



Town of West Newbury
Select Board
Tuesday, January 8, 2024 @ 5:30pm
381 Main Street, Town Office Building
www.wnewbury.org

REC'D & NEWBURY CLERK
24 JAN 4 PM 4:53

AGENDA

Executive Session: 5:30pm in 1910 Building, 381 Main Street: Town Manager's office

- ❖ MGL Ch. 30A §21(a) 3: To discuss strategy with respect to collective bargaining if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares (*Dispatch Union contract*);
- ❖ MGL Ch. 30A §21(a) 2: To conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel (*Request to authorize temporary employee for term longer than 30 days*);
- ❖ MGL Ch. 30A §21(a) 6: To consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body (*Mullen property*);
- ❖ MGL Ch. 30A §21(a) 7: To comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements (*potential Intermunicipal Agreement with Newburyport re Middle Street Bridge; legal costs, year-to-date*).

The Board may reconvene in Executive Session, after the conclusion of the Open Session, if needed.

Open Session: 7:00pm by in-person attendance or remote participation (instructions below)

Announcements

- This meeting is being broadcast on local cable TV and recorded for rebroadcast on the local cable channels and on the internet. Meeting also accessible by remote participation; instructions below.
- SAGE Center January/February Newsletter for Programs & Events now available.
- Call for volunteers! FY24 positions on Boards/Commissions/Committees. See www.wnewbury.org/volunteer
- Reminder to subscribe for emailed Town agendas/news/announcements at www.wnewbury.org/subscribe

Regular Business

- A. Public Comment. Limited to 2 minutes per resident on any topic. Please note that the Board will not discuss or take action at this meeting.
- B. Consent agenda – Request to approve the following:
 - a. Meeting minutes: December 18, 2023
- C. Town Manager Updates
 - a. Superseding Order of Conditions issued by MassDEP, proposed water leveling device at Macey's Pond
 - b. Church/Prospect Street bids opened; borrowing "green light" letter from Bond Counsel; financing update
 - c. NHESP filing regarding high-hazard tree removal
 - d. Land Management plan for Sawmill Brook due June 30th; input required from multiple stakeholders
 - e. Page School Conditions Assessment, draft report received; review of next steps
 - f. Correspondence with MA Dept. of Fisheries & Wildlife re ownership of parcel on Ash Street
 - g. Management Plan for Ash Street (due to NHESP end of January), progress update
 - h. Updates on other ongoing/active projects/initiatives
- D. Department Updates/Discussion
- E. Board/Commission/Committee Updates/Discussion (and Select Board liaison updates):
 - a. Review of Zoning Board of Appeals Questionnaire
 - b. Update on process/timeline to update Community Preservation Plan for 2024
- F. Action Items
 - a. Consideration of ARPA funding request, Middle Street Bridge; and review of proposed process to secure MassDOT and MassWorks grant and to secure overall project financing
 - b. Review of draft Livery Service Policy
 - c. Review of draft updates to Inclement Weather Policy
 - d. Review of Parks & Rec Commission recommendation regarding Summer Rec leadership staffing structure
- G. General Discussion Items
 - a. Known/Potential Town Meeting warrant articles
 - b. Confirmation of upcoming Select Board Meetings
 - c. Whittier Info Session January 16, 2024 at 7pm in the Annex
- H. Correspondence, including:
 - a. Notice from MassDPU regarding Energy Burden Notice of Inquiry
- I. Future Agenda Items / Meeting follow-up assignments

Addendum to Meeting Notice regarding Remote Participation

Public participation in this meeting of the West Newbury Select Board will be available via remote participation. For this meeting, members of the public who wish to listen to the meeting may do so in the following manner:

Zoom Meeting

Phone: 1 (646) 931-3860

Meeting ID: 886 5506 4459

Passcode: 224527

Join at: <https://us06web.zoom.us/j/88655064459?pwd=3E1j0a5HrMnVt27v8bBkS6carh2OCp.1>

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 West Newbury website an audio or video recording of proceedings as soon as practicable after the meeting.

Posted Agenda on 1/4/2024 at the Town Offices and the Town's Official Website www.wnewbury.org



Town of West Newbury
Select Board Meeting
 December 18, 2023 @ 7:00pm
 381 Main Street, Town Office Building
www.wnewbury.org
Meeting Minutes

Open Session: Chairwoman Reed opened the session at 7:08pm.

Participation at the Meeting:

- Rick Parker, Wendy Reed, Chris Wile- Select Board
- Angus Jennings- Town Manager
- Jim Blatchford- Town Clerk
- Rob Phillips- Finance Committee Representative
- Fred Chanania- Tree Committee Representative

Announcements

- This meeting is being broadcast on local cable TV and recorded for rebroadcast on the local cable channels and on the internet. Meeting also accessible by remote participation; instructions below.
- West Newbury Fire Department to host Santa Claus on tour of the Town December 24, 2023
- Call for volunteers! FY24 positions on Boards/Commissions/Committees. See www.wnewbm.v.org/volunteer
- Reminder to subscribe for emailed Town agendas/news/announcements at www.wnewbury.org/subscribe

Regular Business

A. Public Comment. Limited to 2 minutes per resident on any topic. Please note that the Board will not discuss or take action at this meeting.

No comments were made at this time.

B. Consent agenda - Request to approve the following:

a. Meeting minutes: November 28, 2023; December 4, 2023

See Exhibit Ba, p 8-10. Parker motioned to approve the November 28th Minutes as amended. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain). Parker motioned to approve the December 4th Minutes as amended. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).

b. Requests for renewal of Retail Liquor Licenses for 2024

i. GN Enterprises Inc. d/b/a West Newbury Pizza Company (restaurant/wines & malt \$12)

ii. West Newbury Food Mart, Inc. (package store/all alcoholic beverages)

See Exhibit Bb, p. 11-19. Wile confirmed that any issues raised to the ACC would be brought to the Town's attention through the Town Clerk's Office. He wondered why the Town was issuing a license to the Pizza Company if the seating area enabling the consumption of liquor was closed in 2020. Blatchford said that the renewal was automatically offered to businesses, and obtaining a renewal is much easier than reapplying in the future. The Clerk offered more insight on the licensing renewal process. **Parker motioned to approve both applications for licenses. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).**

c. Requests for renewal of Class II Used Car Licenses for 2024

i. Newburyport Automotive, Inc. (330 Main Street)

ii. RTI Enterprises, Inc. (289 Main Street)

iii. Crane Neck Auto, LLC (5 Crane Neck Street)

See Exhibit Bc, p. 20-27. Blatchford said bonds had been received by every vendor except Crane Neck Auto. **Parker motioned to approve the licenses for Crane Neck Auto (pending receipt of the bond), and Newburyport Automotive and Main Street Auto. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).**

d. Request for authorization to submit BRIC grant, Building Inspector

See Exhibit Bd, p. 28-32. Parker motioned to authorize the grant. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).

e. Request for authorization to submit EMPG Grant, EMA Director

See Exhibit Be, p. 33-38. Parker motioned to authorize the grant. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).

f. Approval of 2024 Election Worker List

See Exhibit Bf, p. 39. Parker motioned to approve the Election Worker List. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).

Item Ea was taken out of order at this time. With its conclusion, discussion resumed at Item C.

C. Town Manager Updates

a. NEMLEC MOU

Jennings said that he had looked into questions raised by the Board and responded. In this case, in order to cover extra hours as needed, the Chief will be handling them. No overtime or additional hours will be needed. **No motion was made at this time.**

b. FY25 Budget process and timeline

See Exhibit Cb, p. 40-51. Jennings provided an update on the ongoing Budget drafting process, and hoped to initiate a joint meeting schedule for February/March for the Finance Committee and the Select Board. The Finance Committee and Select Board planned to map out joint meetings, agreeing that the cross-collaboration had been very helpful in Fall for Special Town Meeting. **No motion was made at this time.**

c. Update on Personnel Evaluation process

See Exhibit Cc, p. 52-55. Jennings made the Board aware of the status on the upcoming Personnel Evaluation system. He welcomed the Board's feedback on the Evaluation materials, and felt that individualized Evaluations to different job grades was the best approach to take. He hoped to have the Personnel Evaluations completed by mid-Summer, 2024. Reed and Jennings both agreed it was a big deal to finally have the new system close to implementation. **No motion was made at this time.**

d. Updates on other ongoing/active projects/initiatives

See Exhibit Cd, p. 56-82. Jennings briefed the Board on a variety of topics, beginning with clarification on ARPA fund expenditure deadlines. The Town Treasurer had indicated that in order to remain eligible for the Federal money, the Town would need to have their ARPA-funded materials under contract by the funding deadline. The Manager also informed the Select Board that an RFP for a new phone system for Town Offices had been put out. Several vendors had already queried the Town on the materials. Jennings and the Board also discussed tightening up the animal bylaw by enhancing clarity with regard to how dog owners should control their pets (either by voice only if they so choose, or requiring a leash). The Board could spearhead revisions of said bylaw, Jennings indicated. Parker thought that addressing the matter would be wise. Opening the matter to public input was determined to be essential, as was soliciting input from the ACO Kayla Provencer. **No motion was made at this time.**

D. Department Updates/Discussion

a. Draft Livery License application guidelines - Town Clerk

See Exhibit Da, p. 83-86. Blatchford informed the Board that this matter was before them as a result of resident requesting their sign-off on a letter. The letter in question would enable the resident to complete their application to MassPort to operate livery service to their properties. With no existing policy, the Clerk's Office provided the Board with a draft one to review (with inspiration from the policy/procedures used by the City of Boston). Reed asked about next steps, and Jennings said that a finalized version of the policy could be brought forward at a future meeting for approval. Phillips felt it was advisable to specify insurance regulations in the policy. **No motion was made at this time.**

b. Public Trail Use Review Process – Conservation

See Exhibit Db, p. 85-100. Reed explained that Conservation Agent Michelle Greene had put together a public trail use document. The document had input from Town Committees and Town government. The review would establish a checklist for entities to consider in the process of acquiring new trail land in Town, as numerous problems had arisen in past on this issue. Parker found the meeting (which he attended) to be helpful. Reed suggested that the next step was examining the process with respect to permitting requirements. Jennings stressed that the checklist was not a regulatory document, but a resource to streamline processes and eliminate backlog. **No motion was made at this time.**

c. Submittal of River Road subdivision application to Planning Board-Planning

See Exhibit Dc, p. 101-121. The Board was invited to provide comments (as they have no defined regulatory role in the development of subdivisions) on the proposed River Road development. Wile stressed the line of sight and the conditions of the driveway posed a safety issue, and could leave the Town with a liability-though he felt that this was the only thing the Board had the power to address as it was in their purview. Parker pointed out that continued development along River Road would be very vulnerable to climate change and other issues. **No motion was made at this time.**

d. Town Planner Report

See Exhibit Dd, p. 122-123. **No motion was made at this time.**

E. Board/Commission/Committee Updates/Discussion (and Select Board liaison updates):

a. Review of Tree Committee Questionnaire

See Exhibit Ea, p. 124-135. Parker queried the Committee Chair if it was possible to indicate through the Committee's website what trees would be good for residents to plant to mitigate/survive climate change. Chania pointed out that this was already on the Tree Committee's webpage and requested feedback if it did not address Parker's concerns on the topic. Reed asked about the Committee attempting to add associate members. Chania said that the Committee's charge included membership of five full time members as well as additional associate members. He hoped that there would be seven full members in the future. **Parker motioned to change the membership of the Tree Committee to include seven full members and no associate members. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).** Reed continued by asking about the relationships with other Town Committees/Boards with whom the Tree Committee is involved in decision-making or advice-giving. Chania spoke about the Conservation Commission, with particular respect to trees in wetlands. The swamps are the Commission's purview, Chania said, but joint membership between both bodies have made for good communication and awareness. Chania added that communication with the Planning Board had been improved in recent years but the Committee had not provided much input as of late: the previous dialogues on issues regarding stone

walls, tree removal, and other areas have diminished some with the arrival of new staff. Having to sit in on Planning Board meetings simply to remind them of the Tree Committee's role in the planning process has grown tiresome to the Tree Committee Chair. Hearing this, Reed asked the Town Manager if there was anything the Board could do to facilitate better integration of Tree Committee and Planning Board- but Chanania said he felt it was mostly his responsibility to promote communication. He highlighted other outreach he had made to the Inspections Department as well. The Board and Chair discussed the prospect of identifying dead trees across Town on public ways that might need removal as part of a newly developed tree removal program (in an effort to protect the Town from over-inflated contractor bids for the removal work). Parker wondered how much money had been accumulated for tree removal in the Town's Budget (\$50,000/yr.). Chanania opined that this amount was not going to be sufficient for the long-term. **No motion was made at this time.**

b. PRSD Regional Agreement Working Group update

See Exhibit Eb, p. 136-152. Wile recapped who attended the meeting from Pentucket Towns. The intent of the meeting was to put an agenda together and schedule meetings, with respect to the revised Regional Agreement, with an eye toward reconvening in January with more entities participating from Groveland, Merrimac, and West Newbury. Wile felt that the Agreement would not be on the table at Spring Town Meeting. **No motion was made at this time.**

c. Cable Advisory Committee cable contracts, discussion update

Reed said that the Cable Advisory Committee offered their support to the Board in the negotiations, in an advisory role. **No motion was made at this time.**

F. Action Items

a. Request for authorization to issue RFQ for Children's Castle (lease to expire March 31, 2024)

See Exhibit Fa, p. 153-160. As part of the process at the end of the Children's Castle's lease, the Select Board would provide policy direction for the Manager as his Office executes the bidding process. Jennings and the Board pondered whether there should be a monthly rental figure in the RFQ and Reed said she would like any rental increase laid out in the Select Board's policy tied to something tangible (i.e. market rate, for example). Wile confirmed that if the space went out to bid, that the Children's Castle would be in potential competition with other bidders. The Castle pays \$150,792 in rent annually, with the Town picking up utilities. Phillips urged the Board to look carefully at the insurance requirements. **No motion was made at this time.**

b. Acceptance of Deed for Poor House Lane property ("Sawmill Brook")

See Exhibit Fb, p. 161-167. Prior to the vote, Reed confirmed that both the Conservation Agent and Select Board would be responsible for signing the Deed. **Parker motioned to accept and sign the Deed for the Poor House Lane Property. The motion was properly seconded. The motion unanimously passed. (3 Yes- 0 No- 0 Abstain).**

c. Request for authorization for Town Manager to sign Inter-Municipal Agreement for the Public Health Excellence for Shared Services Grant

See Exhibit Fc, p. 168-181. Jennings said that the Agreement had sprung out of the pandemic with cooperation between Towns and Cities working to distribute COVID-19 vaccines. The group decided to wait to sign the document until they could ascertain more about it. **The Item was tabled to a future meeting.**

d. Review of draft MBTA Communities zoning, to be considered at 12/19 Planning Board mtg

See Exhibit Fd, p. 182-207. Reed explained that once the consultant makes the final selection of the draft, the materials will be submitted to the Commonwealth. Jennings relayed that Brian Murphey of the Planning Board did not think that the Board would be able to get through their review in one meeting. Wile expressed his main concern of the MBTA Communities requirements, that being the extortionary nature of the whole thing, and the struggle it might be to keep West Newbury's character intact with any major developments enabled by the new zoning. His second major concern was the strain on the taxpayers because of changing school enrollment at Pentucket and Whittier schools that could be invited by increased development. Wile said he did not wish to submit comments. Parker stressed the need for increased West Newbury housing, especially to create a more age and socioeconomically diverse Town. He felt that development could be done in such a way to provide things that West Newbury does not currently offer to those looking for housing. Reed had specific questions on the Bylaw and wondered what the best way would be to get answers. Reed wondered if there could be clarity regarding wetlands buffer zones as mentioned in the document, as well as if existing trails on public land with no current Conservation Restriction would be protected under the zoning changes (in the areas in question). She was also curious why Boarding Houses were excluded (as specified on p. 193 of the document). On p. 204 8.4.9.2, Reed required more specificity on the "methodology and evaluations" acceptable to the Planning Board with respect to affordability requirements. Was this something currently known to the Planning Board, or would it be developed later on? On 8.4.10, Reed required more clarity on the passage stating that any "proposed protected open space is subject to a reporting restriction enforceable by the Town", suggesting that the Town should be the Grantee on the easement. Wile and Parker expressed no opposition to Reed bringing these questions up to the Planning Board. **No motion was made at this time.**

G. General Discussion Items

a. Review/confirmation of upcoming Select Board meeting dates

See Exhibit Ga, p. 208. The Board agreed to meet January 8, January 16, January 29, and February 6, 2024. No motion was made at this time.

b. Review of Finance Committee meeting dates for February and March 2024

See Exhibit Gb, p. 209. See Item Ga.

H. Correspondence, including:

a. Whittier Tech response to Select Board Letter sent November 29, 2023

See Exhibit Ha, p. 210-212. Reed opened Item H by stating she felt the Tech School's response to the Board's letter did not address the Board's concerns. Wile said he had watched the MSBA voting process in mid-December. According to Wile, the MSBA would not allow a delay in their procedures to allow a building project to be reconfigured in any way. The MSBA vote approved financing for the new Whittier High School as proposed, and if the communities voted against the project on January 23rd, Whittier would lose the MSBA funding for their construction and be starting their entry into the funding pipeline all over. MSBA representatives had also urged Whittier officials to get out their message and better explain the project from the beginning. Wile expressed concern that people in West Newbury and across the District still didn't know much about the vote or project. The group also discussed their concern with whether or not the figures cited by Whittier for proposed mandatory renovations (to take place if Cities and Towns voted down construction funding) were accurate, and worried that they would not be able to ascertain this fully before the vote in January. The conversation turned again to considering what to do about raising awareness in West Newbury. The Town Clerk said at a meeting with other City and Town Clerks hosted by Whittier the week prior, the Clerks had asked if the school would send a mailer to the District to present the ballot question on the project funding to the public. Whittier refused the Clerks' request, claiming that presenting the question was "advocacy". The Board debated how to best to express their opinion that the a "yes" vote would not be in the Town's interest, making sure that they would avoid using public funds to advocate on the issue. It was decided that a public meeting was the best option. In addition, the Board developed language for a neutral, fact-oriented mailer to go out in early January to raise awareness and draw the public to the session. **Parker motioned to put out the mailer to the public. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).** Following the vote, Reed said she would contact Whittier to make sure they had an opportunity to be represented at the information session.

I. Future Agenda Items / Meeting follow-up assignments

Parker offered up returning to Rocks Village Bridge signage, and the installation of a sensor-based warning system/lighting to prevent bridge strikes from oversized vehicles. Parker was mindful of the potential increased workload this could bring to the Town Manager's Office. Reed also supported this being placed on a future Agenda. He additionally wanted to discuss conducting energy audits at municipal buildings, to be implemented over a number of years in an effort to support necessary conversions for carbon neutrality. **No motion was made at this time.**

Wile motioned to adjourn the Session. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain). The Session adjourned at 9:49pm.

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

<https://www.youtube.com/watch?v=UoO984yo87M>



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: Select Board
FROM: Angus Jennings, Town Manager
DATE: January 6, 2024
RE: Macey's Pond water leveler, MassDEP Superseding Order of Conditions

The recent MassDEP SOOC is attached. While the Select Board did authorize the initial filing of a Notice of Intent with Conservation Commission, now that the project is permitted it is recommended that the Board discuss this and decide whether you wish to proceed with the work as conditioned.

This topic is included on the January 8 agenda as an informational update. It is recommended that this be agenda'd as an Action Item on the Board's January 29 agenda. The Health Agent has confirmed availability to attend on that date, and we would also provide notice to Sandra Raymond to ensure a date that is convenient for all parties.



Department of Environmental Protection

Northeast Regional Office • 150 Presidential Way Woburn, MA 01801 • 978-694-3200

Maura T. Healey
Governor

Kimberley Driscoll
Lieutenant Governor

Rebecca L. Tepper
Secretary

Bonnie Heiple
Commissioner

RECEIVED
DEC 26 2023
TOWN MANAGER
TOWN OF WEST NEWBURY

December 19, 2023

Ms. Sandra Raymond
27 Main Street
West Newbury, MA 01985

RE: WETLANDS/WEST NEWBURY
DEP File #078-0763
Macey's Pond, Main Street
**SUPERSEDING ORDER OF
CONDITIONS**

Dear Ms. Raymond,

Following an in-depth review of the file referenced above, and in accordance with Massachusetts General Laws, Chapter 131, § 40, the Northeast Regional Office of the Massachusetts Department of Environmental Protection, Wetlands Program (MassDEP), is issuing the enclosed Superseding Order of Conditions (SOC) **approving** the project, based upon: 1) information and plans submitted; 2) information gathered during a site inspection; and 3) reasons MassDEP has deemed necessary to protect the statutory interests identified in the Wetlands Protection Act (the "Act") and Regulations, 310 CMR 10.00.

The project site an unmapped open body of water, known locally as Macey's Pond located off Main Street (State Route 113), directly across the street from Pentucket Regional Middle and High Schools in West Newbury, Massachusetts. A mapped intermittent stream flows into and out of Macey's Pond via a concrete culvert under Main Street and flows in a westerly direction directly into the Merrimack River. A fieldstone sluice dam that was historically installed to control the water level in the pond is located immediately upstream of the culvert. Macey's Pond is situated at the bottom of Brake Hill, an undeveloped, 116.5-acre parcel comprised of extensive forested uplands and wetlands. The site is bound by Brake Hill Terrance to the southwest and a residential property to the to the north.

On May 24, 2023, the Town of West Newbury (the Town) filed a Notice of Intent (NOI) for the installation of a pond leveler device with an associated spillway guard to maintain the water levels approximately 12-inches below the top of the existing fieldstone sluice dam. The proposed project would alter approximately 50 square feet of Land Under Waterbodies and Waterways for the installation of the pond leveler.

On June 19, 2023, the West Newbury Conservation Commission (WNCC) issued an Order of Conditions (OOC) approving the project, requiring that the Town adjust the pond leveler device, as needed, to maintain the water level of the pond in accordance with the "approximate high water level" line as shown on a 1972 plot plan associated with the site.

On July 25, 2023, you appealed the OOC in accordance with 310 MR 10.05(7) because it was your opinion that the installation of a pond leveler was not necessary because there are no longer any beavers in the pond. You indicated that you spoke to a furbearer biologist at the Massachusetts Fish and Wildlife Office who suggested that the Town should continue to trap the beavers and breach the beaver dam. Other issues raised in the appeal included that the pond leveler would not address the health and safety issues (i.e., tree destruction, damage to sidewalks "and other intrusions onto [your] property"; that there weren't any supporting calculations provided; and that maintaining the 1972 water level will result in the loss of Bordering Vegetated Wetlands (BVW) and Bordering Land Subject to Flooding (BLSF), which the Town did not provide mitigation for. The appeal also mentioned the work performed by MassDOT earlier this year, which entailed using a machine to remove debris from the trash rack on the culvert and accumulated sediments, which your appeal claims resulted in unauthorized wetland alteration. The side slopes surrounding the culvert were left void of vegetation until this summer when MassDOT returned to the site to install stone riprap for stabilization purposes. It is your opinion that MassDOT should have filed a NOI but circumvented the wetland permitting process, and that the riprap was installed to accommodate the pond leveler.

On September 6, 2023, MassDEP held a site inspection. In attendance were you, the Town Manager, the Board of Health and Conservation Agents and members of the WNCC. During the site visit, MassDEP review focused on the location where the pond leveler and spillway guard are proposed, as well as the existing water level of the pond and the extent it went onto your property. MassDEP observed that the BVW associated with Macey's Pond extended onto your property along the right and rear sides of your house. The Board of Health Agent explained that beavers have populated the area since 2001, and controlled trapping had been performed in 2005 due to ongoing flooding of your property and State Route 113. In December 2022, the Board of Health issued the Town, in conjunction with MassDOT, a 10-day Emergency Beaver or Muskrat Permit allowing the trapping of beavers and partial breaching of the beaver dam. At the same time, the WNCC issued an Emergency Certification allowing the breaching of the beaver dam, and removal of debris and sediments within the culvert. It is MassDEP's understanding that after the work was completed, MassDOT's contractor returned to the site to install riprap on the side slopes as well as in the area between the sluice way and the culvert inlet. The Health Agent stated that three (3) or four (4) beavers were trapped but that euthanizing beavers across from the schools has been problematic. To address your concerns of rising water levels on your property and to avoid water overtopping the road, the Town filed the NOI to install the pond leveler with a spillway guard that would allow the water to flow out of the pond without being impeded should beavers continue to inhabit the pond. It was their position that the pond leveler will aid in the flooding of your property by lowering the surface water levels.

Based on the discussions during the site visit and information submitted to MassDEP, it appears that the work performed by MassDOT earlier this year, although related to the beaver issue at the site, is not germane to this NOI.

Macey's Pond, Off Main Street, Merrimac
DEP File #078-0763
Superseding Order of Conditions

On October 20, 2023, MassDEP requested that the Town provide a written description of the pond leveler and spillway guard specific to the size and length of the pipe; how much of the beaver dam needed to be notched for installation; if water levels in the pond needed to be lowered before installation, and if so, by how much; proposed time of year for installation; specifications on how the spillway guard would be installed; and a long-term maintenance plan and schedule.

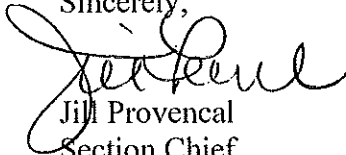
On November 1, 2023, the Board of Health Agent submitted a response letter on behalf of the Town stating that the pond leveler will consist of a 10-inch ADS pipe that will extend approximately 20-feet into the pond from the beaver dam and the inlet of the pipe (in the pond) will be surrounded by a wire cage that's four (4) foot in diameter. The beaver dam is proposed to be notched three (3) inches to release water levels and to install the pond leveler. The custom spillway guard would be assembled on-site to ensure that it fits tightly against the existing riprap. The Town proposed to undertake this work between April 1 and September 30, which would be consistent with the requirements of the original OOC.

Based on upon review of the project site and information contained in the file, MassDEP has determined that the site contains the following areas: 1) Bank associated with Macey's Pond; 2) BVW; and 3) LUW. These areas are presumed to protect one or more statutory interests identified in the Regulations and are noted in the attached SOC. According to the FEMA Flood Insurance Rate Maps (FIRM), the BLSF (the 100-floodplain) does not exist on the site.

Based on the information in the file, the submittal of supplemental information, and taking into considerations all issued raised in the appeal, it is MassDEP's opinion that the project, as currently proposed, meets performance standards contained in 310 CMR 10.56(4) for LUW. In addition, it is MassDEP's opinion that the installation of a pond leveler and spillway guard will not result in a loss of BVW because of the expansiveness of the wetland surrounding the pond as well as off site. It is MassDEP's position that the enclosed SOC approving this project as currently proposed and as conditioned serves to protect the statutory interests identified in the Act and its Regulations. However, MassDEP reserves the right, should there be further proceedings to this matter, to raise additional issues and present further evidence as may be appropriate. Should you or any concerned party dispute these findings, your attention is directed to the language at the end of the attached SOC specifying the right and procedures for appeal.

If you have any questions concerning this SOC, please contact Pamela Merrill at 857.772.6982 or at pamela.merrill@mass.gov.

Sincerely,



Jill Provencal
Section Chief
Wetlands Program- NERO

Enc.

Macey's Pond, Off Main Street, Merrimac
DEP File #078-0763
Superseding Order of Conditions

cc: Mr. Angus Jennings, Town Manager, Town of West Newbury, Town Hall, 381 Main Street, West Newbury, MA 01985

Paul Sevigny, Town of West Newbury Board of Health, Town Hall, 381 Main Street, West Newbury, MA 01985

West Newbury Conservation Commission, Town Hall, 381 Main Street, West Newbury, MA 01985



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection – Wetlands Program
Superseding Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

MassDEP File #
078-0763

A. General Information

1. From: Northeast Regional Office
Massachusetts Department of Environmental Protection (MassDEP/the Department)

2. This issuance is for (check one):
 a. Superseding Order of Conditions
 b. Amended Superseding Order of Conditions

3. To: Applicant:

<u>Angus</u>	<u>Jennings</u>	
a. First Name	b. Last Name	
<u>Town of West Newbury</u>		
c. Organization		
<u>381 Main Street</u>		
d. Mailing Address Line 1		
<u>West Newbury</u>	<u>MA</u>	<u>01985</u>
e. City/Town	f. State	g. Zip Code

4. Property Owner (if different from applicant):

<u></u>	<u></u>	
a. First Name	b. Last Name	
<u></u>		
c. Organization		
<u></u>		
d. Mailing Address Line 1		
<u></u>	<u></u>	<u></u>
e. City/Town	f. State	g. Zip Code

5. Project Location:

<u>0 Main Street, Macey's Pond</u>	<u>West Newbury</u>	
a. Street Address	b. City/Town	
<u>Map R-2</u>	<u>Lot 35</u>	
c. Assessors Map/Plat Number	d. Parcel/Lot Number	

Latitude and Longitude, if known:	<u>42.78052</u>	<u>71.01144</u>
	e. Latitude	f. Latitude



A. General Information (cont'd)

6. Property recorded at the Registry of Deeds (attach additional information if more than one parcel):

<u>Essex</u>		
a. County		b. Certificate (if registered land)
<u>16970</u>		<u>488</u>
c. Book		d. Page

7. Dates:	<u>May 24, 2023</u>	<u>July 19, 2023</u>	<u>September 6, 2023</u>
	a. Date NOI Received	b. Date Local Order Issued	c. Date of SOC Site Visit

8. Final Approved Plans and Other Documents (attach additional plans or document references):

a. Plan Title	
<u>Notice of Intent containing information from Best Way Wildlife Control</u>	
b. Prepared By	c. Signed and Stamped By
d. Final Revision Date	e. Scale
<u>May 24, 2023</u>	<u>May 24, 2023</u>
f. Additional Plan or Document Title	g. Date

B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act - Following the review of the above-referenced Notice of Intent and based on the information provided in this application, the Department finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act. Check all that apply:

- a. Public Water Supply
- b. Land Containing Shellfish
- c. Prevention of Pollution
- d. Private Water Supply
- e. Fisheries
- f. Protection of Wildlife Habitat
- g. Groundwater Supply
- h. Storm Damage Prevention
- i. Flood Control

2. This Department hereby finds the project, as proposed, is (check one):

Approved subject to:

- a. the following conditions which are necessary in accordance with the performance standards set forth in the wetlands regulations. The Department orders that all work shall be performed in accordance with the Notice of Intent referenced above, the following General Conditions, and any other special conditions attached to this Order. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.



B. Findings (cont'd)

Inland Resource Area Impacts: Check all that apply below. (For Approvals Only)

3. <input type="checkbox"/> Buffer Zone Impacts: Shortest distance between limit of project disturbance and wetland boundary (if available)				_____	a. linear feet
	Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input type="checkbox"/> Bank		_____	_____	_____	_____
		a. linear feet	b. linear feet	c. linear feet	d. linear feet
5. <input type="checkbox"/> Bordering Vegetated Wetland		_____	_____	_____	_____
		a. square feet	b. square feet	c. square feet	d. square feet
6. <input checked="" type="checkbox"/> Land Under Waterbodies and Waterways		50	50	_____	_____
		a. square feet	b. square feet	c. square feet	d. square feet
		_____	_____		
		e. c/y dredged	f. c/y dredged		
7. <input type="checkbox"/> Bordering Land Subject to Flooding Cubic Feet Flood Storage		_____	_____	_____	_____
		a. square feet	b. square feet	c. square feet	d. square feet
		_____	_____	_____	_____
		e. cubic feet	f. cubic feet	g. cubic feet	h. cubic feet
8. <input type="checkbox"/> Isolated Land Subject to Flooding Cubic Feet Flood Storage		_____	_____	_____	_____
		a. square feet	b. square feet		
		_____	_____	_____	_____
		c. cubic feet	d. cubic feet	e. cubic feet	f. cubic feet
9. <input type="checkbox"/> Riverfront area		_____	_____	_____	_____
	Sq feet within 100 feet	a. total sq. feet	b. total sq. feet		
		_____	_____	_____	_____
	Sq feet between 100-200 feet	c. square feet	d. square feet	e. square feet	f. square feet
		_____	_____	_____	_____
		g. square feet	h. square feet	i. square feet	j. square feet

Coastal Resource Area Impacts: Check all that apply below. (For Approvals Only)

10. <input type="checkbox"/> Buffer Zone Impacts: Shortest distance between limit of project disturbance and wetland boundary (if available)				_____	a. linear feet
11. <input type="checkbox"/> Designated Port Areas - Indicate size under Land Under the Ocean, below					
		Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
12. <input type="checkbox"/> Land Under the Ocean.		_____	_____		
		a. square feet	b. square feet		
		_____	_____		
		c. c/y dredged	d. c/y dredged		
13. <input type="checkbox"/> Barrier Beaches - Indicate size under Coastal Beaches and/or Coastal Dunes below.					



B. Findings (cont'd)

- | | | | | |
|--|--------------------------|--------------------------|-----------------------|------------------------|
| 14. <input type="checkbox"/> Coastal Beaches | a. <u>square feet</u> | b. <u>square feet</u> | c. <u>c/y</u> | d. <u>c/y nourish.</u> |
| 15. <input type="checkbox"/> Coastal Dunes | a. <u>square feet</u> | b. <u>square feet</u> | c. <u>c/y</u> | d. <u>c/y nourish.</u> |
| 16. <input type="checkbox"/> Coastal Banks | a. <u>linear feet</u> | b. <u>linear feet</u> | | |
| 17. <input type="checkbox"/> Rocky Intertidal Shores | a. <u>square feet</u> | b. <u>square feet</u> | | |
| 18. <input type="checkbox"/> Salt Marshes | a. <u>square feet</u> | b. <u>square feet</u> | c. <u>square</u> | d. <u>square feet</u> |
| 19. <input type="checkbox"/> Land Under Salt Ponds | a. <u>square feet</u> | b. <u>square feet</u> | | |
| | c. <u>c/y dredged</u> | d. <u>c/y dredged</u> | | |
| 20. <input type="checkbox"/> Land Containing Shellfish | a. <u>square feet</u> | b. <u>square feet</u> | c. <u>square</u> | d. <u>square feet</u> |
| 21. <input type="checkbox"/> Fish Runs - Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above | a. <u>c/y dredged</u> | b. <u>c/y dredged</u> | | |
| 22. <input type="checkbox"/> Land Subject to Coastal Storm Flowage | a. <u>square feet</u> | b. <u>square feet</u> | | |
| 23. <input type="checkbox"/> Riverfront area | a. <u>total sq. feet</u> | b. <u>total sq. feet</u> | | |
| Sq feet within 100 feet | c. <u>square feet</u> | d. <u>square feet</u> | e. <u>square</u> | f. <u>square feet</u> |
| Sq feet between 100-200 feet | g. <u>square feet</u> | h. <u>square feet</u> | i. <u>square feet</u> | j. <u>square feet</u> |

C. General Conditions Under Massachusetts Wetlands Protection Act

Brief Project Description of Permitted Activities:

This SOC allows for the installation of a pond leveler and spillway guard to alleviate flooding conditions within Macey’s Pond off Main Street in West Newbury. This will entail installing a 10-inch ADS pipe extending approximately 20-feet into the pond with the intake of the pipe protected by a four (4) foot in diameter wire cage (the pond leveler). The top of the ADS pipe will be flush with the top of the sluice dam to maintain the water levels within the pond. The spillway guard will be custom built on site to ensure it will fit tightly against the riprap. All work shall occur in April once the ice has completely melted but no sooner than April 1 of any given year. If work cannot be performed in April, every effort shall be made to wait until mid-July when beaver kits, amphibians and reptiles are less dependent upon water levels. Work is prohibited from October 1 to March 30 of any given year.



C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

(only applicable to approved projects)

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
 - a. the work is a maintenance dredging project as provided for in the Act; or
 - b. the time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order.
6. If this Order constitutes an Amended Superseding Order of Conditions, this Amended Superseding Order of Conditions does not extend the issuance date of the original Final Order of Conditions and the Superseding Order will expire on _____ unless extended in writing by the Department.
7. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.
8. This Order is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.
9. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to the Department on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work.
10. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words,
"Massachusetts Department of Environmental Protection" [or, "MA DEP"]
"File Number 078-0763"



C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before DEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Department of Environmental Protection.
13. The work shall conform to the plans and special conditions referenced in this order.
14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Department in writing whether the change is significant enough to require the filing of a new Notice of Intent.
15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.
17. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Department.
18. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Department, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.

NOTICE OF STORMWATER CONTROL AND MAINTENANCE REQUIREMENTS

19. **The work associated with this Order (the “Project”) is (1) is not (2) subject to the Massachusetts Stormwater Standards. If the work is subject to the Stormwater Standards, then the project is subject to the following conditions:**
 - a) All work, including site preparation, land disturbance, construction, and redevelopment, shall be implemented in accordance with the construction period pollution prevention and erosion and sedimentation control plan and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Construction General Permit as required by Stormwater Condition 8. Construction period erosion, sedimentation and pollution control measures and best management practices (BMPs) shall remain in place until the site is fully stabilized.



C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

- b) No stormwater runoff may be discharged to the post-construction stormwater BMPs unless and until a Registered Professional Engineer provides a Certification that:
- i.* all construction period BMPs have been removed or will be removed by a date certain specified in the Certification. For any construction period BMPs intended to be converted to post construction operation for stormwater attenuation, recharge, and/or treatment, the conversion is allowed by the MassDEP Stormwater Handbook BMP specifications and that the BMP has been properly cleaned or prepared for post construction operation, including removal of all construction period sediment trapped in inlet and outlet control structures;
 - ii.* as-built final construction BMP plans are included, signed and stamped by a Registered Professional Engineer, certifying the site is fully stabilized;
 - iii.* any illicit discharges to the stormwater management system have been removed, as per the requirements of Stormwater Standard 10;
 - iv.* all post-construction stormwater BMPs are installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure that they are not damaged and that they are in proper working condition;
 - v.* any vegetation associated with post-construction BMPs is suitably established to withstand erosion.
- c) The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 19(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement ("O&M Statement") for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMPs Operation and Maintenance Plan ("O&M Plan") and certifying the following: *i.*) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and *ii.*) the future responsible parties shall be notified in writing of their ongoing legal responsibility to operate and maintain the stormwater management BMPs and implement the Stormwater Pollution Prevention Plan.
- d) Post-construction pollution prevention and source control shall be implemented in accordance with the long-term pollution prevention plan section of the approved Stormwater Report and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Multi-Sector General Permit.
- e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, and acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 19(f) through 19(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 19(f) through 19(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.
- f) The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.



C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

- g) The responsible party shall:
 1. Maintain an operation and maintenance log for the last three (3) consecutive calendar years of inspections, repairs, maintenance and/or replacement of the stormwater management system or any part thereof, and disposal (for disposal the log shall indicate the type of material and the disposal location);
 2. Make the maintenance log available to MassDEP and the Conservation Commission (“Commission”) upon request; and
 3. Allow members and agents of the MassDEP and the Commission to enter and inspect the site to evaluate and ensure that the responsible party is in compliance with the requirements for each BMP established in the O&M Plan approved by the issuing authority.
- h) All sediment or other contaminants removed from stormwater BMPs shall be disposed of in accordance with all applicable federal, state, and local laws and regulations.
- i) Illicit discharges to the stormwater management system as defined in 310 CMR 10.04 are prohibited.
- j) The stormwater management system approved in the Order of Conditions shall not be changed without the prior written approval of the issuing authority.
- k) Areas designated as qualifying pervious areas for the purpose of the Low Impact Site Design Credit (as defined in the MassDEP Stormwater Handbook, Volume 3, Chapter 1, Low Impact Development Site Design Credits) shall not be altered without the prior written approval of the issuing authority.
- l) Access for maintenance, repair, and/or replacement of BMPs shall not be withheld. Any fencing constructed around stormwater BMPs shall include access gates and shall be at least six inches above grade to allow for wildlife passage.

Special Conditions (See attached sheet(s) or below for additional Special Conditions numbered 20 through 41.)

See the attached document for a list of Special Conditions 20 through 41

**SUPERSEDING ORDER OF CONDITIONS
SPECIAL CONDITIONS**

**Macey's Pond, Off Main Street, West Newbury
DEP File No. 078-0763**

20. All work shall conform to the Notice of Intent, site plans and special conditions:
 - a. Notice of Intent, dated May 24, 2023 containing information from Best Way Wildlife Control
 - b. Correspondence from West Newbury Board of Health to MassDEP, dated November 1, 2023.
21. This Superseding Order of Conditions (Superseding Order) supersedes all previous Amended Orders of Conditions issued for the project, DEP File #078-0763. All work shall conform to the plans and documentation referenced above unless otherwise specified in the Superseding Order. In case of a conflict, the conditions of this Superseding Order shall prevail.
22. A copy of this Superseding Order shall be included in all construction contracts and shall supersede any conflicting requirements.
23. A copy of this Superseding Order as well as the plans referenced in Special Condition No. 20 shall be available on site while activities regulated by this Superseding Order are being performed. In addition to the owners, all contractors and subcontractors shall be held responsible for compliance with this Superseding Order.
24. No work shall commence on-site until all appeal periods have elapsed and this Superseding Order has been recorded with the Registry of Deeds and MassDEP has been formally notified via the form provided at the end of this Superseding Order.
25. This Superseding Order shall apply to any successor or assigns in interest or control and any other party engaging in activity on the property identified in the Notice of Intent. The applicant shall notify MassDEP in writing within 30 days of all transfers of title of any portion of property that takes place prior to the issuance of a Certificate of Compliance.
26. Any proposed or executed change in the plans approved under this Superseding Order shall require the applicant to inquire of MassDEP in writing whether the change is substantial enough to require the filing of a new Notice of Intent (NOI). A copy shall be sent at the same time to the West Newbury Conservation Commission (WNCC). Any errors in the plans or information submitted by the applicant shall be considered changes and the above procedures shall be followed.
27. Members and agents of MassDEP and the WNCC shall have the right to enter and inspect the premises to evaluate compliance with the conditions contained in this Superseding

- Order and may require the submittal of any data deemed necessary by MassDEP for that evaluation.
28. Prior to the pre-construction meeting, the applicant shall provide MassDEP with a contact list containing the telephone number, address, and email for the site contractor(s).
 29. Prior to the pre-construction meeting, the applicant shall submit a detailed construction schedule to MassDEP with a copy provided to the WNCC. Work shall not commence until MassDEP has approved the construction sequence.
 30. Prior to the start of work described in Special Condition No. 29, there shall be a pre-construction meeting between the applicant, the contractor(s) performing the work, a representative from the WNCC and MassDEP to ensure the requirements of the Superseding Order are understood. Arrangements for the meeting shall be with made with MassDEP at least two (2) weeks prior to any activity. Please contact Pamela Merrill, MassDEP, Wetlands Program at 857.772.6982 or at pamela.merrill@mass.gov.
 31. Only partial breaching of the beaver dam is allowed under this Superseding Order. **All work shall occur in April** once the ice has completely melted but no sooner than April 1 of any given year. If work cannot be performed in April, every effort shall be made to wait until mid-July when beaver kits, amphibians and reptiles are less dependent upon water levels. **Work is prohibited from October 1 to March 30 of any given year.**
 32. Breaching of the dam shall not occur during and/or immediately following a rain event of one (1) inch or greater in a 24-hour period or a significant snowmelt. In addition, breaching shall not occur unless a rain event (or significant snowmelt) described above has adequately infiltrated.
 33. Partial breaching of the dam and the installation of the pond leveler and spillway guard shall be done by hand. Use of heavy machinery is prohibited unless authorized by MassDEP in advance.
 34. The width and depth of the partial breach shall be shallow and broad so that it will not cause an overflow at the road culvert or stream channel downstream of the culvert.
 35. Partial breaching of the dam must be done in a controlled manner to prevent downstream flooding, adverse impacts to the wildlife habitat located up and downstream, including the beaver habitat, and sudden changes to the hydrology of Macey's Pond and the surrounding Bordering Vegetated Wetlands (BVW).
 36. The pond leveler and spillway guard shall be inspected a few days after installation and at least once first month thereafter to ensure it the pipe is working as intended.

37. The pond leveler shall be maintained a minimum of twice per year, particularly in the spring and fall. Maintenance of accumulated leaves, debris and sediment shall occur as needed to keep the pipe clear and functional. **This condition shall remain effect in perpetuity and shall be recorded on the Certificate of Compliance.**
38. MassDEP shall be immediately notified of any unauthorized discharges of sediments into the wetland resource areas, and the applicant shall take immediate steps to correct the problem. MassDEP reserves the right to require additional erosion controls and/or damage prevention controls that are deemed necessary.
39. At no time during or after construction shall fill or other material be placed, slump into or fall beyond the limit of grading as shown on the plan. The applicant shall be responsible for inspecting and maintaining all slopes and shall immediately notify the MassDEP and the WNCC if slumping, erosion, or encroachment occurs.
40. There shall be no discharge or spillage of fuel, oil, or other pollutants, including sediments, onto any part of the site. The applicant shall take all reasonable precautions to prevent the release of pollutants by ignorance, accident, or vandalism.
41. Upon completion of the project, the applicant shall request a Certificate of Compliance (WPA Form 8A) from MassDEP and shall submit the following information with the request:
 - a. A written statement prepared and signed by the professional who installed the pond leveler and spillway guard certifying compliance with this Superseding Order and setting forth deviations if any exist.



D. Findings Under Municipal Wetlands Bylaw or Ordinance

To the extent that the Order is based on a municipal bylaw or ordinance, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no jurisdiction to supersede the local by-law order.

E. Issuance

This Order is valid for three years from the date of issuance, unless otherwise specified as a special condition pursuant to General Conditions # 4 or # 6.

Issued by: **Massachusetts Department of Environmental Protection:**

Northeast Regional Office

MassDEP Regional Office

Wetland Section Chief Signature

Jill Provencal

Wetland Section Chief Printed Name

12.19.23

Date

This Order is issued to the applicant as follows:

by Hand delivery on

by certified mail on:

12.19.23

Date

Date – Certified Mail #



F. Appeal Rights and Time Limits

The applicant, the landowner, the conservation commission, any person aggrieved by the Superseding Order, Determination or other Reviewable Decision as defined at 310 CMR 10.04, who previously participated in the proceedings leading to this Reviewable Decision, the conservation commission, or any ten (10) residents of the city or town where the land is located if at least one resident was previously a participant in the permit proceeding, are hereby notified of their right to appeal this Reviewable Decision pursuant to M.G.L. c.30A, § 10, provided the request is made by certified mail or hand delivery to the Department, along with the appropriate filing fee and a MassDEP Fee Transmittal Form within ten (10) business days of the date of issuance of this Superseding Order or Determination, and addressed to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, Suite 900
Boston, MA 02114

A copy of the request (hereinafter also referred to as Appeal Notice) shall at the same time be sent by certified mail or hand delivery to the Conservation Commission, the applicant, the person that requested the Superseding Order or Determination, and the issuing office of the MassDEP at:

MassDEP – Northeast Region
Wetlands Program
150 Presidential Way
Woburn, MA 01801

In the event that a ten-resident group requested the Superseding Order or Determination, the Appeal Notice shall be served on the designated representative of the ten-resident group, whose name and contact information is included in this Reviewable Decision (when relevant).

Contents of Appeal Notice

An Appeal Notice shall comply with the Department's Rules for Adjudicatory Proceedings, 310 CMR 1.01(6) and 310 CMR 10.05(7)(j), and shall contain the following information:

- a) the MassDEP Wetlands File Number, name of the applicant, landowner if different from applicant, and address of the project;
- b) the complete name, mailing address, email address, and fax and telephone numbers of the party filing the Appeal Notice; if represented by consultant or counsel, the name, fax and telephone numbers, email address, and mailing address of the representative; if a ten residents group, the same information for the group's designated representative;
- c) if the Appeal Notice is filed by a ten (10) resident group, then a demonstration of participation by at least one resident in the previous proceedings that led to this Reviewable Decision;
- d) if the Appeal Notice is filed by an aggrieved person, then a demonstration of participation in the previous proceeding that led to this Reviewable Decision and sufficient written facts to demonstrate status as a person aggrieved;
- e) the names, telephone and fax numbers, email addresses, and mailing addresses of all other interested parties, if known;



F. Appeal Rights and Time Limits (cont.)

- f) a clear and concise statement of the alleged errors contained in the Department's decision and how each alleged error is inconsistent with 310 CMR 10.00 and does not contribute to the protection of the interests identified in the Wetlands Protection Act, M.G.L. c.131, § 40, including reference to the statutory or regulatory provisions that the party filing the Appeal Notice alleges has been violated by the Department's Decision, and the relief sought, including any specific desired changes to the Department's decision;
- g) a copy of the Department's Reviewable Decision that is being appealed and a copy of the underlying Conservation Commission decision if the Reviewable Decision affirms the Conservation Commission decision;
- h) a statement that a copy of the request has been sent by certified mail or hand delivery to the applicant and the conservation commission; and
- i) if asserting a matter that is Major and Complex, as defined at 310 CMR 10.04(1), a statement requesting that the Presiding Officer make a designation of Major and Complex, with specific reasons supporting the request.

Filing Fee and Address

A copy of the Appeal Notice along with a MassDEP Fee Transmittal Form and a valid check or money order payable to the Commonwealth of Massachusetts in the amount of one hundred dollars (\$100) must be mailed to:

Commonwealth of Massachusetts
Department of Environmental Protection
Commonwealth Master Lockbox
P.O. Box 4062
Boston, Massachusetts 02211

The request will be dismissed if the filing fee is not paid unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city or town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory hearing filing fee pursuant to 310 CMR 4.06(2) for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file an affidavit setting forth the facts believed to support the claim of undue financial hardship together with the hearing request as provided above.



G. Recording Information

This Superseding Order of Conditions must be recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Conditions. The recording information on this page shall be submitted to the Department.

To: Massachusetts Department of Environmental Protection Northeast Regional Office
 Issuing Authority
150 Presidential Way, Woburn, MA 01801
 MassDEP Regional Office Address

Please be advised that the Order of Conditions for the Project at:

Macey's Pond, Main Street, West Newbury 078-0763
 Project Location (Street and Town) MassDEP File Number

Has been recorded at the Registry of Deeds of:

Essex _____ _____
 County Book Page

For: _____
 Property Owner

and has been noted in the chain of title of the affected property in:

_____ _____
 Book Page

In accordance with the Order of Conditions issued on:

 Date

If recorded land, the instrument number identifying this transaction is:

 Instrument Number

If registered land, the document number identifying this transaction is:

_____ _____
 Document Number Signature of Applicant



C.b.

December 27, 2023

Mr. Mark Marlowe, Water Superintendent
West Newbury Water Department
381 Main Street
West Newbury, MA 01985

RECEIVED
JAN 02 2024
TOWN MANAGER
TOWN OF WEST NEWBURY

Subject: Recommendation of Award
Church Street and Prospect Street Water Main Replacement
T&H No. 6871

Dear Mr. Marlowe:

Sealed bids for the subject project were received at the West Newbury Town Hall until 10:00 AM local time, on Wednesday, December 20, 2023, at which time bids were publicly opened and read aloud. The "Advertisement for Bids" was properly published in the Newburyport Daily News newspaper on Friday, December 1, 2023.

A total of six bids were received for the project. Bids were received from the following firms with total bid prices as indicated. The Canvass of Bids, summarizing unit costs for all six bids, is attached to this letter.

<u>Bidder</u>	<u>Base Bid Amount</u>
DeFelice Corp.	\$1,821,191.00
N. Granese & Sons, Inc.	\$1,887,252.30
Joseph P. Cardillo & Son, Inc.	\$1,955,402.80
Albanese D&S, Inc.	\$1,995,722.35
N. Cibotti, Inc.	\$2,152,915.65
J. Tropeano, Inc.	\$2,853,550.00

Tata & Howard, Inc. has reviewed the bids and checked appropriate references, and we are of the opinion that DeFelice Corp., 28 Silva Lane, Dracut, MA 01826, is the lowest responsible and eligible bidder. We hereby recommend that the Contract be awarded to said company in an

Tata & Howard
67 Forest Street | Marlborough, MA 01752
T: 508-303-9400 | F: 508-449-9400
www.tataandhoward.com

Other Offices
MA | NH | CT | AZ

amount equal to One Million Eight Hundred Twenty-One Thousand One Hundred Ninety-One Dollars and Zero Cents (\$1,821,191.00).

If you concur with our recommendation, please sign and forward six (6) copies of the enclosed Notice of Award to the appropriate officials for execution and return all original copies to our office. Upon receipt of DeFelice Corp.'s bonds and insurance information, we will forward to you six (6) original copies of the Contract Agreement and Notice to Proceed for your signature. All original bids will be returned to you by mail so they may be retained on file at Town Hall.

Please contact us should you have any questions or require additional information.

Sincerely,

TATA & HOWARD, INC.



Jon W. Gregory, P.E.
Vice President

Enclosures

SECTION 00500
NOTICE OF AWARD

RECEIVED
JAN 02 2024
TOWN MANAGER
TOWN OF WEST NEWBURY
DATED: _____

TO: DeFelice Corp.
(Bidder)
ADDRESS: 28 Silva Lane, Dracut, MA 01826

OWNER: Town of West Newbury, Massachusetts

ADDRESS: 381 Main Street, West Newbury, Massachusetts 01985

FOR CHURCH STREET AND PROSPECT STREET WATER MAIN REPLACEMENT

Owner has considered the Bid Form submitted by you for the above described Work in response to its Advertisement for Bids dated December 1, 2023 and Instructions to Bidders.

The Contract Price of your contract is:

One Million Eight Hundred Twenty-One Thousand One Hundred Ninety-One Dollars

(\$1,821,191.00).

Six (6) copies of the proposed Contract Documents accompany this Notice of Award.

You must comply with the following conditions precedent within five (5) days, Saturdays, Sundays and legal holidays excluded, of the date of this Notice of Award.

1. You must deliver to the Owner six (6) fully executed counterparts of the Agreement including all the Contract Documents. Each of the Contract Documents must bear your signature on the cover page.
2. You must deliver with the executed Contract Documents, the Contract Security (Bonds, and Certificates of Insurance) as specified in the Instructions to Bidders, General Conditions, and Supplementary Conditions.

If you fail to execute said Agreement and to furnish said Bonds within five (5) days (Saturdays, Sundays and legal holidays excluded) from the date of this notice, said Owner will be entitled to consider all your rights arising out of the Owner's acceptance of your Bid Form as abandoned and as a forfeiture of your Bid Bond. The Owner will be entitled to such other rights as may be granted by law.

You are required to return an acknowledged copy of this Notice of Award to the Owner.

NOTICE OF AWARD
00500-1

6871

Dated this _____ day of _____, 20____

OWNER: Town of West Newbury, Massachusetts

By _____
(Authorized Signature) (Title)

By _____
(Authorized Signature) (Title)

By _____
(Authorized Signature) (Title)

ACCEPTANCE OF NOTICE

Receipt of the above NOTICE OF AWARD is hereby acknowledged by Defelice Corp. this the
_____ day of _____, 20____

By _____
(Authorized Signature) (Title)

END OF SECTION

Water Superintendent

From: Steven Daunais <sdaunais@tataandhoward.com>
Sent: Wednesday, January 3, 2024 10:37 AM
To: Water Superintendent; WNWater
Cc: Jon Gregory
Subject: West Newbury Water Main

Mark,

Per our conversation, the water main costs are in the table below. The costs include Defelice's bid price, a 5% contingency, and construction admin and resident costs.

Water Main Contract – Defelice Corp.	\$1,821,191
Contingency (5%)	\$91,060
Construction Administration	\$84,100
Resident Project Representation	\$124,400
Total	\$2,120,751

Let us know if you have any questions.

Steven Daunais, P.E. (MA)

Project Manager



TATA & HOWARD

67 Forest Street
Marlborough, MA 01752
D: (508) 925-7569
C: (617) 840-5053

Help save the environment: think before you print.

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Canvass of Bids
Church Street and Prospect Street Water Main Replacement
West Newbury, Massachusetts

Bid Opening: December 20, 2023, 10:00 AM

Item No.	Est. Quantity	Units	Item Description	Defelice Corp.		N. Granese & Sons, Inc.		Joseph P. Cardillo & Son, Inc.		Albanese D&S, Inc.		N. Cibotti, Inc.		J. Tropeano, Inc.	
				Unit Price	Price	Unit Price	Price	Unit Price	Price	Unit Price	Price	Unit Price	Price	Unit Price	Price
1	1	LS	Mobilization/Demobilization	\$ 75,000.00	\$ 75,000.00	\$ 50,000.00	\$ 50,000.00	\$ 85,000.00	\$ 85,000.00	\$ 82,000.00	\$ 82,000.00	\$ 75,000.00	\$ 75,000.00	\$ 125,000.00	\$ 125,000.00
2	30	CY	Test Pits	\$ 50.00	\$ 1,500.00	\$ 0.01	\$ 0.30	\$ 50.00	\$ 1,500.00	\$ 0.01	\$ 0.30	\$ 0.01	\$ 0.30	\$ 325.00	\$ 9,750.00
3	200	CY	Excavation Below Grade	\$ 27.00	\$ 5,400.00	\$ 0.01	\$ 2.00	\$ 0.01	\$ 2.00	\$ 0.01	\$ 2.00	\$ 0.01	\$ 2.00	\$ 70.00	\$ 14,000.00
4	100	CY	Rock Removal	\$ 210.00	\$ 21,000.00	\$ 50.00	\$ 5,000.00	\$ 100.00	\$ 10,000.00	\$ 50.00	\$ 5,000.00	\$ 220.00	\$ 22,000.00	\$ 215.00	\$ 21,500.00
5	5000	LB	Fittings and Appurtenances	\$ 0.01	\$ 50.00	\$ 0.01	\$ 50.00	\$ 0.01	\$ 50.00	\$ 0.01	\$ 50.00	\$ 0.01	\$ 50.00	\$ 7.00	\$ 35,000.00
6	250	LF	6-Inch Ductile Iron Pipe	\$ 142.00	\$ 35,500.00	\$ 50.00	\$ 12,500.00	\$ 100.00	\$ 25,000.00	\$ 130.00	\$ 32,500.00	\$ 0.01	\$ 2.50	\$ 175.00	\$ 43,750.00
7	7400	LF	8-Inch Ductile Iron Pipe	\$ 104.69	\$ 774,706.00	\$ 131.00	\$ 969,400.00	\$ 120.00	\$ 888,000.00	\$ 130.00	\$ 962,000.00	\$ 155.00	\$ 1,147,000.00	\$ 195.00	\$ 1,443,000.00
8	30	LF	10-Inch Ductile Iron Pipes	\$ 374.00	\$ 11,220.00	\$ 160.00	\$ 4,800.00	\$ 0.01	\$ 0.30	\$ 130.00	\$ 3,900.00	\$ 0.01	\$ 0.30	\$ 90.00	\$ 2,700.00
9	50	LF	12-Inch Ductile Iron Pipes	\$ 245.00	\$ 12,250.00	\$ 180.00	\$ 9,000.00	\$ 0.01	\$ 0.50	\$ 130.00	\$ 6,500.00	\$ 0.01	\$ 0.50	\$ 95.00	\$ 4,750.00
10	1350	LF	1-Inch Service Tubing	\$ 9.00	\$ 12,150.00	\$ 5.00	\$ 6,750.00	\$ 50.00	\$ 67,500.00	\$ 130.00	\$ 175,500.00	\$ 50.00	\$ 67,500.00	\$ 125.00	\$ 168,750.00
11	14	EA	Hydrants	\$ 9,500.00	\$ 133,000.00	\$ 7,500.00	\$ 105,000.00	\$ 8,000.00	\$ 112,000.00	\$ 5,300.00	\$ 74,200.00	\$ 7,000.00	\$ 98,000.00	\$ 7,500.00	\$ 105,000.00
12	15	EA	6-Inch Gate Valves and Boxes	\$ 3,500.00	\$ 52,500.00	\$ 2,500.00	\$ 37,500.00	\$ 2,000.00	\$ 30,000.00	\$ 6,000.00	\$ 90,000.00	\$ 2,500.00	\$ 37,500.00	\$ 4,000.00	\$ 60,000.00
13	16	EA	8-Inch Gate Valves and Boxes	\$ 4,500.00	\$ 72,000.00	\$ 4,500.00	\$ 72,000.00	\$ 4,000.00	\$ 64,000.00	\$ 6,000.00	\$ 96,000.00	\$ 3,500.00	\$ 56,000.00	\$ 4,000.00	\$ 64,000.00
14	4	EA	12-Inch Gate Vales and Boxes	\$ 10,500.00	\$ 42,000.00	\$ 5,500.00	\$ 22,000.00	\$ 10,000.00	\$ 40,000.00	\$ 10,000.00	\$ 40,000.00	\$ 11,000.00	\$ 44,000.00	\$ 17,500.00	\$ 70,000.00
15	58	EA	1-Inch Corporation Stop	\$ 1,850.00	\$ 107,300.00	\$ 2,000.00	\$ 116,000.00	\$ 1,500.00	\$ 87,000.00	\$ 1,000.00	\$ 58,000.00	\$ 1,200.00	\$ 69,600.00	\$ 325.00	\$ 18,850.00
16	58	EA	1-Inch Curb Stop and Box	\$ 280.00	\$ 16,240.00	\$ 300.00	\$ 17,400.00	\$ 500.00	\$ 29,000.00	\$ 300.00	\$ 17,400.00	\$ 1,000.00	\$ 58,000.00	\$ 275.00	\$ 15,950.00
17	5310	LF	Environmental Controls (Straw Wattles)	\$ 10.00	\$ 53,100.00	\$ 5.00	\$ 26,550.00	\$ 10.00	\$ 53,100.00	\$ 7.00	\$ 37,170.00	\$ 6.00	\$ 31,860.00	\$ 5.00	\$ 26,550.00
18	5250	LF	Temporary Trench Pavement (Town and MassDOT Jurisdiction)	\$ 12.80	\$ 67,200.00	\$ 16.00	\$ 84,000.00	\$ 20.00	\$ 105,000.00	\$ 10.00	\$ 52,500.00	\$ 14.00	\$ 73,500.00	\$ 30.00	\$ 157,500.00
19	5150	LF	Permanent Trench Pavement (Town Jurisdiction)	\$ 32.50	\$ 167,375.00	\$ 32.00	\$ 164,800.00	\$ 35.00	\$ 180,250.00	\$ 20.00	\$ 103,000.00	\$ 36.00	\$ 185,400.00	\$ 50.00	\$ 257,500.00
20	100	LF	MassDOT Permanent Trench Pavement (7.5-Inches)	\$ 62.00	\$ 6,200.00	\$ 70.00	\$ 7,000.00	\$ 130.00	\$ 13,000.00	\$ 100.00	\$ 10,000.00	\$ 150.00	\$ 15,000.00	\$ 125.00	\$ 12,500.00
21	100	LF	MassDOT Mill and Overlay	\$ 30.00	\$ 3,000.00	\$ 200.00	\$ 20,000.00	\$ 125.00	\$ 12,500.00	\$ 100.00	\$ 10,000.00	\$ 175.00	\$ 17,500.00	\$ 200.00	\$ 20,000.00
22	1	LS	Culvert Crossing	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 5,000.00	\$ 5,000.00	\$ 20,000.00	\$ 20,000.00	\$ 40,000.00	\$ 40,000.00
23	5	EA	Repair and Replace Existing Drain Conflicts	\$ 500.00	\$ 2,500.00	\$ 1,500.00	\$ 7,500.00	\$ 500.00	\$ 2,500.00	\$ 0.01	\$ 0.05	\$ 0.01	\$ 0.05	\$ 500.00	\$ 2,500.00
24	1	ALL	Uniformed Police Officers	\$ 125,000.00	\$ 125,000.00	\$ 125,000.00	\$ 125,000.00	\$ 125,000.00	\$ 125,000.00	\$ 125,000.00	\$ 125,000.00	\$ 125,000.00	\$ 125,000.00	\$ 125,000.00	\$ 125,000.00
25	1	ALL	Price Adjustment: Hot Mix Asphalt Mixtures	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00
26	1	ALL	Price Adjustment: Fuel	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00
TOTAL BID AMOUNT					\$ 1,821,191.00		\$ 1,887,252.30		\$ 1,955,402.80		\$ 1,995,722.35		\$ 2,152,915.65		\$ 2,853,550.00

December 19, 2023

VIA EMAIL

Kaitlin Gilbert, Treasurer
Town of West Newbury
381 Main Street
West Newbury, Massachusetts 01985

(West Newbury Water Main Bonds)

We are now ready to approve the issue of the following bonds by the Town of West Newbury, Massachusetts (the “Town”):

\$2,700,000 Water Main Bonds, payable within 40 years from their dates under G.L. c.44, §8(5) and/or G.L. c.29C and a vote of the Town passed April 24, 2023 (Article 7).

The rendering of our opinion is dependent upon appropriate confirmation of all our previously stated assumptions and on receipt of the usual papers relating to the sale and delivery of the bonds. We express no opinion regarding any tax consequences related to the ownership or disposition of, or the accrual or receipt of interest on, the bonds or any notes issued in anticipation thereof.

Although we take no responsibility for the accuracy or adequacy of the offering material for the bonds, or for notes issued in anticipation of the bonds, we request the opportunity to see a draft of the notice of sale and accompanying financial and descriptive information concerning the Town substantially prior to its publication or distribution to prospective bidders for the bonds or notes.



LOCKE LORD LLP

cc: Angus Jennings, Town Manager
Hilltop Securities Inc.

Town Manager

From: Town Manager
Sent: Friday, January 5, 2024 6:23 PM
To: Abby Jeffers; Peter Frazier; Monica Mulcahy
Cc: Town Treasurer; Town Accountant; Mark Marlowe; WNWATER
Subject: Church/Prospect bid results
Attachments: Cb1 Church Prospect bid summary docs early Jan 2024.pdf

Abby/Peter,

Please find attached. As noted previously, the BOWC will meet next Wednesday to formally award the construction contract.

We would be interested in scheduling a zoom the week of Jan 15th to review approach and timing for borrowing. This will include discussion of how best to handle the recommended contingency. Since final project costs won't be known until the project is complete/closed out, BANs would often be a good option, but maybe not in this case because the new borrowing will address both this project and the remaining principal for the existing BANs. There is also the matter of the ARPA funds, which will reduce the amount necessary to borrow.

We'll be interested in working through the details so Hilltop can then provide an updated estimated debt service schedule (for FY25) so the Board of Water Commissioners can account for this when they review/increase rates late winter (I would guess sometime in March but this date/timeline isn't set in stone).

Thanks!
Angus

Angus Jennings, Town Manager
Town of West Newbury
Town Office Building
381 Main Street
West Newbury, MA 01985
(978) 363-1100 x111
townmanager@wnewbury.org

From: Abby Jeffers [REDACTED]
Sent: Thursday, January 4, 2024 8:30 AM
To: Town Manager <townmanager@wnewbury.org>
Cc: Town Accountant <townaccountant@wnewbury.org>; Town Treasurer <treasurer@wnewbury.org>; Town Clerk <townclerk@wnewbury.org>; Peter Frazier [REDACTED]; Monica Mulcahy [REDACTED]
Subject: RE: West Newbury Requirements Letter--Water Mains

Good Morning and Happy New Year!

That's wonderful news!!! Please share the additional information as it becomes available.

Congratulations on the great news!
Abby

Abby Jeffers

Hilltop Securities Inc.
Senior Vice President | Investment Banker
54 Canal Street, Suite 320 | Boston, MA 2114

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From: Town Manager <townmanager@wnewbury.org>
Sent: Wednesday, January 3, 2024 5:47 PM
To: Abby Jeffers [REDACTED]; Peter Frazier [REDACTED]; Monica Mulcahy [REDACTED]
Cc: Town Accountant <townaccountant@wnewbury.org>; Town Treasurer <treasurer@wnewbury.org>; Town Clerk <townclerk@wnewbury.org>
Subject: RE: West Newbury Requirements Letter--Water Mains

EXTERNAL SENDER

Hi,

I'm pleased to report that at the Church/Prospect bid opening held recently, 6 bids were received. It looks like the project cost will come in lower than had been projected. The Board of Water Commissioners will meet next Wednesday to formally award a contract, and we're working with the project engineers (Tata & Howard) to update the overall project costs (incl. construction administration) so we know how much we'll need to borrow. Once I have an updated estimate (likely in the coming days) will let you know.

Thanks, and happy new year!
Angus

Angus Jennings, Town Manager
Town of West Newbury
Town Office Building
381 Main Street
West Newbury, MA 01985
(978) 363-1100 x111
townmanager@wnewbury.org

From: Abby Jeffers [REDACTED]
Sent: Tuesday, December 19, 2023 6:53 PM
To: Town Manager <townmanager@wnewbury.org>; Town Accountant <townaccountant@wnewbury.org>; Town

Town Manager

From: Town Manager
Sent: Friday, January 5, 2024 6:31 PM
To: Abby Jeffers; Peter Frazier; Monica Mulcahy
Cc: Town Treasurer; Walsh, Jennifer; Mark Marlowe; WNWater
Subject: FW: West Newbury Water Main
Attachments: 232714-10 Invoice - Executed.pdf; Application No. 10 Letter.pdf; Application No. 12 - Executed.pdf; Application No. 12 Letter.pdf; BANs balance report 1-4-24.pdf

Abby/Peter,

In addition to the prior questions, we'll want to understand how best to handle the remaining principal balance in the BANs. I reviewed the balances with Jenny yesterday and – after both the BAN-funded projects are complete and signed-off (see attached, first 4 documents, for your files) – there is a remaining principal balance of about \$189k (see 5th attached document). We assume this amount will not need to be built into the new borrowing (long-term debt, or BANs) this late-spring/early-summer (prior to July BAN maturity), but will look to your office for guidance to be sure this is all handled properly.

Thanks,
Angus

Angus Jennings, Town Manager
Town of West Newbury
Town Office Building
381 Main Street
West Newbury, MA 01985
(978) 363-1100 x111
townmanager@wnewbury.org

From: Steven Daunais [REDACTED]
Sent: Friday, January 5, 2024 3:47 PM
To: Town Manager <townmanager@wnewbury.org>; Jon Gregory [REDACTED]
Cc: Water Superintendent <water.superintendent@wnewbury.org>; WNWater <wnwater@wnewbury.org>; Town Accountant <townaccountant@wnewbury.org>
Subject: RE: West Newbury Water Main

Angus,

The final pay applications for both projects along with our letters to the Town noting these are the final pay applications and that all retainage should be released are attached.

Steven Daunais, P.E. (MA)
Project Manager



67 Forest Street
Marlborough, MA 01752

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From: Town Manager <townmanager@wnewbury.org>
Sent: Friday, January 5, 2024 9:51 AM
To: Steven Daunais [REDACTED]; Jon Gregory [REDACTED]
Cc: Water Superintendent <water.superintendent@wnewbury.org>; WNWWater <wnwater@wnewbury.org>; Town Accountant <townaccountant@wnewbury.org>
Subject: RE: West Newbury Water Main

Ok thanks. Though the updated cost contingency shows as 5% per your earlier email not 10%. We can clarify the labeling for the package we're putting together for our financial advisors (Hilltop Securities) who assist us with the bonding process.

In my experience, towns often do short-term borrowing (BANs) for the first year or couple of years of a project, then only go to long-term debt once the project is complete/closed-out, since they don't know true/total project costs until then (and it isn't good to borrow and pay interest on contingency that may not be needed). However since we're already a few years into BANs for the water tank/chem building we'll be looking closely at how best to handle this.

Re the water tank/chem building, it's my understanding that both of those projects are 100% complete and closed out. Can you please verify, and if there is a T&H memo to that effect that's been provided to the Water Dept in the past is that something you can send? It would be good for the Finance office to have on file so we can feel confident in using the unspent BAN funds to pay down principal. Thanks again -

Angus Jennings, Town Manager
Town of West Newbury
Town Office Building
381 Main Street
West Newbury, MA 01985
(978) 363-1100 x111
townmanager@wnewbury.org

From: Steven Daunais [REDACTED]
Sent: Friday, January 5, 2024 9:06 AM
To: Town Manager <townmanager@wnewbury.org>; Jon Gregory [REDACTED]
Cc: Water Superintendent <water.superintendent@wnewbury.org>; WNWWater <wnwater@wnewbury.org>; Town Accountant <townaccountant@wnewbury.org>
Subject: RE: West Newbury Water Main

Angus,

I updated the table you sent to also include the actual bid price, engineering, and contingency at 10% in the far right column.

Item	Estimated Cost	Updated Cost
Construction:	\$2,595,000	\$1,821,191
Engineering (Construction Services Only)	\$210,000	\$208,500
Construction Contingency (20%):	\$520,000	\$91,060
Construction Total:	\$3,325,000	\$2,120,751

Steven Daunais, P.E. (MA)

Project Manager



TATA & HOWARD

67 Forest Street
Marlborough, MA 01752

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From: Town Manager <townmanager@wnewbury.org>
Sent: Thursday, January 4, 2024 8:20 PM
To: Steven Daunais [REDACTED]; Jon Gregory [REDACTED]
Cc: Water Superintendent <water.superintendent@wnewbury.org>; WNWater <wnwater@wnewbury.org>; Town Accountant <townaccountant@wnewbury.org>
Subject: RE: West Newbury Water Main

Steve,

The breakdown you provided to Water Dept. is helpful, thank you. Can you please confirm this is an “apples to apples” accounting relative to the earlier (estimated) breakdown Jon had provided on Nov 1 (copied below):

A breakdown of the \$3.325 million estimate of probable construction cost for the Church Street and Prospect Street Water Main project provided in April is noted below. If further breakdown of this cost is needed, please let us know. Thank you.

Item	Estimated Cost
Construction:	\$2,595,000
Engineering (Construction Services Only)	\$210,000
Construction Contingency (20%):	\$520,000

Construction Total:	\$3,325,000
----------------------------	--------------------

What we are trying to get at is to ensure that we work with our financial advisors/bond counsel to borrow/bond the appropriate amount. Comparing the two amounts suggests that our actual borrowing for this project could be about \$700k less than had been estimated (just based on construction costs), due to favorable bids received, but we obviously need to be sure we're comparing the numbers correctly. We'll also be looking closely at how best to account for contingency, since the project's true cost obviously won't be knowable until it's fully complete and closed out.

Thanks,
Angus

Angus Jennings, Town Manager
Town of West Newbury
Town Office Building
381 Main Street
West Newbury, MA 01985
(978) 363-1100 x111
townmanager@wnewbury.org

From: Steven Daunais [REDACTED]
Date: January 3, 2024 at 10:37:06 AM EST
To: Water Superintendent <water.superintendent@wnewbury.org>, WNWater <wnwater@wnewbury.org>
Cc: Jon Gregory [REDACTED]
Subject: West Newbury Water Main

Mark,

Per our conversation, the water main costs are in the table below. The costs include Defelice's bid price, a 5% contingency, and construction admin and resident costs.

Water Main Contract – Defelice Corp.	\$1,821,191
Contingency (5%)	\$91,060
Construction Administration	\$84,100
Resident Project Representation	\$124,400
Total	\$2,120,751

Let us know if you have any questions.



MASSWILDLIFE

MASSACHUSETTS PROJECT REVIEW CHECKLIST

Massachusetts Endangered Species Act M.G.L. c.131A and Regulations (321 CMR 10.00)

Project Details

*Project or Site Name: _____

*Street Address/Location: _____

*Town(s): _____

*Total Site Acreage: _____ *Acreage of Disturbance¹: ~1.75 (acreage of measured areas shown on attached maps)

Parcel/lot number: _____ Assessors map/plat number: _____

Project Description (If necessary, a project/site description can also be provided as an attachment): _____

Cut and remove trees and limbs from the roadway right-of-way that have been deemed hazardous by the town's tree warden. Many ash trees are dead due to Emerald Ash Borer and oak trees are dead due to tent caterpillars. Trees will be cut with all equipment located on the roadway and all wood, branches, and wood chips will be removed and disposed lawfully off site. Tree stumps will be left and no roots will be pulled as part of the removals.

Registry of deeds information²

Registry: _____ Certificate # (if registered land): _____

Book: _____ Page Number: _____

Do you have a previous NHESP Tracking number? (Yes / No) If yes, please provide: _____

Will this project require a filing with the Conservation Commission and/or DEP pursuant to the Wetlands Protection Act (WPA)? (Yes / No)

Map

*Required: Enclose a map with the site location clearly marked and centered on the page.

Trees proposed for removal in buffer zone and riverfront area meet exemption 310CMR10.02(2)(b)2.n.i. "Vegetation cutting for road safety maintenance, limited to the following: Removal of diseased or damaged trees or branches that pose an immediate and substantial threat to driver safety from falling into the roadway;

Landowner Info

*Are you the Record Owner³ of the property? (Yes / No)

*If No, are you a representative of the Record Owner or do you have permission from the Record Owner to submit this request or filing?⁴ (Yes / No)

*Landowner Name _____ Organization (if applicable) _____

*Street Address/Location _____ *City/Town _____ *State _____ *Zip Code _____

Email _____ Telephone _____

Comments/Purpose of request⁵: _____

¹ Please disclose the full acreage of disturbance associated with the project, including areas outside of Priority Habitat.

² If your project contains more than one registered property, please attach a document listing the Registry information for each.

³ Record Owner means any person or entity holding a legal or equitable interest, right or title to real property, as reflected in a written instrument or recorded deed, or any person authorized in writing by such person.

⁴ If you are not the record owner, a statement or proof that you are authorized by the record owner must be attached.

⁵ Provide the authorization you have to submit this request if you are not the record owner and not a representative of the record owner.

Applicant Info

Applicant Name (if different from Landowner)		Organization (if applicable)	
Street Address/Location	City/Town	State	Zip Code
Email (if available)		Telephone	

Representative Info

Representative Name (if different from Landowner)		Organization (if applicable)	
Street Address/Location	City/Town	State	Zip Code
Email (if available)		Telephone	

*Required Documents

- USGS map (1:24,000 or 1:25,000) with property boundary clearly outlined
 - Project plans for entire site (including wetland Resource Areas, showing existing and proposed conditions, existing and proposed tree/vegetation clearing line, and clearly demarcated limits of work)
 - Assessor's map or right-of-way plan of site
 - Statement/proof that applicant is the Record Owner or that applicant is a person authorized in writing by the record owner to submit this filing
 - Photographs representative of the site
- Projects altering 10 or more acres, must also submit:
- A vegetation cover type map of the site
 - Project plans showing Priority Habitat boundaries

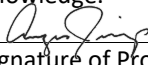
The Division will notify you within 30 days if the materials submitted do not satisfy the filing requirements under 321 CMR 10.20. The Division may request additional information, such as, but not limited to, species and habitat surveys. A request for additional information would come within 30 days of receiving a complete filing.

*Filing Fee

Fee schedule is available at <https://www.mass.gov/how-to/how-to-file-for-a-mesa-project-review>

***Total MESA Fee Enclosed:** _____ Payable via check to **Comm. of MA - NHESP**

*Required Signatures

I hereby certify under the pains and penalties of perjury that the information contained is true and complete to the best of my knowledge.	
 _____ Signature of Property Owner/Record Owner of Property	1/2/2024 _____ Date
_____ Signature of Applicant (if different from Owner)	_____ Date

Please mail this completed form, with the required document and fee to:
NHESP Regulatory Review | MassWildlife Field Headquarters | 1 Rabbit Hill Road | Westborough, MA 01581

Trees proposed for removal in Right-of-Way

Brickett Street (Map 1)

- 1 36" dead oak opposite of pole #7
 - pole #7: 42.7855, 70.9577 near 3 Brickett Street driveway
- 8 dead oaks between pole #7 to #36/9
 - pole #36/9: 42.7738, 70.9594 near corner of parcel R6-10e and Ash Street intersection

Ash Street from intersection with Brickett Street to 226 Ash Street (Map 2)

- 17 dead trees of various species between Brickett Street and 189 Ash Street
- 32 dead trees of various species between pole #74 to #78
 - pole #74: 42.7723, 70.9579 on same side of road at 189 Ash Street
 - pole #78: 42.27711, 70.9559 across from 218 Ash Street
- 2 dead oaks opposite of 220 Ash Street
- 2 dead oaks opposite of pole #80
 - Pole #80: 42.7705, 70.9550, same side of road as 220 Ash Street
- 2 dead oaks 60' south and opposite of pole #80
- 3 dead oaks opposite of pole #81
 - Pole #81: 42.7702, 70.9548, near 226 Ash Street
- Trim one tree near the mailbox of 224 Ash Street
- Trim one tree across the street from 224 Ash Street
- 1 dead oak opposite driveway of 224 Ash Street
- 1 dead oak opposite 226 Ash Street

Ash Street from intersection with Brickett Street to Ash Street swap (Map 3)

- 1 dead oak at stonewall of 185 Ash Street
- 3 dead trees of various species at pole #69/50
 - Pole #69/20: 42.7739, 70.9604, corner of 185 Ash Street driveway
- 1 dead oak opposite of intersection with Montclair Road
- 1 dead oak 150' north of intersection with Montclair Road
- 2 dead oaks 300' north intersection with Montclair Road
- Trim 1 tree 300' north intersection with Montclair Road
- 1 dead maple opposite of 164 Ash Street

89 Church Street (Map 4)

- 3 dead ash and one dead spruce

Bachelor Street between 154 and 144 Bachelor (Map 5)

- 6 dead ash
- 1 dead maple

144 Bachelor Street (Map 5)

- 2 dead ash trees, one on each side of the driveway

Turkey Hill Road between Rogers Street and Atherton Conservation area (Map 6)

- Multiple dead oak trees along the roadway. Tree removal will be along both sides of the road but only south-east side of the road is mapped priority habitat

Brickett Street

12/21/2023



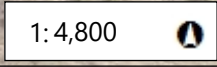
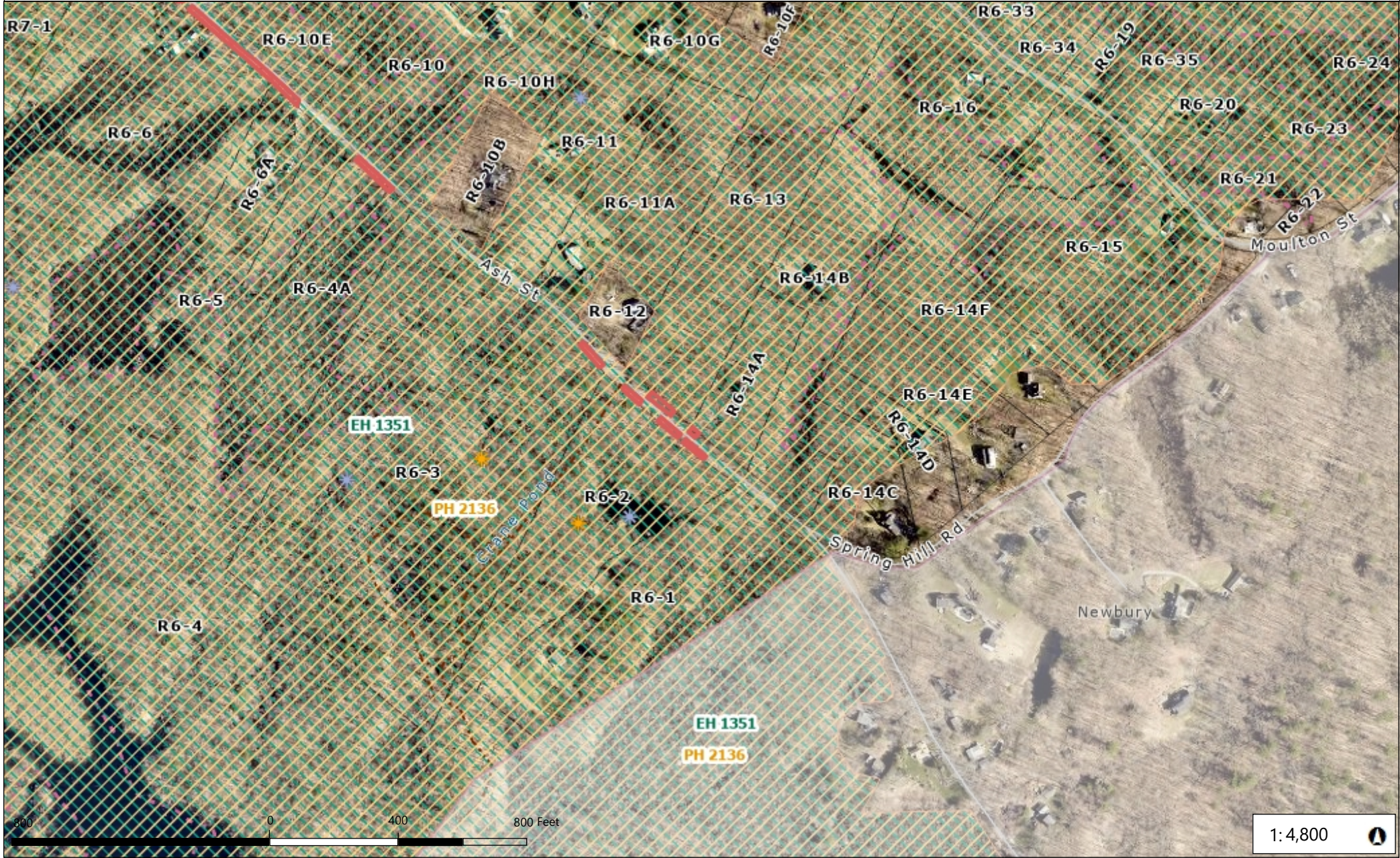
Data Sources: Produced by Merrimack Valley Planning Commission (MVPC) using data provided by the Town of West Newbury & MassGIS. MVPC AND THE TOWN OF WEST NEWBURY MAKES NO WARRANTIES, EXPRESSED OR IMPLIED, CONCERNING THE ACCURACY, COMPLETENESS, RELIABILITY, OR SUITABILITY OF THESE DATA. THE TOWN OF WEST NEWBURY AND MVPC DOES NOT ASSUME ANY LIABILITY ASSOCIATED WITH THE USE OR MISUSE OF THIS INFORMATION.

<ul style="list-style-type: none"> MVPC Boundary Parcels Easements 	<ul style="list-style-type: none"> * NHESP Certified Verna * NHESP Potential Verna NHESP Priority Habitat NHESP Estimated Hab NHESP Natural Comm 	<p>Legend</p> <ul style="list-style-type: none"> Roads Interstate Major Road Local Road Trails
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Ash Street from intersection with Brickett Street to 226 Ash Street

12/21/2023



Data Sources: Produced by Merrimack Valley Planning Commission (MVPC) using data provided by the Town of West Newbury & MassIT/MassGIS. MVPC AND THE TOWN OF WEST NEWBURY MAKES NO WARRANTIES, EXPRESSED OR IMPLIED, CONCERNING THE ACCURACY, COMPLETENESS, RELIABILITY, OR SUITABILITY OF THESE DATA. THE TOWN OF WEST NEWBURY AND MVPC DOES NOT ASSUME ANY LIABILITY ASSOCIATED WITH THE USE OR MISUSE OF THIS INFORMATION.

Legend	
	MVPC Boundary
	Parcels
	Easements
	Roads
	Interstate
	Major Road
	Local Road
	Trails
	NHESP Certified Verna
	NHESP Potential Verna
	NHESP Priority Habitat
	NHESP Estimated Hab
	NHESP Natural Comm



Ash Street from intersection with Brickett Street to Ash Street Swamp

12/21/2023



Data Sources: Produced by Merrimack Valley Planning Commission (MVPC) using data provided by the Town of West Newbury & MassGIS/MassGIS. MVPC AND THE TOWN OF WEST NEWBURY MAKES NO WARRANTIES, EXPRESSED OR IMPLIED, CONCERNING THE ACCURACY, COMPLETENESS, RELIABILITY, OR SUITABILITY OF THESE DATA. THE TOWN OF WEST NEWBURY AND MVPC DOES NOT ASSUME ANY LIABILITY ASSOCIATED WITH THE USE OR MISUSE OF THIS INFORMATION.

Legend	
	MVPC Boundary
	Parcels
	Easements
	Roads
	Interstate
	Major Road
	Local Road
	Trails
	NHESP Certified Vernal Pools
	NHESP Potential Vernal Pools
	NHESP Priority Habitat
	NHESP Estimated Habitat
	NHESP Natural Communities





Data Sources: Produced by Merrimack Valley Planning Commission (MVPC) using data provided by the Town of West Newbury & MassIT/MassGIS.
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- | | | | | | |
|---------------|-----------------------|-----------------------|------------------------|---------------------|---------------------|
| MVPC Boundary | NHESP Certified Verma | NHESP Potential Verma | NHESP Priority Habitat | NHESP Estimated Hab | NHESP Natural Commu |
| Parcels | Roads | Interstate | Major Road | Local Road | Trails |
| Easements | | | | | |

Bachelor Street between 154 & 144 and on each side of 144 driveway



Data Sources: Produced by Merrimack Valley Planning Commission (MVPC) using data provided by the Town of West Newbury & MassIT/MassGIS. MVPC AND THE TOWN OF WEST NEWBURY MAKES NO WARRANTIES, EXPRESSED OR IMPLIED, CONCERNING THE ACCURACY, COMPLETENESS, RELIABILITY, OR SUITABILITY OF THESE DATA. THE TOWN OF WEST NEWBURY AND MVPC DOES NOT ASSUME ANY LIABILITY ASSOCIATED WITH THE USE OR MISUSE OF THIS INFORMATION



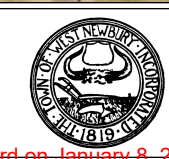
<ul style="list-style-type: none"> MVPC Boundary Parcels Easements 	<ul style="list-style-type: none"> Roads Interstate Major Road Local Road Trails 	<p>Legend</p> <ul style="list-style-type: none"> NHESP Certified Verma NHESP Potential Verma NHESP Priority Habitat NHESP Estimated Hab NHESP Natural Commu
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South side of Turkey Hill Street between Rogers Street and Pikes Bridge Road

12/21/2023



Data Sources: Produced by Merrimack Valley Planning Commission (MVPC) using data provided by the Town of West Newbury & MassGIS. MVPC AND THE TOWN OF WEST NEWBURY MAKES NO WARRANTIES, EXPRESSED OR IMPLIED, CONCERNING THE ACCURACY, COMPLETENESS, RELIABILITY, OR SUITABILITY OF THESE DATA. THE TOWN OF WEST NEWBURY AND MVPC DOES NOT ASSUME ANY LIABILITY ASSOCIATED WITH THE USE OR MISUSE OF THIS INFORMATION



Legend	
MVPC Boundary	NHESP Certified Vernal Pools
Parcels	NHESP Potential Vernal Pools
Easements	NHESP Priority Habitat
Roads	NHESP Estimated Habitat
Interstate	NHESP Natural Communities
Major Road	Trails
Local Road	

**LAND MANAGEMENT PLAN
WITH CURRENT CONDITIONS REPORT**

FOR FEE ACQUISITIONS

**Massachusetts Executive Office of Energy and Environmental Affairs
LAND Grant Program**

MUNICIPALITY:	
LAND GRANT #:	
PROJECT NAME:	
LOCATION:	
DATE ACQUIRED:	
OTHER INTEREST HOLDERS:	

Table of Contents

Section I: Property Information

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2. LAND Grant Program regulations & legal protection
3. Contact information
4. Proposed Property Management (Fee Interest) and Copy of CR (if applicable)

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Section III: Site Visit Report

1. General information
2. Current property conditions
3. Boundary conditions

Section IV: Photographs

1. Photo location map
2. List of photographs
3. Photographs

Section V: Amendments

Section VI: Signatures

Section I: Property Information

1. Property description

The [*property name*] property, located at [*street address*], Assessors' map [*map #*]/lot [*lot #*], is held by [*municipality*], under care and control of the Conservation Commission, [*insert if applicable*: and subject to a conservation restriction held by *organization*] for the purposes of conservation and passive recreation, in perpetuity. The deed was recorded on [*date*], in Book [*book*] , Page [*book*] **[Or, if Recorded in Land Court: LC Document #]** in the [*County*] Registry of Deeds/Land Court.

2. LAND Grant Program regulations & legal protection

This property is permanently protected open space, for conservation and passive recreation only. It is subject to the standards and guidelines in 301 CMR 5.00: LAND and PARC Programs, of the Division of Conservation Services, Executive Office of Energy and Environmental Affairs (EEA). Important requirements include:

- 5.05(4): The property interest acquired with LAND Grant funding must be under the care and control of the Conservation Commission
- 5.08(1): The property must be for open space conservation and passive recreation purposes only, in accordance with MGL Ch. 132A, Sec. 11
- 5.08(1): The property is permanently protected under Article 97 of the Massachusetts Constitution, and may not be converted to other uses without explicit approval of the Secretary. Municipalities must pursue all feasible alternatives to conversion of grant-funded land. If conversion is finally determined to be the only possible choice, *all* of the following must occur: municipal approval of the conversion; a two-thirds majority vote of both houses of the state legislature; replacement of the land with new conservation land that is of equal or greater fair market value at the time of conversion, and of equal or greater acreage, ecological value, and usefulness, to be approved or disapproved by the Secretary of EEA.
- 5.08(2): If the property is no longer used, in whole or in part, for conservation and/or passive recreation purposes, the interest in the property may revert to the Commonwealth. The Conservation Commission must notify the Secretary of EEA of any change or potential change in the use of the property inconsistent with open space conservation and passive recreation. Additionally, the Secretary of EEA may notify the Conservation Commission that an inconsistent change in use has occurred. The Conservation Commission has 90 days to rectify the use to the satisfaction of the Secretary, or the property may revert to the Commonwealth.
- 5.07(2) and (3): The property must be open to use by all members of the public without discrimination
- 5.05(1): Off-street parking may be required

Additionally, no private enterprise may occur on properties for which the fee property is owned by the municipality, except that which contributes to and does not conflict with appropriate public use and benefit. New structures are prohibited on properties where the fee interest is owned by the municipality, except those that further conservation or public passive recreational use of the property.

Through receipt of funding under the LAND Grant Program, this property is permanently protected under Article 97 of the Constitution of the Commonwealth of Massachusetts and may not be converted to other uses without pursuing all feasible alternatives to conversion of grant-funded land. If conversion is finally determined to be the only possible option, *all* of the following must occur: municipal approval of the conversion; a two-thirds majority vote of both houses of the state legislature; replacement of the land with new conservation land that is of equal or greater fair market value at the time of conversion, and of equal or greater acreage, ecological value, and usefulness, to be approved or disapproved by the Secretary of EEA.

A LAND Grant Project Agreement prohibiting conversion of the property from open space conservation and passive public recreation has been recorded with the property deed.

Additional applicable regulations include:

Ch. 132A, §11 – Act establishing the Self-Help (now LAND) Grant Program

Ch. 40, §8c – Authority of conservation commissions to hold land for conservation purposes.

3. Contact Information

Provide contact information for property manager, and any other staff or organizations engaged in future monitoring or management of the property.

Interest Holder	Organization	Mailing address	Contact (phone/email)
Property Steward or Manager			
CR Holder (if applicable)			
Other Partner			
Other Partner			

4. Proposed Property Management

Please complete the following information.

Land Conservation Goals: Please ensure the Conservation Values of the CR, are reflected appropriately.

[e.g., to protect wildlife habitat, promote public access for passive recreation, etc.]

Permitted public activities:

Note: These should be posted at the property entrance(s).

- walking, hiking
- Nordic skiing, snowshoeing
- horseback riding
- bicycle riding on designated trails
- picnicking
- [Insert other use]
- [Insert other use]

- camping
- hunting
- fishing
- gardening/agriculture
- swimming
- non-motorized watercraft
- [Insert other use]

Prohibited public activities:

Note: These should be posted at the property entrance(s), as appropriate.

- motorized vehicles
- fires
- horseback riding
- bicycle riding
- hunting
- fishing
- [Insert other use]

- swimming
- gardening/agriculture
- alcoholic beverages
- entry after dark
- collection of plants/animals/soil/rocks
- [Insert other use]

Additional comments regarding the use of this property:

Structures: Structures that do not contribute to the conservation or passive recreational use of the property must be removed.

Structure	Description	Intended use

Planned stewardship activities and regular management:

Known stewardship issues or potential management challenges to address:

Planned actions to address potential management challenges or existing issues:

If active forestry or agricultural management is anticipated, please identify how these activities will be conducted consistent with the conservation values: (e.g. timber harvest should be conducted in consultation with a licensed forester and preparation of a Forest Management Plan or Stewardship Plan for long-term objectives.)

Section II:
Property Resource Maps

Please attach map(s) that clearly identify the property boundaries and the location of any relevant conservation or recreational resources for protection and/or management (e.g. wetlands, trails, designated habitat).

Section III: Site Visit Report

1. General information

Date of inspection: **Time:** **Duration:** *[number]* hours

Individuals present:

Name	Affiliation:

2. Current property conditions: (If a CR will be recorded on the property, this section should reflect the Conservation Values as well as the permitted or prohibit activities identified under the CR as well as permitted/prohibited activities identified in this management plan.)

Conservation Value	Existing Condition	Photo #

Permitted Activity	Existing Condition / Evidence	Photo
Prohibited Activity	Existing Condition / Evidence	Photo

C. Additional comments regarding the present condition of the property:

3. Boundary Conditions

A. Describe existing boundary markings or physical bounds that identify the property lines (e.g., stone wall, water ways, flagging or property boundary signs):

- B. (If a CR is recorded for the property): Are there portions of the property that are excluded from the Restriction? If so, are these clearly marked or otherwise evident on the ground?
- C. Are there existing or potential encroachment by abutters on the property? (If a CR will be recorded on the property, please consult with the CR holder to identify appropriate actions to address encroachments **prior to recording the CR**. Describe here how these encroachments have been or will be addressed.)
- D. Any other comments on boundaries?

Section IV: **Photographs**

1. Photo location map Include a map showing the exact location of photographs documenting the current conditions of the property. **Mark each point with an arrow showing the direction the photo was facing; and, a label (A, B, C or 1, 2, 3 etc.) that correlates to the photo list below.**

Make sure to document the following:

- Property boundary (and CR boundary if applicable).
- Trails and/or other existing passive recreational resources
- Property boundary encroachments
- Management concerns that have been identified (e.g. invasive species, unauthorized motorized vehicle use, etc.)
- Any other features deemed of importance to the property manager and/or CR holder(s)

2. List of documentary photographs

Photographer(s):

Date	Photo #	Photo location	Cardinal direction of photo	Description of photo subject

3. Documentary Photographs (Please attach or embed all numbered photographs)

3. Preparers Statement

This Land Management Plan was prepared to document the current status of the [*Property Name*] Property conveyed to [*Municipality/Organization*].

I certify that I am the [*Position/Title*] of [*Municipality/Organization*], that the information gathered and recorded herein are accurate and complete to the best of my knowledge, and that the current property conditions described herein reflect conditions on my final field visit(s) to the property obtained on [*date(s)*] and accurately describe the conditions of the property at the time of acquisition.

Signature

Printed Name

Date

Section V: **Amendments**

This property is permanently protected as open space for conservation and passive recreational use only. It is difficult to anticipate all potential changes to the property that may occur that may make specific activities or uses more or less appropriate for the property. It is also difficult to predict the specific passive recreational uses future visitors to the site may desire. For these reasons, it may become necessary in the future to revise portions of the Land Management Plan.

The following sections of this document may be revised:

- Contact information

- Land Management Plan sections:

- Permitted uses/activities

- Prohibited uses/activities

- Structures (to reflect structures removed in the future)

Any changes to these sections must still adhere to the LAND Grant Program regulations, Project Agreement, Article 97 requirements, and any other pertinent regulations. All changes must adhere to the terms of the conservation restriction, if applicable.

Procedure for amending this document: *[Describe any procedures (e.g. votes or approvals) to amend the permitted uses or other sections of this document]*

Section VI:

Signatures

I certify that I have reviewed the above Land Management Plan and that it is accurate and complete. I understand that this property is permanently protected open space under Article 97 of the Massachusetts Constitution, for conservation and passive recreation uses. I understand that the property may not be sold, subdivided, altered, or used for any other purposes, except with all of the following: approval of the municipality by town meeting/city council vote; vote of approval by both houses of the Massachusetts State Legislature; approval by the Governor of Massachusetts; and replacement with an unprotected property of equal or greater size, value at the time of disposition, ecological value, and passive recreational value, subject to approval by the Secretary of Energy and Environmental Affairs. Any change in use must also adhere to all relevant environmental laws and regulations, including but not limited to the Massachusetts Environmental Protection Act and Endangered Species Protection Act, the Wetlands Protection Act, the Rivers Protection Act, and Global Warming Solutions Act.

_____	_____
Municipal CEO Signature	Printed name

	Date
_____	_____
Conservation Commissioner	Printed name
_____	_____
Conservation Commissioner	Printed name
_____	_____
Conservation Commissioner	Printed name
_____	_____
Conservation Commissioner	Printed name
_____	_____
Conservation Commissioner	Printed name
_____	_____
Conservation Commissioner	Printed name

	Date



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: Select Board
FROM: Angus Jennings, Town Manager
DATE: January 6, 2024
RE: Page School conditions assessment, Draft

We received a 132-page draft report from Gienapp Architects on January 3rd. The Project Manager Christine Wallace and Building Inspector are conducting an initial completeness review. This coming week, the draft will be further circulated to members of the Page School Conditions Assessment working group. Our goal would be to receive and incorporate markups from a core working group in order to arrive at a draft that would be more broadly circulated. That can expected to result in a further round of edits. Prior to its acceptance as final, the report will be brought to the Select Board for its formal review and acceptance.

Town Manager

From: Christian Kuhn
Sent: Friday, December 22, 2023 8:15 AM
To: Town Manager
Cc: Executive Assistant; Wendy Reed
Subject: RE: [Town of West Newbury MA] Correction in tax parcel data (Sent by Patricia Huckery, pat.huckery@mass.gov)

I have reached out to DFG and I'm waiting to hear back on when they're available to meet. I'll let you know once I know.

From: Town Manager <townmanager@wnewbury.org>
Sent: Thursday, December 21, 2023 5:31 PM
To: Christian Kuhn <chief.assessor@wnewbury.org>
Cc: Executive Assistant <exec.assistant@wnewbury.org>; Wendy Reed <wreed@wnewbury.org>
Subject: RE: [Town of West Newbury MA] Correction in tax parcel data (Sent by Patricia Huckery, pat.huckery@mass.gov)

Christian,

I know Rebecca communicated this to you, but if the documentation makes clear that the State does in fact have title to the property, I think the only purpose for a meeting with the State (and its attorney) would be to get procedural advice re how to clear the record, in your records and the Registry, as needed. It may be that that could be accomplished with a phone call or by email, but if they'd prefer to meet I can be available on/after Jan 2nd.

Rebecca did provide a hard copy packet of the background docs to Wendy Reed so if there is need for correspondence over the next 10 days or so (when I'll be out, first for health, then vacation reasons), please loop her in. Otherwise, we can check in after the first of the year.

Thanks,
 Angus

Angus Jennings, Town Manager
 Town of West Newbury
 Town Office Building
 381 Main Street
 West Newbury, MA 01985
 (978) 363-1100 x111
townmanager@wnewbury.org

From: Town Manager
Sent: Wednesday, December 20, 2023 3:05 PM
To: Christian Kuhn <chief.assessor@wnewbury.org>
Cc: Executive Assistant <exec.assistant@wnewbury.org>
Subject: Re: [Town of West Newbury MA] Correction in tax parcel data (Sent by Patricia Huckery, pat.huckery@mass.gov)

Based on the documentation Pat provided is your office satisfied that it is in fact owned by DFW? If so, what would be needed to document this correction? Thanks

Angus Jennings, Town Manager

Town of West Newbury
Town Office Building
[381 Main Street](#)
[West Newbury, MA 01985](#)
[\(978\) 363-1100 x111](#)
townmanager@wnewbury.org

Sent from my mobile device

On Dec 20, 2023, at 2:59 PM, Christian Kuhn <chief.assessor@wnewbury.org> wrote:

The State is looking for a response on this.

From: Huckery, Pat (FWE) <pat.huckery@mass.gov>
Sent: Monday, December 18, 2023 2:07 PM
To: Assistant Assessor <asst.assessor@wnewbury.org>
Cc: Christian Kuhn <chief.assessor@wnewbury.org>; Smith, Christine M (FWE) <Christine.M.Smith1@mass.gov>; Bird, Chalis (FWE) <Chalis.Bird@mass.gov>
Subject: Re: [Town of West Newbury MA] Correction in tax parcel data (Sent by Patricia Huckery, pat.huckery@mass.gov)

Hi Maureen,

I would like to arrange an in-person meeting to go over the Bernard Roger's parcel and neighbouring parcels. Do you have time in the next two weeks to meet with us? I'd be coming with Christine Smith, DFG's land attorney.

I can be reached at 978-621-8432.

Thank you,


Pat

Get [Outlook for iOS](#)


From: Huckery, Pat (FWE) <pat.huckery@mass.gov>
Sent: Wednesday, October 18, 2023 2:46 PM
To: Assistant Assessor <asst.assessor@wnewbury.org>
Cc: Christian Kuhn <chief.assessor@wnewbury.org>; Smith, Christine M (FWE) <Christine.M.Smith1@mass.gov>
Subject: Re: [Town of West Newbury MA] Correction in tax parcel data (Sent by Patricia Huckery, pat.huckery@mass.gov)

[Crane Pond Division boundary map plan 623 0005.pdf](#) [Federal taking background.pdf](#) [1945 Judgement on the Declaration of Taking.pdf](#) [1959 Federal taking deed from US to DFG BK4606 PG221.pdf](#)

 [150729232024_0001.pdf](#)

 [150729231954_0001.pdf](#)

 [150729231905_0001.pdf](#)

 [150729231619_0001.pdf](#)

Hello Maureen,

Attached are documents that will help. The Bernard Rogers (federal taking Tract 211) was taken by USFWS and sold to MADFW in 1959.

If you have any questions please call me at 978-621-8432.

Best,

PATRICIA HUCKERY/Northeast District Supervisor
MA Division of Fisheries & Wildlife
85 Fitchburg Road, Ayer, MA 01432
978-772-2145
www.mass.gov/masswildlife

From: Assistant Assessor <asst.assessor@wnewbury.org>

Sent: Monday, October 16, 2023 2:29 PM

To: Huckery, Pat (FWE) <pat.huckery@mass.gov>

Cc: Christian Kuhn <chief.assessor@wnewbury.org>

Subject: RE: [Town of West Newbury MA] Correction in tax parcel data (Sent by Patricia Huckery, pat.huckery@mass.gov)

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hi Patricia,

I have researched this parcel at the Registry of Deeds back to 1940 and can't find a deed/book and page of the taking by USFWS. Is it possible for you to forward that to us and any other back up you may have?

Thank you,

*Maureen Curtin, MAA
Assistant Assessor*

*Town of West Newbury
381 Main Street
West Newbury, MA 01985
978-363-1100 ex.117*

From: Christian Kuhn <chief.assessor@wnewbury.org>
Sent: Monday, October 16, 2023 1:38 PM
To: Assistant Assessor <asst.assessor@wnewbury.org>
Subject: FW: [Town of West Newbury MA] Correction in tax parcel data (Sent by Patricia Huckery, pat.huckery@mass.gov)

From: Contact form at Town of West Newbury MA <cmsmailer@civicplus.com>
Sent: Friday, October 13, 2023 3:38 PM
To: Christian Kuhn <chief.assessor@wnewbury.org>
Subject: [Town of West Newbury MA] Correction in tax parcel data (Sent by Patricia Huckery, pat.huckery@mass.gov)

Hello ckuhn,
Patricia Huckery (pat.huckery@mass.gov) has sent you a message via your contact form (<https://www.wnewbury.org/user/4716/contact>) at Town of West Newbury MA.
If you don't want to receive such e-mails, you can change your settings at <https://www.wnewbury.org/user/4716/edit>.

Message:

Hello Mr. Kuhn,

I'm contacting you to discuss the land located at 0 Ash Street, R-6, 22 acres, B 5832 P 481. It is marked on MassMapper tax parcel data as belonging to the Town of West Newbury, but is actually owned by the MA Division of Fisheries & Wildlife. The parcel was taken by eminent domain in 1945 by the USFWS, and after a period of revestment, was sold in 1959 to the MA Division of Fisheries and Wildlife. Mr. Bernard Rogers was paid for the parcel by USFWS and did not request a revestment of what he was paid. Despite no longer owning the parcel, Mr. Rogers went on to give it to Charles List, who gave it to Malcolm Burr, who gave it to the town. MassWildlife is interested in cleaning up this mistake at your office, the Registry, and on MassMapper. I'm available at 978-621-8432 to talk. I wanted to give you a heads-up that this is coming and to see if you have questions or comments at this time.

Sincerely,

Patricia Huckery

MassWildlife Northeast District Manager

85 Fitchburg Road, Ayer, MA

978-772-2145 or work cell 978-621-8432



Office of the Attorney General
Washington, D. C.

February 29, 1960

504

33-22-373-37
INTERIOR DEPT
MAR 2 - 1960
Honorable Fred A. Seaton
Secretary of the Interior
Washington 25, D. C.

SOLICITOR My dear Mr. Secretary:

I have examined the evidence of title and the transcript of record in the condemnation proceeding entitled United States of America v. 12,367.47 acres of land, more or less, situate in Essex County, Massachusetts, Civil No. 7010 in the United States District Court for the District of Massachusetts, pertaining to the acquisition of land for the Parker River Wildlife Refuge Project.

The abstracts of title were prepared by Martin Royston, Agnes M. Beaudry and Aaron I. Sanderson.

The dates and the amounts of the judgments are indicated in the following tabulation:

Tracts Nos.	Awards	Dates of Judgments
89A	\$ 62.90	March 30, 1956
✓ 177	57.90	March 30, 1956
210-1	53.50	March 30, 1956
✓ 211	333.35	March 30, 1956
✓ 220-1	1830.75	March 30, 1956
547H-2	550.00	March 1, 1957
616H-2	60.00	March 1, 1957
616H-3	415.00	March 1, 1957
616H-4	575.00	March 1, 1957
616H-5	300.00	March 1, 1957
✓ 785	122.50	June 22, 1959
785A		
785g		
✓ 820-1	663.80	March 30, 1956

The total amount of the awards constitutes a portion of the compensation deposited with the declaration of taking.

The proceeding is regular, the judgments are satisfied, and a valid fee simple title to the property referred to above, subject

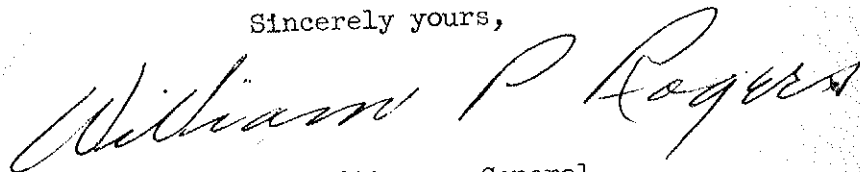


- 2 -

to the exceptions set forth in the declaration of taking, has heretofore vested in the United States of America.

Enclosed are abstracts of title for Tracts Nos. 177, 211, 220-1, 785, 785a, 785g, and 820-1 and a certified copy of the judgment for Tracts Nos. 785, 785a, and 785g. No title evidence was obtained for the other tracts. A certified copy of the judgment dated March 30, 1956, was furnished your Department on April 19, 1956, and a certified copy of the judgment dated March 1, 1957, was furnished March 20, 1957.

Sincerely yours,

A handwritten signature in cursive script that reads "William P. Rogers". The signature is written in dark ink and is positioned above the typed name.

Attorney General

3-1071
(November 1946)

UNITED STATES DEPARTMENT OF THE INTERIOR

FISH AND WILDLIFE SERVICE

LA
STATE Massachusetts
UNIT Parker River
NO. (211)

TRACT APPRAISAL REPORT

Name: Rogers, Bernard

Address:

Appraised: October 1944

By: Ennio Abbiati

Legal description: County: Essex

Acres: 22.27

Being a parcel of land bordering on Ash Street, in the Crane Pond Division, in the town of West Newbury, Massachusetts.

Outstanding rights and reservations: None

Accessibility factors: Borders on the south side of Ash Street.

Occupancy: None

Water or water rights: None

Other rights: None

Assessed value:

Annual tax:

Tax:

	<u>Appraised value</u>	<u>Average value per acre</u>
Land	\$111.35	\$ 5.00
Improvements		
Products	222.00	9.97
	<hr/>	<hr/>
TOTAL	\$333.35	\$14.97

Recommended consideration:

Special features:

Part of unknown ownership (210-1).

VALUATION ANALYSIS

<u>Cover Type</u>	<u>Acres</u>	<u>Val./Acre</u>	<u>Total Value</u>
Timberland	22.27	\$5.00	\$111.35
<hr/>			
SUBTOTALS	22.27	\$5.00	\$111.35
PRODUCTS: Firewood (Oak, maple, ash, elm, and hickory) 111 cords @ \$2 per cord			222.00
IMPROVEMENTS:			
OTHER:			
<hr/>			
	TOTAL		333.35

SUPPORTING DATA:

Signature Ennio Abbiati Date March 30, 1953
Title Realty Officer

June 24, 1947
Boston, Massachusetts

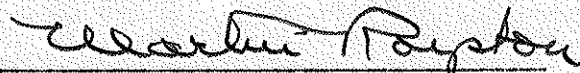
CERTIFICATE OF TITLE

I, Martin Royston, Special Attorney for the Department of Justice, do hereby certify that I have examined all the land and probate records of Essex County, Massachusetts in so far as they affect the title to the Bernard Rogers Tract No. 210, and that nothing has been recorded in said County since the date of the present certificate affecting the title to said land.

An examination of the title data relating to said tract discloses an unforeclosed tax title in Bernard Rogers subject to the following items which are submitted for your consideration:

1. All taxes and assessments due and exigible.
2. Rights or claims of persons in possession.
3. Mechanics' liens, if any, not shown of record.
4. Easements for roads, highways, and public utilities, if any, not shown of record.
5. No deed from heirs of Orrin B. Rogers (page 17).
6. Unsatisfied Judgment (page 17a).
7. Misc. Civil No. 7010.

Made this 17th day of June, 1947, at Boston, Massachusetts.


Martin Royston, Special Attorney,
Department of Justice.

UNITED STATES DEPARTMENT OF THE INTERIOR
FISH AND WILDLIFE SERVICE
BRANCH OF ENGINEERING

BERNARD ROGERS TRACT
(211)
22.27 ACRES
TOWN OF WEST NEWBURY
ESSEX COUNTY, MASSACHUSETTS

The Bernard Rogers Tract (211) is bounded:

from Corner 1 to Corner 2 by land of the United States (formerly Virginia Rogers et al); from Corner 2 to Corner 3 by land of the United States (formerly Orin B. Rogers Heirs); from Corner 3 to Corner 4 by land of the United States (formerly Ernest Dale), and by a line of mounds of stones; from Corner 4 to Corner 5, by land of the United States (Maurice H. O'Connor, Jr., Inc. tract 25), and by a stone wall; from Corner 5 to Corner 6 by land of the United States (Maurice H. O'Connor tract 24), and by a stone wall; from Corner 6 to Corner 7 by lands of the United States (formerly M. E. Atkinson Company and an unknown owner), and by a stone wall; from Corner 7 to Corner 1 by land of an unknown owner and by the center line of Ash Street; containing 22.27 acres, be the same more or less.

UNITED STATES DEPARTMENT OF THE INTERIOR
FISH AND WILDLIFE SERVICE

PARKER RIVER NATIONAL WILDLIFE REFUGE

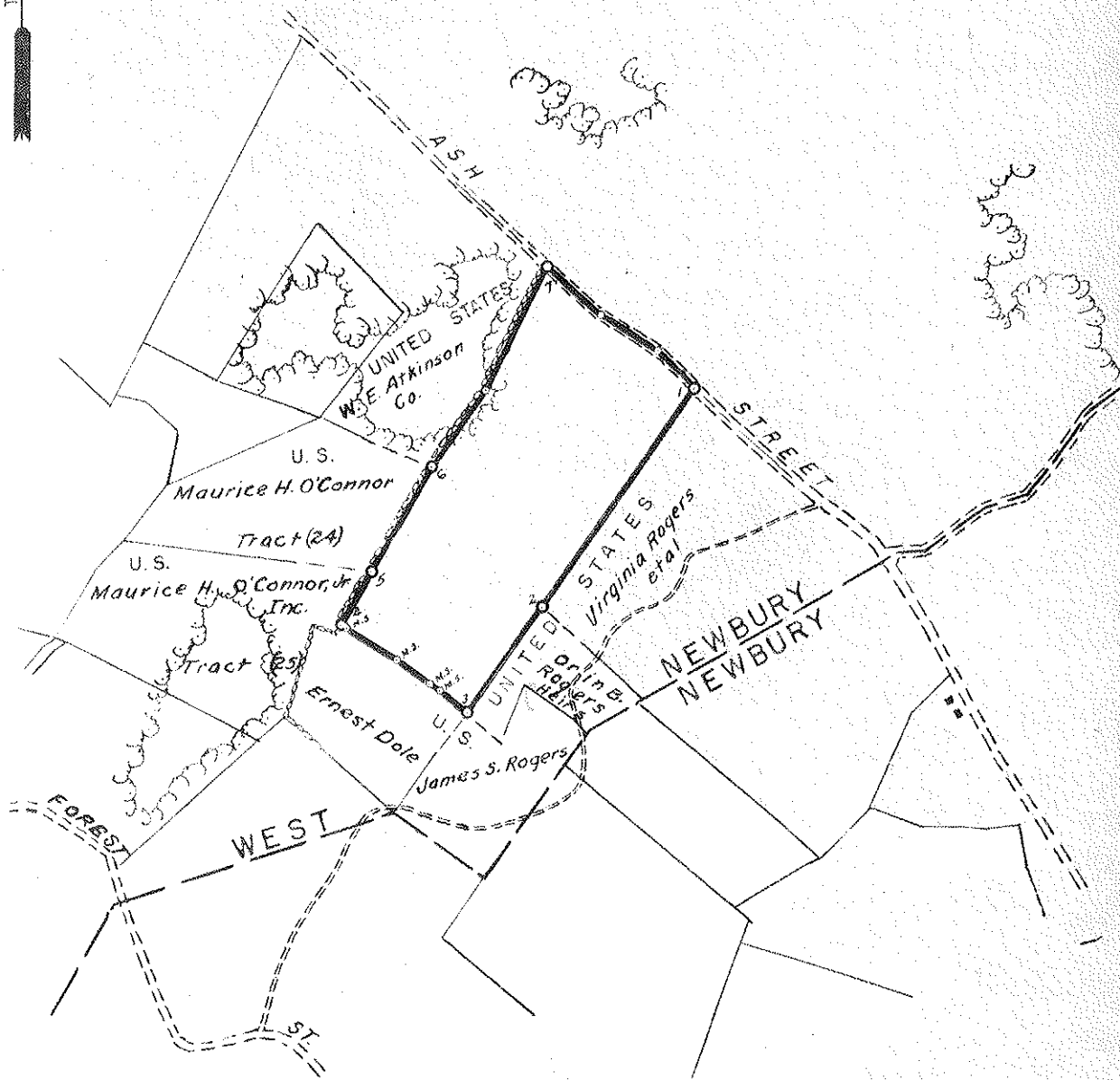
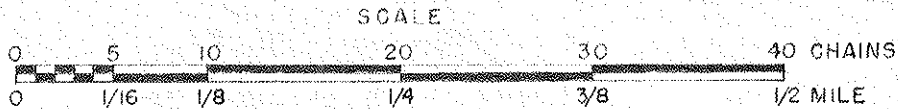
BERNARD ROGERS TRACT

(211)

22.27 ACRES

TOWN OF WEST NEWBURY

ESSEX COUNTY, MASSACHUSETTS



LA-3 (2/14)
Mass.
Parker River

Box 362
Newburyport, Mass.
July 24, 1944

Bernard L. Rogers
Byfield, Mass.

Dear Sir:

As an owner of land in the vicinity of the proposed Parker River National Wildlife Refuge, located in the Town of West Newbury, you are advised that a representative of the Department of the Interior, Fish and Wildlife Service, is engaged in making a survey of your land along Ash St.

If you or your representative desire to be present during these surveys, or if you have any deeds or plats pertaining to the lines to be surveyed, it would be appreciated if you will so advise me.

Very truly yours,

George L. Ducret
Cadastral Engineer

LA
FILE COPY

Bernard Rogers tract # 210
3/27/45

Unreleased tax title in Bernard
Rogers, sub. to =

1
2
3
4

5. No deed from heirs of Edwin B. Rogers (17)
6. Unsatisfied judgment (17a)
7. Miss. Circ. No. 7010

To June 17

DEED
UNITED STATES OF AMERICA
to
THE DIVISION OF FISHERIES AND GAME OF
THE COMMONWEALTH OF MASSACHUSETTS

THIS DEED, made this 4th day of June, 1959,
by and between the UNITED STATES OF AMERICA, acting by and through
the Secretary of the Interior, hereinafter referred to as the United
States, and the DIVISION OF FISHERIES AND GAME OF THE COMMONWEALTH
OF MASSACHUSETTS,

WITNESSETH:

WHEREAS, the Act of June 3, 1948 (62 Stat. 293), author-
izes and directs the Secretary of the Interior to dispose of all
the interests of the United States in the Crane Pond, Downfall,
and Mill Creek Divisions of the Parker River Project in Essex County,
Massachusetts, and

WHEREAS, the said Act of June 3, 1948, further provides
that such lands lying within the boundaries of the divisions desig-
nated, the title to which cannot be returned to the prior owners
thereof, are to be disposed of in such manner and at such prices as
the Secretary of the Interior may deem to be in the best interests
of the United States, and

WHEREAS, it has been determined that title cannot be
returned to the prior owners of certain lands containing 3,284
acres, more or less, within the designated divisions, and

WHEREAS, the Division of Fisheries and Game of the Common-
wealth of Massachusetts desires to acquire these lands for wildlife
conservation purposes, and has tendered the sum of TEN THOUSAND
DOLLARS (\$10,000) therefor, and

WHEREAS, the Secretary of the Interior has determined
that the conveyance of these lands to the Division of Fisheries and
Game of the Commonwealth of Massachusetts is in the best interests
of the United States;

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS, That the
United States in consideration of the premises and the payment to

Exhibit I

Book 4606
Page 222

4606
222

D. 4606 /

the United States of the sum of TEN THOUSAND DOLLARS (\$10,000), receipt of which is hereby acknowledged, does hereby grant, bargain, sell, and convey unto the Division of Fisheries and Game of the Commonwealth of Massachusetts, without warranty, either express or implied, all right, title, and interest of the United States in and to the lands within the exterior boundaries of the Crane Pond, Downfall, and Mill Creek Divisions of the Parker River Project with all the appurtenances thereto, the exterior boundaries of said divisions being more particularly described by maps and documents recorded in the Essex County records at Salem, Massachusetts, on January 23, 1945 in Book 3408 at page 278 and map tracings filed as Plans 623/1958.

There are excepted from this conveyance those lands which have been excluded from the condemnation proceeding entitled United States v. 12,367.47 Acres of Land, More or Less, Situate in Essex County, Massachusetts, and John W. Buswell, et al., Misc. Civil No. 7010, filed December 30, 1944, in the United States District Court, District of Massachusetts, and returned to the former owners in accordance with section 2(b) of said Act of June 3, 1948.

TO HAVE AND TO HOLD the granted premises with all the rights, easements, and appurtenances thereunto belonging, to the said Division of Fisheries and Game of the Commonwealth of Massachusetts, and its assigns forever.

IN WITNESS WHEREOF, the UNITED STATES OF AMERICA has caused these presents to be executed in its name by the Secretary of the Interior, and the seal of the Department of the Interior to be hereunto affixed on the day and year first above written.

RECORDED
DEEDS & EXCISE
1945

UNITED STATES OF AMERICA

BY Sheldon A. Keaton
Secretary of the Interior

Approved as to Matters of Form

Lucy B. Underhill
Assistant Attorney General

N. 4606
P. 223

1605
23

Book 4606
Page 223

ACKNOWLEDGMENT

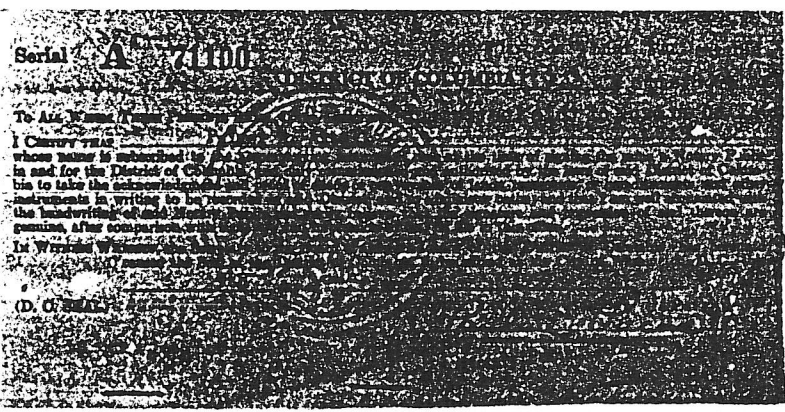
UNITED STATES OF AMERICA }
DISTRICT OF COLUMBIA } ss

I, Palmer A. Artell, a Notary Public in and for the District of Columbia, and as such officer authorized to take acknowledgments of deeds, do hereby certify that Fred A. Seaton Secretary of the Interior, personally known to be the person and officer whose name is subscribed to the foregoing instrument, appeared before me and acknowledged the said instrument to be his free act and deed in his said capacity and the free act and deed of the said United States of America for the purposes therein expressed, and the seal thereto affixed is the seal of the Department of the Interior.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal in Washington, D. C., this 4th day of June, 1959.

Palmer A. Artell
Notary Public, District of Columbia

My commission expires _____



Essex ss. Recorded Oct. 6, 1959. 40 m. past 10 A.M. #47

B. 4606 P. 217

1606

17

Book 4606
Page 217

KNOW ALL MEN BY THESE PRESENTS

WHEREAS, under Chapter 131, Section 25 of the General Laws as amended by Chapter 535 of the Acts of 1951, entitled "An Act Enabling the Director of the Division of Fisheries and Game in the Department of Conservation to Acquire Certain Lands and to Regulate Their Use", the Director of the Division of Fisheries and Game, with the advice and consent of the Administrative Board thereof, may acquire by gift, purchase or lease properties at such places within the Commonwealth as he may select for fish and wildlife management purposes or propagation; provided that no such property shall be acquired in a city without the approval of the Mayor and City Council, and in a town without the approval of the Selectmen.

NOW THEREFORE, we, Frederick D. Retallick, Chairman, Thomas M. Joyce, Secretary, Harper L. Gerry and Bert Nietupski, members of said Administrative Board of the Division of Fisheries and Game, and we, Albert E. Elwell, Chairman, M. Paine Hoseason and Norman L. Brown, members of the Board of Selectmen of the Town of West Newbury, consent to the acquisition of land now owned by the U. S. Department of the Interior, by the Director of the Division of Fisheries and Game for the purpose stated in said Act.

Members of the
Administrative
Board

Frederick D. Retallick
Thomas M. Joyce
Harper L. Gerry

Date: Sept 25 1959

Members of the
Board of Selectmen of the
Town of West Newbury

Albert E. Elwell
Norman L. Brown

Date: Aug 25 1959

Essex ss. Recorded Oct. 6, 1959. 40 m. past 10 A.M. #43

Book 4606
Page 218

KNOW ALL MEN BY THESE PRESENTS

WHEREAS, under Chapter 131, Section 25 of the General Laws as amended by Chapter 535 of the Acts of 1951, entitled "An Act Enabling the Director of the Division of Fisheries and Game in the Department of Conservation to Acquire Certain Lands and to Regulate Their Use", the Director of the Division of Fisheries and Game, with the advice and consent of the Administrative Board thereof, may acquire by gift, purchase or lease properties at such places within the Commonwealth as he may select for fish and wildlife management purposes or propagation; provided that no such property shall be acquired in a city without the approval of the Mayor and City Council, and in a town without the approval of the Selectmen.

NOW THEREFORE, we, Frederick D. Retallick, Chairman, Thomas M. Joyce, Secretary, Harper L. Gerry and Bert Nietupski, members of said Administrative Board of the Division of Fisheries and Game, and we, Harold E. Crawford, Chairman, James N. Chooljian and Richard N. Cammett, members of the Board of Selectmen of the Town of Groveland, consent to the acquisition of land now owned by the U. S. Department of the Interior, by the Director of the Division of Fisheries and Game for the purpose stated in said Act.

Members of the
Administrative
Board

Frederick D. Retallick
Thomas M. Joyce
Bert Nietupski
Harper L. Gerry

Date: Aug 21, 1959

Members of the
Board of Selectmen of the
Town of Groveland

Harold E. Crawford
James N. Chooljian
Richard N. Cammett

Date: 8/17/59

Essex ss. Recorded Oct. 6, 1959. 40 m. past 10 A.M. #44

KNOW ALL MEN BY THESE PRESENTS

WHEREAS, under Chapter 131, Section 25 of the General Laws as amended by Chapter 535 of the Acts of 1951, entitled "An Act Enabling the Director of the Division of Fisheries and Game in the Department of Conservation to Acquire Certain Lands and to Regulate Their Use", the Director of the Division of Fisheries and Game, with the advice and consent of the Administrative Board thereof, may acquire by gift, purchase or lease properties at such places within the Commonwealth as he may select for fish and wildlife management purposes or propagation; provided that no such property shall be acquired in a city without the approval of the Mayor and City Council, and in a town without the approval of the Selectmen.

NOW THEREFORE, we, Frederick D. Retallick, Chairman, Thomas M. Joyce, Secretary, Harper L. Gerry and Bert Nietupski, members of said Administrative Board of the Division of Fisheries and Game, and we, Joseph A. Soucy, Chairman, Eugene A. Morse and Barney A. Camenker, members of the Board of Selectmen of the Town of Georgetown, consent to the acquisition of land now owned by the U. S. Department of the Interior, by the Director of the Division of Fisheries and Game for the purpose stated in said Act.

Members of the
Administrative
Board

Frederick D. Retallick
Thomas M. Joyce
Bert Nietupski
Harper L. Gerry

Date: Aug 21, 1959

Members of the
Board of Selectmen of the
Town of Georgetown

Joseph A. Soucy
Eugene A. Morse
Barney A. Camenker

Date: 7/27/59

Essex ss. Recorded Oct. 6, 1959. 40 m. past 10 A.M. #45

Book 4606

Page 220

KNOW ALL MEN BY THESE PRESENTS

WHEREAS, under Chapter 131, Section 25 of the General Laws as amended by Chapter 535 of the Acts of 1951, entitled "An Act Enabling the Director of the Division of Fisheries and Game in the Department of Conservation to Acquire Certain Lands and to Regulate Their Use", the Director of the Division of Fisheries and Game, with the advice and consent of the Administrative Board thereof, may acquire by gift, purchase or lease properties at such places within the Commonwealth as he may select for fish and wildlife management purposes or propagation; provided that no such property shall be acquired in a city without the approval of the Mayor and City Council, and in a town without the approval of the Selectmen.

NOW THEREFORE, we, Frederick D. Retallick, Chairman, Thomas M. Joyce, Secretary, Harper L. Gerry and Bert Nietupski, members of said Administrative Board of the Division of Fisheries and Game, and we, Leslie Thurlow, Chairman, Silas Little and Martin H. Burns, members of the Board of Selectmen of the Town of Newbury, consent to the acquisition of land now owned by the U. S. Department of the Interior, by the Director of the Division of Fisheries and Game for the purpose stated in said Act.

Members of the Administrative Board

Frederick D. Retallick
Thomas M. Joyce
Bert Nietupski
Harper L. Gerry

Date: Aug 21 1959

Members of the Board of Selectmen of the Town of Newbury

Leslie Thurlow
Silas Little
Martin H. Burns

Date: August 21 1959

Essex ss. Recorded Oct. 6, 1959. 40 m. past 10 A.M. #46

UNITED STATES DEPARTMENT OF THE INTERIOR
FISH AND WILDLIFE SERVICE

PARKER RIVER NATIONAL WILDLIFE REFUGE

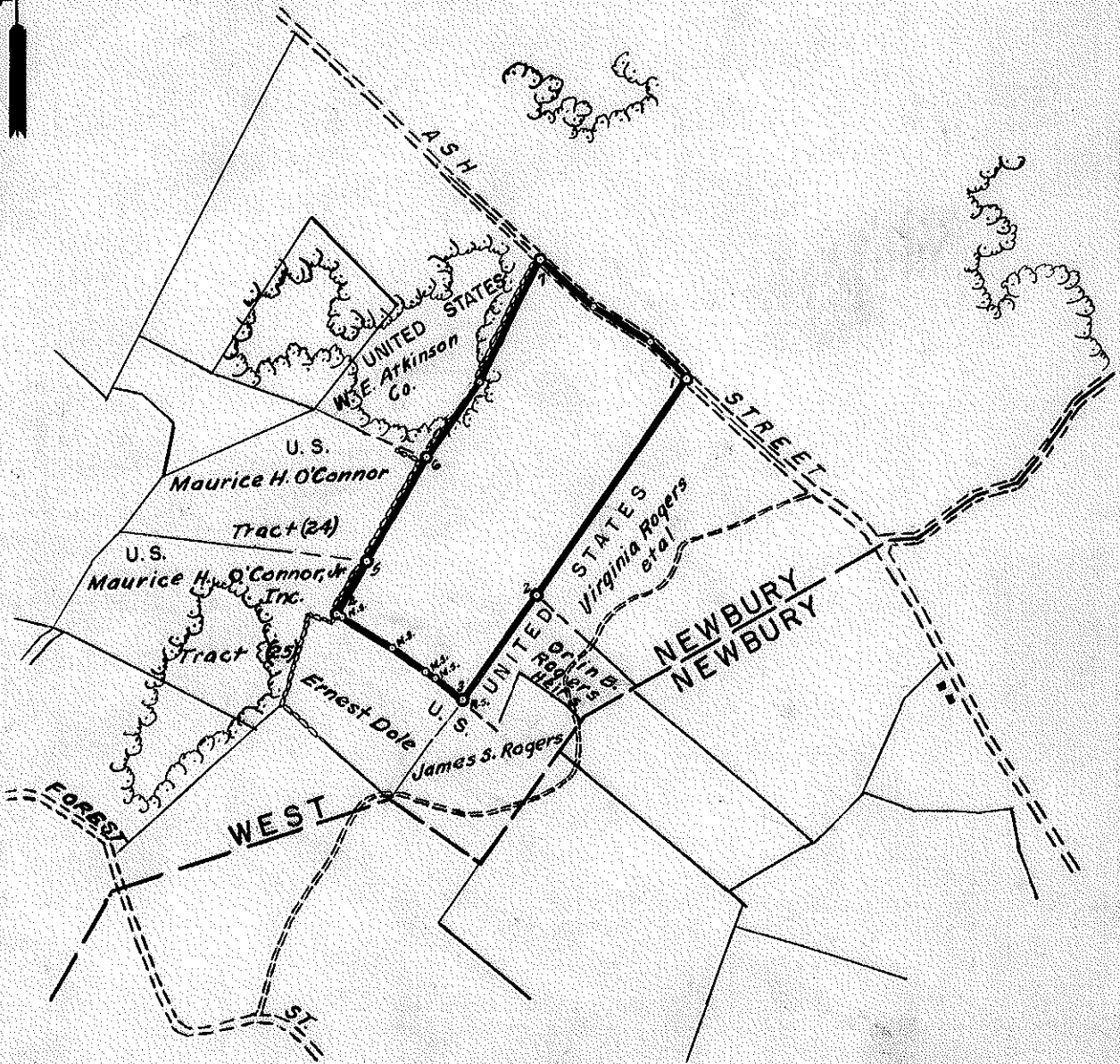
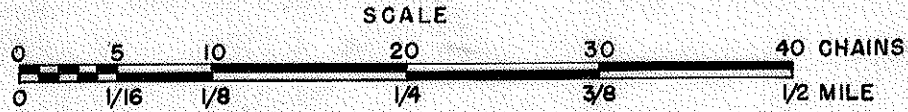
BERNARD ROGERS TRACT

(211)

22.27 ACRES

TOWN OF WEST NEWBURY

ESSEX COUNTY, MASSACHUSETTS



UNITED STATES DEPARTMENT OF THE INTERIOR
Fish and Wildlife Service
Branch of Lands

CHECK LIST FOR LAND ACQUISITION

State: Massachusetts County: Essex

Unit Name: Parker River NWR

Crane Pond

Case Designation: Rogers, Bernard (211)

File Prepared: _____ Case card prepared: _____

	Reviewed	Posted	
		Atlas	Case Card
<u>Appraisal Report</u> Received: _____	✓		
<u>Agreement</u> Received: _____ Expiration Date: _____			
<u>Approval</u> Date: <u>44-12-05</u>			DTG
<u>Agreement Accepted</u> Date: _____			
Contract No. _____			
<u>Obligation</u> : \$ _____			
<u>Disbursement</u> \$ _____			
<u>Surplus or deficiency</u> \$ _____			
<u>Lease Effective</u> Date: _____			
<u>Report of Survey</u>	✓	56/208/48	DTG
<u>Condemnation</u> Requested: Filed _____ At Law No. <u>1710</u>			DTG
Award by Commissioners: \$ _____			
Award by Jury: \$ _____			
<u>Purchase Voucher</u> To Accounts: _____			
Fund: <u>54</u>			DTG
<u>Title Vested</u> Date: <u>44-12-30</u>		56/208/48	
Method: <u>D/T</u>		VWAM	DTG
<u>Final Opinion</u> Dated: _____			DTG
Copies Distributed: _____			
Fund: County _____			
Unit _____			
Summary Card: _____			

72295

ABSTRACTOR'S CERTIFICATE

Rogers, Bernard Tract Plot 210

Essex County, Massachusetts


Containing 22 acres

I, Mary L. Blackstone, Abstractor, do hereby certify that for the use and benefit of the United States of America I have examined all the records of Essex County, State of Massachusetts excluding-including the Federal records -- insofar as they affect the title to the land captioned, that this abstract contains all the essential record data to be found in the aforesaid county, affecting the title to said land, and that the examination of said county records included a careful and diligent search for the following evidence of title affecting or relating to the instant land:

- (1) For all grants or patents.
- (2) For all deeds, deeds of trust, mortgages, miscellaneous contracts, releases of homestead and dower, cancellation, satisfaction, and foreclosure of mortgages, and deeds of trust.
- (3) For all wills, administration of estates, probates, incompetency, or other special proceedings, and partition suits.
- (4) For all attachments, judgments, decrees, lis pendens, suits, encumbrances, or other liens of any kind or character including-excluding Federal tax liens, and welfare liens.
- (5) For all taxes and special assessments (delinquent, current, and eligible) which, in any manner, attach to said lands down to the date of this certificate, and that according to the tax records of aforesaid county, all taxes have been paid, except as shown in statement of taxes found on page ___ of the abstract.
- (6) For all forfeitures to the State or County for the non-payment of taxes, redemptions thereof, and tax sales made by the county or state.
- (7) For all outsales, and for all adverse deeds or claims of title.

I hereby certify that all instruments of record shown in the foregoing abstract have been duly and regularly executed and acknowledged, unless otherwise noted, and that said abstract consists of one to twenty three pages, inclusive.

Made this 27th day of March 19 45 at Salem, Massachusetts.


Mary L. Blackstone
Abstractor

General Explanatory Statement

A patent of King James I, dated November 3, 1620, created the Council for New England and granted it the territory in North America from 40° to 48° N. latitude and from sea to sea, to be known thereafter as New England in America.

By instrument of March 19, 1628, the Council for New England granted to Sir Henry Roswell and others the territory afterwards confirmed by Royal Charter to the "Governor and Company of the Massachusetts Bay in New England".

John Endicott was sent over in 1628 with a small band of colonists, as the agent of the grantees under the instrument of March 19, 1628. The new Royal Charter was sealed March 4, 1629. John Winthrop was chosen Governor and arrived at Salem, June 12, 1630. The Pilgrims on their way to Virginia established their colony at Plymouth in 1620. There was a union of the Colonies in 1692.

In re Town of West Newbury. The territory which comprises West Newbury was originally a part of Newbury, until February 18, 1819, when it was set off as the Town of Parsons. This name was changed on June 14, 1820 to West Newbury.

David Ordway
Treasurer for the First
Parish in West Newbury

to

Daniel Moulton
of West Newbury

INSTRUMENT: Warranty Deed

DATE: May 14, 1827

RECORDED: Salem, Essex County, Mass.
June 20, 1836
Book 289, Page 289

CONSIDERATION: \$206.

SIGNATURE: Valid

ACKNOWLEDGED: May 14, 1827

Description

A lot of woodland situated in West Newbury aforesaid, and bounded Easterly by a road called Ash Street, Northerly by land belonging to the heirs of Benjamin Plumer, deceased, and others as the fence now stands, Westerly by land of Capt. Samuel Rogers and Southerly by said Roger's land, and land of Capt. Thomas Chase and land belonging to the Second Parish in West Newbury, containing about 16 acres be the same more or less.

Note: The above calls for 16 acres whereas in the following the land is described as being 22 acres.

Daniel Moulton
of West Newbury

to

Edmund Knight
of West Newbury

INSTRUMENT: Warranty Deed

DATE: Jan. 7, 1839

RECORDED: Salem, Essex County, Mass.
Jan. 16, 1839
Book 310, Page 166

CONSIDERATION: \$650.

RELEASE: Dower

SIGNATURES: Valid

ACKNOWLEDGED: Jan. 7, 1839

Description

A certain lot of woodland situated in West Newbury aforesaid, bounded as follows, viz: Beginning at the Northerly corner by land formerly Joseph Stanwoods, and at Ash Street so called, thence running South Westerly by said land formerly sd Stanwoods, land of Moses Newells and others as the wall now stands to land of Samuel Rogers to a stake and stones; thence Easterly by said Roger's land to a stake and stones; thence Northeasterly by said Rogers' land and land of Moses Newell aforesaid, and land of the Second Parish in West Newbury to a stake and stones, at Ash Street aforesaid; thence by said Street Northwesterly to the bound begun at.

Meaning to convey all the land I purchased of the First Parish in West Newbury.

Edmund Knight
of Newburyport

to

John M. Smith, and
David Smith,
of Newburyport

INSTRUMENT: Warranty Deed
DATE: Nov. 9, 1857
RECORDED: Salem, Essex County, Mass.
Nov. 11, 1857
Book 561, Page 123
CONSIDERATION: \$1000.
RELEASE: Dower
SIGNATURES: Valid
ACKNOWLEDGED: Nov. 9, 1857

Description

A certain lot of woodland situated in West Newbury in the County and Commonwealth aforesaid bounded as follows, viz: Beginning at the Northerly corner by land formerly Joseph Stanwoods and at Ash Street so called, thence running Southwesterly by land formerly Joseph Stanwoods and land of Moses Newell and others as the wall now stands to land of the heirs of Samuel Rogers to a stake and stones. Then Easterly by said Rogers land to a stake and stones. Then Northeasterly by said Rogers land and land of Moses Newell and land of the Second Parish of West Newbury to a stake and stones at Ash Street aforesaid. Thence by said street Northwesterly to the bounds began at. Meaning to convey all the land I purchased of Daniel Moulton Jan. 7, 1837.

John M. Smith
of Newburyport

PROCEEDING: Administration of Estate

RECORDED: Salem, Essex County, Mass.
July 7, 1863
No. 53,590

Date of death, June 14, 1863

Petition and decree, July 7, 1863

Petition shows: William Wallace Smith)
 ✓ Edward Todd Smith -)
 ✓ Anna Smith -)
 Mary Ellen Smith)
 ✓ George Smith -)
 ✓ Charles Fremont Smith -)
 ✓ Harriet Smith -)
 ✓ Martha Bradbury Smith -)

All of Newburyport and
children of the said
John M. Smith, deceased.

Appoints David Smith, administrator

Bond, July 7, 1863

Affidavit of notice of appointment, Sept. 15, 1863

Inventory, Sept. 15, 1863

Shows: 1/2 of about 20 acres of woodland.

Petition and decree for partition of real estate, May 3, 1864

Shows: One undivided half owned by David Smith and one undivided half
owned by the heirs of John M. Smith.
A woodlot of about 20 acres in West Newbury, known as the
Parsonage lot.

Warrant and return for partition of real estate, June 21, 1864

Shows: To Edward Todd Smith, Anna Horton Smith, George Moody Smith,
Charles Fremont Smith, Harriet Maria Smith and Martha Bradbury Smith.
#5. Also the Northwesterly half of a woodlot in West Newbury set off
by us from David Smith containing about 12 $\frac{1}{2}$ acres, beginning at Ash
Street by land formerly owned by Joseph Stanwood, thence running
Southwesterly by said Stanwood and others about 92 rods by the wall
to a stake and stones by land of Samuel Rogers, thence Easterly by
said Rogers 20 rods and 19 links to a stake and stones and land of
David Smith, set off by us, thence Northeasterly by said Smith about
91 rods to Ash Street, thence by said Street Northwesterly 24 rods
and 15 links to the bound begun at.

To William Smith and Mary Ellen Smith (other land not contained in abstract).

In dividing the land with the heirs of said deceased and David Smith,
we assign to David Smith as follows: #13. A woodlot in West Newbury,
the Easterly half containing about 10 acres and bounded as follows,
commencing at Ash Street at the corner of land of the Second Parish
in West Newbury, thence Southwesterly by said Parish land and land of
William Noyes about 90 rods to land of Esekial D. Rogers, thence
Westerly by said Rogers about 16 rods and 6 links to land set off
this day to heirs of the aforesaid deceased, thence Northeasterly by
said heirs about 91 rods to a bound at Ash Street, thence by said
Street Southeasterly about 20 rods to the bound begun at.

Accounts filed, Apr. 19, 1864 and June 20, 1865

Edward T. Smith, et al
of Newburyport

PROCEEDING: Guardianship

RECORDED: Salem, Essex County, Mass.
April 19, 1864
No. 53,472

Petition and decree, April 19, 1864

Shows: David Smith of Newburyport, appointed guardian of

- ✓ Edward Todd Smith, born April 28, 1850
- ✓ Anna Horton Smith, born Oct. 30, 1851
- ✓ George Moody Smith, born March 28, 1855
- ✓ Charles Fremont Smith, born Oct. 15, 1856
- ✓ Harriet Maria Smith, born April 7, 1858
- ✓ Martha Bradbury Smith, born Nov. 25, 1860

Bond, April 19, 1864

Inventory, May 3, 1864

Shows: One undivided half of about 22 acres of woodland in West Newbury.

Petition and license to sell real estate for maintenance, May 15, 1866.

Shows: A certain lot of woodland situate in West Newbury in said County containing $12\frac{1}{2}$ acres. Beginning at Ash Street by land formerly owned by Joseph Stanwood, thence running Southwesterly by land of said Stanwood and of others 92 rods more or less by the wall to a stake and stones to land of Samuel Rogers; thence Easterly by said Rogers land 20 rods and 19 links to a stake and stones and land of David Smith; thence Northeasterly by said David Smith's land about 91 rods to Ash Street, and thence by said Street Northwesterly about 24 rods and 15 links to the bound begun at.

Affidavit of sale of real estate, Nov. 6, 1866.

Shows: Description same as petition to sell.

Account June 28, 1880.

David Smith,
of Newburyport,
Guardian of Edward T. Smith,
Anna H. Smith, George M. Smith,
Charles F. Smith, Harriet M. Smith,
and Martha B. Smith, minor
children of John M. Smith, late
of Newburyport, by order of Probate
Court May 15, 1866
to

Harrison G. O. Chase and
Thomas M. Chase,
both of West Newbury

INSTRUMENT: Guardians Deed

DATE: June 16, 1866

RECORDED: Salem, Essex County, Mass.
June 22, 1866
Book 706, Page 24

CONSIDERATION: \$175.00

SIGNATURE: Valid

ACKNOWLEDGED: June 16, 1866

Description

A lot of woodland containing about $12\frac{1}{2}$ acres, situated in said West Newbury bounded as follows, viz: Commencing on Ash Street by land formerly owned by Joseph Stanwood, thence running Southwesterly by land of said Stanwood et al, 92 rods more or less, to land of Samuel Rogers; thence Easterly by said Rogers land 20 rods and 19 links to land this day conveyed by me to said grantees; thence Northeasterly by said conveyed land about 91 rods to Ash Street beforenamed, thence Northwesterly by said Street about 24 rods and 15 links to the bounds begun at.

David Smith
of Newbury

to

Harrison G.O.Chase and
Thomas M. Chase
both of Newbury

INSTRUMENT: Warranty Deed

DATE: June 16, 1866

RECORDED: Salem, Essex County, Mass.
June 22, 1866
Book 706, Page 25

CONSIDERATION: \$205.

RELEASE: Dower

SIGNATURES: Valid

ACKNOWLEDGED: June 16, 1866

Description

A lot of woodland containing about 10 acres situated in said West Newbury bounded as follows, viz: Northeasterly by Ash Street, Northwesterly by land this day conveyed by me, as Guardian of Edward T. Smith et ali to said grantees, Southwesterly by land of Samuel Rogers; Southeasterly by land formerly belonging to Moses Newell and land of the Second Parish in West Newbury.

Meaning to convey to said grantees, all the premises described in a deed from Edmund Knight to John M. Smith and myself, dated Nov. 9, 1857, recorded Book 561, Page 123, excepting such part of said premises as I have this day conveyed as guardian as above named.

Thomas M. Chase
West Newbury

PROCEEDINGS: Probate of Will

RECORDED: Salem, Essex County, Mass.
March 11, 1895

No. 76,926

Died: January 26, 1895

Petition, citation, decree: Allowed March 11, 1895

Shows: Heirs

Mary T. Chase, wife
Elwood N. Chase, son
Emma J. Whitman, daughter

Appoints: Elwood N. Chase, executor

Bond: Approved March 11, 1895 - \$40,000 - without sureties

Will: dated December -- 1870

Shows:

To son, one-half of comb factory, with building, etc.
To daughter , \$2,000
To wife, all the rest, residue and remainder of estate,
with power of sale at her discretion

Harrison G.O. Chase
of West Newbury

PROCEEDING: Probate of will

RECORDED: Salem, Essex County, Mass.
May 25, 1896
No. 79,155

Date of death, May 4, 1896

Shows: All real estate, except the homestead (homestead not in abstract) to his wife Eliza J. Chase, without reservation for her sole use and behoof forever and for her (my said wives) disposal by will or otherwise as she may choose.

Names Orin Warren, of West Newbury, Executor.

Petition, citation, decree, May 25, 1896

Shows: Eliza J. Chase, West Newbury (widow)
Rowena Chase, West Newbury (sister)
Sarah E. Chase, West Newbury (niece)
Horace Chase, West Newbury (nephew)
Otis G. Chase, West Newbury (nephew)
Elwood N. Chase, West Newbury (nephew)
Emma J. Whitman, Elmwood, (niece)
Helen Noyes, Haverhill, (niece)
Julia Durgin, Bradford (niece)

Appoints: Orin Warren, West Newbury, Executor.

Bond, May 25, 1896

Affidavit of notice of appointment, July 2, 1896

Inventory, June 10, 1896

Shows: 10 acres of woodland in West Newbury, one undivided half part, Ash Street.

Account, April 13, 1903.

Eliza J. Chase, widow,
of West Newbury

PROCEEDING: Probate of Will

RECORDED: Salem, Essex County, Mass.
Feb. 16, 1903
No. 90,842

Date of death, Aug. 31, 1902, widow.

Will and codicil filed Sept. 8, 1902

Will shows: Remainder of her property (land in abstract) to
Maurice S. Parker, Great Falls, Montana.
Names Orrin Warren, West Newbury, Executor.

Codicil shows: Names Benjamin F. Cook of Gloucester, Executor.

Petition, citation and decree, dismissed Feb. 16, 1903

Shows: Benjamin F. Cook, Gloucester, petitioner. Executor
Susan Hopkinson, Groveland (niece)
Helen Stickney, Chelsea (niece)
Maurice S. Parker, Jackson, Texas, (nephew)

Declination of Benjamin F. Cook as executor, Feb. 16, 1903.

Assent of Sarah H. Stickney and M.S.Parker to appointment of N.Woodburn
Nichols, of Haverhill as administrator, Feb. 16, 1903

Petition and decree, Feb. 16, 1903

Shows: Sarah Helen Stickney, Chelsea (niece)
Susan Hopkinson, Groveland (niece)
Maurice S. Parker, Jacksboro, Texas (nephew)

Appoints N.Woodburn Nichols, administrator — Benjamin F.Cook, of
Gloucester having declined to accept said trust.

Bond, Feb. 16, 1903

Affidavit of notice of appointment, Mar. 25, 1903

Inventory, Mar. 30, 1903

Shows: 1/2 interest in woodland (10 acre lot) on Ash Street,
West Newbury.

Account, Mar. 27, 1905.

Maurice S. Parker
of Hoopston, Ill.

to

Elwood N. Chase,
of West Newbury

INSTRUMENT: Quitclaim Deed
DATE: Nov. 7, 1903
RECORDED: Salem, Essex County, Mass.
Aug. 17, 1904
Book 1752, Page 82
CONSIDERATION: \$77.50
RELEASE: Dower and homestead
SIGNATURES: Valid
ACKNOWLEDGED: Nov. 7, 1903

Description

The following parcels of woodland situated in said West Newbury, bounded and described as follows: First, a 1/2 interest in a parcel bounded as follows, viz: Commencing on Ash Street by land formerly owned by Joseph Stanwood; thence running Southwesterly by land of said Stanwood et alii 92 rods more or less to land of Samuel Rogers; thence easterly by said Rogers land 20 rods and 19 links to land formerly of H.G.O. and T.M.Chase; thence Northeasterly by said Chase land about 91 rods to Ash Street aforesaid; thence Northwesterly by said Street about 24 rods and 15 links to the bound begun at, containing about 12½ acres. Reference may be had to Deed Book 706, Page 24.

Second. A 1/2 interest in a parcel bounded as follows: viz: Northeasterly by Ash Street; Northwesterly by land formerly of H.G.O. and T.M.Chase; Southwesterly by land of Samuel Rogers; Southeasterly by land formerly of Moses Newell and by land now or formerly of the Second Parish in said West Newbury, containing about 10 acres. Reference may be had to deed Book 706, Page 25.

For the grantors right to convey a 1/2 interest in both of said parcels reference may be had to the will of Eliza J. Chase, also to that of H.G.O.Chase, both of said wills having been duly probated.

Mary T. Chase
of West Newbury
to
Elwood N. Chase
of West Newbury

INSTRUMENT: Quitclaim Deed
DATE: Aug. 15, 1904
RECORDED: Salem, Essex County, Mass.
Aug. 17, 1904
Book 1752, Page 83
CONSIDERATION: \$77.50
RELEASE: Dower and homestead
SIGNATURE: Valid
ACKNOWLEDGED: Aug. 15, 1904

Description

Same as deed recorded Book 1752, Page 82.

Reference may be had to deed Book 706, Pages 24 and 25. For the grantors right to convey a 1/2 interest in both of said parcels reference may be had to the will of Thomas M. Chase, said will having been duly probated.

Elwood N. Chase
of West Newbury

to

Asa Rogers
of Byfield

INSTRUMENT: Quitclaim Deed

DATE: Aug. 15, 1904

RECORDED: Salem, Essex County, Mass.
Jan. 6, 1909
Book 1949, Page 539

CONSIDERATION: \$1.00 and o.c.

RELEASE: Dower and homestead

SIGNATURES: Valid

ACKNOWLEDGED: Aug. 15, 1904

Description

Tract 210- The following parcels of woodlands situated in West Newbury, bounded and described as follows. First a parcel bounded as follows, viz:

Commencing on Ash Street by land formerly - by Joseph Stanwood; thence running Southwesterly by land of said Stanwood et al ninty two rods (92) more or less to land of Samuel Rogers; thence Easterly by said Rogers land 20 rods and 19 links to land formerly of H.G.O. and T.M.Chase; thence Northeasterly by said Chase's land about ninty one rods to Ash Street aforesaid, thence Northwesterly by said Street about 24 rods and 15 links to bound begun at, containing about 12½ acres.

Second, a parcel bounded as follows, viz: Northeasterly by Ash Street, Northwesterly by land formerly of H.G.O. and T.M.Chase; Southwesterly by land of Samuel Rogers, Southeasterly by land formerly of Moses Newell and by land now or formerly of the Second Parish in said West Newbury, containing about 10 acres.

Reference may be had to deeds Book 706, Page 24 and 25.

Asa Rogers
of Newbury

PROCEEDING: Probate of Will

RECORDED: Salem, Essex County, Mass.
Nov. 23, 1925
No. 153,010

Date of death, Jan. 24, 1925

Will, petition, citation and decree, Nov. 23, 1925

Will shows: The remainder (contains land in abstract) to her daughter
Emmeline M. Rogers and her heirs.

Names her daughter Emmeline M. Rogers, Executrix.

Petition shows: Emeline M. Rogers, Newbury (daughter) Executrix
Grace E. Marling, Beverly, (granddaughter)
Clarice R. Whipple, Ann Arbor, Mich. (granddaughter)
Lena A. Oliver, Salem (granddaughter)

Bond, Nov. 23, 1925

Affidavit of notice of appointment, Dec. 24, 1925

Inventory Dec. 24, 1925

Shows; 22 $\frac{1}{2}$ acres of scrub land, West Newbury.

Administration d.b.n. with will annexed, petition and decree, Oct. 25, 1928

Shows: Oscar H. Nelson of Newburyport and William D. Chapple of Salem,
Appointed administrators, Emeline M. Rogers having since deceased.

Bonds D.B.N. Nov. 15, 1928

Affidavit of notice of appointment, Jan. 28, 1929

Inventory, Jan. 28, 1929

Shows: #2 "Wood lots."

Note: Emmeline M. Rogers and Emeline M. Rogers are one and the same person.

Emeline M. Rogers
of Newbury

PROCEEDING: Probate of Will

RECORDED: Salem, Essex County, Mass.
Oct. 25, 1928
No. 155,489

Date of death, June 9, 1926

Will filed, June 25, 1926

Shows: All property to Orrin B. Rogers who is also named Executor.

Petition, citation and decree, disallowed, Oct. 25, 1928

Shows: Mrs. Lena R. Oliver, Salem, (niece)
Mrs. Grace E. Marling, Beverly (niece)
Miss Clarice R. Whipple, Michigan (niece)

Disallowed by agreement of all parties interested and petition dismissed.

Agreement filed Oct. 25, 1928

Shows: Legatee and heirs at law above named agree that will be disallowed and Oscar H. Nelson of Newburyport with William D. Chapple of Salem be appointed administrators; that after debts and inheritance taxes are paid, 1/2 to Orrin B. Rogers and 1/2 to Lena R. Oliver, Grace E. Marling and Clarice R. Whipple.

All real estate to Orrin B. Rogers on account of his 1/2 of estate.

Petition and decree, Oct. 25, 1928

Shows: Oscar H. Nelson of Newburyport and William Chapple of Salem, appointed administrators.

Heirs at law, viz: Lena R. Oliver, Salem, (niece)
Grace E. Marling, Beverly (niece)
Clarice R. Whipple, Ann Arbor, Mich. (niece)

Bonds, Oct. 25, 1928

Inventory, Jan. 28, 1929

Shows: #2 "wood lots"

Affidavit of notice of appointment, Jan. 28, 1929

State Tax Receipt #31730, paid in full, Aug. 2, 1929

Receipts in full by above legatee and heirs at law, Jan. 8, 1930.

Note: Orrin B. Rogers and Orrin B. Rogers are one and the same person.

Grace E. Marling
of Beverly, and
Lena A. Oliver,
of Salem, and
Clarice R. Whipple, unmarried
of Ann Arbor, Mich.

to

Orrin B. Rogers,
of Newbury

INSTRUMENT: Quitclaim Deed
DATE: March 21, 1929
RECORDED: Salem, Essex County, Mass.
April 1, 1929
Book 2800, Page 484
CONSIDERATION: Paid
RELEASE: Curtesy
SIGNATURES: Valid
ACKNOWLEDGED: March 21, 1929

Description

All our right, title and interest in and to any real estate in the towns of Newbury and West Newbury in said County of Essex which we inherited from Emeline M. Rogers, deceased, late of said Newbury.

Orrin B. Rogers,
of Newbury

PROCEEDING: Administration of Estate

RECORDED: Salem, Essex County, Mass.
Jan. 10, 1934
No. 177,234

Date of death, Aug. 28, 1933

Petition, citation, decree, Jan. 10, 1934

Shows: Sidney M. Rogers, Georgetown (nephew) Administrator
Bernard Rogers, Newbury (nephew)
Emma Gray, Sakonnet, Pt. R.I. (niece)
Gloria L. Jackman, Newburyport (grandchild)
Russell M. Jackman, Newburyport (grandchild)
Nancy Jackman, Newburyport (grandchild)
Gene Jackman, Newburyport (grandchild)

Bond, Jan. 10, 1934

Petition, citation and decree for removal of administrator, allowed Nov. 15, 1938

Shows: Susan E. Harrington recovered judgment against estate and
execution issued in sum of \$1898.51 and made demand for payment
on administrator, who refused to pay.

Petition and citation and decree, administration d.b.n. Sept. 5, 1939

Shows: Thomas S. Murray of Newburyport appointed administrator.

Bond, Sept. 5, 1939.

ATTACHMENT

Susan B. Harrington

PROCEEDINGS:

Civil Case
No. 55,929

vs

Sidney M. Rogers, administrator of
estate of Orrin B. Rogers

Salem Civil Court
September 4, 1934

Attachment \$5,000 -- issued July 25, 1934

Plaintiff's Declaration, filed September 4, 1934

Shows: Plaintiff seeks to recover \$2702.86 for labor and
services rendered deceased in his last illness

Defendant's answer: filed September 22, 1934

Shows: General denial

Trial: September 28, 1937

Verdict: September 28, 1937: Judgment for Plaintiff - \$1890

Execution issued November 24, 1937. Returned to court not satisfied

Alias execution issued April 6, 1938

Charles F. Brown
Collector of Taxes
Town of West Newbury

INSTRUMENT: Affidavit
DATE: Dec. 31, 1935
RECORDED: Salem, Essex County, Mass.
March 26, 1936
Book 3068, Page 229
SIGNATURE: Valid
ACKNOWLEDGED: Dec. 31, 1935

Description

That on Sept. 3, 1935 there was served by Charles F. Brown, Collector of Taxes for said Town on H. or D. of Orin Rogers as owner or occupant (or mortgagee) of the land hereinafter described a statement of the amount of tax assessed on said land for the year 1934 with a demand for its payment.

About 22 acres of woodland situated on Ash Street and known as the Chase wood lot.

Charles F. Brown
Collector of Taxes
Town of West Newbury

INSTRUMENT: Affidavit
DATE: Dec. 31, 1935
RECORDED: Salem, Essex County, Mass.
Mar. 26, 1936
Book 3068, Page 230
SIGNATURE: Valid
ACKNOWLEDGED: Dec. 31, 1935

Description

That tax remained unpaid 14 days after demand and notice of time and place of sale was given by printing the notice in the Newburyport Daily News and posting a copy in two or more convenient public places and 14 days before the advertised time of sale.

To be sold at the Town Hall in West Newbury Dec. 24, 1935 at 2:00 PM.

Orin Rogers, About 22 acres of woodland situated on Ash Street and known as the Chase woodlot. Taxes 1934 \$10. Taxes 1935 \$11.

Charles F. Brown,
Collector of Taxes for
the Town of West Newbury

to

Joseph Newell
West Newbury

INSTRUMENT: Tax Deed
DATE: December 31, 1935
Salem, Essex County, Mass.
RECORDED: March 26, 1936
Book 3068, page 231
CONSIDERATION: \$26.97
SIGNATURE: Valid
ACKNOWLEDGED: December 31, 1935

DESCRIPTION

The land taxed to Orin Rogers, to wit:

About 22 acres of woodland situated on Ash Street and known as the Chase woodlot.

Subject to the right of redemption by any person legally entitled to redeem the same and to all easements and restrictions lawfully existing in, upon or over said land, or appurtenant thereto when so taken.

The sale aforesaid has, in all particulars, been conducted according to law.

Joseph Newell, unmarried
of West Newbury

to

Bernard Rogers
of Newbury

INSTRUMENT: Quitclaim Deed
DATE: Sept. 26, 1938
RECORDED: Salem, Essex County, Mass.
Sept. 27, 1938
Book 3158, Page 195
CONSIDERATION: Paid, less than \$100.
SIGNATURE: Valid
ACKNOWLEDGED: Sept. 26, 1938

Description

The land in said West Newbury described as follows:

About 22 acres of woodland situated on Ash Street and known as the Chase woodlot.

For my title see Book 3068, Page 231, being a Tax Collector deed from Charles F. Brown to Joseph Newell, said premises having been sold for taxes for the years 1934 and 1935.

Said grantor has paid the taxes for the years 1936, 1937, 1938.

In the District Court of the
United States
For the District of Massachusetts

PROCEEDINGS: Judgment on Declaration
of Taking

DATED: January 2, 1945

RECORDED: Salem, Essex County,
Massachusetts
January 23, 1945
Book 3408, Page 278

SIGNED: Charles E. Wyzanski Jr.,
Judge

A true copy, Attest:
James S. Allen, Clerk

United States of America)
Petitioner,)
)
v.)
)
12,367.47 acres more or)
less of land, situate in)
Essex County, Massachusetts)
Defendants,)

Misc. Civil, No. 7010

DECREE

Wyzanski, J: ORDERED, ADJUDGED and DECREED:
that the full fee simple title thereto, together with all accretion
and reliction and all and singular the water rights and other rights,
tenements, hereditaments and appurtenances thereto belonging or in
anywise appertaining, vested in the United States of America upon
the filing of said declaration of taking and the depositing in the
registry of the amount of estimated just compensation; which land
is situated in the County of Essex, as shown on six maps marked
Appendix "B-1"; "B-2"; "B-3"; "B-4"; "B-5"; "B-6" respectively,
attached hereto and said land is deemed to be condemned
and taken for the United States of America possession of
the hereinafter described property shall be surrendered forthwith
to the United States of America and its duly authorized agents

DESCRIPTION

Includes land in abstract under heading "Description of the Crane Pond Division, Parker River National Wildlife Refuge, Towns of Georgetown, Groveland, Newbury, and West Newbury"

"but there is excepted from such acquisition all lands under navigable waters below the low water marks and all lands heretofore acquired by the United States of America v. 1,845.60 acres more or less of land situate in Essex County, Massachusetts, Misc. Civil No. 6771;

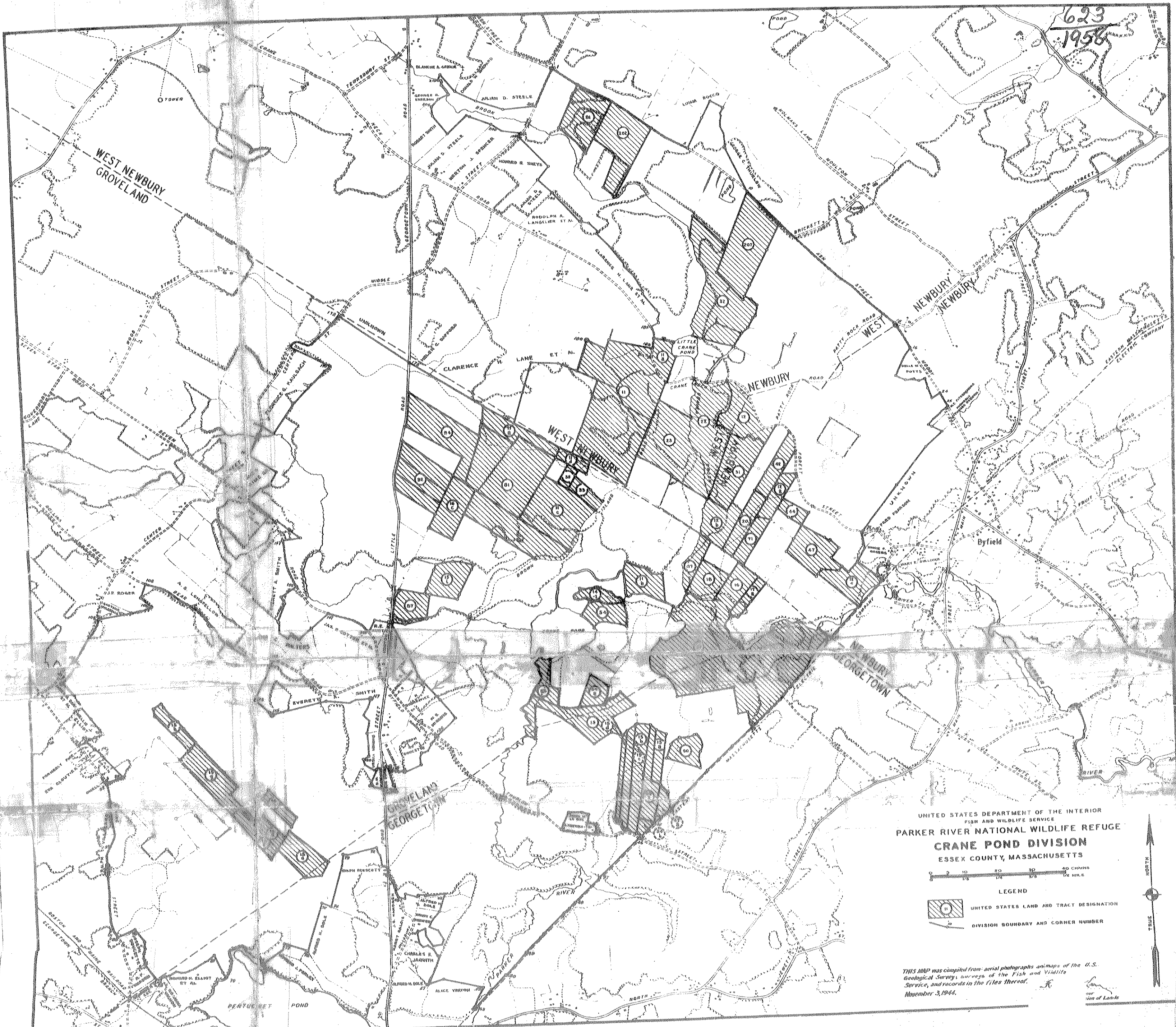
subject, however, to an easement in the public for public road purposes in the following named roads or streets:

Ash Street

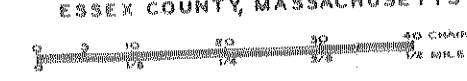
and subject also to the following described rights and easements:


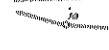
- (d) The rights of the public for the purpose of navigation in navigable waters.
- (e) The outstanding oyster rights, if any.

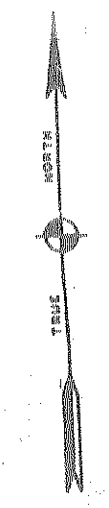
623
1958



UNITED STATES DEPARTMENT OF THE INTERIOR
 FISH AND WILDLIFE SERVICE
PARKER RIVER NATIONAL WILDLIFE REFUGE
CRANE POND DIVISION
 ESSEX COUNTY, MASSACHUSETTS



LEGEND
 UNITED STATES LAND AND TRACT DESIGNATION
 DIVISION BOUNDARY AND CORNER NUMBER



THIS MAP was compiled from aerial photographs and maps of the U.S. Geological Survey, surveys of the Fish and Wildlife Service, and records in the files thereof.
 November 3, 1944.



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: Select Board
FROM: Angus Jennings, Town Manager
DATE: January 6, 2024
RE: Ash Street traffic control plan, draft

Enclosed is a WORKING DRAFT, and is shared to provide an update on our general direction to ensure what we're on track to meet the Board's expectations for a filing to NHESP late this month.

A working meeting will take place on Monday including the Highway Superintendent, Conservation Agent and Police Chief. While the attached draft draws largely from the NHESP checklist we submitted in the fall, and staff correspondences last summer, the specific attached draft hasn't yet been vetted at the staff level. Any feedback coming out of Monday's working meeting will be shared with the Board for the discussion that night.

This topic is not an action item on Monday's agenda. Our goal is to advance the ball, with an updated draft brought to the Board's January 29th meeting for approval prior to submittal to NHESP later that week.



Town of West Newbury Select Board

381 Main Street, West Newbury, MA 01985 | 978-363-1100, Ext. 115
selectboard@wnewbury.org

TO: Massachusetts Division of Fisheries & Wildlife, NHESP Program
FROM: Select Board, in its capacity as Roadway Commissioners
RE: Proposed Traffic Control Plan for unpaved (gravel) portion of Ash Street
DATE: January XX, 2024

The attached Traffic Control Plan is hereby submitted with our request for review and written approval by the Division of Fisheries & Wildlife (“Division”). This includes seasonal measures to reduce vehicle speeds for the purpose of reducing potential for road mortality for the Blanding's Turtle, and is intended to satisfy the condition attached to the Division’s letter of October 17, 2023 regarding NHESP File No. 23-8626.

Upon your office’s review, please respond with approval. We would be pleased to respond to any questions you may have, or to provide additional information as may be needed.

Traffic Control Plan: Working Draft

Gravel portion of Ash Street, Town of West Newbury

NHESP File No. 23-8626

Ash Street Gravel Road Maintenance Narrative

Highway Division of West Newbury DPW shall perform maintenance of the gravel portion of Ash Street as needed to maintain safe travel conditions through periodic regrading of roadway surface, associated addition of gravel, and clearance of existing culverts.

Roadway Resurfacing

Maintenance will occur when roadway is deemed by the West Newbury Highway Superintendent and Police Chief to be hazardous to vehicular travel due to potholes and/or roadway flooding.

Prior to maintenance work, the Conservation Agent (or, if unavailable, her/his designee) shall walk the length of the roadway and conduct a visual survey to monitor roadway mortality (roadkill), and to monitor and photograph indications of Blanding's Turtles (nests, hatchlings, animals). If any Blanding's Turtles are located, the Agent shall:

- If the animal is alive and uninjured, remain nearby and direct vehicles/work around it until it is safely into the wood or wetlands;
- If the animal is not alive, wrap the carcass in a sealable plastic bag for temporary storage in a refrigerator or freezer, and provide notice to the NHESP Endangered Species Review Biologist that the species can be made available for pickup.

Records of the dates and recorded observations shall be maintained in the Conservation department of the Town Offices, with copies of all observed indications of Blanding's Turtles provided to the Division.

Following the Conservation Agent's survey, the DPW's backhoe shall spread a mixture of 1 1/2-inch and 3/8-inch gravel to fill in potholes / low spots and restore the roadway. The gravel will be compacted by driving the backhoe over it, in an overlapping pattern. Vibratory compaction will not be used. The DPW shall ensure that gravel is spread in the roadway only and that no expansion of the roadway width occurs by ensuring material stays within the bounds of the existing white markers installed along the roadway surface.

This work has been determined to be exempt from a Wetlands Protection Act filing under 310 CMR 10.02(2)(b)2.p.

Roadway Flooding / Culvert Clearing

Three plastic culverts pass under the gravel portion of Ash Street and water flows through these culverts from the northeast to the southwest. Due to muskrat and beaver activity, the culverts occasionally become blocked and this blockage results in roadway flooding. When it is deemed necessary to clear the culverts, the Highway Division of the DPW shall

use the bucket of their backhoe to reach into the inlet of the culvert (northeast site of the roadway) and “fling” the material out of the inlet and back into the swamp. At no time will equipment enter the wetland, and all equipment shall remain on the gravel roadway with care taken to not destabilize the road shoulders.

As this work is not exempt from a Wetlands Protection Act filing, prior to clearing the material from these culverts the Highway Superintendent shall inform the Conservation Agent of the threat to public safety (roadway flooding) and request an emergency certificate to breach the dammed material at the culvert inlet. If issued, an emergency certificate shall be provided to the West Newbury DPW with a copy sent to MA DEP.

Signage

[SECTION TO BE ADDED DESCRIBING NUMBER, LOCATION AND TYPE OF EXISTING SIGNAGE AND ANY PROPOSED SIGNAGE. NARRATIVE TO ALSO ADDRESS INTENT TO USE PORTABLE SPEED MONITORING TRAILER TO IMPROVE DRIVER ADHERENCE TO POSTED SPEEDS, AND TO IMPROVE TOWN TRACKING OF TRAFFIC VOLUME AND SPEEDS.]

Ash Street ROW through swamp

09/08/2023



Data Sources: Produced by Merrimack Valley Planning Commission (MVPC) using data provided by the Town of West Newbury & MassGIS. MVPC AND THE TOWN OF WEST NEWBURY MAKES NO WARRANTIES, EXPRESSED OR IMPLIED, CONCERNING THE ACCURACY, COMPLETENESS, RELIABILITY, OR SUITABILITY OF THESE DATA. THE TOWN OF WEST NEWBURY AND MVPC DOES NOT ASSUME ANY LIABILITY ASSOCIATED WITH THE USE OR MISUSE OF THIS INFORMATION




- | | | | | | |
|---------------------|---------|-----------|------------|------------|------------|
| MVPC Boundary | Parcels | Roads | Interstate | Major Road | Local Road |
| Building Footprints | Trails | Easements | Streams | Wetlands | |

USGS Map with Ash Street ROW shown in yellow



NHESP Map with approximate Ash Street gravel road area shown in red box





Massachusetts
DEPARTMENT OF FISHERIES & WILDLIFE

Natural Heritage & Endangered Species Program
100 Water Street, 10th Floor, Boston, MA 02109
Tel: (617) 725-1000, Fax: (617) 725-1001

Data Sources:
Priority Habitats and Endangered Species: Created by HANSEN 2001
Wetland Wetland Data: Created by HANSEN, July 20, 2021
Town Boundaries: U.S. Census Bureau, 2010 Census, TIGER/Line Shapefiles
Census Tracts: U.S. Census Bureau, 2010 Census, TIGER/Line Shapefiles
Roads: Massachusetts State Road Inventory, 2008
MESA: NHESP, 2014
MESA: NHESP, 2014

WEST NEWBURY



Priority Habitats and Estimated Habitats

Priority Habitats, for use with the MA Endangered Species Act Regulations (321 CMR 10)

Estimated Habitats, for use with the MA Wetlands Protection Act Regulations (310 CMR 10)

Effective August 1, 2021

<p> Priority Habitat of Rare Species</p> <p>Project or Activity falls within Priority Habitat only: - You must file directly with NHESP pursuant to Massachusetts Endangered Species Act (MESA)</p> <p>Examples of projects: single family home, subdivision, commercial building, widening of driveway/road, beaver dam removal, etc.</p> <p>Some projects or activities may be exempt from MESA filing: see 321 CMR 10.14</p>	<p> Priority Habitat of Rare Species and also Estimated Habitat of Rare Wildlife</p> <p>Project or Activity falls within BOTH Estimated Habitat and Priority Habitat: - Is a Notice of Intent (NOI) under wetlands regulations required? -Yes Send copy of NOI to NHESP and must also file under MESA (streamlined MESA/NOI filing option available) -No MESA filing only (see 'Priority Habitat' details at left)</p>
--	---

Commonwealth of Massachusetts
Executive Office Building
700 Morrissey Boulevard
Boston, MA 02125

WEST NEWBURY

Priority Habitats and Estimated Habitats

Priority Habitats, for use with the MA Endangered Species Act Regulations (321 CMR 10)

Estimated Habitats, for use with the MA Wetlands Protection Act Regulations (310 CMR 10)

Effective August 1, 2021

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--	---

Transportation:

- Interstate
- U.S. Highway
- State Route
- Non-numbered Route
- Railroad

- Certified Vernal Pools (as of July 20, 2021)
- Town Boundary

Existing Condition Photo 1: Gravel portion of Ash Street 9/8/2023



Existing Condition Photo 2: Gravel road meets paved road looking northwest. Area that appears "disturbed" is freshly spread gravel from 9/8/2023 emergency work.



Existing Condition Photo 3: Gravel portion of road meets paved looking southeast



Existing Condition Photo 4: Area of culvert inlets



Existing Condition Photo 5: Area of culvert outlets.





DIVISION OF FISHERIES & WILDLIFE

1 Rabbit Hill Road, Westborough, MA 01581
p: (508) 389-6300 | f: (508) 389-7890
MASS.GOV/MASSWILDLIFE

MASSWILDLIFE

October 17, 2023

Town of West Newbury
381 Main Street
West Newbury, Massachusetts 01985

RE: Applicant: Town of West Newbury
 Project Location: Ash Street
 Project Description: Ash Street swamp road maintenance and repairs

NHESP File No.: 23-8626

Dear Applicant:

The Natural Heritage & Endangered Species Program of the Massachusetts Division of Fisheries & Wildlife (the "Division") received the MESA Project Review Checklist and supporting documentation for review pursuant to the Massachusetts Endangered Species Act (MESA) (MGL c.131A) and its implementing regulations (321 CMR 10.00).

The MESA is administered by the Division, and prohibits the Take of state-listed species. The Take of state-listed species is defined as "in reference to animals...harm...kill...disrupt the nesting, breeding, feeding or migratory activity...and in reference to plants...collect, pick, kill, transplant, cut or process...Disruption of nesting, breeding, feeding, or migratory activity may result from, but is not limited to, the modification, degradation, or destruction of Habitat" of state-listed species (321 CMR 10.02).

The Division has determined that this Project, as currently proposed, will occur **within** the actual habitat of the following species:

<u>Scientific Name</u>	<u>Common Name</u>	<u>Taxonomic Group</u>	<u>State Status</u>
<i>Emydoidea blandingii</i>	Blanding's Turtle	Reptile	Threatened

This species and their habitats are protected in accordance with the MESA.

Based on the information provided and the information contained in our database, the Division finds that a portion of this project, as currently proposed, **must be conditioned** to avoid a prohibited Take of state-listed species (321 CMR 10.18(2)(a)). **To avoid a prohibited Take of state-listed species, the conditions attached to this letter must be met.**

Provided the attached conditions are fully implemented and there are no changes to the project plans, this project

MASSWILDLIFE

will not result in a Take of state-listed species. We note that all work is subject to the anti-segmentation provisions (321 CMR 10.16) of the MESA. This determination is a final decision of the Division of Fisheries and Wildlife pursuant to 321 CMR 10.18. Any changes to the proposed project or any additional work beyond that shown on the site plans may require an additional filing with the Division pursuant to the MESA. This project may be subject to further review if no physical work is commenced within five years from the date of issuance of this determination, or if there is a change to the project.

Please note that this determination addresses only the matter of state-listed species and their habitats. If you have any questions regarding this letter please contact Melany Cheeseman, Endangered Species Review Assistant, at Melany.Cheeseman@mass.gov, (508) 389-6357.

Sincerely,



Everose Schlüter, Ph.D.
Assistant Director

cc:

Attachment: List of Conditions

List of Conditions

Applicant: Town of West Newbury
Project Location: Ash Street
Project Description: Ash Street swamp road maintenance and repairs
NHESP File No.: 23-8626
Heritage Hub Form ID: RC-65534

To avoid a prohibited Take of state-listed species, the following condition(s) must be met:

1. **Traffic Control Plan:** Prior to January 31, 2024, the Applicant shall submit to the Division a Traffic Control Plan for Ash Street for review and written approval. Said Traffic Control Plan must include seasonal measures to reduce vehicle speeds for the purpose of reducing potential for road mortality for the Blanding's Turtle.

Step	Staff Person	Timeline	Notes
<p>Receive Application for Appointment</p>	<p>Town Clerk</p>	<p>Variable</p>	<p>Should be sent to townclerk@wnewbury.org If received by other staff person (incl. by mail or in-person drop-off), send to this address and/or give to the Town Clerk.</p>
<p>Contact applicant to thank them for their interest and let them know about the process. Share the application with Town Manager, Executive Assistant, and the Chair of the Board/Commission/Committee (B/C/C). Let the Chair know that the application is under review and will be placed on an upcoming SB agenda.</p>	<p>Town/Asst Clerk</p>	<p>Within 1-2 work days</p>	<p>If the application is for a vacancy on an elected B/C/C (PB, Library Board, BOH, BOWC, BOA, P&R Comm, WNHA), vacancies are filled by a joint appointment of the SB and the remaining members of the B/C/C. All such applications should be referred to the Town Manager and the Town Clerk.</p>
<p>Contact applicant to ask if they have any questions about the B/C/C</p>	<p>B/C/C Chair</p>	<p>Within 1 week</p>	<p>If the Chair has any concerns about the potential appointment, notify the Town Manager</p>
<p>Schedule the applicant for appointment on a Select Board agenda</p>	<p>Town Clerk/Exec Asst</p>	<p>Generally, within 2-3 weeks (or longer if to an elected B/C/C)</p>	<p>(Per above, if vacancy is on an elected B/C/C, this would be scheduled and posted as a joint mtg)</p>
<p>Notify applicant that appointment has been scheduled. Let them know that remote access info will be on the agenda posted to the Town website. (New applicants are expected to attend; applicants for reappointment are welcome but need not attend – their option)</p>	<p>Town/Asst Clerk</p>	<p>No later than the Thursday prior to the meeting</p>	
<p>Notify B/C/C Chair that appointment has been scheduled.</p>	<p>Town/Asst Clerk</p>	<p>Concurrent with notice to applicant</p>	

Once appointment has been made, notify Asst Clerk	Town Clerk	Day after meeting	
If applicant is appointed at Select Board meeting, let them know (if they were not present), review swearing in process/schedule a time, and let B/C/C Chair know of the appointment	Asst Clerk	Day after BOS meeting	Review active participation in the B/C/C meeting concerning votes can not take place until the appointee has been sworn in
Swearing in	Town Clerk / Asst Clerk	At mutual availability	
Update appointment application to reflect dates of appointment and swearing-in	Town Clerk / Asst Clerk	Following swearing-in	
Update B/C/C website to reflect new member; and update “Volunteer Opportunities” page to reflect only current B/C/C vacancies	Town/Asst Clerk	Following swearing-in	
Provide signed certification to Town Clerk’s office acknowledging receipt of Open Meeting Law materials¹	Applicant	Within 2 weeks of swearing-in	
Provide documentation of completion of State Ethics Training (conflict of interest law) to Town Clerk’s office/Receive online confirmation of the completion	Applicant	Within 30 days of swearing-in	
Maintain binder of signed Open Meeting Law certifications	Town Clerk / Asst Clerk	Ongoing	
Maintain database of B/C/C members with dates of completion of State Ethics Training	Town Clerk / Asst Clerk	Ongoing	

¹ <https://www.mass.gov/service-details/complete-public-body-member-certification>

DPW PROJECTS AND PROGRAMS LIST

Updated 1/02/24

PROJECTS		NOTES
PRJ-001	Page School Conditions Assessment	Gienapp to provide draft report this week, Town review, schedule public meeting
PRJ-002	Page School Exterior/Lintel Study	Final RFP and plans to be provided this week by Gienapp, RFP available 1/8
PRJ-004	Whetstone Street Connection	Revive it - coordinate with Sam, Michelle, W&S
PRJ-005	MVP Action Grant for River Road	Team Check-in Meeting 1/3, GEI working on survey compilation and culvert analysis
PRJ-006	Town Phone System	RFP Advertised, site walk 1/10
PRJ-007	Pipestave Parking and Circulation	Need to discuss ideas and long-term plan with Town leadership, stakeholders
PRJ-008	Page School Onsite Circulation	Had onsite meeting with staff, PRSD. TEC to provide cost proposal, and then Concept Plan
PRJ-010	Regional Hazard Mitigation Plan	Had Regional meeting in December, Town staff to review and complete remaining online forms
PRJ-011	Rte 113 Pipestave Crossing	25% Complete, move to next phase once on-site circulation complete
PRJ-012	Rte 113 Corridor Planning	TEC gathering comments, CW to update website, schedule check-in to discuss concept designs and next steps
PRJ-013	Town Center Safety Improvements	Need to spend \$50k by June 2026, concept will be started with the Corridor project
PRJ-014	Page School HVAC Main Offices	Installation - unsure on timing
PRJ-015	Coffin Street Culverts	Draft scope to be reviewed by GEI, AJ - discuss with team at MVP meeting 1/3, send to consultants

PROGRAMS		
PROG-01	Stormwater	Determine remaining budget, HW stormwater bylaw changes/review of Town bylaws
PROG-02	Climate Change Resiliency	Ongoing - attend monthly meetings
PROG-03	Town Projects Webpages	Ongoing - CW to update Route 113, Page, MVP
PROG-04	Green Energy	Ongoing - RP/KB
PROG-05	DPW Misc/Operations	Ongoing - Need to complete Town Annual Report writeup for projects
PROG-06	MVPC Transportation	Ongoing - Next Vision Zero Meeting 1/11
PROG-07	Land Management & Planning Bi-Weekly Mtg.	Ongoing - Next meeting 1/10 9am - CW/AJ to prepare agenda ahead of time
PROG-08	Capital Planning	Ongoing - BH, AJ
PROG-09	Grant Applications	Check in on DER Transitional culverts status, discuss upcoming culvert applications with MG & AJ
PROG-10	Events	November Fairs completed

ARCHIVED		
PRJ-009	Safe Routes to School - Page School Main St	Project done - files relevant to new projects moved over
PRJ-003	Solar Site Feasibility Study	RP/Sustainability Committee Coordinating



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

CENTRAL MASSACHUSETTS DIVISION
10 MECHANIC STREET, SUITE 301
WORCESTER, MA 01608

ANDREA JOY CAMPBELL
ATTORNEY GENERAL

(508) 792-7600
(508) 795-1991 fax
www.mass.gov/ago

January 4, 2024

James RW Blatchford, Town Clerk
Town of West Newbury
381 Main Street
West Newbury, MA 01985

**Re: West Newbury Annual Town Meeting of April 24, 2023 -- Case # 11115
Warrant Articles # 22 and 23 (Zoning)¹**

Dear Mr. Blatchford:

Article 23 - We approve Article 23 from the April 24, 2023 West Newbury Annual Town Meeting. Under Article 23 the Town voted to “recodify, amend and renumber” its zoning by-laws. The recodification includes renumbering and repositioning changes, including internal citation updates, as shown on a document called “proposed revised Zoning By-law” on file with the Town Clerk. According to the Town, the changes adopted under Article 23 are limited to non-substantive changes that reorder and renumber the zoning by-laws. See October 19, 2023 email from Town Clerk Blatchford to AAG Caprioli; see also the Planning Board minutes of March 7, 2023 describing Article 23 as “simply a reorganization and renumbering of the bylaws, along with fixing punctuation and spelling errors, no substantial changes were to be made.” ([March 7, 2023 Planning Board minutes](#)). Our approval of the recodified zoning by-laws is limited solely to those changes that were identified in the documents submitted to this Office and does not include any other changes.

Note: Pursuant to G.L. c. 40, § 32, neither general nor zoning by-laws take effect unless the Town has first satisfied the posting/publishing requirements of that statute. Once this statutory duty is fulfilled, (1) general by-laws and amendments take effect on the date these posting and publishing requirements are satisfied unless a later effective date is prescribed in the by-law, and (2) zoning by-laws and amendments are deemed to have taken effect from the date they were approved by the Town Meeting, unless a later effective date is prescribed in the by-law.

¹ On September 29, 2023 we placed Articles 22 and 23 on “hold” until such time as the Town submitted a completed by-law submission. On October 10, 2023, the Town submitted all documents necessary for us to complete our review of Articles 22 and 23 and we notified the Town of our new deadline (January 8, 2024). We will issue our decision on Article 22 under separate cover.

Very truly yours,

ANDREA JOY CAMPBELL
ATTORNEY GENERAL

Nicole B. Caprioli

By: Nicole B. Caprioli
Assistant Attorney General
Municipal Law Unit
10 Mechanic Street, Suite 301
Worcester, MA 01608
(508) 792-7600 ext. 4418

cc: Town Counsel Timothy D. Zessin

Town Manager

From: Alex Weisheit [REDACTED]
Sent: Thursday, January 4, 2024 12:10 PM
To: Conservation; Town Manager
Cc: Molly Hawking [REDACTED] Connor A. Mullen; Hayley A. Reifeiss
Subject: RE: Draft Wetlands Protection Bylaw for Review

Hi Michelle:

Happy New Year! We will prepare a more detailed response with some legal citation but the short answer to the inquiry/argument below is that, in my opinion, Town Meeting does have the authority to approve a wetland bylaw protecting resource areas to a greater extent than the state WPA. Thanks.

-Alex

A. Alexander Weisheit, Esq.

KP | LAW

101 Arch Street, 12th Floor
Boston, MA 02110

[REDACTED]
[REDACTED]
[REDACTED]
www.k-plaw.com

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From: Conservation <conservation@wnewbury.org>

Sent: Thursday, January 4, 2024 9:57 AM

To: Alex Weisheit [REDACTED]; Town Manager <townmanager@wnewbury.org>

Cc: Molly Hawking [REDACTED] Connor A. Mullen [REDACTED]
[REDACTED]

Subject: RE: Draft Wetlands Protection Bylaw for Review

Hi Alex,

I hope your holidays were great!

We received some additional feedback on the draft bylaw which questions its legality to be enacted under home rule. Could you review this and advise?

“Relation to the Wetlands Protection Act

I don't think these regulations can be established separate from the Wetlands Protection Act, or 310 CMR 10. The Home Rule Amendment allows any Town or City to adopt local ordinances or bylaws which the general court has conferred upon it.

As I stated in my previous review the I don't think the General Court has granted to West Newbury through Chapter 40 Section 8C, Chapter 131 Section 40 Chapter 258 of the Acts of 1996 or Chapter 131A Section 4 the powers to define wetlands differently from the Wetlands Protection Act, to define the Purpose differently from

310 CMR 10 and to expand its authority over wetlands and uplands beyond what is provided for in the Wetlands Protection Act and 31 CMR 10. “

I also pulled the feedback previously provided which is referred to above. This feedback was sent on a previous version of the draft bylaw but relates to the reference to home rule authority in the purpose section which remains in the current draft.

“ARTICLE LXXXIX (Home Rule Amendment) Section 6. Governmental Powers of Cities and Towns. Any city or town may, by the adoption, amendment, or repeal of local ordinances or by-laws, exercise any power or function **which the general court has power to confer upon it**, which is not inconsistent with the constitution or laws enacted by the general court in conformity with powers reserved to the general court by section eight, and which is not denied, either expressly or by clear implication, to the city or town by its charter. This section shall apply to every city and town, whether or not it has adopted a charter pursuant to section three.

The General Court has not conferred upon West Newbury in law the power to define wetlands vernal pools, or wildlife habitat. Such powers are not contained within Chapter 40 Section 8C Conservation Commission; Establishment; Powers and Duties or in Chapter 131 Section 40 Removal, Fill Dredge or Altering of Land Bordering Waters, The Rivers Protection Act, Chapter 258 of the Acts of 1996 or Chapter 131A Section 4 Endangered Species Act.

The question here is whether there is a limit on Home Rule authority in regulating wetlands to a greater degree than that specified in the Wetlands Protection Act and the regulations adopted thereunder. Many municipalities in the Commonwealth have adopted their own Wetlands Bylaws that are stricter than the Act or the Regulations. However, this proposed Bylaw creates wetland resource areas far beyond those defined in the Wetlands Protection Act or in 310CMR10.0. It would seem that Towns can enforce stricter regulations to protect wetlands deemed by the Commonwealth to be of value but to designate areas that aren't defined as wetlands by the Commonwealth as resource areas, as this proposed Bylaw does, goes beyond the limits of Home Rule. In fact, the extension of the definition of wetlands as proposed here and the extension of buffer zone constitutes a taking of land without compensation. Such an action can't offhandedly be attributed to rights under Home Rule authority. Neither can the Commission decide its own definition of vernal pools or endangered species habitat.”

Thank you,

Michelle Greene
Conservation Agent
Town of West Newbury
381 Main Street
West Newbury, MA 01985
Office: (978) 363-1100 x126
Mobile: (978) 891-0238
conservation@wnewbury.org

Don't let your decoration lead to destruction! Some berries used in wreaths and planters for their bright colors, like Asiatic bittersweet and multiflora rose, can spread invasive plants to your property where the plants can wreak havoc by forming impenetrable thickets that harbor ticks, growing vines that strangle and pull-down trees, and depleting your land's biodiversity. Learn more about these plants, including how to identify them, [here](#) and [here](#).

From: Alex Weisheit [REDACTED]
Sent: Thursday, December 7, 2023 1:09 PM
To: Conservation <conservation@wnewbury.org>; Town Manager <townmanager@wnewbury.org>

Cc: Molly Hawking [REDACTED]

Subject: RE: Draft Wetlands Protection Bylaw for Review

Thanks, Michelle. The legal doctrine implicated by your question is called a “regulatory taking.” Those sorts of claims are notoriously difficult to prove and are only available when application of a bylaw or regulation completely deprives an owner of any beneficial use of a property. Generally speaking, I would not be concerned about application of the bylaw resulting in exposure to those types of claims especially given that the Bylaw has a waiver provision that would allow the Commission to waive application of a bylaw provision that would result in a taking. Hope that helps. Happy to discuss in more detail.

-Alex

A. Alexander Weisheit, Esq.

KP | LAW

101 Arch Street, 12th Floor
Boston, MA 02110

[REDACTED]
[REDACTED]
[REDACTED]
www.k-plaw.com

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From: Conservation <conservation@wnewbury.org>

Sent: Thursday, December 7, 2023 12:55 PM

To: Alex Weisheit [REDACTED]; Town Manager <townmanager@wnewbury.org>

Cc: Molly Hawking [REDACTED]

Subject: RE: Draft Wetlands Protection Bylaw for Review

Thank you, that worked! I’ve never had the changes not just show when I opened the document.

I quickly reviewed and have no immediate comments/questions but appreciate where you’ve shortened sections to just refer to the laws or polices that we intend to follow with the bylaw. The Commission meets on 12/11 to work on the bylaw. I’ll bring your revised version to that meeting and follow up with any questions or concerns that the Commission may raise.

I’m not sure if you’re in a position to give this sort of advice but I do have a question related to the bylaw. We held a public info session on the draft bylaw last night and one comment/question that came up, which has come up in the past, is how the bylaw can be justified as not being a taking of people’s property. I have my own thoughts on it but I’m curious if you have a sound response to that question based in the law.

Thanks again for your help,

Michelle Greene
Conservation Agent
Town of West Newbury
381 Main Street
West Newbury, MA 01985
Office: (978) 363-1100 x126
Mobile: (978) 891-0238
conservation@wnewbury.org



Board, Commission, Committee Review

Please complete the following. Note that the size of the answer space will expand as information is entered. Also review the attached forms maintained by the Town Clerk's Office and note changes.

Name of BCC	Zoning Board of Appeals <i>CHAIR</i>
Current Membership with Officers noted	<i>1. PAUL O. KELLY 6/30/24; RICHARD DAVIES, 6/30/25; PATRICK HIGGINS, COCHAIR, 6/30/26; DENNIS LUCEY, 6/30/24; KIM MENAHER BORGIOLE, 6/30/26</i>
Length of Terms	<i>3 yrs</i>
Meeting Schedule	<i>AS needed</i>
Location of Meetings	<i>Town office building</i>
Responsibility for Posting Meeting Agenda	<i>Inspection Admin</i>
Responsibility for Taking Meeting Minutes	<i>member, Dennis Lucey</i>
Responsibility for Updating Website	<i>Town Clerk</i>
Town Staff Liaison/Support (if any)	<i>Inspection admin or Inspector</i>
BCC Charge (Please review excerpt from webpage or summarize referenced bylaw or MGL citation)	
Accomplishments since the last Evaluation	<i>Hearings</i>
Priorities for the Next Year	<i>—</i>
Two Year Priorities	<i>—</i>
Five Year Priorities	<i>—</i>
How can the Select Board/Town Manager better support the work of this BCC?	<i>We request help with the minutes because of the increased possibility of litigation, and the increased need for more technical input.</i>
Are there other BCC whose work overlaps with yours?	<i>No</i>
Is there other input you wish to provide?	<i>—</i>
Completed by	<i>Paul O. Kelly</i>
Date	<i>12-21-2023</i>



**Town of West Newbury
SLFRF - State and Local Fiscal Recovery Funds ARPA
Project Request Form**

Please complete this form and attach any additional paperwork to support your request.

Date:	1/3/2024
Project Name:	Middle Street Bridge Permit/Bid Assistance
Project ID: (accounting use only)	APRA-06
Expense Category:	6-Revenue Replacement
Description of Project: (50-250 words)	Engage project engineer for as-needed support to execute MassWorks and MDOT Small Bridge grant agreements; maintain/extend permits as needed; support for procurement/contract award.
Estimated Project cost	\$25,000
Status of completion:	Permitting complete; engineering assistance required for soft costs to begin the construction phase of the project.
Which FY will these expenses occur:	FY25

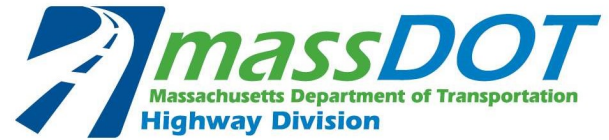
Dept head approval/Date

Select Board approval/Date

Accounting approval/Date



Maura Healey, Governor
Kimberley Driscoll, Lieutenant Governor
Gina Fiandaca, Secretary & CEO
Jonathan L. Gulliver, Highway Administrator



November 7, 2023

Angus Jennings
Town Manager
Town Office Building
381 Main Street
West Newbury, MA 01985

Via email: townmanager@wnewbury.org

Dear Angus Jennings:

Thank you for applying to the Municipal Small Bridge Program for the Fiscal Year 2024 funding round. We received many applications and had a very competitive application pool from which to select. I am pleased to inform you that West Newbury's Phase 2 application for bridge number N-11-007=W-20-001 on Plummer Spring Road Middle Street over Artichoke Reservoir has been approved for \$500,000.

Phase 2 construction grants are reimbursement-based, meaning communities request reimbursement for approved costs after they are incurred. Before any MassDOT-funded work begins, the municipality must enter into an agreement with MassDOT for the construction of the approved bridge. To initiate the contracting process, please send the following documents to SmallBridgeProgram@dot.state.ma.us:

1. Scope of work for the project, including the estimated schedule for completing the work.
2. Preliminary cost estimate for the project's construction.

It is anticipated that the Notice to Proceed (NTP) for this project will be issued by **February 1, 2024**. For details and guidelines pertaining to the implementation of awarded Phase 2 grants, please visit the [program website](#) or contact your District Bridge Engineer. Once construction begins, MassDOT asks that the municipality provide regular updates to the District Bridge Engineer regarding project progress. MassDOT looks forward to working with you on this critical bridge project.

Sincerely,

Jonathan L. Gulliver
Highway Administrator

cc: Paul Stedman, District Highway Director
Jonathan Lee, District Bridge Engineer
Kristen Pennucci, Community Grants Program Administrator

Ten Park Plaza, Suite 4160, Boston, MA 02116
Tel: 857-368-4636, TTY: 857-368-0655
www.mass.gov/massdot

Executive Assistant

From: Horne, Marc (EOED) <Marc.Horne@mass.gov>
Sent: Monday, November 20, 2023 5:23 PM
To: MassWorks (EOED)
Cc: McPherson, Jacqueline (EOED); Bulens, Nicholas (EOED); Tommee, Jong Wai (EOED); Vivaldi, Michael (EOED); Vega, Juan (EOED)
Subject: MassWorks FY24 Pre-Contracting Process

Follow Up Flag: Follow up
Flag Status: Flagged

Hello MassWorks Grantees!

You are receiving this email because your community was awarded a MassWorks grant through the FY24 Community One Stop for Growth.

Congratulations on your successful application.

In order to move forward with the contracting process our team needs to collect specific information related to your project; information such local contact information, budgets, and project schedule to name a few.

Those of you familiar with the MassWorks contracting process have likely filled out our pre-contract form. In the past we have collected these forms over email as simple word documents.

In order to improve the efficiency of our contracting process, we will be utilizing an on-line submission platform, where your pre-contract information can be uploaded. The information we are looking for is substantially the same as the old word document form. It is our hope this new process will be more efficient, transparent, and responsive, than emailing documents back and forth.

In order to begin this process, you will need to create an account on the following site:

<https://eoedinfrastructure.submittable.com/submit>

I am sure there will be some questions as we move into using a new system, so please bear with us as we all adjust. If at any time you find yourself unsure of how to move forward with Submittable, please let us know at Massworks@mass.gov and someone from our team will get back to you.

Once you have an account created on Submittable, you can access the Pre-Contract directly, through this link:

<https://eoedinfrastructure.submittable.com/submit/90da318a-24a0-4e5d-8f4a-c542ecf6c4bb/view>

Please be aware that the deadline for submission of the Pre-Contract form is January 31, 2024. Contracting your award is contingent upon successful submission by this date.

Thank you for the support of the MassWorks.
Our team is looking forward to working with you!

Marc P. Horne, *Deputy Director of Community Economic Development*
Mass. Executive Office of Housing and Economic Development

January 5, 2024

www.bscgroup.com

Angus Jennings, Town Manager
Town of West Newbury
Town Office Building
381 Main Street
West Newbury, MA 01985

RE: ADDITIONAL SERVICES – POST CHAPTER 85 AND ENV. PERMITTING APPROVAL – AS NEEDED

Dear Mr. Jennings,

BSC Group, Inc. (BSC) is pleased to submit this proposal for Additional Services relative to the Bridge Replacement located at **Middle Street/Plummer Spring Road over the Artichoke Reservoir** in the Town/City of West Newbury/Newburyport, Massachusetts. The proposed services shall include assisting the town with advancing the bridge project on an as needed basis.

BSC has prepared this proposal based upon the following understanding of your needs and circumstances that have affected the scope of services:

The project currently has MassDOT Chapter 85 Section 35 approval. In addition, the project has obtained environmental permitting approval and the permits were current as of 6/30/2023. However, the project currently lacks a clear construction funding path forward.

BSC, the *Company*, proposes to provide to the town of West Newbury the *Client*, the following specific services in accordance with the attached Terms and Conditions and Fee Schedule that are made a part of this Agreement.

1.0 SCOPE OF SERVICES

The following services will be performed as part of this Agreement:

- Assist the town on an as needed basis.
- Discuss possible grant opportunities.
- Coordination and attendance of meetings.
- Discuss previously completed engineering and environmental permits.
- Monitoring of environmental permit expiration dates.
- Assist the town in facilitating the execution of the town procured MassDOT and MassWorks grants by preparing schedules and other project-related information.

2.0 ADDITIONAL SERVICES

The following services are not included as a part of this Agreement. These services may become necessary based upon the conclusions derived from the performance of the proposed scope above. If required, these services will be performed for an additional fee to be paid on an hourly basis in accordance with the attached BSC Fee Schedule.

- Updating of previously approved environmental permits, plans, specification, construction cost estimates and contract documents.
- Advertisement of project for construction.
- Construction phase services.

3.0 SCHEDULE FOR SERVICES

BSC proposes to begin the services identified in Section 1.0 of this Agreement upon receipt of written authorization to proceed. Proposed services will begin within fourteen calendar days from receipt of written Notice to Proceed.

This offer to perform services is valid for a period of thirty (30) days from the date of this proposal.

4.0 FEE FOR SERVICES

- 4.1 BSC proposes to provide these services on an hourly basis and, for budgeting purposes, has estimated a budget of Twenty-Five Thousand (\$25,000.00) Dollars exclusive of any and all direct reimbursable expenses for the services described in Section 1.0 of this Agreement. BSC proposes to provide these services on an hourly basis in accordance with the attached BSC Fee Schedule. The Company suggests that the Client budget Eight Hundred (\$800.00) Dollars for reimbursable expenses. BSC's estimated budget for proposed services shall not be construed to be a not-to-exceed amount by line item or in the aggregate. The Company shall inform the Client as soon as practical if it becomes necessary to exceed the budget in order to perform all proposed and additional services required. BSC will not exceed the estimated budget without mutual agreement with Client.
- 4.2 Fees shall be billed monthly. Payment is due upon receipt of invoices. Failure to comply with the payment terms of this Agreement shall be cause for the Company to terminate services.

The Client shall provide BSC with any specific billing format required for prompt payment of invoices. The mailing address for all payments is:

BSC Group, Inc.
803 Summer Street
Boston, MA 02127

5.0 GENERAL CONSIDERATIONS

- 5.1 BSC will perform all services in a timely manner, but it is agreed between the parties that BSC cannot be responsible for delays occasioned by factors or parties beyond its control, nor by factors which could not reasonably have been foreseen at the time this Agreement was prepared and executed. Delays of this nature shall extend the completion date.
- 5.2 BSC's submittal will depend on the timely receipt of any required information from other project team members and/or the Client.
- 5.3 During the performance of the services described within this Agreement, the Scope of Services, and compensation therefore, may be adjusted by mutually agreed upon Amendments to this Agreement.
- 5.4 The attached "Statement of Terms and Conditions" is made a part of this Agreement.
- 5.5 This proposal is valid for a period of thirty (30) days.

5.6 Client understands that BSC's services are labor intensive. BSC typically bills clients monthly. Unless otherwise agreed in writing, payment of each BSC invoice is due on receipt and interest will accrue after 30 days. Client understands that BSC's services may be put on hold or terminated if invoices are not paid per this Agreement. It is the Client's responsibility to review invoices upon receipt. If there are any items which the Client wishes to discuss with BSC, it is the Client's responsibility to contact BSC to request any needed clarification. In the absence of any such request from the Client within 30 days from the date when rendered, it is agreed that the amount invoiced is correct and shall be paid in full to BSC.

Please execute two (2) copies of this Agreement and initial the attached Terms and Conditions, and return one (1) copy with an original signature for our records. BSC welcomes the opportunity to provide professional services for this project.

Sincerely,

BSC Group, Inc.



Micah Morrison, Senior Associate /
Manager of Structural Engineering

AGREE AND ACCEPTED BY:

Angus Jennings, Town Manager

Date

Fee Schedule

CLASSIFICATION

HOURLY RATE

Professional Staff

Principal: Architect, Designer, Developer, Engineer, Planner, Land Surveyor, Scientist, Analyst, Administrator	\$250.00 to \$350.00
Managing: Architect, Designer, Developer, Engineer, Planner, Land Surveyor, Scientist, Analyst, Administrator	\$180.00 to \$275.00
Senior: Architect, Designer, Developer, Engineer, Planner, Land Surveyor, Scientist, Analyst, Administrator	\$130.00 to \$205.00
Project: Architect, Designer, Developer, Engineer, Planner, Land Surveyor, Scientist, Analyst, Administrator	\$110.00 to \$190.00
Assistant: Architect, Designer, Developer, Engineer, Planner, Land Surveyor, Scientist, Analyst, Administrator, Technician	\$80.00 to \$130.00
Engineer Tech, Intern	\$60.00 to 80.00
Expert Witness Testimony/Court Appearance	\$300.00 to \$450.00

Expenses

Direct Expenses will be billed with a 10% markup. Direct Expenses include cost of transportation, shipping/courier service, printing and reprographics, telecommunications, presentation graphics, project supplies, subcontractors, subconsultants and other costs directly applicable to the individual project.

Premium rates apply for overtime hours, night shifts and weekend work.

Approved ARPA Requests	Project ID	Budget	Expenditure Category	Sub Category	Total Obligations	Total Expenditures
CLA Consulting Services	ARPA-01	\$ 9,500.00	6-Revenue Replacement	6.1 Provision of Government Services	\$ 9,500.00	\$ -
<i>Project Description: For ARPA Grant Consulting services to support in-house staff efforts to ensure continued program compliance as the Town moves ahead to identify and authorize projects or programs for ARPA funding</i>						
Church and Prospect Street Water Mains	ARPA-02	\$ 625,000.00	6-Revenue Replacement	6.1 Provision of Government Services	\$ 9,000.00	\$ 1,915.00
<i>Project Description: Water main replacement on Church and Prospect Street, incl. up to \$9,000 in engineering/procurement services.</i>						
Page School HVAC Unit Replacement	ARPA-03	\$ 115,000.00	6-Revenue Replacement	6.1 Provision of Government Services	\$ 12,206.00	\$ -
<i>Project Description: To replace the existing broken HVAC system at the Page School</i>						
Page School Sills	ARPA-04	\$ 50,000.00	6-Revenue Replacement	6.1 Provision of Government Services	\$ -	\$ -
<i>Project Description: Page School Remedial Masonry / Sills Repairs</i>						
Highway Garage Roof Replacement	ARPA-05	\$ 45,000.00	6-Revenue Replacement	6.1 Provision of Government Services		
<i>Project Description: Remove and replace asphalt shingles</i>						
Sub-Total		\$ 844,500.00			Sub-Total \$ 30,706.00	\$ 1,915.00
Total Funds		\$ 1,409,046.80				
Unallocated		\$ 564,546.80				

Pending ARPA Requests	Project ID	Budget	Expenditure Category	Sub Category
Middle Street Bridge permit/bid assistance	TBD	\$ 25,000.00	6-Revenue Replacement	6.1 Provision of Government Services
<i>Project Description: Engage project engineer for as-needed support to execute MassWorks and MDOT Small Bridge grant agreements; maintain/extend permits as needed; support for procurement/contract award.</i>				
Sub-Total		\$ 25,000.00		

Anticipated/Potential ARPA Requests	Project ID	Budget	Expenditure Category	Sub Category
Coffin Street culverts (engineering & permitting)	TBD	TBD	TBD	TBD
<i>Project Description: Design, engineering, permitting, procurement for 2 failing/failed culverts on Coffin Street. Intent is to get projects permitted and put out to bid timely to propose construction funding at the Spring 2024 Town Meeting. To date, 3 proposals received (low \$23,000 - high \$73,425). Town is re-scoping project to receive "apples to apples" proposals from prospective vendors.</i>				
Middle Street Bridge construction funding	TBD	TBD	TBD	TBD
<i>Project Description: Potential to propose supplemental funding for reconstruction of Middle Street Bridge.</i>				

Source: Angus Jennings, Town Manager, WORKING DRAFT of 1/3/23

Town Manager

From: Daniel Ovalle [REDACTED]
Sent: Friday, January 5, 2024 11:46 AM
To: Jerrard Whitten; Rick Parker
Cc: Town Manager; Patrick Reed
Subject: RE: West Newbury Middle Street Bridge
Attachments: WNmiddleEgarden2004_2013.pdf

Hello Rick,
A Happy New Year to you also.

We have 2 pre-closure traffic counts that were conducted just west of the bridge.
Please see the attached.

Please note:
May 2004: Middle St East of Garden St – Weekday ADT: 759.
September 2013: Middle St East of Garden St – Weekday ADT: 793.

Please let me know if you need further assistance.

Best,
Danny



Daniel A. Ovalle
Field Services Coordinator
Merrimack Valley Planning Commission
160 Main Street, Haverhill, MA 01830

[REDACTED]
[REDACTED]
MVPC.org | WeAreMV.com

From: Jerrard Whitten [REDACTED]
Sent: Friday, January 5, 2024 11:07 AM
To: Rick Parker <rparker@wnewbury.org>
Cc: townmanager@wnewbury.org; Patrick Reed
[REDACTED] Daniel Ovalle
Subject: RE: West Newbury Middle Street Bridge

Good morning Rick and Happy New Year!
Thank you for touching base with us about the Middle Street Bridge. Patrick Reed, our Transportation Program Manager, has been in discussion with Angus about funding for this project so I've looped Patrick and our Field Services Coordinator, Daniel Ovalle, in on this thread as they will be able to respond to you directly about traffic counts we have in that vicinity.

If we don't speak beforehand, have a good weekend,
Jerrard

From: Rick Parker <rparker@wnewbury.org>
Sent: Thursday, January 04, 2024 11:15 AM
[REDACTED]

Cc: townmanager@wnewbury.org

Subject: West Newbury Middle Street Bridge

Hi Jerrard,

Happy New Year - I hope your holidays were great!

As you know, West Newbury is working to assemble sufficient funding sources to construct a replacement of the Middle Street Bridge (a.k.a. Plummer Spring Bridge in Newburyport), which was closed to vehicular traffic in 2018 due to a structural failure. In order to compose a full explanation of the bridge's transportation significance to the Town, as seen from my perspective as a Select Board member, the pre-closure traffic count is an important factor. Over the years, MVPC has performed traffic counts for a number of West Newbury roads. Could MVPC provide any data available for the Middle Street Bridge?

Thank you – rick

Richard Parker – West Newbury Select Board

Merrimack Valley Planning Commission
 TWO CHANNEL WEEKLY SUMMARY
 Starting:05/19/2004

FCC: R5
 Site ID: 000200467010
 LOCATION: Middle St. East of Garden St.
 Direction1: EAST

File: NEWmiddleEgarden.prn
 CITY: West Newbury, MA
 COUNTER/#: 289

Direction2: WEST

TIME	MON		TUE		WED 19		THU 20		FRI 21		SAT		SUN		WK TOT		WK AVG	
	LN 1	LN 2	LN 1	LN 2	LN 1	LN 2	LN 1	LN 2	LN 1	LN 2	LN 1	LN 2	LN 1	LN 2	LN 1	LN 2	LN 1	LN 2
01:00							1	1	0	0					1	1	0	0
02:00							0	2	0	0					0	2	0	1
03:00							1	1	0	1					1	2	0	1
04:00							0	0	1	0					1	0	0	0
05:00							1	1	2	1					3	2	1	1
06:00							8	3	7	3					15	6	7	3
07:00							34	12	35	9					69	21	34	10
08:00							52	15	43	14					95	29	47	14
09:00							38	11	44	14					82	25	41	12
10:00							18	13	30	10					48	23	24	11
11:00							11	10	23	15					34	25	17	12
12:00							24	9	25	12					49	21	24	10
13:00							24	14	41	26					65	40	32	20
14:00							30	9							30	9	30	9
15:00					40	22	38	21							78	43	39	21
16:00					31	30	39	26							70	56	35	28
17:00					31	31	40	32							71	63	35	31
18:00					36	26	36	26							72	52	36	26
19:00					24	17	38	21							62	38	31	19
20:00					29	21	27	10							56	31	28	15
21:00					21	12	18	17							39	29	19	14
22:00					6	7	5	5							11	12	5	6
23:00					4	3	3	4							7	7	3	3
24:00					5	4	0	1							5	5	2	2

LANE 1	0	0	237	486	251	0	0	964	490
LANE 2	0	0	179	264	105	0	0	542	269
COMBINED	0	0	416	750	356	0	0	1506	759

Lane 1			
AM Times		07:30	07:00
AM Peaks		55	52
Lane 2			
AM Times		07:00	10:00
AM Peaks		21	19
Lane 1			
PM Times	14:00	14:45	12:15
PM Peaks	41	46	41
Lane 2			
PM Times	16:45	16:30	12:15
PM Peaks	36	35	26

Merrimack Valley Planning Commission

TWO CHANNEL WEEKLY SUMMARY
Starting: 9/25/2013

Page: 1

FCC: r0
Station: 000000067010
Location: Middle St E Garden St
Direction 1: EAST

File: WNmiddleEgarden.prn
City: West Newbury, MA
Counter: 290

Direction 2: WEST

TIME	MON		TUE		WED		THU 26		FRI 27		SAT 28		SUN		WK TOT		WK AVG	
	LN 1	LN 2	LN 1	LN 2	LN 1	LN 2	LN 1	LN 2	LN 1	LN 2	LN 1	LN 2	LN 1	LN 2	LN 1	LN 2	LN 1	LN 2
01:00							1	0	0	2			1	2	0	1		
02:00							1	0	0	0			1	0	0	0		
03:00							0	1	0	0			0	1	0	0		
04:00							0	0	0	0			0	0	0	0		
05:00							2	2	3	0			5	2	2	1		
06:00							6	0	4	3			10	3	5	2		
07:00							28	14	32	14			60	28	30	14		
08:00							45	17	45	18			90	35	45	18		
09:00							40	22	31	23			71	45	36	22		
10:00							22	20	23	22			45	42	22	21		
11:00							18	21	24	28			42	49	21	24		
12:00					17	34	25	35					42	69	21	34		
13:00					18	26	21	15					39	41	20	20		
14:00					30	23	19	19					49	42	24	21		
15:00					23	34	22	42					45	76	22	38		
16:00					26	47	41	47					67	94	34	47		
17:00					20	51	20	51					40	102	20	51		
18:00					19	30	25	41					44	71	22	36		
19:00					22	17	24	21					46	38	23	19		
20:00					11	19	12	11					23	30	12	15		
21:00					5	14	8	25					13	39	6	20		
22:00					5	5	2	9					7	14	4	7		
23:00					0	7	5	8					5	15	2	8		
24:00					1	2	1	2					2	4	1	2		
<hr/>																		
LANE 1						197		388		162					747		372	
LANE 2						309		423		110					842		421	
<hr/>																		
COMBINED						506		811		272					1589		793	
<hr/>																		
Lane 1																		
AM Times						11:15		07:15		07:15					07:15		07:15	
AM Peaks						17		45		45					90		44	
Lane 2																		
AM Times						11:15		11:15		10:15					11:15		11:15	
AM Peaks						34		35		28					69		33	
<hr/>																		
Lane 1																		
PM Times						13:15		15:15		00:00					15:15		15:15	
PM Peaks						30		41		0					67		32	
Lane 2																		
PM Times						16:15		16:15		00:00					16:15		16:15	
PM Peaks						51		51		0					102		50	



Policies of the West Newbury Select Board - PROPOSED DRAFT NEW POLICY

Policy # TBA: Obtaining a livery service letter

This policy is in regards to obtaining a letter from the Town of West Newbury in order to operate commercial ground transportation service to and from Massachusetts Port Authority (“Authority”) properties (i.e. airports and other public terminals) as required by the Authority’s application.

Livery Vehicles – Operation & Licensing Process

- 1) Obtain LIVERY vehicle plates from RMV via RMV (Requirements outlined in 540 CMR) for all vehicles to be utilized by the business.
- 2) Apply for & obtain a business certificate from Town Clerk’s Office.
 - i) To get a certificate you need to give us the name and address of your business, along with the names and addresses of any people who have an interest in your business. You **CANNOT** use a post office box for a business address.
 - ii) If you want to open a livery business, you also need to provide copies of the following information:
 - Up-to-date registrations for all vehicles used by the business
 - Proof of insurance for all vehicles used in the business
 - Massachusetts licenses for all drivers
 - Livery plates issued by the Registry of Motor Vehicles for each of the vehicles used in the business
 - Letter from the West Newbury Police Department of completed background check for all drivers conducted by the West Newbury Police Department
- 3) Approval by the Select Board directing the Town Clerk’s Office to issue the letter to Massachusetts Port Authority required in the Application for Commercial Ground Transportation Service.

Proposed: 1/8/2024



Policies of the West Newbury Select Board - DRAFT PROPOSED AMENDMENTS

29. Severe Weather Policy

The West Newbury Select Board recognizes that severe weather may make it unsafe for staff to travel to work. While this is unavoidable for essential personnel (such as emergency personnel and highway department personnel) the Board has instituted this policy so non-essential personnel can avoid unsafe conditions. This policy applies to administrative and office staff at the Town Offices and Library.

Essential personnel include Police, Fire, EMA, Dispatch, and Highway Departments whose work is necessary for public safety. Department heads will designate essential personnel in these departments.

After considering advice from at least the DPW ~~Director~~ Highway Superintendent and Police Chief, and taking into account the decision for information available regarding closures and/or delayed opening or early dismissal of surrounding community schools, the Town Manager shall decide whether Town offices will be closed to the public or if there should be a delayed opening or early closure. If the Town Manager decides that there should be a closure, delayed opening or early closure, he or she shall notify the Select Board, and will notify the Executive Assistant to the Town Manager who will call or text Department Heads, based on advance agreement of notification method among staff. Department Heads will contact the employees in their departments to notify them of conditions of closure. The Executive Assistant to the Town Manager will promptly notify residents via local media outlets, Town website, and social media. The Library Director will post such notices with regard to closures of the Library.

Under certain conditions, including severe weather, the Town Manager may direct employees not to report to work, delay arrival to work, or to leave work early. In these instances, employees shall be compensated for scheduled work hours.

If offices are not officially closed or delayed from opening, employees who feel that the roads are not safe for travel may choose to use vacation or personal time equal to the time missed. Once the roads are cleared, employees should make a reasonable effort to safely report to work. Department Heads must be informed about the employee's intended plans for coming in or staying home as close to the normal opening time as possible.

If conditions develop during the work day and no decision is made to close early, any employee who feels they need to leave before conditions worsen should do so and will be required to use vacation or personal time or to make-up the time at a later date approved by the Town Manager. If the building is closed because of the decision of the Town Manager, employees will receive their normal pay for the balance of the day.

Any employee who is already scheduled for vacation time, sick time, or otherwise not scheduled to work during the affected period of time is not eligible to be paid under this policy.

Any other aspects or decisions affecting a delay or closing not covered in this policy will be at the discretion of the Town Manager.

Adopted: 1/20/2011

Amended: 10/29/2018; 11/25/2019

Amended X/X/2024



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: Parks & Recreation Commission
 FROM: Angus Jennings, Town Manager
 DATE: January 4, 2024
 RE: Summer Rec program staffing structure

When the Commission meets this evening, a time-sensitive question before you is regarding the leadership staffing structure for the 2024 Summer Rec program. Every year, this foundational question must be resolved in order to engage leadership staff in order to timely prepare a program budget (costs and revenues/fee structure), secure reservations for field trip dates, work with the MyRec platform to get ready for program roll-out in the spring, hire other program staff, etc.

Since there has been some turnover on the Commission I thought it would be helpful to provide some background as to the recent structure, and how it came to be, followed by my recommendations.

Background

For many years, the Summer Rec Program staff structure was comprised of one Director and one Assistant Director, each of whom played a key role both in planning/organizing the program in the several months leading up to summer, and in overseeing program operations during the course of the six one-week programs. Both the Director and Assistant Director were also on-site throughout the 6-week program duration. This was the program staff structure for many years, up to and including summer 2019. The program was both programmatically and financially successful over these years.

The Summer Rec Program was not held in the summers of 2020 or 2021 due to COVID-19.

In early Fall 2021, the program's two long-time senior staff resigned from their positions in response to comments made by the former Parks & Rec Commission Chair, in a public meeting, that were viewed as disparaging to the program. Both during and immediately following that meeting, and prior to the employees' resignations, I voiced my strong objections to the then-Chair (and, after the meeting, to the Select Board and Town Counsel) regarding the Chair's comments, which I found to be wholly unprofessional and inappropriate. (By raising this history I am not intending to "reopen old wounds," but this event was unquestionably a turning point in the program, so is important in understanding how and why the staffing structure changed).

Over the subsequent several months (between roughly Sept.-Feb 2022), my office worked with the (then) former staff members, the Commission (primarily via a Commissioner designated for this purpose who was not the Chair), the Select Board (which, under the Town Manager Act, has a decisive role with regard to staffing and salary/wages), and with Town Counsel, in order to re-employ

the two individuals and enter an employment contract with the Co-Directors for 2022 to clearly document the terms of employment.

During this period of time, the two returning staff persons set out a number of preconditions to resuming their employment. One of their preconditions was that the program structure be changed to include two Co-Directors, and an Assistant Director, instead of the Director/Asst. Director structure. Under the Co-Director structure that they proposed, each would have a role in preparation leading up to the Summer Program, but during the six weeks of the program itself, each would be physically present for only three of the six weeks (plus the field trips on their “off” weeks), rather than for the full six weeks.

Due to the individuals’ long tenure with the program, my office’s shared opinion that the comments of the former Chair were inappropriate and unprofessional, and our (Select Board’s and my) opinion that a successful program could not be run in 2022 without these experienced individuals, we showed considerable deference to the then-former employees, and largely accepted their terms for re-employment. Needless to say, this process was not typical for either hiring or for establishing program structure, but did result in re-employment of the two long-serving staff. Their work, combined with significant administrative changes to the registration and payment processes (including significant increases in year-round Town staff responsibilities for program administration), led to a highly successful 2022 program.

After the 2022 season, one of the Co-Directors stepped down, but the program retained the Co-Director structure for 2023, and filled the position that had been held by the non-returning employee. Once again in 2023, the program was successful both programmatically and financially. A post-program survey also showed that the introduction of the MyRec registration and payment platform was well-received by families. The MyRec platform has also greatly improved the Town’s financial and participation record-keeping for the program, and has realized significant efficiencies in terms of staff time for registration, payments, refunds, credits, etc.

Following the 2023 season, the newest Co-Director (who held that position last summer, after having previously served as the Assistant Director) resigned from the program.

Looking Ahead

Looking ahead to the 2024 season, the Co-Director with an interest in returning for summer 2024 has recommended retaining the Co-Director structure.

Considered in a vacuum, I am more favorable to the former Director / Assistant Director structure for a few reasons:

- A single Program Director, present for the entire 6 weeks of the program, would be the best way to ensure consistency of program administration (including programming, oversight of support staff, etc.)
- Having 2 Directors creates potential for confusion as to “who’s in charge.” I am not aware of any other Town department – in West Newbury, in consultation with my counterparts in other communities, or in my entire municipal career– that runs any department or program with 2

directors with no differentiation in responsibilities. Having a clear chain of command is important to any organization.

- There are logistical inefficiencies with the Co-Director structure, including related to multiple employees sharing a single cellphone, a single email account, etc., and in practice there have been inconsistencies in communication based on whether one or the other Co-Director is managing correspondence on a particular day.

With all that being said, as I felt in 2021 (for the 2022 season), I continue to think that successfully running the program for the upcoming summer 2024 will rely on experienced leadership staff. Knowing that the 2023 Co-Director structure is of value (and perhaps necessary) for the long-time Director/Co-Director's return, I am open to continuing this structure for next summer. (However, it is important to note that, if an employee of the Pentucket schools is to be hired, posting the jobs publicly is required by State Ethics, so the hiring of a specific employee or employees will take some time).¹

If the Co-Director structure is the direction the Commission recommends, I would like to see some differentiation in job descriptions between the two Co-Director positions. I think that at least some of my concerns (both real/experienced and theoretical) could be allayed by clarifying a division of labor for the benefit of program leadership, customers, and overall town management.

At the January 4th meeting, the Commission will be asked to recommend a leadership structure for the 2024 program. Due to language in the Town Manager Act vesting decision-making authority with the Select Board,² the program structure will then be taken up by the Board. In anticipation of the Commission's recommendation tomorrow night, this item will be agenda'd for the Board's Jan. 8 meeting. Once a leadership structure is confirmed, my office can proceed with the hiring process.

Time of the Essence

Note: At the Commission's August 29th meeting, which included a recap of the 2023 Summer Rec Program, it was agreed that planning for Summer 2024 would begin in the fall. It was discussed at that time that it is very important to confirm the program's senior staffing by early January (or sooner), to allow timely preparation of an overall program budget and fee structure.

¹ Complete reference: <https://www.mass.gov/service-details/public-school-teacher-faqs-on-the-conflict-of-interest-law>

See esp.:

"Summer Jobs: A teacher may not have a financial interest in a contract with an agency of the town in which he works under §§ 7 and 20, which includes a second job in the same town, unless an exemption applies. You may only take this summer job if you can satisfy the requirements of the § 20(b) exemption. This will require that the town gave public notice of the availability of the recreation department job; that you do not work more than 500 hours in the recreation department job; that the head of the recreation department certifies that no one from the recreation department is available to do the job; and that the board of selectmen (or town council) approves the exemption. You will also have to file a written disclosure with the town clerk establishing that these requirements are met."

² Chapter 97 of the Acts of 2017 (the "Town Manager Act") Sec. 9(d) The town manager shall annually submit a town departmental and organizational structure and that town departmental and organization structure shall be subject to the approval of the [select] board. The town manager shall recommend the salaries and pay rates for town employees, except for those employees covered by a collective bargaining agreement; provided, however, that the salaries and pay rates recommended by the town manager shall be subject to modification and approval by the [select] board.

Last year, the Commission approved the Summer Program budget on Feb. 3rd, followed soon afterwards by a Select Board vote to approve the proposed wage structure. In order to get these votes on a similar schedule this year, and given the time it will take to post and fill either one or two leadership positions, I will be looking to the Commission to take a more active role in preparing the program budget than it has done in recent years. Therefore, in addition to taking up the question before you on January 4th, I hope you can also schedule a meeting later in January in order to take up a recommended 2024 Summer Program budget. It may be helpful for the Commission to designate a member to take the lead on preparing a draft budget that can then be taken up by the full Commission at a future meeting.

SUMMER RECREATION OPERATING BUDGET

March - September

2022

2023

Beginning Balance

34,644.40

35,394.88

Revenue		
MyRec Online	69,560.00	72,318.00
Receivables	3,016.00	1,247.00
Refund of Fees	(2,753.00)	(1,720.00)
	69,823.00	71,845.00

Expenses		
Director Wages	20,000.00	18,300.00
Other Wages	22,105.25	24,081.30
R.B. Productions Inc. (My Rec)		1,318.00
Verizon Wireless	288.62	250.79
Programming	12,024.89	10,050.17
Salter Transportation	5,600.00	5,590.00
Serigraphics Design LLC T-Shirts	1,448.75	1,482.80
Supplies (Amazon)	1,436.01	3,222.04
Inflatable Water Slide	829.00	4,675.00
Cabot Risk (Water Slide)	5,340.00	-
	69,072.52	68,970.10

Ending Balance

35,394.88

38,269.78

Source: Town Accountant, 1/4/2024



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: Select Board
FROM: Angus Jennings, Town Manager
DATE: January 6, 2024
RE: Summer Rec leadership staff structure

At their meeting on January 4th, the Parks & Rec Commission voted 2-0 to recommend a Co-Director structure for the summer 2024 program. (The 3rd Commissioner was recused from the discussion and vote). This is a request for Board approval of this aspect of the department's organizational structure pursuant to Sec. 9(d) of the Town Manager Act.¹

¹ Ch. 97 of the Acts of 2017, Sec. 9(d): The town manager shall annually submit a town departmental and organizational structure and that town departmental and organization structure shall be subject to the approval of the [select] board. The town manager shall recommend the salaries and pay rates for town employees, except for those employees covered by a collective bargaining agreement; provided, however, that the salaries and pay rates recommended by the town manager shall be subject to modification and approval by the [select] board.



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: Select Board
 FROM: Angus Jennings, Town Manager
 DATE: January 6, 2024
 RE: Known / Potential spring Town Meeting warrant articles

This is a preliminary list. The intent of Monday's discussion will be to advance Board discussion of articles that you may wish to propose, to ensure that staff have enough lead time to timely prepare article request forms (and, in a couple of instances, CPA eligibility and possibly funding application). Please note: several of listed items are included as placeholders. The Board retains the right to keep placeholder articles on the list after the closing of the warrant, and may remove them prior to signing/posting the warrant at least 14 days ahead of Town Meeting.

Potential Non-Recurring Articles (partial list)

- Extend sunset dates for some articles due to expire at end of FY24
- Adoption of new Wetlands Bylaw
- MBTA Communities zoning
- CPA funding proposals:
 - o Design/engineering/permitting, trail/boardwalk(s) to connect Mill Pond site, Sawmill Brook, and Deer Run trail easement(s)
 - o Site identification / feasibility study of potential site(s) for local pickleball courts
- Animal bylaw (potential addition/clarification of leashing requirement)
- Finance Committee bylaw (Committee composition)
- Harbor bylaw (regulations): Harbor Committee composition; fee structure; overall clarifications
- Appropriate funds into Police Detail Revolving Account (established per MGL Ch. 44 Sec. 53C) to maintain minimum \$10,000 balance in accordance with Police CBA.
- Establishment of Water Pension Liability Stabilization Fund. (Fund established at 2016 ATM has been entirely funded by General Fund / Free Cash).
- Establishment of Capital Stabilization Fund. (Town Stabilization fund has functioned in this capacity, but there has been discussion of establishing a dedicated Capital Stabilization Fund).
- Potential draw from pension liability stabilization fund
- PRSD Regional Agreement amendments (?)
- Funding for testing of one or more potential water source sites
- Middle Street Bridge funding / possibly borrowing authorization (pending preparation of request form/forms, incl. CIC review/recommendations)
- Other capital project requests (pending preparation of request forms, incl. CIC review/recommendations)

Standard (Recurring) Articles (draft list)

- Town reports

- Draw-down from School Stabilization (Middle/High School)
- Town budget
- Water Commission instructions
- Water budget
- Septic revolving fund
- Add to pension liability stabilization fund
- Add to OPEB stabilization fund
- PEG funds appropriation
- Revolving Fund amounts
- CPA standard funding article
- CPA transfer funds to Affordable Housing Trust
- Snow & Ice deficit



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: Select Board

FROM: Angus Jennings, Town Manager

DATE: January 6, 2024

RE: Meeting dates, first half of 2024

The following is a list of proposed (and in some cases previously confirmed) dates for the Board's regularly-scheduled meetings for the remainder of FY24:

- Tuesday Jan. 16, 2024 (special meeting re Whittier Tech MSBA project)
- Monday Jan. 29, 2024
- Tuesday, Feb. 6, 2024 (date for presentation of proposed FY25 budget)
- Monday Feb. 12, 2024
- Monday Feb. 26, 2024
- Monday Mar. 11, 2024
- Monday Mar. 25, 2024
- Monday Apr. 8, 2024
- Monday Apr. 22, 2024
- Monday Apr. 29, 2024 (Annual Town Meeting)
- Monday May 6, 2024
- Monday May 20, 2024
- Monday June 3, 2024
- Monday June 17, 2024
- Monday July 1, 2024 (Note: FY25)

Once these dates are confirmed (as may be modified prior to confirmation), the Town calendar will be updated accordingly.

Town Manager

From: Wendy Reed
Sent: Tuesday, December 19, 2023 9:42 PM
To: mlynch@whittier.tec.ma.us
Cc: Town Manager
Subject: Public Information Session - January 16, 2024

Superintendent Lynch,

At our Select Board meeting last night, the Town Manager and Select Board decided to provide a forum for residents to ask questions and comment on the Whittier Building Project on January 16, 2024. We are still finalizing details, including time, venue and the format of the event, but wanted to provide you with as much notice as possible in the event that you are able to join us. We will be sending out a postcard mailer notifying residents about the forum as well as voting details the first week of January.

Please let me know if you would be willing to attend this event and if you are open to answering resident questions. We believe that most residents are unaware of the details of this project and it is our responsibility to provide them with this information and encourage them to vote on the project.

Thanks for your consideration,

Wendy Reed
WN Select Board Chair



Maureen Lynch
Superintendent

Whittier Regional Vocational Technical High School

115 Amesbury Line Road
Haverhill, MA 01830-1898
978-373-4101
Fax: 978-521-0260
www.whittiertech.org

December 21, 2023

Wendy Reed, Select Board Chair
Town of West Newbury
381 Main Street
W. Newbury, MA 01985

Re: Invitation to attend meeting January 16, 2024

Dear Selectboard Chair Reed,

Thank you for your recent invitation regarding the Whittier Tech Project to present in West Newbury. Unfortunately, I will be declining this invitation as Whittier Tech (WT) will be providing information and a WT tour on January 13, 2024 at Whittier Tech. As you know, since June 2022, when the designer was brought on board, the Whittier Tech Project has conducted an in-depth feasibility and schematic design phase, resulting in a proposed new school project. Prior to that, Whittier Tech informed all 11-district member communities of its pursuit of a capital project with the Massachusetts School Building Authority (MSBA) and, in February of 2016, established a stabilization fund to secure funding in anticipation of being invited into the MSBA program, which occurred in June of 2021. Since then, WT has held numerous public meetings on the Project, held four (4) public forums at WT, launched a project-specific website, launched a newsletter titled "Wildcat Wire," which provided an update to the Project, which was issued to member City/Town leadership, issued social media posts & press releases, and attended various district member City/Town select board meetings.

Other noteworthy project outreach specifics are:

- From January 2022 to December 2023, the WT School Building Committee held thirty-six (36) Building Committee Meetings and four (4) Community Forums. All meetings were publicly posted on the WT School website and the WT Project website, which was launched in July 2022.

Whittier Tech: *Working on your future*

- The WT project was identified to the 11-member districts yearly as part of the annual WT budget process.
- Annually, around the end of March to early April, WT invited municipal leaders from all eleven (11) member communities, including, but not limited to, Town Managers, Mayors, City Council Members, and Financial Managers, to review the annual WT budget and discuss upcoming projects including the WT building project.
- From September 2022 through November 2023, twenty-five (25) social media posts have been issued.
- From September 2022 through October 2023, sixteen (16) press releases have been issued.
- On November 18, 2022, WT invited municipal leaders from the eleven (11) member communities to attend a meeting at WT to discuss District approval options where the majority of municipal leadership favored a Districtwide vote. All Mayors and Town Managers were in attendance save for representatives of Merrimac and Rowley. *It should be noted here that at this meeting, the anticipated district share for a new WT facility was \$296 million, these numbers were shared with all attendees. The final anticipated district share for the Project is now \$267.5 million, a reduction of \$28.5 million.*
- In May of 2023, WT issued its first "Wildcat Wire," the official newsletter of Whittier Tech. This newsletter and subsequent Wildcat Wire newsletters have been sent to leadership in all eleven (11) member communities. The May 2023 Wildcat Wire introduced the newsletter and provided an update on community assistance WT provided to Groveland, an alumni spotlight, and a dedicated page on the Building Project. Since May 2023, seven (7) monthly Wildcat Wire newsletters have been issued.
- On August 9, 2023, WT hosted a Districtwide meeting with clerks from the eleven (11) member communities to update and discuss the Project and the District's intention to hold a Districtwide election. Weighing many factors at this meeting, the date of January 23, 2024, was established as the district wide election date, pending formal approval from the Whittier Tech Regional School Committee.

Wendy Reed, Select Board Chair
Town of W. Newbury
Page 3

- On December 13, 2023, the MSBA held its Board Meeting, where the MSBA board unanimously approved the WT Project.
- On December 13, 2023, the Whittier Tech Regional School Committee held its meeting and approved the District Wide election/vote to occur on January 23, 2024.


Recent District Member Outreach Meetings:

- Tuesday, September 26th - Ipswich Tri Board Meeting
- Monday, October 16th - Salisbury Selectboard Meeting
- Thursday, October 19th - City Clerks Meeting at Whittier
- Monday, October 23rd - Merrimac Select Board Meeting
- Tuesday, October 24th - Rowley Public Library Community Information Session
- Monday, October 30th - Rowley Selectmen Meeting
- Wednesday, November 1st - Georgetown Public Library Information Session
- Monday, November 13th - West Newbury Select Board Meeting
- Tuesday, November 14th - Newbury Select Board Meeting
- Monday, November 20th - Groveland Select Board Meeting
- Tuesday, November 28th - Amesbury City Council Meeting
- Thursday, November 30th - Merrimac Senior Center
- Tuesday, December 5th - Salisbury Public Library Community Information Session
- Wednesday, December 6th - Merrimac Town Hall Community Forum
- Monday, December 11th - Newburyport City Council Meeting
- Tuesday, December 12th - Haverhill City Council Meeting
- Wednesday, December 13th - Ipswich Senior Center

In closing, while I thank you for the invitation, as you can see from the above, Whittier Tech has provided substantial outreach on the Project. Again, please note that Whittier Tech will be hosting a WT Facility Tour on January 13, 2024, between the hours of 9 AM and 11 AM. This is open to the public, and anyone can RSVP via this link.

<https://buildingthefutureofwhittier.org/event/whittier-tech-building-tour/#rsvp-now>

Sincerely,


Maureen Lynch
Superintendent

Town Manager

From: Town Clerk
Sent: Friday, December 22, 2023 12:16 PM
To: Town Manager; Wendy Reed; Chris Wile; Rick Parker
Subject: Final Whittier Postcard
Attachments: West Newbury 2023 Special Meeting Mailing Card.pdf

Hello All,

This is the final proof just sent it off to the printer. It will be put in the mail the week of January 1st and going to every home in West Newbury. We will also be putting out an email blast for the next three weeks and something will be up on the electric board at the Public Safety Center stating next week.

Best,

James RW Blatchford

Town Clerk
Town of West Newbury
Phone 978-363-1100 X 110
Mobile 978-891-0039
www.WNewbury.org



Town Offices
381 Main St.
West Newbury, MA 01985

**Whittier Election
Important Dates:**

Jan. 16, 2024: Info. Session,
Town Offices Annex, 379 Main
St., West Newbury at **7pm.**

Jan. 23, 2024: Special Election,
Polls open **11am to 7pm.**

**For questions concerning
the election, contact:
townclerk@wnewbury.org
978-363-1100**



FROM THE WEST NEWBURY SELECT BOARD:

A special election will be held on **January 23, 2024** regarding the Whittier Regional Vocational Technical High School Building Project. All 11 Cities and Towns in the Whittier Regional School District will vote at the same time and polls will only be open from **11am to 7pm**.

There will be an **information session** on the election/project open to all Town residents on **January 16 at 7pm** in the Town Offices Annex, 379 Main Street, West Newbury.

Residents of West Newbury will be asked to cast a YES or NO vote on the following question:

“Do you approve of the vote of the Regional District School committee of the Whittier Regional Vocational Technical School District, adopted on December 13, 2023, to authorize the borrowing of four hundred forty-four million, six-hundred thirteen thousand, eight-hundred thirteen dollars (\$444,613,813) to pay costs of designing, constructing, originally equipping and furnishing a new District high school to be located at 115 Amesbury Line Road, Haverhill, Massachusetts including the payment of all costs incidental or related thereto.”

For additional information and full ballot language visit:

www.wnewbury.org/whittier-vocational-technical-high-school-committee

or

use this scan



Meeting packet for Select Board on January 8, 2024

What You Should Know:

- A simple majority of all votes cast on election day in the District will determine the outcome.
- A City or Town’s share is determined by the number of all school-aged children in each individual community.
- The cost breakdown of the project is projected as follows:

Total Project Cost -	\$444.6M
State MSBA Grant -	\$165.1M
Federal/State Contributions -	\$15.4M
Total School District Members’ Share -	\$264.1M

West Newbury Portion of Members’ Share- \$15.9M

Data provided by Whittier School District. Subject to change based on actual project expenditures and MSBA audit.

Town Manager

From: Town Manager
Sent: Friday, January 5, 2024 2:34 PM
To: Jean Lambert; Selectboard
Cc: Town Clerk; Executive Assistant
Subject: RE: Whittier Tech Building Project Information Session

Thanks, Jean. Your questions have been shared with the Town's rep to the Whittier School Committee (Chip O'Connor) and will be included in the Select Board's packet for their discussion on Monday night (Jan 8) as they/we continue to prepare for the public meeting on Jan 16th. (All Select Board mtgs, incl. the Jan 16 meeting, are hybrid so allow both in-person and remote attendance). Have a nice weekend -

Angus Jennings, Town Manager
Town of West Newbury
Town Office Building
381 Main Street
West Newbury, MA 01985
(978) 363-1100 x111
townmanager@wnewbury.org

-----Original Message-----

From: Jean Lambert [REDACTED]
Sent: Thursday, January 4, 2024 4:42 PM
To: Selectboard <selectboard@wnewbury.org>
Cc: Town Manager <townmanager@wnewbury.org>; Town Clerk <townclerk@wnewbury.org>
Subject: Whittier Tech Building Project Information Session

To the Select Board, Town Manager, and Town Clerk:

I was hoping that the information noted below could please be included in the Whittier Tech High School Building Project information session on January 16, 2024. I think it would help West Newbury residents to better understand the situation and how they want to vote.

Also, I hope there will be an option to attend the session by Zoom. Such an option will encourage more residents to attend, especially those finding an evening in-person meeting challenging.

Thank you.
Jean Lambert
River Road

INFORMATION TO BE INCLUDED

- The number of high school day students from West Newbury attending Whittier Tech for each year of the last ten years.

- Is West Newbury sending more high school day students or fewer to Whittier Tech over the last 5 years? How many more or fewer, on average?

- The latest 2023 data from Whittier show that West Newbury high school day students represent 1.1% of the total student enrollment (14 out of 1279). Why is West Newbury being asked to pay \$15.9M for this project based on our Pentucket enrollment and not a lesser figure more in line with our actual Whittier enrollment? (A figure more like \$2.88M which represents our 1.1% use of Whittier.)

- Are there other less expensive alternatives to meet the needs of the West Newbury students who attend Whittier? (For example, I heard that Newburyport has a pilot program with a Woburn-based trade school.)

Town Manager

From: Sean Reardon <SReardon@CityofNewburyport.com>
Sent: Thursday, January 4, 2024 5:59 PM
To: Town Manager
Subject: Whittier Information Night
Attachments: Whittier Info Night.jpg

Good Evening West Newbury Select Board,

We have a Regional Whittier Information Night coming up at the Nock Middle School 70 Low St Newburyport from 6-8pm on Tuesday January 9th. See the attached flier. All 11 communities have been invited and all elected officials will have the chance to speak and answer questions from residents. My goal is to have elected officials from all 11 communities and speak to how this project could impact individual cities and towns. Whittier leadership was invited to this meeting but declined my invitation. Joe DiBiase from the Daily News podcast Local Pulse will serve as MC. I believe Chris Wile and Wendy Reed were planning to attend but I wanted to confirm. I also wanted to know if Rick Parker planned to attend so I can let the press and MC know ahead of time. If you could help spread the word in your communities I would appreciate it. If you have any questions please reach out directly. I hope everyone has a great 2024.

On a side note. I know Newburyport and West Newbury have a lot to work on this year and I truly want to partner with all of you to resolve some of these outstanding issues that are long overdue.

Respectfully,

Sean Reardon
Mayor
City of Newburyport
60 Pleasant St.
PO Box 550
Newburyport, MA 01950
978-465-4411

Sign up for e-alerts and general City information on [CityofNewburyport.com](https://www.cityofnewburyport.com)



Disclaimer

**THE CITY OF NEWBURYPORT IS
PRESENTING AN INFORMATION
SESSION ABOUT THE WHITTIER TECH
BUILDING PROJECT.**

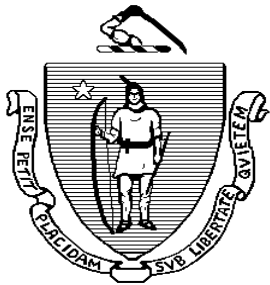
**HOW WILL THIS IMPACT
NEWBURYPORT AND OTHER
DISTRICT COMMUNITIES?**

**WHITTIER
TECH
INFO NIGHT
JAN 9**

TUESDAY, JANUARY 9

6:00 - 8:00PM

NOCK MIDDLE SCHOOL, 70 LOW ST., NEWBURYPORT



The Commonwealth of Massachusetts

DEPARTMENT OF PUBLIC UTILITIES

NOTICE OF INQUIRY AND REQUEST FOR COMMENTS

D.P.U. 24-15

January 4, 2024

Notice of Inquiry by the Department of Public Utilities on its own Motion into Energy Burden with a Focus on Energy Affordability for Residential Ratepayers.

On January 4, 2024, the Department of Public Utilities issued an Order opening an inquiry to examine energy burden with a focus on energy affordability for residential ratepayers. The Department has determined that this proceeding will enable the Department to consider improvements to the programs currently offered to address energy affordability, to ensure maximum participation in each of these programs, and to determine whether additional programs may further benefit residential ratepayers of the Commonwealth's electric and gas distribution companies. The Department seeks input from stakeholders, including members of the public, advocates, and Department-regulated entities on these issues. The Department docketed this inquiry as D.P.U. 24-15.

The Department invites all interested persons to submit written comments on this matter -- including comments on the questions contained in the Order -- not later than the close of business (5:00 p.m.) on **Friday, March 1, 2024**. The Department encourages interested persons to present consensus positions and submit comments jointly, when possible. The Department will determine the appropriate next steps for this proceeding after reviewing the initial comments.

All comments should be submitted to the Department in **.pdf format** by email attachment to dpu.efiling@mass.gov and laurie.e.weisman@mass.gov. The text of the email must specify: (1) the docket number of the proceeding (D.P.U. 24-15); (2) the name of the person or entity submitting the filing; and (3) indicate that the document is a written comment. The electronic filing should also include the name, title, and telephone number of a person to contact in the event of questions about the filing.

All documents submitted in electronic format will be posted on the Department's website through our online File Room as soon as practicable (enter "24-15") at: <https://eeaonline.eea.state.ma.us/DPU/Fileroom/dockets/bynumber>. Please note that in the interest of transparency, any comments will be posted to our website as received and without redacting personal information, such as addresses, telephone numbers, or email addresses. As such, consider the extent of information you wish to share when submitting comments. The Department strongly encourages public comments to be submitted by email. If, however, a

member of the public is unable to send written comments by email, a paper copy may be sent to Mark D. Marini, Secretary, Department of Public Utilities, One South Station, Boston, Massachusetts, 02110.

The Order and all subsequent related documents submitted to the Department or issued by the Department will be available on the Department’s website as referenced above as soon as is practicable. To the extent a person or entity wishes to submit comments in accordance with this Notice, electronic submission, as detailed above, is sufficient. To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), contact the Department’s ADA coordinator at Gabriella.Knight@mass.gov.

For further information regarding this Notice, please contact Laurie Ellen Weisman, Hearing Officer, Department of Public Utilities, at laurie.e.weisman@mass.gov.

<p>This document contains important information. Please have it translated immediately.</p>	<p>Questo documento contiene informazioni importanti. La preghiamo di tradurlo immediatamente.</p>	<p>ខេត្តសាធារណៈប្រជាជន ប្រើប្រាស់ឯកសារនេះ។ សូមប្រើប្រាស់ឯកសារនេះដោយប្រុងប្រយ័ត្ន។</p>
<p>В данном документе содержится важная информация. Вам необходимо срочно сделать перевод документа.</p>	<p>Este documento contém informações importantes. Por favor, traduzi-lo imediatamente.</p>	<p>ឯកសារនេះមានសារៈសំខាន់ណាស់ ។</p>
<p>Este documento contiene información importante. Por favor, consiga una traducción inmediatamente.</p>	<p>此文件含有重要信息。請立即找人翻譯。</p>	<p>សូមប្រើប្រាស់ឯកសារនេះ ។</p>
<p>تحتوي هذه الوثيقة على معلومات هامة. يرجى ترجمتها فوراً.</p>	<p>본 문서에는 중요한 정보가 포함되어 있습니다. 본 문서를 즉시 번역하도록 하십시오.</p>	<p>Ce document contient des informations importantes. Veuillez le faire traduire au plus tôt.</p>
<p>Docikman sa gen enfòmasyon enpòtan. Tanpri fè yon moun tradwi l touswit.</p>	<p>Tài liệu này có chứa thông tin quan trọng. Vui lòng dịch tài liệu này ngay.</p>	