance Guidelines. Compliance Guidelines for Multi-Family Zoning Districts Under Section 3A of the Zoning Act as further revised or amended from time to time.

Developable land. Land on which multi-family housing can be permitted and constructed. For purposes of these guidelines, developable land consists of: (i) all privately-owned land except lots or portions of lots that meet the definition of excluded land, and (ii) developable public land.

Developable public land. Any publicly-owned land that (i) is used by a local housing authority; (ii) has been identified as a site for housing development in a housing production plan approved by EOHLC; or (iii) has been designated by the public owner for disposition and redevelopment. Other publicly-owned land may qualify as developable public land if EOHLC determines, at the request of an MBTA community and after consultation with the public owner, that such land is the location of obsolete structures or uses, or otherwise is suitable for conversion to multi-family housing, and will be converted to or made available for multi-family housing within a reasonable period of time.

Development Site. The land area encompassed in a development proposal regardless of the number or configuration of lots, land ownership, or municipal boundaries.

Development standards. Provisions of **Section 8.4.7 General Development Standards** made applicable to projects within the MCMOD.

EOHLC. The Massachusetts Executive Office of Housing and Livable Communities, DHCD's successor agency.

Excluded land. Land areas on which it is not possible or practical to construct multi-family housing. For purposes of these guidelines, excluded land is defined by reference to the ownership, use codes, use restrictions, and hydrological characteristics in MassGIS and consists of the following:

- (i) All publicly-owned land, except for lots or portions of lots determined to be developable public land.
- (ii) All rivers, streams, lakes, ponds and other surface waterbodies.
- (iii) All wetland resource areas, together with a buffer zone around wetlands and waterbodies equivalent to the minimum setback required by title 5 of the state environmental code.

(iv) Protected open space and recreational land that is legally protected in perpetuity (for example, land owned by a local land trust or subject to a conservation restriction), or that is likely to remain undeveloped due to functional or traditional use (for example, cemeteries).

(v) All public rights-of-way and private rights-of-way.

(vi) Privately-owned land on which development is prohibited to protect private or public water supplies, including, but not limited to, Zone I wellhead protection areas and Zone A surface water supply protection areas.

(vii) Privately-owned land used for educational or institutional uses such as a hospital, prison, electric, water, wastewater or other utility, museum, or private school, college or university.

Gross density. A units-per-acre density measurement that includes land occupied by public rights-of-way and any recreational, civic, commercial, and other nonresidential uses.

Height, Building. The vertical distance measured between the mean elevation (average grade) where the foundation of the building meets the soil and the mid-point between the eaves and the ridge of a peaked roof, or the top of the structure of the highest roof beams of a flat roof, or the deck of a mansard roof.

Infeasible. Not technologically possible, or not economically practicable and achievable in light of best industry practices.

Mixed-use development. Development containing a mix of residential uses and non-residential uses, including, commercial, institutional, industrial, or other uses.

Multi-family housing. A building with three or more residential dwelling units or two or more buildings on the same lot with more than one residential dwelling unit in each building.

Multi-family zoning district. A zoning district, either a base district or an overlay district, in which multi-family housing is allowed as of right.

Open space. The space on a lot unoccupied by buildings or structures, not devoted to streets, driveways, off-street parking or loading spaces. Open space may include natural areas, fields used for agriculture or horticulture, facilities for low impact development stormwater management, wastewater leach fields, walkways and paths other than required sidewalks, off street bicycle paths, and facilities for outdoor use by the occupants of the lot such as swimming pools, tennis courts, patios, vegetable gardens, terraces and patios. When used in the context of Dimensional Standards, Open Space is expressed as a percentage of the total lot area.

Overlay District: A zoning district that is applied over one or more previously established zoning districts. An Overlay District may establish additional or alternative requirements for properties in the Overlay District that are different than the requirements in the underlying zoning district.

Residential Dwelling Unit: See "Dwelling Unit"

Section 3A. Section 3A of the Zoning Act.

Setback. The minimum required distance from a lot line to any part of a principal or accessory building nearest such lot line. A setback shall be measured perpendicular (at a right angle) to the lot line.

Setback, Front. Setback required from a front lot line or street line. Any edge of a lot fronting on a street shall be considered a front lot line.

Setback, Rear. Setback required from a rear lot line.

Setback, Side. Setback required from a side lot line.

Story. That portion of a building contained between any floor and the floor or roof next above it, but not including the lowest portion if more than 1/2 that portion is below the mean finished grade of the ground adjoining the building. If a mezzanine floor area exceeds 1/3 of the area of the floor immediately below it, the mezzanine shall be deemed to be a story. An attic shall not be deemed to be a story if unfinished and without human occupancy.

Story, Half. A partial story under a gable, gambrel, or hip roof, the wall plates of which do not rise more than four feet above the floor on any two sides of such partial story.

Surface parking. One or more parking spaces without a built structure above the space. A solar panel designed to be installed above a surface parking space does not count as a built structure for the purposes of this definition.

Sub-district. An area within the MCMOD that is geographically smaller than the MCMOD district and differentiated from the rest of the district by use, dimensional standards, or development standards.

8.4.4. Permitted Uses

8.4.4.1. Uses Permitted As-of-Right, Neighborhood Subdistrict

The following uses are permitted as-of-right within the MCMOD, in the Neighborhood Subdistrict:

- a. Multi-family housing.
- b. Exempt uses as defined in the Zoning Act (MGL C. 40 §3)
- a. Uses which are permitted in all districts per Section 4.2.
- b. Uses which are permitted in Residential A, B, and C Districts per Section 4.3.2, except for the uses described in paragraphs:
 - i. 4.3.2.c.v.(4) (School buses)
 - ii. 4.3.2.c.v.(5). (Commercial vehicles which are unregistered or abandoned)
 - iii. 4.3.2.d. (Bed and Breakfast)

8.4.4.2. Uses Permitted As-of-Right, Mixed-Use Subdistrict

The following uses are permitted as-of-right within the MCMOD, in the Mixed-Use Subdistrict:

- a. All uses allowed in the Neighborhood Subdistrict
- b. Mixed-use development, including a mix of residential use and any of the following uses:

i. Retail store or service establishment, the principal activity of which shall be the offering of goods or services at retail within the building.

ii. Business or professional offices or banks, not including drive-in banks or standalone ATMs.

iii. Restaurants or other places for serving food within a structure, not including drive-in or fast food establishments.

iv. Parking areas or garages for use of employees, customers, or visitors.

8.4.4.3. Accessory Uses. The following uses are considered accessory to any of the permitted uses in **Section 8.4** and are allowed as of right.

a. Surface parking as needed to support permitted uses on the lot.

b. Parking within a multi-family or mixed-use building at the ground floor level or below grade. Parking garages shall not have more than three (3) parking spaces per unit.

c. Solar panels installed above one or more parking spaces

d. Common buildings for accessory uses related to multi-family housing, including administration, maintenance facilities, shared storage, shared community spaces, and space for professional office or customary home occupation. The gross floor area of common buildings may not exceed 40% of the gross floor area of multi-family housing in the development project.

e. Accessory buildings and uses associated with a mixed-use building provided that outdoor business-related storage shall be located behind or beside the mixed-use building and shall be screened from view of abutting residential dwellings with shrubs or a fence at least four (4) feet in height.

f. Signs in compliance with **Section 6.4**.

8.4.4.4. Uses permitted with a Special Permit

The following uses may be permitted by a special permit granted by the Planning Board subject to appropriate conditions where such are deemed necessary to protect the neighborhood or the Town in accordance with the provisions of Section 11.

a. A parking structure that is integrated into a mixed-use or multi-family building with more than one story of parking above the ground floor level of the building.

b. A standalone parking structure with more than one story of parking above grade.

c. The uses described in Section 4.3.3 may not be permitted as part of an application under the MCMOD.

d. Section 4.3.4 “Uses permitted in the Residence B and C Districts with a Special Permit” does not apply to Projects permitted under the MCMOD.

8.4.4.5. Land Division. The tract may be a subdivision or a division of land pursuant to G.L. c.41, s.81 P or may be permitted where intended as a condominium on land not so divided or subdivided.

8.4.4.6. Multiple-Buildings-on-a-Lot. In the MCMOD, lots may have more than one principal building.

8.4.5. Dimensional Standards

8.4.5.1. This **Section 8.4.5** establishes Dimensional Standards for all uses in the MCMOD. It overrides all provisions of Section 5. Dimensional Requirements, except as specified in **paragraph 8.4.5.8** below.

8.4.5.2. Table of Dimensional Standards. Notwithstanding anything to the contrary in this Zoning Bylaw, the dimensional requirements applicable in the MCMOD are as follows:

Criteria	Dimension
Standards for all Developments	
Size	
Size of Development Site to be eligible for development under the MCMOD (Minimum)	250,000 sq ft
Lot Size for New Lots Created under the MCMOD (Minimum)	No minimum
Height	
Stories (Maximum)	3
Feet (Maximum)	35 ft
Open Space (Minimum)	30%
Gross Density (Maximum)	15 units/acre of Developable Land
Minimum Distance between Buildings	15 ft
District Transitional Buffer	30 ft
Standards for Developments with One Building per Lot	
Frontage (Minimum)	20 ft
Front Setback (Minimum)	5 ft (See 8.4.5.4)
Side Setback (Minimum)	7.5 ft
Rear Setback (Minimum)	10 ft
Standards for Developments with Multiple-Buildings-On-A-Lot	
Frontage (Minimum)	Each lot must have legally and practically adequate vehicular access to a public way or a way

Criteria	Dimension
	approved under the subdivision regulations.
Minimum distance between a building and the back edge of a sidewalk, or the edge of a roadway that provides access to the building, whichever is greater.	5 ft (See 8.4.5.4)
Minimum distance between the side of any building and any other building	15' ft
Minimum distance between the rear of any building and any other building	20 ft

8.4.5.3. Setbacks, Applicability. Requirements for front, side, and rear yard setbacks apply to the principal building and all accessory buildings and structures on a lot, except for stairs, unenclosed porches with no more than forty-eight (48) square feet of floor area, bay or other projecting windows that are less than four (4) feet deep, or accessory buildings that are less than ten (10) feet in height and less than one hundred twenty (120) square feet in total area.

8.4.5.4. Front Setbacks for Buildings on Main Street. Where a proposed building will front on Main Street, its front setback requirement shall be calculated by averaging the front setbacks of the four closest principal buildings to the development site on the same side of the street, plus or minus five feet.

8.4.5.5. Height Exceptions.

a. The height limits required by this section do not apply to: chimneys; antennae with support structure for personal use; flagpoles; ventilators; elevator machine rooms; mechanical equipment; towers, silos, spires, or other architectural features of buildings not used for human occupancy, not exceeding ten feet in height, and whose area is less than 10% of the principal building footprint. Elements that exceed the height limits required by this section must be screened from

view or designed with the same level of detail and quality as the rest of the building.

b. Mixed-Use. The Planning Board may allow, by a waiver during Site Plan Review, up to five additional feet of height for a mixed-use project when the applicant demonstrates that additional height is necessary to accommodate a ground floor commercial use, or due to unusual characteristics of the terrain surrounding the building.


c. Renewable Energy Installations. The Planning Board may waive the height and setbacks in Section 8.4.4.5 Dimensional Standards to accommodate renewable energy installations, including but not limited to solar photovoltaic, solar thermal, living roofs, and other eco-roofs, energy storage, and air-source heat pump equipment. Such installations shall not create a significant detriment to abutters in terms of noise or shadow and must be appropriately integrated into the architecture of the building and the layout of the site. The installations shall not provide additional habitable space within the development.

8.4.5.6. A District Transitional Buffer must be maintained where the boundary of a MCMOD abuts a lot that existed at the time of adoption of this Section and that is not in a MCMOD.

a. Buildings and parking are not allowed in a District Transitional Buffer.

b. Vegetation in the District Transitional Buffer shall not be disturbed, destroyed or removed, except for normal maintenance of structures and landscapes approved as part of the project.

c. New buildings that are proposed within 150' of existing residential buildings shall be screened by dense tree growth and understory vegetation of sufficient height and depth in all directions to create an effective year-round visual buffer. The Planning Board may, by waiver during Site Plan Review, allow a fence or wall to be substituted for some or all of a vegetated screen, when doing so would advance the purposes of the MCMOD.

- 8.4.5.7. Lot Access Through Legal Frontage. Frontage must provide access to the lot from the right of way counted for frontage unless otherwise approved by the Planning Board on a Definitive Plan submitted in accord with Chapter 41, General Laws or approved by the Planning Board in the same manner as a Definitive Plan. 
- 8.4.5.8. Uses Subject to the Dimensional Requirements of the Underlying Zoning. The following uses are allowed in a MCMOD and may be included in a common plan of development with multi-family housing or mixed-use development, but are subject to the dimensional standards of the underlying zoning district:
- a. The use of land or structures for religious purposes or for education purposes on land owned or leased by the Commonwealth or any of its agencies, subdivisions or bodies politic, or by a religious sect or denomination or by a non-profit education corporation, except as provided in Section 3 of Chapter 40A of the General Laws as amended.
 - b. Municipal Buildings and Use
 - c. One (1) family dwelling
 - d. Family Day Care in single family residential structure if a secure and fenced yard/outdoor play area of at least 3,000 square feet is provided.
 - e. Boarding house.

8.4.6. Off-Street Parking

The provisions of Section 6.3 apply to development under the MCMOD with the following exceptions:

- 8.4.6.1. Number of parking spaces.

a. Not more than one and a half (1 ½) off-street automobile parking spaces per Residential Dwelling Unit shall be required in the MCMOD. More than three (3) automobile parking spaces per Residential Dwelling Unit shall not be allowed in the MCMOD, except by waiver from the Planning Board during Site Plan Review. On-street parking may be counted toward the required number of parking spaces with a waiver by the Planning Board during Site Plan Review.

b. Parking for Mixed-Use. The required number of parking spaces for a mix of uses on a lot or development site shall be based on an evaluation, prepared by the applicant, of shared parking demand following the procedures of the Urban Land Institute (ULI) Shared Parking Manual (latest edition), the Institute of Transportation Engineers (ITE) Shared Parking Guidelines (latest addition), or other approved procedures determined by the Planning Board. A formal shared parking evaluation may be waived by the Planning Board during Site Plan Review where there is established experience with the land use mix and its impact is expected to be minimal.

c. A minimum of one-quarter (1/4) covered bicycle parking spaces shall be provided per each dwelling unit that is not provided with a dedicated garage parking space. These covered bicycle parking spaces shall be located no further from the building entrance than the off-street vehicle parking spaces intended for use by the building's occupants.

d. A minimum of one (1) bicycle parking space shall be provided per one thousand (1,000) square feet of commercial use. The bicycle parking spaces shall be located no further from the principal entrance to the commercial use than the closest vehicle parking space.

8.4.6.2. The provisions of the *Regulations of the Planning Board of the Town of West Newbury Governing the Design, Construction and Maintenance of Off-Street Parking and Loading Areas*, March 22, 1982 shall in no way be construed as precluding development of multi-family housing as-of-right. The Planning Board shall waive any provision of the *Regulations* that is not objective or that renders multi-family housing infeasible.

8.4.7. Exceptions from Provisions of the Underlying Zoning

8.4.7.1. Section 5.8. Lots in Two Districts does not apply to the MCMOD. Where a MCMOD boundary line divides a lot in single ownership at the time of adoption of this Section 8.4, the provisions of this Section only apply to that portion of a lot that is included in the MCMOD. The portion of such a lot that is not included in the MCMOD is subject to the underlying zoning, except that it may be used for stormwater infrastructure, wastewater infrastructure, and open space uses associated with development in the MCMOD. Streets and/or driveways developed under the provisions of a MCMOD may not be used to access single-family houses on the portion of such a lot that is not included in the MCMOD.

8.4.7.2. Exceptions from Section 8.2 Groundwater Protection Overlay District (GPOD)

a. The last sentence of Section 8.2.2. “Applicability of GPOD Overlay,” which reads “Uses prohibited in the underlying zoning districts shall not be permitted in the Groundwater Protection District,” does not apply to uses specifically allowed by this Section 8.4.

b. Paragraph c. of Section 8.2.8. “Uses and Activities Requiring a Special Permit” does not apply to projects permitted under MCMOD. Any use that will render impervious more than fifteen percent (15%) or two thousand five hundred (2,500) square feet of any lot, whichever is greater shall be subject to Site Plan Review to ensure the use meets the following performance standards:

i. a system for groundwater recharge must be provided which does not degrade groundwater quality. For non-residential uses, recharge shall be by storm water infiltration basins or similar system covered with natural vegetation, and dry wells shall be used only where other methods are infeasible. For all non-residential uses, all such basins and wells shall be preceded by oil, grease, and sediment traps to facilitate removal of contamination. Any and all recharge areas shall be permanently maintained in full working order by the owner.

8.4.7.3. Exceptions from Section 9.8. Common Driveways

All of the provisions of Section 9.8 shall apply in the MCMOD, except as indicated below:

- a. A Common Driveway shall be allowed by Site Plan Review in the MCMOD provided it fulfills the Purpose and standards found in Section 9.8.
- b. The number of lots or dwelling units served by a common driveway shall not be limited.
- c. A common driveway shall meet the design and construction standards found in Sections 4, 5, and the Construction Details Index of the Rules and Regulations Governing the Subdivision of Land, West Newbury, MA. Selection of an appropriate Road Type shall be determined based on anticipated traffic volumes per the definitions of Road Types found in the Subdivision Regulations.

8.4.8. General Development Standards

8.4.8.1. The following Development Standards are applicable to all multi-family development and all mixed-use developments within the MCMOD. These standards are components of the Site Plan Review process in **Section 8.4.10 Site Plan Review.**

8.4.8.2. Site Design.

- a. When a project includes multiple buildings on a lot, the application for Site Plan Review must include the submittals typically required of a Definitive Subdivision and must comply with the design and construction standards listed in Sections 4-6 of the Rules and Regulations Governing the Subdivision of Land, West Newbury, MA. The Planning Board may waive submittal requirements and may modify design and construction standards by waiver via Site Plan Review, when the modifications would further the Purpose of the MCMOD.
- b. Site designs that arrange streets into loops are preferred over dead end streets with cul-de-sacs.
- c. Where possible, buildings should be clustered into groups that share common open space.

- d. Pedestrian Connections. The project shall be served by a continuous network of sidewalks and pathways that provides direct connections between the public sidewalk (if applicable), building entrances, bicycle storage and parking, vehicle parking, and any open spaces intended for common use.
- e. Parking and circulation on the site shall be organized to minimize the amount of impervious surface. Where possible, parking and loading areas shall be connected.
- f. Vehicular access. Curb cuts shall be minimized and shared driveways are encouraged. More than one curb cut per building shall be permitted only when necessary to minimize traffic and safety impacts.
- g. The design of any sidewalk (i.e. width, grade, cross-slope, materials) must be maintained across any driveway to indicate that, although a vehicle may cross, the area traversed by a vehicle remains part of the sidewalk and the pedestrian use is primary. The depth of the sidewalk materials must be capable of supporting the weight of a vehicle.
- h. Site design shall maximize accessibility to building entrances and outdoor activity spaces for all users, by, for example, minimizing grade changes between a sidewalk and a building's ground floor elevation; or by providing walkways with a slope of 5% or less to address grade changes. Ramps, when necessary, should be fully integrated into the design of the site and building—not an afterthought.

8.4.8.3. Open Space

- a. All open space shall serve a function, including preservation of natural features, provision of habitat, improving the scenic quality of a site, screening objectional features, stormwater management, recreation, or gathering.
- b. Whether an open space is public or private shall be easily discernable through the use of fences, landscaping, and the physical relationship of open spaces to site circulation and nearby buildings.

c. Shared Outdoor Space. Where private open space is not provided for a dwelling unit, the residents of that dwelling unit shall be provided with access to usable common outdoor space. Usable common outdoor space can include, but is not limited to, building courtyards, rooftop open spaces, plazas, terraces, front yards if designed for use, parks, commons, and greens. Such outdoor space shall count towards the project's minimum Open Space requirement.

8.4.8.4. Parking

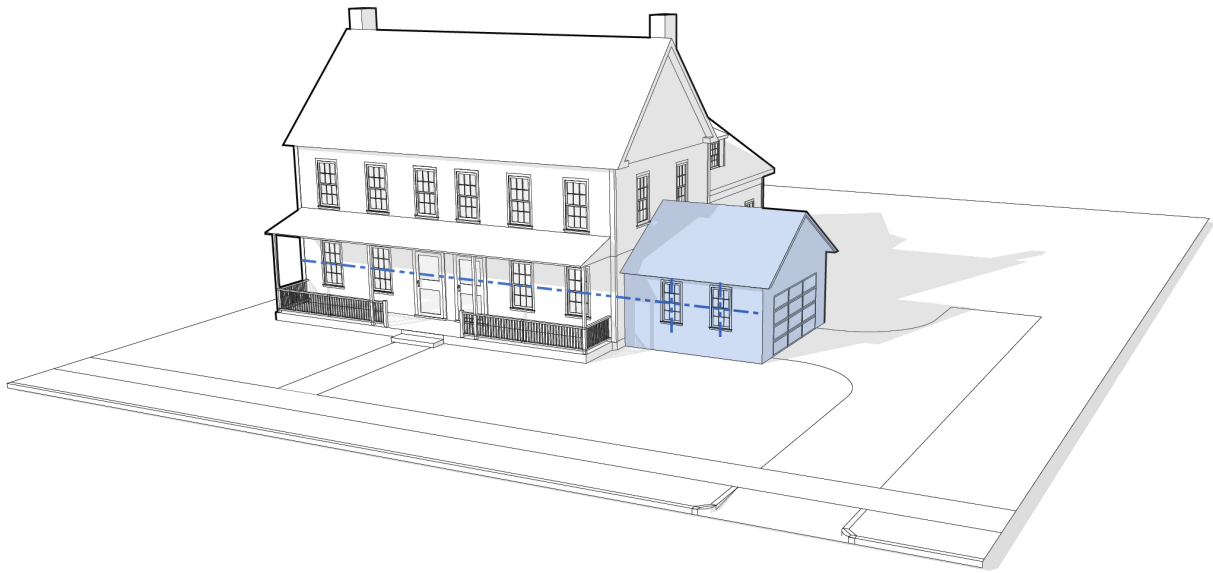
a. Parking shall be located beside, behind, or within buildings. The Planning Board may issue a waiver to modify this requirement when site conditions make it infeasible to achieve.

b. Screening for Parking. Surface parking adjacent to a public sidewalk or a shared outdoor space shall be substantially screened up to a height of at least four (4) feet by a landscaped buffer of sufficient width to allow the healthy establishment of trees, shrubs, and perennials, but no less than five (5) wide. The buffer may include a fence or wall of no more than four (4) feet in height.

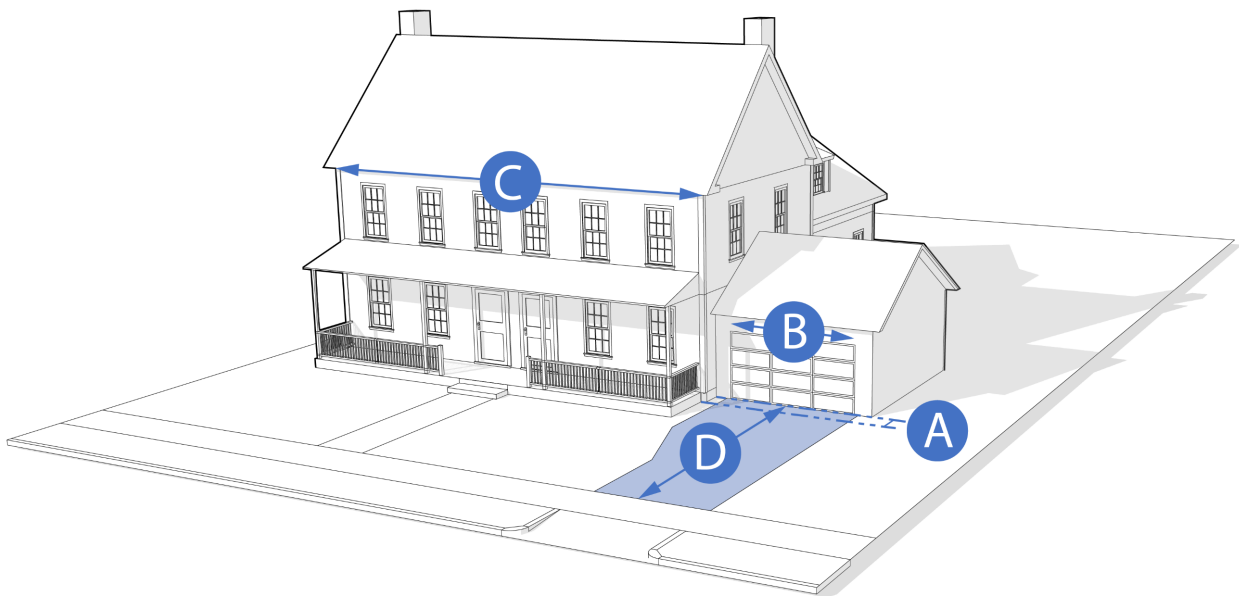
c. Parking Materials. The parking surface may be concrete, asphalt, decomposed granite, bricks, or pavers, including pervious materials but not including grass or soil not contained within a paver or other structure.

d. Every garage shall have a door. Garage doors shall be located on the side or rear of a building. The Planning Board may issue a waiver for this requirement when site conditions make it infeasible to achieve.

i. If the sidewall of a garage faces a street or shared open space, it must include windows that are consistent in size and placement with windows in nearby living spaces.



ii. When located on the front façade of a building, a garage must be set back at least 2 feet from the front façade (A) and the garage door may be no wider than 12 feet (B). Front-facing garage doors shall occupy no more than 1/3 of the front façade of a building (B/C). At least twenty (20) linear feet of backing space (D) must be provided between a garage and a sidewalk or street edge (whichever is less), unless the garage is accessed from an alley.



8.4.8.5. Landscaping, Lighting, Screening

- a. Plantings. Plantings shall be species that are native or adapted to the region. Plants on the Massachusetts Prohibited Plant List, as may be amended, shall be prohibited.
- b. Plants selected shall be suitable for the given site conditions (soil, moisture, pollution, light) to minimize the need for irrigation, fertilizer, and pesticides.
- c. Plantings must fulfill one or more of the following functions: supporting green stormwater management, providing habitat for wildlife or pollinators, providing food for residents, providing shade, or shaping outdoor spaces. The overall composition of plantings must also provide visual interest through harmony and variation of the size, shape, color and/or texture of plants and/or their leaves, flowers, seed heads, fruits, stems and bark.
- d. Lighting. Light levels shall be the minimum necessary to provide even and adequate visibility for pedestrians and vehicles. Light levels shall meet the minimum design guidelines defined by the Illuminating Engineering Society of North America (IESNA) and shall provide illumination necessary for safety and convenience while preventing glare and overspill onto adjoining properties and minimizing the amount of skyglow.
 - i. Light Poles shall not exceed fifteen feet in height nor be installed within fifteen feet of the exterior boundaries of a development site.
 - ii. The color temperature (CCT) of outdoor lighting should be between 2200 K and 2700 K and shall not exceed 3000 K.
 - iii. Only full cutoff luminaires shall be used for illuminating outdoor spaces and parking areas. The light source shall be directed downward and away from adjacent residential structures.
 - iv. Outdoor Luminaires shall not exceed the following BUG rating, which define backlight (B), uplight (U), and glare (G) values: B2/U2/G2.

- v. Bollard lighting may be used to light walkways and other landscape features. Bollard lighting shall cast downward.
 - vi. Internally illuminated fascia, wall, roof, awning, or other building parts are prohibited.
 - vii. All nonessential exterior lighting associated with non-residential uses shall be turned off within thirty (30) minutes after the close of business or when the non-residential use is not in use.
- e. Mechanicals. Mechanical equipment at ground level shall be screened by a combination of fencing and plantings. Rooftop mechanical equipment shall be screened.
- f. Utility equipment like water meters, electric meters, gas meters, external heating or cooling units, or electrical transformers shall be set back at least five feet behind the front façade of adjacent buildings.
- g. Dumpsters. Dumpsters shall be screened by a combination of fencing and plantings. Where possible, dumpsters or other trash and recycling collection points shall be located within buildings or behind them.
- h. Stormwater management. Design and construction plans for the proposed project must demonstrate compliance with the current versions of the Massachusetts Department of Environmental Protection Stormwater Management Standards, the Massachusetts Stormwater Handbook, Massachusetts Erosion Sediment and Control Guidelines, Town of West Newbury Stormwater Management Bylaw, and the Town of West Newbury Planning Board Stormwater Management Regulations as amended June 6, 2023.

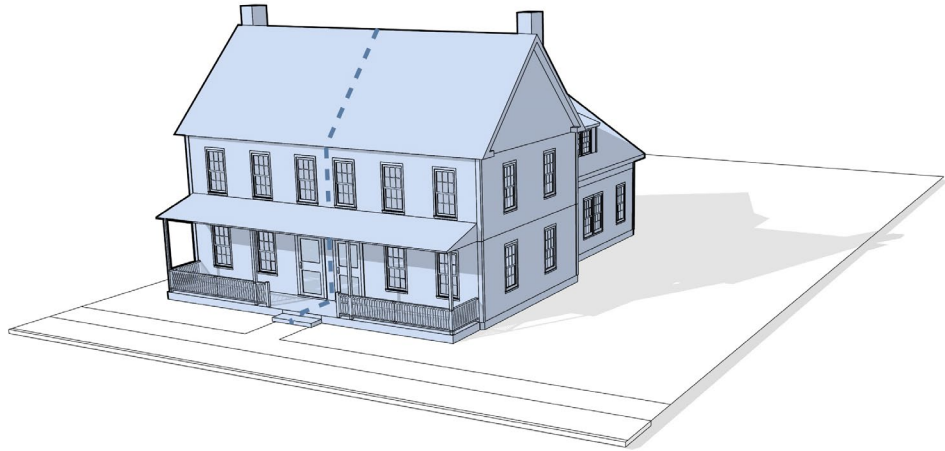
8.4.8.6. Buildings

a. Building Types

The following building types are allowed within the MCMOD:

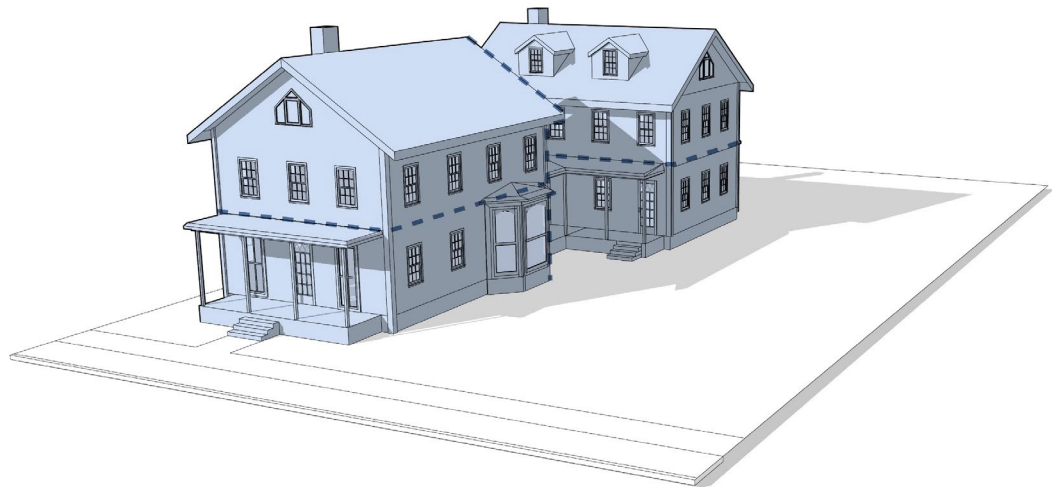
i. Two-family

(1) Illustration:

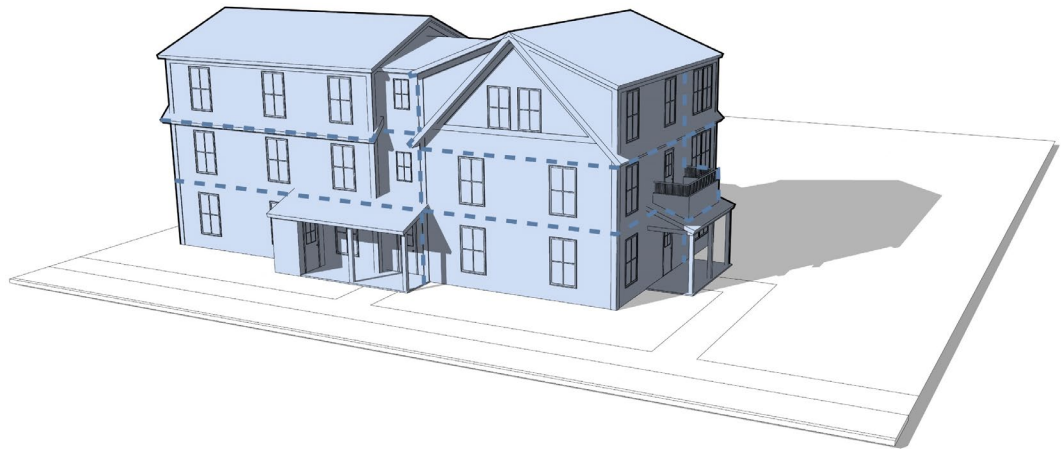


ii. 3-5 family with manor house or farmhouse massing

(1) Illustration:

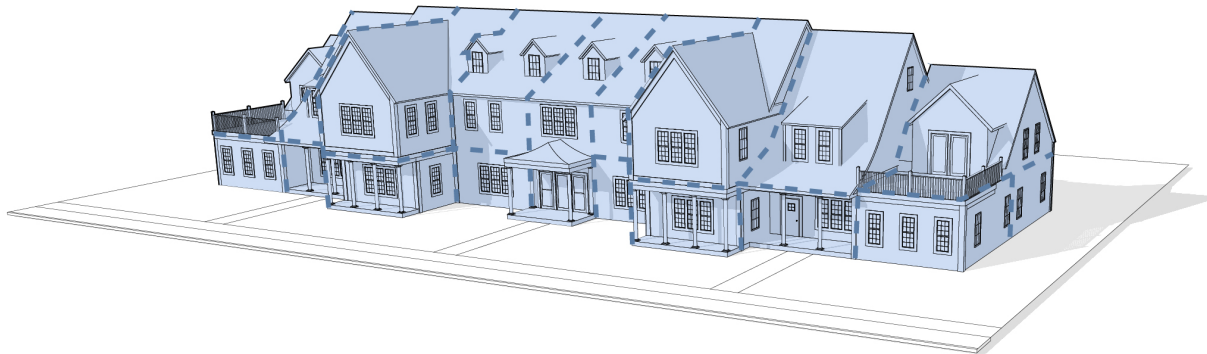


iii. Stacked flats (3-10 units)



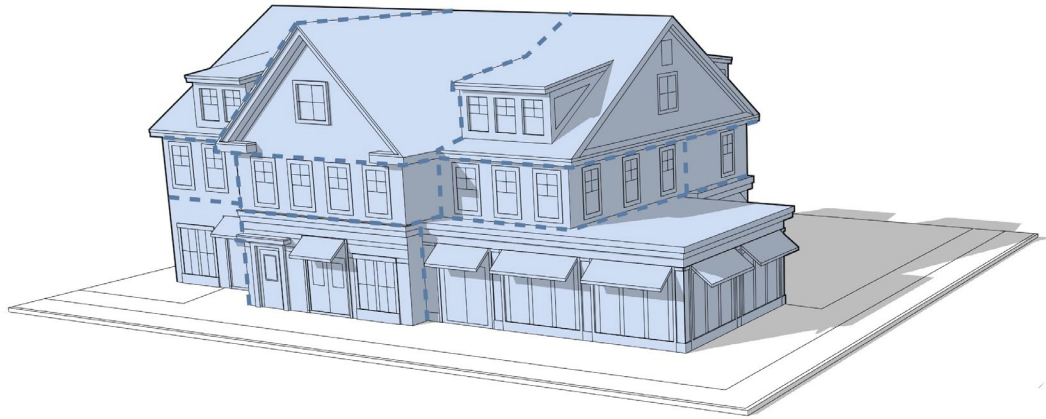
iv. Apartments (8-24 units)

(1) Illustration:



v. Mixed-use (up to 20 units)

(1) Illustration:



b. The principal façade of each building should face a street or shared open space and should include an operable pedestrian entrance (the front entry).

i. Front entries shall be easy to find on the front façade of a building. An entry shall have a prominent position and shall be indicated by a building element such as a porch, portico, stoop, recessed entry, or a noticeable door surround.

ii. Front entries shall be directly linked to a paved pedestrian network that includes the public sidewalk.

c. In a mixed-use building, access to and egress from the residential component shall be clearly differentiated from access to other uses. Such differentiation may occur by using separate entrances or egresses from the building or within a lobby space shared among different uses.

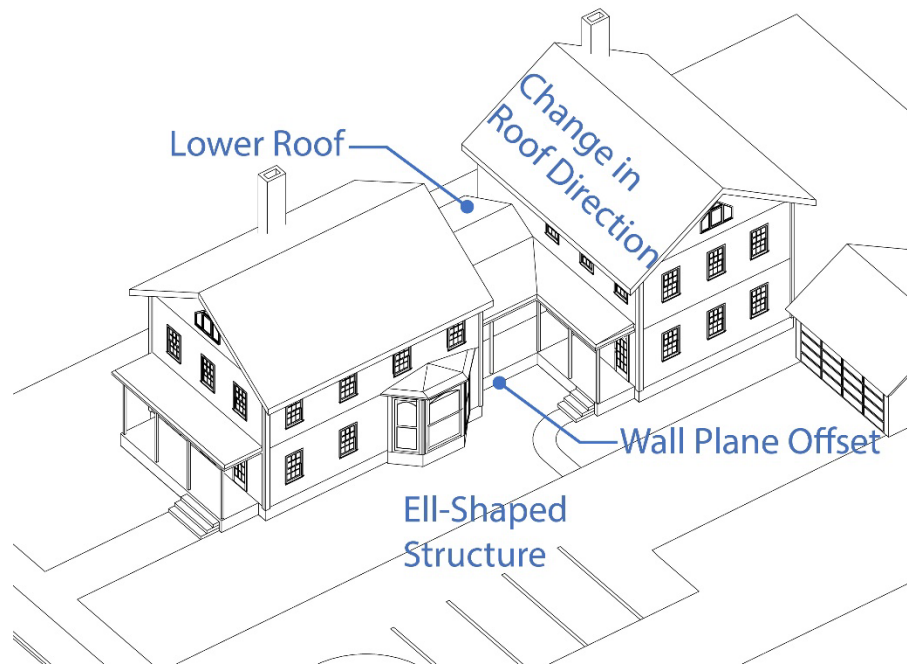
d. Building Massing. Buildings shall be broken down into masses that are similar in size to residential structures in the surrounding neighborhood. No mass should be longer than fifty feet in length. Buildings may be composed of multiple masses that are attached together. When a mass is attached another mass, the masses must meet the following design criteria:

i. Roofs: The roofs of adjacent masses must run in different directions or have at least a two (2) foot difference in height.

ii. Adjacent masses may be arranged in Ell or T shapes. The leg of the Ell or the arms of the T must extend at least four (4) feet beyond an intersecting wall.

iii. Where the walls of adjacent masses are in the same plane, the walls must be offset by at least two (2) feet.

e. Illustrative example of appropriate techniques for attaching masses:



f. Roofs:

i. Roofs longer than fifty (50) feet in length must incorporate one or more of the following roof variations: a change of roof height of at least one foot, a change of roof pitch of at least 2:12, a change of the direction of roof pitch, or a dormer.

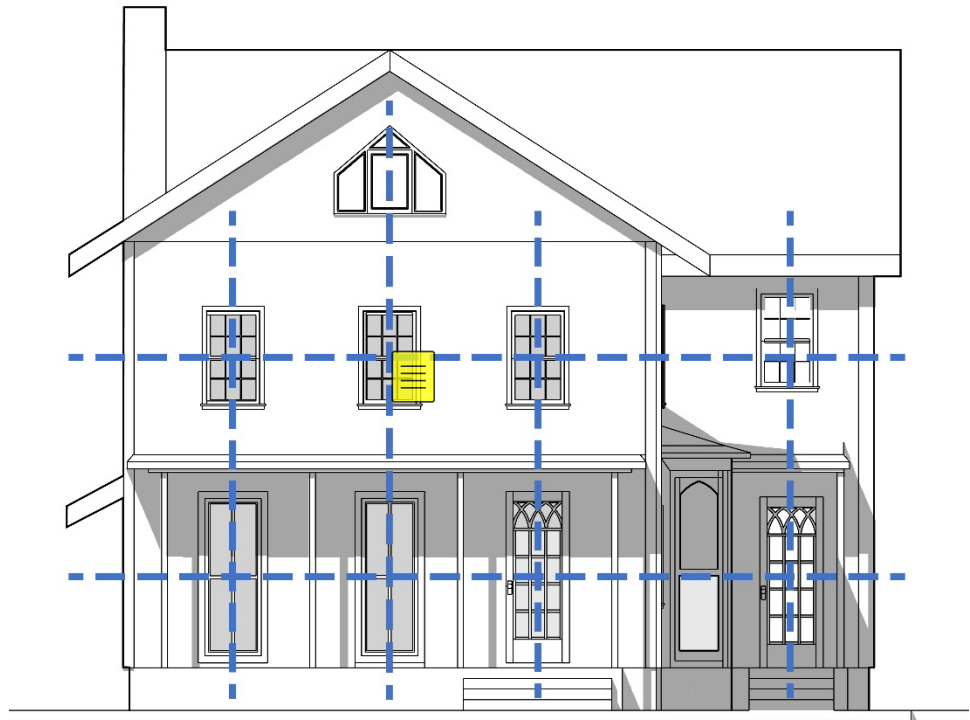
i. Roofs shall have a pitch and shape that is typical of historic building types in West Newbury, generally between 5:12 and 12:12.

ii. Low-slope roofs should be avoided, except for on secondary architectural features, such as roofs over entries, roof decks, cornices, parapets, and dormers, and only where a low slope roof is consistent with historic precedents of residential design in Essex County. Any roof with a pitch of 2:12 or less is considered a low-slope roof for the purposes of this paragraph.

iii. Roof dormers should cover no more than seventy-five percent (75%) of roof slope and shall be setback at least three feet from the bottom and sides of the roof.

g. Windows:

i. Windows and doors should generally align vertically within each bay and horizontally across each story of a building. Alternative alignments may be approved by the Planning Board in buildings that create new architectural character. Diagram:



ii. The variety of window and door sizes and proportions should be limited. No more than five different sizes or shapes of windows and doors should be used on a building façade.

iii. The majority of windows on the front façade of a building must be taller than they are wide.

iv. Generally, an upper story window should not be taller than windows below it.

h. Materials and Design Elements.

i. Materials chosen for exterior elements shall be consistent with the use of materials traditionally found in residential design in Essex County. Siding materials such as clapboard and shingle are preferred. The use of new materials that reduce maintenance but emulate the look and feel of traditional materials is allowed.

ii. The design of a building facade should have a recognizable system of proportions and symmetry.

iii. Building facades shall have depth and shadow lines through the use of façade elements such as trim, recessed windows, or projecting or recessing portions of the building volume.

iv. The use of trim materials to provide detail at the corners, eaves, gables, pediments, lintels, sills, and between floors on larger buildings is encouraged.

v. The color palette chosen for any building should be consistent with colors traditionally found in residential and mixed-use design in Essex County.

vi. Columns, posts, pilasters, and other traditional structural support elements should be situated where they could logically carry structural support, even if they are merely decorative. For example, ground floor columns should be located between upper story windows, not directly below a window opening.

i. Buildings shall be oriented and arranged to shape the space along streets into a pedestrian scale environment and/or to shape shared open spaces.

j. All building façade(s) visible from a public right-of-way or a shared outdoor space shall be treated with the same care and attention in terms of entries, fenestration, and materials.

k. Corner Lots. A building on a corner lot shall indicate a primary entrance either along one of the street-facing façades or on the primary corner as an entrance serving both streets.

l. Exterior fire stairs shall not be located on the front façade of a building.

8.4.8.7. Waivers. Upon the request of the Applicant and subject to compliance with the Compliance Guidelines, the Site Plan Review Authority may waive the requirements of this Section **8.4.8 General Development Standards**, in the interests of design flexibility and overall project quality, and upon a finding of consistency of such variation with the overall purpose and objectives of the MCMOD.

8.4.9. Affordability Requirements.

8.4.9.1. **Section 6.1** Inclusionary Housing Requirements applies to all residential development in the MCMOD.

8.4.9.2. Notwithstanding, Section 6.1.6. “Fractional Affordable Housing Units and Housing Contribution Payments”, when calculating the number of units of Affordable Housing required within a development project, a fractional unit shall be rounded down to the next whole number.

8.4.9.3. Affordable Units shall be:

- a. Integrated with the rest of the development and shall be compatible in design, appearance, construction, and quality of exterior and interior materials with the other units and/or lots.
- b. Dispersed throughout the development.
- c. Located such that the units have equal access to shared amenities, including light, air, utilities including any bicycle storage and Electric Vehicle charging stations within the development.
- d. Located such that the units have equal avoidance of any potential nuisances as compared to market-rate units in the development.
- e. Distributed proportionately amongst the project's unit sizes and types.
- f. Distributed proportionately across each phase of a phased development.

8.4.9.4. The Planning Board may waive some or all of the inclusionary housing provisions of Section 6.1 when the applicant demonstrates that such requirements are financially infeasible.

8.4.10. Site Plan Review

8.4.10.1. Applicability. Site Plan Review is required for all development proposed under the MCMOD.

8.4.10.2. The provisions of **Section 11.3** apply to all development under the MCMOD with the following modifications:

- a. For applications under the MCMOD, Section **11.3.7.1** is replaced with the following:

The Planning Board may make a Decision as follows:

- i. Approval as Submitted: Approval based on a determination that the Application complies with the criteria and design performance standards set forth in this Bylaw and Section **8.4.8 General Development Standards**.

ii. Approval with Conditions: Approval of the Application subject to reasonable conditions, modifications, and restrictions the Planning Board may deem necessary to ensure the health, safety, and general welfare of the community. The Planning Board may not impose any condition, modification or restriction that would make it infeasible to develop multi-family housing that meets the standards of this Bylaw. Conditions must be consistent with the parameters established by EOHLC's *Compliance Guidelines for Multi-family Zoning Districts Under Section 3A of the Zoning Act*, as amended.

iii. Rejection of the Site Plan: The Planning Board may reject the Application because:

(1) the Application is incomplete, in that the submittal fails to furnish adequate information required for approval;

(2) the submittal, although proper in form, includes or creates an intractable problem so intrusive on the needs of the public in one regulated aspect or another that it cannot be adequately mitigated and the Planning Board has been unable to devise reasonable conditions to satisfy the problem with the plan.

Rejection of a Site Plan may only be issued in extreme cases after the Planning Board has made a substantial good faith effort to work with the Applicant to remedy issues.

b. Notwithstanding the first paragraph (unnumbered) of **Section 11.3.6. “Site Plan Review Guidelines,”** an application under the MCMOD need not comply with “Section C, Development Guidelines and Standards” of “Section IV. Regulations Governing Site Plan Review” found in the *West Newbury Planning Board Regulations Governing the Conduct of Planning Board Functions, Meetings, and Hearings Special Permits, Site Plan Review, Scenic Road Application Guidelines,* as amended.

8.4.10.3. Project Phasing. An Applicant may propose, in a Site Plan Review submission, that a project be developed in phases subject to the approval of the Site Plan Review Authority, provided that the submission shows the full buildout of the project and all associated impacts as of the completion of the final phase. However, no project may be phased solely to avoid the provisions of **Section 8.4.9 Affordability Requirements.**

8.4.10.4. Adoption of Regulations. The Planning Board may adopt and amend, by simple majority vote, Design Standards or Design Guidelines, to augment the General Development Standards, Site Plan Review Submission Requirements, or Site Plan Review Criteria or guide interpretation of these. Such regulations must be objective and not subjective and may only address the scale and proportions of buildings, the alignment, width, and grade of streets and sidewalks, the type and location of infrastructure, the location of building and garage entrances, off street parking, the protection of significant natural site features, the location and design of on-site open spaces, exterior signs, and buffering in relation to adjacent properties. The regulations may contain graphics illustrating a particular standard or definition in order to make such standard or definition clear and understandable. The regulations shall be consistent with the purposes of this section and EOHLC’s *Compliance Guidelines for Multi-family Zoning Districts Under Section 3A of the Zoning Act,* as amended.

8.4.11. Severability.

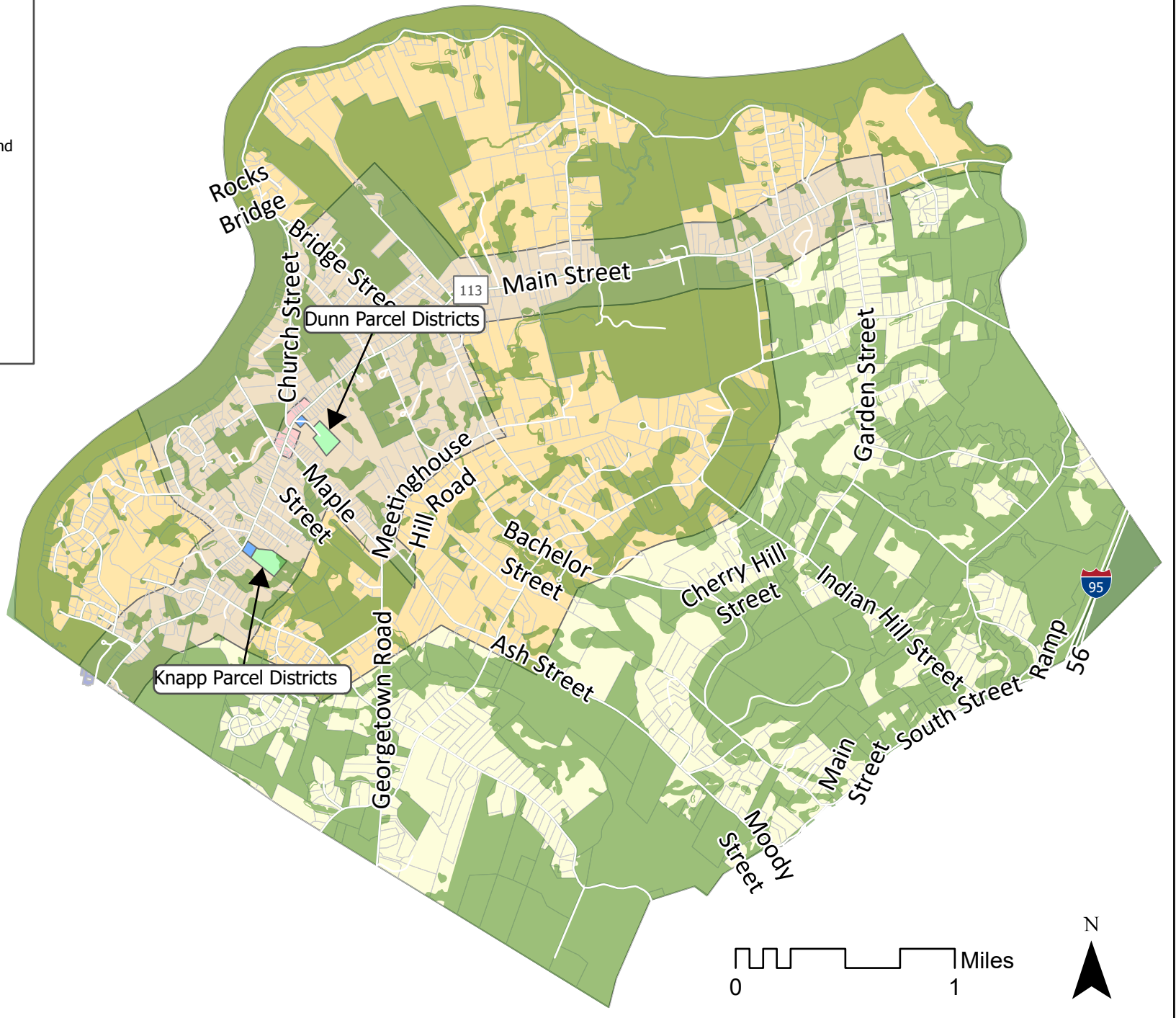
If any provision of this Section 8.4 is found to be invalid by a court of competent jurisdiction, the remainder of Section 8.4 shall not be affected but shall remain in full force. The invalidity of any provision of this Section 8.4 shall not affect the validity of the remainder of the Town of West Newbury Zoning.

Proposed MBTA Zoning Districts

- Mixed-Use Subdistrict
- Neighborhood Subdistrict
- MBTACA Excluded Land

Current Zoning

- Business
- Industrial
- Residence A
- Residence B
- Residence C
- Tax Parcels

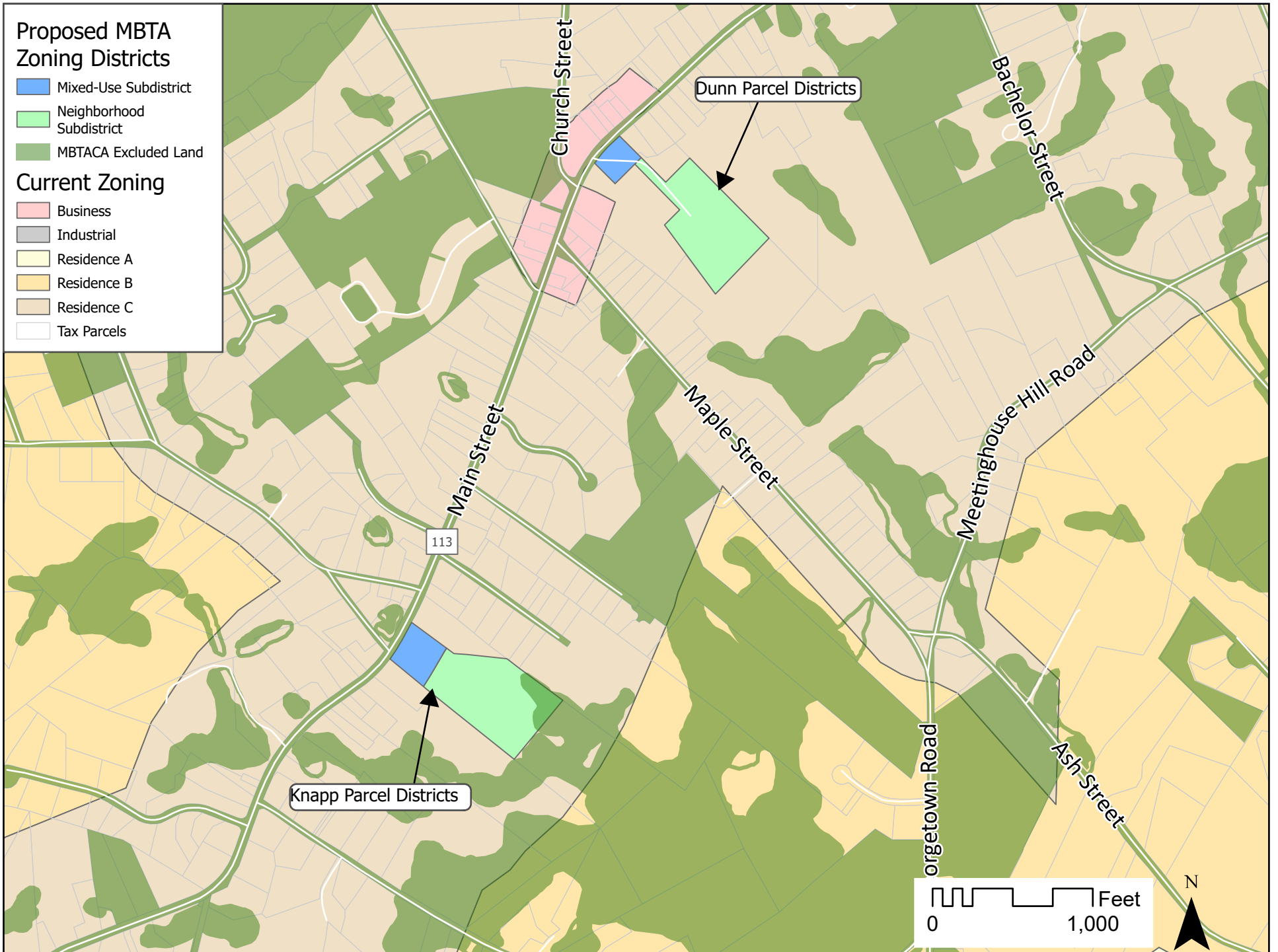


Proposed MBTA Zoning Districts

- Mixed-Use Subdistrict
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- Industrial
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- Tax Parcels





Town of West Newbury

381 Main Street

West Newbury, Massachusetts 01985

Angus Jennings, Town Manager

978-363-1100, Ext. 111 Fax 978-363-1826

townmanager@wnewbury.org

TO: Department Heads, Town Officials, Boards/Commissions/Committees
FROM: Angus Jennings, Town Manager
DATE: December 12, 2023
RE: Budget Package: Guidance and Policy Direction for FY25 Budget Process

This Budget Package is intended to provide uniform guidelines to Department Heads and Boards / Commissions / Committees (B/C/Cs) for the formation of the FY25 Town Operating Budget. Please find enclosed the following to support your preparation of a proposed FY25 Expense Budget:

- FY25 Budget Schedule
- Select Board Budget Policy Direction
- Town Manager Budget Guidelines
 - Budget Narrative with Goals and Objectives
 - Line Item Budget Form
 - Salary and Wage Worksheet
 - Article Request Form
 - What to Expect When Presenting an Article or Budget for FinCom Vote
 - Capital Planning Process
 - Expenditure Detail Report: FY22, FY23 and FY24 YTD

My office and the Finance Department will work closely with the Finance Committee, Capital Improvements Committee and the Select Board to manage the budget process in a manner that is consistent with the Town Manager Act (Ch. 97 of the Acts of 2017), Town Bylaws and Policies, and that builds on prior years' budget formats and processes so as to provide you – as the initial preparers of Departmental budget – a clear and familiar process.

One difference to expect in this year's budget process is that we have signed a contract with ClearGov and will be working with this new software to develop an interactive, cloud-based budgeting process. However, because Jenny and I are still working to build out the ClearGov platform with the overall account structure and history, and learning the platform ourselves, it will be up to Department Heads and other budget preparers whether you'd like to key in your initial budget requests through "the cloud" (in which case we'll get you set up with login permissions and training), or whether you'd like to stick with the Excel or paper-based system used in prior years.

We will work to communicate with participants in the budget process on an ongoing basis in order to provide a clear and effective FY25 budget process. If you do have questions, please feel free to contact me, Executive Assistant Rebecca Ambra, or Town Accountant Jennifer Walsh. Thank you.



Town of West Newbury

381 Main Street

West Newbury, Massachusetts 01985

Angus Jennings, Town Manager

978-363-1100, Ext. 111 Fax 978-363-1826

townmanager@wnewbury.org

FY25 Budget Schedule

December 4	Select Board review/adopt FY25 Budget Policy Direction
December 4	Town Manager draft FY25 Capital Improvements Program (CIP) presented to Select Board; referral of CIP to Capital Improvements Committee
December 12	Budget Package sent to Dept. Heads, Town Officers, Boards, Commissions and Committees (B/C/Cs)
January 11 ¹	Requested FY25 Expense Budgets, and proposed FY25 Capital items, for all Dept. Heads or Town Officers due to Town Manager and Town Accountant
January 18 ²	Requested FY25 Expense Budgets, and proposed FY25 Capital items, for all B/C/Cs due to Town Manager and Town Accountant
January (various)	Review by Town Manager and Town Accountant, including budget working meetings. (Depts. and B/C/Cs will be contacted individually to schedule your reviews, if/as needed)
January 29	<u>Town Meeting Warrant closes (anticipated). Article requests due to Select Board and Town Clerk.</u>
January 30	Pentucket School Committee meeting to review proposed State budget (regarding education) and preview anticipated PRSD school budget
February 5	Town Manager proposed FY25 budget, with budget message and proposed FY25 departmental and organizational structure, presented to Select Board.
February 5 or 12	Select Board referral of proposed FY25 budget to Finance Committee ³
February 8 (anticipated)	Capital Improvements Committee meeting to review proposed Capital Program and FY25 projects. Capital Improvements Committee to schedule 1 or more add'l meetings in Feb. and/or March as needed.
Feb 12 or 15 (anticipated)	School Committee Public Hearing regarding FY25 Pentucket Budget
Feb-March (Feb 15, 21, 28; March 13, 20, 27)	Finance Committee meetings to review proposed budget. Departments and B/C/Cs will be notified regarding timing of meetings related to your articles & budget section(s). Note: some may be combined with Select Board mtgs.
March 5 (anticipated)	Pentucket School Committee to vote Regional School District Assessments
March 18	Capital Improvements Committee report due to Select Board
On/around March 27	Finance Committee Referral of Proposed FY25 Budget to Town Meeting
BY April 15	Posting of Warrants (14 days prior)
BY April 15	Publication of Finance Committee booklet
April 29, 7pm	Annual and Special Town Meetings
May-June	Select Board approval of FY25 Wage/Salary Schedule

¹ If this date presents a problem for any department, please let Angus and Jenny know and we can work with you.

² This date is later than the due date for budgets prepared by Department Heads, to allow extra time for the B/C/Cs (i.e. Library Trustees, Board of Health, Planning Board) to prepare and review proposed budgets. If this timeline is not achievable for any specific B/C/C, please contact Angus and Jenny no later than January 11. (Note: the Water Commission's proposed budget typically comes in later in the cycle. As an enterprise budget, it does not affect the bottom-line operating budget. A water rate public hearing to increase water rates is expected.)

³ Per the Town Manager Act Sec. 4(j): "The [select board] shall review the annual proposed budget prepared by the town manager and make changes as the [select board] deems advisable. The town manager shall present the budget which incorporates the changes of the [select board] to the finance committee and the town meeting." Therefore the budget as proposed to Finance Committee will reflect any changes as may be directed by the Board.



Town of West Newbury

Select Board FY '25 Budget Policy Direction

Approved December 4, 2023

To insure the growing and continued financial health of the Town of West Newbury, provide the public with confidence that Town officials respect their responsibility for fiscal stewardship and demonstrate to taxpayers and bond rating agencies that the Town has thoughtfully prepared for its future, the Select Board present to our employees, Boards, Commissions and Committees the following guidance in preparing the FY25 budget.

1. We propose a FY25 operating budget that will limit the overall increase in the expense budget to no more than 2.5%, not including any school budget increases including related to the Pentucket Middle/High School override. If, in order to meet this budgetary goal, the proposed budget includes any changes in organizational structure, employee head count, hours of operation and/or budgeted level of service, these changes should be specified.
2. We will carry out a clear, transparent public process for finance committee and public review of the proposed FY25 budget, taking into account information from taxpayers, town officials, department heads, Boards/ Commissions/ Committees, and residents. Budget preparation and presentation shall take advantage of the newly acquired grant-funded ClearGov budgeting platform.
3. We propose to recommend that Town Meeting continue to draw-down the balance in the School Stabilization fund in FY25 based on a multi-year plan to mitigate the taxpayer impact of the Middle/High School project.
4. We propose that the presentation of the FY25 operating budget include a section to illustrate post-FY25 operating budgets taking into account both known future costs (including but not limited to debt service based on Town borrowing, and borrowing for which the Town bears some responsibility, such as regarding Pentucket and Whittier Tech debt), and estimated/projected future costs. Estimates or projections of post-FY25 costs should clearly present the assumptions on which they are based.
5. We propose that updates and revisions to the Capital Improvement Program be presented by the Town Manager in accordance with the timeline requirements in the Capital Improvements Committee Bylaw. We propose that the Capital Improvements Committee and the Town Manager evaluate whether an appropriation of \$600,000 from the operating budget into the Capital Stabilization Fund, as was incorporated in the current year FY24 operation budget, is an appropriate amount when taking into account FY25 and future years' anticipated capital funding needs.
6. We propose that any revisions to budgeted FY25 salary and wages, relative to FY24, shall be primarily limited to contractual changes (i.e. Collective Bargaining Agreements, and employment contracts); and to cost-of-living adjustments (COLA), at a percentage proposed by the Town Manager and approved by the Select Board within the budgeting process. The Select Board will only consider approving a proposed step increase for a non-Union employee if the proposed step increase is based on a recent performance evaluation completed as part of a process that is consistent for all regularly scheduled, non-seasonal, non-Union employees across the organization.
7. We propose that the FY25 budget process identify which Town and/or Water capital project costs or other eligible expenses will be paid in full or in part through the Town's allocation of Federal American Rescue Plan Act (ARPA) funds, with a priority on one-time capital projects and related expenses.
8. We propose that the structure of the FY25 DPW operating budget be revised to reflect the reorganization of the department into separate divisions, as was undertaken during FY24, to ensure clarity in allocation of funds across the different divisions and departmental operating costs.

9. We propose that the amount of the FY25 Legal Services operating budget take into account what amount(s) of next year's projected legal expenses may reasonably be offset through payment from sources other than the operating budget (perhaps including but not necessarily limited to: Elliot Fund; Affordable Housing Trust; and Cable PEG funds).
10. We propose that the FY25 operating budget include a clear statement of what resources it would make available, if any, toward the oversight and maintenance of publicly accessible trails located on Town land and/or within publicly accessible easements. We further propose that the budget estimate what additional funding would be needed to significantly increase available resources toward these functions.
11. We propose that the FY25 operating budget account for projected costs associated with the anticipated execution of new Collective Bargaining Agreements (CBAs) with each of the Police and Dispatch Unions, both having CBAs set to expire at the end of the current FY24.
12. We propose that the Town Manager and Department Heads both continue to consider, and expand consideration of, potential opportunities to regionalize some town services, if this can be achieved at cost savings while maintaining or enhancing current levels of service, including exploring potential opportunities that may not be ready for implementation in time for FY25.
13. We propose that Department Heads and Boards/Commissions/Committees review, for programs and services that generate fees, the existing fee structures, their comparability to other municipalities in the region, and the sufficiency of projected fee revenues to cover or suitably offset the underlying town operating costs for such fee-supported programs and services.
14. We propose that the FY25 budget should take into account the estimated impacts, if any, of any newly effective requirements imposed by statute, bylaw, regulation or policy, and should specify the estimated impact of any such newly effective requirements. These estimates should take into account the anticipated impacts of any new statute, bylaw, regulation or policy that is known to affect FY25 or is proposed to take effect during FY25.
15. We propose that, for each section of the proposed budget, the proposed budget specify the individual(s) or the Board/Commission/Committee that will have authority to expend the budgeted funds.

Approved by the Select Board
December 4, 2023

Town Manager Budget Guidelines

- **Budget Narrative with Goals and Objectives**

Initial requested expense budgets should include a Mission Statement for your department(s), and a current statement of goals and objectives for FY25. This should include focus on the cost impact – increase or decrease – of any such goals and objectives. This is also the appropriate section of your budget to respond to the Select Board Budget Policy item 14 (estimating the impact of known/proposed policy changes/mandates on your operations) and item 15 (identifying authorized signer(s) for departmental expenses). This narrative is a great opportunity to highlight for residents the services provided by your department(s) on a year-round basis.

- **Line Item Budget Form** *(available in editable Excel format)*

Please clearly explain ANY changes from the previous fiscal year budget amounts in the notes section provided, and/or in an attached memorandum. THIS WORKSHEET IS JUST A GUIDE. ALL LINE-ITEM DESCRIPTIONS INCLUDED ARE SAMPLES WHICH MAY OR MAY NOT APPLY TO YOUR DEPARTMENT. All proposed expenses should be clearly identified in the notes section and/or in an attached memorandum. For example, if the proposed budget for “Training / Education / Dues” is \$800, the backup information should specify that this is made up of, for example, \$400 for seminars and workshops, \$250 to attend an annual conference, and \$150 for dues for professional organizations. These subset numbers will not be binding through the budget year, but will assist my office and the Finance Committee to understand what is “behind the numbers.” Departments with projected overtime line items must submit documentation of the basis and need for this overtime.

- **Salary and Wage Worksheet** *(available in editable Excel format)*

This worksheet should list all employees in your Department, FY24 budgeted hours and rate of pay, FY25 budgeted amount/year (salary/wages only), and proposed hours, rate of pay, and proposed budgeted amount/year (salary/wages only). For employees with a union or employment contract, budget the contracted amount for FY25. For non-union and non-contract personnel, use the current pay, with no increase for cost of living. Cost of living adjustments (COLAs) will be added to non-union wages at a later date. If you wish to propose a step increase due to changes in a position’s responsibilities, or a proposed step increase, justification must be provided in a separate memorandum. The Town Manager will review all such proposals on a case-by-case basis, and any such changes in pay rate are subject to approval by the Select Board. You will receive prior notice of any public meeting which will include discussion of your department’s proposed budget.

- **Expenditure Detail Report** *(available in editable Excel format)*

My office with the Town Accountant prepared the enclosed report of FY22 and FY23 Budget and Expended, FY24 Budget and Year-to-Date (as of 12/11/23, which was 44.7% through the current fiscal year). On request, the Town Accountant will run a detailed report for your section(s) of the budget showing all expenditures made from your accounts during the current or prior fiscal years.

- **Article Request Form** *(available in editable PDF, Word or Excel format)*

This form is unchanged from last year’s budget cycle. **Article Request Forms will be expected for all proposed Town Meeting Articles, even for recurring articles.** Article Request Forms may include supporting documentation (basis of estimates, etc.). Departments proposing capital items should work with my office to prepare Form Bs to be provided to the Capital Improvements Committee.

Line Item Budget Form (available in editable Excel format)



**Town of West Newbury
Departmental Expense Budgeting Form**

	FY2022		FY2023			FY2024			FY2025
	Actual Expended	Budget Requested	Budget Approved	Actual Expended	Turn back / Transfers	Budget Requested	Budget Approved	Year to Date Expended	Budget Requested
Personnel									
Salary & Wages	237,551	245,000	245,000	236,520	8,480	245,000	245,000	236,520	
Overtime	28,542	35,000	30,000	26,250	3,750	35,000	29,000	26,250	
Other (incentives, longevity, stipends)	2,000	2,000	2,000	1,850	150	2,100	2,100	1,250	
Sub-Total:	268,093	282,000	277,000	264,620	12,380	282,100	276,100	264,020	0
Expenses									
Advertising	265	500	500	220	280	500	500	385	
Communications	379	500	500	385	115	500	500	385	
Equipment Purchase, Repairs	379	500	500	385	115	500	500	385	
Materials & Supplies	3,750	4,000	4,000	2,650	1,350	5,000	4,000	3,251	
Mileage / Travel	265	500	500	220	280	500	500	385	
Professional / Technical Svcs	3,750	4,000	4,000	2,650	1,350	5,000	4,000	3,251	
Training / Education / Dues	2,835	5,000	5,000	3,251	1,749	5,000	4,000	3,251	
Uniforms	1,350	1,500	1,500	879	621	1,500	1,500	879	
Utilities	265	500	500	220	280	500	500	220	
Vehicle Maintenance	379	500	500	385	115	500	500	385	
Other Expenses	1,350	1,500	1,500	879	621	1,500	1,500	879	
Sub-Total:	14,967	19,000	19,000	12,124	6,876	21,000	18,000	13,656	0
Department Total:	283,060	301,000	296,000	276,744	19,256	303,100	294,100	277,676	0

Please complete the above current fiscal year budget request.
For each line item that varies from prior year actual, provide a detailed explanation below.
Salary and wage detail to be provided on the Salary and Wage Worksheet, attached.

Budget request submitted by: _____

Contact (phone/email): _____

Salary and Wage Worksheet *(available in editable Excel format)*



**Town of West Newbury
Departmental Salary and Wage Worksheet**

Grade	Position	Hrs/Wk (FY24)	Rate (FY24)	Amount / Year	Proposed Rate (FY25)	Proposed Hrs/Wk (FY25)	Proposed Amt / Year (FY25)

Note: Add additional lines if needed.

Proposed Salary/Wages: \$ _____ -

For any salary/wage increases/decreases, provide all relevant information. (prior hours/rate, new hours/rate, approvals received, and reason for request)

Budget request submitted by: _____

Contact (phone/email): _____

ARTICLE REQUEST FORM

ARTICLE:

AMOUNT REQUESTED:

CONTACT PERSON:

PHONE NUMBER:

Why should the town make this purchase? What needs will be met? Who will benefit?

What factors affect the timing of this purchase?

When should this Article be sunsetted--how long will the project take?

What ancillary costs do you anticipate? (Maintenance, Insurance, Training, etc.)

Does this Article involve improvement, preservation or creation of tangible assets and projects which 1) have useful life of at least five years; 2) cost over \$20,000 and or 3) for which the town is authorized to borrow funds? If so, please confirm that this item is on the Capital Improvements Committee Schedule for future capital investments.

Please attach additional pages or other supporting documentation.

What to Expect When Presenting an Article or Budget for FinCom Vote

Under Town Bylaws, the Finance Committee is charged with vetting, analyzing and voting whether to recommend “all Articles in the Warrant, especially those involving the appropriation of money.” We also must present an Omnibus Budget at the Annual Town Meeting. We must prepare a booklet to guide Town Meeting and explain our rationales to the Town. The FinCom takes these responsibilities seriously and works hard to obtain a full understanding of the pros and cons of all matters that come before it.

The FinCom cannot in good faith recommend a proposal that it does not fully understand. To help you help us do our job when you have a matter that will require a FinCom vote, we have prepared this guide, which will be circulated to every Town Department, Board, and Committee approximately four months prior to each Town Meeting.

In preparation for the FinCom to vote on your proposed Article or Budget item, the Town Manager’s office will provide us with requested information, and b) work with the FinCom Chair to schedule a meeting with the Committee. In order to facilitate a smooth process, please:

- 1) Provide any Article submission on the Town Article Request Form and any supporting materials to the Town Manager so that the submission may reach us in a timely manner—and provide summary answers as opposed to “see attached”;
- 2) Provide any proposed budget and any supporting materials (with prior comparative data) to the Town Manager for timely submission to us;
- 3) When we ask to meet with you, make yourself available in time for FinCom to complete its evaluation;
- 4) Provide the Town Manager with any additional written materials, timely for the Town Manager’s distribution of materials to the FinCom at least one week prior to meeting with us;
- 5) Be prepared to answer questions relating to such matters as a) the short- and long-term costs and benefits of your proposal; b) your consultation with/approvals from other affected Town departments, committees, boards; c) the alternatives you considered in developing your proposal; d) your proposed funding source(s); e) your plan to implement the proposal if approved at Town Meeting; f) date for completion/sunsetting of Article;
- 6) Keep us up to date with follow-up information FinCom may request as well as any changes to or further developments regarding your proposal;
- 7) Recognize that the FinCom booklet – the culmination of months of Committee work – will go to press at least two weeks before Town Meeting, making last minute changes infeasible.

FY24 Committee Members		
<u>Name</u>	<u>Title</u>	<u>Term</u>
Rob Phillips	Chair	through FY25
Daniel Innes	Vice Chair	through FY24
Ross Capolupo	Secretary	through FY25
Jim Sperelakis	Member	through FY24
Ann O’Sullivan	Member	through FY26
Committee webpage: https://www.wnewbury.org/finance-committee		

Capital Planning Process

The role of the Capital Improvements Committee (CIC) is set forth in the CIC Bylaw, and includes consideration of the relative need, impact, timing and cost of proposed capital expenditures and the effect each will have on the financial position of the town. Working with the DPW Director, Chief Fire Engineer, Page School Administration and facilities personnel, Parks & Rec Commission, and other Department Heads and B/C/Cs, my office maintains a database of all known and potential capital items into a consolidated Capital Improvements Program. This is updated periodically, and annually within the capital budgeting process. Specific projects proposed for FY25 funding will proceed through the familiar CIC review process.

The comprehensive Capital Improvements Program is intended to support clear decision-making regarding the comparative costs and benefits of the Town’s capital needs. The CIC review process and recommendations for specific projects will proceed in parallel with the overall budget process.

The Capital Improvements Committee shall study proposed capital projects involving the planning for and the improvement, preservation and creation of tangible assets and projects which:

- 1) have useful life of at least five years;
- 2) cost over \$20,000; and/or
- 3) for which the town is authorized to borrow funds.

The Committee shall consider the relative need, impact, timing and cost of these expenditures and the effect each will have on the financial position of the town. No appropriation shall be voted for a capital improvement requested by a department, board or commission unless the proposed capital improvement is considered in the Committee's report. The Committee shall not fail to report on any proposal that has been properly submitted.

The CIC shall prepare an annual report recommending a Capital Improvement Budget for the next fiscal year, including any items to be funded in the current fiscal year, and a Capital Improvements Program including recommended capital improvements for the following five (or more) fiscal years. The report shall be submitted to the Select Board not later than six weeks prior to the Annual Town Meeting for its consideration and recommendations. The Board shall submit the Capital Budget together with its recommendations to the Annual Town Meeting.

FY24 Committee Members	
<u>Name</u>	<u>Title</u>
Judith Mizner	Chair
Polly McDowell	Vice Chair
Elisa Grammer	Clerk
Paul Niman	Member
Rick Parker	Select Board Representative
Ross Capolupo	Finance Committee Representative
Angus Jennings, Town Manager	Ex Officio
Committee webpage: https://www.wnewbury.org/capital-improvements-committee	

Expenditure Detail Report: 22, FY23 and FY24 YTD

The Town Accountant prepared the enclosed reports of FY22 Budget and Expended, FY23 Budget and Expended, FY24 Budget and Year-to-Date (as of 12/11/23, which was 44.7% through the current fiscal year).

On request, the Town Accountant will run a detailed report for your section(s) of the budget showing all expenditures made from your accounts during the current or prior fiscal years.

*Provided separately to each Department Head and
Board/Commission/Committee*

Budget Narrative with Goals and Objectives

Initial requested expense budgets should include a Mission Statement for your department(s), and a current statement of goals and objectives for FY25. This should include focus on the cost impact— increase or decrease – of any such goals and objectives. This is also the appropriate section of your budget to respond to the Select Board Budget Policy item 14 (estimating the impact of known/proposed policy changes/mandates on your operations) and item 15 (identifying authorized signer(s) for departmental expenses). This narrative is a great opportunity to highlight for residents the services provided by your department(s) on a year-round basis.

West Newbury Planning Board Mission Statement

1. Execute responsibilities under Massachusetts General Laws.
2. Manage growth to best preserve the rural character of West Newbury.
3. Maintain and improve roadway aesthetics.
4. Protect tracts of open space, link these by greenways, and support the development of an interconnected multi-use trail system.
5. Support a range of housing options for people of varying age and income levels.
6. Encourage development which minimizes sprawl.

Programmatic Goals

1. Incorporate principles above during review, permitting and administration of projects and while analyzing existing bylaws.
2. Recommend updates and improvements to zoning bylaws and subdivision regulations. Continue discussions regarding future Zoning Amendments to the Open Space Preservation Development and Inclusionary Housing Bylaws. Explore options for alternative housing arrangements.
3. Pursue long-term planning efforts. Continue to discuss and review improvements in the Business District.
4. Work with Town boards to coordinate, simplify, and clarify procedures and regulations.
5. Pursue Grant Opportunities.
6. Identify additional resources to consult with in town planning matters and bylaw updates.
7. Continue to develop efficiencies in the office to respond to increasingly more complex projects, applications, and bylaw/zoning issues.



Town of West Newbury Departmental Expense Budgeting Form

Data as of 01/04/2023

	FY2022	FY2023				FY2024				FY205
	Actual Expended	Budget Requested	Budget Approved	Actual Expended	Turn back / Transfers	Budget Requested	Budget Approved	Actual YTD Expended	Turn back / Transfers	Budget Requested
PLANNING										
<u>Personnel</u>										
Salary & Wages	59,319	77,189	66,155	27,440		68,725	73,071	29,614		70,297
Overtime										
Other (incentives, longevity, stipends)				400		2,400				
Sub-Total:	59,319	77,189	66,155	27,840		77,189	66,155	29,614		70,297
<u>Expenses</u>	6,151	10,220	9,220	707		5,300	5,300	1,405		5,100
Advertising	1,000	1,500	1,500	424		1,500	1,500	1,405		2,500
Communications	150	170	170	75		200	200	0		200
Equipment Purchase, Repairs	0	1,000	1,000	0		1,000	1,000	0		1,000
Materials & Supplies	400	600	600	208		600	600	0		600
Mileage / Travel	100	100	100	0		100	100	0		100
Prof/Tech Svcs/Recording Sec.	3,551	5,800	4,800	0		1,200	1,200	0		0
Training / Education / Dues	850	850	850	0		500	500	0		500
Other Expenses	100	200	200	0		200	200	0		200
Sub-Total:	6,151	10,220	9,220	707		5,300	5,300	1,405		5,100
<u>MVPC Assessment</u>	1,705	1,748	1,748	1,747		1,792	1,792	1,792		1,792
Sub-Total:	1,705	1,748	1,748	1,747		1,792	1,792	1,792		1,792
Department Total:	67,175	89,157	77,123	30,294		84,281	80,163	32,811		77,189

Please complete the above current fiscal year budget request.

For each line item that varies from prior year actual, provide a detailed explanation below.

Salary and wage detail to be provided on the Salary and Wage Worksheet, attached.

Expenditure Sign-Off Authorities - Planning Board Chair, Ann Bardeen

FY22 Explanation - MVPC: Assessment increases by no more than 2.5% per year. 2.5% increase from \$1663 to \$1705 was requested and approved. No other increases were requested.

FY23 Explanation - Salary & Wage request is based on a 52-week year. MVPC: Assessment increases by no more than 2.5% per year. 2.5% increase from \$1705 to \$1748 is requested. No other increases are requested.

FY24 Explanation - Increase of \$2,570.00 on the Salary & Wages line to reflect 52-week fiscal year wages after mid-FY23 change in wages; new Town Planner with increased hours from 25 to 28hrs/week and an increase in wages for admin assistant to match DPW full-time rate. "Others" line increase of \$2,400 to cover minutes to be completed by assistant. MVPC: Assessment increases by no more than 2.5% per year. 2.5% increase from \$1748 to \$1792 is requested. Minimal increase in communications line to cover a possible increase in Zoom monthly charges - a \$20/year increase occurred between FY22 to FY23.

Budget request submitted by: _____

Contact (phone/email): _____

Planning Board Meeting Schedule 2024

*Unless otherwise noted, meetings are the first and third Tuesday of the month at 7 PM

January 2

January 16

February 6

February 20

March 5

March 19

April 2

April 16

May 7

May 21

June 4

June 18

July 2 (tentative)

July 16 (tentative)

August 6

August 20

September 3

September 17

October 1

October 15

November 6 (Nov 5 is election day)

November 19

December 3

December 17



**TOWN OF WEST NEWBURY
OFFICE OF THE PLANNING BOARD
381 MAIN STREET
WEST NEWBURY MA 01985
978-363-1100 X125
Email: townplanner@wnewbury.org**

West Newbury Planning Board 2024 Meeting Schedule and Submission Deadlines*

Dates, times and locations are subject to change. Please call or email the Planning Board office to confirm.

MEETING DATE	APPLICATION DEADLINE
Tuesday, January 2, 2024 at 7:00 PM Virtual via Zoom – See PB Agenda for details	Tuesday, December 26, 2023 at noon
Tuesday, January 16, 2024 at 7:00 PM Virtual via Zoom – See PB Agenda for details	Tuesday, January 9, 2024 at noon
Tuesday, February 6, 2024 at 7:00 PM Virtual via Zoom – See PB Agenda for details	Tuesday, January 30, 2024 at noon
Tuesday, February 20, 2024 at 7:00 PM Virtual via Zoom – See PB Agenda for details	Tuesday, February 13, 2024 at noon
Tuesday, March 5, 2024 at 7:00 PM Virtual via Zoom – See PB Agenda for details	Tuesday, February 27, 2024 at noon
Tuesday, March 19, 2024 at 7:00 PM Virtual via Zoom – See PB Agenda for details	Tuesday, March 12, 2024 at noon
Tuesday, April 2, 2024 at 7:00 PM Virtual via Zoom – See PB Agenda for details	Tuesday, March 26, 2024 at noon
Tuesday, April 16, 2024 at 7:00 PM Virtual via Zoom – See PB Agenda for details	Tuesday, April 9, 2024 at noon
Tuesday, May 7, 2024 at 7:00 PM Virtual via Zoom – See PB Agenda for details	Tuesday, April 30, 2024 at noon
Tuesday, May 21, 2024 at 7:00 PM Virtual via Zoom – See PB Agenda for details	Tuesday, May 14, 2024 at noon
Tuesday, June 4, 2024 at 7:00 PM Virtual via Zoom – See PB Agenda for details	Tuesday, May 28, 2024 at noon
Tuesday, June 18, 2024 at 7:00 PM Virtual via Zoom – See PB Agenda for details	Tuesday, June 11, 2024 at noon
Tuesday, July 2, 2024 at 7:00 PM Virtual via Zoom – See PB Agenda for details	Tuesday, June 25, 2024 at noon
Tuesday, July 16, 2024 at 7:00 PM Virtual via Zoom – See PB Agenda for details	Tuesday, July 9, 2024 at noon
Tuesday, August 6, 2024 at 7:00 PM Virtual via Zoom – See PB Agenda for details	Tuesday, July 30, 2024 at noon
Tuesday, August 20, 2024 at 7:00 PM Virtual via Zoom – See PB Agenda for details	Tuesday, August 13, 2024 at noon

Tuesday, September 3, 2024 at 7:00 PM Virtual via Zoom – See PB Agenda for details	Tuesday, August 27, 2024 at noon
Tuesday, September 17, 2024 at 7:00 PM Virtual via Zoom – See PB Agenda for details	Tuesday, September 10, 2024 at noon
Tuesday, October 1, 2024 at 7:00 PM Virtual via Zoom – See PB Agenda for details	Tuesday, September 24, 2024 at noon
Tuesday, October 15, 2024 at 7:00 PM Virtual via Zoom – See PB Agenda for details	Tuesday, October 8, 2024 at noon
Wednesday, November 6, 2024 at 7:00 PM Virtual via Zoom – See PB Agenda for details	Tuesday, October 29, 2024 at noon
Tuesday, November 19, 2024 at 7:00 PM Virtual via Zoom – See PB Agenda for details	Tuesday, November 12, 2024 at noon
Tuesday, December 3, 2024 at 7:00 PM Virtual via Zoom – See PB Agenda for details	Tuesday, November 26, 2024 at noon
Tuesday, December 17, 2024 at 7:00 PM Virtual via Zoom – See PB Agenda for details	Tuesday, December 10, 2024 at noon

* There are two categories of applications as follows:

Applications Requiring a Public Hearing (e.g. Definitive Subdivision Plan, Special Permit, etc.) are considered during a regular meeting as shown in the column labeled “Meeting Date” for the sole purpose of scheduling the Public Hearing date/time/location. The Board typically schedules the public hearing for the following month. Example: An applicant submits a Definitive Subdivision Plan by the noon deadline on Tuesday, February 13, 2024. At the Tuesday, March 5, 2024 regular meeting, the Planning Board sets the public hearing date to hear the application for Tuesday, April 2, 2024. The public hearing begins Tuesday, April 2, 2024.

Applications, Correspondence and other Business Not Requiring a Public Hearing (e.g. SANR, Minor Modification, Bond Reduction, Release of Lots, Time Extension, etc.) are considered during the regular meeting shown in the column labeled “Meeting Date”. Example: An applicant submits a SANR application by the noon deadline on Tuesday, February 27, 2024. The Board discusses and acts upon the application on Tuesday, March 5, 2024.