



**Town of West Newbury  
Select Board**

**Monday, January 29, 2024 @ 5:30pm**

381 Main Street, Town Office Building

[www.wnewbury.org](http://www.wnewbury.org)

**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 or litigation 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, Police Union*)
- ❖ MGL Ch. 30A §21(a) 3: To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares (*Daniel Cena v. Town of West Newbury, Essex Superior Court CA No. 2377CV00744*)

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.
- Nomination papers available for local office- contact the Town Clerk's Office!
- Call for volunteers! FY24 positions on Boards/Commissions/Committees. See [www.wnewbury.org/volunteer](http://www.wnewbury.org/volunteer)
- Reminder to subscribe for emailed Town agendas/news/announcements at [www.wnewbury.org/subscribe](http://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. Request to Designate Kayla Provencher as Animal Control Officer
  - b. Request for authorization to submit Department of Fire Services FY24 Senior SAFE grant application
  - c. Select Board meeting minutes: January 8, 2024
- C. Town Manager Updates
  - a. Pending submittal to MassWorks re Middle Street Bridge grant; financing update
  - b. Telecom RFP; update; potential to seek funds for wiring updates/installation and replacements
  - c. Page School Conditions Assessment, draft study
  - d. MMA Annual Conference update on information received
  - e. Outgoing communication re Mullen property
  - f. Updated Highway Union CBA executed
  - g. Updates on other ongoing/active projects/initiatives
- D. Department Updates/Discussion
  - a. Whitter Election Results, *Town Clerk*
  - b. Receipt of Citizen Petition article, *Town Clerk*
- E. Board/Commission/Committee Updates/Discussion (and Select Board liaison updates):
  - a. Historical Commission presentation of completed Phase 3 Historic Property Survey
  - b. Finalized Water Distribution System Study received January 22, 2024
  - c. CPA funding and eligibility applications submitted to CPC as of January 26, 2024
- F. Action Items
  - a. Joint meeting with Parks & Recreation Commission to consider applications for appointment to fill vacant Commissioner position until the next Town election (*applicants Casey Fallon and Paul Niman*)
  - b. Request for approval of proposed 2024 Summer Recreation program budget and staffing structure
  - c. Request for authorization to submit Ash Street Road Management Plan to NHESP
  - d. Request to withdraw Notice of Intent re Whetstone Trail
  - e. Request to consider forming an Advisory Council re Right to Farm Bylaw
  - f. Request for endorsement of the (Small Town Administrators of MA) STAM legislative priorities
  - g. Authorization to sign ECCF letter of support re NOAA grant
- G. General Discussion Items
  - a. Potential participation in Commercial Building Pilot program
  - b. Designate representative and schedule Town Manager and Town Accountant personnel evaluations
- H. Correspondence, including:
  - a. Deed acceptance for Sawmill Brook property
  - b. Attorney General approval received for zoning bylaw amendments
  - c. MIIA 0% rate change (property/casualty/workers comp insurance) FY25
- 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: (646) 558-8656

Meeting ID: 810 6910 2230

Passcode: 330345

Join at: <https://us06web.zoom.us/j/81069102230?pwd=VnIgraJgWtYWWhj5AR814Xe9tcUfY1.1>

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 1/25/2024 at the Town Offices and the Town's Official Website [www.wnewbury.org](http://www.wnewbury.org)



# West Newbury

Town Clerk's Office – 381 Main St.  
 Phone: 978-363-1100 ext. 110  
 townclerk@wnewbury.org

## BOARD OF REGISTRARS PUBLIC NOTICE

Town of West Newbury 2024 Town Election Schedule

Event	Day	Date	Clerk's Office Extended Hours
First Day to obtain Nomination Papers	Thursday	January 11, 2024	Normal Business Hours 8am - 4:30pm
Last Day to obtain Nomination Papers	Thursday	March 14, 2024	open until 5pm
Last Day to file Nomination Paper in Office	Monday	March 18, 2024	open until 5pm
Last day to Withdraw Nomination Papers	Wednesday	April 3, 2024	open until 5pm
Last day to Register to Vote for Town Meeting & Town Election	Friday	April 19, 2024	open until 5pm
Annual Town Meeting Monday, April 29, 2024	Monday	April 29, 2024	starts at 7pm
Last Day to request a Vote-By-Mail Ballot	Tuesday	April 30, 2024	open until 5pm
Town Election Monday, May 6, 2024	Monday	May 6, 2024	7am - 8pm

**From:** [Gustafson, Sheri \(AGR\)](#)  
**To:** [Town Manager](#)  
**Subject:** 2024 Required Municipal ACO Designations  
**Date:** Tuesday, December 26, 2023 4:50:42 PM  
**Attachments:** [image001.png](#)  
[image003.png](#)  
[image004.png](#)

THE COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS



Department of Agricultural Resources  
100 Cambridge Street, 9<sup>th</sup> Floor, Boston, MA 02114  
[www.mass.gov/agr](http://www.mass.gov/agr)



Maura T. Healey  
GOVERNOR

Kimberley Driscoll  
LIEUTENANT  
GOVERNOR

Rebecca L. Tepper  
SECRETARY

Ashley E. Randle  
COMMISSIONER

December 26, 2023

Dear Animal Control Supervisor,

In accordance with Massachusetts General Law, Chapter 140, Section 151, the mayor of each city and the board of selectmen of each town shall annually designate an animal control officer (“ACO”), who may be a police officer or constable. The mayor or board of selectmen shall immediately submit to the commissioner of the Massachusetts Department of Agricultural Resources (“Department”) the names, addresses and dates of hire of such animal control officer(s).

The Department is required under MGL Chapter 140, section 151A to inspect the facilities that municipalities use to hold stray dogs and other animals that come into the possession of the ACO. Municipal animal holding locations must be reported to the Massachusetts Department of Agricultural Resources.

Below you will find prepopulated information from our current ACO database. To confirm, add, or to make changes to your ACO designations please visit [Municipal Animal Control Officer Designation 2024 | Mass.gov](#)  
Please note, if you prefer this email can be printed out and updated forms can be uploaded into the portal above, or emailed to [sheri.gustafson@mass.gov](mailto:sheri.gustafson@mass.gov)

**Please submit designation confirmation and any needed changes no later than February 1, 2024.**

Should an ACO leave his or her position mid-year, please notify the Department immediately. Any of the required information pertaining to any new hire employed during the year should be submitted on a new designation form immediately upon their hiring.

If you have any questions, please contact [sheri.gustafson@mass.gov](mailto:sheri.gustafson@mass.gov)

Sincerely,

Michael Cahill, Director  
Division of Animal Health,  
MA Dept. of Agricultural Resources

	2024 Municipal Animal Control Officer Designation	
West Newbury		

ACO Supervisor Information				
ACO Supervisor Title and Name	Town Manager Angus Jennings	ACO Supervisor Address	381 Main Street West Newbury, MA 01985	
ACO Supervisor Phone	978-363-1100 x111	ACO Supervisor Email	townmanager@wnewbury.org	
ACO Supervisor Signature _____		Date _____		
Animal Holding Information				
Type of Holding Facility (municipal, private, shared regional)	Shared Regional		Do you have a municipal adoption program? (Yes/No)	
Holding Facility Name	Newburyport Animal Shelter		Types of Animals Housed (dogs, cats, other)	Dogs, cats, small animals (guinea pigs, rabbits, ect)
Holding Facility Address	16A Perry Way, Newburyport			
Animal Control Officer Information				
Number of ACOs	2	General ACO Email (if available)	KProvencher@cityofnewburyport.com	
ACO Mailing Address	60 Pleasant Street Newburyport, MA 01950		ACO Main Phone Number	978-465-4410
ACO status Please write Current, Remove, or Add	ACO Name and Title	ACO Emergency Phone Number	ACO Email(s) * if Private	ACO Date of Hire
Current	ACO Kayla Provencher	978-979-1249	kprovencher@cityofnewburyport.com	2/19/2019
Current	Glenn Cogswell	978-992-7765	GCogswell@cityofnewburyport.com	10/2022



**Town Manager**

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**From:** Michael Dwyer <dwyer@westnewburysafety.org>  
**Sent:** Friday, January 12, 2024 12:08 PM  
**To:** Town Manager  
**Cc:** Michael Dwyer  
**Subject:** FW: FY24 SAFE and Senior SAFE grant application  
**Attachments:** Advisory - FY24 SAFE and Senior SAFE grant applications.pdf

Angus,

I am requesting approval to apply to the **Department of Fire Services FY24 Senior Safe Grant**. Senior SAFE is a grant program that supports fire and life safety education for seniors. Seniors have a high risk of dying in a fire. Fire and burns risks for seniors include: cooking, smoking, home oxygen use, and electrical and heating dangers. Senior SAFE also aims to improve safety in senior housing.

Programs include:

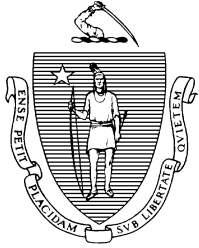
- smoke and carbon monoxide alarm installation
- testing and replacing batteries
- installation of house numbers
- heating limiting devices on stoves
- in-hood stove fire extinguishers
- nightlights
- 

Education is key to improving the safety of seniors at home. Senior SAFE creates partnerships between agencies like COA/Sage Center that serve seniors and fire departments. Funding is based on community population.

I understand the agenda schedule is beyond busy. This grant was released today and the submission deadline is February 15 so we have flexibility.

Thank you,

Michael Dwyer  
Fire Chief/EMD  
West Newbury Fire Department  
403 Main Street  
West Newbury, Ma 01985  
978-363-1120  
[dwyer@westnewburysafety.org](mailto:dwyer@westnewburysafety.org)



*The Commonwealth of Massachusetts*  
*Executive Office of Public Safety and Security*  
*Department of Fire Services*



*P.O. Box 1025 ~ State Road*

*Stow, Massachusetts 01775*

*Telephone (978) 567~3100*

*www.mass.gov/dfs*

MAURA T. HEALEY  
GOVERNOR

KIMBERLEY DRISCOLL  
LIEUTENANT GOVERNOR

TERRENCE M. REIDY  
SECRETARY

JON M. DAVINE  
STATE FIRE MARSHAL

**MEMORANDUM**

**To:** Heads of Fire Departments

**From:** Jon M. Davine  
State Fire Marshal

**Date:** January 12, 2024

**Re:** Fiscal Year 2024 Student Awareness Fire Education (SAFE) and Senior SAFE Grant Applications

I am pleased to announce that the newly revised FY24 SAFE and Senior SAFE Grant application period has opened and is available online on the Department of Fire Services website [here](#).

SAFE and Senior SAFE Grant applications may only be submitted by email to the Department of Fire Services no later than 5:00 p.m. on Thursday, February 15, 2024, to [SAFE.FireSafetyDivision@mass.gov](mailto:SAFE.FireSafetyDivision@mass.gov). Step by step instructions are available on the DFS website to assist in writing the grant within the [Notice of Funding Opportunity](#).

FY23 funds must have been expended by December 31, 2023. [End of Year Report](#) is due by January 31, 2024. Beginning with FY24 grant extensions will no longer be provided or allowed. In accordance with guidance from the Office of the State Comptroller, the time to spend FY22 and/or any prior year balance has expired. Any unexpended grant funds **must be returned** to the Department of Fire Services. Please coordinate with your financial official to arrange for the return of these funds to DFS as soon as possible. This must be complete to receive FY24 SAFE and Senior SAFE Grant funds.

The following are important tips and reminders regarding the SAFE and Senior SAFE Grant: **FY24 SAFE and Senior SAFE Grant Application Tutorial** – learn how to apply using the new grant application.

- Virtual Training Tutorial via TEAMS: Wed, Jan 17<sup>th</sup> 10:00am - 12:00pm [Link here](#)
- Virtual Training Tutorial via TEAMS: Tues, Jan 23<sup>rd</sup> 1:00pm - 3:00pm [Link here](#)

*Administrative Services • Division of Fire Safety*  
*Hazardous Materials Response • Massachusetts Firefighting Academy*

- DFS Stow Campus Grant Tutorial, [LMS Registration](#):  
Tues, Jan 30<sup>th</sup> 9:00am – 12:00pm Activity Code: GCP\_v1 Session E1
- Virtual Training Tutorial via TEAMS: Wed, Feb 7<sup>th</sup> 1:00pm – 3:00pm [Link here](#)

### **Student and Educator Evaluations**

Written documentation of student evaluation is required for at least one grade level within your SAFE Program. The Department of Fire Services has developed a 3<sup>rd</sup>, 6<sup>th</sup>, and 10<sup>th</sup> grade evaluation tool as one of the options available. Written evaluations allow DFS to collect statewide data on what students know and have learned about the key fire and life safety behaviors. The SAFE Program continues to promote local flexibility to decide which grades to teach, what key fire and life safety behaviors to address, and the curriculum suitable for each grade level.

### **Planning Grants**

If the department has not had an active SAFE and/or Senior SAFE Program in the Fiscal Years 2018-2023 then the department may only apply for a planning grant this year.

### **Questions**

If you have questions about the SAFE or Senior SAFE Grant applications, please contact the SAFE staff in the Public Education Unit at 978-567-3381 or by email at [SAFE.FireSafetyDivision@mass.gov](mailto:SAFE.FireSafetyDivision@mass.gov).



**Town of West Newbury  
Select Board Meeting  
January 8, 2024 @ 7:00pm  
381 Main Street, Town Office Building  
www.wnewbury.org  
Meeting Minutes**

**Open Session:** Chairwoman Reed opened the session at 7:06pm.

**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
- Paul Kelly- Zoning Board of Appeals 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.
- SAGE Center January/February Newsletter for Programs & Events now available.
- Call for volunteers! FY24 positions on Boards/Commissions/Committees. See [www.wnewbury.org/volunteer](http://www.wnewbury.org/volunteer)
- Reminder to subscribe for emailed Town agendas/news/announcements at [www.wnewbury.org/subscribe](http://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: December 18, 2023**

**See Exhibit B, p. 2-5.** After reviewing the Minutes, **Parker motioned to approve the Minutes as amended. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).**

**C. Town Manager Updates**

**a. Superseding Order of Conditions issued by MassDEP, proposed water leveling device at Macey's Pond**  
**See Exhibit Ca, p. 6-25.** The Board felt that following and supporting the Health Agent's actions with regard to the long-running Macey's Pond/Beaver Deceiver issues was appropriate, since prior support had been given by the state, Town, and interested parties. **No motion was made at this time.**

**b. Church/Prospect Street bids opened; borrowing "green light" letter from Bond Counsel; financing update**

**See Exhibit Cb, p. 26-38.** Jennings said that bids had come in well below estimates. Determining what would need to be borrowed to fund the water main project was to be decided at a later date. The Town Manager raised questions about whether the Town should borrow money (which would accumulate interest) for contingency funding. Borrowing would take place at earliest in mid-May. Wile pointed out that the construction administration allotment had not changed, despite how much the project had been reduced in price, and concerns were raised about the quality of said administration in previous projects overseen by Tata and Howard. Wile suggested finding another administrative firm to be involved. He pondered if the police detail funding was correlated correctly to project size, and additionally wondered if the Board would entertain adjusting the amount of ARPA funding attached to the project since the project's overall cost was slated to be lower than predicted. Parker felt the Select Board should be thinking about where else to apply the funds before the end of the calendar year and the funds' expiration. **No motion was made at this time.**

**c. NHESP filing regarding high-hazard tree removal**

**See Exhibit Cc, p. 39-47.** A new, single filing was to be introduced for high-hazard tree removal. **No motion was made at this time.**

**d. Land Management plan for Sawmill Brook due June 30<sup>th</sup>; input required from multiple stakeholders**

**See Exhibit Cd, p. 48-59.** Jennings stated that the Conservation Agent would be taking the lead on the project. **No motion was made at this time.**

**e. Page School Conditions Assessment, draft report received; review of next steps**

**See Exhibit Ce, p. 60.** Jennings report Inspector Sam Joslin and Projects Manager Christine Wallace are in the process of reviewing the Assessment thoroughly. Jennings said that the Assessment would be released to the working group affiliated with the project, but that a wider release to the general public would not take place until all details were hammered out.

**f. Correspondence with MA Dept. of Fish & Wildlife re ownership of parcel on Ash Street**

**See Exhibit Cf, p. 61-109.** The Manager felt that a meeting with MA DFW was not necessary, but direction from the Department on what they needed to see from West Newbury would be sufficient. The document in question would show the Town did not own the land. **No motion was made at this time.**

**g. Management Plan for Ash Street (due to NHESP end of January), progress update**

**See Exhibit Cg, p. 110-127.** Work is ongoing regarding a traffic management plan for the unpaved section of Ash St. As part of the monitoring process, Conservation Agent Greene does site walks. Parker suggested combining the site walks/inspections with DPW work periods so that the road could be temporarily completely closed for everyone's safety. **No motion was made at this time.**

**h. Updates on other ongoing/active projects/initiatives**

Flowchart: Jennings offered the Board a peek at an appointment process flowchart for Boards, Committees, and Commissions.

DPW Projects List: Further projects had been added to the list (pickleball court site, trails and boardwalks at Sawmill Brook and Mill Pond).

**No motion was made at this time.**

#### **D. Department Updates/Discussion**

##### **See Exhibit D, p. 128-132.**

Zoning Bylaws from Town Meeting: The Attorney General had approved Zoning Bylaws with some warnings about potential future issues with respect to ground-mounted solar arrays.

Wetlands Bylaw: Jennings said that Town Counsel had received a draft of the proposed local Bylaw. Select Board review would occur in the near future in preparation for inclusion on the Spring Town Meeting Warrant.

**No motion was made at this time.**

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

##### **a. Review of Zoning Board of Appeals Questionnaire**

**See Exhibit Ea, p. 133.** Paul O. Kelly of the ZBA fielded questions from the Select Board. Parker opened up the Item up by establishing that the Board of Appeals meets fairly infrequently, and was curious what was in the pipeline for them. Kelly said there was not much on their radar at the present time. He did identify two areas on Maple St. that took up a great amount of the ZBA's time. With the vast number of Meeting Minutes to be done, Kelly said he had suggested to Jennings increasing funding to get the Minutes done properly from an external party. This would also provide accurate accounts of potentially contentious decisions for the historical record. Parker suggested using video recording of the ZBA meetings as the historical record. Reed wondered if the Inspections Administrator could eventually be tasked with doing Board of Appeals Minutes.

**No motion was made at this time.**

##### **b. Update on process/timeline to update Community Preservation Plan for 2024**

Reed informed the Board that annually, the CPC was required to update their Plan with input from BCCs. Reed said that the public hearing on the Plan would take place in February. Reed asked the Board if there were any projects on their minds that would be a good fit for CPA funding. Wile suggested putting funds toward the Mullen property with respect to eventual development of affordable housing on that acreage. Parker voiced his support. Reed said that activities around the Sawmill Brook land and paying for a pickleball court feasibility study would also probably be on the table for funding. Six or seven other communities had done a study and constructed courts, she reported. Blatchford said that historical preservation funds would be an ideal match for the digitization of records at Town Offices, which was an initiative his Office was embarking on. **No motion was made at this time.**

#### **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**

**See Exhibit Fa, p. 134-145.** Jennings spoke on a \$25,000 funding request (using ARPA cash) to acquire services from the firm BSC. BSC would give West Newbury technical assistance on completing MassWorks' and others' required documentation, keeping track of permit statuses, and updating bids to meet the latest condition of the Middle Street Bridge project. Jennings stressed the need to move on this quickly. **Wile motioned to approve the funding request of \$25,000 to engage BSC. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).**

##### **b. Review of draft Livery Service Policy**

**See Exhibit Fb, p. 146.** The Board looked over the draft Policy which laid out instructions to obtain a Livery License from West Newbury. Reed thought that it did not read like a policy with its instructional nature. The Town Clerk said that a policy and instructions could be separate entities if that's what the Board desired. Wile felt that having the Select Board review the Licenses was not necessary- why couldn't the Clerk sign off on things? The group debated who should have authorization powers. Eventually, **Parker motioned to accept the procedure for acquiring a Livery License, with Town Clerk serving as authorizing signatory on them. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).**

##### **c. Review of draft updates to Inclement Weather Policy**

**See Exhibit Fc, p. 147.** Parker motioned to accept the Inclement Weather Policy, as modified. **The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).**

##### **d. Review of Parks & Rec Commission recommendation regarding Summer Rec leadership staffing structure**

**See Exhibit Fd, p. 148-153.** Documents provided to the Board detailed Jennings' opinion on the matter, and updates on the structure as it stands. Reed felt that the Select Board should decide for the Commission on how the Summer Recreation program should be structured. Two members of the Commission had preferred having a single director and an assistant director (rather than co-directors). The present arrangement allows for the co-directors to split the six-week program into two 3-week shifts. **Wile motioned to approve the structure of the Summer Rec. Program with a director and an assistant director. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).** Compensation structure would be addressed at a future meeting.

#### **G. General Discussion Items**

##### **a. Known/Potential Town Meeting warrant articles**

**See Exhibit Ga, p. 154-155.** Jennings provided a memo outlining a few potential Articles.

Water Budget: Rob Phillips requested that the revenues and expenses of the Water Department be reviewed during the process.

Solar Arrays: Parker said that there may be a slim chance that solar arrays at the DPW site could be



considered at Town Meeting. He felt it was too uncertain to put a placeholder Article in at the time of this meeting.

Rocks Village Signage: Parker had reached out to a company who designs warning signage (no response had been received so far) to inquire about purchase and installation of Rocks Village Bridge height warning signs.

School Stabilization Fund: With the potential passage of the Whittier School Building Project adding additional funds to the School Stabilization Fund to assist with Whittier expenses would be a potential priority, assuming they could be spent on the Whittier School District and not the Pentucket School District.

**No motion was made at this time.**

**b. Confirmation of upcoming Select Board Meetings**

**See Exhibit Gb, p. 156.** The Board arranged upcoming Board meeting dates, including those in joint sessions with the FinComm. It was determined the Finance Committee would convene February 15, February 21, February 26 (a joint session with the Finance Committee), March 11 (a joint session again), March 20, and March 27. Parker said he would be remote for the 21<sup>st</sup> and 28<sup>th</sup> meetings. It was also determined that the Select Board needed to move the June 17 meeting to June 24 because Wile was not available on the 17<sup>th</sup>. **No motion was made at this time.**

**c. Whittier Info Session January 16, 2024 at 7pm in the Annex**

**See Exhibit Gc, p. 157-169.** Reed suggested they define more clearly what the information session would be. She expressed reservations about attempting to answer everyone's questions and hoped to use it as an opportunity to get resident feedback. The Board agreed they did not want to do an opinionated presentation, but were willing to express the basic facts (such as construction cost, the District's history, the Regional Agreement's history, the student body size, and programs offered). Parker stressed the importance of Whittier's regional nature (with regard to graduates serving regional needs, not just the communities who source the student). Wile reiterated the high project cost was very concerning to him, even as an individual with a background in vocational/technical schooling. He also felt the 1967 Regional Agreement was "disturbing" due to how difficult it was to leave the District or amend the Agreement. Reed suggested soliciting questions in advance to moderate the content and make sure the Board and other Town officials are as prepared to deal with them as possible. It was decided that a Zoom broadcast of the proceedings was worthwhile. Rob Phillips felt that the Finance Committee was not prepared to issue a formal opinion on the matter, and Reed confirmed that the Board was not taking a stance as a whole either, despite potentially being directly queried by a member of the audience. Discussion continued on how to structure the meeting. **No motion was made at this time.**

**H. Correspondence, including:**

**a. Notice from MassDPU regarding Energy Burden Notice of Inquiry**

A notice from the Department of Public Utilities requested comment on handling escalating energy costs for consumers. Reed asked if the Energy and Sustainability Committee would be taking the matter up, but Parker said the Committee had not intended to. **No motion was made at this time.**

**I. Future Agenda Items / Meeting follow-up assignments**

Right to Farm Bylaw: Reed said she had been approached by community members interested in this sort of Bylaw, as well as an Agriculture Commission. She recommended that these residents form a steering committee. The intent is to support agricultural workers/institutions in the Town. Parker felt that the climate around farming in West Newbury is fairly permissive, with the major restriction being on attempting to set up a piggery.

Decarbonization: Parker said that a pilot decarbonization planning program is being offered by the MA Clean Energy Commission. He relayed that the Commission is accepting 15 different projects throughout the Commonwealth oriented toward commercial buildings or multifamily housing. Parker said that the Town Offices/housing complex would meet the Commission's criteria for the pilot program, and was interested in seeing if applying for the program would be a good idea. Readily available information would need to be supplied to the Committee as part of the application process. This is a valuable opportunity to come up with a plan to approach net zero carbon pollution in Parker's view. Reed agreed with Parker that talking about the pilot program should wind up on the next Meeting Agenda.

Solar Article for Annual Town Meeting: Parker suggested that the Board/Town look closely at the DPW site for installation of solar panels to make sure that it would not hamper expansion or usage of the site. If there is work to be done on the site, he wanted solar to be integrated into it. Jennings quickly recapped a meeting he had had with stakeholders at the site, and felt that a decision would need to be made between whether incremental improvements (already funded) would be the ideal path or if a larger renovation should be planned. He reiterated his hope the Board would attend a site walk to learn more about the situation.

**No motion was made at this time.**

**Reed motioned to adjourn the Session. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain). The Session adjourned at 9:54pm.**

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

<https://www.youtube.com/watch?v=JopyTo5VROk>

## Town Manager

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**From:** Federal Funds Infrastructure (A&F) <fedfundsinfra@mass.gov>  
**Sent:** Wednesday, January 24, 2024 10:13 AM  
**To:** Town Manager  
**Subject:** Re: Attn: Quentin Palfrey: Question re Federal funding eligibility for Middle Street Bridge (West Newbury / Newburyport)

Hi Angus,

Thank you for reaching out. Our office is working on getting an answer to your question regarding eligibility for the Bridge Formula Program. We will get back to you soon. Thank you!

### Federal Funds & Infrastructure Office

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**From:** Town Manager <townmanager@wnewbury.org>  
**Sent:** Tuesday, January 23, 2024 4:51 PM  
**To:** Federal Funds Infrastructure (A&F) <fedfundsinfra@mass.gov>  
**Cc:** Selectboard <selectboard@wnewbury.org>  
**Subject:** Attn: Quentin Palfrey: Question re Federal funding eligibility for Middle Street Bridge (West Newbury / Newburyport)

**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.

Mr. Palfrey,

I attended the session you co-led at the MMA Conference on Saturday re “Unlocking Federal Funds.” The session was helpful, and I have a specific follow-up question that I’m hoping your office can assist with:

Question: Is the replacement of a small bridge (with a span less than 20’ in length, so below the Federal definition of “bridge” and, for that reason, not presently included on the National Bridge Inventory (NBI)) with a new bridge (with a span greater than 20’ in length, and which would, post-construction, be eligible for placement on the NBI), eligible for funding under the [Bridge Formula Program](#) (“BFP”? The BFP [program Q&A](#) includes (at QE6) as a “scenario for eligibility for BFP funds” to “Replace a small structure (that is less than or equal to 20 feet in length) with a NBI bridge: Eligible as a new construction.” This suggests that our project would be eligible, but we are seeking confirmation.

This question relates to a specific project – the [Middle Street Bridge](#), which until it was closed in 2018 connected West Newbury to Newburyport – which (after \$550k in engineering and permitting expenses) is now **fully-permitted and shovel-ready**. Despite having access to more \$2.3M in available funds (State grants and local appropriations), the project still faces a substantial (roughly \$2.1M) shortfall in funding needed for construction. We are working hard to fill this funding gap so we can put the project out to bid for construction.

We have had correspondence regarding this question with MassDOT and FHWA (via a liaison from Congressman Moulton’s office) and as yet have not received a clear answer. We continue to work with these offices toward getting this clarified.

We are hoping for a clear and prompt response from your office as to whether the BFP is an eligible funding source; and if so how we (or we, with MDOT, if appropriate) could pursue this Federal funding support. Of course, we will be happy to provide whatever additional information may be needed to provide a reliable answer.

Thanks in advance!  
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](mailto:townmanager@wnewbury.org)

**Town Manager**

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**From:** Angus Jennings  
**Sent:** Sunday, January 28, 2024 5:19 PM  
**To:** ecameron@cityofnewburyport.com; HShand@cityofnewburyport.com; AfrozK@CityofNewburyport.com; blane@cityofnewburyport.com; jdonahue@cityofnewburyport.com; cpreston@cityofnewburyport.com; mwright@cityofnewburyport.com; szeid@cityofnewburyport.com; Jmccauley@cityofnewburyport.com; hgranas@cityofnewburyport.com; bharman@cityofnewburyport.com; citycouncil@cityofnewburyport.com  
**Cc:** Selectboard  
**Subject:** Middle Street/Plummer Spring Bridge, proposed next steps  
**Attachments:** Memo to City Council re Middle Street Bridge 1-28-24.pdf

To the Honorable City Councilors:

Please find attached. I would be pleased to speak with you collectively and/or individually to discuss this project further, and to schedule West Newbury participation in the Council’s public meeting schedule as may be helpful. As outlined in the memo, the project is approaching a critical phase, and we (West Newbury Select Board and I) see the coming months as being determinative as to whether this project succeeds, or not.

We do thank you for your consideration, and look forward to continuing correspondence.

Regards,  
Angus

cc: West Newbury Select Board, Finance Committee  
The Honorable Mayor Sean Reardon; Chief of Staff Andrew Levine  
Wayne Amaral, DPS Director; Jon-Eric White, City Engineer  
MassDOT: Paul Stedman, District 4 Highway Director; Jonathan Lee, District 4 Bridge Engineer; Cassandra Gascon, Community Grants Program Administrator  
Eddie Bates & Kristen Pennucci, MassDOT Small Bridge grant program

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381 Main Street  
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# 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](mailto:townmanager@wnewbury.org)

January 28, 2024

City Council

ATTN: Edward C. Cameron Jr., City Council President

City of Newburyport

## RE: Proposed Intermunicipal Agreement, Middle Street/Plummer Spring Bridge

To the Honorable City Council:

As you know, over these past six years, our communities have worked together toward solving our shared problem of the closure (in summer 2018) of the Middle Street / Plummer Spring Bridge, following its structural failure. Highlights of our collaboration to date include:

- 2018: Newburyport secured MDOT Small Bridge grant, providing \$500,000 of State funding. The City expended \$251,300 from the grant, which allowed engagement of the design engineer (BSC Group) and significant progress on survey/engineering/permitting. Roughly half of the grant funds (\$248,700) **remain available for project construction**.<sup>1</sup>
- 2019: West Newbury secured MassWorks grant for \$1,000,000. The Town expended \$292,285 from the grant prior to the expiration of unspent funds on 6/30/23. During this time, the project successfully completed its design and permitting processes.
- 2020: Intermunicipal Agreement executed (2020), upon endorsement by Newburyport Mayor and Council,<sup>2</sup> and upon authorization of the West Newbury Select Board.<sup>3</sup> IMA provided, generally, for 50/50 cost share for net (not grant-funded) project costs (based on the then-current cost estimates, which were appended to the IMA).
- 2021: West Newbury Town Meeting (in May) appropriated \$600,000 toward the project.

The IMA expired in September, 2021. Due in part to an updated (spring 2021) construction cost estimate that significantly exceeded the initial cost estimate, both communities understood that the increased costs would require new commitments of local, State and/or Federal funding.

Since that time, there have been a number of important milestones:

- The project has secured all required permits. Bid docs are prepared. **The project is “shovel ready,”** once the funding gap for construction costs can be filled.
- The Town (in fall 2023) secured an additional \$1.5M in State grant funds.<sup>4</sup>

<sup>1</sup> Of the \$500,000 MDOT grant, \$248,700 was made available only for construction. That funding remains available, and the original grant expiration date has been extended by MDOT upon Newburyport's prior extension requests. These construction funds will expire on 6/30/24 unless further extended by MDOT.

<sup>2</sup> By 11-0 vote of Newburyport City Council, August 31, 2020.

<sup>3</sup> By 3-0 vote of West Newbury Select Board, June 8, 2020.

<sup>4</sup> \$1,000,000 MassWorks grant awarded 9/21/23. \$500,000 MDOT Small Bridge grant awarded 11/7/23.



- The estimated project costs have also increased, with a detailed cost estimate prepared by the design engineer in May, 2023, and updated earlier this month to increase recommended contingency to reflect other recent publicly-bid bridge project costs.

The reflect these milestones, and to ensure that we lock in the existing \$1.8M in available, unspent State funding toward this project (in addition to the nearly \$550k in State grant funding already expended to get the project this far), **the time is right to resume work toward a new IMA**. In fact, for reasons outlined, an IMA will be necessary to bring this project to completion.

My office has worked with our Select Board and Town Counsel to prepare proposed amendments to the prior IMA that was previously in effect between the communities, intended to reflect the current circumstances, and to secure those intermunicipal agreements that will be legally required for the project (once fully funded) to move forward. Our draft is in a late stage of review, and will be sent for your and Mayor Reardon’s consideration in the near term.

The major ingredients of the Town’s proposal will include:

- That the Select Board and the City Council each formally authorize the work to take place within these public rights-of-way, in a form accepted by Bond Counsel;
- Clarification of each municipality’s role with regard to project procurement, contracting, contract management, inspections, grants management, and record-keeping;
- Commit each municipality to continued efforts to secure non-local grant funding, including agreement that the City seeks extension of its remaining 2018 MDOT Small Bridge funds, and that it applies for a new MDOT Small Bridge grant in 2024;<sup>5</sup>
- Apportion net (non-grant-funded) project costs 50/50 between the communities,<sup>6</sup> with default provisions in the event of non-payment; and
- If necessary or advisable for either community’s financing of the project, a 2/3 majority vote of the legislative body of the borrowing community to authorize debt for its share of project costs (or, alternatively, for the Council to grant the Town rights to issue debt for the portion of the project located in Newburyport, in a form accepted by Bond Counsel).<sup>7</sup>

Our discussions with Bond Counsel (Locke Lord) and our Financial Advisor (Hilltop Securities) suggest options to borrow, if doing so proves necessary or beneficial: the Town and City could each issue debt for its share of the project costs; or, subject the City providing it rights to do so, and Select Board approval and Town Meeting authorization, the Town could issue debt for full project costs, with an IMA providing for City reimbursement of its share of debt service over the

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<sup>5</sup> In a January 2024 meeting with MDOT, regarding the Town’s Small Bridge grant, MDOT officials expressed willingness to consider a new Small Bridge grant application from the City. The max grant award is \$500,000, and MDOT has previously confirmed that the project is eligible for a separate Small Bridge grant **each fiscal year**.

<sup>6</sup> Subject to appropriation by City Council (in Newburyport) and Town Meeting (in West Newbury). Basis for 50/50 split based generally on: 1) land survey documenting municipal boundary at bridge midpoint; 2) consistent with prior IMA; 3) to align each communities’ interest with regard to securing add’l non-local funding; 4) language in Mayor Reardon’s project narrative for the Plummer Spring Bridge Replacement that “Both communities will share the balance of the bridge cost” (Newburyport FY2024-2028 Capital Improvement Program, proposed by Mayor Sean R. Reardon, May 8, 2023, pg. 45); and 5) basic fairness.

<sup>7</sup> Locke Lord has advised that such an approach would be permissible, if agreed by both communities.

term of the IMA (which may be up to 25 years), provided that the term of the IMA exceeds the term of the debt.

While purely hypothetical, we (with Hilltop Securities) have drawn up borrowing scenarios to illustrate estimated annual debt service if the current estimated funding gap (\$2.1M) were to be financed, as well as if the City successfully obtained a new \$500k MDOT Small Bridge grant to reduce the estimated funding gap to \$1.6M.

If financed over a 20-year term, annual debt service for \$2.1M is estimated to be about \$153,000 per year. Annual debt service for \$1.6M is estimated to be about \$118,000 per year. Keeping in mind that the current estimated funding gap reflects West Newbury's direct appropriation of \$600,000, with no direct appropriation (yet) by the City – which will need to be taken into account in determining an appropriate inter-municipal cost share – it appears that project financing could be apportioned in a manner that each of our communities could bear.

### **Next Steps**

In the next week or two, we expect to send to the Council and Mayor a proposed IMA for your consideration. Although we have not discussed terms in detail, Mayor Reardon and I have met on multiple occasions specifically to discuss the bridge, and on those occasions (which, admittedly, were some time ago), the Mayor expressed clear willingness to work toward a new IMA (while understanding clearly that its execution would require Council approval).

In order to take advantage of the \$1.5M in State grant funding awarded to West Newbury, to retain (upon MDOT approval of grant extension) the roughly \$250k in State grant funding awarded to Newburyport, to optimize Town efforts to secure Town Meeting approval (on April 29<sup>th</sup>) to extend the sunset date of the \$600k in local funds approved in May 2021, and to best position the project to secure additional State, Federal and/or local funding as needed to allow for project procurement and contract award, it will be necessary to execute an IMA this spring.

When it meets on February 6<sup>th</sup> to close the spring Town Meeting warrants, our Select Board will be asked to include articles regarding the Middle Street Bridge. In order to ensure that our proposals to our legislative body (Town Meeting) are in coordination and alignment with the City Council's considerations of its policy, budgeting and capital budgeting processes, it will be necessary to work together closely in the coming weeks and months.

I respectfully request that the Council either designate or authorize a member or members of your body to participate in an effort, with my office (on behalf of, and in consultation with, the Select Board), Mayor Reardon's office, our respective staff, and our respective legal and bond counsels, to refine the IMA as needed to get it in a form suitable for consideration by the full Council and Select Board. Achieving this **by the end of April** will optimize our chances of securing the Town Meeting vote(s) we'll need to fund our commitments to the project.

We in West Newbury recognize that the bridge project may not rank as highly on the City's list of capital improvement priorities as it does for West Newbury, but we also see a shared public interest in bringing this project to completion at this time. This will maximize available (and

prospective new) non-local funds, honor each municipality's prior commitments to MDOT and MassWorks in accepting and expending grant funds; and meet each municipality's obligation to maintain the functionality and the safety of its public infrastructure.

We do appreciate and thank you for your anticipated attention to this matter. On behalf of West Newbury's Select Board and residents, I look forward to continuing to work together.

Sincerely,



Angus Jennings  
Town Manager

Attachments:

- Middle Street Bridge, Funding Summary, WORKING DRAFT, 1/28/24
- Estimated debt service tables, \$2.1M and \$1.6M, January 2024
- Expired IMA dated Sept., 2021: "Agreement By and Between The City of Newburyport and the Town of West Newbury Regarding Allocation of Costs for Evaluation, Design and Repair of The Plummer Spring Road/Middle Street Bridge"

cc: *West Newbury Select Board, Finance Committee*  
*The Honorable Mayor Sean Reardon; Chief of Staff Andrew Levine*  
*Wayne Amaral, DPS Director; Jon-Eric White, City Engineer*  
*MassDOT: Paul Stedman, District 4 Highway Director; Jonathan Lee, District 4 Bridge Engineer; Cassandra Gascon, Community Grants Program Administrator*  
*Eddie Bates & Kristen Pennucci, MassDOT Small Bridge grant program*

**Middle Street Bridge, Funding Summary, WORKING DRAFT, 1/28/24**

<b>Project Costs</b>		<u>Notes</u>
Construction costs	\$ 3,315,000	Source: BSC Group, 5/5/23; UPDATED 12/18/23
Design/Permitting	\$ 550,000	
Construction contingency (25%)	\$ 828,750	
Resident Engineer	\$ 200,000	
Construction Engineering Services	\$ 100,000	
<b>TOTAL project costs (est.)</b>	<b>\$ 4,993,750</b>	
<b>Available Funds (grants)</b>		
MassDOT Small Bridge grant, 2018, design funds (expended)	\$ 251,300	Awarded to Newburyport; construction funds due to expire 6/30/2024, if not further extended by MDOT
MassDOT Small Bridge grant, 2018, construction funds (remaining)	\$ 248,700	
MassWorks grant (2019, \$1M grant, partially expended)	\$ 292,285	Grant has now expired
MassWorks (2023)	\$ 1,000,000	Awarded to West Newbury
MassDOT Small Bridge grant (2023)	\$ 500,000	Awarded to West Newbury
<b>Sub-Total: grant funding sources</b>	<b>\$ 2,292,285</b>	
<b>Available Funds (local appropriations)</b>		
Town Meeting appropriation	\$ 600,000	Approved May 2021; sunset date 6/30/2024, if not further extended by Town Meeting
Newburyport (requiring City Council approval)	\$ -	\$700,000 included in Mayor Reardon's FY24 Capital Program (CIP #HW04); however, funding source identified as "State/Federal grant" (not local appropriation).
<b>Sub-Total: local funding sources</b>	<b>\$ 600,000</b>	
<b>Est. Shortfall</b>	<b>\$ (2,101,465)</b>	Based on <u>existing</u> appropriations and grants
<b>Potential Funds</b>		
MassDOT Small Bridge grant, 2024	\$ 500,000	MDOT has stated willingness to consider a new grant application from Newburyport, off cycle
Federal Bridge Formula Program funds	?	Work ongoing to determine project eligibility (or not)
	\$ 500,000	
<b>Summary</b>		
<b>Modified Est. Shortfall</b>	<b>\$ 1,601,465</b>	Assumes 2024 MDOT Small Bridge grant award to Newburyport
Source: Angus Jennings, Town Manager		

**Town of West Newbury, Massachusetts**  
 \$2,100,000 General Middle St. Bridge Bonds; Dated July 15, 2024  
 20yrs - Level Debt Service  
 Interest Estimated, Subject to Change

**Debt Service Schedule**

Date	Principal	Coupon	Interest	Total P+I	Fiscal Total	Est. 50/50 Share
07/15/2024	-	-	-	-	-	-
01/15/2025	-	-	42,000.00	42,000.00	-	-
06/30/2025	-	-	-	-	42,000.00	21,000.00
07/15/2025	70,000.00	4.000%	42,000.00	112,000.00	-	-
01/15/2026	-	-	40,600.00	40,600.00	-	-
06/30/2026	-	-	-	-	152,600.00	76,300.00
07/15/2026	75,000.00	4.000%	40,600.00	115,600.00	-	-
01/15/2027	-	-	39,100.00	39,100.00	-	-
06/30/2027	-	-	-	-	154,700.00	77,350.00
07/15/2027	75,000.00	4.000%	39,100.00	114,100.00	-	-
01/15/2028	-	-	37,600.00	37,600.00	-	-
06/30/2028	-	-	-	-	151,700.00	75,850.00
07/15/2028	80,000.00	4.000%	37,600.00	117,600.00	-	-
01/15/2029	-	-	36,000.00	36,000.00	-	-
06/30/2029	-	-	-	-	153,600.00	76,800.00
07/15/2029	80,000.00	4.000%	36,000.00	116,000.00	-	-
01/15/2030	-	-	34,400.00	34,400.00	-	-
06/30/2030	-	-	-	-	150,400.00	75,200.00
07/15/2030	85,000.00	4.000%	34,400.00	119,400.00	-	-
01/15/2031	-	-	32,700.00	32,700.00	-	-
06/30/2031	-	-	-	-	152,100.00	76,050.00
07/15/2031	90,000.00	4.000%	32,700.00	122,700.00	-	-
01/15/2032	-	-	30,900.00	30,900.00	-	-
06/30/2032	-	-	-	-	153,600.00	76,800.00
07/15/2032	90,000.00	4.000%	30,900.00	120,900.00	-	-
01/15/2033	-	-	29,100.00	29,100.00	-	-
06/30/2033	-	-	-	-	150,000.00	75,000.00
07/15/2033	95,000.00	4.000%	29,100.00	124,100.00	-	-
01/15/2034	-	-	27,200.00	27,200.00	-	-
06/30/2034	-	-	-	-	151,300.00	75,650.00
07/15/2034	100,000.00	4.000%	27,200.00	127,200.00	-	-
01/15/2035	-	-	25,200.00	25,200.00	-	-
06/30/2035	-	-	-	-	152,400.00	76,200.00
07/15/2035	105,000.00	4.000%	25,200.00	130,200.00	-	-
01/15/2036	-	-	23,100.00	23,100.00	-	-
06/30/2036	-	-	-	-	153,300.00	76,650.00
07/15/2036	110,000.00	4.000%	23,100.00	133,100.00	-	-
01/15/2037	-	-	20,900.00	20,900.00	-	-
06/30/2037	-	-	-	-	154,000.00	77,000.00
07/15/2037	115,000.00	4.000%	20,900.00	135,900.00	-	-
01/15/2038	-	-	18,600.00	18,600.00	-	-
06/30/2038	-	-	-	-	154,500.00	77,250.00
07/15/2038	120,000.00	4.000%	18,600.00	138,600.00	-	-
01/15/2039	-	-	16,200.00	16,200.00	-	-
06/30/2039	-	-	-	-	154,800.00	77,400.00
07/15/2039	120,000.00	4.000%	16,200.00	136,200.00	-	-
01/15/2040	-	-	13,800.00	13,800.00	-	-
06/30/2040	-	-	-	-	150,000.00	75,000.00
07/15/2040	125,000.00	4.000%	13,800.00	138,800.00	-	-
01/15/2041	-	-	11,300.00	11,300.00	-	-
06/30/2041	-	-	-	-	150,100.00	75,050.00
07/15/2041	130,000.00	4.000%	11,300.00	141,300.00	-	-
01/15/2042	-	-	8,700.00	8,700.00	-	-
06/30/2042	-	-	-	-	150,000.00	75,000.00
07/15/2042	140,000.00	4.000%	8,700.00	148,700.00	-	-
01/15/2043	-	-	5,900.00	5,900.00	-	-
06/30/2043	-	-	-	-	154,600.00	77,300.00
07/15/2043	145,000.00	4.000%	5,900.00	150,900.00	-	-
01/15/2044	-	-	3,000.00	3,000.00	-	-
06/30/2044	-	-	-	-	153,900.00	76,950.00
07/15/2044	150,000.00	4.000%	3,000.00	153,000.00	-	-
06/30/2045	-	-	-	-	153,000.00	76,500.00
<b>Total</b>	<b>\$2,100,000.00</b>	<b>-</b>	<b>\$992,600.00</b>	<b>\$3,092,600.00</b>	<b>-</b>	<b>\$1,546,300.00</b>



**Town of West Newbury, Massachusetts**  
**\$1,600,000 General Middle St. Bridge Bonds; Dated July 15, 2024**  
**20yrs - Level Debt Service**  
**Interest Estimated, Subject to Change**

**Debt Service Schedule**

Date	Principal	Coupon	Interest	Total P+I	Fiscal Total	Est. 50/50 Share
07/15/2024	-	-	-	-	-	-
01/15/2025	-	-	32,000.00	32,000.00	-	-
06/30/2025	-	-	-	-	32,000.00	16,000.00
07/15/2025	55,000.00	4.000%	32,000.00	87,000.00	-	-
01/15/2026	-	-	30,900.00	30,900.00	-	-
06/30/2026	-	-	-	-	117,900.00	58,950.00
07/15/2026	55,000.00	4.000%	30,900.00	85,900.00	-	-
01/15/2027	-	-	29,800.00	29,800.00	-	-
06/30/2027	-	-	-	-	115,700.00	57,850.00
07/15/2027	55,000.00	4.000%	29,800.00	84,800.00	-	-
01/15/2028	-	-	28,700.00	28,700.00	-	-
06/30/2028	-	-	-	-	113,500.00	56,750.00
07/15/2028	60,000.00	4.000%	28,700.00	88,700.00	-	-
01/15/2029	-	-	27,500.00	27,500.00	-	-
06/30/2029	-	-	-	-	116,200.00	58,100.00
07/15/2029	60,000.00	4.000%	27,500.00	87,500.00	-	-
01/15/2030	-	-	26,300.00	26,300.00	-	-
06/30/2030	-	-	-	-	113,800.00	56,900.00
07/15/2030	65,000.00	4.000%	26,300.00	91,300.00	-	-
01/15/2031	-	-	25,000.00	25,000.00	-	-
06/30/2031	-	-	-	-	116,300.00	58,150.00
07/15/2031	70,000.00	4.000%	25,000.00	95,000.00	-	-
01/15/2032	-	-	23,600.00	23,600.00	-	-
06/30/2032	-	-	-	-	118,600.00	59,300.00
07/15/2032	70,000.00	4.000%	23,600.00	93,600.00	-	-
01/15/2033	-	-	22,200.00	22,200.00	-	-
06/30/2033	-	-	-	-	115,800.00	57,900.00
07/15/2033	75,000.00	4.000%	22,200.00	97,200.00	-	-
01/15/2034	-	-	20,700.00	20,700.00	-	-
06/30/2034	-	-	-	-	117,900.00	58,950.00
07/15/2034	75,000.00	4.000%	20,700.00	95,700.00	-	-
01/15/2035	-	-	19,200.00	19,200.00	-	-
06/30/2035	-	-	-	-	114,900.00	57,450.00
07/15/2035	80,000.00	4.000%	19,200.00	99,200.00	-	-
01/15/2036	-	-	17,600.00	17,600.00	-	-
06/30/2036	-	-	-	-	116,800.00	58,400.00
07/15/2036	85,000.00	4.000%	17,600.00	102,600.00	-	-
01/15/2037	-	-	15,900.00	15,900.00	-	-
06/30/2037	-	-	-	-	118,500.00	59,250.00
07/15/2037	85,000.00	4.000%	15,900.00	100,900.00	-	-
01/15/2038	-	-	14,200.00	14,200.00	-	-
06/30/2038	-	-	-	-	115,100.00	57,550.00
07/15/2038	90,000.00	4.000%	14,200.00	104,200.00	-	-
01/15/2039	-	-	12,400.00	12,400.00	-	-
06/30/2039	-	-	-	-	116,600.00	58,300.00
07/15/2039	95,000.00	4.000%	12,400.00	107,400.00	-	-
01/15/2040	-	-	10,500.00	10,500.00	-	-
06/30/2040	-	-	-	-	117,900.00	58,950.00
07/15/2040	95,000.00	4.000%	10,500.00	105,500.00	-	-
01/15/2041	-	-	8,600.00	8,600.00	-	-
06/30/2041	-	-	-	-	114,100.00	57,050.00
07/15/2041	100,000.00	4.000%	8,600.00	108,600.00	-	-
01/15/2042	-	-	6,600.00	6,600.00	-	-
06/30/2042	-	-	-	-	115,200.00	57,600.00
07/15/2042	105,000.00	4.000%	6,600.00	111,600.00	-	-
01/15/2043	-	-	4,500.00	4,500.00	-	-
06/30/2043	-	-	-	-	116,100.00	58,050.00
07/15/2043	110,000.00	4.000%	4,500.00	114,500.00	-	-
01/15/2044	-	-	2,300.00	2,300.00	-	-
06/30/2044	-	-	-	-	116,800.00	58,400.00
07/15/2044	115,000.00	4.000%	2,300.00	117,300.00	-	-
06/30/2045	-	-	-	-	117,300.00	58,650.00
<b>Total</b>	<b>\$1,600,000.00</b>	<b>-</b>	<b>\$757,000.00</b>	<b>\$2,357,000.00</b>	<b>-</b>	<b>\$1,178,500.00</b>

## CITY OF NEWBURYPORT




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 IN CITY COUNCIL

ORDERED:

**Agreement By and Between  
The City of Newburyport and the Town of West Newbury  
Regarding Allocation of Costs for Evaluation, Design and Repair of  
The Plummer Spring Road/Middle Street Bridge**

This Agreement is made as of this 17th day of September, 2020, by and between the City of Newburyport, a Massachusetts municipal corporation with its main office at City Hall, 60 Pleasant Street, Newburyport, MA 01950 (hereinafter referred to as “Newburyport”) and the Town of West Newbury, a Massachusetts municipal corporation with its main office at the 1910 Office Building, 381 Main Street, West Newbury, MA 01985 (hereinafter referred to as “West Newbury”).

**RECITALS**

**Whereas**, Newburyport and West Newbury in accordance with M.G.L. c. 40 §4A are authorized to enter into an agreement with another governmental unit to perform jointly or for that unit’s services, activities or undertakings which any of the contracting units is authorized by law to perform; and

**Whereas**, Newburyport and West Newbury desire to enter into an Agreement to share the costs to evaluate the condition of the Plummer Spring Road/Middle Street Bridge over the Artichoke Reservoir (the “Bridge”) situated on the border between Newburyport and West Newbury, and to share the costs of designing, bidding and making necessary repairs to the Bridge (the” Bridge Project”); and

**Whereas**, Newburyport and West Newbury both desire to work cooperatively in order to complete the repairs to the Bridge in the most expeditious fashion; and

**Whereas**, Newburyport has been authorized to enter into this agreement by vote of its City Council and approval of its Mayor; and

**Whereas**, West Newbury has been authorized to enter into this agreement by vote of its Board of Selectmen.

**Now, therefore,** in consideration of the mutual promises contained herein, Newburyport and West Newbury agree to the following terms, conditions and provisions.

1. **Effective Date and Term; Renewal:** This Agreement shall become effective when fully executed by Newburyport and West Newbury on the day first above written and shall continue, if renewed in accordance with the provisions hereinafter contained, until the completion of the Bridge Project.

The initial term of this Agreement shall be one year from the date first written above. The parties shall review the status of the Bridge Project on an annual basis and may renew this Agreement with such amendments as are mutually agreed upon; provided, however, that in no event shall the term of this Agreement, including any renewal thereof, exceed twenty-five (25) years. Any renewal shall be executed by the Mayor of Newburyport on behalf of the City of Newburyport and the Town Manager of the Town of West Newbury on behalf of the Town of West Newbury.

2. **Cost Sharing; Estimated Project Cost:** Newburyport and West Newbury mutually agree that they shall share equal responsibility for all aspects of the Bridge Project, including but not limited to, the costs of evaluation, project design, permitting, bidding, scheduling, oversight, construction, and contractor payment, to the extent that work is not undertaken by employees of Newburyport or West Newbury (all of whose costs and expenses shall be paid by their respective employer). To that end, Newburyport and West Newbury shall obtain the authorization of the other prior to incurring any such costs. Cost sharing shall pertain solely to work directly related to the Bridge Project, and shall be subject to appropriation.

The estimated Bridge project cost is contained in Appendix A attached to this Agreement. Funding, including any additional funding sources as described herein, shall be provided to address the costs as listed in Appendix A. Should additional funds for the Bridge Project in excess of this estimated cost be required, such additional costs shall be expressly subject to appropriation by both parties. Periodic financial statements shall be issued to both parties with respect to expenditures undertaken for the Bridge Project.

Notwithstanding anything set forth above, each party reserves the right to petition for an apportionment of the costs associated with the Bridge Project in accordance with the provisions of M.G.L. Ch. 84 §2.

3. **Cooperation:** Newburyport and West Newbury agree to work together to complete the Bridge Project design, bidding and repair as expeditiously as possible. Newburyport and West Newbury agree to use diligent efforts to obtain without undue delay, any required local, state or federal permit, clearances, approvals, and/or waivers for the Bridge Project. Newburyport and West Newbury acknowledge that each party has received grant funding for the completion of the Bridge Project, Newburyport having received a MassDOT grant and West Newbury having received a MassWorks grant, the terms and requirements of such grants being incorporated herein by reference. In the interest of complying with such grant requirements, the Bridge project must be completed by June 30, 2023.

4. **Liability:** Each party hereto shall be liable and responsible for the negligent or intentional acts of its employees, agents and contractors with respect to the Bridge Project, and shall hold each other harmless from any claims arising therefrom, to the extent permitted by law.



5. **Additional Funding Sources:** Newburyport and West Newbury agree to use their best efforts to secure such grants, reimbursements or other sources of funding for the Bridge Project. All such additional funding sources for the Bridge Project, whether received prior to or after the date of this Agreement shall reduce each party's obligations for costs by one half of the amount secured. The parties agree to comply with all terms and conditions set forth in such grants, reimbursements or other sources of funding.

6. **Notice and Change of Circumstances:** Each party shall promptly notify the other of any legal impediment, change of circumstances, including but not limited to changes in funding availability, insurance requirements, city or town approvals, or any condition or event which may adversely affect each party's ability to carry out any of its obligation, under this Agreement. Any request, demand, authorization, direction, notice, consent, waiver or other document provided or permitted by this Agreement to be made, given, furnished or filed with one party by another party shall be in writing and shall be delivered by hand or by certified mail, return receipt requested, or by overnight delivery service, in an envelope addressed to:

NEWBURYPORT:

Office of the Mayor  
Newburyport City Hall  
60 Pleasant Street  
Newburyport, MA 01950

WEST NEWBURY:

Town Manager  
1910 Office Building  
381 Main Street  
West Newbury, MA 01985

7. **Governing Law:** This Agreement is to be governed and construed in accordance with the laws of the Commonwealth of Massachusetts.

8. **Severability:** If any provision of this Agreement is determined to be invalid or unenforceable, the remaining provisions shall remain in force and unaffected to the fullest extent permitted by law and regulations.

9. **Modification and Amendment:** This Agreement may be modified or amended only by written mutual agreement of the Parties.

10. **Designation of Project Coordinator:** Newburyport and West Newbury shall each designate an employee to act as the Project Coordinator who will be the point of contact for all aspects of the Bridge Project for that party. Each Project Coordinator shall be copied on all correspondence or other communication with any third party involved in the Bridge Project. In the event of the temporary absence or unavailability of a Project

Coordinator, the Parties may designate a temporary Project Coordinator for the duration of such absence or unavailability.

11. **Oversight:** Newburyport and West Newbury agree that their respective employees, agents and officials shall have access to the Bridge during the pendency of this Agreement. Newburyport and West Newbury agree to promptly notify the other in the event that such party considers any work connected with the Bridge Project to be not in compliance with this Agreement, the Bridge Project contract issued pursuant to the joint Invitation for Bids (“IFB”), or applicable federal, state or local laws and applicable regulations.


12. **Joint Invitation for Bids (“IFB”):** Newburyport and West Newbury shall prepare and advertise for a joint IFB for the construction of the Bridge Project and shall jointly open and evaluate bids and award a contract to the selected eligible and responsible bidder.

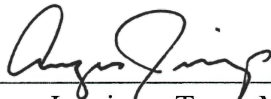
13. **Entire Agreement:** This Agreement, including all documents incorporated herein by reference, constitutes the entire integrated agreement between the parties with respect to the matters described. This Agreement supersedes all prior agreements, negotiations and representations, either written or oral, and it shall not be modified or amended except by a written document executed by the parties hereto.

**IN WITNESS WHEREOF,** the parties hereto have executed this Agreement on the day and year first above written.

**City of Newburyport**

**Town of West Newbury**

  
\_\_\_\_\_  
Mayor  
Duly authorized  
By 11-0 vote of the  
Newburyport City Council  
AUGUST 31, 2020

  
\_\_\_\_\_  
Angus Jennings, Town Manager  
Duly authorized  
By unanimous 3-0 vote of the  
West Newbury Board of Selectmen  
June 8, 2020



W A W

803 Summer Street  
Boston, MA 02127



www.bscgroup.com

July 6, 2020

Jon-Eric White, PE  
City Engineer  
Department of Public Services  
16C Perry Way  
Newburyport, MA 01950

RE: MOU - Preliminary Cost Estimate

Dear Jon-Eric

Below is the preliminary cost estimate based on the 30% design status of the Plummer Spring Road/Middle Street Bridge Replacement. The estimate is for the bridge type selected at the September 23<sup>rd</sup>, 2019 public hearing.

- 45'-0" span spread box beam
- 24'-0" roadway width with one 5'-6" sidewalk
- and S3-TL4 bridge rail
- Overall width 32'-6"
- Integral abutment on piles
- Preliminary Cost Estimate = \$2.6 M

The preliminary cost estimate does not include a contingency. For budgeting purposes, the two communities may find it prudent to include a contingency. At this preliminary design stage MassDOT usually includes a 20% contingency for bridge projects of similar magnitude.

Sincerely,

BSC Group, Inc.



Micah Morrison, PE, SE  
Manager of Structural Engineering

cc: Peter Reed

\\bscbos\bos\Projects-BOS\2839500\PrjCtrl\Submissions\Cost Estimate for MOU.docx

Engineers  
Environmental  
Scientists  
Custom Software  
Developers  
Landscape  
Architects  
Planners  
Surveyors

## Town Manager

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**From:** Angus Jennings  
**Sent:** Sunday, January 28, 2024 5:20 PM  
**To:** 'Sean Reardon'; Andrew Levine  
**Cc:** 'Wayne Amaral'; Jon-Eric White; Selectboard; Morrison, Micah  
**Subject:** Middle Street/Plummer Spring Bridge, proposed next steps  
**Attachments:** Memo to City Council re Middle Street Bridge 1-28-24.pdf  
**Importance:** High

Mayor,

Please find attached a memo sent to the City Council a short time ago, with copy to those listed. As outlined in the memo, the project is approaching a critical phase, and we (West Newbury Select Board and I) see the coming months as being determinative as to whether this project succeeds, or not.

There are three items we would like to request of your office in the near term:

- 1) Authorize your City Counsel/City Solicitor to correspond with our primary Town Counsel Tim Zessin at KP Law, who is our primary legal advisor regarding the form of a proposed IMA;
- 2) Authorize/direct your staff to apply for an extension of the funds remaining in the City's 2018 MDOT Small Bridge grant (which, if not further extended, will expire at the end of June 2024);
- 3) Authorize/direct your staff to apply for a new MDOT Small Bridge grant in the near term. As noted in the memo, I had a zoom meeting with MDOT (incl. 6 MDOT personnel) earlier in January, and at that time they stated very clearly that Newburyport is eligible to apply for a new \$500,000 Small Bridge grant (and, in fact, a single project is eligible to apply for a separate grant each fiscal year); and that they (MDOT staff) would consider an application received from the City out of cycle (i.e. prior to the typical late June application deadline) due to their understanding that this project is at a critical stage. (Note: BSC Group prepared a draft MDOT Small Bridge grant application on the City's behalf, and shared it with the City via email, last June, so this could be updated for filing with minimal time/effort).

I would be pleased to speak or meet (in-person or remote) with you and whomever else in the City who will be involved with this effort.

Thank you for your consideration, and I look forward to connecting soon.

Regards,  
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](mailto:townmanager@wnewbury.org)

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**From:** Morrison, Micah  
**Sent:** Tuesday, June 13, 2023 8:58 AM

## Town Manager

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**From:** Angus Jennings  
**Sent:** Sunday, January 28, 2024 5:23 PM  
**To:** Bates, Edward (DOT); Gascon, Cassandra (DOT); Pennucci, Kristen E. (DOT); Stedman, Paul D. (DOT); Lee, Jonathan K. (DOT)  
**Cc:** Selectboard; Executive Assistant; Jerrard Whitten; Patrick Reed; Morrison, Micah ( )  
**Subject:** Middle Street/Plummer Spring Bridge, proposed next steps  
**Attachments:** Memo to City Council re Middle Street Bridge 1-28-24.pdf

Eddie/MassDOT,

Please find attached a memo sent a short time ago to the Newburyport City Council and Mayor, which advances West Newbury's proposed financing strategy for the Middle Street Bridge. Following on our group conversation/zoom earlier this month, we sent separate correspondence to Mayor Reardon asking that he authorize his staff to apply for a (Newburyport) MDOT Small Bridge grant for this project in the near term.

In addition, and following on our earlier correspondences, we continue to work with our project engineer Micah Morrison (BSC Group), toward completing the necessary paperwork to be filed with the MassWorks grant office on or before this Wednesday, January 31<sup>st</sup>. As we have said, we will send you a copy of the same materials we send to MassWorks once we finalize and send them later this week.

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](mailto:townmanager@wnewbury.org)

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**From:** Bates, Edward (DOT) <Edward.F.Bates@dot.state.ma.us>  
**Sent:** Tuesday, January 23, 2024 8:59 AM  
**To:** Town Manager <townmanager@wnewbury.org>  
**Cc:** MassDOT Small Bridge Program <SmallBridgeProgram@dot.state.ma.us>; Pennucci, Kristen E. (DOT) <Kristen.Pennucci@dot.state.ma.us>; Stedman, Paul D. (DOT) <Paul.Stedman@dot.state.ma.us>; Lee, Jonathan K. (DOT) <Jonathan.K.Lee@dot.state.ma.us>; Town Accountant <townaccountant@wnewbury.org>; Gascon, Cassandra (DOT) <Cassandra.Gascon@dot.state.ma.us>; Morrison, Micah ( ); Executive Assistant <exec.assistant@wnewbury.org>  
**Subject:** RE: MassDOT Small Bridge Program Funding Decision

Hi, Angus,

Thank you very much for the update. Please let us know if you have any questions in the meantime!

Eddie

Eddie Bates

## Town Manager

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**From:** Abby Jeffers <abby.jeffers@hilltopsecurities.com>  
**Sent:** Thursday, January 25, 2024 3:07 PM  
**To:** Town Manager; Peter Frazier  
**Cc:** Town Accountant; Town Treasurer  
**Subject:** West Newbury estimated schedules  
**Attachments:** W Newbury Est. 1.6M Bridge Debt Service.pdf; W Newbury Est. 2.1M Bridge Debt Service.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Good Afternoon,

Attached are the various estimated debt service schedules based on 10yrs, 15yrs and 20yrs, for \$1.6 million and \$2.1 million. If the Town issued a \$500,000 BAN for one year, the estimated interest due at maturity would be approximately \$20,000.

The rates incorporated are estimated and subject to change.

Please let us know if you need anything else.

Thanks,  
Abby

**Abby Jeffers**

Hilltop Securities Inc.  
Senior Vice President | Investment Banker

[REDACTED]  
[REDACTED]  
[REDACTED].com

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# 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](mailto:townmanager@wnewbury.org)

June 8, 2023

City Council  
City of Newburyport

To the Honorable City Councilors:

In preparation for your scheduled Public Services Budget Workshop to be held on this date, this letter is written to document the Town of West Newbury's request for the City of Newburyport to allocate funds toward the above-referenced project. This bridge, which traverses our communities, represents one of the primary interconnections between our communities, and its reconstruction and re-opening is a top priority for our residents and municipal leaders.

As you know, thanks to a lot of hard work by both communities' municipal staff, the bridge reconstruction is now fully permitted – “shovel ready” – having received the final two required permits (from MassDEP and MassDOT) in the past six weeks. This is a major milestone, following nearly five years of engineering and permitting.

Unfortunately, we, together, are still a ways' away from being able to put the project out to bid. An updated estimate of probable costs, prepared by the project engineer in early May, documents a substantial funding shortfall that will need to be filled prior to initiating the procurement and construction processes.

To date, all financial costs to bring this project through permitting – totaling nearly \$550k – have come from State grants: about \$250k from a MassDOT Small Bridge grant awarded to Newburyport in 2018; and nearly \$300k from a MassWorks grant awarded to West Newbury in 2020. About \$250k remains in the MDOT grant, allocated for construction (though is due to expire at the end of FY24); and more than \$700k remains in the MassWorks grant (due to expire at the end of FY23, although our extension request is pending).

Having benefited from this substantial support from the Commonwealth, and major in-kind efforts by each of our staff, it is now time for each community to provide local financial support to this important initiative. West Newbury's Town Meeting voters approved a \$600k allocation in 2020, with those funds remaining available today.

What remains to be seen is whether the City will match this amount, or better. Mayor Reardon's proposed FY23-27 Capital Improvement Program calls for a \$700k allocation in

FY25 (Project Detail Sheet HW004), and the Town of West Newbury appreciates this proposal. With that said, with the City's current MDOT Small Bridge grant funding due to expire at the end of FY24 – and with that grant timeline already having been extended once – an allocation in FY25 would fail to leverage those existing grant funds. Further, West Newbury's application to extend its current MassWorks grant past FY23 (with a remaining balance of over \$700K) is pending – and the MassWorks grant administrators will certainly view the City's allocation – or not – of local funds toward this project as an important bellwether to inform whether they'll offer their continuing support (whether via an extension, or award of a new MassWorks grant in the current grant round).

The enclosed materials provide more detail regarding the financial specifics of this project, and we have also enclosed the more than 30 support letters we received from local residents, our State House delegation, and from Mayor Reardon's office. We hope this backup will be helpful to you.

Our request, as you consider your FY24 budget and capital priorities, is that you include the Middle Street / Plummer Spring Road bridge among your other high priority capital expenditures and/or debt authorizations for the coming fiscal year. This project's recent status as "shovel ready" puts it in a strong position to secure the additional non-local funding it will need to get it over the finish line, but the decisions of those awarding authorities to support this project, or not, will surely weigh heavily the degree to which we support this project locally.

Thank you for your consideration,



Angus Jennings  
Town Manager

cc: The Honorable Mayor Sean Reardon  
West Newbury Select Board



*IP Telephony and Voicemail System  
Town of West Newbury  
Addenda*

**RFP# 2024-WN-003**

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

**ADDENDUM #5**

Notice to all prospective bidders.

Addendum #4 released \_\_\_\_\_

**PROPOSAL DUE DATE CHANGE AND UPDATED  
PROCUREMENT SCHEDULE**

The proposal due date will be extended from Wednesday February 14<sup>th</sup>, 2024 at 10:00 A.M to **Wednesday March 13<sup>th</sup>, 2024 at 10:00 A.M.** The Town of West Newbury will be providing a scope of work and bid price sheet for cabling momentarily. There will be an optional site walk specifically for cabling. Date and time of this site walk to be issued with the cabling scope of work and bid price sheet addendum. Please see the updated estimated procurement calendar below.

<b>Estimated Procurement Calendar</b>		
<b>Tasks</b>	<b>Date</b>	<b>Time</b>
RFP Issued on Commbuys	12/11/2023	10:00 A.M
Mandatory pre-submission site walk	1/17/2024	10:00 A.M
Written questions/clarification due on or before	2/28/2024	4:00 P.M
Release of official responses due on or before	3/6/2024	4:00 P.M
Proposal submission deadline on or before	3/13/2024	10:00 A.M
Bidder Evaluations - Vendor Presentations Scheduled	3/27/2024	4:00 P.M
Preliminary award on or before	4/30/2024	4:00 P.M

**Attachments:**

**A – Q&A from Mandatory Site Walk**

**B – Electronic Floor Plans (will be sent as a separate attachment via email)**

West Newbury – VoIP Phone System  
Addendum #5  
2024-WN-003

January 17, 2024  
RFP # 2024-WN-003

**IP Telephony and Voicemail System Voice Over Internet Protocol Solution (VoIP)  
1910 Building (Town Offices), Public Safety Complex and GAR Library  
Mandatory Briefing and On-Site Tour**

**Town Staff Present:**

Christine Wallace, P.E., *West Newbury DPW Project Manager*  
Angus Jennings, *West Newbury Town Manager*  
Michael Dwyer, *Chief of Fire & Police*  
Katelyn Barker, *West Newbury Chief Procurement Officer*  
James RW Blatchford, *West Newbury Town Clerk*  
Brian Richard, *West Newbury Facilities Manager*  
Jake Soucy, *West Newbury IT Consultant*

**From the Sign-in Sheet:**

Raul Valdez, <i>AI Enterprise</i>	Bill Vozella, <i>Beacon Telecom</i>
Michael Urquhart, <i>Comcast</i>	Bill Dunahue, <i>Comcast</i>
Rob Aloï, <i>Connectivity Point</i>	Tony Foglia, <i>Connectivity Point</i>
William Smith, <i>East Coast Telecom Solutions</i>	Ben Denardo, <i>Granite Net</i>
Andrew Tucker, <i>INNO4</i>	John Wood, <i>Konica-Minolta Business Solutions</i>
Michael Redler, <i>Kyocera</i>	Corey Palmer, <i>Kyocera</i>
John Faria, <i>MD Com</i>	Deborah Damiano, <i>Onec1</i>
Cindy Szpila, <i>Partners Technology</i>	Jim Rabbit, <i>Partners Technology</i>
Jim Power, <i>Valley Communications</i>	Joshua Esposito, <i>Verizon</i>
Scott Medeiros, <i>Vertical</i>	Stefano Jean Joseph, <i>JeanComputech Corp</i>
Steven Chase, <i>Visual Edge IT</i>	Greg Earley, <i>VoDaVi Technologies</i>

**Attachments:**

Attachment A (this document) – Attendance, Briefing Minutes/Q&A Responses  
Attachment B – Electronic Floor Plans

**Briefing/Q&A (1910 Building, first floor hearing room 10:00 A.M)**

Christine Wallace initiated the briefing and Q&A session by introducing the West Newbury town employees present. Attendees were informed that January 31, 2024 was the deadline to submit questions concerning the RFP and the deadline for all proposals was February 14, 2024. Jennings stated no photographs would be allowed on the site by consultants but Blatchford would take pictures and include them with the addendum. Soucy stated that the town uses an old ComDial system and new technology is desperately needed.

**Q: The RFP states 5 hard copies of the proposal is required, is digital files sent electronically, OK?**

**A:** Yes, you may submit your proposals electronically via email to [Procurement@wnewbury.org](mailto:Procurement@wnewbury.org) with the subject line: 2024-WN-003 RFP Submittal.

**Q. Is all wiring CAT 5E or above?**

**A.** Yes, but would love a hybrid system. We would ideally like to replace old wiring to ensure all wiring is the same as the new phones being installed.

**Q. Will the new phone installations need new wiring?**

A. Yes, minimum of CAT 5E, but CAT 6 preferred.

**Q. What firewall is in place at the three facilities?**

A. Sonic Wall at the 1910 Building (Town Offices) and at the Public Safety Complex. The GAR Library has Fortinet.

**Q. Do we need all new data switches?**

A. Yes, but Town Offices has FIOS and would not have POE data switches or routers.

**Q. Primaries and secondaries?**

A. Just primaries.

**Q. Do we have a POE now?**

A. No.

**Q. Do we want separate data and phone?**

A. We would like a separate voice and data network. Current wiring for phones is CAT 3 copper wiring.

**Q. The RFP stated a cloud-based system is a must, please confirm.**

A. We would look at another service system not listed as long as it is not tied together (different locations). We are looking for a cloud-based solution to centralize the three facilities.

**Q. Do we have any plans to upgrade to a dark fiber loop?**

A. No.

**Q. Do we need point-to-point wireless?**

A. No.

**Q. Do we have any need for a call center environment?**

A. No.

**Q. Does the Public Safety Complex have call recording?**

A. Yes, it is managed separately.

**Q. Do 911 calls go straight to the Public Safety Complex?**

A. Yes.

**Q. How many soft phones (mobile app) are needed? Could we be provided a user list for all lines?**

A. We need 14 soft phones (mobile app) users.

**Q. Do we need tablets in the Public Safety vehicles?**

A. No, we currently have laptops with Verizon service.

**Q. How is the current WiFi?**

A. It isn't great in the Town Offices or Library, we may want to add access points. Public Safety Complex has decent WiFi.

**Q. Will there be demonstrations of phone systems before or after the RFP due date?**

Attachment A

**A.** After RFP is submitted by vendors, we will select vendors to come in to demonstrate.

**Q. Page 7 in the RFP lists several hardlines. Where are these located?**

**A.** These are all located within the Public Safety Complex.

**Q. What is the criteria to go by to be selected as a finalist to present?**

**A.** Price and qualitative requirements. Please refer to page 13 of the RFP.

**Q. Will we entertain two different proposals; one for cabling and one for phones?**

**A.** That would be preferred.

**Q. Is the calling for data and phones separate?**

**A.** We would like to start with a converged network; separate would be preferred. The wiring in the 1910 Building (Town Offices) comes up from the basement. It is much cleaner when they are split.

**Q. Will the existing Aruba switches be replaced?**

**A.** They do not need to be replaced for data but could be replaced, if needed, for POE.

**Q. What is the bandwidth for the 1910 Building (Town Offices)?**

**A.** 500 Mbps – Symmetric

**Q. Do you want to separate or converge?**

**A.** We would prefer separate – a new data cable at each location with a new switch – all coming from one central location.

**Q. Will we need to run cabling? If so, prevailing wages will apply.**

**A.** Per DLS, this work was a prevailing wage contract from the start. Please see email from DLS below.

"The prevailing wage statute makes repeated references to "construction" and "construction of public works" which is defined by section 27D, G.L. c.149 as follows: Wherever used in sections twenty-six to twenty-seven C, inclusive, the words "construction" and "constructed" as applied to public buildings and public works shall include additions to and alterations of public works, the installation of resilient flooring in, and the painting of, public buildings and public works; certain work done preliminary to the construction of public works, namely, soil explorations, test borings and demolition of structures incidental to site clearance and right of way clearance; and the demolition of any building or structure ordered by a public authority for the preservation of public health or public safety. (Emphasis added.)

Generally, this includes new construction, renovation, repair, demolition, road or highway work, etc. of a public work by a public entity.

Typically, this will include construction of a public work involving an "addition and or alteration" of a building and/or site, construction of a building and/or site, site infrastructure work, surveying, repair or installation of building components, affixed to a building and/or site, removed from a building and/or site, repaired or replaced such as building and/or site energy management systems, plumbing / hot water systems, communication systems, asbestos removal, painting, etc., this would be defined as construction.

I would say that **installation of a telephone systems within town buildings** would meet the definition of construction as discussed above, and prevailing wage would apply."

Attachment A

**Q: How old is the wireless network?**

**A:** We have an Aruba wireless network, 300 series, that is about 8 years old. Everything else is over 12 years old.

**Q. Will you be offering a separate site walk to measure cabling?**

**A.** No, we will provide a full scope of work and a bid sheet for the cabling. There will be an optional site walk to review cabling needs at a date to be determined. We will issue an addendum once a date and time is confirmed.

**\*TOUR\* 1910 Building (Town Offices) – 10:45 A.M.**

**Q: Where are the data cables for the main floor?**

**A:** All cables are located in the closet on the 1<sup>st</sup> floor.

**Q. Is there an intercom system in the 1910 Building?**

**A.** No.

**Q. Which phones need to be wall mounted?**

**A.** Just one phone located in the Annex.

**\*TOUR\* Public Safety Complex – 11:15 A.M.**

**Q: Is there an overhead intercom in the Fire Department?**

**A:** No.

**Q. Is there only one MDF in the Public Safety Complex?**

**A.** Yes.

**Q. Do you want integration between phones and intercom?**

**A.** It is currently not integrated but would like that as an option.

**Q. Who is the manufacturer for the paging system?**

**A.** The paging system is through the current phone system, ComDial.

**Q. What is the Aria switch for?**

**A.** This is for the buildings WiFi.

**Q. Could we review the As-Built plans for the Public Safety Complex to see data drop locations?**

**A.** We only have the schematic that is attached as part of the addendum.

**\*TOUR\* GAR Memorial Library – 11:45 A.M**

**Q. How is the WiFi?**

**A.** Ok, not great – could use upgrading.

**Q. What type of phones are currently used in the Library?**

**A.** We are currently using regular cordless home phones that are not efficient. There is no ability to transfer calls but the cordless ability is needed due to employees being on different ends/floors of the building.

**Q. Who is your landline and data provider?**

Attachment A

**A.** Our landline service is provided by Verizon and our data service is provided by Comcast. We would like to get FiOS in the future.

**Additional Questions:**

**Q: Are there any phone users that require any more advanced physical phones with additional BLF programmable keys?**

**A:** No.

**Q: Are we porting all the DID/phone numbers to the new provider?**

**A:** Yes.

**Q: For the wiring, is it required to pull a permit?**

**A:** Only if hard wiring into the electrical system.





## 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](mailto:townmanager@wnewbury.org)

TO: Town of West Newbury Boards, Commissions, Committees and Staff  
FROM: Angus Jennings, Town Manager  
DATE: January 18, 2024  
RE: Mullen property

As you may know, in 2006 the Town acquired the so-called “Mullen property” for general municipal purposes.<sup>1</sup> The land is under the care and custody of the Select Board. Over the years, the Town has from time to time devoted resources toward planning for potential future disposition and development of the property or portions thereof.

In 2009, following a planning process, a proposal to “authorize the Selectmen to sell or lease for the development of an Intergenerational Residential Development, the Mullen property, so called...” was brought to Town Meeting, though did not receive the votes needed for passage.

In recent years, there have been a number of references in public planning documents to either the Mullen property specifically, or to municipally-owned land generally, with regard to the potential that land could – with Select Board and Town Meeting approval – be made available for development. This has included:

- West Newbury Affordable Housing Trust, Action Plan FY24-26 (“Strategy 1.B: Assess Municipal and Private Land for Housing”)<sup>2</sup>
- Town of West Newbury Housing Production Plan, 2018-22 (Mullen property included in table and map of “Potential Housing Development Locations and Environmental Constraints in West Newbury”)<sup>3</sup>

More recently, a Citizen Petition article was filed with the Town Clerk earlier this week proposing (among other things) to “fund the costs associated with the creation of a district under MGL c. 40R...” “...to prepare an Request for Proposals for the disposal of all or any portion of the Properties...” “...and to authorize the Selectmen to dispose, by sale or lease, all or any portion of the Properties, subject to the RFP and other procurement requirements...” Under the Town Bylaws, this Citizen Petition article is expected to be taken up by voters at the spring 2024 Town Meeting. This can be expected to increase interest, from residents and from prospective developers, in the Mullen property.

As of this time, the Select Board (as the custodian of the property) has not taken any vote to declare the property surplus, nor taken any other action to initiate public disposition of the property. Any public disposition of the property, if considered in the future, would be subject to public bidding laws (Mass.

<sup>1</sup> Source: Town Clerk Report regarding Special Town Meeting held on October 17, 2005 (Article 18).

<sup>2</sup> [https://www.wnewbury.org/sites/g/files/vyhlif1436/f/uploads/west\\_newbury\\_ah\\_t\\_action\\_plan\\_4.12.23.pdf](https://www.wnewbury.org/sites/g/files/vyhlif1436/f/uploads/west_newbury_ah_t_action_plan_4.12.23.pdf)

<sup>3</sup> [https://www.wnewbury.org/sites/g/files/vyhlif1436/f/pages/westnewbury\\_hpp\\_2018-final.pdf](https://www.wnewbury.org/sites/g/files/vyhlif1436/f/pages/westnewbury_hpp_2018-final.pdf)

Gen. Laws Ch. 30B). Any such disposition would be under the oversight of the Town's Chief Procurement Officer.

I am aware that some number of private parties interested in pursuing development of the property, should it be made available for public disposition in the future, have contacted (and may contact) Town officials or staff seeking information, meetings, etc. to discuss the property.

To ensure that no actions are taken that could inadvertently influence or potentially place a cloud over any future public disposition process, if any, it is strongly recommended that no Town officials nor staff participate in any meetings regarding the property with prospective developers of the property. It is requested that any/all such requests for meetings or information be directed to my office. All public records regarding the Mullen property can and will be made available for public review upon request, with copies made upon request at the applicable rate for public records requests. Any discussions by public officials regarding potential disposition of the Mullen property (or other Town property), if any, should only take place within posted public meetings.

Please feel free to further share this information as you wish.

Thank you for your attention to this matter.

**Town Manager**

---

**From:** Leonard, Jim P (DLS) <Jim.P.Leonard@mass.gov>  
**Sent:** Tuesday, January 23, 2024 5:13 PM  
**To:** Town Manager  
**Cc:** Corinn Flaherty  
**Subject:** 24s-4405 West Newbury Library - Inspection Report  
**Attachments:** 6) 24s-4405 West Newbury Library\_ Inspection Rpt.pdf

**Importance:** High

Mr. Jennings,

MA DLS conducted a site inspection in response to a work-related injury that occurred on June 21, 2023. Hazards that require corrective action were not identified during the scope of the inspection. A copy of the inspection report indicating that no hazard was identified is attached for your records.

Additionally, I provided a link below to the OSHA Consultation services offered by the department. It's a great **free** resource to assist with OSHA compliance as well as hazard identification, reduction, and control.

Thank you for your commitment to safety.

-Jim

<https://www.mass.gov/service-details/osha-consultation-summary-0?auHash=J96uyJwa3EJ8qKfK9No5cc2qXNVd9HPrerKtc6o7oHE>

James Leonard, ASP  
Industrial Safety & Health Inspector  
MA DLS Workplace Safety & Health Program  
Phone [REDACTED]



THE COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE OFFICE OF LABOR AND WORKFORCE DEVELOPMENT  
DEPARTMENT OF LABOR STANDARDS

MAURA HEALY  
GOVERNOR

KIM DRISCOLL  
LIEUTENANT GOVERNOR

LAUREN E. JONES  
SECRETARY

MICHAEL FLANAGAN  
DIRECTOR

January 23, 2024

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

**INSPECTION REPORT**

The Department of Labor Standards (“DLS”) conducted a workplace safety and health inspection at the following location. The purpose of the inspection was to prevent future work-related injury and illness and evaluate compliance with OSHA safety and health regulations at the Respondent’s workplace.

DLS File Number: 24s-4405  
OIS Inspection Number: 1720945  
Date of Inspection: 01/12/2024  
Name of Employer (“Respondent”): Town of West Newbury Library  
Street Address of Inspection: 490 Main Street, West Newbury, MA 01985

DLS scheduled this workplace for inspection due to a work-related injury that occurred on June 21, 2023. Hazards that require corrective action were not identified during the scope of this inspection. The employer is not required to provide a response to DLS.

The employer may have equipment, activities or procedures that were not observed during the scope of the DLS inspection. The employer is reminded to implement a safety and health management system to plan and incorporate safety into all the employers’ operations.

Thank you for your continued efforts to ensure the safety and health of your employees. If you have any questions or require additional assistance, please contact me 978-496-9361 or via email at [jim.p.leonard@mass.gov](mailto:jim.p.leonard@mass.gov).

Approved by:

*Maria Colon*

Maria Colon, CIH, Staff Supervisor  
Workplace Safety & Health Program for Public Employees

WALL EXPERIMENT STATION • 37 SHATTUCK STREET • LAWRENCE, MA 01843  
PHONE: (508) 616-0461 • FAX: (978) 687-0013  
[www.mass.gov/dols](http://www.mass.gov/dols)



## Whittier Special Election January 23, 2024 Election Results and Voter Turnout by Town

Community	Yes	% Yes	No	% No	Turnout	Total % Turnout		Est. Turnout		Difference
Amesbury	512	18%	2264	82%	2776	13%		9%		4%
Georgetown	350	30%	824	70%	1174	5%		6%		-1%
Groveland	269	26%	770	74%	1039	5%		5%		0%
Haverhill	2628	58%	1906	42%	4534	21%		28%		-7%
Ipswich	118	6%	1628	90%	1816	8%		10%		-2%
Merrimac	303	24%	982	76%	1285	6%		4%		2%
Newbury	208	21%	768	79%	976	4%		7%		-3%
Newburyport	652	13%	4401	87%	5053	23%		16%		7%
Rowley	93	7%	1308	93%	1401	6%		4%		2%
Salisbury	235	31%	533	69%	768	4%		7%		-3%
West Newbury	276	27%	738	73%	1014	5%		4%		1%
<b>Total</b>	<b>5644</b>	<b>26%</b>	<b>16122</b>	<b>74%</b>	<b>21836</b>					

Source: James RW Blatchford, West Newbury Town Clerk



# NOTICE OF MEETING/AGENDA WHITTIER TECHNICAL HIGH SCHOOL SCHOOL BUILDING COMMITTEE

**Posted:** December 22, 2023

## AGENDA

Anticipated<sup>1</sup> Agenda<sup>2</sup>

Date of Meeting: **1/30/2024**

Time of the Meeting: **10:00 AM**

Day of the Week: **Tuesday**

Location: WT Auditorium

- 1. Call meeting to order**
- 2. Approval of previous Meeting Minutes *[vote required]***
- 3. Review Project Budget, Approve Invoices & Commitments *[vote required]***
- 4. Districtwide Election**
- 5. Next Steps**
- 6. New Business/Comments**
- 7. Public comment**
- 8. Adjourn**

***Please note: Meeting content, start times, and duration are subject to change***

<sup>1</sup> The listing of topics that the Chair reasonable anticipates will be discussed at the meeting is not intended as a guarantee of the topics that will be discussed. Not all topics may in fact be discussed and other topics not listed may be brought up for discussion to the extent permitted by law.

<sup>2</sup> Votes may be taken at any time during the meeting.



TOWN OF WEST NEWBURY  
TOWN MEETING CITIZEN PETITION ARTICLE FORM

*While not required, this form is the preferred method for a citizen to insert an Article on the Warrant for Town Meeting*

2024 JAN 18 PM 3:30

RECEIVED  
TOWN CLERK  
WEST NEWBURY, MA

**IMPORTANT**

1. Petitioner should consult with someone knowledgeable in municipal government, such as a lawyer, the Town Manager, or the Town Moderator before drafting a proposed Article and gathering the signatures to insert an Article on the Warrant
2. Petitioner will be listed as the sponsor of the Article on the Warrant and should be the first-named voter to sign this petition.
3. Selectmen will print the proposed Article in the Warrant verbatim; petitioner and citizens signing are advised to review the language carefully.
4. A word copy of this form is available by email from [townclerk@wnewbury.org](mailto:townclerk@wnewbury.org)

Petitioner's Name: Richard Baker

Tel. #: [REDACTED] E-mail: [REDACTED]

Address: [REDACTED] West Newbury

Proposed Title of Warrant Article: Conversion of the Mullen Property to Affordable Housing

**Brief Summary: (purpose or reason for the proposed Article – not required but helpful)**  
In 2005, the Town purchased the Mullen property for affordable housing. The State is now pressuring towns via the MBTA initiative and other programs to increase housing stock in the Town. This motion intends to meet both the MBTA Housing initiative as well as needs for affordable housing in West Newbury with a single development on the Mullen property. Ideally, this program will significantly increase affordable housing in West Newbury under the 40R program and meet the MBTA Housing requirements.

**Please complete this form and return it to the Town Clerk's Office. Attach the original forms with the required number of signatures\* with the proposed Warrant Article at the top of each sheet. The signatures must be received no later than 3:30 PM the day the Board of Selectmen closes the Warrant.**

**Submit this document and the petition to the Town Clerk's Office**

**\*ATM – 10 Certified Signatures Required**  
**\*STM – 100 Certified Signatures Required**  
**(Use extra forms if number of signatures exceeds allotted lines)**

*Petition Articles will be printed in the Warrant verbatim; citizens should review the form and instructions carefully.*

**Petition by the Voters of the Town of West Newbury**

DATE and TIME this paper received by Registrars

WEST NEWBURY CLERK  
2/23/24

Warrant Article Submission for the 20 24 Annual Town Meeting:

**ARTICLE** \_\_\_\_\_

To see if the Town will vote to transfer and/or appropriate from available funds the sum of \$100,000 to fund the costs associated with the creation of a district under MGL c. 40R for Town of West Newbury-owned lots identified on Assessors Maps as R13-131 (the Mullen property), R13-130 (the driveway for the Mullen property), and/or R10-34 (the Soldiers and Sailors property) (the "Properties"); to prepare an Request for Proposals (the "RPP") for the disposal of all or any portion of the Properties, said work to satisfy the requirements of the MBTA Housing Requirements as described in Section 3A of MGL c. 40A and with the goal of maximizing the number of possible affordable housing units; and to authorize the Selectmen to dispose, by sale or lease, all or any portion of the Properties, subject to the RPP and other procurement requirements; or take any other action related thereto.

**SIGNERS STATEMENT** - We are qualified voters of the Commonwealth of Massachusetts and of the Town of West Newbury.

**INSTRUCTIONS TO SIGNERS:**

Your signature should be written as substantially as registered. If you are prevented, by physical disability, from writing you may authorize some person to write your name and residence in your presence.

	I	II	III	
	Check	Signatures to be made in person with name substantially as registered (except in case of physical disability as stated above)	Now Living At (Street and Number)	Printed Name
1	✓	[Signature]	288 Middle St	Richard Baker
2	✓	[Signature]	20 Bridge St.	William Studzinski
3	✓	[Signature]	20 Bridge	Dawn Studzinski
4	✓	[Signature]	288 Middle St.	Leisa Mingo
5	✓	[Signature]	125 Main St.	LORETTA HARRISAL
6	✓	[Signature]	5 Archelaus Hill Rd	Catherine Dwan
7	✓	[Signature]	5 Archelaus Hill Rd.	David Baker
8	✓	[Signature]	16 Spring Hill Rd	CAROLYN GRIFONI
9	✓	[Signature]	16 Spring Hill Rd	Joseph Griffin Jr
10				
11				
12				
13				
14				
15				
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17				
18				
19				
20				

**Instructions to Registrars:**

You must time-stamp or write in date and time these papers are received.

Check the name of qualified voter to be certified. For names not certified, use the codes opposite.

N- no such registered voter at that address. or address is illegible

S- unable to identify signature as that of voter because of form of signature, or signature is illegible

W- wrong community.

T- already signed this petition.

<p><b>CERTIFICATION OF SIGNATURES</b></p> <p>We certify that <u>(9) nine</u> <u>1/16/24</u> signatures checked are names of voters of the Town of West Newbury and are qualified to sign this petition.</p>	<p>(at least three registrars' names must be signed or stamped below)</p> <p>[Signatures]</p> <p>Board of Registrars of the Town of West Newbury</p>
---	--

Cheryl A. Grant

**Petition by the Voters of the Town of West Newbury**

DATE and TIME this paper received by Registrars

RECEIVED  
TOWN CLERK  
WEST NEWBURY, MA

Warrant Article Submission for the 2024 Annual Town Meeting:

ARTICLE \_\_\_\_\_

2024 JAN 18 PM 3:30

To see if the Town will vote to transfer and/or appropriate from available funds the sum of \$400,000 for the costs associated with the creation of a district under MGL c. 40R for Town of West Newbury-owned lots identified on Assessors Maps as R13-131(the Mullen property), R13-130(the driveway for the Mullen property), and/or R10-34(the Soldiers and Sailors property) (the "Properties"); to prepare an Request for Proposals (the "RFP") for the disposal of all or any portion of the Properties, said work to satisfy the requirements of the MBTA Housing Requirements as described in Section 3A of MGL c. 40A and with the goal of maximizing the number of possible affordable housing units; and to authorize the Selectmen to dispose, by sale or lease, all or any portion of the Properties, subject to the RFP and other procurement requirements; or take any other action related thereto.

**SIGNERS STATEMENT** - We are qualified voters of the Commonwealth of Massachusetts and of the Town of West Newbury.

**INSTRUCTIONS TO SIGNERS:**

Your signature should be written as substantially as registered. If you are prevented, by physical disability, from writing you may authorize some person to write your name and residence in your presence.

	I	II	III
Check	Signatures to be made in person with name substantially as registered (except in case of physical disability as stated above)	Now Living At (Street and Number)	Printed Name
1	✓ <i>Mark K. Powers</i>	211 Crane Neck St.	Mark K. Powers
2	✓ <i>Deborah L. Powers</i>	211 Crane Neck St.	Deborah L. Powers
3			
4			
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**Instructions to Registrars:**

You must time-stamp or write in date and time these papers are received.  
Check the name of qualified voter to be certified.  
For names not certified, use the codes opposite.

N- no such registered voter at that address. or address is illegible  
S- unable to identify signature as that of voter because of form of signature, or signature is illegible  
W- wrong community.  
T- already signed this petition.

**CERTIFICATION OF SIGNATURES**  
We certify that (2) Two 1/25/24  
signatures checked are names of voters of the Town of West Newbury and are qualified to sign this petition.

(at least three registrars names must be signed or stamped below)  
*Cheryl A. Grant*  
*Rosamund A. Keator*  
*Margaret St...*  
Board of Registrars of the Town of West Newbury

# Petition by the Voters of the Town of West Newbury

DATE and TIME this paper received by Registrars

REC'D & NEWBURY TOWN  
24 JAN 16 PM 2024

Warrant Article Submission for the 2024 Annual Town Meeting:

ARTICLE \_\_\_\_\_

To see if the Town will vote to transfer and/or appropriate from available funds the sum of \$100,000 to fund the costs associated with the creation of a district under MGL c. 40R for Town of West Newbury-owned lots identified on Assessors Maps as R13-131 (the Mullen property), R13-130 (the driveway for the Mullen property), and/or R10-34 (the Soldiers and Sailors property) (the "Properties"); to prepare an Request for Proposals (the "RFP") for the disposal of all or any portion of the Properties, said work to satisfy the requirements of the MBTA Housing Requirements as described in Section 3A of MGL c. 40A and with the goal of maximizing the number of possible affordable housing units; and to authorize the Selectmen to dispose, by sale or lease, all or any portion of the Properties, subject to the RFP and other procurement requirements; or take any other action related thereto.

**SIGNERS STATEMENT** - We are qualified voters of the Commonwealth of Massachusetts and of the Town of West Newbury.

**INSTRUCTIONS TO SIGNERS:**

Your signature should be written as substantially as registered. If you are prevented, by physical disability, from writing you may authorize some person to write your name and residence in your presence.

I

II

III

Check	Signatures to be made in person with name substantially as registered (except in case of physical disability as stated above)	Now Living At (Street and Number)	Printed Name
1	<i>Christine M. Cluney</i>	<i>12 Daley Dr.</i>	<i>CHRISTINE M. CLUNEY</i>
2	<i>John H. Cluney</i>	<i>12 DALEY DR</i>	<i>JOHN H. CLUNEY</i>
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20			<i>Cheryl A. Grant</i>

*Warrant Officer*

*Cheryl A. Grant*  
*12 Daley Dr. Newbury, MA*

# Town Planner Report

January 16, 2024

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

Dodson & Flinker on behalf of the Town submitted the Pre-Adoption Application to EOHLIC on January 3<sup>rd</sup>. The application and the Draft Zoning Regulations and Map are posted on the project website. [MBTA Communities - Housing Opportunities Initiative | Town of West Newbury MA \(wnewbury.org\)](#)

## **Housing Production Plan**

MVPC working with Consensus Building Institute (CBI) will facilitate an interactive open house at the Town Office, First Floor Meeting Room January 25<sup>th</sup> from 5:30 to 7 PM.

The Open House will include a welcome, HPP Introduction to include demographic and housing data and a summary of strategies for consideration, and then stations for further discussion.

- Housing Opportunities Initiative- MBTA Communities
- AFT Home Improvement Grant program
- Affordable Housing Strategies
- Mullen Property - Goals

## **Drakes Landing**

I'm sharing the following just to keep the Board apprised of stormwater issues at Drakes Landing which may be informative for future projects.

Abutters to Drakes Landing have experienced some flooding on their properties flowing directly from stormwater infrastructure following large storm events and have reached out several times to the town for support, most recently after the January 9 storm.

Town staff including Michelle, Sam and Paul have at various times visited the site to consider steps that could be taken and we have all been responsive to emails.

The new property manager at the request of the Drakes Landing HOA Board has offered to meet on site to discuss potential solutions. In addition to more frequent cleaning of basins and swales to remove accumulated debris, town staff have suggested an additional or larger berm to prevent the overflow (which is expected in a large storm) from moving off the property as well as hauling removed leaves and debris off site to ensure they do not reenter the system.

## **Zoning Amendments**

ATM 2023 – Zoning Recodification and Ground Mounted Solar bylaw Amendment have both been approved by the Attorney General's Office.

STM 2023 – We are still waiting for approval from the AGs Office on the ADU Bylaw and amendment to the Non-Conforming Use bylaw

Sue Brown, Town Planner  
1/23/2024

# Town Planner Report

January 16, 2024

## **Potential Zoning Initiatives (unchanged)**

### 2024 Annual Town Meeting

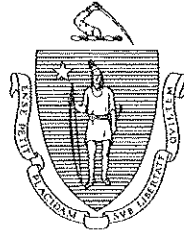
- MBTA Communities Multi-Family Overlay District
- Definitions

### Future Town Meetings

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

Sue Brown, Town Planner  
1/23/2024





RECEIVED  
JAN 03 2024  
TOWN MANAGER  
TOWN OF WEST NEWBURY

**The Commonwealth of Massachusetts**  
William Francis Galvin, Secretary of the Commonwealth  
Massachusetts Historical Commission

January 2, 2024

Jennifer Conway  
West Newbury Historical Commission  
381 Main St  
West Newbury, MA 01985

Re: Town of West Newbury, FY22 Survey & Planning Grant Project, MA-22-10015-  
Reimbursement & Project Closeout

Dear Jennifer:

This office processed final reimbursement of your Federal Survey and Planning grant on 12/30/2023 under payment voucher PV-SEC-480024345009000.

The amount of the payment was **\$14,900**

Please feel free to contact Nancy Alexson Fiscal Manager/Co-Director Grants Division, MHC or me at 617-727-8470 if you have any questions or concerns.

The consultants, Stacy Spies and Wendy Frontiero, have provided the Town of West Newbury with new or updated information on 113 properties compiled on 70 Building inventory forms, seven burial ground form and one structure form. As a result of the survey, twenty-one (21) buildings (with associated outbuildings) and six (6) cemeteries are recommended as eligible for listing on the National Register of Historic Places.

Sincerely,

Michael Steinitz  
Deputy State Historic Preservation Officer  
Director, Preservation Planning Division  
Massachusetts Historical Commission

## Town Manager

---

**From:** Jennifer Conway [REDACTED]  
**Sent:** Friday, December 15, 2023 2:46 PM  
**To:** Town Manager; Town Accountant; DPW Director; Community Preservation Committee  
**Cc:** Elisa Grammar; Bob Janes; [REDACTED]; Jennifer Munson  
**Subject:** Historic Property Survey #3 Close Out  
**Attachments:** West Newbury Survey 3 Completion Report.pdf

Hello everyone,

I hope you are all enjoying the holiday season. I am writing to provide my final update on the Historic Property Survey #3.

The project was completed and submitted last week, and I've attached our final report that was submitted to the State. The check for the grant close out should be issued before the end of the year. The Historic Commission has a draft of a letter for residents, plans to put the information on the Town website and issue a press release for the project. While I'm not a current member of the Commission, I will help in any way that I can.

The three surveys that have been done over the last 10 years have captured the Town's rich history. When combining all three surveys conducted since 2017, a total of 294 properties, 107 outbuildings, seven cemeteries and one bridge were investigated, capturing the rich history of West Newbury dating back to the Colonial Period. Through these surveys, a total of 61 primary structures, 20 outbuildings and six cemeteries have been recommended for listing for the National Register of Historic Places. Additionally, four Historic Districts have been suggested: Manufacturers' Row, Training Field, Way to the River and Maple Street.

I hope you all have a wonderful weekend.

Thank you  
Jen

Jennifer Conway  
<https://movingmsmindfully.com>

[REDACTED]

Town of West Newbury  
Historic Property Survey Phase 3  
Completion Report

Prepared by  
West Newbury Historical Commission

November 2023

## **Description of Project**

The Town of West Newbury had a goal was to ensure the history of its buildings was documented, to build a comprehensive survey that encompasses all structures over 100 years of age in West Newbury. The West Newbury Historical Commission also wanted to document the Town's historically significant cemeteries and bridges to capture more history.

The Town of West Newbury Historic Property Survey Part Three was the third phase of a historic resource survey of significant historical and architectural resources located in the Town. The work built upon survey work undertaken over the last 50 years:

- Survey work in the 1970s by West Newbury history community volunteers;
- A handful of buildings surveyed in 2011 by a West Newbury Historical Commission (WNHC) member;
- Five buildings surveyed in 2016 by a historic preservation consultant;
- 116 primary buildings, 31 outbuildings, and three areas surveyed in 2017-2018 by historic preservation consultants as the first phase of this project; and
- 108 primary buildings, 41 outbuildings, and five areas surveyed in 2019-2020, by historic preservation consultants as the second phase of this project.

## **Methodology**

For this Survey, the Historical Commission provided a preliminary List of 81 resources that was used as a starting point for this phase three survey. The goal was to provide coverage to outlying areas in the southern half of the town not included in earlier phases. A few buildings on and near Main Street that were identified during previous phases were also included. The list also included one bridge and seven burial grounds. As the project started, buildings on the preliminary list that did not retain architectural integrity were removed from the list. Additional criteria was proposed to finalize the list and further capture historical merit, contribution to the streetscape and document structures at risk for tear-down or subdivision.

The project survey was undertaken in compliance with MHC criteria and methodology. Current standards are MHC's *Historic Properties Survey Manual: Guidelines for the Identification of Historic and Archaeological Resources in Massachusetts* (1992), *Survey Technical Bulletin #1* (1993), *MHC Interim Survey Guidelines* (March 1999, et seq.), and *MHC Interim Guidelines for Inventory Form Photographs* (2009, *MHC Guidelines for Inventory Form Locational Information* (2016), as well as the Secretary of the Interior's *Standards and Guidelines for Identification* (1983). The *MHC Reconnaissance Survey Town Report* for West Newbury and existing survey

forms on file with the MHC provided a preliminary framework and base of information for this analysis. Individual forms and area forms expanded upon the information in the *Town Report* and connected inventoried properties to the significant themes in the historical development of the Town.

The Survey followed the basic procedures as all inventory work: field survey; research; evaluation; and, production of inventory forms.

In Phase one, preliminary work encompassed a survey of the types and geographical distribution of cultural resources in areas presented in, and adjacent to, the Preliminary List, site observation of all of the Preliminary List properties visible from the public way, and an overview of documentary research with which to establish a context for analyzing Preliminary List properties. Criteria for selecting and removing properties from the Preliminary List were developed and finalized. The WNHC worked to obtain permission to access properties for about a dozen locations that were set far from the road. Potential additional properties were suggested as a result of field reconnaissance. A base map to be prepared by the Merrimack Valley Planning Commission was selected.

In Phase two of this survey, architectural assessments and documentary research were continued, and a final list of specific properties to be surveyed in this project was developed. Draft inventory forms for different property types were produced for review and commented upon.

In Phase three, inventory forms were prepared, potential National Register contexts were identified, and National Register criteria applied to all inventoried resources. The survey record consists of standard MHC Forms B – Building, E – Burial Ground, and F – Structure (Bridge) and includes each property selected for inclusion in the inventory.

In Phase four, inventory forms were finalized and numbered according to MHC requirements, National Register Criteria Statements finalized, and a final base map and street index of all inventoried properties was prepared.

### **Explanation of Accomplishments**

The Survey encompassed 70 primary building and 35 associated outbuildings, for which Form B – Building inventory forms were prepared. The burial grounds were recorded on Form E – Burial Ground inventory forms. The one bridge was recorded on a Form F – Structure (Bridge) inventory form.

As a result of the survey, twenty-one (21) buildings with associated outbuildings and six (6) cemeteries are recommended as eligible for listing on the National Register of Historic Places. All of these properties are recommended as individually-eligible for listing on the National Register of Historic Places. These properties include:

42 Archelaus Place	42 Archelaus Place Barn
114 Ash Street	114 Ash Street Jacques Barn
114 Ash Street Fairbrother Barn	169 Bachelor St.
169 Bachelor St. Shute Barns (2)	6 Cherry Hill Street
6 Cherry Street Barn	37 Cherry Street
147 Crane Neck Street	147 Crane Neck Street Barn
36 Georgetown Road	36 Georgetown Road Barn
57 Indian Hill Street	66 Indian Hill Street
270 Main Street	396 Main Street
396 Main Street Barn	162 Middle Street
162 Middle Street Shed	210 Middle Street
220 Middle Street	220 Middle Street Barn
220 Middle Street Sheds (2)	220 Middle Street Outhouse
406 Middle Street	406 Middle Street Outbuilding
418 Middle Street	418 Middle Street Barn
418 Middle Street Shed/Outhouse	5 Moulton Street
5 Moulton Street Barn	102 Moulton Street
102 Moulton Street Barn	71 Stewart Street
135 Turkey Hill Road	135 Turkey Hill Barn
West Newbury Almshouse Cemetery	Bridge Street Cemetery
Merrimack Cemetery	Quaker Cemetery
Rural Cemetery	Walnut Hill Burial Ground

They survey found a rich range of historic contexts for which properties were deemed of relevance. These contexts are as follows.



West Newbury retains a number of well-preserved examples of Colonial-period residential construction. Dwellings constructed in West Newbury during the early-mid-18<sup>th</sup> century are of the central chimney type with symmetrical fenestration and a side-gabled roof. 162 Middle Street (ca. 1726), 114 Ash Street (ca. 1729), 5 Moulton Street (1731), 102 Moulton Street (ca. 1740-1780), and 71 Stewart Street (ca. 1771), all farmhouses originally on large lots, are excellent local examples of this type.

West Newbury also retains a number of well-preserved examples of Federal-period residential construction. Federal-period dwellings in West Newbury are typically two-story, five-bay blocks with center entrances and side-gable roofs. All large farmhouses originally on large lots, 406 Middle Street (ca. 1784), 147 Crane Neck Street (ca. 1786), and 210 Middle Street (ca. 1788), and 57 Indian Hill Street (ca. 1800), are excellent examples of this type.

The Greek Revival and Italianate styles were popular in West Newbury, both “in-town” along Main Street as well as in outlying areas. In West Newbury, the houses are typically conservative in terms of form (i.e., frame construction, gable roof, and center entrance on a symmetrical façade) with applied Greek Revival pilastered surrounds or Italianate brackets. In other areas, temple forms or mansard roofs, for example, would have been more commonly used. Houses along Main Street were typically 1½ stories with an extended stud wall and capped with a side-gabled or front-gabled roof. Although in an outlying area, 418 Middle Street (ca. 1824) follows this form with a side-gabled roof. 396 Main Street is an example of a 2½-story, in-town, Italianate dwelling and is the best-preserved of the several similar two-family dwellings that remain in West Newbury. The farmhouses at 66 Indian Hill Street (ca. 1845) and 220 Middle Street (ca. 1868) are 2½ stories with a pilastered center entrance and capped with a side-gabled roof. The Italianate style is expressed at 52 Indian Hill Street (ca. 1865) with a lavish use of brackets.

West Newbury experienced a population decline during this period, with the result being few high-style dwellings of this type. One of the few that remains is 270 Main Street (ca. 1874), a forcefully-articulated, handsome Victorian Eclectic house, employing elements from multiple architectural styles. Notable features include its L-shaped massing, bracketed eaves, richly-ornamented front porch, unusual window lintels, bay windows, and intact fenestration. One example of a high-style Stick Style house is at 6 Cherry Hill Street. This house is a rare example of the Stick Style in West Newbury and an unusual and sophisticated display of high-style design in this style in the region.

West Newbury’s economy was largely characterized by agriculture and husbandry through the 18<sup>th</sup> century. 5 Moulton Street (ca. 1740-1780), 135 Turkey Hill Road (ca. 1757), and 147 Crane Neck Street (ca. 1786) are examples of early agricultural properties. In the second quarter of the 19<sup>th</sup> century, West Newbury’s economic base shifted from agriculture to manufacturing. In 1840, farmers outnumbered manufacturing workers 3:2; In 1855 manufacturing workers outnumbered farmers 2:1. However, during the third quarter of the 19<sup>th</sup> century, West Newbury’s shoe and comb factories closed or moved elsewhere. As a result, West Newbury’s economy reverted to its past focus: agriculture. 220 Middle Street (ca. 1868), 169 Bachelor Street (ca. 1880), and 6 Cherry Hill Street (ca. 1881) are examples from this period. 37 Cherry Hill Street (ca. 1760, updated mid-19<sup>th</sup> century) is a good example of an 18<sup>th</sup>-century farmhouse updated a century later.

West Newbury established an almshouse in response to an 1837 state law that towns set aside funds to care for the poor. The Almshouse Cemetery (ca. 1837) and the West Newbury Almshouse (1887-1888) demonstrate state and local level efforts to assist the indigent. The almshouse's agricultural outbuildings demonstrate the self-sufficient agricultural model typically adopted by municipalities during that time.

Several of West Newbury's cemeteries are significant for their association with the history and development of West Newbury from the early 18<sup>th</sup> century into the 20<sup>th</sup> century. They are also important as well-preserved and distinctive displays of New England funerary art by numerous documented local stone carvers. Bridge Street Cemetery (1724) and Walnut Hill Burial Ground (1725) especially contain a number of early stones. Quaker Cemetery is significant for its association with the Quaker Meetinghouse located in West Newbury from 1825 until 1917. Burials there include members of the Rogers, Brown, and Sawyer families who established the West Newbury meetinghouse. The earliest cemeteries, Bridge Street Cemetery and Walnut Hill Burial Ground are also eligible for their association with the early Colonial settlement of what would become West Newbury.

102 Moulton Street is significant for its association with two 20<sup>th</sup>-century owners of the property. Albert Everett Elwell had a significant career in local and state government, and in 1971 Elwell became the oldest freshman state legislator when he was elected to the first of two terms. The house is also significant for its association with Pulitzer-prize winning author Margaret Coit, who married Albert E. Elwell in 1978. Margaret Coit won the Pulitzer Prize in Biography in 1951 for her biography of South Carolina legislator John Calhoun.

As part of the consultant's recommendations, 12 properties were identified for further study, as some were not visible from the public way and permission was not granted to view them, as well as some buildings that are close to the 100-year threshold. Original survey forms and a copy of this report are housed in the Town Clerk's office, 381 Main Street, West Newbury, and at the Massachusetts Historical Commission.

### **Budget Narrative**

The budget for this project was lower than the estimated project costs. The original budget for this project was \$30,000. The consultant, Stacy Spies, proposed to complete the project for \$29,800 and that amount was accepted by the Town. See the following Budget Summary Form (Exhibit #1) for further details.

**EXHIBIT #1**  
**BUDGET SUMMARY FORM**  
**SURVEY AND PLANNING GRANT**

Complete relevant Estimated and Actual Project Budget Lines and Estimated and Actual Total Project Cost, even if there is no difference between Estimated and Actual Costs. Refer to **Attachment C**, Section 5, Budget Summary Form for additional information.

PROJECT BUDGET LINES	TOTAL PROJECT COSTS	
	ESTIMATED (Contract Budget)	ACTUAL
<b>A. Contractual Services</b> (list each contractor separately)		
1. Stacy Spies	\$30,000	\$29,800
2.		
3.		
<b>Subtotal: Contractual Services</b>	<b>\$30,000</b>	<b>\$29,800</b>
<b>B. In-Kind Personnel</b> (paid)		
Title/Function -- Annual Salary -- % of Time to Project		
1.		
2.		
3.		
<b>Subtotal: In-Kind Personnel (paid)</b>	<b>\$0</b>	<b>\$0</b>
<b>C. Volunteer Services</b> (unpaid)		
Title/Function -- Rate per Hour -- # of Hours		
1. Merrimack Valley Planning Commission		
2.		
3.		
<b>Subtotal: Volunteer Services (unpaid)</b>	<b>\$0</b>	<b>\$0</b>
<b>D. Travel</b>		
Rate per Mile \$_____ x Total Miles_____		

2.		
3.		
<b>Subtotal: Travel</b>	<b>\$0</b>	<b>\$0</b>
<b>E. Equipment</b> (list each item separately)		
1.		
2.		
3.		
<b>Subtotal: Equipment</b>	<b>\$0</b>	<b>\$0</b>
<b>F. Supplies</b> (list each major item or category)		
1.		
2.		
3.		
<b>Subtotal: Supplies</b>	<b>\$0</b>	<b>\$0</b>
<b>G. Other</b> (list)		
1.		
2.		
3.		
<b>Subtotal: Other</b>	<b>\$0</b>	<b>\$0</b>
<b>TOTAL PROJECT COST</b>	<b>\$30,000</b>	<b>\$29,800</b>



# WATER DISTRIBUTION SYSTEM STUDY UPDATE

January 2024

West Newbury, Massachusetts





January 22, 2024

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

Subject: Water Distribution System Study Update  
T&H No. 7152

Dear Mr. Marlowe:

In accordance with our agreement, Tata & Howard is pleased to provide four paper copies and one electronic copy of the Water Distribution System Study Update for the West Newbury water distribution system. The adequacy of the distribution system was evaluated. Supply and storage needs were also evaluated in this report.

Hydraulic recommendations were developed as part of this study by updating the existing hydraulic model for the system to reflect current conditions. A detailed description of the improvements and estimated costs is presented in Section 7.

During the course of this project, Mr. Steven Daunais, P.E. served as Project Manager, Ms. Karen Gracey Carroll, P.E. provided technical reviews, and the undersigned served as Project Officer.

At this time, we wish to express our continued appreciation to the Town for their participation in this study and for their help in collecting information and data. We appreciate the opportunity to assist the Town of West Newbury with this important project. Please call should you have any questions or require additional information.

Sincerely,

TATA & HOWARD, INC.

A handwritten signature in blue ink that reads 'Jon W. Gregory'.

Jon W. Gregory, P.E.  
Vice President



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A	Water Distribution System Map
B	Hydraulic Model Input Data
C	Link Map
D	Recommended Improvements Map

# Section 1



## SECTION 1 - EXECUTIVE SUMMARY

### 1.1 General

Tata & Howard, Inc. was retained by the Town of West Newbury Board of Water Commissioners to conduct a hydraulic model update and water distribution system (WDS) study update of the West Newbury water system. The study evaluates the overall distribution system relative to its ability to meet current and estimated future demands and provides prioritized recommendations for implementation.

Tasks in this study included the following:

- Update and verify the existing hydraulic model.
- Utilize Department of Conservation and Recreation (DCR) demand projections to project demands through the year 2042.
- Assess water supply needs based on existing and future demands.
- Assess water storage needs based on existing and future demands, as well as fire flow protection.
- Estimate needed fire flow recommendations throughout the distribution system.
- Recommend distribution system improvements to meet the existing and future needs of the system.
- Prepare a capital improvements plan with prioritized recommendations and budget estimates for system upgrades necessary to correct existing deficiencies and meet future needs.

The analysis was completed in two phases. The first phase included updating and verifying the existing WaterGEMS hydraulic model of the water distribution system under steady state conditions. An updated system map was created incorporating recent infrastructure improvements, such as new water mains and the new Brake Hill Water Storage Tank. The updated Water Distribution System Map, included in Appendix A, shows water mains, supply sources, and storage facilities. The computer model can be used as a planning tool to assess the potential impact of proposed developments and system improvements prior to their construction.

A water distribution analysis was conducted in the second phase. Future population and water demands through the year 2042 were estimated and the inherent capability of the distribution system to meet water demands was evaluated. Demand projections were calculated based on DCR's draft water needs forecast dated January 23, 2017. DCR developed demand projections through 2033 under two different scenarios. The first set of calculated demand projections assumes that water usage will follow established conservation standards of 65 gallons per capita day (gpcd) and ten percent unaccounted for water. This calculates to a 2042 projected average day demand (ADD) of 0.31 million gallons per day (mgd), including a five percent buffer as allowed by DCR. The second set of projections assumes usage will remain at West Newbury's current trends of residential water usage of 50 gpcd and unaccounted-for water of six percent. This calculates to a 2042 projected ADD of 0.23 mgd including the five percent buffer allowed by DCR.

The existing water supply sources were evaluated relative to current and future water demands. The Town currently exceeds its total authorized withdrawal volume of 0.16 mgd by approximately 0.01 mgd and must purchase water from the City of Newburyport to meet demands. Using DCR guidelines, this deficit is projected to increase to 0.15 mgd by 2042. It is recommended the Town pursue additional sources so it is not dependent on other systems which may not have spare capacity to supply the Town in future years. It is also recommended that the Town update their agreement with the City of Newburyport to reflect current supply needs.

The projected demands and existing water distribution system operating conditions were considered to evaluate the available storage in the system. The current needed storage was estimated to be 0.30 million gallons (mg) in the High Service Area (HSA) and 0.25 mg in the Low Service Area (LSA) and was based on storage needed to meet peak demands and provide fire protection. Based on the ground elevations of the highest customers served, there is a current storage surplus of approximately 0.10 mg of usable storage in the HSA and a current storage surplus of 0.11 mg of usable storage in the LSA. Based on the DCR projected demands using 65 gpcd and 10 percent unaccounted-for water, the projected needed storage for the year 2042 in the HSA is approximately 0.34 mg and 0.26 mg in the LSA. Based on the total usable storage in the HSA, there is projected to be a storage surplus of approximately 0.06 mg for the design year 2042. Based on the total usable storage in the LSA, there is projected to be a storage surplus of approximately 0.10 mg for the design year 2042.

The adequacy of the water distribution system was evaluated using the computer model. The model was updated and verified under steady state conditions based on data collected during flow testing completed in October 2022. Once the computer model was verified and considered representative of the existing system, future demand conditions were simulated. As a result of these simulations, distribution improvements were recommended to address deficiencies in the system and the recommendations were prioritized for future implementation. The recommendations are broken into three components as follows:

- **General Operation and Maintenance Practices:** General operation and maintenance practices should be completed on an as-needed basis. Regularly scheduled maintenance programs should include tank inspections, well cleaning, meter replacement, and hydrant replacement, and the Town should continue with its hydrant flushing program.
- **Priority I Recommended Improvements:** Priority I recommended improvements are intended to strengthen transmission capabilities and improve fire flow capabilities. Recommended Priority I Improvements include the replacement of the water mains along Main Street, Church Street, Prospect Street, Crane Neck Street, and Bailey's Lane. The Priority I Recommended Improvements are estimated to cost approximately \$14,062,000.

- **Priority II Recommended Improvements:** Priority II recommended improvements are intended to remove bottlenecks and a 2-inch diameter water main in the distribution system. Recommended Priority II Improvements include the replacement of water mains on Crane Neck Street, Pleasant Street, and a cross country water main. The Priority II Recommended Improvements are estimated to cost approximately \$1,506,000.
- **Priority III Recommended Improvements:** Priority III recommended improvements are intended to increase the water supply for the system. Recommended Priority III improvements include the development of the Dole Place Wellfield, or another new local water supply source. The Priority III Recommended Improvements are estimated to cost approximately \$12,830,000.







# Section 2

SECTION 2



## SECTION 2 - EXISTING WATER DISTRIBUTION SYSTEM

### 2.1 Distribution System

The Town of West Newbury water distribution system serves approximately 3,030 customers with 1,099 service connections. The distribution system consists of approximately 28 miles of water mains ranging in diameter from two to twelve inches. These mains are constructed of various materials including ductile iron (DI), unlined cast iron (CI), and asbestos cement (AC). Approximately two percent of the system is 4-inch diameter or less, 18 percent is 6-inch diameter, 63 percent is 8-inch diameter, 11 percent is 10-inch diameter, and six percent is 12-inch diameter. The Town's distribution system service elevations range from approximately ten feet near the Merrimack River shoreline to 200 feet on Crane Neck Street. All elevations in this report are expressed in feet above mean sea level (MSL). The water system includes two water supply sources and two water storage tanks. The sources are located within the Merrimack Watershed.

The distribution system is divided into two service areas, the Low Service Area (LSA) and the High Service Area (HSA). The LSA includes Wellfield No. 1, the Bedrock Well and the Pipestave Tank and has a hydraulic gradeline elevation of 232 feet. Approximately 17 percent of the system demand is in the LSA. The Pipestave Booster Pump Station conveys water from the LSA to the HSA. The Brake Hill Tank is located in the HSA and has a hydraulic gradeline elevation of 300 feet. Approximately 83 percent of the system demand is in the HSA.

A map of the existing water distribution system is included in Appendix A.

### 2.2 Existing Water Supply Sources

As previously stated, the Town of West Newbury has two water supply sources which are equipped with chemical injection facilities. The chemicals include sodium hypochlorite for disinfection, potassium hydroxide for pH adjustment, and sodium fluoride for fluoridation. The Town purchases additional water from Newburyport at an interconnection located at the well site. Water from Newburyport is purchased most days except during low demand periods in the winter months. In addition, a new intermunicipal agreement with the Town of Groveland allows the Town of West Newbury to purchase additional water on an emergency basis.

#### Wellfield No. 1

Originally constructed in 1991, Wellfield No. 1 consists of seven 2-1/2 inch diameter wells and one horizontal well. The horizontal well was dug in 1994 in an effort to regain capacity due to the declining yield in the wellfield. The 2-1/2 inch wells range in depth from 32 feet to 47 feet. The wellfield pump station houses chemical feed equipment for pH adjustment, fluoridation, and chlorination. Wellfield No. 1 is located at 999 Main Street (Route 113) in West Newbury. The maximum permitted daily withdrawal volume for Wellfield No. 1 is 0.155 mgd.

### **Bedrock Well**

The Bedrock Well is located at the same location as Wellfield No. 1. The well was constructed to a depth of 645 feet and brought online in 2021. The maximum permitted daily withdrawal volume of the Bedrock Well is 0.081 mgd.

### **Newburyport Interconnection**

The Town of West Newbury has a water supply interconnection with the City of Newburyport. The interconnection is an 8-inch diameter water main located at the same location as Wellfield No. 1 and the Bedrock Well. The connection is automated and metered. In 2021, the year that the Bedrock Well was put in service, the Town was supplied an average of 35,000 gallons per day by Newburyport. Since the Bedrock Well was put in service, the highest daily average for a month occurred in June 2022 when Newburyport supplied an average of 132,000 gallons per day.

### **Groveland Interconnection**

The Town has recently signed an intermunicipal agreement with the Town of Groveland to supply water on an emergency basis. The interconnection is located on Main Street near the Pentucket Regional High School. Valves at the interconnection must be manually opened to allow water to flow by gravity from the Town of Groveland to the HSA in West Newbury.

## **2.3 Existing Water Storage Facilities**

### **Brake Hill Water Storage Tank**

The Brake Hill Water Storage Tank, constructed in 2021, is a 0.4 million-gallon (mg) capacity tank located off Hilltop Circle and serves the HSA. The tank is a spheroid-style tank with a pedestal height of 17.5 feet, a tank height of 37.5 feet. The overflow elevation is 300 feet above MSL, and the base water elevation is 262.5 feet.

### **Pipestave Water Storage Tank**

The Pipestave Water Storage Tank, located at the Dr. John C Page School off Main Street, was constructed in 1982. The pre-stressed concrete tank has a height of approximately 40 and is 46 feet in diameter with a storage capacity of 0.50 mg. The tank has an overflow elevation of approximately 232 feet above MSL. The tank serves the LSA and the Page School fire suppression system. The tank was most recently cleaned and rehabilitated in the Spring of 2023.

## **2.4 Supervisory Control and Data Acquisition System (SCADA)**

The Town of West Newbury currently uses a Supervisory Control and Data Acquisition (SCADA) system to operate and monitor flows from the wells, interconnection, and pump station and water levels in the water storage tanks.



# Section 3

SECTION 3



## SECTION 3 – WATER SYSTEM DEMANDS

### 3.1 General

For the purposes of evaluating the water needs of a community, several parameters are typically reviewed to better understand the demands of a distribution system. These parameters are defined in the sections below and are presented with their existing and projected demand estimates.

The DCR follows specific guidelines when projecting the water usage for communities in conjunction with the MassDEP WMA. These guidelines incorporate trends in the use of water conservation devices in homes and industry and emphasize the importance of monitoring the distribution system through water audits and leak detection surveys to reduce unaccounted-for water. It is important to note that the DCR has a key role in the water management approval process. Draft water demand projections were completed for the Town by the DCR in January 2017. Any alternative demand projections must be approved by the DCR before the MassDEP will approve development of a new water supply source or authorize the withdrawal of additional volume from existing sources.

The MassDEP has adopted Water Management Standards for all withdrawals. The policy includes performance standards and conditions for all public water suppliers in the following areas:

- Maximum residential consumption of 65 residential gallons per capita day (rgpcd),
- Maximum of 10 percent unaccounted-for water.

### 3.2 Residential Consumption

Residential consumption is calculated by dividing water supplied to residential connections by the reported population. The DCR guideline for residential water consumption is 65 gpcd. Public Water Suppliers currently exceeding 65 rgpcd will be required to develop an Offset Feasibility Study to manage non-essential outdoor water usage. According to MassDEP, the Town had a residential consumption ranging between 47 rgpcd and 49 rgpcd (see Table No. 3-1).

**Table No. 3-1  
2017 – 2021 RGPCD**

Year	RGPCD
2017	47
2018	46
2019	46
2020	49
2021	49

### 3.3 Unaccounted-for Water

Unaccounted-for water consists of unmetered water used for street cleaning, water main flushing, meter inaccuracy, unauthorized water uses, firefighting, leakage in the distribution system, and other uses. This term is typically expressed as a percentage of the total water supplied to the system. Unaccounted-for water can be estimated by taking the difference between the total amount of water supplied and the total water billed and dividing by the total water supplied.

The Town’s unaccounted-for water from 2017 through 2021 ranged from 6 to 16 percent as shown in Table No. 3-2.

**Table No. 3-2  
2017 – 2021 Unaccounted-For Water**

Year	RGPCD
2017	14
2018	16
2019	9
2020	12
2021	6

### 3.4 Average Day Demand

Average day demand (ADD) is the total water supplied to a community in one year divided by 365 days. This term is commonly expressed in million gallons per day (mgd) and includes all water used for domestic (residential), commercial, institutional, industrial, agricultural, and municipal purposes. The municipal component includes water used for municipal buildings and recreational areas. The ADD includes unaccounted-for water from unmetered water uses and system leakage. Unmetered water uses include water used for system maintenance such as hydrant flushing, fire flows, and bleeders. According to ASRs and distribution system pumping records from 2017 through 2021, the ADD for the West Newbury water system ranged from 0.16 mgd to 0.18 mgd.

DCR used two sets of criteria to develop the 2034 ADD. The first using West Newbury water distribution system usage between 2011 and 2015 (current trends):

- Residential consumption of 50 gpcd
- Unaccounted-for water of 6 percent
- Year 2034 service population of 3,669

The second using DCR performance standards used:

- Residential consumption of 65 gpcd
- Unaccounted-for water of 10 percent
- Year 2034 service population of 3,669

The DCR demand projection methodology also allows for a five percent buffer to account for uncertainty in growth projections. Utilizing a residential consumption of 50 gpcd and unaccounted for water of six percent plus a five percent buffer, the estimated 2042 ADD for the Town is approximately 0.23 mgd. Utilizing a residential consumption of 65 gpcd and unaccounted-for water of 10 percent, the estimated 2042 ADD for the Town is approximately 0.31 mgd, including a five percent buffer.

### 3.5 Summer Average Day Demand

MassDEP guidelines recommend that a system consider a projected summer ADD (SADD). The current SADD is estimated by averaging demands from the three maximum months for each of the past five years. As shown in Table No. 3-3, the SADD ranged from 0.18 mgd to 0.23 mgd from 2017 to 2021. The SADD peaking factor is determined by dividing the SADD by the annual ADD for each of the past five years. These peaking factors are averaged to estimate the future summer peaking factor. Based on the 2017 through 2021 monthly demand data, the average summer peaking factor is 1.20. Based on the projected ADD using current trends of 0.23 mgd, the estimated 2042 SADD is 0.28 mgd. Based on the projected ADD using DCR performance standards of 0.31 mgd, the estimated 2042 SADD is 0.37 mgd.

### 3.6 Maximum Day Demand

Maximum day demand (MDD) is the maximum one-day (24-hour) total quantity of water supplied during a one-year period. This term is typically expressed in mgd.

MDD is a critical factor when determining the adequacy of a water supply system. The water distribution system must be capable of meeting MDD with coincident fire demands at a minimum pressure of 20 psi. Estimates of the projected MDD and an allowance for the required fire flow are used to evaluate or design pumping, transmission, and storage facilities.

The MDD/ADD ratio provides a relationship between the two demands, which can be used to estimate future demands. As shown on Table No. 3-3, the MDD from 2017 to



2021 ranged from 0.26 mgd to 0.38 mgd. Upon comparison of MDD to ADD, the ratios ranged from 1.5 to 2.08. To be conservative, the highest historical peaking factor was used to estimate future MDD. The resulting projected MDD for 2042 using current trends is estimated to be 0.48 mgd based on the 2042 ADD of 0.23 mgd. The projected MDD for 2042 using the DCR’s performance standards is estimated to be 0.64 mgd based on the 2042 ADD of 0.31 mgd.

### 3.7 Peak Hour Demand

Peak hour demand is the maximum total quantity of water supplied in a single hour over a one-year period typically expressed in mgd. These demands are typically met by distribution water storage facilities.

Since system records of peak hourly demands are not available, the peaking factor for the current usage and design year 2042 was estimated based on typical historical consumption for communities of similar size. The peak hour peaking factor for the system is estimated to be 3.5. Using the current trends projected ADD of 0.23 mgd, the projected peak hour demand for the year 2042 is estimated at 0.81 mgd. Using the projected ADD from DCR performance standards of 0.31 mgd, the projected peak hour demand for the year 2042 is estimated at 1.09 mgd.

**Table No. 3-3  
Historic and Projected Water Use**

Year	ADD (mgd)	SADD (mgd)	Peaking Factor (SADD/ADD)	MDD (mgd)	Peaking Factor (MDD/ADD)	Peak Hour (mgd)
2017	0.17	0.21	1.24	0.28	1.62	*
2018	0.18	0.21	1.18	0.28	1.58	*
2019	0.16	0.18	1.12	0.26	1.62	*
2020	0.18	0.23	1.26	0.38	2.08	*
2021	0.17	0.21	1.20	0.35	2.04	*
-						
2042 Current Trends	0.23	0.28	1.20	0.48	2.08	0.81
2042 DCR Performance Standards	0.31	0.37	1.20	0.64	2.08	1.09

\*Peak Hour Information for 2017 through 2021 is not available.



# Section 4

SECTION 4



## SECTION 4 – WATER SUPPLY EVALUATION

### 4.1 General

In accordance with standard waterworks practices and current MassDEP guidelines, the supply sources of a water system must be capable of meeting MDD conditions with all supplies online and SADD conditions with the largest source out of service. Additionally, the sources should be permitted or registered to withdraw volumes adequate to meet ADD.

### 4.2 Adequacy of Existing Water Supply Sources

In 1987, the Water Management Act (WMA) program was implemented by MassDEP to regulate withdrawal of water from the State's watershed basins. Under this program, all new sources withdrawing more than 100,000 gallons per day (gpd) and existing sources exceeding their registered withdrawal volume by 100,000 gpd are required to obtain a withdrawal permit under the WMA. When first implemented, the registered withdrawal volume for a public water system was based on that system's historical pumping rate of the water supply source(s) between 1981 and 1985. Permits can be renewed and amended as system demands increase and additional supply sources are utilized. The WMA program considers the need for the withdrawal, the impact of the withdrawal on other hydraulically connected water suppliers, the environmental impacts of the withdrawal and the water available in the river basin or subbasin (the basin safe yield) prior to issuing a permit. It is important to note that the basin safe yield is different from the safe yield of a supply. In accordance with the WMA Permit application instructions, the basin safe yield is the total water available to be withdrawn from a river basin or subbasin, whereas the safe yield of a well is the volume of water the well is capable of pumping under the most severe pumping and recharge conditions that can be realistically anticipated.

As stated in Section 3, the projected ADD, SADD, and MDD using DCR performance standards for the year 2042 are 0.31 mgd, 0.37 mgd, and 0.64 mgd, respectively. The projected ADD, SADD and MDD for the year 2042 using current trends are 0.23 mgd, 0.28 mgd, and 0.48 mgd, respectively. MassDEP recommends that a system have adequate supply to meet (1) the projected MDD and (2) the projected SADD with the largest source offline.

The system's total combined maximum pumping rate of all active supply sources is 0.236 mgd. Compared to the projected MDD of 0.64 mgd in 2042, a deficit of 0.404 mgd is estimated. Wellfield No. 1 is the largest source. Therefore, the available pumping rate with Wellfield No. 1 offline is 0.081 mgd. Compared to the projected 2042 SADD of 0.37 mgd, a deficit of 0.289 mgd is estimated.

The total permitted authorized withdrawal volume for the West Newbury water system is 0.16 mgd. The Town does not have a registered withdrawal volume. The 2042 projected ADD based on current trends is 0.23 mgd. Compared to the total permitted withdrawal



volume of 0.16 mgd, a deficit of 0.07 mgd is estimated. The 2042 projected ADD using DCR performance standards is 0.31 mgd. Compared to the total permitted withdrawal volume of 0.16 mgd, a deficit of 0.15 mgd is estimated. Table No. 4-1 shows the maximum daily withdrawal rate for each source.

**Table No. 4-1  
Source Details  
West Newbury, Massachusetts**

Name	I.D. Number	Max Daily Withdrawal Volume (MGD)
Wellfield No. 1	3324000-01G	0.155
Bedrock Well	3324000-02G	<u>0.081</u>
Total		0.236

It should be noted that the Dole Place Wellfield had been approved by MassDEP for a maximum daily withdrawal rate of 0.98 mgd, however this permit expired in May 2022. It is recommended the Town develop this, or another new local water supply source, to eliminate the projected supply deficit. MassDEP has granted approval of the Source Final Report for the proposed Dole Place Wellfield. As detailed in the Dole Place Wellfield Development Evaluation dated January 28, 2021, the Town will need to complete several steps to develop this source. A new Water Management Act (WMA) permit application will need to be submitted to increase the Town’s authorized withdrawal volume. Drilling and development of three 18-inch by 12-inch gravel packed wells by a qualified well driller, construction of a new chemical feed building to treat the raw water, and installation of approximately 500 linear feet of 8-inch diameter water main to connect the gravel packed wells to the chemical feed building will need to be completed to bring the well online. In addition, three phase power will need to be brought to the site. Due to the close proximity of the wellfield to the Merrimack River, a microparticulate analysis (MPA) at each of the three wells will be required to determine whether the wellfield is considered “groundwater under the direct influence of surface water” (GWUDI). This analysis is performed after the wellfield has been in service for six months. The results of this analysis will determine if the wellfield is considered GWUDI and if design and construction of the 1.0 mgd water filtration plant will be required. The Dole Place Wellfield Development Evaluation provides further information on cost estimates and other WMA permit requirements to develop this source.

Development of an additional source would eliminate the need to purchase water from Newburyport on a regular basis. It is recommended the Town’s interconnections remain in place in the event of an emergency or in the event that the City of Newburyport or the Town of Groveland wants to purchase water from West Newbury.



# Section 5



## SECTION 5 – COMPUTER MODEL

### 5.1 General

To evaluate the Town’s existing water distribution system and to obtain a basis for recommending water distribution system improvements, a comprehensive computer model was utilized to mathematically simulate the water distribution system. The Town of West Newbury will be able to use the updated computer model as a planning tool to assess the potential impact of proposed developments and system improvements prior to construction.

A hydraulic computer model software WaterGEMS was used to update the existing West Newbury water distribution system model. WaterGEMS allows the user to conduct hydraulic simulations using mathematical algorithms while in an ArcGIS environment. As part of this study, the hydraulic model was verified under steady state conditions based on fire flow testing and information pertaining to the sources and storage facilities provided by the Town of West Newbury.

### 5.2 Model Verification

The computer model was updated and verified in three phases. First, the model was updated to include improvements to the distribution system since the Town’s 2009 Water Distribution System Study Update based on data provided by the Town. Water system demands were allocated to the nearest junctions to represent actual metered demand in the system. When allocating demands, the ADD and MDD for 2021 and 2042 were used to obtain a gallons per minute (gpm) rate. Then, using the existing demands in the model, ratios were used to multiply the base demand to represent current and future demands.

The computer model is represented by the node, pipe, and tank information provided in Appendix B. A link map of the water distribution system model is also provided in Appendix C. The water distribution system map in Appendix A provides information on storage facilities, water supply sources, and sizes of water mains and a general layout of the distribution system. The hydraulic input data in Appendix B provides data on system demands, length and diameter of water mains, roughness coefficient or “C-value” of water mains, elevations, pumping rates at water supply sources, and overflow elevations at storage facilities.

In the second phase of the model update, fire flow testing was conducted at various locations throughout the distribution system. Thirteen fire flow tests were conducted on October 26, 2022. The flow tests provided data for the computer model verification and for available fire flows and pressures in the area of each test. Table No. 5-1 presents the results of the fire flow tests conducted by the Town and Tata & Howard personnel.



**Table No. 5-1**  
**Fire Flow Tests – October 16, 2022**

Test No.	Location of Flowing Hydrant	Flowing Hydrant Static Pressure (psi)	Residual Hydrant Static Pressure (psi)	Residual Hydrant Residual Pressure (psi)	Observed Flow (gpm)	Estimated Flow at 20 psi (gpm)
1	87 Bridge Street	124	122	60	1,000	1,300
2	3 Main Street	110	100	90	650	1,900
3	30 Rivercrest Drive	118	114	70	1,250	1,800
4	On Pleasant Street Behind 7 Waterside Lane	114	108	70	1,220	1,900
5	13 Mechanic Street	86	82	64	750	1,400
6	34 Meetinghouse Hill Road	54	40	16	590	500
7	169 Crane Neck Street	43	56	40	190	250
8	134 Stewart Street	68	68	24	750	750
9	14 Cortland Lane	85	90	34	590	650
10	15 Norino Drive	74	70	30	650	700
11	On Main Street Behind 1 Parsons Road	73	72	28	530	550
12	16 Bailey's Lane	66	72	60	200	400
13	66 Maple Street	66	84	48	650	850



Verification of the computer model was completed under steady state conditions in the third phase. The data obtained from the fire flow tests served as input data for the model verification. This data included water levels in storage tanks, pumping rates of water supply sources, static and residual pressure readings, and measurement of flows from hydrants. It is important that each simulation reflect actual field conditions at the time of testing. Actual field conditions include current demands on the system, varying flows from each water supply source and pump station that is online, as well as varying tank elevations.

When the results of the computer runs compared to within five percent of the hydraulic data collected from the fire flow tests, the computer model was considered verified under steady state conditions and mathematically represented the physical operating conditions of the current West Newbury water distribution system. It should be noted that verification under an Extended Period Simulation (EPS) was outside the scope of work of this study. EPS verified models allow simulations over time to evaluate items such as water age and water quality in various locations of the system.

During the current flow testing, the observed pressure and modeled pressure did not verify along Meetinghouse Hill Road. A residual pressure of 16 psi was observed at this location. The model did not verify to within five percent at this location but is within five psi and is considered accurate.

In addition, the observed pressure and modeled pressure did not verify along Bailey's Lane. A residual pressure of 60 psi was observed. The residual pressure in the model was 67 psi. A C-factor test is recommended along various stretches of Main Street to help determine the accuracy of the C-factor along Main Street. A C-factor test involves flowing one hydrant and taking pressure readings at multiple hydrants to help estimate the roughness coefficient in a particular section of pipe which directly correlates to available carrying capacity of the water main.

Once the model was verified, hypothetical conditions such as increased demands and required fire flows were simulated using the model. The simulation of these conditions provided the opportunity to identify system deficiencies and to develop necessary improvements. Projected demands through the design year 2042 were simulated.

# Section 6



## SECTION 6 – WATER DISTRIBUTION SYSTEM ANALYSIS

### 6.1 General

A hydraulic analysis, using available data on the water distribution system and fire flow test results, provides an indication of the distribution system's ability to meet the criteria described in this section. A computerized hydraulic analysis was conducted on West Newbury's water distribution system. Recommendations set forth by the Insurance Services Office (ISO) for water storage necessary for fire protection, fire flows, and peak demands were utilized in the analysis of the distribution system.

### 6.2 Adequacy of Existing Distribution System

A distribution system must be able to provide adequate pressures during varying demand conditions. For the purposes of this study, a minimum pressure of 35 psi at street level was required during average day, maximum day, and peak hour demand conditions. An upper limiting pressure of 120 psi is generally recommended, as older fittings in the system are generally rated at 125 to 150 psi. The MassDEP published Guidelines for Public Water Systems recommends that pressure reducing devices be utilized on mains or on individual services lines when static pressures exceed 100 psi. Pressure above this level can result in increased water use and leaks from fixtures and also increased leakage throughout the distribution system. In addition, plumbing code states that water heaters in homes can be affected when pressures exceed 80 psi.

During fire flow conditions, a minimum pressure of 20 psi is required at ground level throughout the system.

#### Minimum/Maximum Pressures

During the projected year 2042 ADD, MDD, and peak hour demand conditions, the recommended minimum pressure requirement to be met at street level throughout the distribution system is 35 psi. In general, customers with ground elevations in the LSA of 146 feet above MSL, or greater, could experience pressure less than 35 psi during normal operating conditions. The current highest water users in the LSA are located at approximately 144 feet above MSL. These users are located off Main Street east of the Pipestave Water Storage Tank. Elevations in the HSA above 214 feet above MSL could experience pressure less than 35 psi during normal operating conditions, respectively. The current highest water user in the HSA is located at approximately 200 feet above MSL. Therefore, the West Newbury water distribution system can meet the minimum pressure requirement of 35 psi under projected 2042 average day, maximum day, and peak hour demand conditions.

Based on the lowest elevation in the LSA and the overflow elevation of the Pipestave Tank, the highest pressures in the LSA are approximately 86 psi. Based on the lowest elevation in the HSA and the overflow elevation of the Brake Hill Tank, the highest pressures in the HSA are approximately 125 psi, which exceeds the recommended upper limit of 100 psi. The MassDEP published Guidelines for Public Water Systems

recommends that pressure reducing devices be utilized on mains or on individual services lines when static pressures exceed 100 psi. Also, plumbing code states that water heaters in homes can be affected when pressures exceed 80 psi. These locations are near the riverbank of the Merrimack River. Pressure reducing valves (PRV) should be installed at customers where pressures exceed 100 psi. See Figure No. 6-1 for locations exceeding 100 psi.

### **Fire Flow Recommendations**

A review of the water system was completed to identify areas where larger buildings exist. This review of buildings and estimates of necessary fire flow does not factor in fire protection systems. Examples include condominiums, apartment complexes, schools, and other commercial or industrial buildings. Typically, the recommended fire flow in any community is established by the Insurance Services Office (ISO). The ISO determines a theoretical flow rate needed to combat a major fire at a specific location; taking into account the building structure, floor area, the building contents, and the availability of fire suppression systems. In general, the flows required for proper fire protection are based on maintaining a residual pressure of 20 psi in the system. This residual pressure is considered necessary to maintain a positive pressure on the suction side of a fire department pumper truck with an allowance for frictional losses in the hydrant and fire hose. Because the ISO data was not provided, recommended flows were estimated for these areas using the 2014 ISO published Guide for Determination of Needed Fire Flow. The guide uses factors including building size, material, location and contents. These factors were estimated based on aerial photos and street level observations. For the West Newbury system, individual fire flows for each large building identified were estimated. The fire flow recommendations were applied in the hydraulic model at each building identified in the water system review.

According to the 2014 ISO published Guide for Determination of Needed Fire Flow, the minimum recommended fire flow in residential areas with homes greater than 30 feet apart is approximately 500 gpm. The recommended fire flow for homes between 21 feet and 30 feet apart is approximately 750 gpm. Areas with homes between 11 feet and 20 feet apart have a recommended fire flow of 1,000 gpm. A fire flow of 1,500 gpm is recommended for homes closer than 10 feet apart. The residential neighborhoods in the Town were evaluated to determine average distances between homes for determination of the recommended residential fire flow in those areas. An estimated fire flow of 500 gpm was used for most residential areas of the system with homes greater than 30 feet apart. Improvements were recommended for areas in the system that could not meet the minimum fire flow recommendation. A description of the recommended improvements is provided in Section 7.

### **6.3 Adequacy of Existing Water Storage Facilities**

Distribution storage is provided to meet peak consumer demands such as peak hour demands and to provide a reserve for firefighting. Storage may also serve as emergency water supply in case of temporary breakdown of pumping facilities, or for pressure regulating during periods of fluctuating demand. West Newbury has two storage tanks

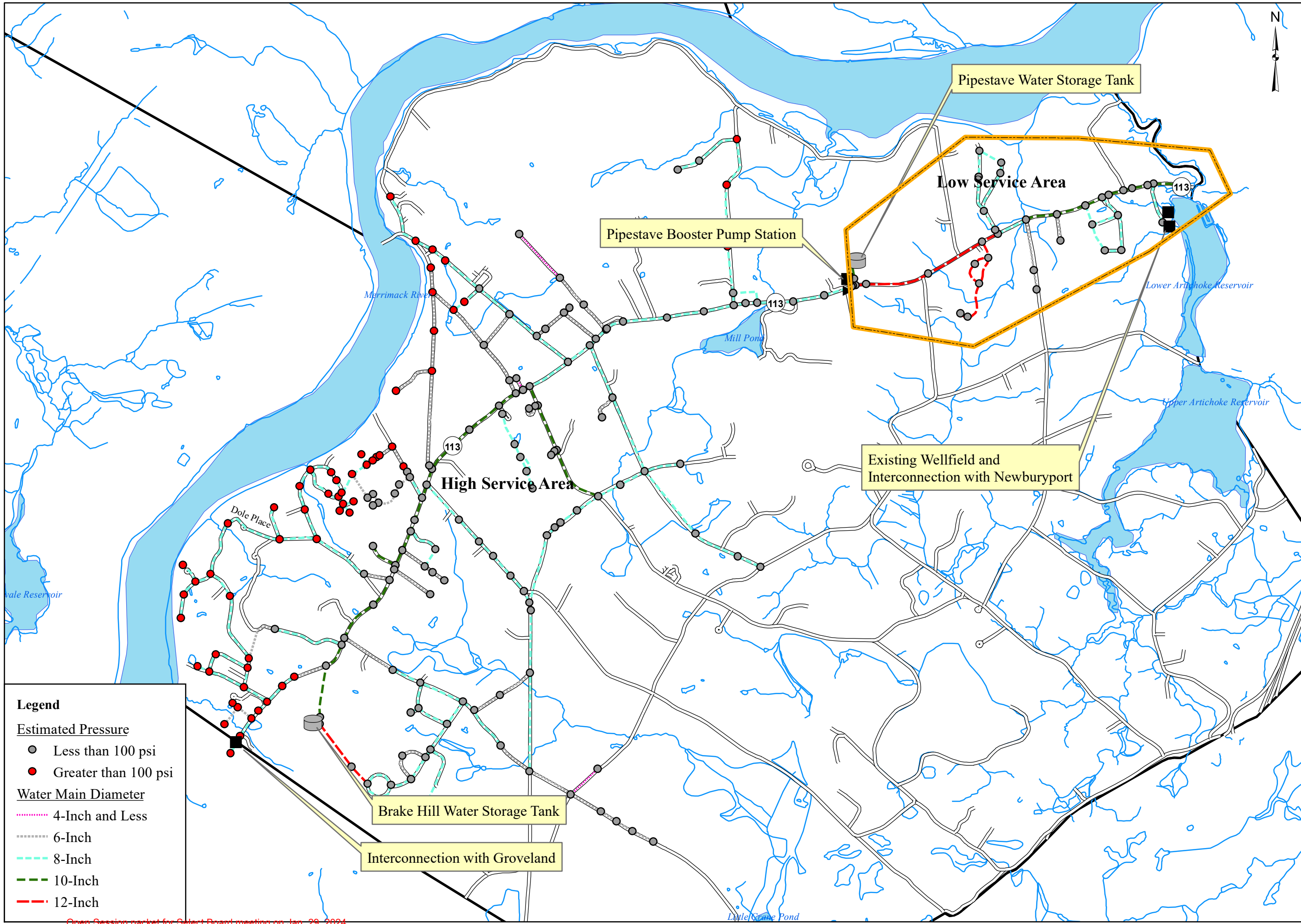


Figure No.

6-1

High Pressure Locations  
 Water Distribution System Study Update  
 West Newbury, MA



TATA & HOWARD

Date: January 2024 Scale: 1:24,000



that serve two distinct service zones. The Brake Hill tank serves the HSA and the Pipestave tank serves the LSA. Approximately 83 percent of the water system demand is in the HSA and 17 percent of the demand is in the LSA.

There are three components that must be considered when evaluating storage requirements: equalization, fire flow requirements, and emergency storage.

Equalization storage provides water from the tanks during peak hourly demands in the system. Typically, this quantity is a percentage of the maximum day demands. The percentages can range from fifteen to twenty-five percent, with fifteen percent used for a large system, twenty percent for a mid-sized system, and twenty-five percent used for a small system. A system is considered small if it has less than 3,300 customers, while a system is considered large if it has more than 50,000 customers. The Town currently serves a population of approximately 3,030 people and is considered a small system. As a result, twenty-five percent of the current MDD was used for the current equalization storage calculation. To be conservative, the 2020 MDD was used to calculate equalization because it is the highest MDD. With a projected 2042 population served of approximately 3,669 people, the West Newbury system would be considered a medium size system because the population is projected to increase to more than 3,300 people. As a result, twenty percent of 2042 projected DCR MDD was used for the projected equalization storage calculation.

The fire flow storage component is based on a representative fire flow multiplied by the required duration of the flow. For the West Newbury water system, a fire flow of 2,000 gpm with a duration of two hours was used for the storage evaluation based on the estimated needed fire flow in the downtown area.

The emergency storage component is typically equivalent to one ADD. However, if there is emergency power available at the pumping stations allowing the stations to supply a minimum of one ADD on emergency power, the emergency storage component of one ADD can be waived. This component was waived from subsequent calculations because West Newbury’s well site and the pump station have emergency generators.

The three components of the storage evaluation were calculated under current and future demand conditions:

### **High Service Area**

#### 1. Equalization

- Small-sized system (2020) = 25 percent of the Maximum Day Demand
- Mid-sized system (2042) = 20 percent of the Maximum Day Demand
- Maximum Day Demand in year 2020 = 0.38 mgd
- HSA represents 83 percent of the total demand
- HSA Maximum Day Demand in year 2020 =  $0.38 \times 0.83 = 0.32$  mgd
- Estimated Maximum Day Demand in year 2042 (DCR guidelines) = 0.64 mgd
- HSA Estimated Maximum Day Demand in year 2042 =  $0.64 \times 0.83 = 0.53$  mgd

- Equalization (2020) =  $0.25 \times 0.32 = 0.08$  mg
  - Equalization (2042) =  $0.20 \times 0.53 = 0.11$  mg
2. Basic Fire Flow Requirement
    - Representative fire flow for West Newbury = 2,000 gpm
    - Duration of 2 hours or 120 minutes
    - Basic Fire Flow Requirement =  $2,000 \times 120 = 0.24$  mg
  3. Emergency – waived

The total required storage for any given year is the equalization component plus the basic fire flow requirement. Therefore, the current (year 2020) and projected (year 2042) total required storage is as follows:

- HSA Total Required Storage (2020) =  $0.08 + 0.24 = 0.32$  mg
- HSA Total Required Storage (2042) =  $0.11 + 0.24 = 0.35$  mg

A minimum pressure of 20 psi should be maintained at the highest served customer under MDD conditions with a coincident fire flow. The highest customer in the HSA is located at an elevation of approximately 200 feet above MSL. To maintain a minimum pressure of 20 psi at the highest customer elevation of 200 feet, the level of the water in the storage tanks should not drop below 247 feet. The low water level of the Brake Hill Tank is 262.5 feet. Based on this scenario, the entire volume of the Brake Hill Tank is usable and the HSA has a useable storage volume of 0.40 mg. The HSA currently has a storage surplus of 0.08 mg and is projected to have a storage surplus of 0.05 mg in 2042.

**Low Service Area**

1. Equalization
  - Small-sized system (2020) = 25 percent of the Maximum Day Demand
  - Mid-sized system (2042) = 20 percent of the Maximum Day Demand
  - Maximum Day Demand in year 2020 = 0.38 mgd
  - LSA represents 17 percent of the total demand
  - LSA Maximum Day Demand in year 2020 =  $0.38 \times 0.17 = 0.06$
  - Estimated Maximum Day Demand in year 2042 (DCR guidelines) = 0.64 mgd
  - LSA Estimated Maximum Day Demand in year 2042 =  $0.64 \times 0.17 = 0.11$
  - Equalization (2020) =  $0.25 \times 0.06 = 0.02$  mg
  - Equalization (2042) =  $0.20 \times 0.11 = 0.02$  mg
2. Basic Fire Flow Requirement
  - Representative fire flow for West Newbury = 2,000 gpm
  - Duration of 2 hours or 120 minutes
  - Basic Fire Flow Requirement =  $2,000 \times 120 = 0.24$  mg
3. Emergency – waived



The total required storage for any given year is the equalization component plus the basic fire flow requirement. Therefore, the current (year 2020) and projected (year 2042) total required storage is as follows:

- LSA Total Required Storage (2020) =  $0.02 + 0.24 = 0.26$  mg
- LSA Total Required Storage (2042) =  $0.02 + 0.24 = 0.26$  mg

The highest customer in the LSA is located at an elevation of approximately 157 feet above MSL. To maintain a minimum pressure of 20 psi at the highest customer elevation of 157 feet, the level of the water in the storage tanks should not drop below 203 feet. The low water level of the Pipestave Tank is 192 feet. Based on this scenario, the LSA has a useable storage volume of 0.36 mg. The LSA currently has a storage surplus of 0.10 mg under existing and projected conditions.





# Section 7



## SECTION 7 – RECOMMENDATIONS

### 7.1 General

The following summarizes the findings of the study and presents a prioritized plan for recommended improvements and associated costs. The prioritization of improvements allows for constructing the necessary reinforcements as funds allow.

The recommendations are broken into three components. The first presents general recommendations that include general maintenance and operations practices that the Town should complete on an annual basis. The second, third and fourth components are the Priority I, II, and III recommendations for system improvements relative to the water distribution system. Priority I improvements are intended to strengthen the transmission capabilities of the system and improve fire flow capabilities and should be completed over the next ten years. Priority II improvements are intended to eliminate bottlenecks and replace small diameter mains in the distribution system and should be completed over the next 10 – 15 years. Priority III improvements are intended to increase the Town's water supply and should be completed when funding and land becomes available. Table No. 7-1 presents the estimated costs for the Priority I, Priority II, and Priority III recommended improvements for the water distribution system. Construction costs are based on the January 2024 Engineering News Record (ENR) construction cost index of 13515.02 and include costs associated with water services, hydrants, and permanent and temporary trench pavement and a 25 percent allowance for engineering and contingencies. This index can be used to estimate future construction costs. Estimates do not include costs for land acquisition, easements, or legal fees. Costs were increased for water main improvements of less than 1,000 feet. Cost savings may be realized if the smaller projects are grouped together. The recommended improvements are described herein and shown on the Recommended Improvements Map provided in Appendix D. The Town may need to make additional system improvements as other needs arise based on future system conditions.

### 7.2 General Operation and Maintenance Practices and Improvements

The Town should continue performing regularly scheduled maintenance programs, including routine inspection and maintenance at the pump stations, meter testing/calibration, and its unidirectional flushing program. In addition, all wells in the system should be evaluated annually and maintenance should be performed depending upon results of performance tests. The frequency of cleaning will depend on the source water quality.

The Town should also implement a replacement program during which hydrants and valves that do not function as intended are identified and replaced. These deficiencies are normally identified through routine operation and during the system-wide flushing program. By replacing hydrants that are old or broken, the Town will improve fire protection in the system and eliminate potential leaks. The Town should update its GIS database of all hydrants to include information regarding the make, model, repair history,

and maintenance records of each hydrant. Over time, the database will provide the Town with a means of identifying problem hydrants to include in replacement programs. Eliminating broken valves will help improve the transmission capacity of the system.

Whenever improvements or expansion of a water distribution system occur, factors such as size and location of the water main should be considered to provide adequate flows and pressures. Any water main that is designed to provide fire protection should have a minimum diameter of 8-inches. Wherever possible, dead-end mains should be eliminated by looping or interconnecting and all water mains should be interconnected at reasonable intervals. All older and smaller water mains that do not meet fire flow recommendations in an area should be replaced with larger diameter mains. In addition, “bottlenecks” such as smaller water mains being the sole means of transporting water between larger mains should be eliminated. Improvements necessary to address these recommendations are included below. The Town should also evaluate all areas with parallel water mains in the distribution system to see if existing hydrants should be moved to the parallel water main.

In addition, the availability of the updated computer hydraulic model will provide the Town with an important tool in evaluating expansion or changes in the future, particularly when evaluating impacts of proposed new developments or water main replacement.

### 7.3 Priority I Recommended Improvements – Water Distribution

1. To improve flows from the Brake Hill Water Storage Tank to the center of town, a new 16-inch diameter water main from the Brake Hill Water Storage Tank to Main Street (Route 113) and along Main Street (Route 113) to the intersection with Church Street is recommended. This improvement will improve transmission in the HSA and help to assist in improving the inherent capacity for fire flow in several areas of the system. The estimated probable construction cost of approximately 6,600 linear feet of 16-inch diameter water main is approximately \$3,322,000. This cost includes an additional 15 percent markup for additional MassDOT paving requirements and assumes that a waiver for control density fill (CDF) will be obtained from MassDOT.
2. To improve flows from the Pipestave Booster Pump Station to the center of town, a new 12-inch diameter water main along Main Street from the intersection with Church Street to the booster pump station is recommended. This improvement will improve transmission in the HSA and assist in improving the inherent capacity for fire flow in several areas of the system. The estimated probable construction cost of approximately 10,800 linear feet of 12-inch diameter water main is approximately \$5,047,000. This cost includes an additional 15 percent markup for additional MassDOT paving requirements and assumes that a waiver for control density fill (CDF) will be obtained from MassDOT.
3. To provide the inherent capacity for the recommended fire flow of 500 gpm along Church Street, Prospect Street, and Old Wharf Road, a new 8-inch diameter water main is recommended along Church Street from Main Street (Route 113) to Ferry

Lane and along Prospect Street from Main Street (Route 113) to Church Street. This water main is currently in the design phase. Construction is expected to begin in 2024. The estimated probable construction cost of approximately 7,400 linear feet of 8-inch diameter water main is approximately \$3,325,000.

4. The recommended fire flow for Crane Neck Street is 500 gpm. To meet this recommended fire flow on the southern end of Crane Neck Street, a new 8-inch diameter water main is recommended to replace the existing 6-inch diameter water main on the eastern end of Crane Neck Street. The estimated probable construction cost of 4,200 linear feet of 8-inch diameter ductile iron water main is approximately \$1,444,000.
5. The estimated available fire flow along Bailey’s Lane is less than 500 gpm. To meet the recommended residential fire flow of 500 gpm, a new 8-inch diameter water main is recommended from Main Street (Route 113) to the end of the 6-inch diameter water main. At the end of the 6-inch diameter main there is approximately 1,000 linear feet of 2-inch diameter main serving one house. Unless fire protection service will be extended to this location, it is recommended that the existing 2-inch diameter water main remain in place. The estimated probable construction cost of 1,600 linear feet of 8-inch diameter ductile iron water main is approximately \$550,000.
6. To further strengthen the transmission grid in the HSA, the existing 6-inch diameter water main along Main Street from the end of the 10-inch diameter water main to the existing 8-inch diameter water main should be replaced with a new 8-inch diameter water main. In addition, a flow test should be conducted on the existing 8-inch diameter water main to the interconnection with the Groveland system to determine if the pipe has adequate carrying capacity to handle peak flows from the newly activated interconnection with Groveland. This section of main may need to be cleaned and lined or replaced. The estimated probable construction cost of 800 linear feet of new 8-inch diameter ductile iron water main is approximately \$374,000. This cost includes an additional 15 percent markup for additional MassDOT paving requirements and assumes that a waiver for control density fill (CDF) will be obtained from MassDOT.

#### **7.4 Priority II Recommended Improvements – Water Distribution**

7. To eliminate a bottleneck and improve flows in the HSA, a new 8-inch diameter water main along Crane Neck Street is recommended to replace the existing 6-inch diameter water main from the intersection with Main Street (Route 113) to the existing 8-inch diameter water main. The estimated probable construction cost of 1,400 linear feet of 8-inch diameter ductile iron water main is \$482,000.
8. A bottleneck exists at the intersection of Pleasant Street and Main Street (Route 113). To eliminate this bottleneck, a new 8-inch diameter water main along Pleasant Street from Main Street (Route 113) to Harrison Avenue is recommended to replace the

existing 6-inch diameter water main. The estimated probable construction cost of 600 linear feet of 8-inch diameter ductile iron water main is \$244,000.

9. A new 8-inch diameter water main is recommended to replace the existing 6-inch diameter cross country water main from Barberry Lane to Meadowsweet Road to eliminate the bottleneck between two, 8-inch diameter water mains. The estimated probable construction cost of 1,200 linear feet of 8-inch diameter ductile iron water main is \$413,000.
10. A 2-inch diameter water main currently services residences on Middle Street, located off Crane Neck Street. Industry standard states that any main less than 8-inch will not provide recommended fire flows for residences. Therefore, it is recommended that if the recommended fire flow is to be provided to homes on Mill Street, the 2-inch should be upgraded to an 8-inch diameter water main. The estimated probable construction cost for 900 linear feet of 8-inch diameter ductile iron water main improvement is \$367,000.

### **7.5 Priority III Recommended Improvements – New Source**

11. To meet projected system demands, it is recommended the Town develop the Dole Place Wellfield, or another new local water supply source. An evaluation of developing and bringing the Dole Place Wellfield online was completed in January 2021. The estimated cost of developing and bringing this source online from the January 2021 letter is \$4,060,000, not including land acquisition, easement, or legal costs. Due to the close proximity of the Dole Place property to the Merrimack River, there is the potential that the wellfield will be considered “ground water under the direct influence of surface water” (GWUDI) under the Federal Surface Water Treatment Rule (SWTR) and susceptible to *Giardia* contamination. This analysis would be performed after the wellfield has been in service for six months and includes spring and fall sampling rounds. In the event that the wellfield is classified as GWUDI, design and construction of a 1.0 mgd capacity water filtration plant at the Dole Place Wellfield will be required. The estimated cost to construct a new 1.0 mgd water filtration plant from the January 2021 letter is approximately \$8,770,000. If the Town proceeds with this recommendation, new cost estimates will need to be prepared.

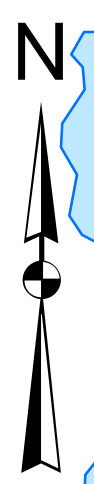
**Table No. 7-1  
Priority I, Priority II, and Priority III Recommended Improvements – Water  
Distribution and New Source**

<b>Improvement No.</b>	<b>Location</b>	<b>Length (LF)</b>	<b>Proposed Diameter (in.)</b>	<b>Estimated Cost</b>
<b>Priority I Improvements</b>				
1	Main Street – Brake Hill Tank to Church Street	6,600	16	\$3,322,000
2	Main Street – BPS to Church Street	10,800	12	\$5,047,000
3	Church Street and Prospect Street	7,400	8	\$3,325,000
4	Crane Neck Street	4,200	8	\$1,444,000
5	Bailey’s Lane	1,600	8	\$550,000
6	Main Street – 10-inch main leading to the Brake Hill Tank to the 8-inch main	800	8	\$374,000
<b>Priority I Recommended Improvements Total:</b>				<b>\$14,062,000</b>
<b>Priority II Improvements</b>				
7	Crane Neck Street	1,400	8	\$482,000
8	Pleasant Street	600	8	\$244,000
9	Cross Country	1,200	8	\$413,000
10	Middle Street	900	8	\$367,000
<b>Priority II Recommended Improvements Total:</b>				<b>\$1,506,000</b>
<b>Priority III Improvements</b>				
11A	New Source – Dole Place Wellfield	n/a	n/a	\$4,060,000
11B	Water Filtration Plant – Dole Place Wellfield	n/a	n/a	\$8,770,000
<b>Priority III Recommended Improvements Total:</b>				<b>\$12,830,000</b>



# Appendix A





Pipestave Hill Tank  
Capacity: 2.0 mg  
Overflow Elevation: 232 feet

Pipestave Booster Pump Station

Wellfield  
Bedrock Well  
Interconnection with Newburyport

Interconnection with Groveland


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

**Legend**

Water Main Diameter

- ..... 4-Inch & Smaller
- ..... 6-Inch
- ..... 8-Inch
- ..... 10-Inch
- ..... 12-Inch
- Low Service Area

**Water Distribution System  
West Newbury, Massachusetts**

  
**TATA & HOWARD**

Approximate Scale: 1" = 1,000'  
January 2024



# Appendix B

APPENDIX B



**Pipe Input Data**  
**Water Distributiou System Study**  
**West Newbury, MA**

<b>Label</b>	<b>Diameter (in)</b>	<b>Hazen- Williams C</b>	<b>Length (Scaled) (ft)</b>
P-1	8	50	638
P-2	10	110	724
P-2	8	50	561
P-4	8	110	925
P-4	8	110	995
P-5	8	90	689
P-6	8	90	845
P-7	10	70	634
P-8	10	100	422
P-8	10	70	602
P-9	8	110	880
P-10	10	100	669
P-10	8	110	903
P-11	8	110	496
P-12	10	100	718
P-12	8	110	557
P-14	8	100	714
P-15(1)	8	25	670
P-15(2)	8	25	455
P-16	12	110	402
P-16	8	25	594
P-17(1)	6	60	419
P-17(2)	6	100	427
P-18	6	100	527
P-18(1)	12	110	1,417
P-18(2)	12	110	1,458
P-19	8	32	103
P-20	12	110	234
P-20	8	32	497
P-21	8	110	2,159
P-22	8	110	93
P-23	8	25	459
P-24	8	25	290
P-25	8	110	1,566
P-26	8	110	268
P-26	8	110	223
P-27	8	110	59
P-28	8	110	17
P-29	8	110	40
P-30	8	110	20
P-30(1)	8	110	414
P-30(2)	8	110	28
P-31	8	110	649
P-32	8	70	315

**Pipe Input Data**  
**Water Distributiou System Study**  
**West Newbury, MA**

<b>Label</b>	<b>Diameter (in)</b>	<b>Hazen- Williams C</b>	<b>Length (Scaled) (ft)</b>
P-32	8	110	41
P-33(1)	8	110	544
P-33(2)	8	110	132
P-34	8	70	198
P-36	8	70	620
P-36	6	110	231
P-37	6	110	146
P-38	8	70	1,033
P-38	6	110	211
P-39	6	110	143
P-40	10	70	171
P-42	10	70	182
P-42	8	110	308
P-45	6	110	637
P-46(1)	8	130	394
P-46(2)	8	130	166
P-48	10	70	379
P-48	6	110	495
P-49	6	45	341
P-50	10	70	307
P-57	6	110	231
P-58	8	110	110
P-61	6	45	87
P-63	6	42	148
P-64	10	70	478
P-65	10	70	858
P-67(1)	8	50	577
P-67(2)	8	50	464
P-68	6	90	763
P-68	8	50	172
P-70(1)	8	90	345
P-70(2)	8	90	494
P-72	8	50	281
P-73(1)	8	120	318
P-73(2)(1)	8	120	358
P-73(2)(2)	8	120	415
P-74	8	50	232
P-74	8	120	202
P-75	8	120	744
P-76	8	50	478
P-77	12	120	183
P-78	8	100	539
P-78	12	120	75
P-79	12	120	1,204

**Pipe Input Data**  
**Water Distributiou System Study**  
**West Newbury, MA**

<b>Label</b>	<b>Diameter (in)</b>	<b>Hazen- Williams C</b>	<b>Length (Scaled) (ft)</b>
P-80	8	100	812
P-80	12	120	539
P-81	8	120	265
P-82	8	100	377
P-82	8	120	464
P-84	8	100	667
P-86	8	100	619
P-88	8	100	457
P-90	6	95	599
P-91	6	110	288
P-92	6	100	1,155
P-94	6	100	439
P-98	8	55	963
P-100	8	55	232
P-102	8	55	563
P-104(1)	8	55	591
P-104(2)	8	32	820
P-112	8	110	1,024
P-114	8	110	529
P-116(1)	6	50	753
P-116(2)	6	50	812
P-118	2	50	1,355
P-120	6	40	936
P-122	6	40	556
P-124	6	40	252
P-126	8	100	920
P-128	6	40	173
P-130	8	100	793
P-132	8	100	896
P-134(1)	8	100	998
P-134(2)	8	110	380
P-136	8	100	427
P-138	8	100	1,230
P-142	8	110	624
P-144	8	110	1,049
P-146	8	110	993
P-148	8	110	327
P-150	2	50	165
P-152	2	50	300
P-154	6	55	909
P-162	6	90	987
P-164	8	110	1,291
P-166	8	110	1,820
P-168	8	110	1,820



**Pipe Input Data**  
**Water Distributiou System Study**  
**West Newbury, MA**

<b>Label</b>	<b>Diameter (in)</b>	<b>Hazen- Williams C</b>	<b>Length (Scaled) (ft)</b>
P-170(1)	8	110	1,096
P-170(2)	8	100	564
P-172	6	100	585
P-178	8	50	253
P-180	8	50	1,571
P-182	8	50	173
P-184	8	50	1,417
P-186	8	50	2,235
P-188	10	100	1,501
P-190	10	100	1,096
P-192	10	100	469
P-194	6	100	55
P-196	6	100	147
P-198	6	100	411
P-200	6	100	51
P-202	6	100	178
P-204	6	100	142
P-206	8	25	1,079
P-212	6	42	515
P-216	8	120	116
P-218	8	100	728
P-220	8	100	454
P-222(1)	6	55	215
P-222(2)	6	55	328
P-224	6	55	628
P-226	6	55	988
P-228	10	60	693
P-230	6	50	589
P-232	8	110	1,342
P-234(1)	8	110	720
P-234(2)	8	100	544
P-236	8	110	452
P-238	8	110	725
P-240	8	110	246
P-242	8	110	202
P-244	8	110	173
P-246	8	110	249
P-248	8	110	238
P-252	8	110	541
P-254	8	110	484
P-256	8	110	215
P-258	8	110	847
P-260	8	110	773
P-262	8	110	1,336



**Pipe Input Data**  
**Water Distributiou System Study**  
**West Newbury, MA**

<b>Label</b>	<b>Diameter (in)</b>	<b>Hazen- Williams C</b>	<b>Length (Scaled) (ft)</b>
P-264	8	110	1,245
P-266	8	110	389
P-268(1)	8	110	404
P-268(2)	8	110	539
P-270	8	110	478
P-272	8	110	681
P-276	6	90	1,102
P-278	8	110	1,613
P-280	8	110	446
P-282	8	110	860
P-284	8	110	425
P-286	8	110	802
P-288	8	90	290
P-290	8	110	626
P-292	6	50	402
P-294	6	50	144
P-296	6	50	493
P-298	6	110	1,311
P-300	8	110	685
P-302	8	110	1,053
P-304	8	120	322
P-306	8	120	1,009
P-308	6	100	886
P-310	6	70	1,072
P-312	6	60	783
P-316	2	50	843
P-318(1)	6	50	672
P-318(2)	6	50	853
P-320	8	90	618
P-322	8	90	692
P-324	8	90	206
P-326	8	90	590
P-328	8	90	494
P-330	8	90	745
P-332	8	90	868
P-334	8	110	1,585
P-336	6	100	584
P-338	6	100	632
P-342	8	110	1,137
P-344	8	90	743
P-346	8	100	208
P-348	8	90	587
P-350(2)	10	90	1,181
P-352	8	110	718

**Pipe Input Data**  
**Water Distributiou System Study**  
**West Newbury, MA**

<b>Label</b>	<b>Diameter (in)</b>	<b>Hazen- Williams C</b>	<b>Length (Scaled) (ft)</b>
P-366	10	110	147
P-368(1)	10	110	353
P-368(2)	10	110	207
P-370(1)	10	110	348
P-370(2)	10	110	156
P-372	10	40	682
P-374	10	45	1,024
P-376	10	70	539
P-378	10	70	266
P-380	8	110	455
P-382	8	110	300
P-384	8	120	440
P-386	12	110	398
P-388	12	110	631
P-390	12	110	887
P-392	12	110	196
P-394	12	110	572
P-396	12	110	362
P-398	8	130	94
P-402	8	130	103
P-406	8	130	92
P-410	8	130	84
P-413	8	110	813
P-414	8	110	268
P-415	8	130	278
P-416(1)	8	130	1,060
P-416(2)	8	110	1,399
P-417	8	110	774
P-418	8	100	824
P-419	10	70	465
P-420	10	40	376
P-421	10	40	109
P-422	10	40	251
P-423	10	45	163
P-424	10	45	618
P-425	10	110	149
P-426	10	110	306

**Junction Input Data**  
**Water Distributiou System Study**  
**West Newbury, MA**

<b>Label</b>	<b>Zone</b>	<b>Elevation (ft)</b>	<b>Demand (gpm)</b>	<b>Pressure (psi)</b>
J-2	596: Low Service	10	0	95.6
J-4	596: Low Service	13	0	94.3
Wellfield	596: Low Service	20	0	91.3
J-8	596: Low Service	64	0.11	72.2
J-10	596: Low Service	59	0.18	74.4
J-12	596: Low Service	56	0.67	75.7
J-14	596: Low Service	57	0.49	75.3
J-16	596: Low Service	75	0.25	67.5
J-18	596: Low Service	75	0.54	67.5
J-20	596: Low Service	157	0.26	32
J-22	596: Low Service	157	0	32
J-24	595: High Service	82	1.07	91.9
J-26	595: High Service	75	0.2	95
J-28	595: High Service	89	0.27	88.9
J-30	595: High Service	121	1.32	75.1
J-32	595: High Service	132	0.27	70.3
J-34	595: High Service	121	0.42	75.1
J-36	595: High Service	113	1.21	78.5
J-38	595: High Service	115	1.26	77.7
J-40	595: High Service	131	0.87	70.8
J-42	595: High Service	131	0.19	70.8
J-44	595: High Service	125	0.39	73.4
J-46	595: High Service	115.4	1.42	77.5
J-48	595: High Service	118	0.07	76.4
J-50	595: High Service	112	1.56	79
J-52	595: High Service	113	0.98	78.6
J-54	595: High Service	115	0.89	77.7
J-56	595: High Service	109	0.78	80.3
J-58	595: High Service	108	0.37	80.8
J-60	595: High Service	108	0.47	80.8
J-62	595: High Service	95	0.89	86.4
J-64	595: High Service	102	0.83	83.4
J-66	595: High Service	118	0.96	76.5
J-68	595: High Service	89	1.06	89.1
J-70	595: High Service	66	0.62	99
J-72	595: High Service	46	0.42	107.6
J-74	595: High Service	43	0.3	108.9
J-76	595: High Service	39	0.01	110.7
J-78	595: High Service	43	0.28	108.9
J-80	596: Low Service	59	0.91	74.4
J-82	596: Low Service	60	0.57	74
J-84	596: Low Service	62	0.35	73.1
J-86	596: Low Service	69	0.5	70.1

**Junction Input Data**  
**Water Distributiou System Study**  
**West Newbury, MA**

<b>Label</b>	<b>Zone</b>	<b>Elevation (ft)</b>	<b>Demand (gpm)</b>	<b>Pressure (psi)</b>
J-88	596: Low Service	62	0.61	73.1
J-90	596: Low Service	62.3	0.14	73
J-92	596: Low Service	71.4	0.68	69
J-94	596: Low Service	71.3	0.37	69.1
J-96	596: Low Service	66	0.31	71.4
J-98	596: Low Service	66	0.37	71.4
J-100	596: Low Service	59.7	0.41	74.1
J-104	595: High Service	39	0.11	110.6
J-106	595: High Service	90	1.77	88.5
J-108	595: High Service	102	0.61	83.3
J-110	595: High Service	138	0.46	67.7
J-112	595: High Service	108	0	80.7
J-114	595: High Service	134	0.52	69.5
J-116	595: High Service	108	0.66	80.7
J-118	595: High Service	98	0.4	85
J-120	595: High Service	148	0.53	63.4
J-122	595: High Service	85	1.27	90.7
J-124	595: High Service	69	0.69	97.6
J-126	595: High Service	13	0	121.8
J-128	595: High Service	11	0.15	122.7
J-130	595: High Service	35	0.18	112.3
J-132	595: High Service	27.5	0.8	115.5
J-134	595: High Service	39	0.49	110.6
J-136	595: High Service	85	1.48	90.7
J-138	595: High Service	128	0.64	72.1
J-140	595: High Service	128	0.41	72.1
J-142	595: High Service	23	0.96	117.5
J-144	595: High Service	23	1.93	117.5
J-146	595: High Service	72	1.57	96.3
J-148	595: High Service	111.5	0.3	79.2
J-150	595: High Service	138	0.43	67.7
J-152	595: High Service	138	0.23	67.7
J-154	595: High Service	89	0.35	88.9
J-156	595: High Service	131	0.35	70.8
J-158	595: High Service	206	0	38.3
J-160	595: High Service	128	0.33	72.1
J-162	595: High Service	121	0.23	75.1
J-164	595: High Service	108	0.31	80.8
J-166	595: High Service	108	0.56	80.8
J-168	595: High Service	82	0.57	92.1
J-170	595: High Service	128	0.07	72.1
J-172	595: High Service	128	0.42	72.1
J-174	595: High Service	128	0	72.1

**Junction Input Data**  
**Water Distributiouon System Study**  
**West Newbury, MA**

<b>Label</b>	<b>Zone</b>	<b>Elevation (ft)</b>	<b>Demand (gpm)</b>	<b>Pressure (psi)</b>
J-176	595: High Service	128	0.94	72.1
J-178	595: High Service	128	0.06	72.1
J-180	595: High Service	128	0.69	72.1
J-182	595: High Service	100	0.96	84.2
J-184	595: High Service	43	0.08	108.9
J-186	595: High Service	30	0.32	114.5
J-188	595: High Service	35	0	112.3
J-190	595: High Service	43	0.1	108.9
J-192	595: High Service	102	1.05	83.4
J-194	595: High Service	102	0.44	83.4
J-196	595: High Service	95	0.23	86.4
J-198	595: High Service	108	0.97	80.8
J-200	595: High Service	98	0.99	85.1
J-202	595: High Service	89	1.16	89
J-204	595: High Service	59	1.62	102
J-206	595: High Service	35	0.44	112.3
J-208	595: High Service	29.3	0.57	114.8
J-210	595: High Service	43	0.83	108.9
J-212	595: High Service	43	0	108.9
J-214	595: High Service	43	0	108.9
J-216	595: High Service	39	0.83	110.6
J-218	595: High Service	59	0.39	102
J-220	595: High Service	43	0.46	108.9
J-222	595: High Service	43	0.15	108.9
J-224	595: High Service	30	0.48	114.5
J-226	595: High Service	30	0.26	114.5
J-228	595: High Service	43	1.66	108.9
J-230	595: High Service	41	0.4	109.8
J-232	595: High Service	30	0.51	114.5
J-234	595: High Service	49	1.92	106.3
J-236	595: High Service	36.2	0.61	111.9
J-238	595: High Service	25	0.94	116.7
J-240	595: High Service	23	1.42	117.6
J-242	595: High Service	39	1.16	110.7
J-244	595: High Service	66	0.52	99
J-246	595: High Service	184	1.13	47.9
J-248	595: High Service	49	0.62	106.3
J-250	595: High Service	39	0.26	110.7
J-252	595: High Service	66	0.84	99
J-254	595: High Service	30	0.19	114.6
J-256	595: High Service	30	0	114.6
J-258	595: High Service	30	0	114.6
J-260	595: High Service	30	0	114.6

**Junction Input Data**  
**Water Distributiouon System Study**  
**West Newbury, MA**

<b>Label</b>	<b>Zone</b>	<b>Elevation (ft)</b>	<b>Demand (gpm)</b>	<b>Pressure (psi)</b>
J-262	595: High Service	98	0.57	85.2
J-264	595: High Service	92	1.23	87.8
J-266	595: High Service	89	0.52	89.1
J-268	595: High Service	92	0.15	87.8
J-270	595: High Service	82	0.6	92.1
J-272	595: High Service	121	0.33	75.2
J-274	595: High Service	161	0.29	57.9
J-276	595: High Service	200	0.61	41
J-278	595: High Service	112	0.15	79.1
J-280	595: High Service	102	0.99	83.4
J-282	595: High Service	88	0.06	89.5
J-284	595: High Service	98	1.2	85.2
J-286	595: High Service	108	0.7	80.9
J-288	595: High Service	149.6	1.22	62.9
J-290	595: High Service	177.5	0.75	50.8
J-292	595: High Service	98	0.67	85.2
J-294	595: High Service	118	0.96	76.5
J-296	595: High Service	16	0.15	120.5
J-298	595: High Service	79	0.61	93.4
J-300	595: High Service	71	0.23	96.8
J-302	595: High Service	82	0.08	91.9
J-306	596: Low Service	26	0	88.7
J-308	596: Low Service	33	0.04	85.7
J-310	595: High Service	90	1.35	88.6
J-312	595: High Service	98	1.05	85.1
J-314	595: High Service	39	0.56	110.6
J-316	595: High Service	33	0	113.3
J-318	596: Low Service	90	0	61
J-320	596: Low Service	88	4.38	61.9
J-322	596: Low Service	82	0	64.5
J-324	596: Low Service	84	0	63.6
J-326	596: Low Service	95	0.58	58.8
J-331	595: High Service	75	0.4	95
J-332	595: High Service	89	0.62	88.9
J-333	595: High Service	111	0	79.4
J-334	596: Low Service	157	0	32
J-1	595: High Service	88.4	0.07	89.2
J-2	595: High Service	138.7	1.42	67.4
J-3	595: High Service	124	0.56	73.8
J-4	595: High Service	99.1	1.05	84.6
J-5	595: High Service	27.6	0.82	115.5
J-6	595: High Service	25.3	0.06	116.5
J-7	595: High Service	122.3	0.59	74.6

**Junction Input Data**  
**Water Distributiou System Study**  
**West Newbury, MA**

<b>Label</b>	<b>Zone</b>	<b>Elevation (ft)</b>	<b>Demand (gpm)</b>	<b>Pressure (psi)</b>
J-8	595: High Service	122.3	0.91	74.6
J-10	595: High Service	175.1	0.12	51.8
J-11	596: Low Service	75	0.21	67.5
J-12	595: High Service	118	0.14	76.4
J-13	595: High Service	121	0.08	75.1
J-14	595: High Service	66	0.5	99
J-15	596: Low Service	157	0	32
J-16	595: High Service	157	0	59.5
J-18	595: High Service	82	0	92
J-19	595: High Service	72	2.32	96.3
J-20	595: High Service	76	0	94.6
J-21	595: High Service	86	0	90.3
J-23	595: High Service	94	0	86.8
J-27	595: High Service	78	0	93.7
J-28	595: High Service	43	0.11	108.9
J-29	595: High Service	37.6	0	111.2
J-30	595: High Service	73.9	0	95.5
J-31	595: High Service	121.2	1.57	75
J-33	595: High Service	190.2	0.2	45.2
J-34	595: High Service	150	0	62.5
J-35	595: High Service	128	0	72.1
J-36	595: High Service	123	1.12	74.2
J-37	595: High Service	242	0	22.9
J-38	595: High Service	245	0	21.6
J-39	595: High Service	190	0	45.4
J-40	595: High Service	37	0.4	111.5
J-41	595: High Service	30	0.32	114.5
J-42	595: High Service	134.2	0	69.4
J-43	595: High Service	141.3	1.92	66.3
J-44	595: High Service	41	0.71	109.7
J-56	595: High Service	74	0.11	95.5
J-59	596: Low Service	113.3	1.67	50.9
J-60	595: High Service	17	0.76	120.1
J-61	595: High Service	67	0.29	98.6
J-62	595: High Service	34.2	1.07	112.7
J-63	595: High Service	50	0.49	105.9
J-64	595: High Service	100	0.46	84.2
J-65	595: High Service	171	0.27	53.5
J-66	595: High Service	168	0.23	54.9
J-67	595: High Service	138	0.34	67.7
J-68	596: Low Service	69	0.33	70.1
J-69	596: Low Service	63	0	72.7
J-70	595: High Service	143	0.45	65.6



**Junction Input Data**  
**Water Distributiouon System Study**  
**West Newbury, MA**

<b>Label</b>	<b>Zone</b>	<b>Elevation (ft)</b>	<b>Demand (gpm)</b>	<b>Pressure (psi)</b>
J-71	595: High Service	116	1.08	77.3
J-72	596: Low Service	64	0.15	72.2
J-73	595: High Service	129	0.36	71.6
J-74	595: High Service	99.1	0.33	84.7

**Water Storage Tanks Input Data**  
**Water Distributioun System Study**  
**West Newbury, MA**

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<b>Label</b>	<b>Zone</b>	<b>Base Elevation (ft)</b>	<b>Overflow Elevation (ft)</b>
PIPE STAVE TANK	596: Low Service	192	232
Brake Hill Tank - New	595: High Service	262.5	300

**Pump Input Data**  
**Water Distributiou System Study**  
**West Newbury, MA**

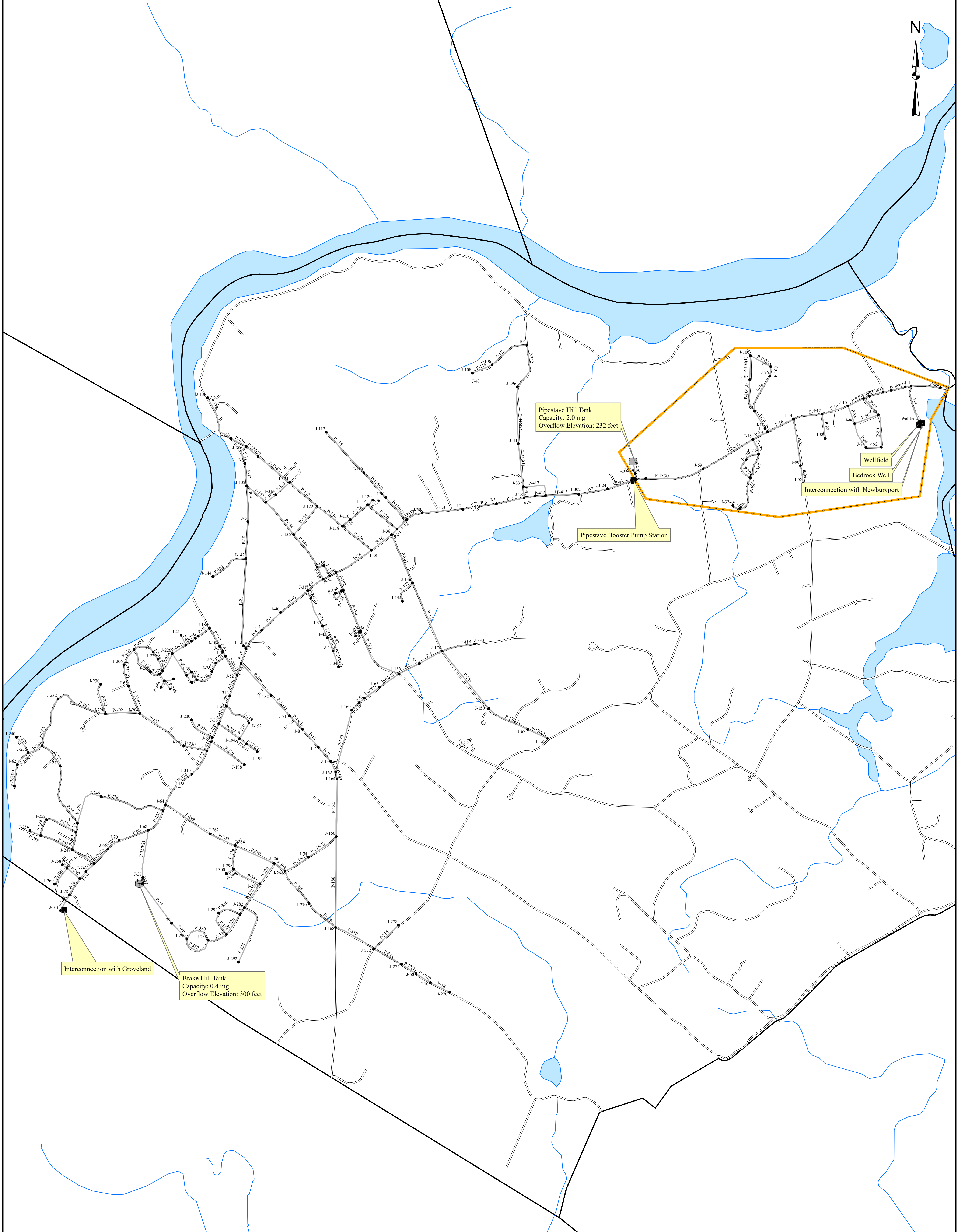
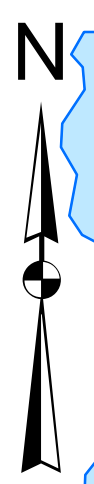
<b>Label</b>	<b>Elevation (ft)</b>	<b>Hydraulic Grade (Discharge) (ft)</b>	<b>Head (Design) (ft)</b>	<b>Flow (design) (gpm)</b>
Newbury Port Pump	18.5	231	323	355
Pipe Stave Hill BPS No.	157	294.5	70	360
Pipe Stave Hill BPS No.	157	294.5	70	360
West Newbury Pump	18.5	231	231	130



# Appendix C

APPENDIX C





**Legend**

- Junction
- Water Main
- ▭ Low Service Area

# Link Map West Newbury, Massachusetts



**TATA & HOWARD**

Approximate Scale: 1" = 1,000'  
January 2024

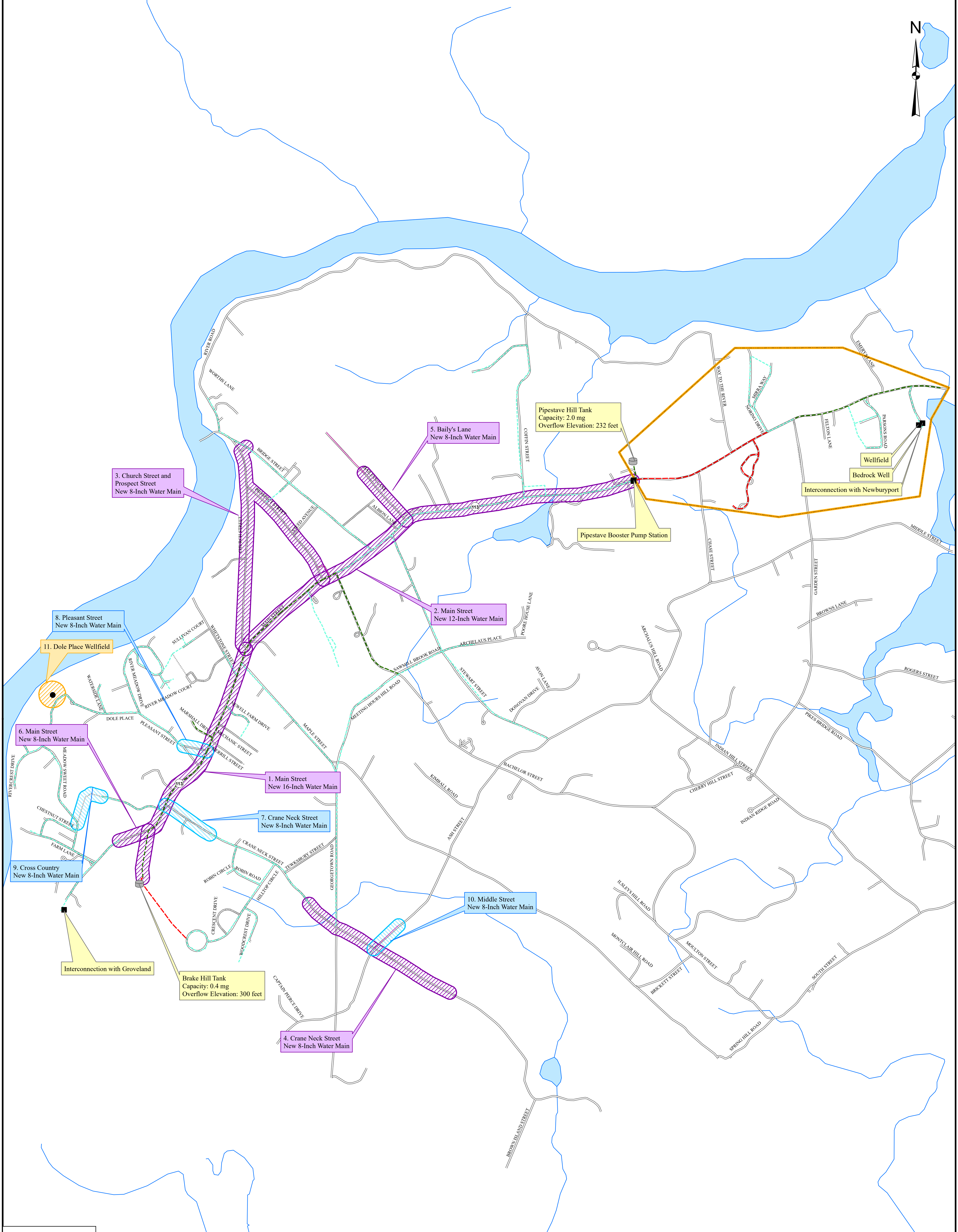
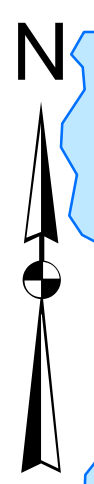


# Appendix D

APPENDIX D







Legend	
Water Main Diameter	
	4-Inch & Smaller
	6-Inch
	8-Inch
	10-Inch
	12-Inch
	Low Service Area
Recommended Improvements	
	Priority I
	Priority II
	Priority III

# Recommended Improvements West Newbury, Massachusetts



TATA & HOWARD

Approximate Scale: 1" = 1,000'  
January 2024





OFFICE LOCATIONS:  
MA | NH | CT | VT | AZ

**800-366-5760**  
**[www.tataandhoward.com](http://www.tataandhoward.com)**





## 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](mailto:townmanager@wnewbury.org)

TO: Select Board  
FROM: Angus Jennings, Town Manager  
DATE: January 27, 2024  
RE: CPA funding applications

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As of this date, the enclosed applications for CPA eligibility and funding have been submitted. The CPC considered these applications at its recent meeting of January 24<sup>th</sup>. It unanimously endorsed the eligibility of each of the applications, and will consider funding applications received at its next meeting in February.

This is a request for the Select Board to formally endorse submittal of CPA funding applications to support the proposed Pickleball Feasibility Study and the proposed design/engineering/permitting work for new/improved paths connecting the Sawmill Brook / Mill Pond / Deer Run properties.

**TOWN OF WEST NEWBURY  
COMMUNITY PRESERVATION COMMITTEE**

**APPLICATION FOR PROJECT ELIGIBILITY**

This application may be completed electronically and emailed to [cpc@wnewbury.org](mailto:cpc@wnewbury.org) or printed and completed by hand and submitted to the CPC Administrator. All applications must be received by the CPC Office at least 2 weeks prior to a scheduled meeting in order to be considered by the Committee. For more information contact 978-363-1100 X131.

**APPLICANT INFORMATION:**

Project Name:	Pickleball Site Feasibility Study
Project Address:	To be determined
Map/Lot:	To be determined
Applicant Name: (Group or Committee Affiliation)	West Newbury Select Board
Contact Person:	Angus Jennings
Telephone:	(978) 363-1100 x111
Address:	381 Main Street West Newbury, MA 01985
Email:	<a href="mailto:townmanager@wnewbury.org">townmanager@wnewbury.org</a>
Date of Application:	January 2, 2024

**COMMUNITY PRESERVATION CATEGORY:** *(Consult guidelines on following page and check all that apply)*

- |                                     |   |
|-------------------------------------|---|
| <input type="checkbox"/>            | Open Space  |
| <input checked="" type="checkbox"/> | Recreation  |
| <input type="checkbox"/>            | Historic Preservation   |
| <input type="checkbox"/>            | <ul style="list-style-type: none"> <li>• Eligible/On State Registry</li> </ul>        |
| <input type="checkbox"/>            | <ul style="list-style-type: none"> <li>• Designated by Historic Commission</li> </ul> |
| <input type="checkbox"/>            | Community Housing   |

**TOWN OF WEST NEWBURY  
COMMUNITY PRESERVATION COMMITTEE**

**APPLICATION FOR PROJECT ELIGIBILITY**

CPA ELIGIBILITY REQUIREMENTS				
	Open Space	Recreation	Historic	Housing
<b>Acquire</b>	Yes	Yes	Yes	Yes
<b>Create</b>	Yes	Yes	No	Yes
<b>Preserve</b>	Yes	Yes	Yes	Yes
<b>Support</b>	No	No	No	Yes
<b>Rehabilitate and/or Restore</b>	Yes, if acquired or created with CPA funds	Yes  (New 7/8/2012)	Yes	Yes  If acquired or created with CPA funds
Adapted from "Recent Developments in Municipal Law", Massachusetts Department of Revenue, October 2012				

**General Criteria**

The Community Preservation Committee will give preference to proposals which address as many of the following general criteria as possible:

- Are consistent with the planning documents that have received wide scrutiny, public input and have been adopted by the Town such as the Open Space and Recreation Plan, Capital Improvement Plan and Master Plan;
- Preserve and enhance the character of the town;
- Save resources that would otherwise be threatened;
- Serves a currently under-served population;
- Either serve more than one CPA purpose (especially in linking open space, recreation and community housing) or demonstrate why serving multiple needs is not feasible;
- Demonstrate practicality and feasibility; demonstrate that the project can be implemented expeditiously and within budget;
- Produce an advantageous cost/benefit value;
- Leverage additional public and/or private funds;
- Preserve or utilize current town-owned assets; and
- Receive endorsement by other municipal boards or departments as well as community groups.

**TOWN OF WEST NEWBURY  
COMMUNITY PRESERVATION COMMITTEE**

**APPLICATION FOR PROJECT ELIGIBILITY**

**PROJECT DESCRIPTION:**

<p>Provide a description of the project:</p> <p>Pickleball courts are a popular commodity in many areas of the country and especially in this region. West Newbury does not currently have courts for its residents to play on and residents have expressed an interest in the possibility of constructing outdoor courts in West Newbury. This feasibility study will look at Town owned parcels that could be developed to accommodate outdoor pickleball play, including courts, parking, fencing and other amenities. The study will provide preparation of GIS base plans, site evaluation including utility constraints and permitting requirements, schematic designs and an estimate of probable cost for design, site work and construction.</p>
<p>How is this project consistent with the goals of the CPA?</p> <p>This project is the first step in the process of siting and constructing pickleball courts in West Newbury. This long-term effort will expand the types of recreational opportunities offered in West Newbury to residents of all ages. Most organized recreational activities in Town are for youth, while pickleball is played by people of all ages, most notably senior citizens. It will utilize property that is currently Town owned, thus maximizing the use of Town resources. Many other towns have used CPA funds to complete Pickleball Court Feasibility Studies, Design and Construction, so this use has been established as appropriate.</p>
<p>What is the intended timeline of the project?</p> <p>The project will be completed over a eight-month period beginning in July 2024.</p>

**FUNDING:**

Estimated funding needed for this project:	\$ 22,000 (to be refined in Funding Application)
CP funding requested:	\$ 22,000

**OTHER:**

<p>Please attach any other information which you think would be useful for the CPC to consider when evaluating this project's eligibility for funding.</p>
--

**TOWN OF WEST NEWBURY  
COMMUNITY PRESERVATION COMMITTEE**

**APPLICATION FOR PROJECT ELIGIBILITY**

This application may be completed electronically and emailed to [cpc@wnewbury.org](mailto:cpc@wnewbury.org) or printed and completed by hand and submitted to the CPC Administrator. All applications must be received by the CPC Office at least 2 weeks prior to a scheduled meeting in order to be considered by the Committee. For more information contact 978-363-1100 X131.

**APPLICANT INFORMATION:**

Project Name:	Sawmill Brook Conservation Area Trail
Project Address:	Archelaus Place and Poor House Lane
Map/Lot:	Map R14, Lots 30 and 30F; and Poor House Lane right-of-way (no Assessors' Map/Lot)
Applicant Name: (Group or Committee Affiliation)	West Newbury Select Board
Contact Person:	Angus Jennings, Town Manager
Telephone:	978-363-1100 x111
Address:	381 Main Street, West Newbury, MA 01985
Email:	Townmanager@wnewbury.org
Date of Application:	01/19/24

**COMMUNITY PRESERVATION CATEGORY:** *(Consult guidelines on following page and check all that apply)*

- |                          |   |
|--------------------------|---|
| <b>X</b>                 | Open Space  |
| <input type="checkbox"/> | Recreation  |
| <input type="checkbox"/> | Historic Preservation   |
| <input type="checkbox"/> | <ul style="list-style-type: none"> <li>• Eligible/On State Registry</li> </ul>        |
| <input type="checkbox"/> | <ul style="list-style-type: none"> <li>• Designated by Historic Commission</li> </ul> |
| <input type="checkbox"/> | Community Housing   |

**TOWN OF WEST NEWBURY  
COMMUNITY PRESERVATION COMMITTEE**

**APPLICATION FOR PROJECT ELIGIBILITY**

CPA ELIGIBILITY REQUIREMENTS				
	Open Space	Recreation	Historic	Housing
<b>Acquire</b>	Yes	Yes	Yes	Yes
<b>Create</b>	Yes	Yes	No	Yes
<b>Preserve</b>	Yes	Yes	Yes	Yes
<b>Support</b>	No	No	No	Yes
<b>Rehabilitate and/or Restore</b>	Yes, if acquired or created with CPA funds	Yes  (New 7/8/2012)	Yes	Yes  If acquired or created with CPA funds
Adapted from "Recent Developments in Municipal Law", Massachusetts Department of Revenue, October 2012				

**General Criteria**

The Community Preservation Committee will give preference to proposals which address as many of the following general criteria as possible:

- Are consistent with the planning documents that have received wide scrutiny, public input and have been adopted by the Town such as the Open Space and Recreation Plan, Capital Improvement Plan and Master Plan;
- Preserve and enhance the character of the town;
- Save resources that would otherwise be threatened;
- Serves a currently under-served population;
- Either serve more than one CPA purpose (especially in linking open space, recreation and community housing) or demonstrate why serving multiple needs is not feasible;
- Demonstrate practicality and feasibility; demonstrate that the project can be implemented expeditiously and within budget;
- Produce an advantageous cost/benefit value;
- Leverage additional public and/or private funds;
- Preserve or utilize current town-owned assets; and
- Receive endorsement by other municipal boards or departments as well as community groups.



**TOWN OF WEST NEWBURY  
COMMUNITY PRESERVATION COMMITTEE**

**APPLICATION FOR PROJECT ELIGIBILITY**

**PROJECT DESCRIPTION:**

**Provide a description of the project:**

This project is for the design, engineering and permitting of a trail connecting recorded easements on the site of the recently-constructed Deer Run Subdivision (located off Main Street, generally across the street from Long Hill Orchard), across the Town’s newly-acquired Sawmill Brook Conservation Area (purchase of land closed on Dec. 15, 2023), and connecting to an existing trail located on the Mill Pond conservation area. Due to the presence of a wetlands system which includes a perennial stream, a portion of the trail is expected to require a boardwalk. The intent of the new trail will be to expand upon the existing passive recreational opportunities offered at the Town’s Mill Pond / Pipestave Hill Conservation Area, allowing for an expanded trail network and improved public access.

The geographic scope of the project will also include design, engineering and permitting to improve an existing location where a trail crosses wetlands. This location, located within the Poor House Lane right-of-way, north of where the constructed roadway ends, would benefit from design attention. Now that Sawmill Brook is publicly owned, it is anticipated that this access point (via the Poor House Lane ROW) will get more use, so it may need some type of boardwalk. This would be determined within the design phase of the work proposed for CPA funding.

The location of the work is generally illustrated on the attached map:

- The primary focus of the design/engineering/permitting work will be the proposed connection from Deer Run to Mill Pond, via Sawmill Brook (basically, to connect “Point A” to “Point B” on the map)
- The secondary focus of the design/engineering/permitting work will be the existing trail/wetlands crossing within the Poor House Lane ROW (generally, “Point C” on the map)

**How is this project consistent with the goals of the CPA?**

The acquisition of the Sawmill Brook property was partially funded with CPA funds (along with State LAND Grant funds, and contributions from Essex County Greenbelt). This proposed project will advance design/engineering/permitting in order to expand the trail network and improve public access. The trail will connect the popular Pipestave Hill / Mill Pond recreational area to recorded trail easement in the Deer Run development. The boardwalk design over Sawmill Brook and wetlands would ensure minimal impacts to the resource areas and provide for public viewing of wildlife and natural areas.

**TOWN OF WEST NEWBURY  
COMMUNITY PRESERVATION COMMITTEE**

**APPLICATION FOR PROJECT ELIGIBILITY**

**What is the intended timeline of the project?**

- Initial Planning and Coordination with Town staff, boards, commissions, and committees – Winter 2024 (ongoing)
- Submit CPC Eligibility Application – January 2024
- Submit CPC Funding Application – February 2024
- Seek CPC Funding at Town Meeting – April 2024
- Finalize Scope and Seek Proposals for Design / Engineering / Permitting – Spring 2024
- Contract with Consulting Firm – Early summer 2024
- Preliminary Design and Permitting – Summer/Fall 2024 (Note: there are many variables in the design and, especially, permitting process, so this estimated timeline could change as the project moves forward)
- Seek funding for project construction (may include CPA funding proposal, State grant application, coordination of in-kind support, or some combination thereof) – Once project is fully permitted.

Subsequent to the work proposed here (and NOT part of the present CPA funding proposal), the Town would proceed with:

- Construction Documents out to Bid
- Construction Contract Signed
- Construction

**FUNDING:**

Estimated funding needed for this project:	\$ Unknown. (The Town is working to secure estimated costs for purposes of submitting a CPA funding application in February 2024).
CP funding requested:	\$ Full amount of design / engineering / permitting costs. (Note: Town staff do expect to invest significant time/effort toward this project as a non-financial in-kind match).

**OTHER:**

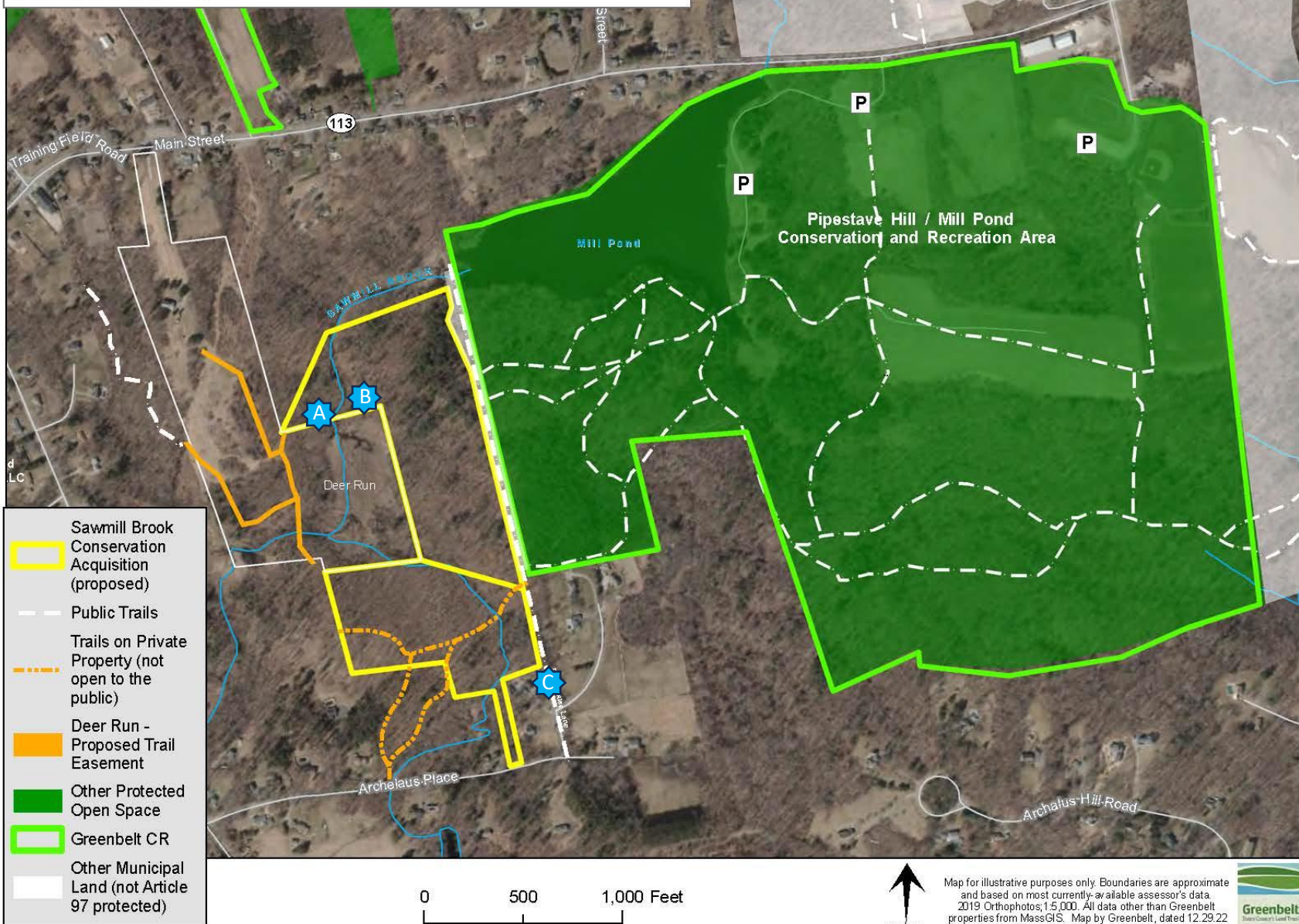
Please attach any other information which you think would be useful for the CPC to consider when evaluating this project’s eligibility for funding.

See attached maps (3) from the Sawmill Brook Conservation Area Acquisition Project, and one map generally illustrating the proposed locations where the design work would focus.

TOWN OF WEST NEWBURY  
 COMMUNITY PRESERVATION COMMITTEE

APPLICATION FOR PROJECT ELIGIBILITY

**Sawmill Brook Conservation Project**  
 32 acres +/-



**TOWN OF WEST NEWBURY  
COMMUNITY PRESERVATION COMMITTEE**

**APPLICATION FOR PROJECT ELIGIBILITY**

*2024 JAN 29 10:00 AM*

This application may be completed electronically and emailed to [cpc@wnewbury.org](mailto:cpc@wnewbury.org) or printed and completed by hand and submitted to the CPC Administrator. All applications must be received by the CPC Office at least 2 weeks prior to a scheduled meeting in order to be considered by the Committee. For more information contact 978-363-1100 X131.

**APPLICANT INFORMATION:**

Project Name:	<b>Quaker Cemetery Clean up</b>
Project Address:	<b>Turkey Hill Road</b>
Map/Lot:	<b>R- 20</b>
Applicant Name: (Group or Committee Affiliation)	<b>Historic Commission</b>
Contact Person:	<b>Robert Janes</b>
Telephone:	<b>978-518-6391</b>
Address:	<b>Box 214, West Newbury, MA. 01985</b>
Email:	<b>Icepick185@gmail.com</b>
Date of Application:	<b>16 January 2024</b>

**COMMUNITY PRESERVATION CATEGORY:***(Consult guidelines on following page and check all that apply)*

- |                                     |   |
|-------------------------------------|---|
| <input type="checkbox"/>            | Open Space  |
| <input type="checkbox"/>            | Recreation  |
| <input checked="" type="checkbox"/> | Historic Preservation   |
| <input type="checkbox"/>            | <ul style="list-style-type: none"> <li>• Eligible/On State Registry</li> </ul>        |
| <input type="checkbox"/>            | <ul style="list-style-type: none"> <li>• Designated by Historic Commission</li> </ul> |
| <input type="checkbox"/>            | Community Housing   |



**TOWN OF WEST NEWBURY  
COMMUNITY PRESERVATION COMMITTEE**

**APPLICATION FOR PROJECT ELIGIBILITY**

CPA ELIGIBILITY REQUIREMENTS				
	Open Space	Recreation	Historic	Housing
Acquire	Yes	Yes	Yes	Yes
Create	Yes	Yes	No	Yes
Preserve	Yes	Yes	Yes	Yes
Support	No	No	No	Yes
Rehabilitate and/or Restore	Yes, if acquired or created with CPA funds	Yes  (New 7/8/2012)	Yes	Yes  If acquired or created with CPA funds
Adapted from "Recent Developments in Municipal Law", Massachusetts Department of Revenue, October 2012				

**General Criteria**

The Community Preservation Committee will give preference to proposals which address as many of the following general criteria as possible:

- Are consistent with the planning documents that have received wide scrutiny, public input and have been adopted by the Town such as the Open Space and Recreation Plan, Capital Improvement Plan and Master Plan;
- Preserve and enhance the character of the town;
- Save resources that would otherwise be threatened;
- Serves a currently under-served population;
- Either serve more than one CPA purpose (especially in linking open space, recreation and community housing) or demonstrate why serving multiple needs is not feasible;
- Demonstrate practicality and feasibility; demonstrate that the project can be implemented expeditiously and within budget;
- Produce an advantageous cost/benefit value;
- Leverage additional public and/or private funds;
- Preserve or utilize current town-owned assets; and
- Receive endorsement by other municipal boards or departments as well as community groups.

**TOWN OF WEST NEWBURY  
COMMUNITY PRESERVATION COMMITTEE**

**APPLICATION FOR PROJECT ELIGIBILITY**

**PROJECT DESCRIPTION:**

Provide a description of the project:

Last year (2023) the Historic Commission used CPA funds to remove the brush, poison ivy, and fallen branches at the cemetery. That has been completed. There is one large maple tree that needs to be removed, and some dead limbs in other trees that should be removed so as not to cause damage to grave stones.

How is this project consistent with the goals of the CPA?

It meets the goal of including all town cemeteries in our third phase survey of historic places.

What is the intended timeline of the project?

We hope to start this project as soon after the special Town Meeting this spring as possible.

**FUNDING:**

Estimated funding needed for this project:	<b>\$4,000.00</b>
CP funding requested:	<b>\$4,000.00</b>

**OTHER:**

Please attach any other information which you think would be useful for the CPC to consider when evaluating this project's eligibility for funding.

## Town Manager

---

**From:** Chris Manni - Chairman [REDACTED]  
**Sent:** Friday, January 26, 2024 11:52 AM  
**To:** Town Manager  
**Cc:** Kathleen Kastrinelis; Chris Wile; Carol McLeod - Finance (X3040); Rebecca Oldham; Rob G; [REDACTED] Justin Bartholomew; Suzanne Wallace; Jonathan Seymour; Selectboard; Executive Assistant  
**Subject:** Re: PRSD Regional Agreement - Next Meeting

Thanks for the update and taking the lead on preparing the consolidated draft Angus!

Regarding further changes, the Merrimac Select Board is not currently considering any additional revisions. Our focus is on the current proposals and getting an agreement across the finish line in time for April Town Meeting.

Thanks again,

Chris Manni, Merrimac Select Board Chair

Sent from my iPad

On Jan 26, 2024, at 11:43 AM, Town Manager <townmanager@wnewbury.org> wrote:

Thanks, Chris M.

I have a conflicting meeting Tuesday at 5pm but have confirmed that Select Board member Chris Wile will attend and represent West Newbury. (So, thanks Chris W. too!)

On Monday, my office will prepare a consolidated draft reflecting both the WN proposed edits (as presented at the meeting with the School Committee late fall) with the Groveland proposals, which I received from Rebecca Oldham in December, so the group on Tuesday will have a single document to focus the discussion. I understand that the Groveland BOS will be discussing this further at their meeting on Monday night so if any further proposed revisions come out of their meeting (or out of Merrimac) those will need to be built in on Tuesday.

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](mailto:townmanager@wnewbury.org)

---

**From:** Chris Manni - Chairman [REDACTED]  
**Sent:** Friday, January 26, 2024 9:14 AM  
**To:** Kathleen Kastrielis [REDACTED]; Chris Wile <cwile@wnewbury.org>; Carol McLeod - Finance (X3040) <cmcleod@townofmerrimac.com>; Rebecca Oldham <ROldham@grovelandma.com>; Town Manager <townmanager@wnewbury.org>; Rob G [REDACTED]; Justin Bartholomew <jbartholomew@prsd.org>; Suzanne Wallace <swallace@prsd.org>; Jonathan Seymour <seymour@prsd.org>  
**Subject:** Re: PRSD Regional Agreement - Next Meeting

Good morning and Happy Friday everyone!

Given everyone's feedback, we will meet on Tuesday, January 30th at 5PM at the MS/HS. Jonathan, would you be able to book us a room as you did last time?

The agenda is below and the expectation is that we complete the agenda so next meeting is a formal vote which should put us in line for April Town Meetings.

- 1) Call Meeting to Order (5:00)
- 2) Approve Agenda (5:00)
- 3) Continued Business (5:01)
  - a.) Open Discussion on Existing Proposed Changes
- 4) New Business (5:35)
  - a.) Consolidation of feedback in one document to prepare for formal vote
  - b.) Open Discussion on any other proposed changes
- 5) Adjorn (5:55)

Please let me know if anyone has any questions or concerns.

Thanks again everyone for everything you do!

Chris Manni, Merrimac Select Board Chair

Sent from my iPad

On Jan 5, 2024, at 4:24 PM, Chris Manni - Chairman <[selectman2@townofmerrimac.com](mailto:selectman2@townofmerrimac.com)> wrote:

Hello everyone,

After getting feedback on everyone's availability, we will NOT meet on Wednesday, January 10th. **The next potential meeting date is Tuesday, January 30th. Please respond if you are available on that date.** In order to meet, we need at least two of the three Select Board members to attend. If one cannot attend, the Town Manager/Administrator must attend and participate on their behalf. The very next meeting, I expect decisions to be made so we will need all three Select Board members to attend. Please let me know if I need to clarify this.

Kathy, last meeting's participants (besides you of course) were:

Chris Manni - Merrimac Select Board



Chris Wile - West Newbury Select Board  
Carol McLeod - Merrimac Town Administrator  
Rob Gustison - Merrimac Finance Committee

Also present was Jonathan Seymour - PRSD Director of Operations but just to make sure the room was booked and setup for us.

Thank you everyone for your time and I look forward to moving this process forward.

Be safe this weekend everyone!

Chris Manni, Merrimac Select Board Chair

Sent from my iPad

Park and Recreation Agenda

1<sup>st</sup> floor meeting room, 381 Main St.

Monday January 29, 2024 7:30 pm

1. Call to Order
2. Joint Meeting with the Select Board to consider applicants for vacancy on Park and Recreation Commission to serve the until May 6, 2024.
3. Adjournment



## Town of West Newbury Application for Appointment

For additional information please call 978-363-1100, ext. 110.

The Town appreciates your interest in serving. Please complete this form and return it to: Town Clerk, 381 Main Street, West Newbury, MA 01985 or email to: [townclerk@wnewbury.org](mailto:townclerk@wnewbury.org)

Name: Casey Fallon

Address

e-mail:

Mobile

Home phone:

Board(s) or committee(s) you are interested in volunteering on:

Town Parks and Recreation Commission

Current or past committees served on: none in West Newbury. Volunteer NSCA State Director for West Virginia

Relevant skills, expertise and education: Currently hold the Aquatics Director position at a YMCA

Spent ten years as a sports performance and fitness coach for elementary, middle, and high school students, as well as adults.

All board or committee vacancies will be filled by citizens deemed most qualified to serve in a particular capacity. I also understand that in the event that I am appointed to a position, my activities will be governed by the Massachusetts Conflict of Interest Law, Open Meeting Law, Public Records Law, the Bylaws of The Town of West Newbury and all other applicable federal, state and local laws or regulations.

Signature:

Date:

1/20/2024

Board/Committee

Appointing Authority

Date of Appointment

Sworn in



# Town of West Newbury

## Application for Appointment

For additional information please call 978-363-1100, ext. 110.

The Town appreciates your interest in serving. Please complete this form and return it to: Town Clerk, 381 Main Street, West Newbury, MA 01985 or email to: [townclerk@wnewbury.org](mailto:townclerk@wnewbury.org)

Name: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Board(s) or committee(s) you are interested in volunteering on:

\_\_\_\_\_

Current or past committees served on: \_\_\_\_\_

\_\_\_\_\_

Relevant skills, expertise and education: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

All board or committee vacancies will be filled by citizens deemed most qualified to serve in a particular capacity. I also understand that in the event that I am appointed to a position, my activities will be governed by the Massachusetts Conflict of Interest Law, Open Meeting Law, Public Records Law, the Bylaws of The Town of West Newbury and all other applicable federal, state and local laws or regulations.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Board/Committee \_\_\_\_\_

Appointing Authority \_\_\_\_\_

Date of Appointment \_\_\_\_\_ Sworn in \_\_\_\_\_

## Town Manager

---

**From:** Town Manager  
**Sent:** Sunday, January 14, 2024 2:19 PM  
**To:** Douglas Mead; Wendy Willis  
**Cc:** Selectboard  
**Subject:** Summer Rec Program, updates

P&R Comm,

At their meeting on Monday night, the Select Board voted 3-0 to approve a Director/Assistant Director program leadership structure, rather than a Co-Director structure.

We have updated the prior Co-Director job description to instead be a Director job description. The job description is written in such a way that the Director will be responsible for program administration/oversight throughout the 6 weeks, but has some flexibility for on-site coverage, in anticipation that a high-level Asst Director may be hired who's capable of on-site program oversight in the absence of the Director. The posted salary range reflects each of the 2023 co-director salaries adjusted for cost of living. I posted the job description and job ad a short time ago to the Town's job posting board:

[Employment Opportunities | Town of West Newbury MA \(wnewbury.org\)](https://www.wnewbury.org/employment-opportunities)

In addition to the posting, I will notify both individuals who have previously expressed interest in employment with the program. We will work to get the Director position posted quickly. I note that the Commission's Jan 26<sup>th</sup> agenda includes review of the 2024 summer program budget, so ideally we can get overall program staffing and pay structure approved by the end of the month, which was the same timing as last year. The Asst Director job description we have on file will require some updates prior to posting, so we'll be working on that.

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](mailto:townmanager@wnewbury.org)

## Town Manager

---

**From:** Town Manager  
**Sent:** Thursday, January 25, 2024 8:15 PM  
**To:** Douglas Mead; Wendy Willis  
**Cc:** Wendy Reed; Amy Wilson; Walsh, Jennifer  
**Subject:** Meeting packet for Parks & Rec Comm tomorrow at 5:30pm  
**Attachments:** Parks and Rec Comm mtg packet for 1-26-24.pdf

P&R Comm,

Please find attached meeting materials in support of your meeting tomorrow evening. Most of the materials in the packet have previously been provided; I put it together into a single packet for your convenience to have things all in one place.

To me, the most time-sensitive matter before you is to review and recommend the 2024 Summer Rec program budget. A proposed budget is included on pg. 17 of the packet, and I would ask for the Commission's vote to recommend the budget either as-is or as you may see fit to modify it at your meeting.

The proposed wage and staffing structure will be taken up by the Select Board at its meeting on Monday night, since wages and staffing require their approval, so if there were to be any changes at tomorrow's P&R Comm mtg these would be communicated to the Board ahead of their vote on Monday night.

I am delighted to report that, following a posting and interview process, we extended a job offer to Amy Wilson to continue her excellent work as program director! The Town Accountant Jenny Walsh and I met with Amy this afternoon, and the proposed Director wage structure is agreeable to all parties. Pending the Commission's and Select Board's approvals, Amy would intend to formally accept the offer on Tuesday. We did also go over the draft overall program budget with Amy, and I believe the draft in the attached packet to be agreeable. We did tell Amy that – while it will be important to firm up the staffing and wage structure – there is some time to fine-tune the expense budget. Once she's back "on the clock", the program costs will be fine-tuned as specific costs (field trips, bus transport, etc.) are firmed up.

The packet also includes a number of Facility Use Request forms from ECTA, and they have been given notice that these are agenda'd for tomorrow evening.

Finally, I have included in the attached packet the agenda for Monday's joint meeting with the Select Board to consider the two applications to fill the remaining term of the Commissioner vacancy, as well as the two applications.

Due to a personal circumstance, I will be unable to attend tomorrow night's meeting, but Wendy Reed will be in attendance and is fully briefed.

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](mailto:townmanager@wnewbury.org)

**WEST NEWBURY SUMMER RECREATION PROGRAM 2024 - PROPOSED BUDGET**

as recommended by \_\_\_\_ vote of Parks & Rec Commission on Jan. 26, 2024

**EXPENSES**

PERSONNEL	QTY	RATE	HRS	TOTAL	Notes
Director	1	fixed	var.	\$ 10,600.00	
Assistant Director	1	fixed	var.	\$ 8,240.00	Range: \$6,180-8,240
Lead Counselor	1	\$ 27.09	222	\$ 6,013.00	\$1.00 incr. from 2023
Counselor(s) (Grade G, Step 1)	2	\$ 17.07	180	\$ 6,145.20	Number of staff at different steps used solely for budgeting purposes; will vary based on actual hiring/staffing.
Counselor(s) (G-2)	2	\$ 17.65	180	\$ 6,354.00	
Counselor(s) (G-3)	3	\$ 18.24	180	\$ 9,849.60	
Counselor(s) (G-4)	0	\$ 18.83	180	\$ -	
Counselor(s) (G-5)	0	\$ 19.42	180	\$ -	
Counselor(s) (G-6)	0	\$ 20.00	180	\$ -	
Counselor(s) (G-7)	0	\$ 20.59	180	\$ -	
Counselor(s) (G-8)	0	\$ 21.19	180	\$ -	
				\$ 47,201.80	

Note: Lead Counselor pay rate based on assumed 12 hrs pre-program, plus 6 35-hr wks during program.

Note: Counselor pay rate variable; returning or experienced staff would be hired at higher grade/rate.

NON PERSONNEL	2023 (Actual)	Proposed Budget	Inflation factor (assumed):
Programming	\$ 10,050.17	\$ 10,352	3%
Transportation	\$ 5,590.00	\$ 5,758	
Supplies	\$ 3,222.04	\$ 3,319	
T-Shirts	\$ 1,482.80	\$ 1,527	
Verizon Wireless	\$ 250.79	\$ 258	
Water Slide (rental)	\$ 4,675.00	\$ 4,815	
MyRec	\$ 1,318.00	\$ 1,358	
Expense contingency		\$ 3,000	
	\$ 26,588.80	\$ 30,386	

PROJECTED EXPENSES	2023 (Actual)	Proposed Budget	Change (\$)	Change (%)	Note
Personnel	\$ 42,381.30	\$ 47,202	\$ 4,820.50	11.4%	Significant part of incr. reflects budgeted contingency
Non Personnel	\$ 26,588.80	\$ 30,386	\$ 3,797.66	14.3%	
TOTAL	\$ 68,970.10	\$ 77,588	\$ 8,618.16	12.5%	

PROJECTED REVENUES	Participants	Rate	Total	Notes
Early drop-off	176	\$ 5.00	\$ 880	Based on 2023 CIT revenue
Counselors-in-Training	variable		\$ 3,862	
Summer program	466	\$ 160.00	\$ 74,560	
			\$ 79,302	

Note: 2023 Summer Program had a total of 476 registrants over the 6 weeks.

Note: 2023 Summer Program had a total of 40 CITs over the 6 weeks (incl. ind. CITs attending multiple weeks).

Note: 2023 Summer Program had a total of 176 early drop-off participants over 6 weeks.

Note: Numbers above don't reflect adjustments for scholarships or sibling discounts

Note: Projected Revenues based on assumption that 2024 rates are unchanged from 2023.

PROGRAM SURPLUS / DEFICIT	Total	
Revenue	\$ 79,302	Budgeted numbers; actual amounts will vary.
Expenses	\$ 77,588	
Projected Surplus / (Deficit)	\$ 1,714	



**SUMMER RECREATION OPERATING BUDGET**

March - September

**2022**

**2023**

Beginning Balance

**34,644.40**

**35,394.88**

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

<b>Expenses</b>		
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	-
	<b>69,072.52</b>	<b>68,970.10</b>

Ending Balance

**35,394.88**

**38,269.78**

Source: Town Accountant, 1/4/2024

## Town Manager

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**From:** Angus Jennings  
**Sent:** Saturday, January 27, 2024 3:37 PM  
**To:** Conservation; Highway; Michael Dwyer; DPW Admin  
**Cc:** Executive Assistant; Selectboard  
**Subject:** RE: Draft traffic control plan, Ash Street  
**Attachments:** Traffic Control Plan to NHESP - DRAFT v2 1-27-24.doc  
  
**Importance:** High

Please find attached an updated draft. Michelle this reflects your suggestions in the email below.

This will be circulated to SB members today as a supplement to Monday's meeting packet, and they'll be asked Monday night to endorse its submittal to the State (in whatever form they may revise it).

On Monday, please send me and Rebecca a paper or electronic (PDF) copy of the map Michelle referenced in her Jan 22<sup>nd</sup> email, which I understand was made available for Butch and Chief Dwyer to work together on to illustrate the proposed signage plan. I know Butch was out sick the first couple of days of the week so not sure where work on this stands, but will want to include this in the materials presented to the Board on Monday evening.

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](mailto:townmanager@wnewbury.org)

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**From:** Conservation <conservation@wnewbury.org>  
**Sent:** Monday, January 8, 2024 3:16 PM  
**To:** Town Manager <townmanager@wnewbury.org>; Highway <highway@wnewbury.org>; Michael Dwyer <dwyer@westnewburysafety.org>  
**Cc:** Executive Assistant <exec.assistant@wnewbury.org>; Town Accountant <townaccountant@wnewbury.org>  
**Subject:** RE: Draft traffic control plan, Ash Street

Hi Angus,

Butch, Chief Dwyer, and myself met on this today. We have a few items we would like to include in a traffic plan to the state:

- Regarding signage, Butch and Chief Dwyer intend to improve signage around the area, both in the immediate vicinity of the gravel road and on the travel routes leading to the road with the hope that this gives drivers of oversize/overweight vehicles enough notice to turn around before reaching the gravel road. Chief Dwyer and Butch will be working to mark up a map of the area with proposed signage and proposed signage locations to be submitted with the traffic plan to NHESP;

- Chief Dwyer will continue to work with the state to get this to show as a discontinued road on state GIS which is where GPS info is pulled from, in an effort to have drivers be sent on alternate routes into town. This work is ongoing but is unfortunately slow at the state level where the GIS changes are made.
- I will create public education materials that the town can send through email blasts during key times of turtle activity asking drivers to slow down, be alert, and preferably seek alternative routes if possible. Turtle activity time is May-July for mating and egg laying and August-September for hatchlings leaving the nest to head back to waterbodies. This timing aligns with duckling/gosling season as well as vernal pool migrations too so may help reduce mortalities of other animals (not sure this needs to be included for the state);
- Include in the plan that a traffic speed warning trailer has been purchased by the town / law enforcement and will be deployed in the area by law enforcement in an effort to get drivers to reduce speed. Though not discussed today, perhaps we could add that the trailer will be deployed during key turtle activity times (May-July for mating and egg laying and August-September for hatchlings leaving the nest and heading to waterbodies);
- Include that the town will continue to seek funding and other opportunities to explore ways to improve wildlife passage/crossing at the site;
- If the town would like to explore something like speedbumps or other physical means to slow vehicles down, could include that the town will seek funding for a traffic engineer to review the area and propose options.

Butch and Chief Dwyer, please don't hesitate to chime in if I got anything incorrect from our meeting.

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](mailto: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:** Town Manager <[townmanager@wnewbury.org](mailto:townmanager@wnewbury.org)>  
**Sent:** Saturday, January 6, 2024 1:06 PM  
**To:** Highway <[highway@wnewbury.org](mailto:highway@wnewbury.org)>; Conservation <[conservation@wnewbury.org](mailto:conservation@wnewbury.org)>; Michael Dwyer <[dwyer@westnewburysafety.org](mailto:dwyer@westnewburysafety.org)>  
**Cc:** Executive Assistant <[exec.assistant@wnewbury.org](mailto:exec.assistant@wnewbury.org)>; Town Accountant <[townaccountant@wnewbury.org](mailto:townaccountant@wnewbury.org)>  
**Subject:** Draft traffic control plan, Ash Street

Hi,

A while back I had penciled it in for the first Select Board mtg of January to include an update on this matter, so there'd be some opportunity for initial review prior to the Board's final mtg of January (Jan 29), which is just 2 days ahead of the deadline to respond to NHESP.

Rebecca mentioned that you all plan to meet on Monday to review a draft. I prepared the attached draft for inclusion in Monday's Select Board packet; it draws almost entirely from the Checklist we submitted this fall, and from 1 or 2 of the emails over the summer describing the method Michelle followed re the mortality survey.

When they discuss this on Monday night, I'll make sure the Board understand the attached hasn't been reviewed/vetted by your offices, but I still hope this will advance the ball on ensuring that we're generally aligned with what the Board intends. If you do have feedback coming out of Monday's working meeting and can send it later that day, I'll bring this to the Board when they meet that night.

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](mailto:townmanager@wnewbury.org)



## Town of West Newbury Select Board

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381 Main Street, West Newbury, MA 01985 | 978-363-1100, Ext. 115  
[selectboard@wnewbury.org](mailto: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~~29, 2024

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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 **version 2**  
Gravel portion of Ash Street, Town of West Newbury  
NHESP File No. 23-8626

**1. 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.

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**2. 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.

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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.

**3. Roadway Flooding / Culvert Clearing**

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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.

#### **4. Roadway Usage Management**

The Police Chief will continue his efforts with the State and the Regional Planning Agency to get this portion of Ash Street shown as discontinued on commercial GPS services, in order to increase diversion of drivers away from this route.

The Town will also create public education materials that the Town will periodically promote via the Town’s email (“e-blast”) distribution system, which reaches over 1,000 email addresses. The public education materials will make residents aware that this location serves as nesting habitat for the protected Blanding’s turtles, and will recommend that drivers seek alternate routes especially during peak turtle mating and egg-laying season (May to July) and peak season for hatchlings leaving their nests (August to September) to return back to water bodies. (This timing aligns with duckling/gosling season as well as vernal pool migrations, so is intended to also help reduce mortalities of other species not specifically protected as endangered or of special concern).

#### **5. Speed Enforcement / Management**

The Town’s Police Department has purchased a traffic speed warning trailer. This will be periodically deployed in this area (as part of an overall rotation of special enforcement locations) in order to increase compliance with posted speed limits. The trailer will be placed with increasing frequency during the peak seasons (May to July, and August to September) referenced above.

#### **6. Signage**

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[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. map being prepared by DPW/Highway and Police – will be available for review at Monday night’s meeting.]

**7. Supplemental Efforts**

The Town will seek grant funding as available, and as feasible, to support opportunities to improve wildlife passage/crossing in this location.

Subject to availability of funding, the Town will engage transportation/engineering support to explore the feasibility of utilizing speed bumps or other physical means to slow vehicles town; and will engage advice as available from the Regional Planning Agency, MassDOT, and local officials in other communities which may have roadways of similar construction.

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## 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](mailto:townmanager@wnewbury.org)

TO: Select Board  
FROM: Angus Jennings, Town Manager  
DATE: January 27, 2024  
RE: Whetstone Greenway NOI

---

Some time ago, the Board had approved the filing of a Notice of Intent to the ConCom relative to the then-proposed “Whetstone Greenway” (so-called). The ConCom opened its hearing, which has been continued on an ongoing basis and continues to appear on ConCom agendas as recently as Jan. 22<sup>nd</sup>:

**Public Hearing: Notice of Intent (continued):** 0 River Meadow Drive – Whetstone Greenway,  
Applicant: Town of West Newbury, Re: Construction of a new trail and boardwalk, DEP# 078-0755

To recognize that this initiative has been indefinitely postponed, this is a request for the Board to formally withdraw the NOI so that the ConCom may update its records accordingly.

## RIGHT TO FARM BYLAW

### Draft charter

In an effort to maintain the character of West Newbury and ensure the long-term viability of local farmers, we endeavor to create a Right to Farm bylaw. Such a bylaw would encourage the pursuit of agriculture, promote agriculture-based economic opportunities, and protect farmlands within the community by allowing agricultural uses and related activities to function with minimal conflict with abutters and town agencies. The local bylaw will serve as a town-specific supplement to Article 97 of the Massachusetts Constitution, which ensures "the protection of the people in their right to the conservation, development and utilization of the agricultural... and other natural resources."

As a function of creating such a bylaw, a standing Agricultural Commission will be established to both make recommendations for the components of the bylaw as well as providing ongoing support to the local farming community and town officials alike. Collectively, the establishment of such a bylaw as well as the creation of a standing Agricultural Commission will not only serve the interests of farmers and farm related activities, but provide additional clarity within town bylaws of activities that should NOT be considered permitted. The timeliness of such bylaw creation is urgent on account of increased property values and pressures on existing agricultural activities in light of ongoing housing pressures.

Provisional members of the advisory council to make recommendations for the Bylaw as well as potentially serve as founding members of an Agricultural Commission include:

Lydia Sisson, Resident  
Wendy Willis, Parks and Recreation Commission  
Chris Grant, Grant Family Farms  
Brendan Bradley, Old Stone Farm

Resources:

<https://www.massagcom.org/Startup.php>

<https://www.mass.gov/doc/model-right-to-farm-by-law/download>

## What happens after passage of the agricultural commission by-law?

1. Steering committee and town leadership work together to solicit applicants for agricultural commission members.
2. Steering committee reviews applications and makes recommendations to the Select Board.
3. Select Board appoints members, assigns terms of service, and establishes date for convening first meeting.
4. First meeting business:
  - ✓ Identify facilitator and recorder.
  - ✓ Review by-law, focus on mission, membership, terms of service, and vote in officers.
  - ✓ Chair convenes first meeting:
    - Note Roberts Rules of Order.
    - Identify Needs, Priorities.
    - Establish goals
    - Begin development of work plan.
    - Implement Work Plan.
  - ☆ **Guiding principle:** Identify and work on achieving one or two measurable goals at a time... build success!
5. Seek involvement from community through a Circle of Friends.

### Circle of Friends or Friends of Farmers

Agricultural Commission membership can leverage their resources by asking for help from others. Friends are people in the community (or connected to the community) that have skills and abilities that the Agricultural Commission needs to achieve their goals. A “friend” will be honored to assist if they are asked to volunteer time on a task that is focused, short term and achievable. Time volunteered by “friends” should be highly valued and respected.

## Agricultural Commission Contacts

The Pilgrim RC&D Area Council, Inc.  
 15 Cranberry Highway  
 West Wareham, MA 02576  
 508-295-1317 x130 or x131

Dartmouth	Middleborough
<ul style="list-style-type: none"> <li>▪ Eric Perry, Chair</li> </ul> <p><b>Members:</b></p> <ul style="list-style-type: none"> <li>▪ David Brownell</li> <li>▪ Sandy Gosselin</li> <li>▪ Sue Guiducci 508-997-9456 sguiducci@earthlink.net</li> <li>▪ Beverly King</li> <li>▪ David King</li> <li>▪ Jim Munger</li> <li>▪ Bill Owen</li> </ul> <p><b>Alternates:</b></p> <ul style="list-style-type: none"> <li>▪ Marcia Cornell Glynn</li> <li>▪ Barbara Purdy</li> </ul>	<ul style="list-style-type: none"> <li>▪ Darlene Anastas, Chair lavenderfields@earthlink.net</li> </ul> <p><b>Members:</b></p> <ul style="list-style-type: none"> <li>▪ Larry Harju</li> <li>▪ John Steill</li> <li>▪ Doug Kirk</li> <li>▪ Dawn Gates Allen</li> <li>▪ Derek Maksy</li> <li>▪ Butch Bell</li> </ul> <p><b>Alternate:</b></p> <ul style="list-style-type: none"> <li>▪ Iain Ward</li> </ul>
Westport	Rehoboth
<ul style="list-style-type: none"> <li>▪ Rob Russell, Co-Chair</li> <li>▪ Shirley D’Agostino-Robbins, Co-Chair</li> </ul> <p><b>Members:</b></p> <ul style="list-style-type: none"> <li>▪ John Bettencourt</li> <li>▪ Karl Santos</li> <li>▪ John Jay Silvia</li> <li>▪ Charlie Costa</li> </ul> <p><b>Alternates:</b></p> <ul style="list-style-type: none"> <li>▪ Jay Tripp</li> <li>▪ Claude Ledoux</li> <li>▪ Phyllis Michalewich</li> <li>▪ Ted Robbins</li> <li>▪ Parker Mauk</li> </ul> <p><b>Advisors:</b></p> <ul style="list-style-type: none"> <li>▪ Barbara Hanley</li> <li>▪ Trip Millikin</li> </ul>	<ul style="list-style-type: none"> <li>▪ Patrick Gouveia, Chair gouveiafarm@yahoo.com</li> </ul> <p><b>Members:</b></p> <ul style="list-style-type: none"> <li>▪ Richard Pray</li> <li>▪ Philip Boucher</li> <li>▪ Al Bouchard</li> <li>▪ Walter Munroe</li> <li>▪ Anne Petersen</li> <li>▪ Dawn Cook</li> </ul> <p><b>Alternates:</b></p> <ul style="list-style-type: none"> <li>▪ Robert Peasley</li> <li>▪ George Brown</li> <li>▪ Barbara Vadnais</li> <li>▪ Elizabeth Botelho</li> <li>▪ June House</li> </ul> <p><b>Advisor:</b></p> <ul style="list-style-type: none"> <li>▪ Barbara Link barbaralink@earthlink.net</li> </ul>

# A Guide to Organizing Town Agricultural Commissions

Provided by  
**The Pilgrim Resource Conservation & Development (RC&D) Area Council, Inc.**  
 through a grant from the  
**Massachusetts Society for Promoting Agriculture**

**An Equal Opportunity Service Provider & Employer**

## What is a town agricultural commission?

A town agricultural commission is an appointed town standing committee whose members are primarily engaged in farming and are responsible for:

- Representing the farming community.
- Encouraging the pursuit of agriculture.
- Promoting agricultural-based economic opportunities.
- Preserving, revitalizing, and sustaining the communities' agricultural businesses and lands.

Communities are enabled by Massachusetts General Law to create standing committees through passage of a local by-law at Town Meeting.

## Why are towns organizing agricultural commissions?

### To address...

**Master Plans:** Protecting agricultural lands, preserving, rural character, and providing viable options for retaining the use of the land for agricultural purposes.

**Open Space Surveys:** 80 percent of respondents said that it is important to preserve farmland and agricultural businesses.

**Town Planning:** Retaining agricultural land and agricultural businesses happens by design and effort, not by chance.

**Grassroots Advocacy:** Providing a voice for farmers and farm businesses and improving the visibility of farming in your town.

## What are town agricultural commissions doing?

### Assessments

- ✓ Inventory farms, farmers and agricultural lands.

### Information, education and outreach

- ✓ Identify farmer's needs, issues and concerns.
- ✓ Network with the agricultural community.
- ✓ Act as a point of contact.
- ✓ Inform farmers about where to get technical, educational, financial, and business assistance.

### Networking, mediation and public awareness

- ✓ Develop trust and working relationships with farmers.
- ✓ Develop trust and working relationships with town boards, staff, environmental organizations, and legislators.
- ✓ Mediate and advocate on farming issues.
- ✓ Provide a voice and visibility for agriculture.
- ✓ Hold social gatherings and community events.

### Farmland protection and agricultural economic development

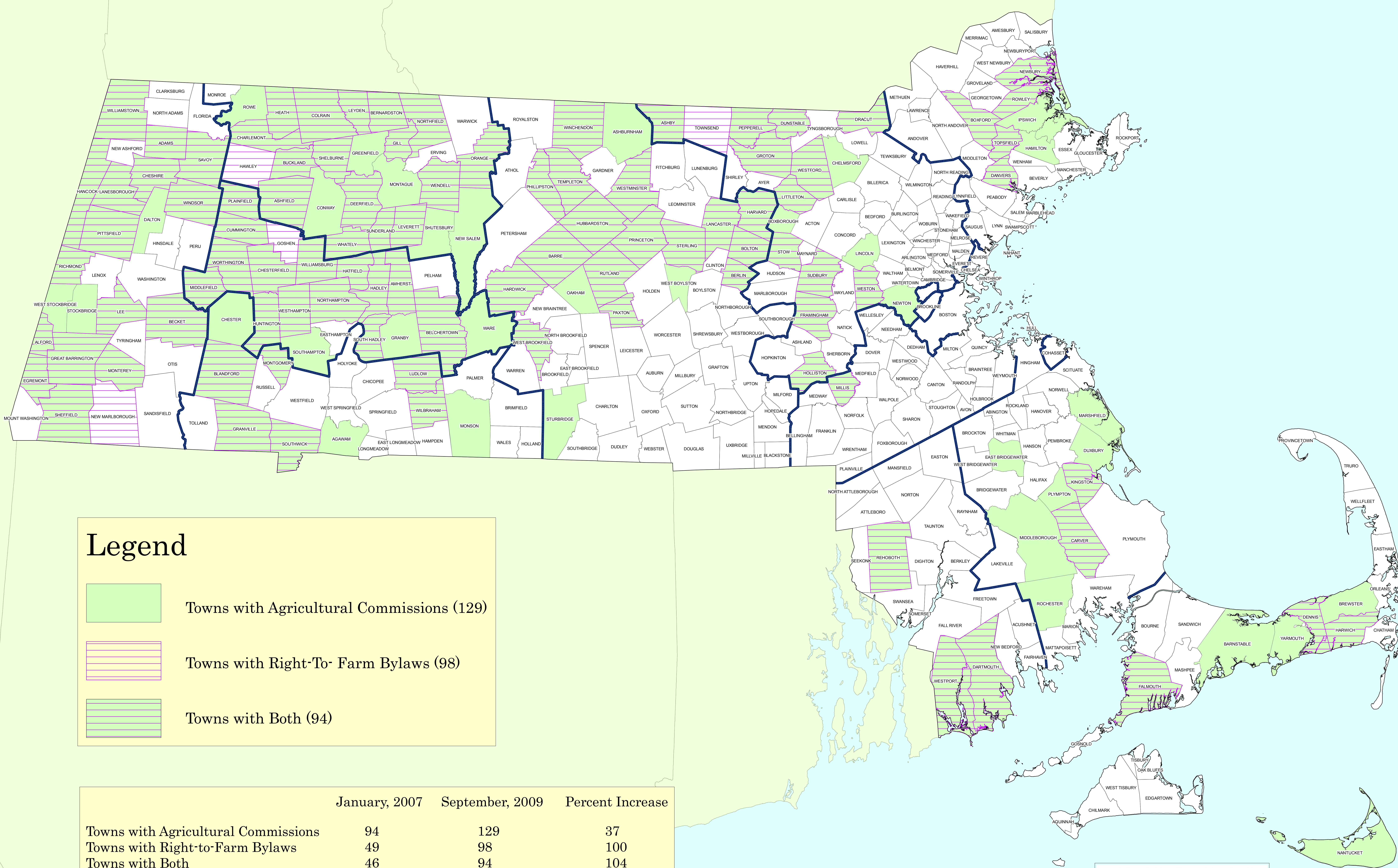
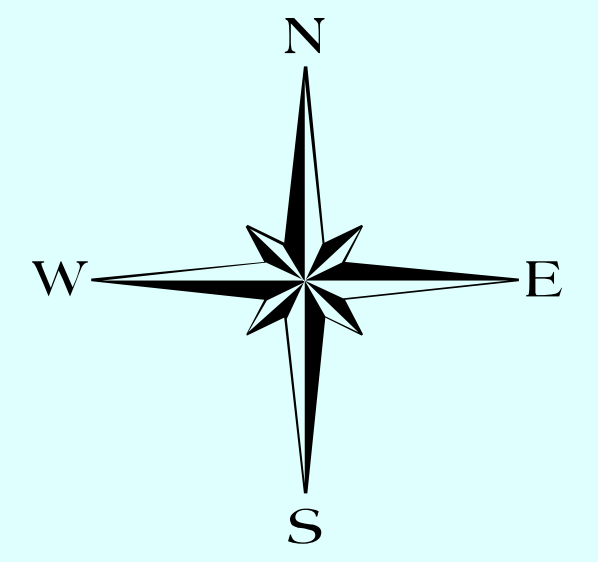
- ✓ Request full use of your town's 120 day waiting period in Chapter 61 right-of-first-refusal process. Evaluate value of property for protection and publicize opportunity for its' agricultural use.
- ✓ Meet with farmers to explain farmland protection programs and connect farmers with appropriate resources.
- ✓ Connect farm owners and farm managers with available farm lands.
- ✓ Identify and establish sources of local funds for farmland protection.
- ✓ Leverage public and private funding for farmland protection.

## How can my town organize an agricultural commission?

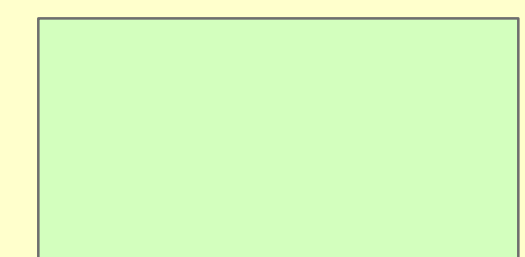
1. Identify leaders and organizers.
2. Assess interest. Talk to farmers, residents, boards and committees, and community decision makers.
3. Gather the support of farmers and town leadership.
4. Organize a public informational meeting.
5. Invite farmers through written letters of invitation, residents and the public through press releases and newspaper articles.
6. Request that members of established agricultural commissions speak about why they organized, what they do, and the benefits to agriculture.
7. Answer the questions: Is an agricultural commission important for our town? Do you think we should organize an agricultural commission in town?
8. Gain commitment from participants to serve on an agricultural commission steering committee.
9. Publicize newly established steering committee meetings.
10. Draft an agricultural commission by-law and town meeting warrant article with input from town boards and town counsel.
11. Research advocates and opposition.
12. Present article at Town Meeting for discussion and vote. Presentation is provided by well informed and prepared advocates.



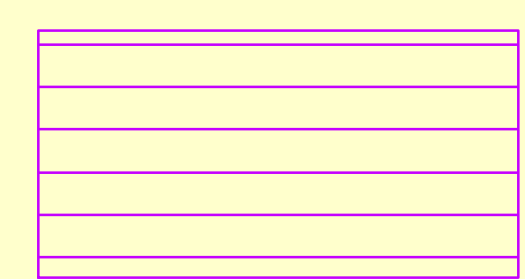
# Agricultural Commissions and Right-To-Farm Bylaws Commonwealth of Massachusetts



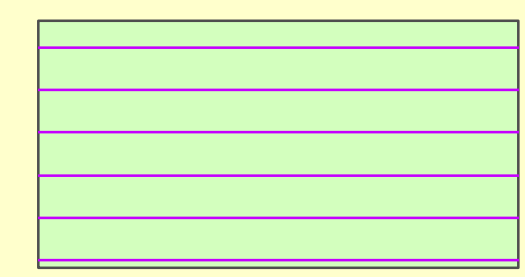
## Legend



Towns with Agricultural Commissions (129)



Towns with Right-To-Farm Bylaws (98)



Towns with Both (94)

	January, 2007	September, 2009	Percent Increase
Towns with Agricultural Commissions	94	129	37
Towns with Right-to-Farm Bylaws	49	98	100
Towns with Both	46	94	104

Base Layers Courtesy of:  
Massachusetts Office of Environmental and  
Geographic Information (MassGIS)





## Town Manager

---

**From:** Town Manager  
**Sent:** Thursday, February 21, 2019 8:23 PM  
**To:** David Archibald  
**Subject:** It's not a sign, but...  
**Attachments:** Sample placard re Hill Orchard Westford MA.pdf

Hi Archie,

I came across the attached flyer (both sides printed to one page in attachment) in my home archives, which I picked up when I worked in Westford. (Hill Orchard was town-owned land but there was a licensing agreement in place that allowed the private farmer to harvest the fruit, with conditions that he'd run a pick-your-own, farmstand, hay rides etc.) I wondered if you might see something like this as worthwhile to work toward (sometime after the crush of budget/town mtg, of course), in lieu of the kind of wayfinding signage you've suggested. The idea would be to create an attractive map of local agricultural/farming operations, then put it into circulation. In addition to making flyers available in local and regional spots (libraries, town/city halls, cafes, etc.) it could be promoted through a mailed town newsletter (my proposed FY20 budget carries funds to do 2/yr). Then updated every couple of years, or more often as needed for timeliness.

I held onto this over the years because I always liked its simplicity and classic look. There would be questions that would need answering about how to ensure that any public dollars would serve a clearly public purpose, i.e. not market private businesses – or if it did, that it did so based on a clearly articulated and defensible public purpose. But the same questions would come up w regard to physical “wayfinding” signage.

I've worked with signage, economic and community development for many years, but have yet to really conceptualize how physical signage could be situated and designed to accomplish the objective you've talked about, to promote local ag. Not to say it couldn't be done, I just haven't figured it out. When I came across the attached while thumbing through some old files, I thought may be of interest – either instead of or in the meantime.

Just a thought...

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](mailto:townmanager@wnewbury.org)



# HILL ORCHARD

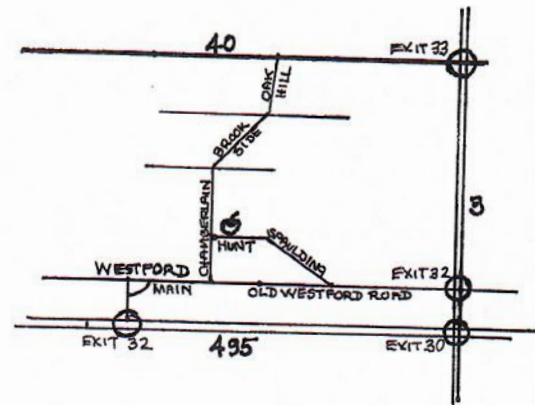
Hunt/Chamberlain Rd.  
Westford, MA



978-692-9894  
[www.monadnockberries.com](http://www.monadnockberries.com)

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\*Closed Mondays,  
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Westford Town Conservation Orchard  
Operated by Anthony & Fenella Levick  
Chamberlain/Hunt Road, Westford MA



## 2024 LEGISLATIVE PRIORITIES

More than 100 Chief Administrative Officers representing communities with populations of 12,000 or less join with the Town of \_\_\_\_\_ to advocate for legislative action that will strengthen our communities and positively impact residents' lives. We call upon our legislative leaders to sponsor and support legislation that aligns with the priorities presented below:

### ***STAM members listed addressing crumbling infrastructure as their top legislative priority***

- Permanently change the **CHAPTER 90 FORMULA**, enhancing the weighting of road miles and increasing annual funding to \$330 million to improve roads, bridges, and water systems
- Create and fund a **MUNICIPAL BUILDING ASSISTANCE AUTHORITY**

### ***Regional school support and sustainable approaches to education remain a top priority***

- Reform the **EDUCATION FUNDING FORMULAS** to provide more support for regional school districts in rural communities, which now find themselves having to choose between good schools and adequate municipal services
- Create meaningful incentives for districts looking to create **SUSTAINABLE PATHWAYS** to extra-regionalization in the face of declining enrollment, and increased costs for personnel and transportation

### ***Members continually cite common-sense reductions in procurement burdens***

- Increase state **PROCUREMENT THRESHOLDS** to reduce administrative and cost burdens on small towns with limited budgets and vendor choices
- **IMPROVE PREVAILING WAGE LAWS** by providing exemptions and rural factors that would allow small towns to complete necessary projects and engage local small businesses

### ***Small towns also consistently advocate for legislative changes with a big "small-town" impact***

- Reform the state-owned land **PAYMENT IN LIEU OF TAXES (PILOT)** to create more equity for towns constrained by necessary land preservation
- Provide **STAFFING AND SUPPORT** for the Office of Rural Affairs and other proactive support for the Rural Policy Advisory Commission
- Reduce or provide more proactive supports to remedy the **ADMINISTRATIVE BURDENS** that prevent small towns from pursuing and receiving state grants

## Town Manager

---

**From:** Kathleen Machet <k.machet@eccf.org>  
**Sent:** Monday, January 22, 2024 5:58 PM  
**To:** Kathleen Machet  
**Cc:** Stratton Lloyd  
**Subject:** Request for Letter of Support: ECCF  
**Attachments:** NOAA Sample Letter of Support- Town.docx

**Follow Up Flag:** Flag for follow up  
**Flag Status:** Flagged

Dear Town Manager/Administrator,

As a valued partner of ECCF and Town Manager/Administrator in the district, I'm writing to **request a letter of support**. ECCF, along with our partners at UMass Amherst Gloucester Marine Station were recently invited by NOAA's Office for Coastal Management to submit a proposal for the national Coastal Resilience Regional Challenge grant program. This program would provide funding for climate resilience in Essex County. It is a nationwide program and out of 869 Letters of Interest, ours was only one of 120 to be invited for a full proposal. This summer, 40 proposals will be funded with the \$575million available through the Inflation Reduction Act. **We want your input and the voices from your community to be elevated.** We're inviting you to be a Partner in our process - only asking for a letter of support from you now - in hopes that when we are awarded, we continue to elevate the issues and solutions from your constituents. Specifically, over four years, we are proposing to:

1. **Build a Regional Resilience Coalition of stakeholders across Essex County** including local governments, nonprofits, businesses, researchers, community groups, and government programs. It's a way for the many complimentary efforts that are already doing great things to leverage each other and for others to join, learn and enable action. We will work together to shape a regional vision, coordinate understanding of climate data, tools and resources to advance projects that reduce climate risk to our communities, businesses and treasured places.
2. **Award Collaborative Partnership Grants** to seed collaboration and put ideas into practice. We aim to build local muscle and strengthen capacity by offering training and technical support to design priority resilience projects.
3. **Prepare project ideas for Implementation** through project planning and design, drawing on technical experts, evaluating implementation solutions and positioning funding streams for enduring impact. This proposed effort builds on the last 5 years of successful stakeholder engagement through projects that include the North Shore Blue Economy initiative, ECCF's coalition building around Digital Equity and Arts and Culture, leadership of the Massachusetts Municipal Climate Survey, and the Essex County Community Resilience Assessment.

All of this adds up to a tremendous foundation to build upon and complements the work you are already doing for your community. We look forward to working with you and your team, your local organizations and the region's partners doing great work in this area, to support and shape a regional vision of social, economic, and ecological resilience. Please join us in supporting this vision with a letter of support. We would be happy to discuss further, answer any questions and/or draft a letter if it's helpful. As a Partner, we invite you or a designated member of your staff to join as possible quarterly zoom meetings and annual gatherings to learn, share ideas and connect to resources through this program. This would offer members a chance to engage, share their needs, and inform their planning and decision-making capacity. We anticipate forming several committees (e.g., to guide the collaborative grantmaking process, organize technical assistance). **Thank you**

**for your consideration.** I have attached a sample letter for your review. Letters are due back to me by **January 31, 2024**, as they will be submitted as a complete package to the agency.

With gratitude and in partnership,

Kate Machet and Stratton Lloyd



---

**Kate Machet**

Director of Strategic Initiatives and Government Relations

**Essex County Community Foundation**

175 Andover Street

Danvers, MA 01923

978.777.8876

[k.machet@eccf.org](mailto:k.machet@eccf.org)

[www.eccf.org](http://www.eccf.org)

Date

Dear NOAA CRRC Reviewers,

It is with enthusiastic support that I write this letter in support of the proposal entitled, *Empowering Northeast Massachusetts: Building an Ecosystem for Regional Resilience Action*, for Essex County, Massachusetts.

As Town Manager/Administrator of the Town of \_\_\_\_\_, I hear every day the challenges that climate resilience is posing to not only our communities, coastal ecosystems and ocean resources but also the associated impacts on human health, transportation, jobs, and our local economies. Failing coastal infrastructure and the need to understand how climate threats coupled with insurance costs and jobs challenges planners' ability to set long term goals. My hope is that this regional approach can help bring state, federal and university data and expertise to the region and catalyze on-the-ground solutions. As a partner in this proposed work, I look forward to elevating the voices of the Town of \_\_\_\_\_.

This effort is so important for Essex County and most specifically, my city. {Insert city name and demographics and if [Site examples from your region is to \_\_\_\_\_.... state gaps /needs/challenges they are experiencing, from their perspective] Led by trusted partners, UMass Amherst Gloucester Marine Station and the Essex County Community Foundation, the proposed work will help address these needs/fill these gaps by coordinating a regional vision around climate risk, vulnerabilities, and opportunities we're facing across the region, and how we can collectively begin to implement priority actions that bring resilient solutions.

1. **Build a Regional Resilience Coalition** of stakeholders across Essex County including local governments, nonprofits, businesses, researchers, community groups, and government programs. It's a way for the many complimentary efforts that are already doing great things to leverage each other and for others to join, learn and enable action. We will work together to shape a regional vision, coordinate understanding of climate data, tools, and resources to advance projects that reduce climate risk to our communities, businesses, and treasured places.

2. **Award Collaborative Partnership Grants** to seed collaboration and put ideas into practice. We aim to build local muscle and strengthen capacity by offering training and technical support to design priority resilience projects.

3. **Prepare project ideas for Implementation** through project planning and design, drawing on technical experts, evaluating implementation solutions and positioning funding streams for enduring impact. This proposed effort builds on the last 5 years of successful stakeholder engagement through projects that include the North Shore Blue Economy initiative, ECCF's coalition building around Digital Equity and Arts and Culture, leadership of the Massachusetts

Municipal Climate Survey, and the Essex County Community Resilience Assessment, commissioned by ECCF and led by Tufts University's Center for State Policy Analysis.

There is work being done to address issues on the ground in my city (insert example) and collective action to bring all voices to the table as we develop a regional approach from the ground up is critical. A regional and collaborative approach only strengthens my city and the people we serve, making the investment proactive and productive.

I support this work to catalyze equitable adaptation through regional scale collaboration and implementation of adaptation actions that will reduce future damage from weather and climate impacts.

Thank you  
(signature)  
Name  
Title



## Town Manager

---

**From:** Rick Parker  
**Sent:** Thursday, January 4, 2024 2:23 PM  
**To:** Town Manager  
**Subject:** Pilot for Building Decarbonization Plan  
**Attachments:** BETA\_Commercial Buildings Pilot - Program Manual.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Angus,

The ESC would like the SB to consider applying for the decarbonization pilot described below (also see attached) for the Town Office Building with Senior Center, possibly also including the Senior Housing and Annex (separately owned by WN Housing Authority, which has not yet been consulted). Let's discuss when you have a few minutes.

Thx - rick

## MassCEC Seeks Buildings for Decarbonization Pilot

The Massachusetts Clean Energy Center (MassCEC) recently announced its latest pilot program, aimed at **helping to decarbonize a wide range of commercial facilities 20,000 square feet and larger** (including municipal facilities, public schools and multi-family buildings with 15 or more units) across the Commonwealth: the [Building Electrification and Transformation Accelerator \(BETA\): Commercial Buildings Pilot](#).

Aimed at helping buildings become 2050 ready, the pilot will support participants by **creating decarbonization plans to eliminate on-site fossil fuel use over time**, for the least cost. The work to support these individual projects will provide insights in the development of statewide resources for decarbonization, such as market specific guides and toolkits.

Applications will be accepted on a rolling basis. Check the criteria detailed in the [Program Manual](#) for participation requirements. Applications are [available online](#).

For more information, please see this [flyer](#) about the pilot. Email questions to [buildings@masscec.com](mailto:buildings@masscec.com).





# Building Electrification and Transformation Accelerator (BETA): Commercial Buildings Pilot

## Program Manual

Posted: November 1, 2023

Applications to the Massachusetts Clean Energy Center's ("MassCEC") Building Electrification and Transformation Accelerator (BETA): Commercial Buildings Pilot ("Pilot") will be accepted on a rolling basis.

If funding remains and/or if MassCEC is approved for additional funding, MassCEC will announce future deadlines for application submissions.

The Application Form is available online:

[jotform.com/MassCECForms/beta-commercial](https://jotform.com/MassCECForms/beta-commercial)



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# 1 Introduction

## 1.1 BETA: Commercial Buildings Pilot Overview

The Pilot is a MassCEC initiative that seeks to surface and prove out the technical, implementation, and financial models that will serve as the basis for electrification and decarbonization of the commercial buildings sector in Massachusetts. MassCEC plans to target a diverse cohort of common building typologies to ensure assessments and market facing resources are applicable at scale and are responsive to the range of differences within the state’s commercial sector.

The Pilot is working to establish technical building retrofit best practices for electrification and decarbonization of existing commercial buildings, including large multi-family buildings (“Project Sites”). The Pilot will explore and demonstrate in-depth building audit and energy modeling methods (“Decarbonization Assessment”) to support at least fifteen (15) participating commercial building owners (“Participants”) in planning electrification and decarbonization retrofits of their selected Project Site (“Decarbonization Plan”). The end goal of each Decarbonization Plan developed would be to eventually eliminate the use of fossil fuels from the Project Sites, contributing to the Commonwealth’s 2050 climate goals and interim targets. In the near term, this Pilot will demonstrate replicable, cost-effective approaches to electrifying commercial buildings, including both “all at once” retrofits and “over time” approaches that leverage natural equipment replacement cycles. Through the Pilot, MassCEC aims to create and test an assessment framework that is comprehensive yet also flexible enough to address the wide variety in the commercial building stock.

MassCEC has contracted with Slipstream Group, Inc. to be the Lead Technical Consultant for the Pilot, in addition to subcontractors RISE Engineering, Rocky Mountain Institute, Symmes Maini and Mckee Associates, Inc., and TSK Energy Solutions, LLC (collectively, the “Consultant”). The Consultant has been supporting the development of protocols for the Decarbonization Assessments and Decarbonization Plans and Participant selection criteria and will provide Participants with Decarbonization Assessments and Decarbonization Plans for their Project Sites. The Consultant will participate in the review of Pilot applications to assist in selecting a diverse cohort of Participants according to identified building typologies and selection criteria.

The phases of the Pilot are described in Table 1 below. For each Participant, these four (4) phases will collectively be referred to as the “Project”. For more details about these phases and how to participate in the Pilot, see Section 5.

Phase Number	Phase Category	Duration	Description
Phase 1	Application and Awarding	Rolling basis	Applicants will fill out the Application Form, and MassCEC will notify them if they have been selected to participate in the Pilot or not. Selected Participants will submit



			required documentation through the Participant Portal. MassCEC will notify Participants via email. The Consultant will reach out to Participants to schedule a Decarbonization Assessment.
Phase 2	Planning	3 months	The Consultant will conduct an in-person Decarbonization Assessment at the Project Site and work with Participants to review decarbonization strategies. Over the following three (3) months, Participants and the Consultant will create a detailed Decarbonization Plan for their Project Site. The Consultant will provide support as needed.
Phase 3	Market Guidance	3 months	Participants will share feedback about the Pilot. The Consultant will host a workshop with the Pilot building owners and managers to identify challenges and opportunities.

## 1.2 Purpose of the Program Manual

The purpose of this Program Manual is to seek building owners of existing commercial buildings, including large multi-family buildings interested in the Pilot (“Applicants”). MassCEC is looking for Applicants that are committing to decarbonizing their Project Site, either as part of a large renovation project or as a standalone effort, or those seeking to create an “over-time” decarbonization plan, with the goal of making their Project Site fully decarbonized. Applicants do not need to have fully developed strategies to decarbonize their Project Sites since the Consultant will offer technical support.

This Program Manual describes the eligibility requirements, Project requirements, application process, and participation process for the Pilot.

## 1.3 About MassCEC

MassCEC is a state economic development agency dedicated to accelerating the growth of the clean energy sector across the Commonwealth to spur job creation, deliver statewide environmental benefits and to secure long-term economic growth for the people of Massachusetts. MassCEC works to increase the adoption of clean energy while driving down costs and delivering financial, environmental, and economic development benefits to energy users and utility customers across the state.

MassCEC’s mission is to accelerate the clean energy and climate solution innovation that is critical to meeting the Commonwealth’s climate goals, advancing Massachusetts’ position as an international climate leader while growing the state’s clean energy economy. MassCEC is committed to creating a diverse, equitable, and inclusive organization where everyone is welcomed, supported, respected, and valued. We are committed to incorporating principles of diversity, equity, inclusion, and environmental justice in all aspects of our work to promote the equitable distribution of the health and economic



benefits of clean energy and support a diverse and inclusive clean energy industry. MassCEC strives to lead and innovate in equitable clean energy and climate solutions.

## 2 Eligibility Requirements

### 2.1 Minimum Project Site Eligibility Requirements

Project Sites must be one of the following building types in order to be eligible to participate in the Pilot:

- Big box retail
- Commercial office
- Community buildings (e.g., non-profits, assembly, or public service)
- Food service
- Healthcare facilities (e.g., outpatient, inpatient, or community health centers)
- Higher education
- Hospitality and public amenity spaces
- Hotel or dormitory
- Laboratory
- Mixed-use retail, strip malls, and large retailers
- Multi-family housing
- Religious worship
- Retail, service centers, and malls
- Schools (kindergarten through high school)
- Supermarkets
- Warehouses and distribution centers

Project Sites must also meet the following criteria:

- Commercial buildings (not including large multi-family buildings) must be over 20,000 square feet.
- Multi-family buildings must have fifteen (15) or more units.
- Project Sites must be located in a utility territory that contributes to the Massachusetts Renewable Energy Trust. This includes the Massachusetts service territory of National Grid, Eversource, Until, and municipal light plants that have elected to pay into the Renewable Energy Trust (please see [masscec.com/municipal-lighting-plant-communities](https://masscec.com/municipal-lighting-plant-communities) for more information).

MassCEC may on a case-by-case determine if a Project Site that does not meet the above criteria is eligible to participate in the Pilot depending on other buildings characteristics.

MassCEC's goal is to select one Project Site per Participant to participate in the Pilot but may select two (2) or more Project Sites per Participant pending review of applications received.

### 2.2 Minimum Project Eligibility Requirements

All Projects must meet the following minimum requirements:



- Applicants must own and be the primary decision maker of the Project Site.
- Applicants should be committed to the goal of decarbonizing their Project Site either through an “all at once” or “over-time” approach. During the Pilot, Participants should plan to, at a minimum:
  - Provide access for an on-site Decarbonization Assessment and assist with information gathering such as utility information, maintenance logs, past energy audit reporting, and condition assessments.
  - Review the Decarbonization Plan provided by the Consultant and determine a capital work plan to fully decarbonize their Project Site by 2050.
  - Participate in discussions to provide feedback on planning considerations including system selection, potential barriers and opportunities and financial considerations.
  - Participate in surveys or feedback discussions after Decarbonization Plans have been completed.
- All Projects must be performed in compliance with all local, state, and federal laws and codes.
- Project Sites can be owner or tenant occupied.
- Tenants of the Project Site must be aware of the Pilot and willing to cooperate with the Pilot.
- Applicants and tenants of the Project Site must be willing to cooperate with data gathering and coordination.
  - During Phase 1 (Application and Awarding), Participants will be asked to provide energy bills, including tenant utility data if tenants pay their own utility bills, for two (2) years prior to the Pilot (if available).
    - A sampling of multi-family building utility data may be accepted if aggregate data for the building is not available.
    - Participants will support the collection of utility permission letters or data from tenants or utility providers as needed.
  - During Phase 2 (Planning), Participants will be asked to support the on-site Decarbonization Assessment and work with the Consultant to discuss resiliency, interventions and system selection, potential opportunities, barriers, financial considerations, and other capital planning considerations.
    - Participants must work with any tenants in place to coordinate and manage the impacts of the Decarbonization Assessment and the Decarbonization Plan, including allowing site visits.
      - Access to all commercial tenancy spaces will be required to complete the Decarbonization Assessment.
      - Access to typical residential units will be necessary to complete the Decarbonization Assessment for multi-family buildings.
    - Participants must work with the Consultant to discuss resilience conditions, including vulnerabilities to increased heat, flooding, and other extreme weather, as well as strategies that would make the Project Site more resilient.
  - During Phase 3 (Market Guidance) Participants must be willing to answer interview or survey questions to capture their experience with the Pilot.



- Participants must provide contact information for any tenants in place during the Project.

### 3 How to Apply

#### 3.1 Application Instructions

Applications should be completed online at [jotform.com/MassCECForms/beta-commercial](https://jotform.com/MassCECForms/beta-commercial). This online Application Form includes questions about the Applicant and their Project Site. Application progress will be saved so that the application can be completed over multiple sessions. A PDF version of the Application Form is available for reference on the Pilot webpage ([masscec.com/program/beta-commercial-buildings-pilot](https://masscec.com/program/beta-commercial-buildings-pilot)).

Applications will be accepted on a rolling basis until a cohort of around fifteen (15) Participants has been selected. However, interested Applicants are encouraged to apply early as funding is limited.

If funding remains and/or if MassCEC is approved for additional funding, MassCEC will announce future deadlines for application submissions.

#### 3.2 Applicants’ Questions and Answers

Questions concerning the Pilot can be submitted by email to [buildings@masscec.com](mailto:buildings@masscec.com). All inquiries should reference the “BETA: Commercial Buildings Pilot”.

MassCEC will post questions and answers from Applicant’s emails in the “FAQ” section of the Pilot webpage ([masscec.com/program/beta-commercial-buildings-pilot](https://masscec.com/program/beta-commercial-buildings-pilot)). MassCEC will periodically update this list. Applicants are encouraged to visit the website for updates prior to submitting a question. Only answers posted on the website should be treated as MassCEC’s official response to any question.

#### 3.3 Selection Criteria

Applications will be competitively evaluated using the criteria in Table 4 below. Applying early is strongly encouraged.

Table 4. Selection Criteria	
Criteria	Sub-Criteria
<b>Minimum Criteria</b>	MassCEC reserves the right to only consider applications that, in its sole judgement, meet the minimum threshold criteria, including: <ul style="list-style-type: none"> <li>• The Application Form is complete and responsive to the Program Manual and application requirements.</li> <li>• The clarity, specificity, and consistency of the application are sufficient to be deemed credible.</li> <li>• The proposed Project Site and Project meets all requirements stated in Section 2.1 and Section 2.2.</li> </ul>
<b>Diversity of Applicants</b>	MassCEC is looking to award a diverse group of Projects, including: <ul style="list-style-type: none"> <li>• Geographical diversity</li> <li>• Building typology (i.e., use, size, age)</li> </ul>





	<ul style="list-style-type: none"> <li>Existing heating fuel type (e.g., oil, natural gas)</li> <li>Existing HVAC system distribution type (e.g., packaged rooftop, distributed systems)</li> <li>Existing hot water system types (e.g., gas or electric, central, or distributed)</li> <li>Unique characteristics (e.g., ownership structures, commercial kitchens)</li> </ul>
<b>Selection Priorities</b>	<p>MassCEC will prioritize the following when evaluating applications:</p> <ol style="list-style-type: none"> <li>How building typology meets the goals of the Pilot for a diverse selection of candidates</li> <li>Project Sites located in environmental justice communities</li> <li>Applicants who intend to fully decarbonize their Project Site</li> </ol>

## 4 How to Participate

### 4.1 Participant Steps

In order to participate in the Pilot, Participants must agree to the steps below. MassCEC, at its sole discretion, may consider extending the timelines described below on a case-by-case basis.

#### Phase 1 (Application and Awarding)

- Applications will be accepted on a rolling basis starting November 1, 2023.
  - Early Applicants will have priority in meeting the diversity goals of building typologies.
  - Additional information requests may be required to finalize application status.
- MassCEC and the Consultant will review applications and will notify Applicants via email if they have been selected to participate in the Pilot within six (6) weeks of their application submission.
- Selected Participants will upload the documents listed below to the Participant Portal.
  - Signed Participant Agreement Form
  - Signed Utility Release Form
  - Electric utility data (usage and cost)
    - For two (2) years prior to the Pilot (if available)
  - Gas or delivered fuel utility data (usage and cost)
    - For two (2) years prior to the Pilot (if available)
  - Additional supporting materials such as maintenance logs, scans of drawing, or past energy and condition assessment reports.
- Selected Participants will work with the Consultant to get oriented and schedule their Decarbonization Assessment.

#### Phase 2 (Planning)

- The Consultant will conduct the in-person Decarbonization Assessment including:
  - Utility bill review and benchmarking to review high level information on building characteristics and utility billing information (based on two (2) years of data).



- b. Once a Participant's utility data is received, the Consultant will work with the Participant to schedule the in-person Decarbonization Assessment. This will take around four (4) to eight (8) hours during which the Participant or a building representative is required to be present. Up to two (2) site visits may be required.
2. Over the three (3) months following the Decarbonization Assessment, Participants and the Consultant will work together to create a detailed Decarbonization Plan to be submitted to MassCEC.
  - a. The Consultant will provide an interim decarbonization strategy review within six (6) weeks.
    - i. This will include a review with the Participant of energy consumption and carbon intensity, outline of potential opportunities and strategies for a detailed investigation, and discussion of goals and outcomes for full building decarbonization and resiliency.
  - b. The Consultant will provide the Participant with a customized Decarbonization Plan.
    - i. This will include an analysis of technical and financial solutions, to inform a recommended pathway with project specific timelines based on input from the Participant on their priorities and budget.
  - c. As needed during Phase 2 (Planning), Participants will coordinate with the Consultant for:
    - i. Follow-up services may be offered via email, phone, or video calls, based on the preferences of the Participant.
    - ii. Potential financing mechanisms, rebate programs, and provide recommendations for incorporating financing approaches.
    - iii. Support in formatting the information for the Decarbonization Plan.

### **Phase 3 (Market Guidance)**

1. The Consultant will reach out to the Participant to complete a follow-up survey to gather feedback on the process, Decarbonization Assessment results, and likelihood of implementing the Decarbonization Plan. This information will be used to inform the development of market resources and tool kits that support building decarbonization across a wide array of market segments and building typologies.
  - a. A written or phone survey will be requested or scheduled to review key questions and insights from Participants.

## **5 Participant Documents**

Relevant documents and forms for Participants are below.

- Application Form
- Program Manual (this document)
  - Exhibit 1: Participant Agreement
  - Exhibit 2: Utility Release Form



## 6 General Conditions

### 6.1 Notice of Public Disclosure

As a public entity, MassCEC is subject to Massachusetts' Public Records Law, codified at Chapter 66 of the Massachusetts General Laws. Thus, any documentary material, data, or other information received by MassCEC from an applicant is public record subject to disclosure. Applicants shall not send MassCEC any confidential or sensitive information in response to this Pilot or Program Manual.

### 6.2 Disclaimer and Waiver Authority

This solicitation does not commit MassCEC to award any funds, pay any costs incurred in preparing an application, or procure or contract for services or supplies. MassCEC reserves the right to accept or reject any or all applications received, waive minor irregularities in submittal requirements, modify the anticipated timeline, request modification of the application, negotiate with all qualified Applicants, cancel or modify the Pilot or this Program Manual in part or in their entirety, or change the application guidelines, when it is in MassCEC's best interests.

### 6.3 Contract Requirements

Upon MassCEC's authorization to proceed with the proposal, MassCEC and the awarded Applicant(s) will execute a contract, substantially in the form of the Participant Agreement attached hereto as Exhibit 1, which will set forth the respective roles and responsibilities of the parties.

### 6.4 Changes/Amendments to the Program Manual

The requirements listed herein are subject to change without notice to potential Applicant parties. This Program Manual has been distributed electronically using MassCEC's website. It is the responsibility of Applicant parties to check MassCEC's website for any addenda or modifications to the Program Manual to which they intend to respond. MassCEC, the Commonwealth of Massachusetts, and its subdivisions accept no liability and will provide no accommodation to an Applicant who submits an application based on an out-of-date Program Manual and/or related document.



## 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](mailto:townmanager@wnewbury.org)

TO: Select Board  
 FROM: Angus Jennings, Town Manager  
 DATE: January 27, 2024  
 RE: Personnel evaluation, Town Manager

Part of the Town Manager employment contract, in Sec. 2, reads as follows (*emphasis added*):

Annually, on a timetable chosen by the Select Board, the Select Board and the Town Manager shall define such goals and performance objectives which they determine necessary for the proper operation of the Town and attainment of the policy objectives of the Select Board and shall further establish a ranking of priorities among those goals and objectives. Such goals and objectives should be generally attainable in the time limits as specified and within the annual operating and capital budgets and appropriations provided. The Select Board shall review and evaluate the performance of the Town Manager at least once annually in advance of the adoption of the annual operating budget. Said review and evaluation shall be in accordance with the criteria developed by the Select Board and the above referenced goals and performance objectives set previously. The Town Manager shall be given an opportunity to review the evaluation and comment upon the same. At the option of the Select Board, the evaluation may be conducted by a single designated member or by the entire Board.

This is a request for the Board to determine whether the evaluation will take place by the entire Board or by a designated member and, if by a designated member, to designate a member so that the evaluation may be scheduled sometime in advance of April 29<sup>th</sup> (the anticipated adoption of next year's annual operating budget).

I have enclosed for reference last year's Town Manager evaluation form.

<b>Town of West Newbury Employee Annual Performance Evaluation</b>		<i>For the purposes of this document, the evaluation terms are defined as:</i>			
<b>Position</b>	Town Manager	<b>C</b>	<b>Commendable:</b> Performance surpassing reasonable expectations		
<b>Date</b>	DATE	<b>S</b>	<b>Satisfactory:</b> Performance meeting reasonable expectations		
		<b>N</b>	<b>Needs Improvement:</b> Performance below reasonable expectations; improvement likely		
<b>Reviewer</b>	NAME	<b>U</b>	<b>Unsatisfactory:</b> Performance below reasonable expectations; improvement unlikely		
<b>Role</b>	Select Board	<b>X</b>	<b>Unable to Judge:</b> Insufficient information available for evaluation (Please explain)		

Areas of Responsibility	C	S	N	U	X	Comments
<b>FISCAL MANAGEMENT</b>						
<b>Annual Expectations</b>						
1. Plans and organizes the preparation of an annual budget						
2. Prepares budget in conformance with the Select Board's Budget Policy Guidelines memo						
3. Plans, organizes and administers the adopted budget within approved revenues and expenditures						
4. Works with Department Heads throughout the year to evaluate/prioritize departmental needs and financial requests						
5. Pursues available state and federal grant monies in support of capital and operational needs of the town						
6. Supervises accounting, treasury and collections staff and operations of town						
<b>Coming Year's Goals</b>						
1.						
2.						

<b>Town of West Newbury Employee Annual Performance Evaluation</b>		<i>For the purposes of this document, the evaluation terms are defined as:</i>			
<b>Position</b>	Town Manager	<b>C</b>	<b>Commendable:</b> Performance surpassing reasonable expectations		
<b>Date</b>	DATE	<b>S</b>	<b>Satisfactory:</b> Performance meeting reasonable expectations		
		<b>N</b>	<b>Needs Improvement:</b> Performance below reasonable expectations; improvement likely		
<b>Reviewer</b>	NAME	<b>U</b>	<b>Unsatisfactory:</b> Performance below reasonable expectations; improvement unlikely		
<b>Role</b>	Select Board	<b>X</b>	<b>Unable to Judge:</b> Insufficient information available for evaluation (Please explain)		

Areas of Responsibility	C	S	N	U	X	Comments
<b>RELATIONSHIP WITH BOARD AND TOWN MEETING</b>						
<b>Annual Expectations</b>						
1. Makes professional recommendations to the Board on items requiring Board action						
2. Interprets and executes the intent of Board policy						
3. Maintains a professional, impartial and effective working relationship with the Board.						
4. Presents to Town Meeting with thorough preparation and clear communication.						
5. Develops, keeps and annually updates a complete inventory of real and personal town property.						
6. Annually submits written report of the operation of the Town Manager's office.						
7. Annually submits a town departmental and organizational structure for Board approval.						
<b>Coming Year's Goals</b>						
1.						
2.						

<b>Town of West Newbury Employee Annual Performance Evaluation</b>		<i>For the purposes of this document, the evaluation terms are defined as:</i>			
<b>Position</b>	Town Manager	<b>C</b>	<b>Commendable:</b> Performance surpassing reasonable expectations		
<b>Date</b>	DATE	<b>S</b>	<b>Satisfactory:</b> Performance meeting reasonable expectations		
		<b>N</b>	<b>Needs Improvement:</b> Performance below reasonable expectations; improvement likely		
<b>Reviewer</b>	NAME	<b>U</b>	<b>Unsatisfactory:</b> Performance below reasonable expectations; improvement unlikely		
<b>Role</b>	Select Board	<b>X</b>	<b>Unable to Judge:</b> Insufficient information available for evaluation (Please explain)		

Areas of Responsibility	C	S	N	U	X	Comments
<b>LONG RANGE PLANNING</b>						
<b>Annual Expectations</b>						
1. Maintains a knowledge of new technologies, systems and methods, etc. in relation to Town services.						
2. Makes progress towards meeting long-term goals while managing daily operations.						
3.						
<b>Coming Year's Goals</b>						
1.						
2.						



<b>Town of West Newbury Employee Annual Performance Evaluation</b>		<i>For the purposes of this document, the evaluation terms are defined as:</i>			
<b>Position</b>	Town Manager	<b>C</b>	<b>Commendable:</b> Performance surpassing reasonable expectations		
<b>Date</b>	DATE	<b>S</b>	<b>Satisfactory:</b> Performance meeting reasonable expectations		
		<b>N</b>	<b>Needs Improvement:</b> Performance below reasonable expectations; improvement likely		
<b>Reviewer</b>	NAME	<b>U</b>	<b>Unsatisfactory:</b> Performance below reasonable expectations; improvement unlikely		
<b>Role</b>	Select Board	<b>X</b>	<b>Unable to Judge:</b> Insufficient information available for evaluation (Please explain)		

Areas of Responsibility	C	S	N	U	X	Comments
<b>STAFF AND PERSONNEL RELATIONS</b>						
<b>Annual Expectations</b>						
1. Models sound personnel procedures and practices in oversight of human resources function.						
2. Trains, motivates and evaluates Town staff and reviews progress and directs changes as needed						
3. Develops good staff morale and loyalty to the Town.						
4. Recruits and assigns the best available personnel in terms of their competencies						
5. Leads the negotiations of labor contracts representing Town interests and Board guidelines.						
<b>Coming Year's Goals</b>						
1.						
2.						

<b>Town of West Newbury Employee Annual Performance Evaluation</b>		<i>For the purposes of this document, the evaluation terms are defined as:</i>			
<b>Position</b>	Town Manager	<b>C</b>	<b>Commendable:</b> Performance surpassing reasonable expectations		
<b>Date</b>	DATE	<b>S</b>	<b>Satisfactory:</b> Performance meeting reasonable expectations		
		<b>N</b>	<b>Needs Improvement:</b> Performance below reasonable expectations; improvement likely		
<b>Reviewer</b>	NAME	<b>U</b>	<b>Unsatisfactory:</b> Performance below reasonable expectations; improvement unlikely		
<b>Role</b>	Select Board	<b>X</b>	<b>Unable to Judge:</b> Insufficient information available for evaluation (Please explain)		

Areas of Responsibility	C	S	N	U	X	Comments
<b>COMMUNITY AND INTERGOVERNMENTAL RELATIONS</b>						
<b>Annual Expectations</b>						
1. Ensures that an attitude and feeling of helpfulness, courtesy and sensitivity to public perception exists in employees encountering the public.						
2. Represents the Town to media as Chief Public Relations spokesperson on Town government issues.						
3. Maintains awareness of developments and plans in other jurisdictions, including MVPC etc. that may relate to or affect Town government.						
4. Interacts positively with the public, responding to questions and requests in a timely, constructive manner						
5. Coordinates activities among all boards, commissions and committees in support of long-range municipal planning.						
<b>Coming Year's Goals</b>						
1.						
2.						

<b>Town of West Newbury Employee Annual Performance Evaluation</b>		<i>For the purposes of this document, the evaluation terms are defined as:</i>	
<b>Position</b>	Town Manager	<b>1</b>	<b>Strongly Disagree</b>
<b>Date</b>	DATE	<b>2</b>	<b>Somewhat Disagree</b>
		<b>3</b>	<b>Neutral</b>
<b>Reviewer</b>	NAME	<b>4</b>	<b>Somewhat Agree</b>
<b>Role</b>	Select Board	<b>5</b>	<b>Strongly Agree</b>

<b>GENERAL EXPECTATIONS</b>	
<p><b>Feel free to comment on strengths or weaknesses in any of the following areas:</b></p> <ul style="list-style-type: none"> <li>• Professionalism</li> <li>• Community spirit</li> <li>• Leadership</li> <li>• Defends conviction under pressure</li> <li>• Enthusiasm</li> <li>• Openness to differing views/new information</li> <li>• Accessibility</li> <li>• Resourcefulness</li> <li>• Setting priorities</li> <li>• Advocacy with State and Federal Government</li> <li>• Communication style</li> <li>• Crisis management</li> <li>• Listening skills</li> <li>• Responsiveness</li> <li>• Public speaking</li> <li>• Facilities management</li> </ul>	
<b>OTHER COMMENTS</b>	



# 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](mailto:townmanager@wnewbury.org)

TO: Select Board  
FROM: Angus Jennings, Town Manager  
DATE: January 27, 2024  
RE: Personnel evaluation, Town Accountant

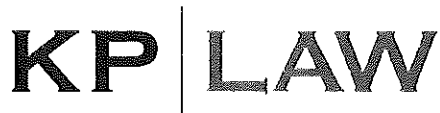
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Part of the Town Accountant employment contract, in Sec. 2, reads as follows (*emphasis added*):

Annually, on a timetable chosen by the Select Board, the Town Manager and the Accountant shall define such goals and performance objectives which they determine necessary for the proper operation of the Town and attainment of the policy objectives of the Select Board, and shall further establish a ranking of priorities among those goals and objectives. Such goals and objectives should be generally attainable in the time limits as specified and within the annual operating and capital budgets and appropriations provided. The Town Manager shall review and evaluate the performance of the Accountant at least once annually in advance of the adoption of the annual operating budget. Said review and evaluation shall be in accordance with the criteria developed by the Town Manager and the above referenced goals and performance objectives set previously. The Accountant shall be given an opportunity to review the evaluation and comment upon the same.

Since the Board is, per the Town Manager Act, the appointing authority for the Town Accountant, this is a request for the Board to designate a member to participate, with me, in preparing and conducting an evaluation so that the evaluation may be scheduled sometime in advance of April 29<sup>th</sup> (the anticipated adoption of next year's annual operating budget).

cc: Town Accountant



*The Leader in Public Sector Law*

101 Arch Street, Boston, MA 02110  
Tel: 617.556.0007 | Fax: 617.654.1735  
www.k-plaw.com

January 10, 2024

RECEIVED

**Shirin Everett**  
severett@k-plaw.com

BY FEDERAL EXPRESS

JAN 12 2024

TOWN MANAGER  
TOWN OF WEST NEWBURY

Ms. Meghri A. Sahagian  
Marsh, Moriarty, Ontell & Golder, P.C.  
25 Braintree Hill Office Park, Suite 301  
Braintree, Massachusetts 02184

Re: Town of West Newbury – Acceptances of Deed

Dear Ms. Sahagian:

Please record with the Essex South District Registry of Deeds the enclosed Acceptances of Deed signed by the West Newbury Conservation Commission and the Select Board, accepting the property conveyed to the Town by deed recorded with the Registry in Book 41908, Page 501. The deed inadvertently did not include the Acceptances. Please record, with the Acceptances, as a single instrument, the certified Town Meeting attached thereto.

No rundown is required prior to recording. Enclosed is a blank check, payable to your firm, to cover the recording fees. Please contact me on the date of recording with the recording information.

Thank you for your assistance.

Very truly yours,

Shirin Everett

SE/caa

cc: Town Manager

898546/WNEW/0129

ACCEPTANCE BY CONSERVATION COMMISSION

On this 18<sup>th</sup> day of December, 2023, the Town of West Newbury, acting by and through its Conservation Commission pursuant to the authority granted by G.L. c. 40, § 8C and the vote taken under Article 14 of the April 24, 2023 Annual Town Meeting, hereby accepts, for open space, conservation and passive recreation purposes, the care, custody, management and control of the property on Poor House Lane, West Newbury, and described in a deed recorded with the Essex South District Registry of Deeds in Book 41908, Page 501.

TOWN OF WEST NEWBURY,  
By its Conservation Commission

David Parrott  
David Parrott

Margaret Hawkins  
MARGARET HAWKINS

Haley McCrean  
Haley McCrean

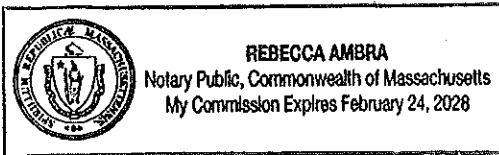
George Preble  
George Preble

John T. Haley Jr  
John T. Haley Jr

COMMONWEALTH OF MASSACHUSETTS

Essex, ss

On this 18<sup>th</sup> day of December, 2023, before me, the undersigned Notary Public, personally appeared David Parrott, Margaret Hawkins, Haley McCrean, George Preble, and John Haley, member of the West Newbury Conservation Commission, as aforesaid, who proved to me through satisfactory evidence of identification, which was known to me, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she/they signed it voluntarily for its stated purpose on behalf of the West Newbury Conservation Commission.



Julia Ambra  
Notary Public  
My Commission Expires 02/24/2028

894638/WNEW/0129

ACCEPTANCE OF DEED

On this 18<sup>th</sup> day of December, 2023, the Town of West Newbury, acting by and through its Select Board pursuant to the vote taken under Article 14 of the April 24, 2023 Annual Town Meeting, a certified copy of which is attached hereto and incorporated herein, hereby accepts, for open space, conservation and passive recreation purposes, the deed to property located on Poor House Lane, West Newbury, and described in a deed recorded with the Essex South District Registry of Deeds in Book 41908, Page 501, which property is to be under the care, custody and control of the West Newbury Conservation Commission under the provisions of G.L. c. 40, § 8C.

TOWN OF WEST NEWBURY,  
By its Select Board

Wendy Reed

Wendy Reed, Chair

Richard Parker

Richard Parker, Vice Chair

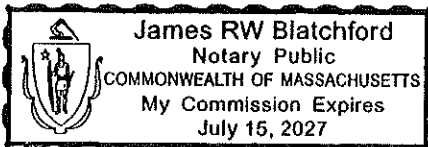
Christopher Wile

Christopher Wile, Clerk

COMMONWEALTH OF MASSACHUSETTS

Essex, ss:

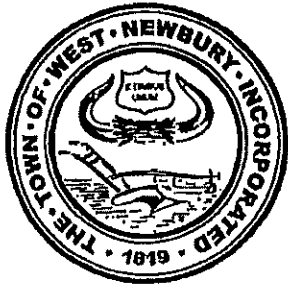
On this 18<sup>th</sup> day of December, 2023, before me, the undersigned notary public, personally appeared Wendy Reed, Richard Parker, + Chris Wile, members of the West Newbury Select Board, proved to me through satisfactory evidence of identification which was known to me, to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that he/she/they signed it voluntarily for its stated purpose on behalf of the Town of West Newbury.



[Signature]  
Notary Public  
My Commission Expires: 7/15/27

894638/WNEW/0129





# TOWN OF WEST NEWBURY

James RW Blatchford  
Town Clerk

381 Main Street  
West Newbury, MA 01985  
978-363-1100 ext. 110  
Townclerk@wnewbury.org

May 16, 2023

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

Dear Mr. Jennings,

The following is a report of items voted at the Annual Town Meeting which convened on April 24, 2023 and adjourned the same date, together with other votes affecting the finances of the Town.

Pursuant to the Warrant issued by the Select Board on April 7, 2023, which was posted on April 10, 2023 according to law by Constable Brian Richard, who made proper return of his doings thereon, the Annual Town Meeting was to be held on April 24, 2023 at the Town Annex, 379 Main Street, West Newbury, MA. The meeting was called to order at 7:32 P.M. by the Town Clerk James RW Blatchford, upon report of a quorum of 90 or more registered voters. 280 voters were in attendance.

## ARTICLE 14.

The Finance Committee unanimously recommended approval of this Article.

Select Board member Wendy Reed moved that the Town vote to appropriate and transfer from Community Preservation Act funds, pursuant to G.L. c. 44B, the sum of \$705,000, with \$142,178 from the Open Space and Recreation Fund Balance and \$562,822 from the Undesignated Fund Balance, in conformity with the applications submitted, for the purpose of acquiring for open space, conservation and passive recreation purposes, certain parcels of land containing a total of 32 acres, more or less, which parcels are located on Poor House Lane, shown on Assessors' Map R14 as Parcels 30 and 30F, and also shown as Lots 2A and 2B on a plan entitled "Definitive Plan, Poor House Lane", dated January 7, 1983, prepared by Cammett and Kutensky Engineering, Inc., recorded with the Southern Essex District Registry of Deeds in Plan Book 177, Plan 37, and costs incidental or related thereto, and to authorize the Select Board to acquire said land by purchase, gift and/or eminent domain on such terms as the Select Board deems appropriate, which land shall be held under the care, custody and control of the Conservation Commission for the foregoing purposes pursuant to G.L. c. 40, §8C; and further to authorize the Select Board, the Conservation Commission, and/or their

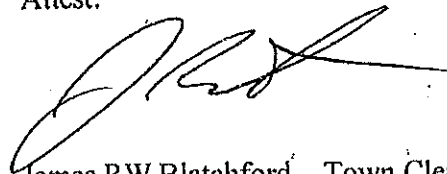
designee to apply for, accept and expend funds from the Commonwealth of Massachusetts or other public or private sources to defray all or a portion of the costs of acquisition, including, but not limited to, grants and/or reimbursements from the Commonwealth under G.L. c. 132A, §11 (the so-called LAND Grants), and/or any other federal, state or other grants or reimbursement programs in any way connected with the scope of this article, including but not limited to funds contributed by Essex County Greenbelt Association, and to enter into any and all agreements and execute any and all documents necessary or convenient to effectuate the foregoing; provided, however, that the funds appropriated by this vote shall not be expended unless the Town receives grants, gifts or other contributions of no less than \$355,000.00 for this purpose, with all such funds credited to the Community Preservation Act fund; and, further, to authorize the Select Board to convey a conservation restriction on said land to Essex County Greenbelt Association or any other qualified organization in accordance with G.L. c. 184 §§31-33, as required by G.L. c. 44B, §12(a).

The motion was seconded by Select Board Chair David Archibald.

Open Space Committee member John Dodge gave a report on the Open Space Committee's favorable recommendation of this Article.

With there being no discussion, the Town Moderator called for a vote, and declared that the Motion carried.

Attest:



James RW Blatchford – Town Clerk

CC: Greenbelt, Essex County's Land Trust



THE COMMONWEALTH OF MASSACHUSETTS  
OFFICE OF THE ATTORNEY GENERAL

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

ANDREA JOY CAMPBELL  
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January 8, 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)<sup>1</sup>**

Dear Mr. Blatchford:

**Article 22** – Under Article 22 the Town amended Section 5G, “Large-Scale Ground-Mounted Solar Photovoltaic Installation Overlay District” to delete the overlay district and insert “location criteria” related to the installation of large-scale ground-mounted solar photovoltaic installations (LGSPIs) and make other related amendments. We approve Article 22 from the April 24, 2023 West Newbury Annual Town Meeting because, on the record before us, we cannot conclude that the by-law amendments amount to an unreasonable regulation of solar facilities in conflict with G.L. c. 40A, § 3. See Tracer Lane II v. City of Waltham, 489 Mass. 775, 779, 781 (2022) (to evaluate the validity of a solar by-law under Section 3, a court will “balance the interest that the ordinance or bylaw advances and the impact on the protected use” while keeping in mind that Section 3’s solar energy provision “was enacted to help promote solar energy generation throughout the Commonwealth.”)

We emphasize that our decision in no way implies any agreement or disagreement with the policy views that may have led to the passage of the by-law. The Attorney General’s limited standard of review requires her to approve or disapprove by-laws based solely on their consistency with state law, not on any policy views she may have on the subject matter or wisdom of the by-law. Amherst v. Attorney General, 398 Mass. 793, 795-96, 798-99 (1986) (establishing the scope of the Attorney General’s by-law review as determining conflicts with state law).

In this decision we summarize the by-law amendments; discuss the Attorney General’s

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<sup>1</sup> 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). On January 4, 2024 we issued our decision approving Article 23.

limited standard of review of town by-laws under G.L. c. 40, § 32; and then explain why, governed by our review standard, we approve Article 22.

## **I. Summary of Article 22**

Under Article 22 the Town amended the zoning by-laws regarding large-scale solar installations. One change amends Section 5.G, “Large-Scale Ground-Mounted Solar Photovoltaic Installations Overlay District,” to delete the existing overlay district and add in new text regarding where LGSPI can be sited, as well as amendments to dimensional requirements, and design and environmental standards. Other changes make related amendments to Section 3.A.1 to delete reference to the overlay district; to Section 3.B.1 to reference the map revision date; and to add a new Section 4.C.3, “Uses Permitted in All Districts,” that permits LGSPI in all districts subject to the requirements of Section 5.G, including Section 5.G.4.e that requires site plan review for all LGSPI.

## **II. Attorney General’s Standard of Review of Zoning By-laws**

Our review of Article 22 is governed by G.L. c. 40, § 32. Under G.L. c. 40, § 32, the Attorney General has a “limited power of disapproval,” and “[i]t is fundamental that every presumption is to be made in favor of the validity of municipal by-laws.” Amherst, 398 Mass. at 795-96. The Attorney General does not review the policy arguments for or against the enactment. Id. at 798-99 (“Neither we nor the Attorney General may comment on the wisdom of the town’s by-law.”) Rather, to disapprove a by-law (or any portion thereof), the Attorney General must cite an inconsistency between the by-law and the state Constitution or laws. Id. at 796. “As a general proposition the cases dealing with the repugnancy or inconsistency of local regulations with State statutes have given considerable latitude to municipalities, requiring a sharp conflict between the local and State provisions before the local regulation has been held invalid.” Bloom v. Worcester, 363 Mass. 136, 154 (1973).

Article 22, as an amendment to the Town’s zoning by-laws, must be accorded deference. W.R. Grace & Co. v. Cambridge City Council, 56 Mass. App. Ct. 559, 566 (2002). When reviewing zoning by-laws for consistency with the Constitution or laws of the Commonwealth, the Attorney General’s standard of review is equivalent to that of a court. “[T]he proper focus of review of a zoning enactment is whether it violates State law or constitutional provisions, is arbitrary or unreasonable, or is substantially unrelated to the public health, safety or general welfare.” Durand v. IDC Bellingham, LLC, 440 Mass. 45, 57 (2003). A municipality has no power to adopt a zoning by-law that is “inconsistent with the constitution or laws enacted by the [Legislature].” Home Rule Amendment, Mass. Const. amend. art. 2, § 6.

## **III. Zoning Protection Granted to Solar Installations by G.L. c. 40A § 3**

Solar energy facilities and related structures have been protected under Section 3 for almost 40 years, since 1985 when the Legislature passed a statute codifying “the policy of the commonwealth to encourage the use of solar energy.” St. 1985, c. 637, §§ 7, 8. Id. § 2. Section 3’s solar provision grants zoning protections to solar energy systems and the building of structures that facilitate the collection of solar energy as follows:

No zoning . . . bylaw shall prohibit or unreasonably regulate the installation of solar energy systems or the building of structures that facilitate the collection of solar energy, except where necessary to protect the public health, safety or welfare.

In adopting Section 3, the Legislature determined that certain land uses are so important to the public good that the Legislature has found it necessary “to take away” some measure of municipalities’ “power to limit the use of land” within their borders. Attorney General v. Dover, 327 Mass. 601, 604 (1950) (discussing predecessor to G.L. c. 40A, § 3); see Cnty. Comm’rs of Bristol v. Conservation Comm’n of Dartmouth, 380 Mass. 706, 713 (1980) (noting that Zoning Act as a whole, and G.L. c. 40A, § 3, specifically, aim to ensure that zoning “facilitate[s] the provision of public requirements”). To that end, the provisions of Section 3 “strike a balance between preventing local discrimination against” a set of enumerated land uses while “honoring legitimate municipal concerns that typically find expression in local zoning laws.” Trustees of Tufts Coll. v. City of Medford, 415 Mass. 753, 757 (1993). Over the years, the Legislature has added to the list of protected uses, employing different language—and in some cases different methods—to limit municipal discretion to restrict those uses.

In codifying solar energy and related structures as a protected use under Section 3, the Legislature determined that “neighborhood hostility” or contrary local “preferences” should not dictate whether solar energy systems and related structures are constructed in sufficient quantity to meet the public need. See Newbury Junior Coll. v. Brookline, 19 Mass. App. Ct. 197, 205, 207-08 (1985) (discussing educational-use provision of Section 3); see also Petrucci v. Bd. of Appeals, 45 Mass. App. Ct. 818, 822 (1998) (explaining, in context of childcare provision, that Legislature’s “manifest intent” when establishing Section 3 protected use is “to broaden . . . opportunities for establishing” that use). Indeed, the fundamental purpose of Section 3 is to “facilitate the provision of public requirements” that may be locally disfavored. Cty. Comm’rs of Bristol, 380 Mass. at 713.

The Supreme Judicial Court reaffirmed this principle in Tracer Lane II. In ruling that Section 3’s protections required Waltham to allow an access road to be built in a residential district for linkage to a solar project in Lexington, the Court explicitly noted that “large-scale systems, not ancillary to any residential or commercial use, are key to promoting solar energy in the Commonwealth.” Id. at 782 (citing Executive Office of Energy and Environmental Affairs, Massachusetts 2050 Decarbonization Roadmap, at 4, 59 n.43 (Dec. 2020) (“the amount of solar power needed by 2050 exceeds the full technical potential in the Commonwealth for rooftop solar, indicating that substantial deployment of ground-mounted solar is needed under any circumstance in order to achieve [n]et [z]ero [greenhouse gas emissions by 2050]”). The Court explained that whether a by-law facially violates Section 3’s prohibition against unreasonable regulation of solar systems and related structures will turn in part on whether the by-law promotes rather than restricts this legislative goal. Id. at 781. While municipalities do have some “flexibility” to reasonably limit where certain forms of solar energy may be sited, the validity of any restriction ultimately entails “balanc[ing] the interest that the . . . bylaw advances” against “the impact on the protected [solar] use.” Id. at 781-82.

#### **IV. The Amendments Adopted Under Article 22 Must be Applied Consistent with G.L. c. 40A, § 3 Protected Uses**

We approve Article 22 because, on the record before us, we cannot conclude that the by-law amendments amount to an unreasonable regulation of solar facilities in conflict with Section 3. However, the Town must apply the amended by-law consistent with these protections, as highlighted by the court's decision in Tracer Lane II. We offer the following comments for the Town's consideration.

Under Article 22 the Town amended Section 5.G, including to delete reference to the overlay district and insert new text regarding the siting of large-scale solar installations. Large-scale solar installations are permitted as of right in all zoning districts, subject to the location restrictions in Section 5.G.4.a, that provides as follows:

A LGSPI may be constructed as of right on any Lot that any portion of is located within one thousand (1,000) feet of necessary supportive infrastructure as mapped by the electric utility company servicing the town so long as that Lot is not a High Conservation Value parcel defined as having 50% or more of the parcel identified as BioMap Core Habitat or Critical Natural Landscapes as mapped by Mass Wildlife and the Nature Conservancy at the time of the application.

In addition, Section 5.G.4.b, "Adequate Access," requires that an LGSPI "may only be constructed on a Lot shown to have adequate physical and legal access for the construction and operation of the installation, as determined by the Planning Board."

Based on our standard of review, we approve these portions of the by-law because we cannot conclude that they conflict with Section 3. However, even though LGSPIs are allowed in all zoning districts, given these siting requirements, it is not clear whether there is sufficient land in the Town to accommodate a LGSPI. If these provisions are used to deny a LGSPI, or otherwise applied in ways that make it impracticable or uneconomical to build solar energy systems and related structures, such application would run a serious risk of violating G.L. c. 40A, § 3. See Tracer Lane II, 489 Mass. at 781 (Waltham's prohibition on solar energy systems in all but one to two percent of its land area violates the solar energy provisions of G.L. c. 40A, § 3; see also PLH LLC v. Town of Ware, No. 18 MISC 000648 (GHP), 2019 WL 7201712, at \*3 (Mass. Land Ct. Dec. 24, 2019), aff'd, 102 Mass. App. Ct. 1103 (2022), ("the review of the municipality conducted under the bylaw's special permit provisions must be limited and narrowly applied in a way that is not unreasonable, is not designed or employed to prohibit the use or the operation of the protected use, and exists where necessary to protect the health, safety or welfare.") The Town should consult further with Town Counsel on this issue.

#### **V. Conclusion**

We approve Article 22 because, on the record before us, we cannot conclude that the by-law amendments amount to an unreasonable regulation of LGSPIs in conflict with Section 3. However, if these provisions are used to deny a solar installation, or otherwise applied in ways that make it impracticable or uneconomical to build solar energy systems and related structures,



such application would run a serious risk of violating G.L. c. 40A, § 3. See Tracer Lane II, 489 Mass. at 775. The Town should consult with Town Counsel with any questions.

**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.

Very truly yours,

ANDREA JOY CAMPBELL  
ATTORNEY GENERAL

*Nicole B. Caprioli*

By: Nicole B. Caprioli  
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cc: Town Counsel Timothy D. Zessin





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TOWN MANAGER  
TOWN OF WEST NEWBURY

November 3, 2023

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

Re: 2 Year Guarantee Proposal

Dear Mr. Jennings:

The Town of West Newbury is an important member of the MIIA programs. Due to the overall success of our programs and your favorable loss history, we are able to offer you a renewal proposal for FY25 and FY26 which includes a rate change of 0% for FY25 and up to 2.5% for FY26. We are pleased to offer this renewal proposal for your Property, Liability and Workers Compensation coverages.

Your overall contributions may reflect updated exposures, such as changes in building values, number of vehicles, expenditures, payrolls or experience modification factors. This offer is being made to a limited number of MIIA members and is contingent on maintaining a favorable loss ratio for all lines of coverage below 60% through FY26.

MIIA is the non-profit insurance provider established in 1982 to deliver insurance cost stability for Massachusetts communities. We provide extensive risk management solutions including health, dental, vision, property, liability and workers compensation insurance to more than 415 cities, towns and other public entities in Massachusetts.

By accepting our proposal, you will continue to benefit from stable costs from MIIA's consistently superior coverages and services. In order to accept our offer, please sign and return the enclosed copy of this letter to our office before November 17, 2023. We appreciate your continued commitment to the MIIA programs.

Sincerely,

Connor Powers  
Account Executive

We wish to continue participating in the MIIA Property, Liability and Workers Compensation programs for FY25 and FY26. For your convenience, enclosed is a return envelope or email to <a href="mailto:MIARenewals@mma.org">MIARenewals@mma.org</a> .	
Signature	Date 11/13/23
Title Town Manager	Community Town of West Newbury