

Annual OR Special Warrant Articles - Spring 2024 Town Meeting					Recommendations			
# <u>(DRAFT)</u> Article	Amt (if \$) <u>DRAFT</u>	Sponsor	Date of initial FinCom review	Select Board	FinCom	Rationale	Sunset Date (if applicable)	Notes
12	\$ 40,000	CAC	3/20/24					CAC met to confirm proposed amount on 3/7/24
14	\$ 730,000	CPC	3/20/24					amt updated 3/9/24
15	\$ 60,904	AHT / SB	3/20/24					amt updated 2/16/24
16	\$ 30,000	Select Board	3/20/24					amt increased at CPC mtg on 2/22/24
38	\$ 50,000	Pentucket/ DPW	3/20/24					
44	\$ -	DPW/Highway	3/20/24				n/a	as of 3/16, \$76k remains unspent
45	\$ 7,751.53	Town Manager	3/20/24				n/a	amt confirmed 2/27/24
49	n/a	Planning Board	3/20/24				n/a	Planning Board public hearing 3/19
50	n/a	ConCom	3/20/24				n/a	
57	n/a	Bldg. Inspector	3/20/24				n/a	
66	\$ 10,000	Town Manager	3/20/24					new article added to warrant on 3/11/24

ARTICLE REQUEST FORM - UPDATED

ARTICLE: To see if the Town will vote to appropriate a sum of money from the PEG Access and Cable Related Fund for the purposes of funding its FY25 cable-related expenses; or take any other action relative thereto.

AMOUNT REQUESTED: \$40,000

CONTACT PERSON: Kelly Scott, Cable Advisory Committee Chair

PHONE NUMBER: [REDACTED]

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

ARTICLE __: PEG Access Receipt Reserved for Appropriation

Summary: A vote taken at the 2015 Annual Town Meeting established a Receipt Reserved for Appropriation fund for the cable access agreement pertaining to the Verizon and Comcast licensing agreements. This account was created in accordance with DOR guidelines. Monies accrued in this account are proposed to be appropriated to fund cable operations. The Town receives quarterly franchise fees from Verizon and Comcast for eligible Public/Educational/Governmental (PEG) costs. A majority vote is required for the passage of this article.

What factors affect the timing of this purchase?

Annual article to appropriate PEG funds.

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

N/A

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

Cable operations and related costs would continue to be funded entirely from PEG revenues.

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

No

Please attach additional pages or other supporting documentation.

CABLE PEG (44 53F 3/4)

	FY2020	FY2021	FY2022	FY2023	FY2024 YTD
Beginning Balance	68,048.76	117,017.06	168,711.72	204,896.43	236,802.49
Revenue					
Comcast and Verizon	62,901.27	63,499.88	53,900.41	46,834.72	23,055.29
	62,901.27	63,499.88	53,900.41	46,834.72	23,055.29
Expenses					
Adam Stone	13,932.97	11,805.22	15,216.70	10,980.00	8,611.50
Meeting Owl Prol x1	-	-	949.00	-	
Telvue Corporation	-	-	-	-	11,202.50
W.B. Mason	-	-	-	-	24.21
Amazon Business	-	-	-	1,994.98	
Lenovo	-	-	-	1,403.68	
Timothy Mark Friend	-	-	500.00	-	
Russell Cohen (OSC Speaker Series)	-	-	250.00	-	
Wild Seed Project (OSC Speaker Series)	-	-	400.00	-	
Catherine Rachel Banks Hone (OSC Speaker Series)	-	-	150.00	-	
Elizabeth Jane Slade Moran (OSC Speaker Series)	-	-	250.00	-	
Daniel Jaffe Wilder (Kill Your Lawn Lecture)	-	-	-	350.00	
Ann McGovern (Virtual Composting Presentation)	-	-	-	200.00	
	13,932.97	11,805.22	17,715.70	14,928.66	19,838.21
Ending Balance	117,017.06	168,711.72	204,896.43	236,802.49	240,019.57

Source: Town Accountant

*Note: FY2024 YTD through 12-13-2023

ARTICLE REQUEST FORM - UPDATED

ARTICLE: Community Preservation Act, Annual Budget Article for CPA Funding for Fiscal Year 2025, Annual Town Meeting Warrant

AMOUNT REQUESTED: \$730,000.00

CONTACT PERSON: Wendy Reed, Chair

PHONE NUMBER: cpc@wnewbury.org

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

ARTICLE: To see if the Town will vote to appropriate or reserve from the Community Preservation Fund annual revenues in the amounts recommended by the Community Preservation Committee (CPC) for committee administrative expenses, community preservation projects and other expenses in Fiscal Year 2025, with each item to be considered a separate appropriation.

Appropriations:

From FY 2025 estimated revenues for Committee Administrative Expenses: \$36,500

Reserves:

From FY 2025 estimated revenues for Community Housing Reserve \$73,000

From FY 2025 estimated revenues for Historic Resources Reserve \$73,000

From FY 2025 estimated revenues for Open Space & Recreation Reserve \$73,000

From FY 2025 estimated revenues for Budgeted Reserve \$474,500

Sponsored by the Community Preservation Committee

The Community Preservation Committee voted 7-0 on March 14, 2024 to approve this Article request for inclusion on the Annual Town Meeting Warrant.

What factors affect the timing of this purchase?

N/A

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

N/A

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

N/A

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

N/A

Please attach additional pages or other supporting documentation.

ARTICLE REQUEST FORM

ARTICLE:

AMOUNT REQUESTED:

CONTACT PERSON:

PHONE NUMBER:

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

What factors affect the timing of this purchase?

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

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

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

Please attach additional pages or other supporting documentation.



**COMMUNITY PRESERVATION COMMITTEE
APPLICATION FOR PROJECT ELIGIBILITY**

This application may be completed electronically and emailed to 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:	Affordable Housing Trust Transfer
Project Address:	N/A
Map/Lot:	N/A
Applicant Name: (Group or Committee Affiliation)	Select Board
Contact Person:	Wendy Reed
Telephone:	
Address:	
Email:	wreed@wnewbury.org
Date of Application:	January 31, 2024

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

- Open Space
- Recreation
- Historic Preservation
 - Eligible/On State Registry
 - Designated by Historic Commission
- Community Housing



**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.



**COMMUNITY PRESERVATION COMMITTEE
APPLICATION FOR PROJECT ELIGIBILITY**

PROJECT DESCRIPTION:

<p>Provide a description of the project:</p> <p>The Affordable Housing Trust was established for the purpose of supporting and creating low- and moderate-income housing in West Newbury. As this is their sole focus, they are in a better position to evaluate the resources, needs and priorities for this use. The AHT and CPC entered into a grant agreement in 2023 that defines the uses and responsibilities associated with these funds. This will be reviewed annually, along with the request to transfer the previous year’s Community Housing allocation.</p>
<p>How is this project consistent with the goals of the CPA?</p> <p>These funds will be used to support the work of the Affordable Housing Trust which is consistent with the goals of Community Housing under the CPA</p>
<p>What is the intended timeline of the project?</p> <p>The funds will be transferred following a successful vote at the 2024 Spring Special Town Meeting</p>

FUNDING:

Estimated funding needed for this project:	\$
CP funding requested:	\$ 60,904 (FY23 balance of 10% total for Community Housing)

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> <p>The CPC-AHT Grant Agreement is attached</p>



Town of West Newbury Select Board

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

COMMUNITY PRESERVATION ACT GRANT AGREEMENT

AFFORDABLE HOUSING TRUST

This GRANT AGREEMENT made this 7th day of August, 2023 by and between the Town of West Newbury, a municipal corporation duly organized under the laws of Massachusetts and having an address of 381 Main Street, West Newbury, MA 01985, (the “TOWN”) acting by and through its Select Board, and the Trustees (the “TRUSTEES”) of the West Newbury Municipal Affordable Housing Trust, established pursuant to G.L. c. 44 Section 55C, having its principal place of business at 381 Main Street, West Newbury, MA 01985 (the “GRANTEE” or the “TRUST”).

WITNESSETH

WHEREAS, Town Meeting voted under Article 12 of the Special Town Meeting held October 23, 2021 to establish a municipal affordable housing trust under M.G. L. c. 44 Section 55C as, among other things, a mechanism to utilize annual revenues for community housing consistent with the Community Preservation Act, G.L. c. 44B (the “CPA” or the “Act”); and

WHEREAS, upon recommendation of the Community Preservation Committee “CPC” or “COMMITTEE”), Town Meeting voted under Article 29 of the Annual Town Meeting held May 14, 2022 to adopt the Municipal Affordable Housing Trust Bylaw (“Bylaw”), which describes the membership, operation and limitations on the TRUST; and

WHEREAS, A Declaration of Trust is recorded at So. Essex #197 Bk 41431 Pg: 1; and

WHEREAS, Town Meeting voted under Article 15 of the Annual Town Meeting held April 24, 2023 to appropriate \$172,178.00 (“Grant Funds”) from CPA Community Housing Funds to the TRUST for uses consistent with the purposes of the TRUST as defined in the bylaw and Declaration of Trust; and

WHEREAS, Town Meeting may vote to appropriate additional money from CPA Community Housing Funds to the TRUST annually or for specific Community Housing projects in the future; and

WHEREAS, General Laws c.30B, §2 defines a grant agreement as “an agreement between a governmental body and an individual or nonprofit entity the purpose of which is to carry out a public purpose of support or stimulation instead of procuring supplies or services for the benefit or use of the governmental body”; and

WHEREAS, the expenditure of public funds must be for public purposes and not unfairly or primarily benefit any one group or organization to the detriment of the public.

WHEREAS, the purpose of the Grant Agreement is to ensure that the CPA Community Housing Funds are used for the acquisition, creation, preservation and support of community housing, as defined by the CPA (Massachusetts General Laws c. 44B).

NOW, THEREFORE, the TOWN and the GRANTEE wish to set forth in this Grant Agreement the terms and conditions of the Grant, and hereby agree as follows:

1. Recitals. The recitals above are true and accurate and are incorporated herein by reference.
2. Payment. Within thirty (30) days from the execution of this Grant Agreement, the TOWN shall transfer the sum of \$172,178.00 from CPA Community Housing Funds to GRANTEE, in accordance with Town Meeting vote.
3. Conditions.
 - a) GRANTEE agrees that any dwelling units created or acquired with the use of the Grant funds, whether in part or in full, shall be used for community housing purposes, as that term is defined in Section (2) of the Act, in perpetuity. Sale or transfer of the dwelling shall be subject to an affordable housing deed rider requiring occupancy by or rented to low- or moderate-income households, and no other sale or transfer shall be permitted. GRANTEE acknowledges that Section 12(a) of the Act states that “a real property interest that is acquired with monies from the Community Preservation Fund shall be bound by a permanent restriction, recorded as a separate instrument, that meets the requirements of sections 31 to 33, inclusive, of chapter 184 limiting the use of the interest to the purpose for which it was acquired. The permanent restriction shall run with the land and shall be enforceable by the TOWN, the Commonwealth, and/or a nonprofit or charitable organization. The deed restrictions must be approved and accepted by the TOWN.
 - b) Notwithstanding GRANTEE’S bylaws, all Grant Funds expended pursuant to this Agreement shall be limited to the allowable community housing spending purposes as set forth in Sections 2 and 5(c) of the CPA.

- c) Until all the Grant Funds have been expended, GRANTEE shall prepare and submit to the CPC quarterly reports concerning the use of such monies, which report shall outline the purposes for which the Grant Funds have been used and any problems encountered. GRANTEE shall submit these reports in writing and may be requested to make oral presentations at CPC or Select Board meetings. GRANTEE shall provide a final report immediately following its final expenditure of all the Grant Funds.
 - d) Any publicity involving the use of the Grant Funds by the GRANTEE shall include explicit reference to the CPC.
4. Reports; Inspections; Record-Keeping. GRANTEE agrees to keep such records with respect to the use of the Grant Funds as are kept in the normal course of business and such additional records as may be reasonably required by the TOWN. During normal business hours and as often as the TOWN may reasonably deem necessary, the TOWN shall have full and free access to such records and may examine and copy such records. As specified in Section 3(f), above, the GRANTEE shall report quarterly to the TOWN concerning its use of the Grant Funds.
 5. Liability of the Town. The TOWN's liability hereunder shall be to make the payment specified in Paragraph 1 of this Grant Agreement and the TOWN shall be under no further obligation or liability. Nothing in this Grant Agreement shall be construed to render the TOWN or any elected or appointed official or employee of the TOWN, or their successors in office, personally liable for any obligation under this Grant Agreement.
 6. Indemnification. GRANTEE shall indemnify, defend, and hold the TOWN and its departments, officers, employees, representatives and agents harmless from and against any and all claims, demands, liabilities, actions, causes of actions, costs and expenses, including attorneys' fees, of any nature whatsoever arising as a result of (a) any injury to person or property resulting from expenditure of the Grant Funds, (b) the quality of any work required or undertaken with use of the Grant Funds, (c) GRANTEE's performance or the negligence or misconduct of GRANTEE or GRANTEE's agents, employees, contractors and invitees, (d) the failure of any contractor hired by GRANTEE to perform work thereunder or any other act or omission of any such contractor, and (e) any and all claims for the payment by the TOWN of any amount in excess of the Grant Amount.
 7. Termination. This Agreement shall terminate upon GRANTEE'S final expenditure of all the Grant Funds and the delivery of copies of the restrictions recorded pursuant to Section 3(A) hereof, if any. In the event that GRANTEE fails to fulfill its obligations under the terms of this Agreement as determined by the Town, the Town shall have the right, in its sole discretion, to terminate this Agreement upon written notice to GRANTEE. Upon receipt of such

notice, GRANTEE shall refund all undisbursed Grant Funds to the TOWN, and such Grant Funds shall be returned to the CPA account from which the funds were appropriated.


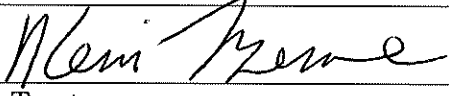
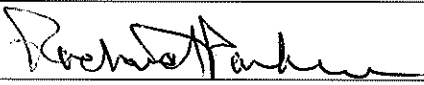

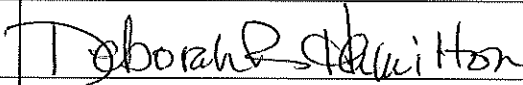
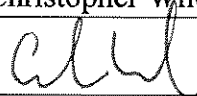
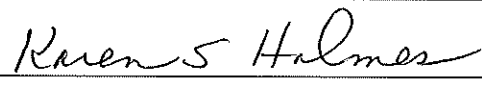
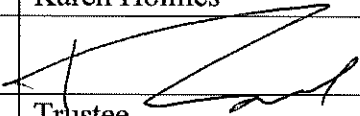

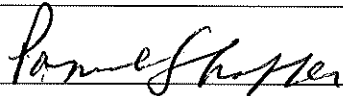
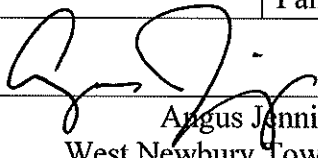
8. Return of Funds. If GRANTEE fails to fulfill its obligations under the terms of this Agreement as a result of negligent or intentional acts or omissions of GRANTEE, its agents, employees, contractors or invitees, GRANTEE shall be liable to repay to the TOWN the entire Grant Amount, or any lesser amount it received pursuant to this Agreement, provided under this Agreement, and the TOWN may take such steps as are necessary, including legal action, to recover such funds. Any funds so returned or recovered shall be placed in the TOWN'S Community Preservation Fund. In the event that the TOWN takes legal action under this Agreement, GRANTEE shall pay any and all costs, including reasonable attorneys' fees, expended by the TOWN for the enforcement of this Agreement.
9. Successors and Assigns. This Agreement is binding upon the parties hereto, their successors, assigns and legal representatives. GRANTEE shall not assign, subcontract or otherwise transfer this Agreement, in whole or in part, without the prior written consent of the TOWN.
10. Compliance with Laws. GRANTEE shall comply with all Federal, State and local laws, rules, regulations and orders applicable to the use of the Grant Funds, such provisions being incorporated herein by reference, and shall be responsible for obtaining all necessary licenses, permits, and approvals as may be required in connection with the use of such funds. No local permit or license is waived by the award of this Grant or by this Agreement.
11. Notice. Any and all notices, or other communications required or permitted under this Agreement shall be in writing and delivered by hand or mailed postage prepaid, return receipt requested, by registered or certified mail or by other reputable delivery service, to the parties at the addresses set forth on Page 1 or furnished from time to time in writing hereafter by one party to the other party. Any such notice or correspondence shall be deemed given when so delivered by hand, if mailed, when deposited with the U.S. Postal Service or, if sent by private overnight or other delivery service, when deposited with such delivery service.
12. Survival. Notwithstanding anything to the contrary herein contained, the obligations imposed on the GRANTEE under Sections 3-11, 13 and 16 shall survive the termination or expiration of this Agreement.
13. Entire Agreement. This Agreement, and 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.

14. Renewal. This Grant Agreement shall be renewed annually, coincident with the application for and Town Meeting approval of annual transfer of CPA Community Housing Funds to the GRANTEE. A separate Grant Agreement shall be created for any other CPA Fund disbursements to the GRANTEE.
15. Severability. If any term or condition of this Grant Agreement or any application thereof shall to any extent be held invalid, illegal or unenforceable by a court of competent jurisdiction, the validity, legality, and enforceability of the remaining terms and conditions of this Grant Agreement shall not be deemed affected thereby unless one or both parties would be substantially or materially prejudiced.
16. Governing Law. This Grant Agreement shall be governed by, construed and enforced in accordance with the laws of the Commonwealth of Massachusetts and the GRANTEE submits to the jurisdiction of any of its appropriate courts in Essex County, MA for the adjudication of disputes arising out of this Grant Agreement.
17. Counterparts. This Agreement may be executed in several counterparts, each of which shall be an original and which shall constitute the same instrument. The exchange of counterparts by electronic or facsimile transmission (including telecopier and scanned "PDF" transmitted by email) shall constitute effective execution and delivery of this Agreement by the parties hereto. Signatures of Town and GRANTEE delivered by electronic or facsimile transmission (including telecopier and scanned "PDF" transmitted by email) shall be deemed to be their original signatures for all purposes.

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

Town of West Newbury SELECT BOARD	Town of West Newbury AFFORDABLE HOUSING TRUST
	
Chair Wendy Reed	Trustee Kevin Bowe
	
Vice Chair Richard Parker	Trustee Donna Garcia
	
Clerk Christopher Wile	Trustee Deborah Hamilton
	
	Trustee Karen Holmes
	
	Trustee Derek Mitchell
	
	Trustee Wendy Reed
	Trustee Pamela Shaffer 
	
Angus Jennings West Newbury Town Manager	

ARTICLE REQUEST FORM

ARTICLE: Pickleball Courts Site Feasibility Study from CPA Funds

AMOUNT REQUESTED: \$22,000 from CPA funds. This amount may be modified during the CPA Funding Application review process.

CONTACT PERSON: Angus Jennings

PHONE NUMBER:

978-363-1100 x111

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

There is strong demand for outdoor Pickleball Courts in West Newbury by adults and senior citizens. The Council on Aging has been holding lessons on the Action Cove basketball courts on a limited short term basis while a long term solution is reached. Each Park and Recreation Commission meeting where this topic has been discussed has had a full room of interested residents expressing their desire for courts within West Newbury. There are very few recreation activities in Town that are geared towards residents of all ages, and Pickleball would fill that need.

A feasibility study to identify potential Town owned sites and associated permitting, construction and use constraints is a critical first step in this process. Once a site has been identified, the design of the courts, parking and amenities can be initiated and the costs for permitting and construction determined. Construction of the courts would follow, hopefully within a two year timeframe. Many towns and cities within the Commonwealth have used CPA funding to evaluate the feasibility of sites, design/permit and construct Pickleball Courts, and there is readily available information on the process.

What factors affect the timing of this purchase?

The overall schedule would be to complete the feasibility study and a subsequent design/permitting phase by spring 2025. This would allow a warrant article for construction of the courts at the 2025 Annual Town Meeting.

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

This project will take 6-8 months. A June 30, 2025 sunset date would be reasonable.

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

N/A

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

This article does not but it will lead to creation of Courts on Town owned property which would have a life expectancy of longer than five years and would cost more than \$20,000 to construct.

Please attach additional pages or other supporting documentation.





COMMUNITY PRESERVATION COMMITTEE APPLICATION FOR PROJECT FUNDING

This application may be completed electronically and emailed to 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 Court Site Feasibility Study and Design
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:	townmanager@wnewbury.org
Date of Application:	February 2, 2024

PROJECT ELIGIBILITY

Community Preservation Category (ies)	Recreation
Date Approved by CPC	January 24, 2024

PROJECT NARRATIVE

Provide information for the following project components, providing attachments where necessary which clearly reference the heading. All project components listed must be addressed in order for the project to be considered by the CPC.



**COMMUNITY PRESERVATION COMMITTEE
APPLICATION FOR PROJECT FUNDING**

PROJECT SUMMARY - Provide a description of the Project, including the property involved and its proposed use.

The objective of this project is to identify the most appropriate and cost-effective location of a Town owned parcel for construction of a 4-6 court outdoor Pickleball facility site, and to design, permit and procure its construction. This will be achieved by hiring a landscape architectural and engineering firm to assist the Town in identifying a maximum of three sites, evaluating their feasibility in terms of permitting, utilities, site constraints and impact on surrounding land uses, and creating GIS base plans, schematic designs, and opinion of probable cost for each location. Following selection of the preferred site by the Town, the consultant will complete a site survey, develop design plans, support local permitting and prepare bid documents. Two public meetings are envisioned in support of this process. The first is to gather initial input from interested parties and the final is to present the findings of the study.

PUBLIC BENEFIT – Describe in detail the benefits West Newbury will receive from the Project and how the Project meets the Community Preservation Committee’s Project Evaluation Criteria.

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.

CONTROL OF SITE - Indicate whether the applicant owns or has a purchase agreement for the Project site. If the property is under agreement, include a description of the agreement and the timing and conditions of the purchase. If the applicant does not have site control, explain how the project will go forward.

This study will focus on Town owned properties only, so site control will not be an issue.

FEASIBILITY - List all steps that may be required for completion of the Project, such as environmental assessment, zoning or other approvals, agreement on terms of any required conservation, affordability or historic preservation restrictions, and any other known issues. For projects that may affect abutters or the neighborhood, describe methods used to notify abutters of the proposal, and support or objections from those affected.

This is an engineering study, so these considerations are not applicable



**COMMUNITY PRESERVATION COMMITTEE
APPLICATION FOR PROJECT FUNDING**

SUPPORT – Seek input from relevant Town entities and members of the community. Provide documentation of their response.

This project has been discussed by the Council on Aging and Park and Recreation Commission, and evidence of their support is shown by the attached meeting minutes. Letters of support from residents and potentials users of the courts are also attached.

SCOPE OF WORK - A scope of work is required to fully develop a time and cost plan for recommendation to Town Meeting. The scope is to be prepared by the Applicant and be detailed enough, in the opinion of the CPC, that a professional qualified to perform the work will be able to provide an estimate of the time and cost necessary to complete the proposed work. Attach the scope of work to this application.

A detailed Scope of Work including cost and schedule is attached. This has been reviewed by the DPW Program and Project Manager who is expected to manage this project on behalf of the Town.

PROJECT TIMELINE - Describe the anticipated steps or phases for completion of the Project. State whether the Project will be ready to proceed in the coming fiscal year. Will this be a multi-year project?

See attached Scope of Work. Note that the intention is to provide construction cost details in time for CPC applications for the Spring 2025 STM. It's possible that local permitting requirements may extend the time needed to prepare these applications, however, and Fall 2025 STM consideration for construction funding would result.

FUNDING - Include a full budget, including itemization of major components and breakdown of construction costs. Describe The estimated annual cost of operating and maintaining the site/project after completion. Describe the basis for your budget and the sources of information you used.

See attached Scope of Work. Costs were obtained from similar CPA funded studies completed in the last three years. Note that the cost has increased from what was anticipated in the Eligibility Application. This is the result of review with the DPW Program and Projects Manager who is expected to manage this project on behalf of the Town.

OTHER - Please provide any other information which you think would be useful for the CPC to consider when evaluating this project's eligibility for funding (attach additional pages if needed):



**COMMUNITY PRESERVATION COMMITTEE
APPLICATION FOR PROJECT FUNDING**

APPLICATION CHECKLIST:

To be completed by Applicant and approved by CPC Administrator prior to the application being reviewed by the CPC.

Y	N/A	Application Requirement
	X	Proof of ownership or control of the site, structure, or subject of Application.
X		Proof of authorization by the public agency, board, committee, or any entity governed by a board, trustees, corporation etc., showing a vote by the entity to submit the Applications and take responsibility for the project.
	X	If the project involves public property, verification that the applicable public agency or department supports the project as presented and will oversee the project if funded.
	X	Assessor's map showing location of the Project.
	X	Photographs, including aerial photographs if available.
X		Detailed scope of work for the project prepared by the Applicant.
X		Recent cost and time to complete estimates from professionals qualified to complete the project.
X		Proposed oversight and management plan for the Project.
	X	If the project involves a historic resource, evidence (date of listing on the state register or a letter from the West Newbury Historical Commission confirming its determination of significance) with the application that it meets these criteria.
	X	Architectural plans and specifications, for new construction or rehabilitation.
	X	Maps, renderings, site plans.
	X	Historic structures report, existing conditions report.
	X	Names and addresses of project architects, contractors and consultants.
X		Documentation of support from Town entities and Community.
	X	Permission from the property owner to display a CPC funded project sign.

Approval by CPC Administrator:

Signature	Wendy Reed
Date	February 2, 2024



**Scope of Work
Outdoor Pickleball Court Site Feasibility Study and Design**

The objective of this project is to identify the most appropriate and cost-effective location of a Town owned parcel for construction of a 4-6 court outdoor Pickleball facility site, and to design, permit and procure its construction. This will be achieved by hiring a landscape architectural and engineering firm to assist the Town in identifying a maximum of three sites, evaluating their feasibility in terms of permitting, utilities, site constraints and impact on surrounding land uses, and creating GIS base plans, schematic designs, and opinion of probable cost for each location. Following selection of the preferred site by the Town, the consultant will complete a site survey, develop design plans, support local and state permitting and prepare bid documents. Two public meetings are envisioned in support of this process. The first is to gather initial input from interested parties and the final is to present the findings of the study. The scope of work will include four tasks as follows.

Task 1 – Initial Public Meeting, Kickoff Meeting & Base Plans for 3 Town Owned Parcels

The consultant will hold an initial public meeting to introduce the approach of the study and to solicit feedback from interested parties regarding possible locations, design features, and potential concerns. The results of this meeting will be summarized and presented in a Kick Off meeting to the Town project team (members to be decided but potentially include the Town Manager, DPW staff, Park and Rec Commission members, Planning Board staff and the Building Inspector). This meeting will also include discussion of the project objectives, potential court locations, and the project schedule. The outcome will be a joint selection of the three parcels to be evaluated in the Feasibility Study. The consultant will then create base plans for each site using local and State GIS data, visit the sites to verify the GIS base plan information and complete a photo inventory.

Task 2 - Site Evaluations and Schematic Design

The consultant will evaluate the regulatory, cultural, and physical limitations of each of the parcels. The following criteria will be considered:

- Number of pickleball courts that would maximize use of site space and construction cost effectiveness
- Need for fencing, rest rooms and drinking water
- Number of parking spots and location
- ADA accessible routes to the courts
- Stormwater management requirements
- Soils information available from soils maps
- Local and state permitting requirements
- Access to Town and private utilities
- Relation to other recreational facilities and vehicular, cycling, and pedestrian access



COMMUNITY PRESERVATION COMMITTEE APPLICATION FOR PROJECT FUNDING

Creation of schematic designs which include the above considerations and show to scale plan views of the courts and related infrastructure. It is anticipated that two meetings with the project team will be conducted during this process. Final schematic designs will incorporate revisions based on input received from the project team.

Task 3 - Opinion of Probable Cost & Public Presentation

An opinion of probable cost for each of the three sites will be prepared by the consultant. Given that this is based on GIS and not survey data, a range of costs suitable for comparison purposes only will be provided. The consultant will present the results of the study in a public meeting, including creation of a slide deck to be shared on the Town website as well as presentation boards to be used at the meeting. The information to be shared will include the site analysis and photo inventory, evaluation process, schematic designs and opinion of cost for each site. Following the final public meeting, the Project Team will choose the preferred site and communicate the choice to the public.

Task 4 – Site Survey, Design and Procurement Support

Once the preferred site has been decided on by the Town, the consultant will complete a topographical site survey, create design plans to be used for necessary permitting and procurement and prepare bid documents for the procurement of the work. The consultant will also submit a design cost estimate to be used for budgeting and CPA funding/grant approval. The Town Project Team will be responsible for any permitting for this project, but will rely on the consultant for assistance in application preparation, meeting attendance and revision of design in accordance with permitting review. Because the extent of permitting requirements won't be known until the final site is chosen, a contingency has been included in the cost estimate for this.

Cost and Schedule

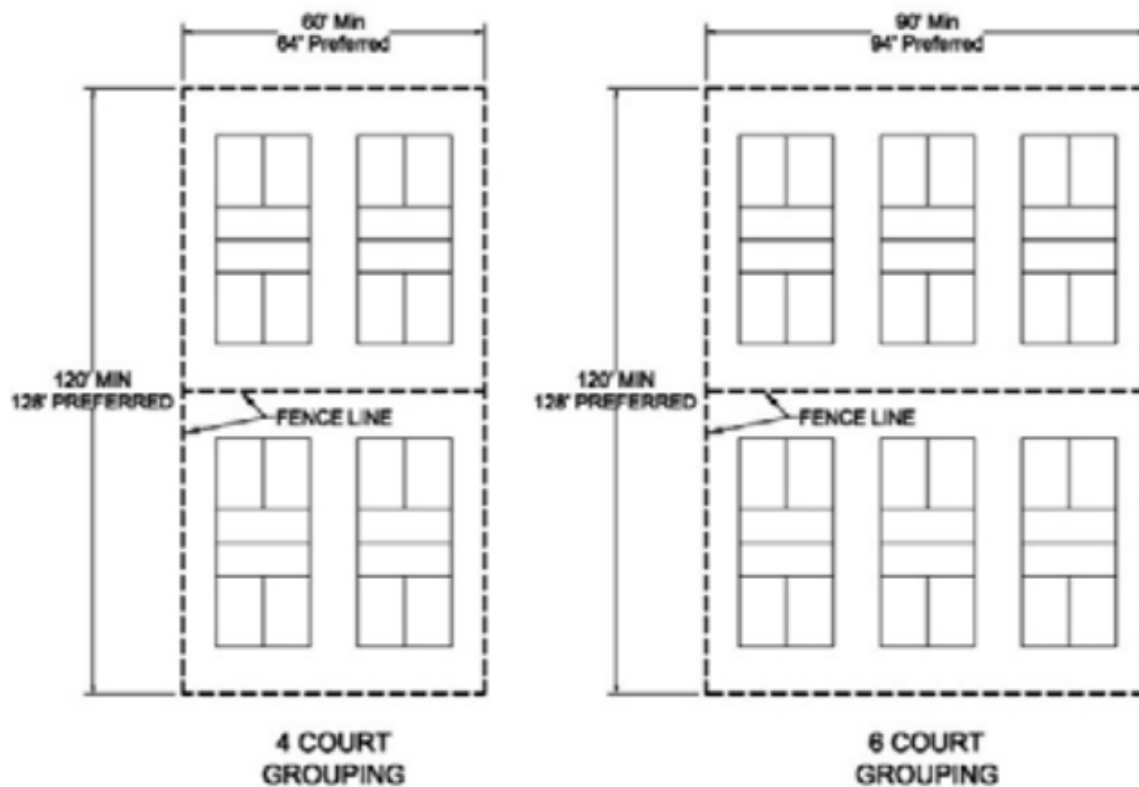
Task	Estimated Cost	Completion Date*
1	\$ 5,000	June 30, 2024
2	\$ 6,000	August 31, 2024
3	\$ 4,000	October 31, 2024
4	\$ 12,000	January 31, 2025
Site Specific Permitting Contingency	\$ 3,000	July 31, 2025
Total	\$ 30,000	

*Assumes April 2024 STM approval. Task 4 (other than preparation of bid documents) to be completed in time for April 2025 STM consideration. Depending on permitting requirements, this target date may be extended to Fall 2025 STM.



COMMUNITY PRESERVATION COMMITTEE APPLICATION FOR PROJECT FUNDING

Potential Pickleball Court Site Layout





SAGE CENTER

social | activities | growth | education

PICKLEBALL AT NEWBURYPORT TENNIS CLUB - 2022

<u>DATE</u>	<u>DAY</u>	<u>PARTICIPATION</u>
6/7/22	TUESDAY	15
6/9/22	THURSDAY	12
6/14/22	TUESDAY	15
6/16/22	THURSDAY	13
6/21/22	TUESDAY	15
6/23/22	THURSDAY	13
6/28/22	TUESDAY	15
6/30/22	THURSDAY	13
9/12/22	MONDAY	15
9/19/22	MONDAY	15
9/26/22	MONDAY	15

Played 11 days

PICKLEBALL AT ACTION COVE BASKETBALL COURTS - 2023

TUESDAYS FROM 9-11 AM (THURSDAYS AS A RAIN DATE)

<u>DATE</u>	<u>DAY</u>	<u>PARTICIPATION</u>
8/17/23	THURSDAY	4
8/22/24	TUESDAY	6
8/29/23	TUESDAY	8
9/5/23	TUESDAY	9
9/14/23	THURSDAY	8
9/21/23	THURSDAY	7
9/26/23	TUESDAY	8

TUESDAYS AND FRIDAYS FROM 9-11 AM

<u>DATE</u>	<u>DAY</u>	<u>PARTICIPATION</u>
10/31/23	TUESDAY	5
11/3/23	FRIDAY	5
11/7/23	TUESDAY	6
11/14/23	TUESDAY	9
11/17/23	FRIDAY	4
11/28/23	TUESDAY	4
12/1/23	FRIDAY	4

Played 14 days

COA

From: Paul Niman [REDACTED]
Sent: Monday, February 12, 2024 11:42 AM
To: COA
Subject: Support for Pickleball Courts in West Newbury

To Whom It May Concern:

I want to express my support for building pickleball courts in West Newbury. I have played pickleball for more than 6 years throughout New England, as well as in national tournaments. I am currently working with the WN COA to offer a pickleball program for seniors and hope to offer a similar program for children through the summer youth program.

Besides being a lot of fun, pickleball offers a lot of benefits to the community. Pickleball provides physical activity, which is an important part of maintaining a healthy lifestyle. It also encourages a sense of community by allowing us to interact with our neighbors in a friendly and supportive manner.

I will do whatever I can to support the construction of pickleball courts in West Newbury.

Paul S. Niman
[REDACTED]

Sent from my iPhone

COA

From: MARCIA O'NEIL [REDACTED]
Sent: Monday, February 12, 2024 1:56 PM
To: COA
Cc: MARCIA O'NEIL
Subject: RE: Letter of support - permanent Pickleball courts

To: West Newbury Select Board - Attn: Wendy Reed, Chair
From: Marcia O'Neil
Date: Feb. 12, 2024
RE: Application Community Preservation Committee
RE: permanent Pickleball courts

Thanks to the COA, a group of residents have enjoyed learning how to play Pickleball at makeshift courts at Action Cove Playground this past fall. With a volunteer coach and efforts by the COA director, we enjoyed the game as well as evolved to be a supportive community for others in town interested in a growing and popular sport.

When town departments were not able to approve open play on these courts, we found neighboring towns occasionally were available to offer sites for our games if their residents were not using the courts. Given that West Newbury is our hometown, we have wanted to play here in our hometown. However, there has been no site to do so.

I am writing to encourage the Select Board to pursue the CPC application and to locate, design, and build in the most cost-effective way a Pickleball facility site. There is a strong interest and need to provide this opportunity and the time is right to do so.

Thank you for consideration.

COA

From: Anne Puricelli [REDACTED]
Sent: Monday, February 12, 2024 4:13 PM
To: COA
Subject: Re: Update on permanent Pickleball courts

Hello Christine,

How exciting that the Select Board is leading a project to pursue the possibility of constructing Pickleball courts in West Newbury.

I believe that Pickleball is the fastest growing sport in the Country and it would be wonderful for West Newbury to be able to add this to the recreational opportunities offered to the residents.

Please convey my approval of this project to the Board.

Regards,
Anne Puricelli

Sent from my iPad

On Feb 12, 2024, at 9:44 AM, COA <coa@wnewbury.org> wrote:

Hello Pickleball Players and COA Board Members!

Just sending an update on permanent Pickleball courts...

The Select Board is leading this project and submitting the attached Application and Scope of Work to the Community Preservation Committee (CPC) next week. The objective of this project is to identify the most appropriate and cost effective location of a Town owned parcel for construction of a 4 to 6 court / outdoor Pickleball facility site, and to design, permit and procure its construction. (please see more detail in the Application)

Select Board Chair Wendy Reed has asked me to collect letters of support for this project by the end of the week. If you would like to submit a letter of support, please email it to me at coa@wnewbury.org or drop it off at the SAGE Center / Senior Center, 381 Main Street.

Thank you,
Christine

<image001.png>

<Pickleball Court Site Feasibility and Design Funding Application.pdf>
<Scope of Work Pickleball Court Site FS & Design.pdf>

COA

From: Sabrina Babcock [REDACTED]
Sent: Tuesday, February 13, 2024 10:00 AM
To: COA
Subject: Input on Proposed Pickleball Courts

Dear West Newbury Select Board,

I am writing to express my husband's and my full support for the construction of a 4 to 6 court outdoor Pickleball Facility in West Newbury. We moved to West Newbury from Newburyport twelve years ago, and upon my retirement over six years ago, I have enjoyed more free time and the opportunity to meet and develop relationships with members of the West Newbury community.

As a former athlete, the West Newbury Council on Aging gave me the great opportunity to learn Pickleball through the group lessons that Christine Marshall organized in 2022 in Newburyport and the free lessons on the basketball court at Action Cove this summer. I met a wonderful group of women, learned a lot from volunteer instructor Paul, and benefited greatly from the regular exercise and camaraderie.

It was a challenge to find nearby places to play on the days and times when the basketball court was not open to us. Neighboring communities allowed us to use their courts but it was often difficult to determine when they were available and often required players to bring nets and tape to mark the courts. Haverhill's courts were always set up and had an online reservation system which was convenient. Though my husband does not play Pickleball, I know he is happy to have me busy and out of the house!

I look forward to the day when West Newbury has its own courts - an inside option would also be great given our New England weather- and community members of all ages could take advantage of the exercise and camaraderie inherent in this fun game.

Thank you for your efforts on our behalf.
Sincerely,

Sabrina and Harold Babcock

[REDACTED]
West Newbury

COA

From: Marlene Hemingway [REDACTED]
Sent: Monday, February 12, 2024 9:04 PM
To: COA
Subject: Re: Update on permanent Pickleball courts

To whom it may concern,
As a resident of West Newbury, I am in full support of establishing pickle ball courts within our town. Presently, if we want to play, we are forced to go to Newburyport, Haverhill or other nearby towns. This is a growing sport that people of all ages can participate. It would be wonderful to have a location within our own town to play.

Marlene Hemingway
[REDACTED]

Sent from my iPad

On Feb 12, 2024, at 9:44 AM, COA <coa@wnewbury.org> wrote:

Hello Pickleball Players and COA Board Members!

Just sending an update on permanent Pickleball courts...

The Select Board is leading this project and submitting the attached Application and Scope of Work to the Community Preservation Committee (CPC) next week. The objective of this project is to identify the most appropriate and cost effective location of a Town owned parcel for construction of a 4 to 6 court / outdoor Pickleball facility site, and to design, permit and procure its construction. (please see more detail in the Application)

Select Board Chair Wendy Reed has asked me to collect letters of support for this project by the end of the week. If you would like to submit a letter of support, please email it to me at coa@wnewbury.org or drop it off at the SAGE Center / Senior Center, 381 Main Street.

Thank you,
Christine

<image001.png>

<Pickleball Court Site Feasibility and Design Funding Application.pdf>
<Scope of Work Pickleball Court Site FS & Design.pdf>

February 14, 2024

West Newbury Select Board
Town Office Building
381 Main Street
West Newbury, MA 01985

RE: Pickleball Court Site

Dear Select Board:

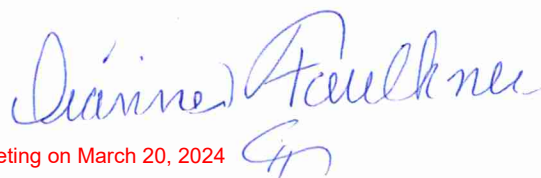
The West Newbury COA has been working on providing new and fun experiences for seniors and residents of West Newbury for quite some time and this year decided a Pickleball Court would benefit those we serve.

Christine purchased the equipment needed for the game, set it up near Action Cove Playground and it took off. Soon there was born a togetherness of players and a waiting list of new people wanting to play. Yes, there were a few problems with noise factors and a neighbor who objected to the noise.

The road off Pipestave Hill, half way up where you would take a right to go down to Mill Pond and on your immediate right, is a fairly flat space sitting near the side of Rte #113 that would be ideal for a Pickleball Court. Noise would not be a factor. Parking would not be a factor. Visibility would be great. But we need to obtain permits to build it.

The effort to clear permits and hurdles to construct a Pickleball Court would enhance the lives of many residents in our town, young, middle aged and yes OLD! There are only a handful of activities (if that) in our town for adults..Please consider giving our residents something special to do in their own town.

Respectfully submitted....Dianne Faulkner, Chair of WN COA



COA

From: Nawrocki [REDACTED]
Sent: Wednesday, February 14, 2024 4:39 PM
To: COA
Subject: Pickleball courts

Hello,

Pickleball is a popular sport that will just continue to grow in popularity. I hope the town can proceed to enhance West Newbury's environment and amenities by adding these popular facilities to benefit our town residents. The town would greatly benefit from "more" forward thinking as to ways to improve the West Newbury community.

Thank you,
Sandy



West Newbury, MA 01985

February 14, 2024

RE: Application for Project Funding – Pickleball Courts

It is very encouraging to hear the pickleball court feasibility study and continued progress on this subject will continue to be discussed at the meeting on Tuesday, February 20. I am unable to attend the meeting. I feel this is a positive step in the right direction to have pickleball courts in the Town of West Newbury.

As a pickleball novice and very much enjoying the sport, it is a challenge to go to other towns to play pickleball. Last fall, I played with the West Newbury COA twice a week. However, the hours were very restrictive. Furthermore, we were not afforded the opportunity in West Newbury to practice our skills and play outside of the restrictive hours. This caused me and other pickleball players to seek open courts in surrounding towns.

When we wanted to play pickleball and due to the restrictive hours in West Newbury, we would have to lug our own net to other surrounding towns, set it up and play pickleball. Initially, In Newburyport, we were unsuccessful in locating open courts. However, this caused us to get creative and seek out tennis courts and play on the back half of a tennis court. As our search for open pickleball courts continued, we found the courts at Riverside Park in Haverhill. Their courts opened in 2022 and are beautiful. Salisbury has lovely courts as well as many surrounding towns.

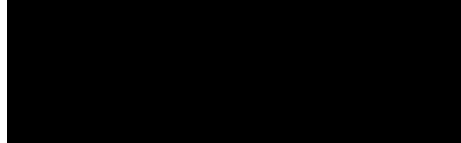
As this project goes forward, Pickleball is a sport enjoyed by all ages and will be a definite addition to our community of West Newbury. This is a sport that will only grow in future years. It's a way to keep people of all ages outside and active. Another definite plus is meeting/reacquainting ourselves with town residence in a healthy manner.

This letter will serve as input and Support as a potential user of the pickleball courts in West Newbury.

Sincerely,

Lorraine Paradise Kelly

James Kelly



15 February, 2024

Regarding Pickleball Project Study

Dear Parks and Recreation Commission Members:

Thank you very much for your consideration on this subject. Pickleball is recognized as the fastest growing sport in the US by the Sports and Fitness Industry Association (SFIA). This has happened largely because people of all ages and levels of athleticism can enjoy the health, entertainment, and social benefits of the sport. Participants we know would sum it up simply as "pickleball is fun!"

Given this, it is entirely appropriate that West Newbury establish a local capability and capacity in this discipline so our citizens of all ages can participate. I recommend that the project objectives explicitly state that the report is to include recommendations as to hours of operation, number of courts, future expansion (provision for adding courts, lighting for nighttime use, etc.), and so on.

Thank you again for getting this study kicked off, and I look forward to hearing the results!

Best regards,

Jim Kelly

A handwritten signature in cursive script that reads "James H. Kelly". The signature is written in black ink on a light-colored background.

Town of West Newbury

2024 Spring Town Meeting (FY25)

ARTICLE REQUEST FORM - UPDATED

ARTICLE: *Page School Elevator Study/Repairs*

AMOUNT REQUESTED: \$50,000 (Capital Request)

CONTACT PERSON: Brian Richard, Facilities Manager

PHONE NUMBER: [REDACTED]

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

The Page School has two elevators that are 45 years old. Funds are being requested to hire an engineering consultant to prepare plans and cost estimates to bring these elevators up to code.

When the initial article request was submitted, the focus was a bigger picture evaluation of the elevator. However, subsequent to preparing that request, the elevator unexpectedly failed its inspection (copy of January 30th inspection report enclosed).

Due in part to that failed inspection (which occurred a relatively short time after the elevator was serviced), Pentucket has initiated a process to terminate its contract with its vendor, and to engage a new vendor (which is the vendor the Town uses for its building, and which has served the Town well). (Fiscal year to date, Jonathan reports that Pentucket has expended approx. \$8,500 to service the elevator).

It will take some time for that to play out, but the focus of this article has now been scaled back to include a) the new vendor's evaluation/assessment of the elevator; and b) repairs to bring the elevator back into reliable service. Because the new vendor cannot work on this until it is under contract, which cannot occur until the existing service contract is severed, we do not have a firm cost proposal. In consultation with Jonathan, I recommend that the article carry \$50,000 for evaluation and repairs, with a sunset date of June 30, 2025. This should more than cover what will be needed in the near term. Allocated but unspent funds would revert to the Stabilization Fund.

What factors affect the timing of this purchase?

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

Recommended sunset date of June 30, 2026

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

N/A.

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

This article is a free cash request and meets the criteria for a capital project. (PGE-009)

Please attach additional pages or other supporting documentation.



Maura Healey
GOVERNOR

Kim Driscoll
LIEUTENANT GOVERNOR

Yvonne Hao
SECRETARY, EXECUTIVE OFFICE
OF ECONOMIC DEVELOPMENT

Commonwealth of Massachusetts

Division of Occupational Licensure

Office of Public Safety and Inspections

1000 Washington Street, Suite 710, Boston, MA 02118

Layla R. D'Emilia
UNDERSECRETARY, CONSUMER
AFFAIRS AND BUSINESS
REGULATION

Sarah R. Wilkinson
COMMISSIONER, DIVISION OF
OCCUPATIONAL LICENSURE

January 30, 2024

Ruthy Nolan

Re: 694 MAIN STREET, WEST NEWBURY, MA 01985

Inspection Number: INS-627222

Equipment: 324-P-1

An inspection of the above-noted equipment was completed on January 30, 2024

The following violation(s) must be corrected prior to issuance of a Certificate.

Issue	Outcome	Comments
Abated	Fail	Low Oil timer failed to trip Relay LO and LOX in controller 17.23(7)d
Machine Room Code data	Fail	Code data plate missing need to know which code under Need manufacturer date and installation date 15.01(2)
Outside Hoistway Access	Fail	No top access for hoistway 2.12.7.1.2 (March 1950 - Dec 1971 top only) 17.07(5)
Pit access, lighting, stop switch, and condition	Fail	Clean pit of Oil and Speedy dry 2.2.2.5

All deficiencies must be corrected within 90 days.

Respectfully,

Bart Buonopane
Elevator Inspector



ARTICLE REQUEST FORM

ARTICLE: DPW request additional funds for the Snow and Ice Removal Program

AMOUNT REQUESTED: Placeholder number to be reviewed/ revised as Board gets closer to posting and signing Warrant

CONTACT PERSON: Butch Hills, Highway Superintendent

PHONE NUMBER: 978-363-1100 x120

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

An estimated \$XX,XXX has been expended YTD leaving a remaining balance of approximately \$XXX,XXX in the available budget line. We do expect some larger scale events to occur similar to previous years. Prior complete year Snow and Ice total spending (including overages approved at prior Town Meetings) show expenditures of \$54,198.43 (FY23) \$227,245 (FY22), \$224,021 (FY21), and \$211,087 (FY20). As a result, I request additional funds to allow DPW to perform this important operation to the degree of satisfaction expected by the residents of our Town.

What factors affect the timing of this purchase?

This is considered operations and the funds are needed to complete our snow and ice work for this season. This request is proposed for inclusion on the Special Town Meeting warrant in order to make funds available during the current fiscal year 2024.

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

Recommended sunset date of June 30, 2024

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

None

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

N/A

Please attach additional pages or other supporting documentation.

Angus Jennings

From: Angus Jennings
Sent: Saturday, March 16, 2024 6:06 PM
To: Wendy Reed; Rob Phillips [REDACTED]
Cc: Walsh, Jennifer; Highway
Subject: Snow & Ice article
Attachments: Snow and Ice YTD 3-16-24.pdf

Barring a return of winter weather, it doesn't look like we'll need an appropriation for the snow & ice article; though we'll keep it on the STM warrant just in case.

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

Parameters: Fiscal Year: 2024 Start Date: 7/1/2023 end: 6/30/2024

Ledger History - Allocated Detail - Expenditure Ledger

		Month / Year	Allocated	Expended	Ending	% Var.
Account: 01-420-5200-000000	Snow & Ice Removal		200,000.00	-123,166.51	76,833.49	61.58
		7 / 2023	200,000.00	0.00	200,000.00	0.00
		8 / 2023	0.00	0.00	0.00	0.00
		9 / 2023	0.00	0.00	0.00	0.00
		10 / 2023	0.00	0.00	0.00	0.00
		11 / 2023	0.00	-96.21	-96.21	0.00
		12 / 2023	0.00	-6,408.06	-6,408.06	0.00
		1 / 2024	0.00	-45,945.66	-45,945.66	0.00
		2 / 2024	0.00	-70,716.58	-70,716.58	0.00
		3 / 2024	0.00	0.00	0.00	0.00
		4 / 2024	0.00	0.00	0.00	0.00
		5 / 2024	0.00	0.00	0.00	0.00
		6 / 2024	0.00	0.00	0.00	0.00
1 Account(s) totaling:			200,000.00	-123,166.51	76,833.49	61.58

ARTICLE REQUEST FORM

ARTICLE: Prior fiscal year unpaid bills that are deemed to be legal obligations of the Town.

AMOUNT REQUESTED: \$7,751.53

CONTACT PERSON: Jennifer Walsh, Town Accountant

PHONE NUMBER: 978-363-1100 ext 112

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

To see if the Town will vote to transfer from available funds the sum above to pay the following unpaid bills incurred from previous fiscal year(s), or take any other action in relation thereto. In accordance with MGL Chapter 44, Section 64, unpaid bills from a prior fiscal year can only be paid from current year appropriations with the specific approval of Town Meeting. For Special Town Meetings a 9/10ths vote is required.

DEPARTMENT	VENDOR	AMOUNT
Police	Uncollectable Details 6-10-2023	\$720.00
DPW	National Grid - Pole 90	\$7,031.53

What factors affect the timing of this purchase?

N/A

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

N/A

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

N/A

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

N/A

Please attach additional pages or other supporting documentation.



American Legion Riders

Wilbur M. Comeau

Massachusetts Chapter, Post 4, Haverhill MA

To: West Newbury Police Department,

This letter is being sent in regard to the invoice we received dated 6/10/23. We reached out to you informing you of a charity ride we were organizing that would be traveling through your town, as a courtesy. We did not request detail officers, we simply sent a letter to keep you informed. We have completed many charity rides, and have never been charged by any town or city.

The American Legion Riders is a non profit group of volunteers, who are committed to supporting our veterans, our military troops, our community, special charities and also offer scholarships. This particular ride was a charity ride for the Disabled and Limbless Veterans, which is a charity who provides meals, clothing and shelter to Veteran's and their families who require services and support.

We are asking you to please credit the invoice, as this takes away any fundraising that would be given to said charities.

Thank you in advance,


Shirley Breen

ALR Secretay

WEST NEWBURY POLICE DEPARTMENT
 DETAIL ACCOUNT #902580

<u>INV DATE</u>	<u>Inv #</u>	<u>DATE WKD</u>	<u>OFFICERS NAME</u>	<u>BILL TO</u>	<u>TOTAL WAGE</u>	<u>CRUISER</u>	<u>ADMIN CHG</u>	<u>TOTAL DUE</u>
6/12/2023	23-50B	6/10/2023	Eng, Jessica	American Legion Riders	\$360.00	✓ \$0.00	\$36.00	\$396.00
6/12/2023	23-50B	6/10/2023	Terrero, Manny	American Legion Riders	\$360.00	✓ \$10.00	\$36.00	\$406.00
<u>TOTAL</u>					\$720.00	\$10.00	\$72.00	\$802.00


 (Signature) CHIEF OF POLICE

BOARD OF SELECTMEN

WEST NEWBURY POLICE DETAIL ACCOUNT

INV.#: 23-50B

OFFICERS NAME: Eng, Jessica
INVOICE DATE: 6/12/2023 TIME: 10:30am-11:10am
DATE WORKED: 6/10/2023

JOB LOCATION: Bridge St @ Main

HOURS WORKED

PAY

REGULAR:		REG:	0.00
OVERTIME:	4	OT:	360.00
CRUISER:		S/M:	0.00
SCH/MUN OT:		S/M OT:	0.00

TOTAL WAGE: 360.00
CRUISER:: 0
ADMN CHARGE: 36.00
TOTAL BILLED: 396.00

BILL TO: American Legion Riders
ADDRESS:
CITY/TOWN:

WEST NEWBURY POLICE DETAIL ACCOUNT

INV.#: 23-50B

OFFICERS NAME: Terrero,Manny
INVOICE DATE: 6/12/2023 TIME: 10:20am-11am
DATE WORKED: 6/10/2023

JOB LOCATION: Turkey Hill @ South

HOURS WORKED

PAY

REGULAR:		REG:	0.00
OVERTIME:	4	OT:	360.00
CRUISER:	1	S/M:	10.00
SCH/MUN OT:		S/M OT:	0.00

TOTAL WAGE: 360.00
CRUISER:: 10
ADMN CHARGE: 36.00
TOTAL BILLED: 406.00

BILL TO: American Legion Riders
ADDRESS:
CITY/TOWN:

PLEASE PAY BY
Mar 19, 2024
AMOUNT DUE
\$ 7,031.53

www.nationalgridus.com

CUSTOMER SERVICE
1-800-322-3223
CREDIT DEPARTMENT
1-888-211-1313

POWER OUTAGE OR DOWNED LINE
1-800-465-1212

CORRESPONDENCE ADDRESS
PO Box 960
Northborough, MA 01532-0960

ELECTRIC PAYMENT ADDRESS
PO BOX 371396
PITTSBURGH, PA 15250-7396

DATE BILL ISSUED
Jan 24, 2024

Enrollment Information

To enroll with a supplier or change to another supplier, you will need the following information about your account:
Loadzone NEMA/BOST
Acct No: 90661-02000 Cycle: 3, TOWN

Electric Usage History

Month	kWh	Month	kWh
Jul 22	2061	Feb 23	2198
Aug 22	2129	Mar 23	1992
Sep 22	2060	Apr 23	1991
Oct 22	1991	May 23	2198
Nov 22	2198	Jun 23	2060
Dec 22	2198	Jul 23	1992
Jan 23	1991		

CORRECTED BILL

ACCOUNT BALANCE

Previous Balance	6,523.34
Payment Received <i>No payments have been received during this billing period</i>	- 0.00
Balance Forward	6,523.34
Current Charges	4,508.19
Amount Due	\$ 7,031.53

To avoid late payment charges of 1.02%, \$ 7,031.53 must be received by Mar 19 2024.

This bill reflects credit for previous billings that have been corrected. Your previous balance includes charges from prior billings.

DETAIL OF CURRENT CHARGES

Delivery Services

Type of Service	Current Reading	Previous Reading	Difference	Meter Multiplier	Total Usage
Energy	76881 <i>Estimate</i>	74889 <i>Estimate</i>	1992	1	1992 kWh
Total Energy					1992 kWh

Demand-kW

16.2 kW

Demand-kVA

18.0 kVA

Billed Demand

0.0 kW

METER NUMBER 25197404

NEXT SCHEDULED READ DATE ON OR ABOUT Feb 1

SERVICE PERIOD Jun 1 - Jun 30

NUMBER OF DAYS IN PERIOD 29

RATE General Service - Small C/I G-1 VOLTAGE DELIVERY LEVEL 0 - 2.2 kv

Amount: 7031.53
 Date: 02-22-2024
 Authorized Signature

KEEP THIS PORTION FOR YOUR RECORDS.

RETURN THIS PORTION WITH YOUR PAYMENT.

PLEASE PAY BY
Mar 19, 2024
AMOUNT DUE
\$ 7,031.53

CORRECTED BILL

ENTER AMOUNT ENCLOSED

\$

Write account number on check and make payable to National Grid
Please pay Gas & Electric bills separately

PO Box 960
Northborough MA 01532

1025643 01 AB 0.547 **AUTO T7 0 3017 01985-149981 -C03-P25668-1123 5



TOWN OF WEST NEWBURY
381 MAIN ST
WEST NEWBURY MA 01985-1499

028756

NATIONAL GRID
PO BOX 371396
PITTSBURGH PA 15250-7396



000050819 90661020007000703153079

3017-03-b-1-1025643-0001-0031847

PLEASE PAY BY
Mar 19, 2024

AMOUNT DUE
\$ 7,031.53

Choosing an Energy Supplier You can choose who supplies your energy. No matter which energy supplier you choose, National Grid will continue to deliver energy to you safely, efficiently and reliably. We will also continue to provide your customer service, including emergency response and storm restoration. National Grid is dedicated to creating an open energy market that lets you choose from a variety of competitive energy suppliers, who may offer different pricing options. For information on authorized energy suppliers and how to choose, please visit us online at ngrid.com/ma-energychoice

Customer Charge			10.00
Dist Chg	0.06936	x 1992 kWh	138.17
Transition Charge	-0.00067	x 1992 kWh	-1.33
Transmission Charge	0.02881	x 1992 kWh	57.39
Energy Efficiency Chg	0.01379	x 1992 kWh	27.47
Renewable Energy Chg	0.0005	x 1992 kWh	1.00
Distributed Solar Charge	0.00379	x 1992 kWh	7.54
Electric Vehicle Charge	0.00058	x 1992 kWh	1.16
Total Delivery Services			\$ 241.40



Supply Services

SUPPLIER National Grid

Basic Service Fixed	0.13393	x 1992 kWh	266.79
Total Supply Services			\$ 266.79

Explanation of General Billing Terms

KWH: Kilowatt-hour, a basic unit of electricity used.
Off-Peak: Period of time when the need or demand for electricity on the Company's system is low, such as late evenings, weekends and holidays.
Peak: Period of time when the need or demand for electricity on the Company's system is high, normally during the day, Monday through Friday, excluding holidays.
Estimated Bill: A bill calculated on your typical monthly usage rather than on an actual meter reading, usually rendered because we are unable to read your meter.
Meter Multiplier: A number by which the usage on certain meters must be multiplied by to obtain the total usage.
Demand Charge: The cost of providing electrical distribution equipment to accommodate your largest electrical load.
Supplier Service Charges consist of:
Generation Charge: The charge(s) to provide electricity to the customer by a supplier.
Delivery Service Charges are comprised of:
Customer Charge: The cost of providing customer related services such as metering, meter reading and billing. These costs are unaffected by the actual

amount of electricity you use.
Distribution Charge: The cost of delivering electricity from the beginning of the Company's distribution system to your home or business.
Transition Charge: Company payments to its wholesale supplier for terminating its wholesale arrangements.
Transmission Charge: The cost of delivering electricity from the generation company to the beginning of the Company's distribution system.
Energy Efficiency Charge: The cost of energy efficiency program services offered by the Company.
Renewable Energy Charge: A charge to fund initiatives for renewable energy and fostering formation, growth, expansion and retention of renewable energy and related enterprises.
Distributed Solar Charge: Recovers the cost of the Massachusetts solar program, including payments to owners of solar systems.
Electric Vehicle Charge: Recovers the cost of the Electric Vehicle Program, including rebates for installation of EV charging infrastructure and for off peak charging.

Questions:

If you have questions or complaints regarding this bill or National Grid's service quality, please contact Customer Service at 1-800-322-3223. You may also contact the Massachusetts Department of Public Utilities, Consumer Division at 617-737-2836 or toll free at 1-877-886-5066, TTY (for the hearing impaired only) 1-800-439-2370 or web site www.mass.gov/dpu.

123 5



PLEASE PAY BY
Mar 17, 2024

AMOUNT DUE
\$ 6,523.34

▶ **CORRECTED BILL** ◀

ACCOUNT BALANCE

Previous Balance	5,998.15
Payment Received <i>No payments have been received during this billing period</i>	- 0.00
Balance Forward	5,998.15
Current Charges	+ 525.19
Amount Due ▶	\$ 6,523.34

To avoid late payment charges of 1.02%, \$ 6,523.34 must be received by Mar 17 2024.

This bill reflects credit for previous billings that have been corrected. Your previous balance includes charges from prior billings.

DETAIL OF CURRENT CHARGES

Delivery Services

Type of Service	Current Reading	Previous Reading	Difference	Meter Multiplier	Total Usage
Energy	74889 <i>Estimate</i>	72829 <i>Estimate</i>	2060	1	2060 kWh
Total Energy					2060 kWh

Demand-kW

16.2 kW

Demand-kVA

18.0 kVA

Billed Demand

0.0 kW

METER NUMBER 25197404 NEXT SCHEDULED READ DATE ON OR ABOUT Feb 1
 SERVICE PERIOD May 2 - Jun 1 NUMBER OF DAYS IN PERIOD 30
 RATE General Service - Small C/I G-1 VOLTAGE DELIVERY LEVEL 0 - 2.2 kv

Acct: _____
 Amount: _____
 Date: _____

 Authorized Signature

KEEP THIS PORTION FOR YOUR RECORDS.

RETURN THIS PORTION WITH YOUR PAYMENT.



PLEASE PAY BY

Mar 17, 2024

AMOUNT DUE

\$ 6,523.34

▶ **CORRECTED BILL** ◀

ENTER AMOUNT ENCLOSED

\$

Write account number on check and make payable to National Grid
Please pay Gas & Electric bills separately

PO Box 960
Northborough MA 01532

1054518 01 AB 0.547 **AUTO TS 0 3015 01985-149981 -C03-P54572-1123 5



TOWN OF WEST NEWBURY
381 MAIN ST
WEST NEWBURY MA 01985-1499

058884

NATIONAL GRID
PO BOX 371396
PITTSBURGH PA 15250-7396



000052519 90661020002000652334077

CSS Bill Book Rev 0914

3015-03-671-1054518-0001-006-1103

PLEASE PAY BY

Mar 17, 2024

AMOUNT DUE

\$ 6,523.34

Choosing an Energy Supplier You can choose who supplies your energy. No matter which energy supplier you choose, National Grid will continue to deliver energy to you safely, efficiently and reliably. We will also continue to provide your customer service, including emergency response and storm restoration. National Grid is dedicated to creating an open energy market that lets you choose from a variety of competitive energy suppliers, who may offer different pricing options. For information on authorized energy suppliers and how to choose, please visit us online at ngrid.com/ma-energychoice

Customer Charge			10.00
Dist Chg	0.06936	x 2060 kWh	142.89
Transition Charge	-0.00067	x 2060 kWh	-1.38
Transmission Charge	0.02881	x 2060 kWh	59.35
Energy Efficiency Chg	0.01379	x 2060 kWh	28.41
Renewable Energy Chg	0.0005	x 2060 kWh	1.03
Distributed Solar Charge	0.00379	x 2060 kWh	7.81
Electric Vehicle Charge	0.00058	x 2060 kWh	1.19
Total Delivery Services			\$ 249.30

Supply Services

SUPPLIER National Grid

Basic Service Fixed	0.13393	x 2060 kWh	275.89
Total Supply Services			\$ 275.89

Explanation of General Billing Terms

KWH: Kilowatt-hour, a basic unit of electricity used.
Off-Peak: Period of time when the need or demand for electricity on the Company's system is low, such as late evenings, weekends and holidays.
Peak: Period of time when the need or demand for electricity on the Company's system is high, normally during the day, Monday through Friday, excluding holidays
Estimated Bill: A bill calculated on your typical monthly usage rather than on an actual meter reading, usually rendered because we are unable to read your meter.
Meter Multiplier: A number by which the usage on certain meters must be multiplied by to obtain the total usage.
Demand Charge: The cost of providing electrical distribution equipment to accommodate your largest electrical load.
Supplier Service Charges consist of:
Generation Charge: The charge(s) to provide electricity to the customer by a supplier.
Delivery Service Charges are comprised of:
Customer Charge: The cost of providing customer related services such as metering, meter reading and billing. These costs are unaffected by the actual

amount of electricity you use.
Distribution Charge: The cost of delivering electricity from the beginning of the Company's distribution system to your home or business.
Transition Charge: Company payments to its wholesale supplier for terminating its wholesale arrangements.
Transmission Charge: The cost of delivering electricity from the generation company to the beginning of the Company's distribution system.
Energy Efficiency Charge: The cost of energy efficiency program services offered by the Company.
Renewable Energy Charge: A charge to fund initiatives for renewable energy and fostering formation, growth, expansion and retention of renewable energy and related enterprises.
Distributed Solar Charge: Recovers the cost of the Massachusetts solar program, including payments to owners of solar systems.
Electric Vehicle Charge: Recovers the cost of the Electric Vehicle Program, including rebates for installation of EV charging infrastructure and for off peak charging.

Questions:

If you have questions or complaints regarding this bill or National Grid's service quality, please contact Customer Service at 1-800-322-3223. You may also contact the Massachusetts Department of Public Utilities, Consumer Division at 617-737-2836 or toll free at 1-877-886-5066, TTY (for the hearing impaired only) 1-800-439-2370 or web site www.mass.gov/dpu.



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PLEASE PAY BY
Mar 14, 2024

AMOUNT DUE
\$ 5,998.15

www.nationalgridus.com

CUSTOMER SERVICE
1-800-322-3223
CREDIT DEPARTMENT
1-888-211-1313

POWER OUTAGE OR DOWNED LINE
1-800-465-1212

CORRESPONDENCE ADDRESS
PO Box 960
Northborough, MA 01532-0960

ELECTRIC PAYMENT ADDRESS
PO BOX 371396
PITTSBURGH, PA 15250-7396

DATE BILL ISSUED
Jan 19, 2024

Enrollment Information

To enroll with a supplier or change to another supplier, you will need the following information about your account:
Loadzone NEMA/BOST
Acct No: 90661-02000 Cycle: 3, TOWN

Electric Usage History

Month	kWh	Month	kWh
May 22	3040	Dec 22	2198
Jun 22	2060	Jan 23	1991
Jul 22	2061	Feb 23	2198
Aug 22	2129	Mar 23	1992
Sep 22	2060	Apr 23	1991
Oct 22	1991	May 23	2198
Nov 22	2198		

CORRECTED BILL

ACCOUNT BALANCE

Previous Balance	5,051.24
Payment Received <i>No payments have been received during this billing period</i>	- 0.00
Balance Forward	5,051.24
Current Charges	+ 946.91
Amount Due	\$ 5,998.15

To avoid late payment charges of 1.02%, \$ 5,998.15 must be received by Mar 14 2024.

This bill reflects credit for previous billings that have been corrected. Your previous balance includes charges from prior billings.

DETAIL OF CURRENT CHARGES

Delivery Services

Type of Service	Current Reading	Previous Reading	Difference	Meter Multiplier	Total Usage
Energy	72829 <i>Estimate</i>	70631 <i>Estimate</i>	2198	1	2198 kWh
Total Energy					2198 kWh

Demand-kW	Demand-kVA
16.2 kW	18.0 kVA

Billed Demand 0.0 kW

METER NUMBER 25197404 NEXT SCHEDULED READ DATE ON OR ABOUT Feb 1
SERVICE PERIOD Mar 31 - May 2 NUMBER OF DAYS IN PERIOD 32
RATE General Service - Small C/I G-1 VOLTAGE DELIVERY LEVEL 0 - 2.2 kv

KEEP THIS PORTION FOR YOUR RECORDS.

RETURN THIS PORTION WITH YOUR PAYMENT.

nationalgrid

PLEASE PAY BY

Mar 14, 2024

AMOUNT DUE

\$ 5,998.15

CORRECTED BILL

ENTER AMOUNT ENCLOSED

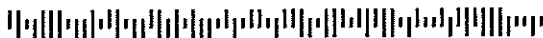
\$

[Empty box for amount enclosed]

Write account number on check and make payable to National Grid
Please pay Gas & Electric bills separately

PO Box 960
Northborough MA 01532

1028639 01 AB 0.537 **AUTO T9 0 3014 01985-149981 -C03-P28667-1123 5



TOWN OF WEST NEWBURY
381 MAIN ST
WEST NEWBURY MA 01985-1499

031627

NATIONAL GRID
PO BOX 371396
PITTSBURGH PA 15250-7396



000094691 90661020000000599815074

CSS Bill Stock Rev 06/14

301-4-03-bj-1-1028639-0001-00329-44

Choosing an Energy Supplier You can choose who supplies your energy. No matter which energy supplier you choose, National Grid will continue to deliver energy to you safely, efficiently and reliably. We will also continue to provide your customer service, including emergency response and storm restoration. National Grid is dedicated to creating an open energy market that lets you choose from a variety of competitive energy suppliers, who may offer different pricing options. For information on authorized energy suppliers and how to choose, please visit us online at ngrid.com/ma-energychoice

Customer Charge			10.00
Dist Chg	0.06851624	x 2198 kWh	150.59
Transition Charge	-0.00067	x 2198 kWh	-1.47
Transmission Charge	0.02881	x 2198 kWh	63.32
Energy Efficiency Chg	0.01366812	x 2198 kWh	30.05
Renewable Energy Chg	0.0005	x 2198 kWh	1.10
Distributed Solar Charge	0.00379	x 2198 kWh	8.33
Electric Vehicle Charge	0.00058	x 2198 kWh	1.27
Total Delivery Services			\$ 263.19



Supply Services

SUPPLIER National Grid

Basic Service Fixed	0.31106124	x 2198 kWh	683.72
Total Supply Services			\$ 683.72

Explanation of General Billing Terms

KWH: Kilowatt-hour, a basic unit of electricity used.
Off-Peak: Period of time when the need or demand for electricity on the Company's system is low, such as late evenings, weekends and holidays.
Peak: Period of time when the need or demand for electricity on the Company's system is high, normally during the day, Monday through Friday, excluding holidays.
Estimated Bill: A bill calculated on your typical monthly usage rather than on an actual meter reading, usually rendered because we are unable to read your meter.
Meter Multiplier: A number by which the usage on certain meters must be multiplied by to obtain the total usage.
Demand Charge: The cost of providing electrical distribution equipment to accommodate your largest electrical load.

Supplier Service Charges Consist of:

Generation Charge: The charge(s) to provide electricity to the customer by a supplier.

Delivery Service Charges are comprised of:

Customer Charge: The cost of providing customer related services such as metering, meter reading and billing. These costs are unaffected by the actual

amount of electricity you use.

Distribution Charge: The cost of delivering electricity from the beginning of the Company's distribution system to your home or business.

Transition Charge: Company payments to its wholesale supplier for terminating its wholesale arrangements.

Transmission Charge: The cost of delivering electricity from the generation company to the beginning of the Company's distribution system.

Energy Efficiency Charge: The cost of energy efficiency program services offered by the Company.

Renewable Energy Charge: A charge to fund initiatives for renewable energy and fostering formation, growth, expansion and retention of renewable energy and related enterprises.

Distributed Solar Charge: Recovers the cost of the Massachusetts solar program, including payments to owners of solar systems.

Electric Vehicle Charge: Recovers the cost of the Electric Vehicle Program, including rebates for installation of EV charging infrastructure and for off peak charging.

Questions:

If you have questions or complaints regarding this bill or National Grid's service quality, please contact Customer Service at 1-800-322-3223. You may also contact the Massachusetts Department of Public Utilities, Consumer Division at 617-737-2836 or toll free at 1-877-886-5066, TTY (for the hearing impaired only) 1-800-439-2370 or web site www.mass.gov/dpu.

123 5

PLEASE PAY BY

AMOUNT DUE

Mar 13, 2024

\$ 5,051.24

www.nationalgridus.com

CUSTOMER SERVICE
1-800-322-3223
CREDIT DEPARTMENT
1-888-211-1313

POWER OUTAGE OR DOWNED LINE
1-800-465-1212

CORRESPONDENCE ADDRESS
PO Box 960
Northborough, MA 01532-0960

ELECTRIC PAYMENT ADDRESS
PO BOX 371396
PITTSBURGH, PA 15250-7396

DATE BILL ISSUED
Jan 18, 2024

Enrollment Information

To enroll with a supplier or change to another supplier, you will need the following information about your account:

Loadzone NEMA/BOST
Acct No: 90661-02000 Cycle: 3, TOWN

Electric Usage History

Month	kWh	Month	kWh
Apr 22	3130	Nov 22	2198
May 22	3040	Dec 22	2198
Jun 22	2060	Jan 23	1991
Jul 22	2061	Feb 23	2198
Aug 22	2129	Mar 23	1992
Sep 22	2060	Apr 23	1991
Oct 22	1991		

▶ **CORRECTED BILL** ◀

ACCOUNT BALANCE

Previous Balance	4,169.18
Payment Received <i>No payments have been received during this billing period</i>	- 0.00
Balance Forward	4,169.18
Current Charges	+ 882.06
Amount Due ▶	\$ 5,051.24

To avoid late payment charges of 1.02%, \$ 5,051.24 must be received by Mar 13 2024.

This bill reflects credit for previous billings that have been corrected. Your previous balance includes charges from prior billings.

DETAIL OF CURRENT CHARGES

Delivery Services

Type of Service	Current Reading	Previous Reading	Difference	Meter Multiplier	Total Usage
Energy	70631 <i>Estimate</i>	68640 <i>Estimate</i>	1991	1	1991 kWh
Total Energy					1991 kWh

Demand-kW

16.2 kW

Demand-kVA

18.0 kVA

Billed Demand

0.0 kW

METER NUMBER 25197404

NEXT SCHEDULED READ DATE ON OR ABOUT Feb 1

SERVICE PERIOD Mar 1 - Mar 31

NUMBER OF DAYS IN PERIOD 30

RATE

General Service - Small C/I G-1 VOLTAGE DELIVERY LEVEL 0 - 2.2 kv

KEEP THIS PORTION FOR YOUR RECORDS.

RETURN THIS PORTION WITH YOUR PAYMENT.

PLEASE PAY BY

AMOUNT DUE

Mar 13, 2024

\$ 5,051.24

▶ **CORRECTED BILL** ◀

PO Box 960
Northborough MA 01532

ENTER AMOUNT ENCLOSED

\$

Write account number on check and make payable to National Grid
Please pay Gas & Electric bills separately

1039170 01 AB 0.537 **AUTO T2 0 3013 01985-149981 -C03-P39209-1123 5



TOWN OF WEST NEWBURY
381 MAIN ST
WEST NEWBURY MA 01985-1499

042959

NATIONAL GRID
PO BOX 371396
PITTSBURGH PA 15250-7396



000088206 90661020005000505124073

3013-03-b1-1039170-0001-00-49256

PLEASE PAY BY
Mar 13, 2024

AMOUNT DUE
\$ 5,051.24

Choosing an Energy Supplier You can choose who supplies your energy. No matter which energy supplier you choose, National Grid will continue to deliver energy to you safely, efficiently and reliably. We will also continue to provide your customer service, including emergency response and storm restoration. National Grid is dedicated to creating an open energy market that lets you choose from a variety of competitive energy suppliers, who may offer different pricing options. For information on authorized energy suppliers and how to choose, please visit us online at ngrid.com/ma-energychoice

Customer Charge		10.00
Dist Chg	0.06846 x 1991 kWh	136.31
Transition Charge	-0.00067 x 1991 kWh	-1.33
Transmission Charge	0.02881 x 1991 kWh	57.36
Energy Efficiency Chg	0.01366 x 1991 kWh	27.20
Renewable Energy Chg	0.0005 x 1991 kWh	1.00
Distributed Solar Charge	0.00379 x 1991 kWh	7.54
Electric Vehicle Charge	0.00058 x 1991 kWh	1.15
Total Delivery Services		\$ 239.23



Supply Services

SUPPLIER National Grid

Basic Service Fixed	0.32287 x 1991 kWh	642.83
Total Supply Services		\$ 642.83

Explanation of General Billing Terms

KWH: Kilowatt-hour, a basic unit of electricity used.

Off-Peak: Period of time when the need or demand for electricity on the Company's system is low, such as late evenings, weekends and holidays.

Peak: Period of time when the need or demand for electricity on the Company's system is high, normally during the day, Monday through Friday, excluding holidays

Estimated Bill: A bill calculated on your typical monthly usage rather than on an actual meter reading, usually rendered because we are unable to read your meter.

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Demand Charge: The cost of providing electrical distribution equipment to accommodate your largest electrical load.

Supplier Service Charges Consist of:

Generation Charge: The charge(s) to provide electricity to the customer by a supplier.

Delivery Service Charges are comprised of:

Customer Charge: The cost of providing customer related services such as metering, meter reading and billing. These costs are unaffected by the actual

amount of electricity you use.

Distribution Charge: The cost of delivering electricity from the beginning of the Company's distribution system to your home or business.

Transition Charge: Company payments to its wholesale supplier for terminating its wholesale arrangements.

Transmission Charge: The cost of delivering electricity from the generation company to the beginning of the Company's distribution system.

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Electric Vehicle Charge: Recovers the cost of the Electric Vehicle Program, including rebates for installation of EV charging infrastructure and for off peak charging.

Questions:

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123 5

PLEASE PAY BY

AMOUNT DUE

Mar 11, 2024

\$ 4,169.18

▶ **CORRECTED BILL** ◀

ACCOUNT BALANCE

Previous Balance	3,293.61
Payment Received <i>No payments have been received during this billing period</i>	- 0.00
Balance Forward	3,293.61
Current Charges	+ 875.57
Amount Due ▶	\$ 4,169.18

To avoid late payment charges of 1.02%, \$ 4,169.18 must be received by Mar 11 2024.

This bill reflects credit for previous billings that have been corrected. Your previous balance includes charges from prior billings.

DETAIL OF CURRENT CHARGES

Delivery Services

Type of Service	Current Reading	Previous Reading	Difference	Meter Multiplier	Total Usage
Energy	68640 <i>Estimate</i>	66648 <i>Estimate</i>	1992	1	1992 kWh
Total Energy					1992 kWh

Demand-kW

Demand-kVA

16.2 kW

18.0 kVA

Billed Demand

0.0 kW

METER NUMBER 25197404 NEXT SCHEDULED READ DATE ON OR ABOUT Feb 1

SERVICE PERIOD Jan 31 - Mar 1 NUMBER OF DAYS IN PERIOD 29

RATE General Service - Small C/I G-1 VOLTAGE DELIVERY LEVEL 0 - 2.2 kv

www.nationalgridus.com

CUSTOMER SERVICE

1-800-322-3223

CREDIT DEPARTMENT

1-888-211-1313

POWER OUTAGE OR DOWNED LINE

1-800-465-1212

CORRESPONDENCE ADDRESS

PO Box 960

Northborough, MA 01532-0960

ELECTRIC PAYMENT ADDRESS

PO BOX 371396

PITTSBURGH, PA 15250-7396

DATE BILL ISSUED

Jan 16, 2024

Enrollment Information

To enroll with a supplier or change to another supplier, you will need the following information about your account:

Loadzone NEMA/BOST

Acct No: 90661-02000 Cycle: 3, TOWN

Electric Usage History

Month	kWh	Month	kWh
Mar 22	3167	Oct 22	1991
Apr 22	3130	Nov 22	2198
May 22	3040	Dec 22	2198
Jun 22	2060	Jan 23	1991
Jul 22	2061	Feb 23	2198
Aug 22	2129	Mar 23	1992
Sep 22	2060		

KEEP THIS PORTION FOR YOUR RECORDS.

RETURN THIS PORTION WITH YOUR PAYMENT.

PLEASE PAY BY

AMOUNT DUE

Mar 11, 2024

\$ 4,169.18

▶ **CORRECTED BILL** ◀

ENTER AMOUNT ENCLOSED

\$

Write account number on check and make payable to National Grid
Please pay Gas & Electric bills separately

PO Box 960
Northborough MA 01532

1046107 01 AB 0.537 **AUTO T2 0 3011 01985-149981 -C03-P46153-1123 5



TOWN OF WEST NEWBURY

381 MAIN ST
WEST NEWBURY MA 01985-1499

051074

NATIONAL GRID

PO BOX 371396

PITTSBURGH PA 15250-7396



000087557 90661020009000416918071

Choosing an Energy Supplier You can choose who supplies your energy. No matter which energy supplier you choose, National Grid will continue to deliver energy to you safely, efficiently and reliably. We will also continue to provide your customer service, including emergency response and storm restoration. National Grid is dedicated to creating an open energy market that lets you choose from a variety of competitive energy suppliers, who may offer different pricing options. For information on authorized energy suppliers and how to choose, please visit us online at ngrid.com/ma-energychoice

Customer Charge			10.00
Dist Chg	0.06341031	x 1992 kWh	126.31
Transition Charge	-0.00084377	x 1992 kWh	-1.68
Transmission Charge	0.03055759	x 1992 kWh	60.87
Energy Efficiency Chg	0.01366	x 1992 kWh	27.21
Renewable Energy Chg	0.0005	x 1992 kWh	1.00
Distributed Solar Charge	0.00379	x 1992 kWh	7.54
Electric Vehicle Charge	0.00058	x 1992 kWh	1.16
Total Delivery Services			\$ 232.41



Supply Services

SUPPLIER National Grid

Basic Service Fixed	0.32287	x 1992 kWh	643.16
Total Supply Services			\$ 643.16

Explanation of General Billing Terms

KWH: Kilowatt-hour, a basic unit of electricity used.
Off-Peak: Period of time when the need or demand for electricity on the Company's system is low, such as late evenings, weekends and holidays.
Peak: Period of time when the need or demand for electricity on the Company's system is high, normally during the day, Monday through Friday, excluding holidays.
Estimated Bill: A bill calculated on your typical monthly usage rather than on an actual meter reading, usually rendered because we are unable to read your meter.
Meter Multiplier: A number by which the usage on certain meters must be multiplied by to obtain the total usage.
Demand Charge: The cost of providing electrical distribution equipment to accommodate your largest electrical load.

Supplier Service Charges consist of:

Generation Charge: The charge(s) to provide electricity to the customer by a supplier.

Delivery Service Charges are comprised of:

Customer Charge: The cost of providing customer related services such as metering, meter reading and billing. These costs are unaffected by the actual

amount of electricity you use.

Distribution Charge: The cost of delivering electricity from the beginning of the Company's distribution system to your home or business.

Transition Charge: Company payments to its wholesale supplier for terminating its wholesale arrangements.

Transmission Charge: The cost of delivering electricity from the generation company to the beginning of the Company's distribution system.

Energy Efficiency Charge: The cost of energy efficiency program services offered by the Company.

Renewable Energy Charge: A charge to fund initiatives for renewable energy and fostering formation, growth, expansion and retention of renewable energy and related enterprises.

Distributed Solar Charge: Recovers the cost of the Massachusetts solar program, including payments to owners of solar systems.

Electric Vehicle Charge: Recovers the cost of the Electric Vehicle Program, including rebates for installation of EV charging infrastructure and for off peak charging.

Questions:

If you have questions or complaints regarding this bill or National Grid's service quality, please contact Customer Service at 1-800-322-3223. You may also contact the Massachusetts Department of Public Utilities, Consumer Division at 617-737-2836 or toll free at 1-877-886-5066, TTY (for the hearing impaired only) 1-800-439-2370 or web site www.mass.gov/dpu.

123 5

3011-03-b1-1046107-0001-0052363

PLEASE PAY BY
Mar 10, 2024

AMOUNT DUE
\$ 3,293.61

www.nationalgridus.com

CUSTOMER SERVICE
1-800-322-3223
CREDIT DEPARTMENT
1-888-211-1313
POWER OUTAGE OR DOWNED LINE
1-800-465-1212
CORRESPONDENCE ADDRESS
PO Box 960
Northborough, MA 01532-0960
ELECTRIC PAYMENT ADDRESS
PO BOX 371396
PITTSBURGH, PA 15250-7396
DATE BILL ISSUED
Jan 15, 2024

► CORRECTED BILL ◀

ACCOUNT BALANCE

Previous Balance	2,328.83
Payment Received <i>No payments have been received during this billing period</i>	- 0.00
Balance Forward	2,328.83
Current Charges	+ 964.78
Amount Due ►	\$ 3,293.61

To avoid late payment charges of 1.02%, \$ 3,293.61 must be received by Mar 10 2024.

This bill reflects credit for previous billings that have been corrected. Your previous balance includes charges from prior billings.

DETAIL OF CURRENT CHARGES

Delivery Services

Type of Service	Current Reading	Previous Reading	= Difference	x Meter Multiplier	= Total Usage
Energy	66648 <i>Estimate</i>	64450 <i>Estimate</i>	2198	1	2198 kWh
Total Energy					2198 kWh

Demand-kW	Demand-kVA	Billed Demand
16.2 kW	18.0 kVA	0.0 kW

METER NUMBER 25197404 NEXT SCHEDULED READ DATE ON OR ABOUT Feb 1
SERVICE PERIOD Dec 30 - Jan 31 NUMBER OF DAYS IN PERIOD 32
RATE General Service - Small C/I G-1 VOLTAGE DELIVERY LEVEL 0 - 2.2 kv

Enrollment Information

To enroll with a supplier or change to another supplier, you will need the following information about your account:
Loadzone NEMA/BOST
Acct No: 90661-02000 Cycle: 3, TOWN

Electric Usage History

Month	kWh	Month	kWh
Feb 22	3155	Sep 22	2060
Mar 22	3167	Oct 22	1991
Apr 22	3130	Nov 22	2198
May 22	3040	Dec 22	2198
Jun 22	2060	Jan 23	1991
Jul 22	2061	Feb 23	2198
Aug 22	2129		

KEEP THIS PORTION FOR YOUR RECORDS.

RETURN THIS PORTION WITH YOUR PAYMENT.

nationalgrid

PLEASE PAY BY

Mar 10, 2024

AMOUNT DUE

\$ 3,293.61

► CORRECTED BILL ◀

ENTER AMOUNT ENCLOSED

\$

[Empty box for amount enclosed]

Write account number on check and make payable to National Grid
Please pay Gas & Electric bills separately

PO Box 960
Northborough MA 01532

1000913 01 AB 0.537 **AUTO T40 3010 01985-149981 -C03-P00913-1123



TOWN OF WEST NEWBURY
381 MAIN ST
WEST NEWBURY MA 01985-1499

001819

NATIONAL GRID
PO BOX 371396
PITTSBURGH PA 15250-7396



000096478 90661020008000329361070

3010-03-5-1-1000913-0001-0001459

PLEASE PAY BY
Mar 10, 2024

AMOUNT DUE
\$ 3,293.61

Choosing an Energy Supplier You can choose who supplies your energy. No matter which energy supplier you choose, National Grid will continue to deliver energy to you safely, efficiently and reliably. We will also continue to provide your customer service, including emergency response and storm restoration. National Grid is dedicated to creating an open energy market that lets you choose from a variety of competitive energy suppliers, who may offer different pricing options. For information on authorized energy suppliers and how to choose, please visit us online at ngrid.com/ma-energychoice

Customer Charge			10.00
Dist Chg	0.06323	x 2198 kWh	138.97
Transition Charge	-0.00085	x 2198 kWh	-1.87
Transmission Charge	0.03062	x 2198 kWh	67.30
Energy Efficiency Chg	0.01366	x 2198 kWh	30.03
Renewable Energy Chg	0.0005	x 2198 kWh	1.10
Distributed Solar Charge	0.00378344	x 2198 kWh	8.31
Electric Vehicle Charge	0.00058	x 2198 kWh	1.27
Total Delivery Services			\$ 255.11

Supply Services

SUPPLIER National Grid

Basic Service Fixed	0.32287	x 2198 kWh	709.67
Total Supply Services			\$ 709.67

Explanation of General Billing Terms

KWH: Kilowatt-hour, a basic unit of electricity used.
Off-Peak: Period of time when the need or demand for electricity on the Company's system is low, such as late evenings, weekends and holidays.
Peak: Period of time when the need or demand for electricity on the Company's system is high, normally during the day, Monday through Friday, excluding holidays.
Estimated Bill: A bill calculated on your typical monthly usage rather than on an actual meter reading, usually rendered because we are unable to read your meter.
Meter Multiplier: A number by which the usage on certain meters must be multiplied by to obtain the total usage.
Demand Charge: The cost of providing electrical distribution equipment to accommodate your largest electrical load.
Supplier Service Charges Consist of:
Generation Charge: The charge(s) to provide electricity to the customer by a supplier.
Delivery Service Charges are comprised of:
Customer Charge: The cost of providing customer related services such as metering, meter reading and billing. These costs are unaffected by the actual

amount of electricity you use.
Distribution Charge: The cost of delivering electricity from the beginning of the Company's distribution system to your home or business.
Transition Charge: Company payments to its wholesale supplier for terminating its wholesale arrangements.
Transmission Charge: The cost of delivering electricity from the generation company to the beginning of the Company's distribution system.
Energy Efficiency Charge: The cost of energy efficiency program services offered by the Company.
Renewable Energy Charge: A charge to fund initiatives for renewable energy and fostering formation, growth, expansion and retention of renewable energy and related enterprises.
Distributed Solar Charge: Recovers the cost of the Massachusetts solar program, including payments to owners of solar systems.
Electric Vehicle Charge: Recovers the cost of the Electric Vehicle Program, including rebates for installation of EV charging infrastructure and for off peak charging.

Questions:

If you have questions or complaints regarding this bill or National Grid's service quality, please contact Customer Service at 1-800-322-3223. You may also contact the Massachusetts Department of Public Utilities, Consumer Division at 617-737-2836 or toll free at 1-877-886-5066, TTY (for the hearing impaired only) 1-800-439-2370 or web site www.mass.gov/dpu.



123

3010-03-61-1000913-0001-0001459

PLEASE PAY BY
Mar 7, 2024

AMOUNT DUE
\$ 2,328.83

www.nationalgridus.com

CUSTOMER SERVICE
1-800-322-3223
CREDIT DEPARTMENT
1-888-211-1313

POWER OUTAGE OR DOWNED LINE
1-800-465-1212

CORRESPONDENCE ADDRESS
PO Box 960
Northborough, MA 01532-0960

ELECTRIC PAYMENT ADDRESS
PO BOX 371396
PITTSBURGH, PA 15250-7396

DATE BILL ISSUED
Jan 12, 2024

▶ **CORRECTED BILL** ◀

ACCOUNT BALANCE

Previous Balance	1,454.34
Payment Received <i>No payments have been received during this billing period</i>	- 0.00
Balance Forward	1,454.34
Current Charges	+ 874.49
Amount Due ▶	\$ 2,328.83

To avoid late payment charges of 1.02%, \$ 2,328.83 must be received by Mar 7 2024.

This bill reflects credit for previous billings that have been corrected. Your previous balance includes charges from prior billings.

DETAIL OF CURRENT CHARGES

Delivery Services

Type of Service	Current Reading	Previous Reading	Difference	Meter Multiplier	Total Usage
Energy	64450 <i>Estimate</i>	62459 <i>Estimate</i>	1991	1	1991 kWh
Total Energy					1991 kWh

Demand-kW
16.2 kW

Demand-kVA
18.0 kVA

Billed Demand 0.0 kW

METER NUMBER 25197404 NEXT SCHEDULED READ DATE ON OR ABOUT Feb 1
SERVICE PERIOD Dec 1 - Dec 30 NUMBER OF DAYS IN PERIOD 29
RATE General Service - Small C/I G-1 VOLTAGE DELIVERY LEVEL 0 - 2.2 kv

Enrollment Information

To enroll with a supplier or change to another supplier, you will need the following information about your account:
Loadzone: NEMA/BOST
Acct No: 90661-02000 Cycle: 3, TOWN

Electric Usage History

Month	kWh	Month	kWh
Jan 22	2898	Aug 22	2129
Feb 22	3155	Sep 22	2060
Mar 22	3167	Oct 22	1991
Apr 22	3130	Nov 22	2198
May 22	3040	Dec 22	2198
Jun 22	2060	Jan 23	1991
Jul 22	2061		

Acct: [REDACTED]

Amount: 2328.83

Date: 01-22-2024

Authorized Signature

KEEP THIS PORTION FOR YOUR RECORDS.

RETURN THIS PORTION WITH YOUR PAYMENT.

PO Box 960
Northborough MA 01532

PLEASE PAY BY

Mar 7, 2024

AMOUNT DUE

\$ 2,328.83

▶ **CORRECTED BILL** ◀

ENTER AMOUNT ENCLOSED

\$ [REDACTED]

Write account number on check and make payable to National Grid
Please pay Gas & Electric bills separately

1046424 01 AB 0.537 **AUTO T7 0 3009 01985-149981 -C03-P46-470-1123



TOWN OF WEST NEWBURY
381 MAIN ST
WEST NEWBURY MA 01985-1499

050465

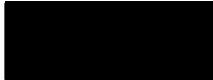
NATIONAL GRID
PO BOX 371396
PITTSBURGH PA 15250-7396



000087449 90661020009000232883067

CPS-BI-SOCK-REV-09/14

3009-034-1-1046424-10001-0037276



PLEASE PAY BY
Mar 7, 2024

AMOUNT DUE
\$ 2,328.83

Choosing an Energy Supplier You can choose who supplies your energy. No matter which energy supplier you choose, National Grid will continue to deliver energy to you safely, efficiently and reliably. We will also continue to provide your customer service, including emergency response and storm restoration. National Grid is dedicated to creating an open energy market that lets you choose from a variety of competitive energy suppliers, who may offer different pricing options. For information on authorized energy suppliers and how to choose, please visit us online at ngrid.com/ma-energychoice

Customer Charge			10.00
Dist Chg	0.06323	x 1991 kWh	125.90
Transition Charge	-0.00085	x 1991 kWh	-1.69
Transmission Charge	0.03062	x 1991 kWh	60.97
Energy Efficiency Chg	0.01366	x 1991 kWh	27.20
Renewable Energy Chg	0.0005	x 1991 kWh	1.00
Distributed Solar Charge	0.00358	x 1991 kWh	7.13
Electric Vehicle Charge	0.00058	x 1991 kWh	1.15
Total Delivery Services			\$ 231.66



Supply Services

SUPPLIER National Grid

Basic Service Fixed	0.32287	x 1991 kWh	642.83
Total Supply Services			\$ 642.83

Explanation of General Billing Terms

KWH: Kilowatt-hour, a basic unit of electricity used.

Off-Peak: Period of time when the need or demand for electricity on the Company's system is low, such as late evenings, weekends and holidays.

Peak: Period of time when the need or demand for electricity on the Company's system is high, normally during the day, Monday through Friday, excluding holidays.

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Transition Charge: Company payments to its wholesale supplier for terminating its wholesale arrangements.

Transmission Charge: The cost of delivering electricity from the generation company to the beginning of the Company's distribution system.

Energy Efficiency Charge: The cost of energy efficiency program services offered by the Company.

Renewable Energy Charge: A charge to fund initiatives for renewable energy and fostering formation, growth, expansion and retention of renewable energy and related enterprises.

Distributed Solar Charge: Recovers the cost of the Massachusetts solar program, including payments to owners of solar systems.

Electric Vehicle Charge: Recovers the cost of the Electric Vehicle Program, including rebates for installation of EV charging infrastructure and for off peak charging.

Questions:

If you have questions or complaints regarding this bill or National Grid's service quality, please contact Customer Service at 1-800-322-3223. You may also contact the Massachusetts Department of Public Utilities, Consumer Division at 617-737-2836 or toll free at 1-877-886-5066, TTY (for the hearing impaired only) 1-800-439-2370 or web site www.mass.gov/dpu.

PLEASE PAY BY
Mar 6, 2024

AMOUNT DUE
\$ 1,454.34

www.nationalgridus.com

CUSTOMER SERVICE
1-800-322-3223
CREDIT DEPARTMENT
1-888-211-1313

POWER OUTAGE OR DOWNED LINE
1-800-465-1212

CORRESPONDENCE ADDRESS
PO Box 960
Northborough, MA 01532-0960

ELECTRIC PAYMENT ADDRESS
PO BOX 371396
PITTSBURGH, PA 15250-7396

DATE BILL ISSUED
Jan 11, 2024

▶ CORRECTED BILL ◀

ACCOUNT BALANCE

Previous Balance	490.00
Payment Received <i>No payments have been received during this billing period</i>	- 0.00
Balance Forward	490.00
Current Charges	+ 964.34
Amount Due ▶	\$ 1,454.34

To avoid late payment charges of 1.02%, \$ 1,454.34 must be received by Mar 6 2024.

This bill reflects credit for previous billings that have been corrected. Your previous balance includes charges from prior billings.

DETAIL OF CURRENT CHARGES

Delivery Services

Type of Service	Current Reading	-	Previous Reading	=	Difference	x	Meter Multiplier	=	Total Usage
Energy	62459 <i>Estimate</i>		60261 <i>Actual</i>		2198		1		2198 kWh
Total Energy									2198 kWh

Demand-kW	Demand-kVA
16.2 kW	18.0 kVA

Billed Demand 0.0 kW

METER NUMBER 25197404 NEXT SCHEDULED READ DATE ON OR ABOUT Feb 1
SERVICE PERIOD Oct 31 - Dec 1 NUMBER OF DAYS IN PERIOD 31
RATE General Service - Small C/I G-1 VOLTAGE DELIVERY LEVEL 0 - 2.2 kV

Enrollment Information

To enroll with a supplier or change to another supplier, you will need the following information about your account:
Loadzone NEMA/BOST
Acct No: 90661-02000 Cycle: 3, TOWN

Electric Usage History

Month	kWh	Month	kWh
Dec 21	2252	Jul 22	2061
Jan 22	2898	Aug 22	2129
Feb 22	3155	Sep 22	2060
Mar 22	3167	Oct 22	1991
Apr 22	3130	Nov 22	2198
May 22	3040	Dec 22	2198
Jun 22	2060		

KEEP THIS PORTION FOR YOUR RECORDS.

YOUR PAYMENT.

nationalgrid

PLEASE PAY BY
Mar 6, 2024

AMOUNT DUE
\$ 1,454.34

▶ CORRECTED BILL ◀

PO Box 960
Northborough MA 01532

ENTER AMOUNT ENCLOSED

\$

Write account number on check and make payable to National Grid
Please pay Gas & Electric bills separately

1037280 01 AB 0.537 **AUTO T9 0 3008 01985-149981 -C03-P37317-1123



TOWN OF WEST NEWBURY
381 MAIN ST
WEST NEWBURY MA 01985-1499

041018

NATIONAL GRID
PO BOX 371396
PITTSBURGH PA 15250-7396



000096434 90661020009000145434066

PLEASE PAY BY

AMOUNT DUE

Mar 6, 2024

\$ 1,454.34

Choosing an Energy Supplier You can choose who supplies your energy. No matter which energy supplier you choose, National Grid will continue to deliver energy to you safely, efficiently and reliably. We will also continue to provide your customer service, including emergency response and storm restoration. National Grid is dedicated to creating an open energy market that lets you choose from a variety of competitive energy suppliers, who may offer different pricing options. For information on authorized energy suppliers and how to choose, please visit us online at ngrid.com/ma-energychoice

Customer Charge		10.00
Dist Chg	0.06323 x 2198 kWh	138.97
Transition Charge	-0.00085 x 2198 kWh	-1.87
Transmission Charge	0.03062 x 2198 kWh	67.30
Energy Efficiency Chg	0.01366 x 2198 kWh	30.03
Renewable Energy Chg	0.0005 x 2198 kWh	1.10
Distributed Solar Charge	0.00358 x 2198 kWh	7.87
Electric Vehicle Charge	0.00058 x 2198 kWh	1.27
Total Delivery Services		\$ 254.67



Supply Services

SUPPLIER National Grid

Basic Service Fixed	0.32287 x 2198 kWh	709.67
Total Supply Services		\$ 709.67

Explanation of General Billing Terms

KWH: Kilowatt-hour, a basic unit of electricity used.

Off-Peak: Period of time when the need or demand for electricity on the Company's system is low, such as late evenings, weekends and holidays.

Peak: Period of time when the need or demand for electricity on the Company's system is high, normally during the day, Monday through Friday, excluding holidays.

Estimated Bill: A bill calculated on your typical monthly usage rather than on an actual meter reading, usually rendered because we are unable to read your meter.

Meter Multiplier: A number by which the usage on certain meters must be multiplied by to obtain the total usage.

Demand Charge: The cost of providing electrical distribution equipment to accommodate your largest electrical load.

Supplier Service Charges Consist of:

Generation Charge: The charge(s) to provide electricity to the customer by a supplier.

Delivery Service Charges are comprised of:

Customer Charge: The cost of providing customer related services such as metering, meter reading and billing. These costs are unaffected by the actual

amount of electricity you use.

Distribution Charge: The cost of delivering electricity from the beginning of the Company's distribution system to your home or business.

Transition Charge: Company payments to its wholesale supplier for terminating its wholesale arrangements.

Transmission Charge: The cost of delivering electricity from the generation company to the beginning of the Company's distribution system.

Energy Efficiency Charge: The cost of energy efficiency program services offered by the Company.

Renewable Energy Charge: A charge to fund initiatives for renewable energy and fostering formation, growth, expansion and retention of renewable energy and related enterprises.

Distributed Solar Charge: Recovers the cost of the Massachusetts solar program, including payments to owners of solar systems.

Electric Vehicle Charge: Recovers the cost of the Electric Vehicle Program, including rebates for installation of EV charging infrastructure and for off peak charging.

Questions:

If you have questions or complaints regarding this bill or National Grid's service quality, please contact Customer Service at 1-800-322-3223. You may also contact the Massachusetts Department of Public Utilities, Consumer Division at 617-737-2836 or toll free at 1-877-886-5066, TTY (for the hearing impaired only) 1-800-439-2370 or web site www.mass.gov/dpu.

3008-03-b1-1037280-0001-0043626

123

PLEASE PAY BY
Mar 5, 2024

AMOUNT DUE
\$ 490.00

www.nationalgridus.com

CUSTOMER SERVICE
1-800-322-3223
CREDIT DEPARTMENT
1-888-211-1313
POWER OUTAGE OR DOWNED LINE
1-800-465-1212
CORRESPONDENCE ADDRESS
PO Box 960
Northborough, MA 01532-0960
ELECTRIC PAYMENT ADDRESS
PO BOX 371396
PITTSBURGH, PA 15250-7396
DATE BILL ISSUED
Jan 10, 2024

▶ CORRECTED BILL ◀

ACCOUNT BALANCE

Previous Balance	-5.80
Payment Received <i>No payments have been received during this billing period</i>	- 0.00
Balance Forward	-5.80
Current Charges	+ 495.80

Amount Due ▶ \$ 490.00

To avoid late payment charges of 1.02%, \$ 490.00 must be received by Mar 5 2024.

This bill reflects credit for previous billings that have been corrected. Your previous balance includes charges from prior billings.

DETAIL OF CURRENT CHARGES

Delivery Services

Type of Service	Current Reading	Previous Reading	Difference	Meter Multiplier	Total Usage
Energy	60261 Actual	58063 Estimate	2198	1	2198 kWh
Total Energy					2198 kWh

Demand-kW	Demand-kVA	Billed Demand
16.2 kW	18.0 kVA	0.0 kW

METER NUMBER 25197404 NEXT SCHEDULED READ DATE ON OR ABOUT Feb 1
SERVICE PERIOD Sep 29 - Oct 31 NUMBER OF DAYS IN PERIOD 32
RATE General Service - Small C/I G-1 VOLTAGE DELIVERY LEVEL 0 - 2.2 kv

Enrollment Information

To enroll with a supplier or change to another supplier, you will need the following information about your account:
Loadzone NEMA/BOST
Acct No: 90661-02000 Cycle: 3, TOWN

Electric Usage History

Month	kWh	Month	kWh
Nov 21	1674	Jun 22	2060
Dec 21	2252	Jul 22	2061
Jan 22	2890	Aug 22	2129
Feb 22	3155	Sep 22	2060
Mar 22	3167	Oct 22	1991
Apr 22	3130	Nov 22	2198
May 22	3040		

Ac [Redacted]

Amount: 490.00

Date: 01-17-2024

[Signature]
Authorized Signature

KEEP THIS PORTION FOR YOUR RECORDS.

PLEASE PAY BY
Mar 5, 2024

AMOUNT DUE
\$ 490.00

▶ CORRECTED BILL ◀

PO Box 960
Northborough MA 01532

ENTER AMOUNT ENCLOSED

\$ []

Write account number on check and make payable to National Grid
Please pay Gas & Electric bills separately

1045439 01 AB 0.537 **AUTO T8 0 3007 01985-149981 -C03-P45484-1123
TOWN OF WEST NEWBURY
381 MAIN ST
WEST NEWBURY MA 01985-1499 049275

NATIONAL GRID
PO BOX 371396
PITTSBURGH PA 15250-7396

000049580 90661020009000049000065

EASE PAY BY	AMOUNT DUE
11/5/2024	\$ 490.00

Choosing an Energy Supplier You can choose who supplies your energy. No matter which energy supplier you choose, National Grid will continue to deliver energy to you safely, efficiently and reliably. We will also continue to provide your customer service, including emergency response and storm restoration. National Grid is dedicated to creating an open energy market that lets you choose from a variety of competitive energy suppliers, who may offer different pricing options. For information on authorized energy suppliers and how to choose, please visit us online at ngrid.com/ma-energychoice

Customer Charge			10.00
Dist Chg	0.06922874	x 2198 kWh	152.16
Transition Charge	-0.00085	x 2198 kWh	-1.87
Transmission Charge	0.03062	x 2198 kWh	67.30
Energy Efficiency Chg	0.01366	x 2198 kWh	30.03
Renewable Energy Chg	0.0005	x 2198 kWh	1.10
Distributed Solar Charge	0.00358	x 2198 kWh	7.87
Electric Vehicle Charge	0.00058	x 2198 kWh	1.27
Total Delivery Services			\$ 267.86



Supply Services

SUPPLIER National Grid

Basic Service Fixed	0.1037	x 2198 kWh	227.94
Total Supply Services			\$ 227.94

Explanation of General Billing Terms

KWH: Kilowatt-hour, a basic unit of electricity used.
Off-Peak: Period of time when the need or demand for electricity on the Company's system is low, such as late evenings, weekends and holidays.
Peak: Period of time when the need or demand for electricity on the Company's system is high, normally during the day, Monday through Friday, excluding holidays
Estimated Bill: A bill calculated on your typical monthly usage rather than on an actual meter reading, usually rendered because we are unable to read your meter.
Meter Multiplier: A number by which the usage on certain meters must be multiplied by to obtain the total usage.
Demand Charge: The cost of providing electrical distribution equipment to accommodate your largest electrical load.
Supplier Service Charges Consist of:
Generation Charge: The charge(s) to provide electricity to the customer by a supplier.
Delivery Service Charges are comprised of:
Customer Charge: The cost of providing customer related services such as metering, meter reading and billing. These costs are unaffected by the actual

amount of electricity you use.
Distribution Charge: The cost of delivering electricity from the beginning of the Company's distribution system to your home or business.
Transition Charge: Company payments to its wholesale supplier for terminating its wholesale arrangements.
Transmission Charge: The cost of delivering electricity from the generation company to the beginning of the Company's distribution system.
Energy Efficiency Charge: The cost of energy efficiency program services offered by the Company.
Renewable Energy Charge: A charge to fund initiatives for renewable energy and fostering formation, growth, expansion and retention of renewable energy and related enterprises.
Distributed Solar Charge: Recovers the cost of the Massachusetts solar program, including payments to owners of solar systems.
Electric Vehicle Charge: Recovers the cost of the Electric Vehicle Program, including rebates for installation of EV charging infrastructure and for off peak charging.

Questions:

If you have questions or complaints regarding this bill or National Grid's service quality, please contact Customer Service at 1-800-322-3223. You may also contact the Massachusetts Department of Public Utilities, Consumer Division at 617-737-2836 or toll free at 1-877-886-5066, TTY (for the hearing impaired only) 1-800-439-2370 or web site www.mass.gov/dpu.

123

3007-03-b1-1045439-0001-0052586

PLEASE PAY BY
No payment due

AMOUNT DUE
\$ 0.00

www.nationalgridus.com

CUSTOMER SERVICE
1-800-322-3223
CREDIT DEPARTMENT
1-888-211-1313

POWER OUTAGE OR DOWNED LINE
1-800-465-1212

CORRESPONDENCE ADDRESS
PO Box 960
Northborough, MA 01532-0960

ELECTRIC PAYMENT ADDRESS
PO BOX 371396
PITTSBURGH, PA 15250-7396

DATE BILL ISSUED
Jan 9, 2024

▶ CORRECTED BILL ◀

ACCOUNT BALANCE

Previous Balance	-450.86
Payment Received <i>No payments have been received during this billing period</i>	- 0.00
Balance Forward	-450.86
Current Charges	+ 445.06

Credit Balance ▶ **\$ 5.80**

This bill reflects credit for previous billings that have been corrected. Your previous balance includes charges from prior billings.

➤ **Payment concerns?** We are here to help. To learn about solutions to help you take control of your energy use and bills, visit www.ngrid.com/billhelp.

Enrollment Information

To enroll with a supplier or change to another supplier, you will need the following information about your account:

Loadzone NEMA/BOST
Acct No: 90661-02000 Cycle: 3, TOWN

Electric Usage History

Month	kWh	Month	kWh
Oct 21	3432	May 22	3040
Nov 21	1674	Jun 22	2060
Dec 21	2252	Jul 22	2061
Jan 22	2898	Aug 22	2129
Feb 22	3155	Sep 22	2060
Mar 22	3167	Oct 22	1991
Apr 22	3130		

DETAIL OF CURRENT CHARGES

Delivery Services

Type of Service	Current Reading	Previous Reading	Difference	Meter Multiplier	Total Usage
Energy	58063 <i>Estimate</i>	56072 <i>Estimate</i>	1991	1	1991 kWh
Total Energy					1991 kWh

Demand-kW	Demand-kVA
16.2 kW	18.0 kVA
Billed Demand 0.0 kW	

METER NUMBER 25197404 NEXT SCHEDULED READ DATE ON OR ABOUT Feb 1
SERVICE PERIOD Aug 31 - Sep 29 NUMBER OF DAYS IN PERIOD 29
RATE General Service - Small C/I G-1 VOLTAGE DELIVERY LEVEL 0 - 2.2 kv

KEEP THIS PORTION FOR YOUR RECORDS.

RETURN THIS PORTION WITH YOUR PAYMENT.

PLEASE PAY BY
No Payment Due AMOUNT DUE \$ 0.00

▶ CORRECTED BILL ◀

PO Box 960
Northborough MA 01532

1018257 01 AB 0.537 **AUTO T7 0 3006 01985-149981 -C03-P18275-1 23



TOWN OF WEST NEWBURY
381 MAIN ST
WEST NEWBURY MA 01985-1499

021139

Please do not mail payment
You have a credit balance on your account.

000044506 9066102000500000000064

PLEASE PAY BY

AMOUNT DUE

No payment due

\$ 0.00

Choosing an Energy Supplier You can choose who supplies your energy. No matter which energy supplier you choose, National Grid will continue to deliver energy to you safely, efficiently and reliably. We will also continue to provide your customer service, including emergency response and storm restoration. National Grid is dedicated to creating an open energy market that lets you choose from a variety of competitive energy suppliers, who may offer different pricing options. For information on authorized energy suppliers and how to choose, please visit us online at ngrid.com/ma-energychoice

Customer Charge			10.00
Dist Chg	0.06671	x 1991 kWh	132.83
Transition Charge	-0.00085	x 1991 kWh	-1.69
Transmission Charge	0.03062	x 1991 kWh	60.97
Energy Efficiency Chg	0.01366	x 1991 kWh	27.20
Renewable Energy Chg	0.0005	x 1991 kWh	1.00
Distributed Solar Charge	0.00358	x 1991 kWh	7.13
Electric Vehicle Charge	0.00058	x 1991 kWh	1.15
Total Delivery Services			\$ 238.59



Supply Services

SUPPLIER National Grid

Basic Service Fixed	0.1037	x 1991 kWh	206.47
Total Supply Services			\$ 206.47

Explanation of General Billing Terms

KWH: Kilowatt-hour, a basic unit of electricity used.

Off-Peak: Period of time when the need or demand for electricity on the Company's system is low, such as late evenings, weekends and holidays.

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Demand Charge: The cost of providing electrical distribution equipment to accommodate your largest electrical load.

Supplier Service Charges Consist of:

Generation Charge: The charge(s) to provide electricity to the customer by a supplier.

Delivery Service Charges are comprised of:

Customer Charge: The cost of providing customer related services such as metering, meter reading and billing. These costs are unaffected by the actual

Questions:

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amount of electricity you use.

Distribution Charge: The cost of delivering electricity from the beginning of the Company's distribution system to your home or business.

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Transmission Charge: The cost of delivering electricity from the generation company to the beginning of the Company's distribution system.

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SERVICE FOR
TOWN OF WEST NEWBURY
381 MAIN ST POLE 90
WEST NEWBURY MA 01985

BILLING PERIOD
Aug 1, 2022 to Aug 31, 2022

PLEASE PAY BY

AMOUNT DUE

No payment due

\$ 0.00

▶ **CORRECTED BILL** ◀

www.nationalgridus.com

CUSTOMER SERVICE
1-800-322-3223
CREDIT DEPARTMENT
1-888-211-1313

POWER OUTAGE OR DOWNED LINE
1-800-465-1212

CORRESPONDENCE ADDRESS
PO Box 960
Northborough, MA 01532-0960
ELECTRIC PAYMENT ADDRESS
PO BOX 371396
PITTSBURGH, PA 15250-7396
DATE BILL ISSUED
Jan 8, 2024

ACCOUNT BALANCE

Previous Balance	-910.96
Payment Received <i>No payments have been received during this billing period</i>	- 0.00
Balance Forward	-910.96
Current Charges	+ 460.10
Credit Balance ▶	-\$ 450.86

This bill reflects credit for previous billings that have been corrected. Your previous balance includes charges from prior billings.

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Enrollment Information

To enroll with a supplier or change to another supplier, you will need the following information about your account:
Loadzone NEMA/BOST
Acct No: 90661-02000 Cycle: 3, TOWN

Electric Usage History

Month	kWh	Month	kWh
Sep 21	3217	Apr 22	3130
Oct 21	3432	May 22	3040
Nov 21	1674	Jun 22	2060
Dec 21	2252	Jul 22	2061
Jan 22	2898	Aug 22	2129
Feb 22	3155	Sep 22	2060
Mar 22	3167		

DETAIL OF CURRENT CHARGES

Delivery Services

Type of Service	Current Reading	-	Previous Reading	=	Difference	x	Meter Multiplier	=	Total Usage
Energy	56072 <i>Estimate</i>		54012 <i>Estimate</i>		2060		1		2060 kWh
Total Energy									2060 kWh

Demand-kW **Demand-kVA**
16.2 kW 18.0 kVA

Billed Demand **0.0 kW**

METER NUMBER 25197404 NEXT SCHEDULED READ DATE ON OR ABOUT Feb 1
SERVICE PERIOD Aug 1 - Aug 31 NUMBER OF DAYS IN PERIOD 30
RATE General Service - Small C/I G-1 VOLTAGE DELIVERY LEVEL 0 - 2.2 kv

KEEP THIS PORTION FOR YOUR RECORDS.



PO Box 960
Northborough MA 01532

PLEASE PAY BY

AMOUNT DUE

No Payment Due

\$ 0.00

▶ **CORRECTED BILL** ◀

1032873 01 AB 0.537 **AUTO T3 0 3005 01985-149981 -C03-P32905-1 23



TOWN OF WEST NEWBURY
381 MAIN ST
WEST NEWBURY MA 01985-1499

037298

Please do not mail payment
You have a credit balance on your account.

000046010 90661020007000000000063

3005-03-01-1032873-0001-0037386

PLEASE PAY BY

AMOUNT DUE

No payment due

\$ 0.00

Choosing an Energy Supplier You can choose who supplies your energy. No matter which energy supplier you choose, National Grid will continue to deliver energy to you safely, efficiently and reliably. We will also continue to provide your customer service, including emergency response and storm restoration. National Grid is dedicated to creating an open energy market that lets you choose from a variety of competitive energy suppliers, who may offer different pricing options. For information on authorized energy suppliers and how to choose, please visit us online at ngrid.com/ma-energychoice

Customer Charge			10.00
Dist Chg	0.06671	x 2060 kWh	137.42
Transition Charge	-0.00085	x 2060 kWh	-1.75
Transmission Charge	0.03062	x 2060 kWh	63.07
Energy Efficiency Chg	0.01366	x 2060 kWh	28.14
Renewable Energy Chg	0.0005	x 2060 kWh	1.03
Distributed Solar Charge	0.00358	x 2060 kWh	7.38
Electric Vehicle Charge	0.00058	x 2060 kWh	1.19
Total Delivery Services			\$ 246.48



Supply Services

SUPPLIER National Grid

Basic Service Fixed	0.1037	x 2060 kWh	213.62
Total Supply Services			\$ 213.62

Explanation of General Billing Terms

KWH: Kilowatt-hour, a basic unit of electricity used.

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Demand Charge: The cost of providing electrical distribution equipment to accommodate your largest electrical load.

Supplier Service Charges Consist of:

Generation Charge: The charge(s) to provide electricity to the customer by a supplier.

Delivery Service Charges are comprised of:

Customer Charge: The cost of providing customer related services such as metering, meter reading and billing. These costs are unaffected by the actual

amount of electricity you use.

Distribution Charge: The cost of delivering electricity from the beginning of the Company's distribution system to your home or business.

Transition Charge: Company payments to its wholesale supplier for terminating its wholesale arrangements.

Transmission Charge: The cost of delivering electricity from the generation company to the beginning of the Company's distribution system.

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Electric Vehicle Charge: Recovers the cost of the Electric Vehicle Program, including rebates for installation of EV charging infrastructure and for off peak charging.

Questions:

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23

PLEASE PAY BY	AMOUNT DUE
No payment due	\$ 0.00

www.nationalgridus.com

CUSTOMER SERVICE
1-800-322-3223
CREDIT DEPARTMENT
1-888-211-1313

POWER OUTAGE OR DOWNED LINE
1-800-465-1212

CORRESPONDENCE ADDRESS
PO Box 960
Northborough, MA 01532-0960
ELECTRIC PAYMENT ADDRESS
PO BOX 371396
PITTSBURGH, PA 15250-7396

DATE BILL ISSUED
Jan 5, 2024

ACCOUNT BALANCE

Previous Balance	-1,313.49
Payment Received <i>No payments have been received during this billing period</i>	- 0.00
Balance Forward	-1,313.49
Current Charges	+ 402.53
Credit Balance ▶	\$ 910.96

This bill reflects credit for previous billings that have been corrected. Your previous balance includes charges from prior billings.

➤ **Payment concerns?** We are here to help. To learn about solutions to help you take control of your energy use and bills, visit www.ngrid.com/billhelp.

DETAIL OF CURRENT CHARGES

Delivery Services

Type of Service	Current Reading	Previous Reading	Difference	Meter Multiplier	Total Usage
Energy	54012 <i>Estimate</i>	51883 <i>Estimate</i>	2129	1	2129 kWh
Total Energy					2129 kWh

Demand-kW 16.2 kW
Demand-kVA 18.0 kVA

Billed Demand 0.0 kW

METER NUMBER 25197404 NEXT SCHEDULED READ DATE ON OR ABOUT Feb 1
SERVICE PERIOD Jul 1 - Aug 1 NUMBER OF DAYS IN PERIOD 31
RATE General Service - Small C/I G-1 VOLTAGE DELIVERY LEVEL 0 - 2.2 kv

Enrollment Information

To enroll with a supplier or change to another supplier, you will need the following information about your account:
Loadzone NEMA/BOST
Acct No: 90661-02000 Cycle: 3, TOWN

Electric Usage History

Month	kWh	Month	kWh
Aug 21	3321	Mar 22	3167
Sep 21	3217	Apr 22	3130
Oct 21	3432	May 22	3040
Nov 21	1674	Jun 22	2060
Dec 21	2252	Jul 22	2061
Jan 22	2898	Aug 22	2129
Feb 22	3155		

KEEP THIS PORTION FOR YOUR RECORDS.

nationalgrid

PLEASE PAY BY	AMOUNT DUE
No Payment Due	\$ 0.00

PO Box 960
Northborough MA 01532

1046334 01 AB 0.537 **AUTO T3 0 3004 01985-149981 -C03-P46380-I23



TOWN OF WEST NEWBURY
381 MAIN ST
WEST NEWBURY MA 01985-1499

050477

Please do not mail payment
You have a credit balance on your account.

000040253 906610200030000000000060

PLEASE PAY BY

AMOUNT DUE

No payment due

\$ 0.00

Choosing an Energy Supplier You can choose who supplies your energy. No matter which energy supplier you choose, National Grid will continue to deliver energy to you safely, efficiently and reliably. We will also continue to provide your customer service, including emergency response and storm restoration. National Grid is dedicated to creating an open energy market that lets you choose from a variety of competitive energy suppliers, who may offer different pricing options. For information on authorized energy suppliers and how to choose, please visit us online at ngrid.com/ma-energychoice

Customer Charge		10.00
Dist Chg	0.06671 x 2129 kWh	142.02
Transition Charge	-0.00085 x 2129 kWh	-1.81
Transmission Charge	0.03062 x 2129 kWh	65.19
Energy Efficiency Chg	0.01366 x 2129 kWh	29.08
Renewable Energy Chg	0.0005 x 2129 kWh	1.06
Distributed Solar Charge	0.00358 x 2129 kWh	7.62
Electric Vehicle Charge	0.00058 x 2129 kWh	1.23
Total Delivery Services		\$ 254.39



Supply Services

SUPPLIER National Grid

Basic Service Fixed	0.1037 x 2129 kWh	220.77
Total Supply Services		\$ 220.77

Explanation of General Billing Terms

KWH: Kilowatt-hour, a basic unit of electricity used.

Off-Peak: Period of time when the need or demand for electricity on the Company's system is low, such as late evenings, weekends and holidays.

Peak: Period of time when the need or demand for electricity on the Company's system is high, normally during the day, Monday through Friday, excluding holidays.

Estimated Bill: A bill calculated on your typical monthly usage rather than on an actual meter reading, usually rendered because we are unable to read your meter.

Meter Multiplier: A number by which the usage on certain meters must be multiplied by to obtain the total usage.

Demand Charge: The cost of providing electrical distribution equipment to accommodate your largest electrical load.

Supplier Service Charges Consist of:

Generation Charge: The charge(s) to provide electricity to the customer by a supplier.

Delivery Service Charges are comprised of:

Customer Charge: The cost of providing customer related services such as metering, meter reading and billing. These costs are unaffected by the actual

Questions:

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amount of electricity you use.

Distribution Charge: The cost of delivering electricity from the beginning of the Company's distribution system to your home or business.

Transition Charge: Company payments to its wholesale supplier for terminating its wholesale arrangements.

Transmission Charge: The cost of delivering electricity from the generation company to the beginning of the Company's distribution system.

Energy Efficiency Charge: The cost of energy efficiency program services offered by the Company.

Renewable Energy Charge: A charge to fund initiatives for renewable energy and fostering formation, growth, expansion and retention of renewable energy and related enterprises.

Distributed Solar Charge: Recovers the cost of the Massachusetts solar program, including payments to owners of solar systems.

Electric Vehicle Charge: Recovers the cost of the Electric Vehicle Program, including rebates for installation of EV charging infrastructure and for off peak charging.

32

PLEASE PAY BY

AMOUNT DUE

No payment due

\$ 0.00

www.nationalgridus.com



We're here to help you manage your energy bill.

We offer ways to help you manage your energy use and monthly bills — including budget payment plans, energy efficiency tips and programs, and assistance with community support agencies.

Learn more at ngrid.com/heretohelp

Estamos aquí para ayudarlo a administrar su factura de energía.

Ofrecemos formas de ayudarlo a gestionar su consumo de energía y sus facturas mensuales, incluidos planes de pago de presupuestos, consejos y programas de eficiencia energética y asistencia con agencias de apoyo comunitario.

Obtenga más información en ngrid.com/heretohelp

Other Charges/Adjustments

Transfer of Remote Net Meter Credit	-72.63
Total Other Charges/Adjustments	-\$ 72.63

30040361-1016334-0002-0053598

PLEASE PAY BY

AMOUNT DUE

No payment due

\$ 0.00

▶ CORRECTED BILL ◀

ACCOUNT BALANCE

Previous Balance	-1,773.57
Payment Received <i>No payments have been received during this billing period</i>	- 0.00
Balance Forward	-1,773.57
Current Charges	+ 460.08
Credit Balance ▶	-\$ 1,313.49

This bill reflects credit for previous billings that have been corrected. Your previous balance includes charges from prior billings.

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DETAIL OF CURRENT CHARGES

Delivery Services

Type of Service	Current Reading	Previous Reading	Difference	x	Meter Multiplier	=	Total Usage
Energy	51883 <i>Estimate</i>	49822 <i>Estimate</i>	2061		1		2061 kWh
Total Energy							2061 kWh

Demand-kW	Demand-kVA	Billed Demand	0.0 kW
16.2 kW	18.0 kVA		

METER NUMBER 25197404 NEXT SCHEDULED READ DATE ON OR ABOUT Jan 3
 SERVICE PERIOD Jun 1 - Jul 1 NUMBER OF DAYS IN PERIOD 30
 RATE General Service - Small C/I G-1 VOLTAGE DELIVERY LEVEL 0 - 2.2 kv

www.nationalgridus.com

CUSTOMER SERVICE
1-800-322-3223
CREDIT DEPARTMENT
1-888-211-1313

POWER OUTAGE OR DOWNED LINE
1-800-465-1212

CORRESPONDENCE ADDRESS
PO Box 960
Northborough, MA 01532-0960

ELECTRIC PAYMENT ADDRESS
PO BOX 371396
PITTSBURGH, PA 15250-7396

DATE BILL ISSUED
Dec 14, 2023

Enrollment Information

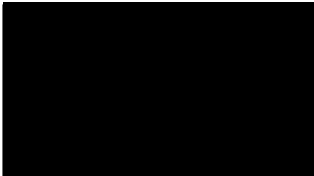
To enroll with a supplier or change to another supplier, you will need the following information about your account.

Loadzone NEMA/BOST
Acct No: 90661-02000 Cycle: 3, TOWN

Electric Usage History

Month	kWh	Month	kWh
Jul 21	3304	Feb 22	3155
Aug 21	3321	Mar 22	3167
Sep 21	3217	Apr 22	3130
Oct 21	3432	May 22	3040
Nov 21	1674	Jun 22	2060
Dec 21	2252	Jul 22	2061
Jan 22	2898		

KEEP THIS PORTION FOR YOUR RECORDS.



PLEASE PAY BY

AMOUNT DUE

No Payment Due

\$ 0.00

▶ CORRECTED BILL ◀

nationalgrid

PO Box 960
Northborough MA 01532

1040921 01 AB 0.537 **AUTO TO 0 3252 01985-149981 -C03-P40961-1-23



TOWN OF WEST NEWBURY
381 MAIN ST
WEST NEWBURY MA 01985-1499

045735

Please do not mail payment
You have a credit balance on your account.

000046008 906610200090000000000038

PLEASE PAY BY

AMOUNT DUE

No payment due

\$ 0.00

Choosing an Energy Supplier You can choose who supplies your energy. No matter which energy supplier you choose, National Grid will continue to deliver energy to you safely, efficiently and reliably. We will also continue to provide your customer service, including emergency response and storm restoration. National Grid is dedicated to creating an open energy market that lets you choose from a variety of competitive energy suppliers, who may offer different pricing options. For information on authorized energy suppliers and how to choose, please visit us online at ngrid.com/ma-energychoice

Customer Charge			10.00
Dist Chg	0.06671	x 2061 kWh	137.48
Transition Charge	-0.00085	x 2061 kWh	-1.75
Transmission Charge	0.03062	x 2061 kWh	63.11
Energy Efficiency Chg	0.01366	x 2061 kWh	28.15
Renewable Energy Chg	0.0005	x 2061 kWh	1.03
Distributed Solar Charge	0.00358	x 2061 kWh	7.38
Electric Vehicle Charge	0.00046399	x 2061 kWh	0.96
Total Delivery Services			\$ 246.36



Supply Services

SUPPLIER National Grid

Basic Service Fixed	0.1037	x 2061 kWh	213.72
Total Supply Services			\$ 213.72

Explanation of General Billing Terms

KWH: Kilowatt-hour, a basic unit of electricity used.

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Questions:

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23

PLEASE PAY BY
No payment due

AMOUNT DUE
\$ 0.00

www.nationalgridus.com

CUSTOMER SERVICE
1-800-322-3223
CREDIT DEPARTMENT
1-888-211-1313

POWER OUTAGE OR DOWNED LINE
1-800-465-1212

CORRESPONDENCE ADDRESS
PO Box 960
Northborough, MA 01532-0960

ELECTRIC PAYMENT ADDRESS
PO BOX 371396
PITTSBURGH, PA 15250-7396

DATE BILL ISSUED
Dec 11, 2023

▶ CORRECTED BILL ◀

ACCOUNT BALANCE

Previous Balance	-2,203.50
Payment Received <i>No payments have been received during this billing period</i>	- 0.00
Balance Forward	-2,203.50
Current Charges	+ 429.93
Credit Balance ▶	-\$ 1,773.57

This bill reflects credit for previous billings that have been corrected. Your previous balance includes charges from prior billings.

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Enrollment Information

To enroll with a supplier or change to another supplier, you will need the following information about your account:

Loadzone NEMA/BOST
Acct No: 90661-02000 Cycle: 3, TOWN

Electric Usage History

Month	kWh	Month	kWh
Jun 21	1516	Jan 22	2898
Jul 21	3304	Feb 22	3155
Aug 21	3321	Mar 22	3167
Sep 21	3217	Apr 22	3130
Oct 21	3432	May 22	3040
Nov 21	1674	Jun 22	2060
Dec 21	2252		

DETAIL OF CURRENT CHARGES

Delivery Services

Type of Service	Current Reading	Previous Reading	Difference	Meter Multiplier	Total Usage
Energy	49822 <i>Estimate</i>	47762 <i>Actual</i>	2060	1	2060 kWh
Total Energy					2060 kWh

Demand-kW Demand-kVA
16.2 kW 18.0 kVA

Billed Demand 0.0 kW

METER NUMBER 25197404 NEXT SCHEDULED READ DATE ON OR ABOUT Jan 3
SERVICE PERIOD May 2 - Jun 1 NUMBER OF DAYS IN PERIOD 30
RATE General Service - Small C/I G-1 VOLTAGE DELIVERY LEVEL 0 - 2.2 kv

KEEP THIS PORTION FOR YOUR RECORDS.

PO Box 960
Northborough MA 01532

PLEASE PAY BY
No Payment Due

AMOUNT DUE
\$ 0.00

▶ CORRECTED BILL ◀

1050079 01 AB 0.537 **AUTO T9 0 3249 01985-149981 -C03-P50129-I 23



TOWN OF WEST NEWBURY
381 MAIN ST
WEST NEWBURY MA 01985-1499

055367

Please do not mail payment
You have a credit balance on your account.

000042993 90661020005000000000035

PLEASE PAY BY

AMOUNT DUE

No payment due

\$ 0.00

Choosing an Energy Supplier You can choose who supplies your energy. No matter which energy supplier you choose, National Grid will continue to deliver energy to you safely, efficiently and reliably. We will also continue to provide your customer service, including emergency response and storm restoration. National Grid is dedicated to creating an open energy market that lets you choose from a variety of competitive energy suppliers, who may offer different pricing options. For information on authorized energy suppliers and how to choose, please visit us online at ngrid.com/ma-energychoice

Customer Charge			10.00
Dist Chg	0.06671	x 2060 kWh	137.42
Transition Charge	-0.00085	x 2060 kWh	-1.75
Transmission Charge	0.03062	x 2060 kWh	63.07
Energy Efficiency Chg	0.01366	x 2060 kWh	28.14
Renewable Energy Chg	0.0005	x 2060 kWh	1.03
Distributed Solar Charge	0.00358	x 2060 kWh	7.38
Electric Vehicle Charge	0.00046	x 2060 kWh	0.95
Service Quality Credit	-0.00967633	x 2060 kWh	-19.93
Total Delivery Services			\$ 226.31



Supply Services

SUPPLIER National Grid

Basic Service Fixed	0.1037	x 2060 kWh	213.62
Total Supply Services			\$ 213.62

Explanation of General Billing Terms

KWH: Kilowatt-hour, a basic unit of electricity used.

Off-Peak: Period of time when the need or demand for electricity on the Company's system is low, such as late evenings, weekends and holidays.

Peak: Period of time when the need or demand for electricity on the Company's system is high, normally during the day, Monday through Friday, excluding holidays.

Estimated Bill: A bill calculated on your typical monthly usage rather than on an actual meter reading, usually rendered because we are unable to read your meter.

Meter Multiplier: A number by which the usage on certain meters must be multiplied by to obtain the total usage.

Demand Charge: The cost of providing electrical distribution equipment to accommodate your largest electrical load.

Supplier Service Charges Consist of:

Generation Charge: The charge(s) to provide electricity to the customer by a supplier.

Delivery Service Charges are comprised of:

Customer Charge: The cost of providing customer related services such as metering, meter reading and billing. These costs are unaffected by the actual

Questions:

If you have questions or complaints regarding this bill or National Grid's service quality, please contact Customer Service at 1-800-322-3223. You may also contact the Massachusetts Department of Public Utilities, Consumer Division at 617-737-2836 or toll free at 1-877-886-5066, TTY (for the hearing impaired only) 1-800-439-2370 or web site www.mass.gov/dpu.

amount of electricity you use.

Distribution Charge: The cost of delivering electricity from the beginning of the Company's distribution system to your home or business.

Transition Charge: Company payments to its wholesale supplier for terminating its wholesale arrangements.

Transmission Charge: The cost of delivering electricity from the generation company to the beginning of the Company's distribution system.

Energy Efficiency Charge: The cost of energy efficiency program services offered by the Company.

Renewable Energy Charge: A charge to fund initiatives for renewable energy and fostering formation, growth, expansion and retention of renewable energy and related enterprises.

Distributed Solar Charge: Recovers the cost of the Massachusetts solar program, including payments to owners of solar systems.

Electric Vehicle Charge: Recovers the cost of the Electric Vehicle Program, including rebates for installation of EV charging infrastructure and for off peak charging.



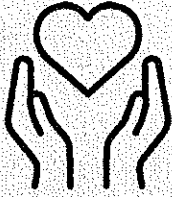
PLEASE PAY BY

AMOUNT DUE

No payment due

\$ 0.00

www.nationalgridus.com



We're here to help you manage your energy bill.

We offer ways to help you manage your energy use and monthly bills — including budget payment plans, energy efficiency tips and programs, and assistance with community support agencies.

Learn more at ngrid.com/heretohelp

Estamos aquí para ayudarlo a administrar su factura de energía.

Ofrecemos formas de ayudarlo a gestionar su consumo de energía y sus facturas mensuales, incluidos planes de pago de presupuestos, consejos y programas de eficiencia energética y asistencia con agencias de apoyo comunitario.

Obtenga más información en ngrid.com/heretohelp

Other Charges/Adjustments

Canceled Electric Charges	May 2 2022 - Jun 1 2022	-10.00
Total Other Charges/Adjustments		-\$ 10.00

CSS Bill Stock Rev 06/14

PLEASE PAY BY

AMOUNT DUE

No payment due

\$ 0.00

www.nationalgridus.com

CUSTOMER SERVICE
1-800-322-3223
CREDIT DEPARTMENT
1-888-211-1313

POWER OUTAGE OR DOWNED LINE
1-800-465-1212

CORRESPONDENCE ADDRESS
PO Box 960
Northborough, MA 01532-0960

ELECTRIC PAYMENT ADDRESS
PO BOX 371396
PITTSBURGH, PA 15250-7396

DATE BILL ISSUED
Dec 8, 2023

▶ CORRECTED BILL ◀

ACCOUNT BALANCE

Previous Balance	-1,917.85
Payment Received <i>No payments have been received during this billing period</i>	- 0.00
Balance Forward	-1,917.85
Current Charges	-285.65
Credit Balance ▶	-\$ 2,203.50

This bill reflects credit for previous billings that have been corrected. Your previous balance includes charges from prior billings.

▶ **Payment concerns?** We are here to help. To learn about solutions to help you take control of your energy use and bills, visit www.ngrid.com/billhelp.

Enrollment Information

To enroll with a supplier or change to another supplier, you will need the following information about your account:

Loadzone NEMA/BOST
Acct No: 90661-02000 Cycle: 3, TOWN

Electric Usage History

Month	kWh	Month	kWh
Jun 21	1516	Jan 22	2898
Jul 21	3304	Feb 22	3155
Aug 21	3321	Mar 22	3167
Sep 21	3217	Apr 22	3130
Oct 21	3432	May 22	3040
Nov 21	1674	Jun 22	00
Dec 21	2252		

DETAIL OF CURRENT CHARGES

Delivery Services

Type of Service	Current Reading	Previous Reading	Difference	Meter Multiplier	Total Usage
Energy	47762 <i>Estimate</i>	47762 <i>Actual</i>	0	1	0 kWh
Total Energy					0 kWh

Demand-kW	Demand-kVA
7.9 kW	8.1 kVA
Billed Demand 0.0 kW	

METER NUMBER 25197404 NEXT SCHEDULED READ DATE ON OR ABOUT Jan 3
SERVICE PERIOD May 2 - Jun 1 NUMBER OF DAYS IN PERIOD 30
RATE General Service - Small C/I G-1 VOLTAGE DELIVERY LEVEL 0 - 2.2 kv

Customer Charge	10.00
Total Delivery Services	\$ 10.00

KEEP THIS PORTION FOR YOUR RECORDS.

PLEASE PAY BY

AMOUNT DUE

No Payment Due

\$ 0.00

▶ CORRECTED BILL ◀

PO Box 960
Northborough MA 01532

1023476 01 AB 0.537 **AUTO T6 0 3248 01985-149981 -C03-P23499-1 23



TOWN OF WEST NEWBURY

381 MAIN ST
WEST NEWBURY MA 01985-1499

026159

Please do not mail payment
You have a credit balance on your account.

00000000 906610200020000000000032

3248-03-b 1-1023476-0001-0026566



PLEASE PAY BY

AMOUNT DUE

No payment due

\$ 0.00

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Other Charges/Adjustments

Canceled Electric Charges	May 2 2022 - Dec 1 2023	-190.00
Transfer of Remote Net Meter Credit		-105.65
Total Other Charges/Adjustments		-\$ 295.65



Explanation of General Billing Terms

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Off-Peak: Period of time when the need or demand for electricity on the Company's system is low, such as late evenings, weekends and holidays.
Peak: Period of time when the need or demand for electricity on the Company's system is high, normally during the day, Monday through Friday, excluding holidays
Estimated Bill: A bill calculated on your typical monthly usage rather than on an actual meter reading, usually rendered because we are unable to read your meter.
Meter Multiplier: A number by which the usage on certain meters must be multiplied by to obtain the total usage.
Demand Charge: The cost of providing electrical distribution equipment to accommodate your largest electrical load.
Supplier Service Charges consist of:
Generation Charge: The charge(s) to provide electricity to the customer by a supplier.
Delivery Service Charges are comprised of:
Customer Charge: The cost of providing customer related services such as metering, meter reading and billing. These costs are unaffected by the actual

amount of electricity you use.
Distribution Charge: The cost of delivering electricity from the beginning of the Company's distribution system to your home or business.
Transition Charge: Company payments to its wholesale supplier for terminating its wholesale arrangements.
Transmission Charge: The cost of delivering electricity from the generation company to the beginning of the Company's distribution system.
Energy Efficiency Charge: The cost of energy efficiency program services offered by the Company.
Renewable Energy Charge: A charge to fund initiatives for renewable energy and fostering formation, growth, expansion and retention of renewable energy and related enterprises.
Distributed Solar Charge: Recovers the cost of the Massachusetts solar program, including payments to owners of solar systems.
Electric Vehicle Charge: Recovers the cost of the Electric Vehicle Program, including rebates for installation of EV charging infrastructure and for off peak charging.

Questions:

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23

ARTICLE REQUEST FORM

ARTICLE: Zoning Amendment - MBTA Communities Multi-Family Overlay District (MCMOD)

AMOUNT REQUESTED: 0

CONTACT PERSON: Sue Brown, Town Planner

PHONE NUMBER: 978-363-1100 x 125

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

The Town is obligated under Ch 40A Section 3A to adopt a Multi-Family Overlay District that allows multi-family housing by right. By adopting the MCMOD, the Town will be in compliance with the law. Communities that fail to comply with the Law will be ineligible for some State funding and may be subject to civil enforcement action. Communities that fail to comply with the Law's requirements also risk liability under federal and state fair housing laws. The Law requires that MBTA Communities "shall have" a compliant zoning district and does not provide any mechanism by which a town or city may opt out of this requirement. Further, new housing developed under the MCMOD bylaw would help diversify the Town's housing stock as is recommended in various Town Plans including past Comprehensive Plans and past and current Housing Production Plan.

What factors affect the timing of this purchase?

N/A

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

N/A

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

N/A

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

No

Please attach additional pages or other supporting documentation.

Angus Jennings

From: Angus Jennings
Sent: Saturday, March 16, 2024 4:24 PM
To: Rob Phillips [REDACTED]; R [REDACTED]
Cc: Walsh, Jennifer; Selectboard
Subject: Planning Board public hearing re MBTA Communities zoning proposal: Tuesday at 7pm

Forwarding below in case you are not subscribed to the Town's News/Announcements email blasts:

[Public Hearing Notice: MBTA Communities Act Zoning Bylaw Proposals | Town of West Newbury MA \(wnewbury.org\)](#)

There is a great deal of add'l background info on this initiative at:

[MBTA Communities - Housing Opportunities Initiative | Town of West Newbury MA \(wnewbury.org\)](#)

While the FinCom will be discussing the MBTA zoning proposal at the March 20th mtg, the Planning Board's March 19th public hearing is expected to include a much more detailed presentation than would take place on the 20th.

Thanks -

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



**TOWN OF WEST NEWBURY OFFICE OF THE PLANNING BOARD
381 MAIN STREET WEST NEWBURY, MA 01985
978-363-1100 X125 Fax: 978-363-1119
e-mail: townplanner@wnewbury.org**

Legal Notice
West Newbury Planning Board

The West Newbury Planning Board will hold a hybrid Public Hearing on Tuesday March 19th, 2024 during a meeting that begins at 7:00 p.m. to consider and report on the Board's recommendations for the following proposed amendments to the Town of West Newbury Zoning Bylaw and Zoning Map: (1) to allow for Multi-family Housing in the proposed MBTA Communities Multi-family Housing Overlay District(s) (MCMOD) by right and other limited uses by special permit subject to and in compliance with certain requirements and limitations as set forth in the proposed amendment (2) to update the Town's Zoning Map to include the proposed MCMOD(s) and (3) to amend Section 2 Definitions to update, add to, and make certain definitions congruent with Mass State Building Code definitions; and to delete definitions for terms not found elsewhere in the Zoning Bylaw.

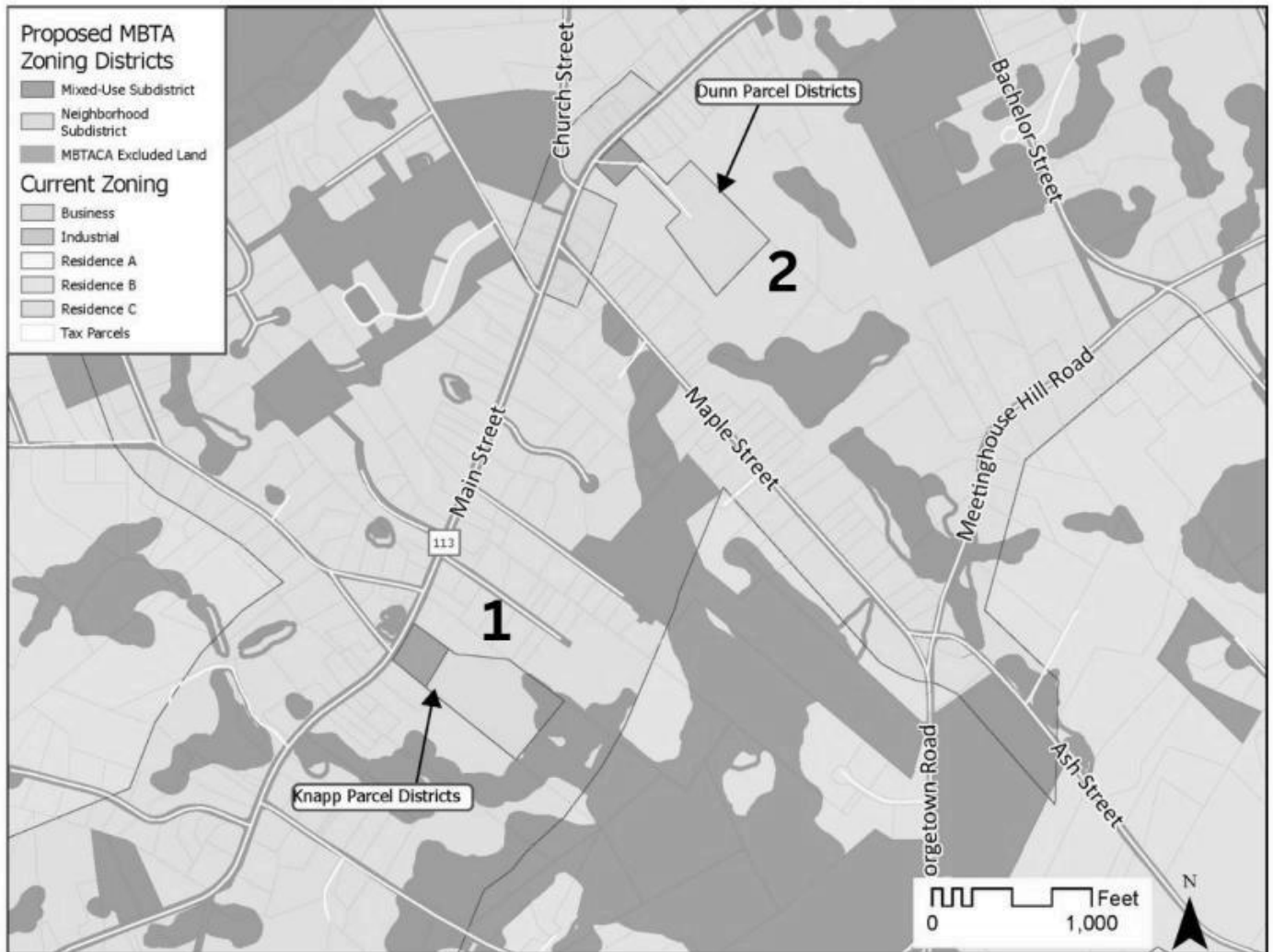
Interested persons may participate in the hybrid public hearing in person at Town Offices, 381 Main Street, first floor meeting room or by joining from computer, tablet or smartphone using the link provided on the public meeting calendar on the Town's website.

Join Zoom Meeting <https://us06web.zoom.us/j/81548312301?pwd=jvjK9MohWk1dSISaaBrdnK8keUpPyS.1>

Meeting ID: 815 4831 2301

Passcode: 138073

Ann Bardeen, Clerk



The hearing focuses on these two parcels on Main Street, the “Knapp” (1) and “Dunn” (2) properties.

To learn more about the current Zoning Bylaw, view texts of the proposed amendments, and the proposed Zoning Map, visit: <https://www.wnewbury.org/planning-board/west-newbury-legal-adspublic-hearing-notices> or, prior to the public meeting, contact planning.admin@wnewbury.org.

These documents are also on file for public viewing at the Town Clerk’s Office during regular business hours.

Frequently Asked Questions: MBTA Communities Multi-Family Overlay District (MCMOD)

Why are we considering a Multi-Family Overlay District Bylaw?

- Chapter 358 of the Acts of 2020 (“Acts”) amended the state zoning act to stimulate economic development and address the housing crisis by requiring that towns allow multi-family housing near transit with by-right zoning.

What is the law?

- The new law states that all MBTA Communities must have a zoning district where multi-family housing is allowed as-of-right, meaning without the need for a special permit, variance, zoning amendment, waiver, or other discretionary zoning approval.
- Complying with the law is mandatory. If a town does not comply, the town will be ineligible for many critical state funding programs, may be subject to civil enforcement action and, also risk liability under federal and state fair housing laws.

What is an MBTA Community

- MBTA is the Massachusetts Bay Transportation Authority. A city or town with MBTA service, or adjacent to a city or town with MBTA service, is considered an MBTA Community. West Newbury is designated as an MBTA Adjacent Small Community because the abutting towns of Newburyport and Haverhill have MBTA Commuter Rail Service.

Why did the state pass this law?

- Local zoning restrictions on multi-family housing are contributing to the state’s housing shortage. Changing zoning to remove these barriers can stimulate the development of more diverse types of housing, providing places to live for young people, older people looking to downsize, and others who cannot afford, or do not want, to buy or rent a single-family residence.

What is multi-family housing?

- Multi-family housing is defined as:
 - a building with three or more residential units; or
 - two or more buildings on the same lot with more than one residential unit in each building.

What does the law mean for West Newbury?

- The Town is required to adopt a zoning district where multi-family housing is allowed as-of-right. The zoning district can require Site Plan Review to ensure that a project meets established environmental and aesthetic standards, but as long as a project meets the zoning criteria, it must be approved.
- The law requires that the district must:
 - Allow for a minimum density of 15 dwelling units per acre.
 - Be of reasonable size, which for West Newbury means a minimum of about six acres.
 - Include land that is feasible to develop. (Excludes steep slopes, wetlands, protected conservation lands, cemeteries and most other town-owned properties.)
 - Allow multi-family housing that is suitable for families with children. For example, it cannot limit the number of bedrooms in a dwelling unit or the age of residents.
 - Create the potential capacity for 87 dwelling units (this number is based on the 2020 Census, specifically 5% of our year-round housing units).

- The law **DOES NOT** require:
 - that any housing units be built, just that our local zoning allows them.
 - the use of town-owned land.
 - the town to provide utilities or services not already provided in the area.
 - affordable housing, however a maximum requirement of 10% affordability may be allowed if the Town has an existing bylaw requiring such for other developments. West Newbury does have an existing Inclusionary Zoning Bylaw that requires 10% of housing units in any new development qualify as affordable.

What is the proposed MBTA Communities Multi-family Overlay District (MCMOD)?

- Currently under consideration are about 7 acres at both 187 Main Street (Knapp) and 317 Main Street (Dunn).
- The regulations that control development within the MCMOD include dimensional controls and site and building design standards.

Is it likely that all 87 units would be built?

- Any proposed development would face pragmatic challenges that may limit the number of units being proposed. Soils, topography, water pressure, wetlands, septic requirements, among other issues will determine the building capacity of the District.
- Title V regulations for example, limit wastewater flows to less than 10,000 gallons per day without a wastewater treatment system (package plant). Given that flows are calculated as 110 gallons per day per bedroom, development would be limited to a maximum of 90 bedrooms (30-40 housing units) unless the developer installed a wastewater treatment system. Wastewater treatment systems are permitted by Mass DEP, are expensive, require considerable land area and have ongoing operational and maintenance costs. For these reasons they are typically reserved for larger developments (hundreds of units).

Is housing created under MCMOD Regulations subject to West Newbury's zoning, wetland, septic, stormwater and other requirements?

- Yes, MCMOD Developments are subject to all applicable requirements of the West Newbury Zoning Bylaw, Conservation Commission/Wetland regulations, Stormwater Management regulations and Title V Septic regulations. Any building would require a building permit and must meet all applicable building codes.

How was the proposed Bylaw developed?

- Using State Grant funds, the Town secured the services of Dodson & Flinker, a design and planning firm, to lead a community planning process.
- The public planning process that began in April of 2023 helped the Town identify and evaluate three potential districts and create zoning to regulate potential development within the selected district.
- The process included presentations and discussions at Planning Board Meetings in 2023 and 2024 (March 21, April 4, May 16, July 18, Sept 19, Oct 17, Nov 21, Dec 5, Dec 19, Jan 2, Jan 16, Feb 6, Feb 20), virtual community forums (April 18, June 20, Sept 5, Nov 7), an in-person community forum (Nov 15), an in-person design workshop (June 27) and a public hearing (March 19, 2024).

How was the MCMOD district selected?

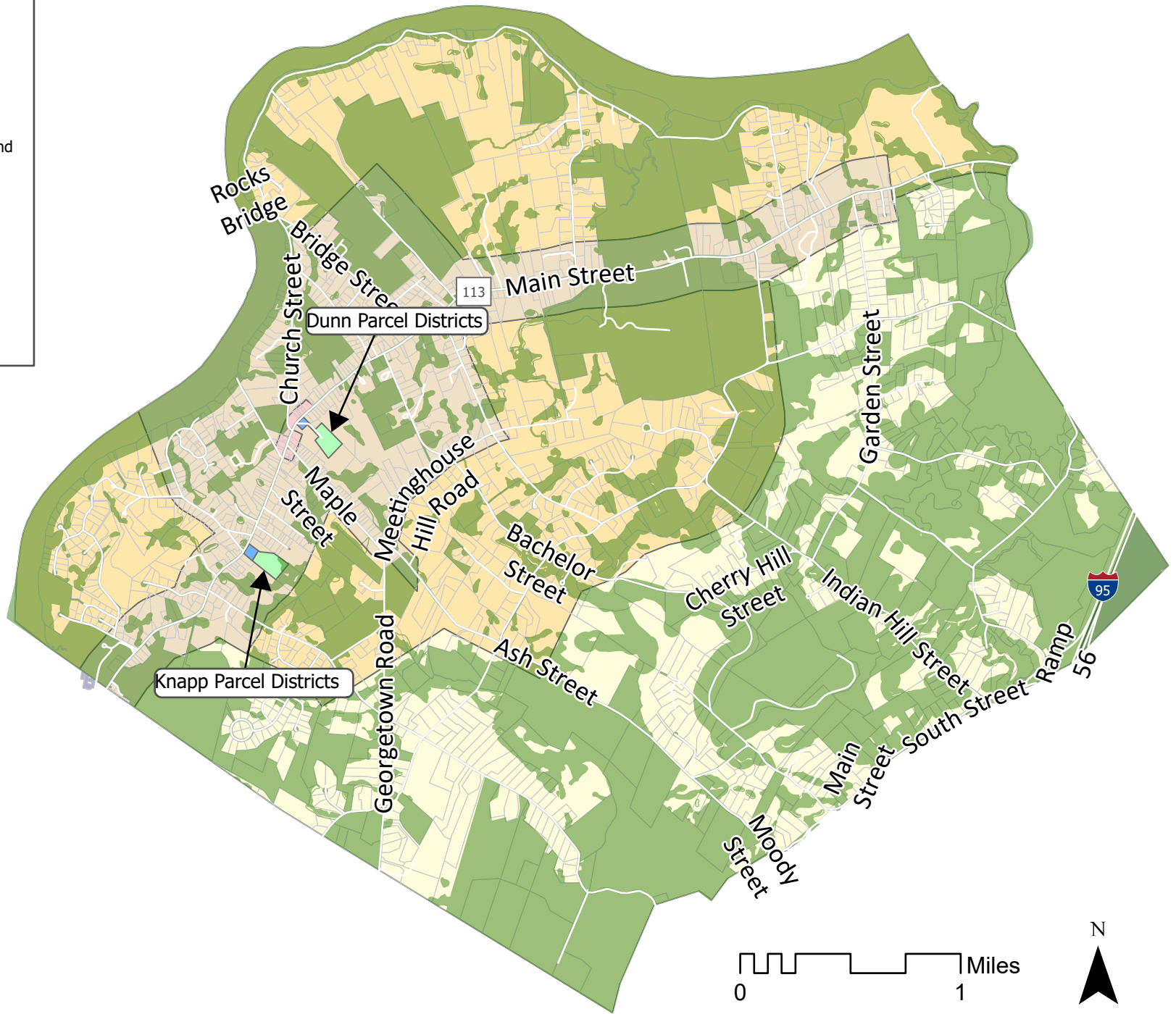
- The planning process included a systematic evaluation of land throughout town using a series of maps that provided a visual representation of lands with regulatory and other development constraints (including lands of high environmental value, protected lands, water and wetland resource and buffer areas, steep slopes, small lot sizes and land protections). These maps were overlaid with maps that showed positive attributes for housing development (primary roads, public water access, proximity to amenities and services, parcel size among others). The result of this mapping exercise led to the selection of three sites for further evaluation and to test development scenarios on.
- After further evaluation of the sites, the Board concluded that two sites would be appropriate, eliminating the Mullen site from further consideration. The principal reason for not putting forth the Mullen site (north side of Main Street opposite Daley Drive) is that the site is town-owned and identified as non-compliant land under the MBTA Communities criteria. Additionally, the town has historically desired a significant proportion of affordable units if housing is to be built on the Mullen Property, but MBTA Community districts are limited to 10% affordability.
- The Board is currently evaluating the two sites (Knapp and Dunn) through a head-to-head comparison of strengths and challenges, relying on their understanding of the sites and public input.

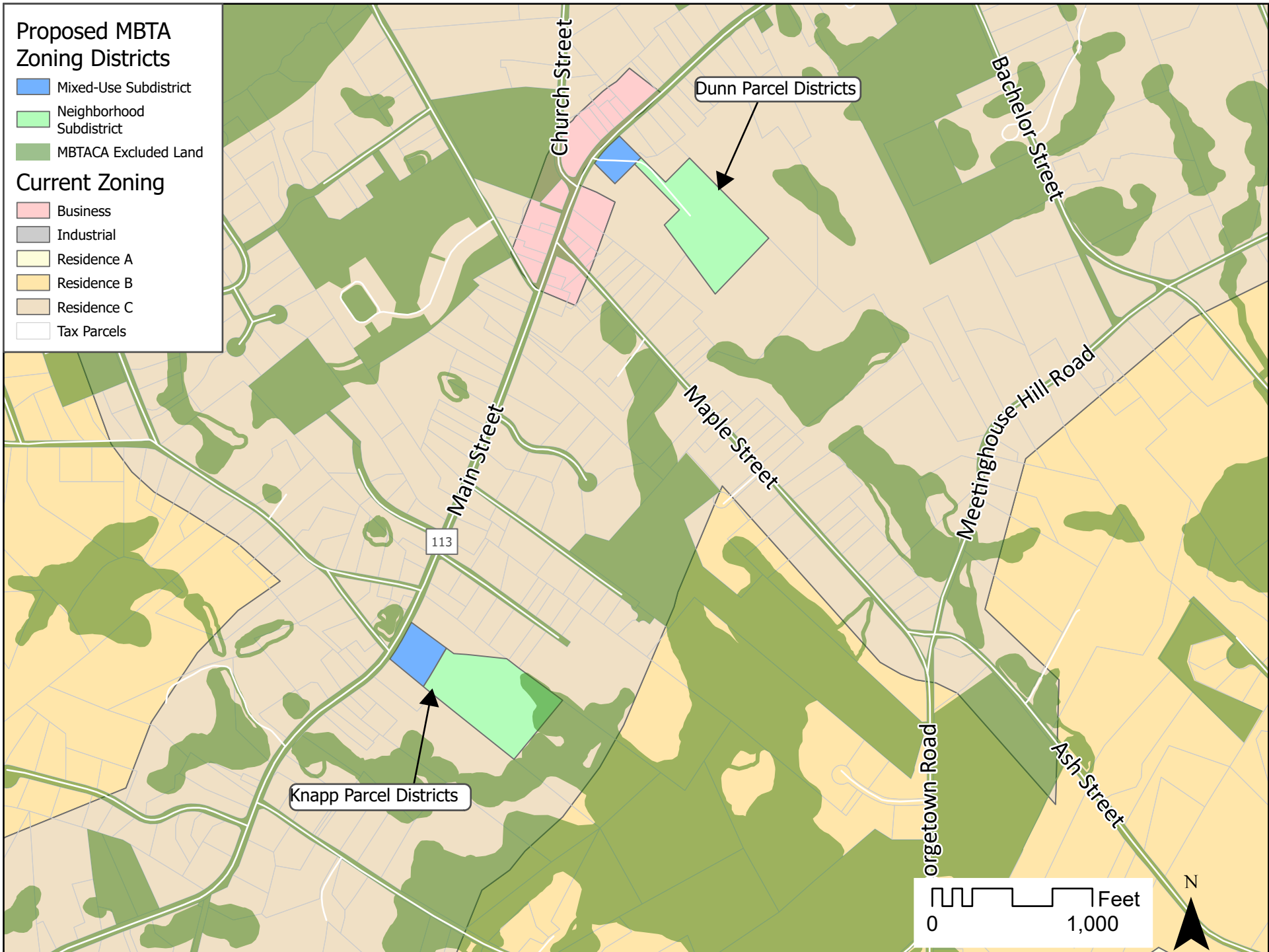
Proposed MBTA Zoning Districts

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

Current Zoning

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





**Proposed Multi-Family Zoning Section to Comply with the MBTA Communities Act
Planning Board Public Hearing Draft, March 5, 2024**

8.4 MBTA Communities Multi-family Housing Overlay

8.4.1. Purpose

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

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

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

8.4.2. Establishment and Applicability

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

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

a. Neighborhood

b. Mixed-Use

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

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

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

8.4.3. Definitions.

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

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

Building. A structure having a roof or cover and intended for human occupancy.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Residential Dwelling Unit: See "Dwelling Unit"

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

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

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

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

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

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

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

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

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

8.4.4. Permitted Uses

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

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

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

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

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

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

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

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

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

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

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

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

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

c. Solar panels installed above one or more parking spaces

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

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

f. Signs in compliance with Section 6.4.

8.4.4.4. Uses permitted with a Special Permit

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

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

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

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

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

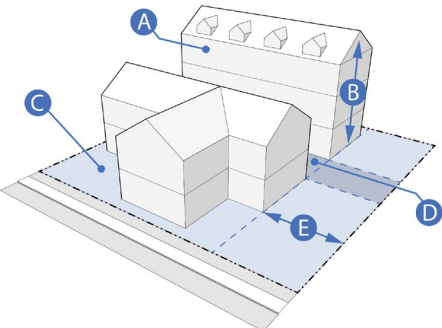
8.4.4.5. Land Division. The tract may be a subdivision or a division of land pursuant to G.L. c.41, s.81 P or may be permitted where intended as a condominium on land not so divided or subdivided.

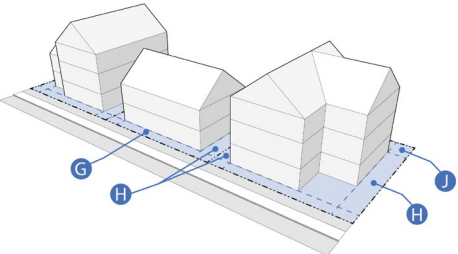
8.4.4.6. Multiple-Buildings-on-a-Lot. In the MCMOD, lots may have more than one principal building.

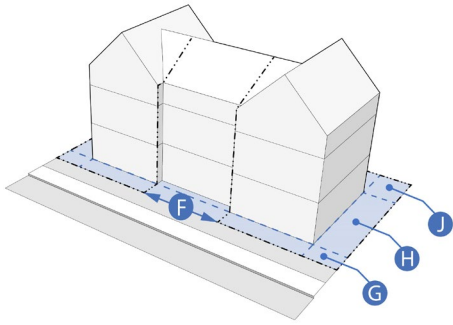
8.4.5. Dimensional Standards

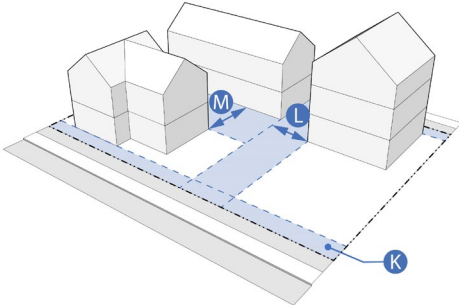
8.4.5.1. This Section 8.4.5 establishes Dimensional Standards for all uses in the MCMOD. It supersedes all provisions of Section 5. Dimensional Requirements, except as specified in paragraph 8.4.5.9 below.

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

	Criteria	Dimension
	Standards for all Developments	
		
	Lot Size for New Lots Created under the MCMOD (Minimum)	No minimum
	Building Height	
A	Stories (Maximum)	3
B	Feet (Maximum)	40 ft
C	Open Space (Minimum)	30%
	Gross Density (Maximum)	15 units/acre of Developable Land
D	Minimum Distance between Buildings	15 ft
E	District Transitional Buffer	30 ft

	Criteria	Dimension
	Additional Standards for Developments with One Building per Lot	
	<i>Diagram for Detached Buildings:</i> 	

	Criteria	Dimension
	<p><i>Diagram for attached buildings (Townhouses):</i></p> 	
F	Frontage (Minimum)	20 ft
G	Front Setback (Minimum)	5 ft (See 8.4.5.5)
H	Side Setback (Minimum)	7.5 ft/0 ft if buildings are attached at the side lot line
J	Rear Setback (Minimum)	10 ft

	Criteria	Dimension
	<p>Additional Standards for Developments with Multiple-Buildings-On-A-Lot</p> 	
	Frontage (Minimum)	Each lot must have legally and practically adequate vehicular access to a public way

	Criteria	Dimension
		or a way approved under the subdivision regulations.
K	Minimum distance between a building and the back edge of a sidewalk, or the edge of a roadway that provides access to the building, whichever is greater.	5 ft (See 8.4.5.5)
L	Minimum distance between the side of any building and any other building	15' ft
M	Minimum distance between the rear of any building and any other building	20 ft

8.4.5.3. Gross Density Calculation. When calculating the allowed number of units based on maximum gross density, any fractional result shall be rounded up to the next whole number. For example, 15.1 units would be rounded up to 16 units. Gross density shall be calculated based on the entire development site, regardless of whether portions of the development site are in different MCMOD subdistricts.

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

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

8.4.5.6. Building Height Exceptions.

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

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

c. Renewable Energy Installations. The Planning Board may waive the building height and setbacks in Section 8.4.5 Dimensional Standards to accommodate renewable energy installations, including but not limited to solar photovoltaic, solar thermal, living roofs, and other eco-roofs, energy storage, and air-source heat pump equipment. Such installations shall not create a significant detriment to abutters in terms of noise or shadow and must be appropriately integrated into the architecture of the building and the layout of the site. The installations shall not provide additional habitable space within the development.

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

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

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

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

8.4.5.8. Lot Access Through Legal Frontage. Frontage must provide access to the lot from the right of way counted for frontage unless otherwise approved by the Planning Board on a Definitive Plan submitted in accord with Chapter 41, General Laws or approved by the Planning Board in the same manner as a Definitive Plan.

8.4.5.9. Uses Subject to the Dimensional Requirements of the Underlying Zoning. The following uses are allowed in a MCMOD and may be included in a common plan of development with multi-family housing or mixed-use development, but are subject to the dimensional standards of the underlying zoning district:

a. The use of land or structures for religious purposes or for education purposes on land owned or leased by the Commonwealth or any of its agencies, subdivisions or bodies politic, or by a religious sect or denomination or by a non-profit education corporation, except as provided in Section 3 of Chapter 40A of the General Laws as amended.

b. Municipal Buildings and Use

c. One (1) family dwelling

d. Family Day Care in single family residential structure if a secure and fenced yard/outdoor play area of at least 3,000 square feet is provided.

e. Boarding house.

8.4.6. Off-Street Parking

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

8.4.6.1. Number of parking spaces.

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

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

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

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

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

8.4.7. Exceptions from Provisions of the Underlying Zoning

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

8.4.7.2. Exceptions from Section 8.1. Floodplain Overlay District. As-of-right development in the MCMOD shall not require a Special Permit to comply with the requirements of Section 8.1. All other provisions of Section 8.1 shall apply. To that end, for as-of-right development on the MCMOD:

a. The first sentence of the Section 8.1.7 "Permit Required" shall be revised to strike the words "a Special Permit" and replace them with "Site Plan Review."

b. The first sentence of Section 8.1.8, "Application Procedure" shall not apply.

c. Section 8.1.20. "Planning Board Findings" shall be replaced with the following text: "An as-of-right use in the MCMOD that is subject to the Floodplain Overlay District, shall comply with the following additional Development Standards:

- i. Such proposals shall not increase potential damage caused by flood;
- ii. All public utilities and facilities shall be located and constructed to minimize or eliminate flood damage;
- iii. Adequate drainage shall be provided to reduce exposure to flood hazards;
- iv. There shall be no volumetric loss of flood storage within the designated floodplain resulting in an increase in the BFE within the affected floodplain.”

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

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

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

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

8.4.7.4. Exceptions from Section 9.8. Common Driveways

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

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

8.4.8. General Development Standards

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

8.4.8.2. Site Design.

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

d. Pedestrian Connections. The project shall be served by a continuous network of sidewalks and pathways that provides direct connections between the public sidewalk (if applicable), building entrances, bicycle storage and parking, vehicle parking, and any open spaces intended for common use.

e. Parking and circulation on the site shall be organized to minimize the amount of impervious surface. Where possible, parking and loading areas shall be connected.

f. Vehicular access. Curb cuts shall be minimized and shared driveways are encouraged. More than one curb cut per building shall be permitted only when necessary to minimize traffic and safety impacts.

g. The design of any sidewalk (i.e. width, grade, cross-slope, materials) must be maintained across any driveway to indicate that, although a vehicle may cross, the area traversed by a vehicle remains part of the sidewalk and the pedestrian use is primary. The depth of the sidewalk materials must be capable of supporting the weight of a vehicle.

h. Site design shall maximize accessibility to building entrances and outdoor activity spaces for all users, by, for example, minimizing grade changes between a sidewalk and a building's ground floor elevation; or by providing walkways with a slope of 5% or less to address grade changes. Ramps, when necessary, should be fully integrated into the design of the site and building—not an afterthought.

8.4.8.3. Open Space

a. All open space shall serve a function, including preservation of natural features, provision of habitat, improving the scenic quality of a site, screening objectional features, stormwater management, recreation, or gathering.

b. Whether an open space is public or private shall be easily discernable through the use of fences, landscaping, and the physical relationship of open spaces to site circulation and nearby buildings.

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

8.4.8.4. Parking

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

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

c. Surface parking lots containing over twenty (20) spaces shall have at least one shade tree per ten (10) parking spaces. Such trees shall be located either in the parking area or within ten (10) feet of it. There shall not be more than (20) parking spaces in a row without an intervening tree. At least five percent (5%) of the interior of the parking area shall be maintained with landscaping, including trees.

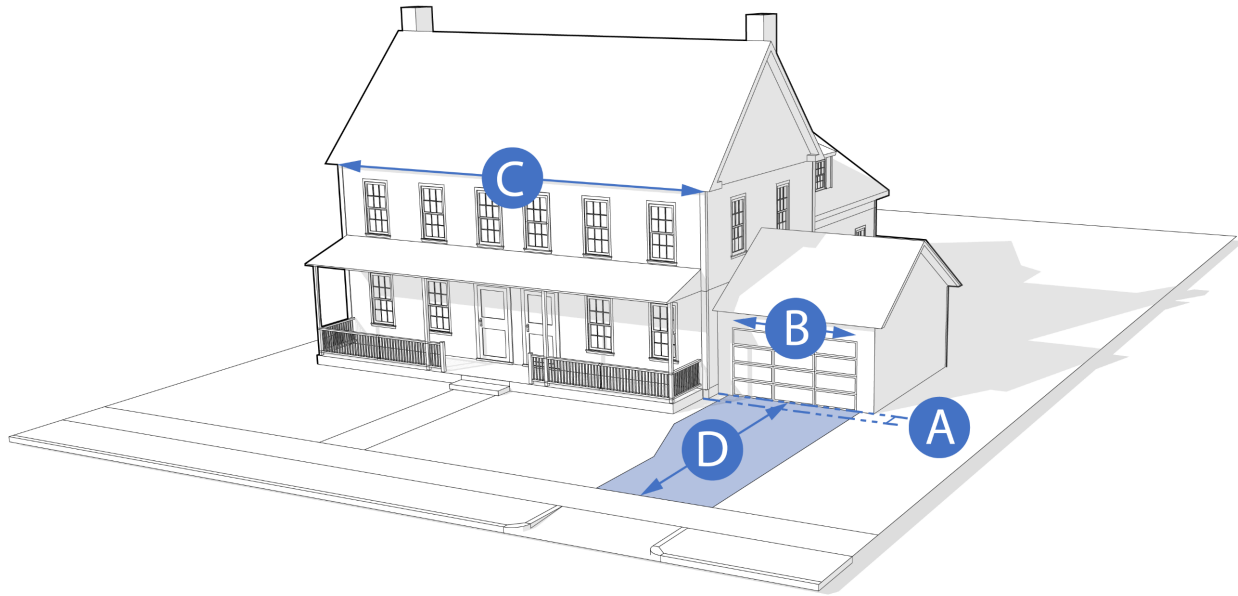
d. Parking Materials. The parking surface may be concrete, asphalt, decomposed granite, bricks, or pavers, including pervious materials but not including grass or soil not contained within a paver or other structure.

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

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



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



8.4.8.5. Landscaping, Lighting, Mechanicals, Utilities, Dumpsters, Stormwater Management

- a. Plantings. Plantings shall be species that are native or adapted to the region. Plants on the Massachusetts Prohibited Plant List, as may be amended, shall be prohibited.
- b. Plants selected shall be suitable for the given site conditions (soil, moisture, pollution, light) to minimize the need for irrigation, fertilizer, and pesticides.
- c. Plantings must fulfill one or more of the following functions: supporting green stormwater management, providing habitat for wildlife or pollinators, providing food for residents, providing shade, or shaping outdoor spaces. The overall composition of plantings must also provide visual interest through harmony and variation of the size, shape, color and/or texture of plants and/or their leaves, flowers, seed heads, fruits, stems and bark.
- d. Tree Planting. New trees that are required to be planted by this bylaw or required as part of a site plan review, shall meet the following standards.

i. Each tree shall be surrounded by fifty (50) contiguous square feet of soil surface area that is free of impervious surfaces and capable of infiltrating stormwater. The soil surface area shall not be less than three feet wide at any point. Trees shall be provided with adequate soil volume to enable healthy growth to maturity. The following minimum soil volumes are recommended: 600 cubic feet for a small tree, 800 cubic feet for a medium tree, 1,000 cubic feet for a large tree.

ii. Where possible, adjacent tree planting areas shall be connected to provide larger connected soil volumes for tree roots.

e. Lighting. Light levels shall be the minimum necessary to provide even and adequate visibility for pedestrians and vehicles. Light levels shall meet the minimum design guidelines defined by the Illuminating Engineering Society of North America (IESNA) and shall provide illumination necessary for safety and convenience while preventing glare and overspill onto adjoining properties and minimizing the amount of skyglow.

i. Light Poles shall not exceed fifteen feet in height nor be installed within fifteen feet of the exterior boundaries of a development site.

ii. The color temperature (CCT) of outdoor lighting should be between 2200 K and 2700 K and shall not exceed 3000 K.

iii. Only full cutoff luminaires shall be used for illuminating outdoor spaces and parking areas. The light source shall be directed downward and away from adjacent residential structures.

iv. Outdoor Luminaires shall not exceed the following BUG rating, which define backlight (B), uplight (U), and glare (G) values: B2/U2/G2.

v. Bollard lighting may be used to light walkways and other landscape features. Bollard lighting shall cast downward.

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

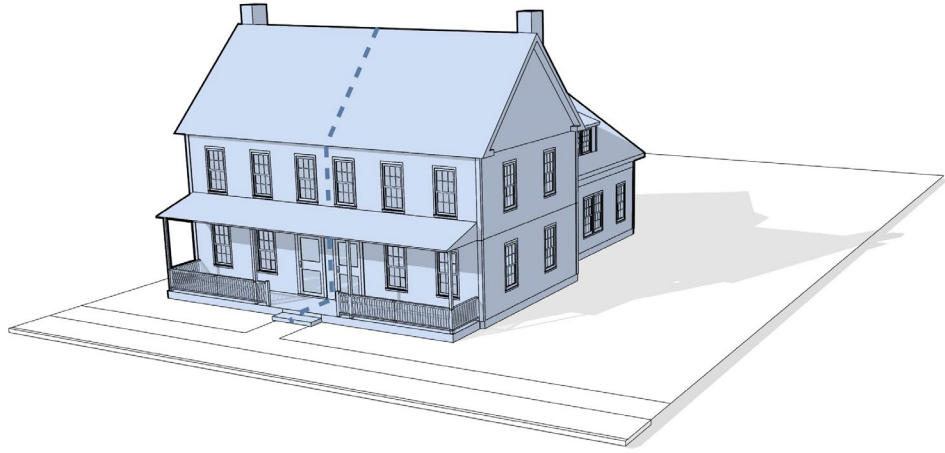
8.4.8.6. Buildings

a. Building Types

The following building types are allowed within the MCMOD:

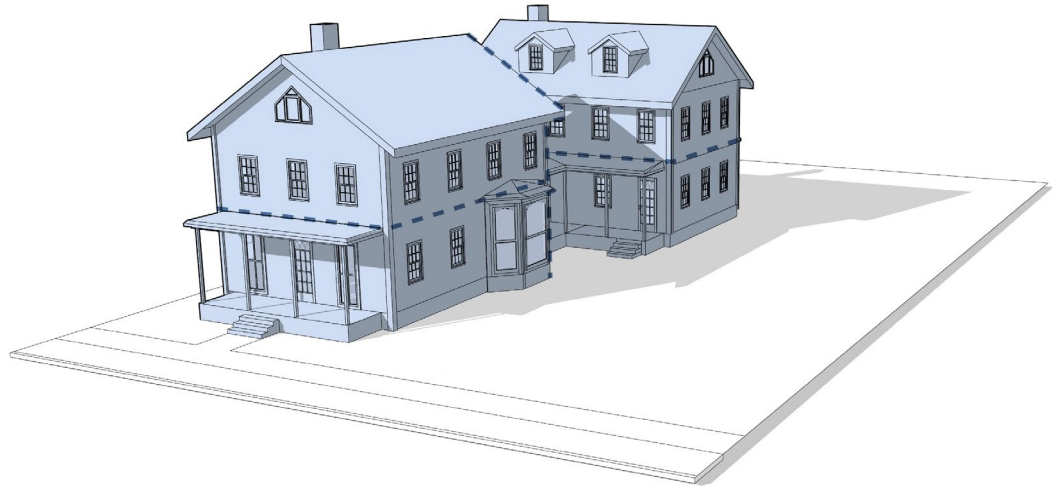
i. Two-family

(1) Illustration:

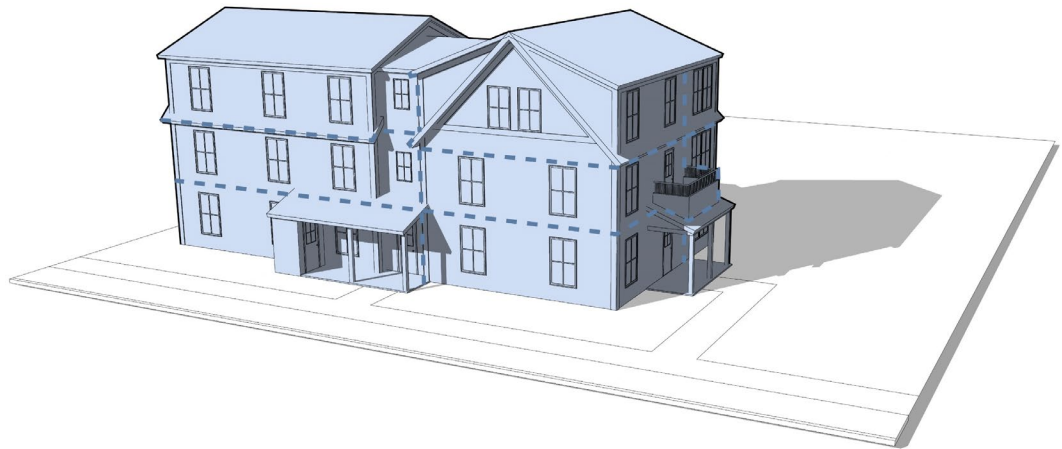


ii. 3-5 family with manor house or farmhouse massing

(1) Illustration:

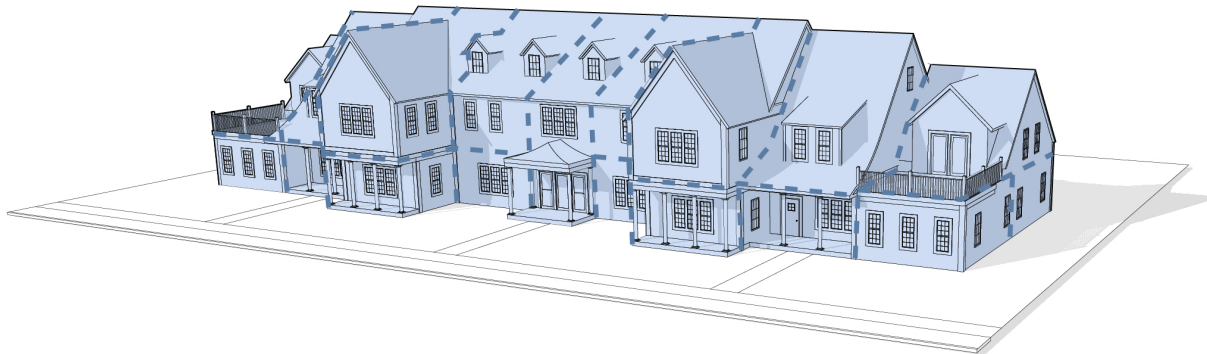


iii. Stacked flats (3-10 units)



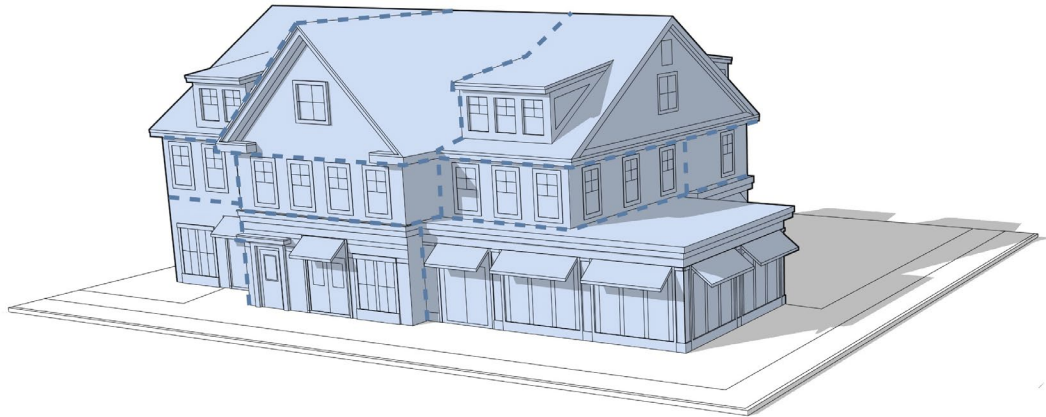
iv. Apartments (8-24 units)

(1) Illustration:



v. Mixed-use (up to 20 units)

(1) Illustration:



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

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

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

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

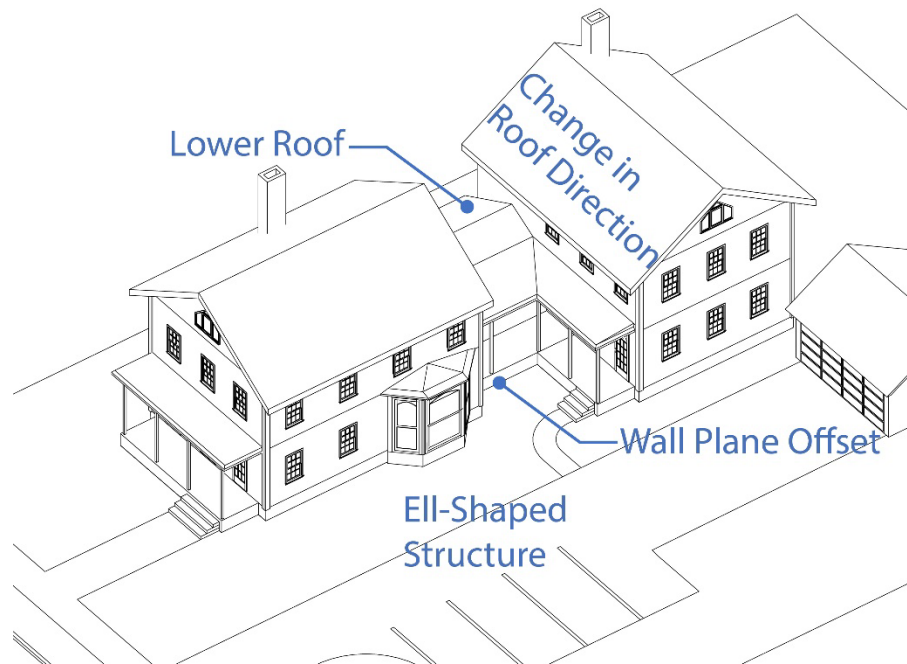
d. Building Massing. Buildings shall be broken down into masses that are similar in size to residential structures in the surrounding neighborhood. No mass should be longer than fifty feet in length. Buildings may be composed of multiple masses that are attached together. When a mass is attached another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

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

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

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

e. Illustrative example of appropriate techniques for attaching masses:



f. Roofs:

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

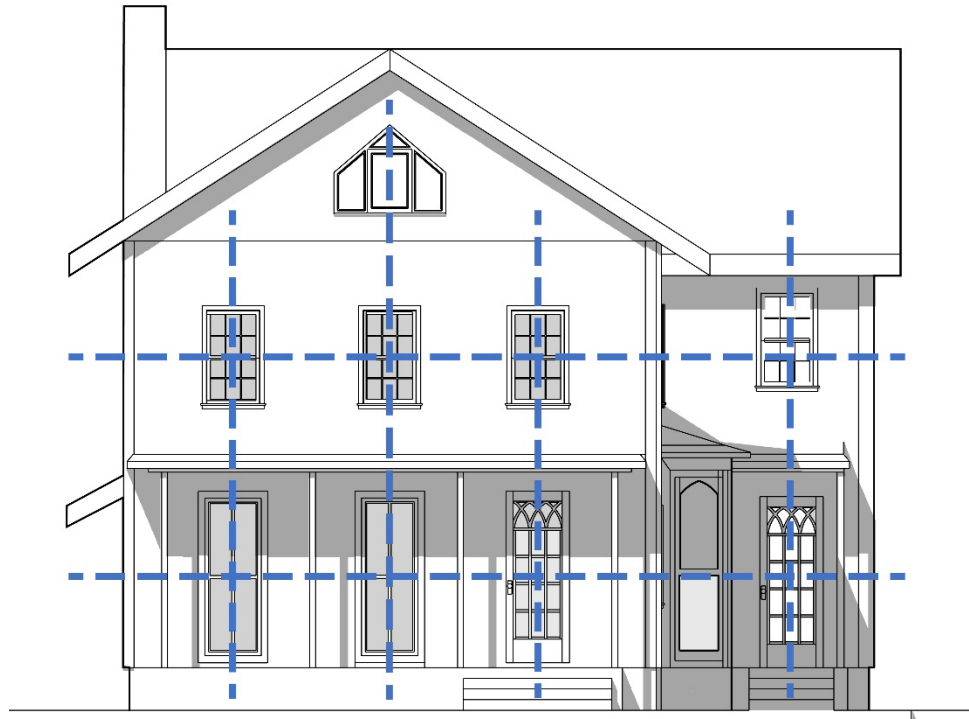
i. Roofs shall have a pitch and shape that is typical of historic building types in West Newbury, generally between 5:12 and 12:12.

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

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

g. Windows:

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



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

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

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

h. Materials and Design Elements.

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

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

- iii. Building facades shall have depth and shadow lines through the use of façade elements such as trim, recessed windows, or projecting or recessing portions of the building volume.
- iv. The use of trim materials to provide detail at the corners, eaves, gables, pediments, lintels, sills, and between floors on larger buildings is encouraged.
- v. The color palette chosen for any building should be consistent with colors traditionally found in residential and mixed-use design in Essex County.
- vi. Columns, posts, pilasters, and other traditional structural support elements should be situated where they could logically carry structural support, even if they are merely decorative. For example, ground floor columns should be located between upper story windows, not directly below a window opening.
- i. Buildings shall be oriented and arranged to shape the space along streets into a pedestrian scale environment and/or to shape shared open spaces.
- j. All building façade(s) visible from a public right-of-way or a shared outdoor space shall be treated with the same care and attention and shall have a consistent design in terms of proportions, entries, fenestration, and materials.
- k. Corner Lots. A building on a corner lot shall indicate a primary entrance either along one of the street-facing façades or on the primary corner as an entrance serving both streets.
- l. Exterior fire stairs shall not be located on the front façade of a building.

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

8.4.9. Affordability Requirements.

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

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

8.4.9.3. Affordable Units shall be:

a. Integrated with the rest of the development and shall be compatible in design, appearance, construction, and quality of exterior and interior materials with the other units and/or lots.

b. Dispersed throughout the development.

c. Located such that the units have equal access to shared amenities, including light, air, utilities including any bicycle storage and Electric Vehicle charging stations within the development.

d. Located such that the units have equal avoidance of any potential nuisances as compared to market-rate units in the development.

e. Distributed proportionately amongst the project’s unit sizes and types.

f. Distributed proportionately across each phase of a phased development.

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

8.4.10. Site Plan Review

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

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

a. Notwithstanding the first sentence of 11.3.4.2. “Pre-Application Conference” an Applicant is encouraged, but not required to file a request with the Planning Board for a Pre-Application Conference.

b. For applications under the MCMOD, Section 11.3.7.1 is replaced with the following:

The Planning Board may make a Decision as follows:

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

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

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

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

(2) the submittal, although proper in form, includes or creates an intractable problem so intrusive on the interests of the public in one regulated aspect or another that, despite best efforts, no form of reasonable conditions could be devised to satisfy the problem with the plan.

c. Notwithstanding the first paragraph (unnumbered) of Section 11.3.6. "Site Plan Review Guidelines," an application under the MCMOD need not comply with:

i. "Section C, Development Guidelines and Standards" of "Section IV. Regulations Governing Site Plan Review" found in the West Newbury Planning Board Regulations Governing the Conduct of Planning Board Functions, Meetings, and Hearings Special Permits, Site Plan Review, Scenic Road Application Guidelines, as amended. Or,

ii. Sections 11.3.6.1. through 11.3.6.6. of this Bylaw.

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

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

8.4.11. Severability.

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

ARTICLE REQUEST FORM

ARTICLE: Wetlands Protection Bylaw

AMOUNT REQUESTED: \$0.00

CONTACT PERSON: Michelle Greene, Conservation Agent; Molly Hawkins,
Conservation Commission Chair

PHONE NUMBER: Michelle: 978-363-1100 x126, conservation@wnewbury.org
Molly: [REDACTED]

**Why should the Town make this purchase or adopt this article? What needs will be met?
Who will benefit?**

Wetlands and their bordering lands, called buffer zones, are important resource areas in our community that provide essential functions, called interests or resource area values, that include the protection of public and private water supplies, storm damage prevention, flood control, and wildlife habitat.

The state Wetlands Protection Act (M.G.L. Ch. 131 sec. 40, the “Act”) protects eight public interests provided by wetlands and is administrated locally by the West Newbury Conservation Commission (WNCC). Since the Act’s enactment in 1972, there is now better understanding of just how valuable and irreplaceable wetlands are. Science has shown that activities immediately adjacent to wetlands can permanently alter them and reduce or eliminate their resource area values like the ability to protect a community’s drinking water or storm resilience. In a changing climate that is seeing more frequent and more significant precipitation and flooding, it is vital that wetlands are protected comprehensively so that they can provide the maximum values possible to the community. To ensure stronger protections to irreplaceable wetland resource areas and to ultimately better protect residents, 220 of the state’s 352 municipalities, including 29 of Essex County’s 34 municipalities, have already enacted local wetlands protection bylaws.

Enacting a wetlands protection bylaw under the Home Rule authority of the Town of West Newbury that is more protective than the Act will increase community control over activities in wetlands and their buffer zones, limit community costs from the degradation of wetlands, guide development to be more sustainable, and provide better protection of our community’s wetlands and the values they provide for us by:

- recognizing and protecting resource area values deemed important by the community beyond those identified in the Act including, but not limited to, recreation, agriculture, rare species habitat, and aquaculture;
- recognizing and protecting additional wetland resource areas beyond those identified in the Act including, but not limited to, an expanded vernal pool habitat area essential to the survival of vernal pool dependent species and recognizing the 100-foot buffer zone of wetlands as a resource area allowing the WNCC to create equitable and transparent performance standards for activities proposed in the buffer zone; and
- enabling the WNCC to issue fines when wetlands violations occur; an enforcement mechanism not provided to conservation commissions under the Act.

Enacting a local wetlands protection bylaw increases the Town’s competitiveness for certain grant funding opportunities. It also satisfies the Town’s long-standing objectives of increased

wetland and water protections that have been identified in various Town plans and reports including:

- [1999 Comprehensive Plan](#) which includes a goal of protecting aquifers and groundwater recharge areas;
- [2015 Hazard Mitigation Plan](#) which indicates that enactment of a local wetlands protection bylaw would be a “very effective” tool to reduce hazards in Town such as flooding, erosion, and impaired drinking water;
- [2018 Open Space and Recreation Plan](#) which included an action item to enact a local wetlands protection bylaw by 2019 to protect against flooding due to climate change, protect surface water quality, and preserve wetlands; and
- [2020 Municipal Vulnerability Preparedness Workshop Summary of Findings](#) which specifically called for enactment of a wetlands protection bylaw to improve local land use controls.

What factors affect the timing of this purchase or this request?

Wetlands and buffer zones continue to be lost and degraded through development and disturbance. As flat, dry parcels of land become increasingly scarce regionally, development pressure increases on parcels in close proximity of wetlands. By adopting a wetlands protection bylaw and comprehensively protecting wetland resource areas and values, the Town will be:

- protecting current and future inhabitants from the impacts of degraded wetlands including the loss of flood control, loss of storm damage protection, and impaired drinking water;
- saving future homeowners from costs associated with flooded and damaged properties; and
- reducing tax dollars spent addressing issues that arise from degraded wetlands and the loss of infrastructure constructed in or within close proximity to wetlands.

Enactment of a local wetlands protection bylaw also aligns with recent state guidance and goals to improve resiliency to the impacts of a changing climate in Massachusetts. The [2022 Massachusetts Climate Change Assessment](#) highlights the need for the North shore to plan for impacts to infrastructure loss due to flooding and water quality impairment due to changes in precipitation. The [2023 Executive Order No. 618: Biodiversity Conservation in Massachusetts](#) calls attention to the importance of the state’s various habitat areas including “critical wetlands”, recognizes that these areas provide habitat to a “wide variety of plants, animals, and other organisms and which offer vital ecological, economic, and public health benefits to its people”, and recommends goals to halt and reverse species loss in Massachusetts.

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

The WNCC does not anticipate any increased costs from the enactment of a local wetlands protection bylaw. The WNCC will continue to budget for commission members and its agent to participate in training and continuing education opportunities to ensure the sound application of the Act and a local wetlands protection bylaw.

Please attach any supporting materials.

Please see attached:

- Draft Wetlands Protection Bylaw



Town of West Newbury Massachusetts

Published on *Town of West Newbury MA* (<https://www.wnewbury.org>)

[Home](#) > Draft Wetlands Protection Bylaw Update 2.21.2024

Draft Wetlands Protection Bylaw Update 2.21.2024

The West Newbury Conservation Commission (WNCC) would like to provide an update on the draft wetlands protection bylaw.

The draft wetlands protection bylaw has been further revised:

- The 2/21/2024 revised draft bylaw can be viewed in redline form [here](#).
- The 2/21/2024 revised draft bylaw in clean format with all redline changes accepted can be viewed [here](#).

The next public meeting that the WNCC will work on the draft bylaw during is scheduled for 3/11/2024 at 7PM in the second floor hearing room of the Town Office Building.

The WNCC will be presenting the Spring 2024 town meeting article for the wetlands protection bylaw to the Select Board and Finance Committee at their joint public meeting of 3/20/2024 at 6PM.

Additional information and previous draft versions of the wetlands protection bylaw can be viewed [here](#).

Please send any questions, comments, or feedback to Michelle Greene, Conservation Agent, at conservation@wnewbury.org.

Source URL: <https://www.wnewbury.org/conservation-commission/news/draft-wetlands-protection-bylaw-update-2212024>

Angus Jennings

From: Conservation
Sent: Tuesday, March 5, 2024 3:20 PM
To: Connor A. Mullen
Cc: Angus Jennings; Molly Hawking [REDACTED] Hayley A. Reifeiss; Alex Weisheit
Subject: RE: Draft Wetlands Protection Bylaw for Review

Thanks, Connor. This all seems straight forward with me. I'll review with the Commission on Monday and follow up if we have any questions but I am hopeful after addressing your minor comments we will be able to incorporate the changes and have the bylaw in final form.

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

Stick Season isn't just a catchy song, it's also the time of year when bald eagles can be seen carrying materials, including sticks, to build their nests. Mating pairs of bald eagles work together to build nests and from December through February the male collects nesting materials for the female and she constructs the nest. Observations of eagles carrying sticks can help Mass Fish and Wildlife identify bald eagle nest locations. If you see a bald eagle carrying a stick, email mass.wildlife@mass.gov with details of when and where your observation took place. To learn more about bald eagles in Massachusetts [click here](#).

From: Connor A. Mullen [REDACTED]
Sent: Tuesday, March 5, 2024 12:03 PM
To: Conservation <conservation@wnewbury.org>
Cc: Angus Jennings <townmanager@wnewbury.org>; Molly Hawking [REDACTED]; Hayley A. Reifeiss [REDACTED]; Alex Weisheit [REDACTED]
Subject: RE: Draft Wetlands Protection Bylaw for Review

Hi Michelle –

Alex asked me to review the most recent version of the draft Wetlands Protection Bylaw. We have reviewed and included several comments in the attached draft, for your consideration.

You had asked about our prior revision of “. . . a fine set by the Commission of not more than \$300 per violation” to “. . . a fine set by the Commission at \$300 per violation.” To clarify, the purpose of this revision is to comply with the requirements for enforcement of the bylaw through non-criminal disposition, G.L. c. 40, §21D. The noncriminal disposition statute, G.L. c. 40, § 21D, requires that the “specific penalty” be set forth in the bylaw or regulation being enforced (i.e., \$100 for first offense and \$300 for each subsequent offense, etc.). The prior language “of not more than \$300 per violation” did not comply with this requirement. Additionally, the specific penalty need not be limited to \$300. It is possible to have different fine amounts—so long as those specific amounts are set forth in a schedule, as you had previously suggested.

I will also note that the Commission can establish the specific penalty schedule under the Regulations instead of the Bylaws, if it is so inclined. If the Commission wishes to pursue this option, I suggest revising Section 11.4 to remove

reference to a specific figure, and to include the following language: "Penalties for violations of this Bylaw and any regulations enacted pursuant thereto shall be in accordance with the procedures and in the amounts set forth in regulations enacted in accordance with this Bylaw."

Please let us know if you have any questions regarding our comments.

Thanks, Michelle.

Connor

--

Connor A. Mullen, Esq.

KP | LAW

101 Arch Street, 12th Floor
Boston, MA 02110

[REDACTED]

[REDACTED]

[REDACTED]

www.k-plaw.com

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From: Conservation <conservation@wnewbury.org>

Sent: Wednesday, February 21, 2024 6:12 PM

To: Alex Weisheit [REDACTED]; Angus Jennings <townmanager@wnewbury.org>

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

Subject: RE: Draft Wetlands Protection Bylaw for Review

Hi Alex,

I don't think I received a response on the last version of the bylaw that was sent to you for review. The bylaw has been further revised with very slight revisions. Would you be able to review and provide feedback on this version of the bylaw? The Commission meets again to work on the bylaw on 3/11/2024.

I've attached the most recent draft, 2/21/2024, in redline and with all changes accepted and have attached the 1/24/2024 version that was previously submitted for your reference in case it is helpful for your review.

Thank you,

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

Stick Season isn't just a catchy song, it's also the time of year when bald eagles can be seen carrying materials, including sticks, to build their nests. Mating pairs of bald eagles work together to build nests and from December through February the male collects nesting materials for the female and she constructs the nest. Observations of eagles carrying sticks can help Mass Fish and Wildlife identify bald

**Town of West Newbury
Conservation Commission**

**DRAFT 3/5/2024
WETLANDS PROTECTION BYLAW**

Sections:

- | | |
|---|--|
| 1. Purpose | 8. Decisions and Conditions |
| 2. Jurisdiction | 9. Security |
| 3. Exemptions & Exceptions | 10. Appeals |
| 4. Definitions | 11. Enforcement |
| 5. Burden of Proof | 12. Regulations |
| 6. Applications, Fees, & Outside Consultants | 13. Relation to Wetlands Protection Act |
| 7. Notice, Public Hearings, and Public Meetings | 14. Severability |
| | 15. Effective Date |

1. Purpose

The purpose of this bylaw is to protect the wetlands, water resources, flood-prone areas, and adjoining upland areas in the Town of West Newbury by regulating activities deemed by the Conservation Commission (“Commission”) likely to have a significant or cumulative adverse effect on resource area values deemed important to the community (collectively, the “resource area values protected by this bylaw”), including but not limited to the following:

- 1.1** Public or private water supply;
- 1.2** Groundwater supply;
- 1.3** Flood control;
- 1.4** Erosion and sedimentation control;
- 1.5** Storm damage prevention including coastal storm flowage;
- 1.6** Water quality;
- 1.7** Prevention and control of water pollution;
- 1.8** Agriculture;
- 1.9** Fisheries, including aquaculture;
- 1.10** Wildlife habitat;
- 1.11** Rare species habitat, including rare plant and animal species; and
- 1.12** Recreation.

This bylaw is subject, however, to the rights and benefits accorded to agricultural uses and structures of all kinds under the laws of the Commonwealth and other relevant bylaws of the Town of West Newbury.

This bylaw is intended to utilize the Home Rule authority of West Newbury to protect the resource areas under the Wetlands Protection Act (G.L. c.131, §40; the Act) to a greater degree, to protect additional resource areas beyond those protected in the Act recognized by the Town as significant, to protect all resource areas for their additional values beyond those identified in the Act, and to impose, in local regulations and permits, Orders of Conditions, and Determinations of Applicability additional standards and procedures in addition to those of the Act and regulations thereunder (310 CMR 10.00).

2. Jurisdiction

Except as permitted by the Commission or as provided in Section 3 of this bylaw, no person shall remove, fill, dredge, build upon, degrade, discharge into, or otherwise alter the following resource areas (collectively the “resource areas protected by this bylaw”):

- 2.1 Any freshwater or coastal wetlands, isolated wetlands, marshes, wet meadows, bogs, swamps and adjoining land extending out to a distance of 100 feet, known as the Buffer Zone;
- 2.2 Any freshwater or coastal bank or beach bordering on any lake, pond, reservoir, river, stream, brook, or creek and adjoining land extending out to a distance of 100 feet, known as the Buffer Zone;
- 2.3 Any perennial rivers, streams, brooks and creeks and lands adjoining these resource areas out to a distance of 200 feet, known as the Riverfront Area;
- 2.4 Any land under the aforementioned waterbodies and waterways;
- 2.5 Any vernal pools and adjoining land extending out 100 feet, known as the Vernal Pool Habitat;
- 2.6 Any lands subject to flooding;
- 2.7 Any lands subject to tidal action; and
- 2.8 Any lands subject to coastal storm flowage.

Said resource areas shall be protected whether or not they border surface waters.

3. Exemptions and Exceptions

The following exemptions shall apply:

- 3.1 Activities in the Buffer Zone and Riverfront Area Pursuant to 310 CMR 10.02 (2)(a) and 310 CMR 10.02 (b)(2)(b)1. and 2., and as may be Amended by the Massachusetts Department of Environmental Protection (“MassDEP”)

The exemptions provided in the Wetlands Protection Act (G.L. c. 131 §40, the Act) and regulations (310 CMR 10.00) shall apply under this bylaw provided that advance notice, oral or written, of at least 72 hours has been given to the Commission or its agent before the commencement of work and provided that the work also conforms to any performance standards and design specifications as written in the Act and regulations and to any performance standards and design specifications in regulations adopted by the Commission.

Commented [c1]: Revised for easier reading / simplicity. No changes in the recognition of all exempt activities of the Act being recognized as exempt in the bylaw.

Commented [CM2]: The Commission may wish to consider limiting its acceptance of advanced notice to written notice only. The Commission could certainly encourage informal notification—*i.e.*, something as simple as an e-mail sent at least in 72 hours in advance. However, the Commission should be aware that a bylaw provision providing for the Commission’s acceptance of oral advance notice may result in disputes as to whether said oral advanced notice was actually given.

- 3.2 Emergency Projects

Projects necessary for the protection of the health and safety of the public, provided that the work is to be performed by or has been ordered to be performed by an agency of the Commonwealth or a political subdivision thereof and provided that advance notice, oral or written, has been given to the Commission or its agent before the commencement of work or within 24 hours after the commencement and provided that the Commission or its agent certifies the work as an emergency project and provided that the work is performed only for the time and place certified by the Commission or its agent for the limited purposes necessary to abate the emergency. Upon failure to meet these and other requirements of the Commission, the Commission may, after notice and a public hearing, revoke or modify an emergency project approval and order restoration and mitigation measures.

- 3.3 Agriculture

Work performed for normal maintenance or improvement of land in agricultural and/or aquacultural use as defined by the Wetlands Protection Act regulations at 310 CMR 10.04.

- 3.4 Routine Mowing and Maintenance of Lawns, Gardens, and Landscaped Areas

The routine mowing and maintenance of lawns, gardens, and landscaped areas shall be exempt from this bylaw provided that these areas were lawfully in existence on the effective date of this bylaw or were created after such date in accordance to any performance standards and design specifications in regulations adopted by the Commission.

4. Definitions

The following definitions shall apply in the interpretation and implementation of this bylaw.

The term "agriculture" shall refer to the definition provided by G.L. c. 128, §1A.

The term "alter" shall include, without limitation, the following activities when undertaken to, upon, within, or affecting resource areas protected by this bylaw:

- a. Removal, excavation, or dredging of soil, sand, gravel, or aggregate materials of any kind;
- b. Changing of preexisting drainage characteristics, flushing characteristics, salinity distribution, sedimentation patterns, flow patterns, or flood retention characteristics;
- c. Drainage, or other ~~disturbance changing~~ of water level or water table;
- d. Dumping, discharging, or filling with any material which may degrade water quality;
- e. Placing of fill, or removal of material, which would alter elevation;
- f. Driving of piles, erection, or expansion of buildings or structures of any kind;
- g. Placing of obstructions or objects in water;
- h. Destruction of plant life including but not limited to cutting or trimming of trees, shrubs, and other vegetation;
- i. Changing temperature, biochemical oxygen demand, or other physical, biological, or chemical characteristics of any waters;
- j. Any activities, changes, or work that may cause or tend to contribute to pollution of any body of water or groundwater; ~~and/or~~
- k. Incremental activities which have, or may have, a cumulative adverse effect on the resource areas protected by this bylaw; ~~and/or~~
- ~~k.l. Increasing the volume of untreated stormwater directed to a resource area.~~

Commented [c3]: Word change for clarity and to align with wording in Mass DEP proposed revised regulations

The term "bank" shall include the land area which normally abuts and confines a water body; the lower boundary being the mean annual low flow level, and the upper boundary being the first break in the slope observed in the field or the mean annual high water line, whichever is higher.

The term "cumulative adverse effect" shall mean the adverse effects of activities regulated under this bylaw which may be individually insignificant to the interests and values under this bylaw, but when considered in relation to other past or present activities in a given area may be significant to said interests and values in the aggregate.

The term "interests" shall mean the resource area values and resource areas protected by this bylaw.

The term "isolated wetlands" means freshwater wetlands not bordering on a water body and at least 5,000 square feet in surface area.

~~The term "land subject to coastal storm flowage" shall mean land subject to any inundation by any tidally influenced river, stream, creek, and/or brook caused by coastal storms up to and including that caused by the 100-year storm, surge of record or storm of record, whichever is greater.~~

~~The term "land subject to tidal action" shall mean land subject to the periodic rise and fall of any tidally influenced river, stream, creek, and/or brook, or of a coastal water body, including spring tides.~~

Commented [c4]: Added to align with the proposed inclusion of this example of alteration in the Mass DEP proposed revised regulations.

The term "permit" shall mean a document issue by the Commission solely under this bylaw or regulations promulgated hereunder.

The term "pond" shall follow the definition of 310 CMR 10.04, and as may be amended, except a size threshold of 5,000 square feet shall apply.

The term "rare species" shall include, without limitation, all vertebrate and invertebrate animals and all plant species listed as endangered, threatened, or of special concern by the Massachusetts Division of Fisheries and

Commented [c5]: These definitions have been removed as the Commission does not intend to regulate or define these resource areas differently than they are defined and regulated at the state level due to the proposed inclusion of first ever performance standards for Land Subject to Coastal Storm Flowage in the Mass DEP proposed revised regulations

Commented [CM6R5]: This reasoning makes sense. However, as the Commission may already be aware, it may be some time before the MassDEP proposed revised regulations become effective. The open comment period was recently extended to April 30th of this year.

Wildlife, the United States Fish and Wildlife Service, and/or the National Oceanic and Atmospheric Administration regardless of whether the habitat in which they occur has been previously identified and/or mapped by the Massachusetts Division of Fisheries and Wildlife Natural Heritage and Endangered Species Program.

The term "vernal pool" shall include, in addition to scientific definitions found in the regulations under the Wetlands Protection Act, any confined basin or depression not occurring in existing lawns, gardens, landscaped areas or driveways which, at least in most years, holds water for a minimum of two continuous months during the spring and or summer, is free of adult predatory fish populations, and provides essential breeding and rearing habitat functions for amphibian, reptile or other vernal pool community species which have been found in the basin or depression. The boundary of the vernal pool is the mean annual high-water line defining the depression. A vernal pool may be subject to jurisdiction hereunder regardless of whether it has been certified by the Massachusetts Division of Fisheries and Wildlife's Natural Heritage and Endangered Species Program.

The term "written notice" shall include notice by electronic mail.

Except as otherwise provided in this bylaw or in associated regulations of the Commission, the definitions of terms and the procedures in this bylaw shall be as set forth in the Wetlands Protection Act (G.L. c. 131, §40) and regulations (310 CMR 10.00).

5. Burden of Proof

The applicant for a permit, Notice of Intent, or Request for Determination of Applicability to perform any work in a resource area protected by this bylaw shall have the burden of proving by a preponderance of the credible evidence that the work proposed in the application will not have significant or cumulative adverse effects on the interests protected by this bylaw.

Failure to provide adequate evidence to the Commission supporting this burden shall be sufficient cause for the Commission to:

- a. ~~Deny~~ a permit or Order of Conditions; or
- b. Issue a positive Determination of Applicability; or
- c. ~~Issue~~ grant a permit, Order of Conditions, or ~~Negative~~ Determination of Applicability with conditions; or
- d. ~~at the Commission's discretion and with the applicant's permission, to~~ continue a public hearing or public meeting to another date of the Commission's discretion and with the applicant's permission, to enable the applicant or others to present additional evidence upon such terms and conditions the Commission deems reasonable.

6. Applications, Fees, & Outside Consultants

6.1 Application

A written application shall be filed with the Commission to perform activities that may impact resource areas protected by this bylaw. No activities under the jurisdiction of this bylaw shall commence without receiving and complying with a permit, Order of Conditions, or Determination of Applicability issued pursuant to this bylaw.

The application shall include such information and plans deemed necessary by the Commission to describe proposed activities and their effects on the resource areas protected by this bylaw. The Commission may accept as the application and plans under this bylaw any application and plans filed under the Wetlands Protection Act (G.L. c. 131 §40) and regulations (310 CMR 10.00) where they are sufficient to meet the requirements of the bylaw and any regulations promulgated thereunder. The Commission may require additional materials or information in addition to the plans and specifications required to be filed by an applicant under the Wetlands Protection Act (G.L. c. 131 §40) and regulations (310 CMR 10.00), in order to fulfill the requirements of this bylaw.

Commented [c7]: This section has been split and written in a list for clarity.

Commented [c8]: Added for clarity

Commented [c9]: This a possible outcome of a Request for Determination of Applicability if the Commission deems there is not enough evidence submitted to determine that an impact to a resource area will not occur from the proposed activities.

The inclusion of this as an outcome of an applicant failing to provide adequate evidence aligns with processes that exist today under the Act.

Commented [c10]: Word change from grant to issue to align language use throughout the bylaw.

6.2 Request for Determination of Applicability (RDA)

Any person desiring to know whether or not a proposed activity or an area is subject to this bylaw may request, in writing, a Determination of Applicability from the Commission. The Commission shall accept a Request for Determination of Applicability (RDA) under the Wetlands Protection Act (G.L. c. 131 §40) as a request under this bylaw. Such RDA shall contain information and plans specified by the regulations of the Commission. Any person desiring only to confirm delineations of resource area(s) on site shall file an Abbreviated Notice of Resource Area Delineation (ANRAD).

6.3 Abbreviated Notice of Resource Area Delineation (ANRAD)

Any person desiring to confirm, for purposes of this bylaw, the limits of resource areas on a site may file an Abbreviated Notice of Resource Area Delineation (ANRAD). This application shall include such information and plans as are set forth in the regulations of the Commission to describe and define the wetland resource areas. The Commission shall accept an ANRAD under the Wetlands Protection Act (G.L. c. 131 §40) and regulations (310 CMR 10.00) as an ANRAD under this bylaw.

6.4 Fees

At the time of an application, the applicant shall pay a filing fee specified in the regulations of the Commission. The fee is in addition to that required by the Wetlands Protection Act (G.L. c. 131 §40) and regulations (310 CMR 10.00).

6.5 Fee Waiver

The Commission may waive fees specified in the regulations of the Commission for applications filed by a government agency, including a municipal department, board, or committee. The Commission may also waive fees specified in the regulations of the Commission for applications filed for projects the Commission finds have a net benefit to wetland resources and a primary purpose of restoring wetland ecological functions.

6.6 Consultants

The Commission may, at the expense of the applicant and in accordance with the provisions of G.L. c. 44 §53G and regulations promulgated by the Commission, impose reasonable fees upon applicants to secure outside consultants including engineers, wetlands scientists, wildlife biologists, or other experts to aid in the review of proposed projects presenting technical issues requiring additional expertise to assist the Commission in protecting resource areas. Such funds shall be deposited with the town treasurer, who shall create an account specifically for this purpose. Additional consultant fees may be requested where the requisite review is more expensive than initially calculated or new information requires additional consultant services. This is intended to apply only to assist in reviewing projects deemed by the Commission to be large or complex.

7. Notice, Public Hearings, and Public Meetings

7.1 Abutter Notification

Any person filing a Notice of Intent or Abbreviated Notice of Resource Area Delineation, or for an amendment to an Order of Conditions shall follow the abutter notification requirements set forth in the Wetlands Protection Act (M.G.L. c. 131 §40) and regulations, 310 CMR 10.05(4), and as may be amended by the MassDEP.

7.2 Public Notice

The Commission shall provide written notice given at the expense of the applicant at least five business days prior to the public hearing or public meeting by publication in a newspaper of general circulation in West Newbury or in any other manner approved by the MassDEP. Where applicable, notice given for public meetings and public hearings under this bylaw may be combined with notice given for public

meetings and public hearings under the Wetlands Protection Act (G.L. c. 131, §40) and regulations (310 CMR 10.00).

7.3 Public Hearings & Public Meetings

The Commission shall commence a public hearing on any permit application, Notice of Intent, Abbreviated Notice of Resource Area Delineation, or request to amend a final Order of Conditions, or a public meeting on any Request for Determination of Applicability, within 21 days from receipt of a complete application, unless an extension is authorized in writing by the applicant.

The Commission shall have authority to request that an applicant agree to continue the public hearing or public meeting to a specific date announced at the hearing or meeting, for reasons stated at the hearing or meeting, which may include the need for additional information or plans required of the applicant or others as deemed necessary by the Commission. In the event that the applicant objects to a continuance or postponement, the hearing or meeting shall be closed and the Commission shall take action on such information as is available.

The Commission may combine its public hearing or public meeting under this bylaw with the public hearing or public meeting conducted under the Wetlands Protection Act (M.G.L. c. 131 §40) and Regulations (310 CMR 10.00).

8. Decisions and Conditions

8.1 Decision

The Commission shall issue its decision as a permit, Order of Conditions, denial, Order of Resource Area Delineation, or Determination of Applicability within 21 calendar days of the close of the public hearing or public meeting, unless the applicant authorizes an extension in writing. The Commission shall take into account the extent to which the applicant has avoided, minimized and mitigated any adverse effect to the interests of this bylaw. Each case will be considered on its own merits. Due consideration shall be given to any demonstrated hardship on the applicant by reason of denial, as presented at the public hearing or public meeting. The Commission may, in an appropriate case, combine the permit, Order of Conditions, Order of Resource Area Delineation, or Determination of Applicability issued under this bylaw with the Order of Conditions, Order of Resource Area Delineation, or Determination of Applicability issued under the Wetlands Protection Act (G.L. c. 131 §40) and regulations (310 CMR 10.00).

8.2 Waivers

Upon written request, the Commission may waive specifically identified and requested procedures, design specifications, performance standards, or other requirements set forth in this bylaw or regulations, provided that:

- a. The Commission finds in writing after said public hearing that there are no reasonable conditions or alternatives that would allow the proposed activity to proceed in compliance with said bylaw or regulations; and
- b. That avoidance, minimization and mitigation have been employed to the maximum extent feasible; and
- c. The project, when considered in its entirety, would result in a net benefit of resource areas values; and
- d. The waiver is necessary to accommodate an overriding public interest or to avoid a decision that so restricts the use of the property as to constitute an unconstitutional taking without compensation.

8.3 Approvals

The Commission is authorized to approve a permit or Order of Conditions or issue a Negative Determination of Applicability when proposed work meets all applicable design specifications,

Commented [c11]: Added as it is a potential way that the Commission could approve proposed work.

performance standards and other requirements under this bylaw and in regulations of the Commission and where the work will not result in significant or cumulative adverse effects upon the interests protected by this bylaw, as determined by the Commission. Any permit, ~~or~~ Order of Conditions, ~~or~~ Negative Determination of Applicability issued under this bylaw may differ from any such permit or Order of Conditions issued by the Commission under the provisions of the Wetlands Protection Act (G.L. c. 131 §40) and regulations (310 CMR 10.00) (the “Act”), where the bylaw and regulations of the Commission are more protective of any resource area(s) than the Act.

8.4 Conditions

The Commission is authorized to impose conditions on any approved permit, Order of Conditions, or Negative Determination of Applicability that the Commission deems necessary to protect the interests of this bylaw or to ensure that a project or activity proceeds in accordance with any design specifications, performance standards and other requirements in regulations of the Commission. If an approved permit, Order of Conditions, or Negative Determination of Applicability contains conditions, all activities shall be conducted in accordance with those conditions.

Commented [c12]: Added for clarity, work can only be permitted and conditioned under a Negative Determination of Applicability

A permit or Order of Conditions may include conditions with requirements which shall be enforceable for a stated number of years, indefinitely, or until permanent protection is in place, and shall apply to all present and future owners of the land. These conditions may remain in full force and effect after issuance of a Certificate of Compliance if so noted on the Certificate of Compliance.

8.5 Entry

The Commission, its agents, officers, and employees shall have authority to request authorization to enter upon privately owned land to perform their duties under this bylaw subject to the constitutions and laws of the United States and the Commonwealth. They may make or cause to be made such examinations, surveys, or sampling as the Commission deems necessary, subject to the constitutions and laws of the United States and the Commonwealth. The refusal to authorize entry in connection with review of an application for a permit, Notice of Intent, Request for Determination of Applicability, or Abbreviated Notice of Resource Area Delineation shall be grounds for denial of that application.

8.6 Denials

The Commission is empowered to deny a permit or Order of Conditions or issue a Positive Determination of Applicability for the following reasons:

- a. Failure to meet the requirements of this bylaw;
- b. Failure to submit necessary information and plans requested by the Commission;
- c. Failure to meet the design specifications, performance standards and/or other requirements in regulations of the Commission;
- d. Failure to meet the design specifications, performance standards and/or other requirements of the Wetlands Protection Act (G.L. c. 131 §40) and regulations (310 CMR 10.00);
- e. Failure to avoid or prevent significant or cumulative adverse effects upon the interests protected by this bylaw;
- f. The refusal to authorize entry of the Commission to a property in connection with review of an application for a permit, Notice of Intent, RDA or ANRAD; and/or
- g. Where no conditions are adequate to protect the interests of this bylaw, as determined by the Commission in its sole discretion as the issuing authority.

Commented [CM13]: Recommend revising this provision to state “for reasons including, but not limited to:”

Any denial issued under this bylaw may differ from any such permit, Order of Conditions, denial, or Determination of Applicability issued by the Commission under the provisions of the Act, where the bylaw and regulations of the Commission are more protective of any resource area(s) than the Act.

8.7 Amendments

An applicant may request an amendment to an Order of Conditions. Any request for an amendment to an OOC shall comply with MassDEP Wetlands Program Policy 85-4, and as may be modified or amended by MassDEP.

8.8 Expiration

A permit, Order of Conditions, Determination of Applicability, or Order of Resource Area Delineation shall expire three years from the date of issuance unless otherwise specified by the Commission at the time of issuance.

8.9 Extensions

Notwithstanding the above, the Commission in its discretion may extend a permit, Order of Conditions, or Order of Resource Area Delineation for one or more periods of up to three years each, upon written request from the applicant made at least 30 days prior to the expiration of the permit Order of Conditions, or Order of Resource Area Delineation.

8.10 Revocation

For good cause the Commission may revoke or modify any permit, Order of Conditions, Order of Resource Area Delineation, or other decision issued under this bylaw after notice to the holder, the public, abutters, and after a public hearing.

8.11 Recordation of Order of Conditions or Permit

No work proposed in any application shall be undertaken until the permit, Order of Conditions, or amended Order of Conditions issued by the Commission with respect to such work has been recorded in the Southern Essex District Registry of Deeds or, if the land affected is registered land, in the registry section of the Land Court for the Southern Essex District Registry of Deeds, and until the holder of the permit, Order of Conditions, or amended Order of Conditions certifies in writing to the Commission that the document has been recorded or registered.

9. Security

As part of a permit or Order of Conditions issued under this bylaw, in addition to any security required by any other municipal or state board, agency, or official, the Commission may require that the performance and observance of the conditions imposed thereunder, including conditions requiring mitigation work, be secured wholly or in part by one or both of the methods described below:

- A. By a proper bond, a deposit of money or negotiable securities under a written third-party escrow arrangement, or other undertaking of financial responsibility sufficient in the opinion of the Commission, to be released in whole or in part upon issuance of a Certificate of Compliance for work performed pursuant to the permit.
- B. By accepting a conservation restriction, easement, or other covenant enforceable in a court of law, executed and duly recorded by the owner of record, running with the land to the benefit of the West Newbury Conservation Commission whereby the permit conditions shall be performed and observed before any lot may be conveyed other than by mortgage deed. This method of accepting a conservation restriction, easement, or other covenant shall be used only with the consent of the applicant.

10. Appeals

Any decision of the Commission issued under this bylaw and any regulations promulgated hereunder, shall be reviewable in the Essex County Superior Court in accordance with G.L. c. 249, §4.

11. Enforcement

11.1 Scope

No person shall remove, fill, dredge, build upon, degrade, or otherwise alter resource areas protected by this bylaw without the required authorization of the Commission, or cause, suffer, or allow such activity, or leave in place unauthorized fill, or otherwise fail to restore illegally altered land to its original condition, or fail to comply with a permit or an enforcement order issued pursuant to this bylaw. Any person who violates any provision of this section may be ordered to restore the property to its original condition and take other action deemed necessary to remedy such violations, or may be fined, or both.

11.2 Enforcement

The Commission, its agents, officers, and employees shall have authority to enforce this bylaw, its regulations, permits, Orders of Conditions, Orders of Resource Area Delineation, and Determinations of Applicability issued thereunder by letters, phone calls, electronic communication and other informal methods, violation notices, enforcement orders, non-criminal citations under G.L. c. 40 §21D, and civil and criminal court actions. Any person who violates provisions of this bylaw may be ordered to restore the property to its original condition and take other action deemed necessary to remedy such violations, or may be fined, or both.

11.3 Legal Action

Upon request of the Commission, the Select Board may authorize town counsel to take legal action for enforcement of this bylaw under civil law. Upon request of the Commission, the chief of police may take legal action for enforcement of this bylaw under criminal law. Municipal boards and officers, including any police officer or other officer having police powers, shall have authority to assist the Commission in enforcement.

11.4 Fines

Any person who violates any provision of this bylaw, or regulations, permits, Orders of Conditions, Orders of Resource Area Delineation, Determinations of Applicability, enforcement order, or other administrative orders issued thereunder, shall be punished by a fine set by the Commission at \$300 per violation. Each day or portion thereof during which a violation continues, or unauthorized fill or other alteration remains in place, shall constitute a separate offense, and each provision of the bylaw, regulations, permit, or administrative orders violated shall constitute a separate violation.

As an alternative to criminal prosecution in a specific case, the Commission may, in its sole discretion, issue citations with specific penalties pursuant to the non-criminal disposition procedure set forth in G.L. c. 40 §21D, which West Newbury has adopted in §XXVIII of the Bylaws of the Town of West Newbury.

As long as any person in violation demonstrates, in the sole judgement of the Commission, a reasonable, good faith effort to comply with this bylaw, the Commission may refrain from issuing fines. However, the Commission may resort to issuing fines when the violator ceases to demonstrate a reasonable, good faith effort toward achieving compliance. This provision does not preclude the Commission from exercising its prosecutorial discretion to issue fines or preclude the Commission from simultaneously ordering mitigation and/or restoration of the affected resource areas.

11.5 Appeal of Fines

In addition to the appeal provisions under G.L. c. 40, §21D, persons fined may appeal in writing to the Commission within 21 days of issuance.

11.6 Vacate Fines

The Commission may vacate fines where compliance has been established or where the issuance of fines is inconsistent with the interests of this bylaw. The Commission may suspend fines as long as the person

in violation demonstrates a reasonable, good faith effort toward obtaining compliance. The Commission may restore suspended fines at any time during an existing violation. This provision does not preclude the issuance of fines in conjunction with orders for restoration or mitigation.

12. Regulations

The Commission may promulgate regulations after public notice and a public hearing to effectuate the purposes of this bylaw, effective when voted by the Commission and filed with the town clerk. At a minimum, these regulations shall reiterate the terms defined in this bylaw, define additional terms and requirements not inconsistent with the bylaw, impose filing and consultant fees, and include design specifications and performance standards which provide for undisturbed vegetative buffers extending from the edge of resource areas. Failure by the Commission to promulgate such regulations or a legal declaration of their invalidity, in whole or in part, by a court of law shall not act to suspend or invalidate the effect of this bylaw.

13. Relation to the Wetlands Protection Act

This bylaw is adopted under the Home Rule Amendment of the Massachusetts Constitution and the Home Rule statutes, independent of the Wetlands Protection Act (G.L. c. 131 §40) and regulations (310 CMR 10.00) thereunder. It is the intention of this bylaw that the purposes, jurisdiction, authority, exemptions, regulations, specifications, standards, and other requirements shall be interpreted and administered as more protective than those of the Wetlands Protection Act (G.L. c. 131 §40) and regulations (310 CMR 10.00).

14. Severability

The invalidity of any section or provision of this bylaw shall not invalidate any other section or provision thereof, nor shall it invalidate any permit, Order of Condition, Order of Resource Area Delineation, Determination of Applicability, enforcement or other administrative orders which previously has been issued.

15. Effective Date

The effective date of this bylaw shall be the first day of the month following the approval of the bylaw by the Attorney General.

This bylaw shall not be applicable to activity that is the subject of a Notice of Intent, Request for Determination of Applicability, or Abbreviated Notice of Resource Area Delineation filed with the Commission pursuant to the provisions of the Wetlands Protection Act (G.L. c. 131 §40) and regulations (310 CMR 10.00) before the effective date of this bylaw. This bylaw shall not be applicable to activity that has been issued a permit, Order of Conditions, Order of Resource Area Delineation, or Determination of Applicability pursuant to the provisions of the Wetlands Protection Act (G.L. c. 131 §40) and regulations (310 CMR 10.00) before the effective date of this bylaw.

ARTICLE REQUEST FORM

ARTICLE: Amendments and Additions to Zoning Definitions

AMOUNT REQUESTED: \$0.00

CONTACT PERSON: Sam Joslin

PHONE NUMBER: 978-618-4430

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

The purpose of this zoning amendment is to update definitions, primarily to bring these into alignment with building code definitions.

What factors affect the timing of this purchase?

N/A

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

N/A

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

None

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

N/A

Please attach additional pages or other supporting documentation.

SECTION 2. DEFINITIONS

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

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

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

Commented [SJ1]: Delete and replace with Accessory Structure

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

Commented [SJ2]: BC definition

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

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

Commented [SJ3]: BC definition

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

(1) Adult bookstore: an establishment having a substantial or significant portion of its stock in trade, books, magazines, and other matter which are distinguished or characterized by their emphasis depicting, describing or relating to "Sexual conduct" or "Sexual excitement" as defined by MGL Chapter 272, Section 31; (2) Adult video store: an establishment having a substantial or significant portion of its stock in trade videos, movies, CD-ROM, DVD or similar technologies that provide images to be viewed on or off premises which are distinguished or characterized by their emphasis depicting, describing or relating to "Sexual excitement" or "Sexual conduct" as defined in MGL Chapter 272, Section 31; (3) Adult paraphernalia store: an establishment having a substantial or significant portion of its stock, devices, objects, tools or toys which are distinguished or characterized by their association with sexual conduct or sexual excitement as defined by MGL Chapter 272, Section 31; (4) Adult motion picture theater: a building or structure used for presenting material distinguished by an emphasis on matter depicting, describing or relating to sexual conduct or sexual excitement as defined by MGL Chapter 272 Section 31; (5) Adult live entertainment establishment: any establishment which displays live entertainment which is distinguished or characterized by its emphasis depicting, describing or relating to sexual conduct or sexual excitement as defined by MGL Chapter 272 Section 31.

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

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

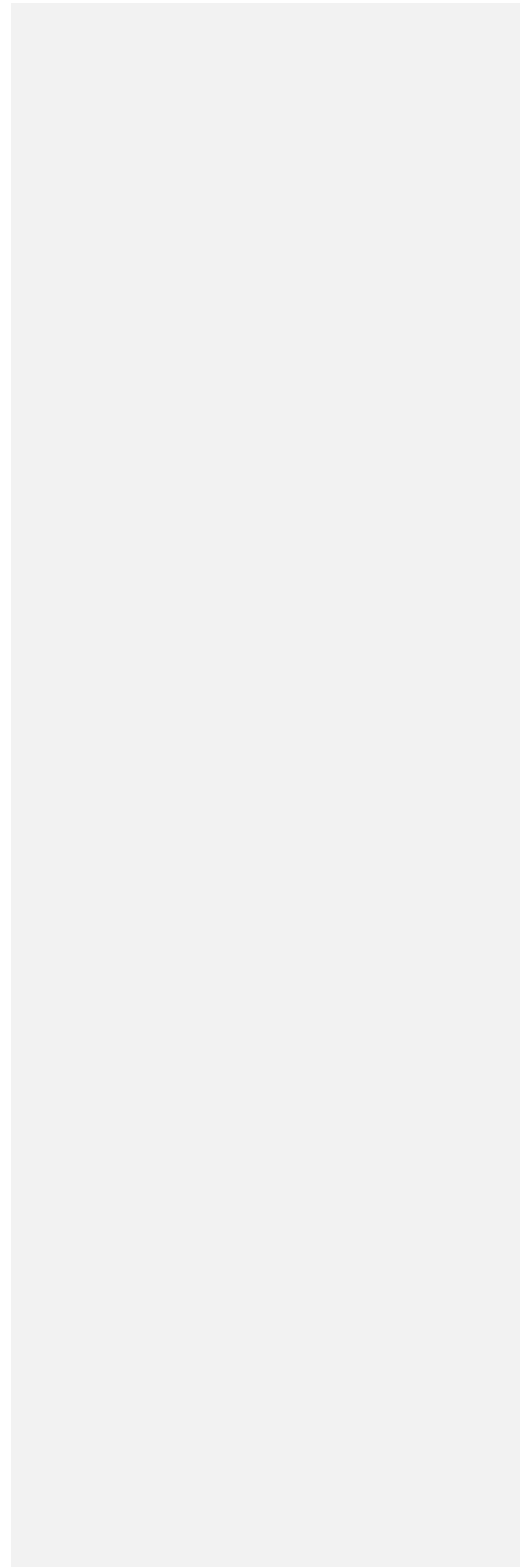
Commented [SJ4]: Only used in industrial district relating to an onsite caretaker unit. Language in this section can be changed from "Apartment" to "attached Dwelling Unit"

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

Commented [SJ5]: Delete. Not use in bylaw

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

with meal service, housekeeping services, social and recreational activities and personal care services, transportation services, in a group setting primarily limited to individuals 62 years and older or couples,



one of whom is at least 62 years of age, who require help or assistance with activities of daily living but do not require full time nursing care.

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

Commented [SJ6]: Definition serves no purpose in the bylaw as the use is described in the section relating to banks/ATMs

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

Commented [SJ7]: BC definition

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

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

Commented [SJ8]: Is this a use we want to retain?

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

Commented [SJ9]: State uses "lodging house" vs "boarding house". Change in language needed in Section 5.A.2.c.iii

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

Commented [SJ10]: BC definition

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

Commented [SJ11]: Terms used in MGL BC and Bylaws. This will clarify and capture the use of all terms associated with the Building inspector

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

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

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

Commented [SJ12]: Term only found in definitions

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

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

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

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

Commented [SJ13]: Term only found in definitions

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

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

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

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

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

Commented [SJ14]: BC definition

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

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

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

Commented [SJ15]: Change Farm to Farming. Farming is defined in the MGL cited. Farming is a better descriptor for all uses allowed under the MGL

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

Commented [SJ16]: Changed for clarification

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

Frontage at corner lot. ~~At a corner, frontage shall be measured to the point of intersection of the extension of the sideline of the rights of way. (see diagram in Appendix One).~~ *[Amended by vote of the Annual Town Meeting, second session, on May 6, 2009, approved by the Attorney General on August 11, 2009 and posted according to law on August 24-20, 2009]* Frontage for a corner lot shall be measured on the side of the lot that will be used to access the property and the proposed construction will front on.

Commented [SJ17]: Clarification of language and elimination of diagram.

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

Commented [SJ18]: Clarification of language and elimination of diagram.

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

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

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

Commented [SJ19]: Left out the one thing gas stations are know for

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

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

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

Commented [SJ20]: For clarification

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

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

Commented [SJ21]: Term only found in definitions

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

Commented [SJ22]: Removed "berth" as it is typically a term used for ships

access to a street or other appropriate means of ingress or egress.

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

Commented [SJ23]: Replaced "boarding house" to be consistent with BC

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

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

Commented [SJ24]: Changed for clarification

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

Commented [SJ25]: Added for clarity

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

Commented [SJ26]: Changed for clarification

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

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

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

Municipal Buildings and Use. Facilities owned by the Town of West Newbury, operated by the Town of West Newbury, or both, and the uses conducted therein. *[Added by vote of Annual Town Meeting, Article 13, effective November 4, 2019, and approved by the Attorney General on November 1, 2021 and posted according to law on November 4, 2021]*

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

Commented [SJ27]: Changed to link qualifications to state zoning

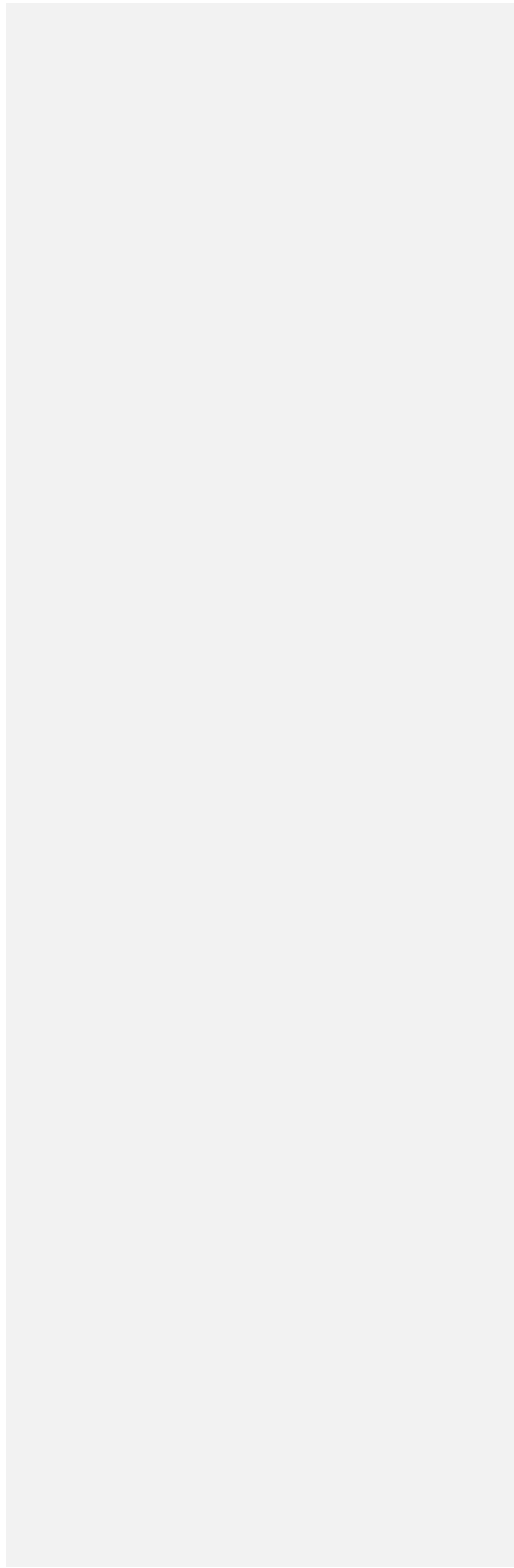
Non-Conforming Use. A non-conforming use of land or building is an existing lawful use of land or building which does not conform to the regulations for the district in which such use of land or building exists and which existed at the time of publication of notice of the hearing before the Planning Board respecting the regulation to which it does not conform as described in M.G.L. 40A § 6.

Commented [SJ28]: Changed to link qualifications to state zoning

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

Commented [SJ29]: Term only found in definitions

Open Space Preservation Development A residential development in conformance with the Section 6.B, in which the buildings and accessory uses are clustered together into one or more groups separated from



adjacent property and from other groups in the same development by intervening open land, and in which the minimum dimensional requirements of lots are reduced and the land gained thereby is preserved as open space. *[Amended by vote of Annual Town Meeting, Article 13, effective November 4, 2019, and approved by the Attorney General on November 1, 2021 and posted according to law on November 4, 2021]*

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

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

Commented [SJ30]: Changed for consistency

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

Commented [SJ31]: Term only used in definitions

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

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

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

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

Commented [SJ32]: Term only used in definitions

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

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

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

Commented [SJ33]: BC definition

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

Commented [SJ34]: Delete definition and delete from listed uses. This will fall to requirements for accessory structures for zoning and to the BC as to how to construct it

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

Commented [SJ35]: Term only found in definitions.

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

Veterinary. See Animal Hospital

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

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

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

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

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

ARTICLE REQUEST FORM

ARTICLE: Sawmill Brook Acquisition Administrative Costs

AMOUNT REQUESTED: \$10,000

CONTACT PERSON: Angus Jennings

PHONE NUMBER: 978-363-1100 x111

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

This successful land acquisition project resulted from a partnership with Essex County Greenbelt and award of a EEA LAND Grant of \$355,000. Because the Town is the property owner in this project, rather than the CR holder as in past Greenbelt partnerships, there have been administrative (legal) costs that weren't anticipated. Additionally, receipt of the LAND Grant has required additional work that wasn't included in the original CPA funding application. This includes surveying, installation of parking and signage, and preparation and submittal of a Management Plan in order to receive the grant funds. Close to \$3,000 in legal costs have been incurred to date and paid for from the General Counsel line item. These should have been funded from the CPA project, but were unanticipated at the time of application. It is unknown what the balance of the administrative costs to comply with LAND Grant requirements will be, so the amount being requested is a high estimate. Any unused funds will be returned to the CPA Undesignated Fund.

What factors affect the timing of this purchase?

The work to complete LAND Grant requirements is due by June 30, 2024. It is requested that this warrant article be placed on the Special Town Meeting warrant so that the funds are available immediately on approval.

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

June 30, 2024

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

None

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

No

Please attach additional pages or other supporting documentation.



**COMMUNITY PRESERVATION COMMITTEE
APPLICATION FOR PROJECT ELIGIBILITY**

This application may be completed electronically and emailed to 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 Acquisition Administrative Costs
Project Address:	Archelaus Place and Poor House Lane
Map/Lot:	Map R14-30F
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:	townmanager@wnewbury.org
Date of Application:	March 4, 2024

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

- Open Space
- Recreation
- Historic Preservation
 - Eligible/On State Registry
 - Designated by Historic Commission
- Community Housing



**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.



**COMMUNITY PRESERVATION COMMITTEE
APPLICATION FOR PROJECT ELIGIBILITY**

PROJECT DESCRIPTION:

<p>Provide a description of the project:</p> <p>This successful land acquisition project resulted from a partnership with Essex County Greenbelt and award of a EEA LAND Grant of \$355,000. Because the Town is the property owner in this project, rather than the CR holder as in past Greenbelt partnerships, there have been administrative (legal) costs that weren't anticipated. Additionally, receipt of the LAND Grant has required additional work that wasn't included in the original CPA funding application. This includes surveying, installation of parking and signage, and preparation and submittal of a Management Plan in order to receive the grant funds.</p>
<p>How is this project consistent with the goals of the CPA?</p> <p>The acquisition of this property has already been approved and awarded CPA funds. This request covers the unanticipated administrative costs associated with the acquisition.</p>
<p>What is the intended timeline of the project?</p> <p>The project will start immediately following approval at the April Special Town Meeting and be completed in Fall 2024 or Spring 2025 depending on weather conditions.</p>

FUNDING:

Estimated funding needed for this project:	\$ 10,000
CP funding requested:	\$ 10,000*

*Note that these costs are a high estimate. Any unused funds will be returned to the CPA Undesignated Fund.

OTHER:

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COMMUNITY PRESERVATION COMMITTEE APPLICATION FOR PROJECT FUNDING

This application may be completed electronically and emailed to 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

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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:	townmanager@wnewbury.org
Date of Application:	March 4, 2024

PROJECT ELIGIBILITY

Community Preservation Category (ies)	Recreation
Date Approved by CPC	March 14, 2024

PROJECT INFORMATION

Provide information for the following project components, providing attachments where necessary which clearly reference the heading. All project components listed must be addressed in order for the project to be considered by the CPC.



COMMUNITY PRESERVATION COMMITTEE APPLICATION FOR PROJECT FUNDING

PROJECT SUMMARY - Provide a description of the Project, including the property involved and its proposed use.

This successful land acquisition project resulted from a partnership with Essex County Greenbelt and award of a EEA LAND Grant of \$355,000. Because the Town is the property owner in this project, rather than the CR holder as in past Greenbelt partnerships, there have been administrative (legal) costs that weren't anticipated. Additionally, receipt of the LAND Grant has required additional work that wasn't included in the original CPA funding application. This includes surveying, installation of parking and signage, and preparation and submittal of a Management Plan in order to receive the grant funds.

PUBLIC BENEFIT – Describe in detail the benefits West Newbury will receive from the Project and how the Project meets the Community Preservation Committee's Project Evaluation Criteria.

The administrative costs associated with this land acquisition should have been included in the original CPA funding application. Close to \$3,000 in legal costs have been incurred to date and paid for from the General Counsel line item. These should have been funded from the CPA project, but were unanticipated at the time of application. By requesting additional funds from CPA now, other Town Department budgets will not be burdened by these unanticipated costs.

CONTROL OF SITE - Indicate whether the applicant owns or has a purchase agreement for the Project site. If the property is under agreement, include a description of the agreement and the timing and conditions of the purchase. If the applicant does not have site control, explain how the project will go forward.

The Sawmill Brook Conservation area is owned by the town of West Newbury acting by and through its Select Board under care, custody, and control of the Conservation Commission by way of a quitclaim deed recorded at Book 34573 Page 499. A copy of this deed is included herewith.

The property will also be subject to a Conservation Restriction held by Essex County Greenbelt (ECGA). This restriction is currently under review by the Commonwealth and will be recorded against title to the property once approved.

FEASIBILITY - List all steps that may be required for completion of the Project, such as environmental assessment, zoning or other approvals, agreement on terms of any required conservation, affordability or historic preservation restrictions, and any other known issues. For projects that may affect abutters or the neighborhood, describe methods used to notify abutters of the proposal, and support or objections from those affected.



**COMMUNITY PRESERVATION COMMITTEE
APPLICATION FOR PROJECT FUNDING**

SUPPORT – Seek input from relevant Town entities and members of the community. Provide documentation of their response.

The Select Board voted to approve submittal of this funding application.

SCOPE OF WORK - A scope of work is required to fully develop a time and cost plan for recommendation to Town Meeting. The scope is to be prepared by the Applicant and be detailed enough, in the opinion of the CPC, that a professional qualified to perform the work will be able to provide an estimate of the time and cost necessary to complete the proposed work. Attach the scope of work to this application.

Scope:

- Complete survey and stake abutter boundaries
- Legal costs associated with Conservation Restriction review etc
- Permitting and installation of parking and signage
- Technical support for preparation of Land Management Plan

PROJECT TIMELINE - Describe the anticipated steps or phases for completion of the Project. State whether the Project will be ready to proceed in the coming fiscal year. Will this be a multi-year project?

Completion of EEA LAND Grant requirements is due by June 30, 2024. Assuming approval at the April 29, 2024 Special Town Meeting, the work will begin immediately in order to meet this timeline.



**COMMUNITY PRESERVATION COMMITTEE
APPLICATION FOR PROJECT FUNDING**

FUNDING - Include a full budget, including itemization of major components and breakdown of construction costs. Describe The estimated annual cost of operating and maintaining the site/project after completion. Describe the basis for your budget and the sources of information you used.

Costs:

- Survey - \$ 4,500
- Legal costs - \$ 3,000
- Parking - \$2,000
- Land Management Plan - \$ 500

It is unknown what the exact costs to comply with LAND Grant requirements will be, so the amount being requested is a high estimate. Any unused funds will be returned to the CPA Undesignated Fund.

OTHER - Please provide any other information which you think would be useful for the CPC to consider when evaluating this project's eligibility for funding (attach additional pages if needed):



**COMMUNITY PRESERVATION COMMITTEE
APPLICATION FOR PROJECT FUNDING**

APPLICATION CHECKLIST:

To be completed by Applicant and approved by CPC Administrator prior to the application being reviewed by the CPC.

Y	N/A	Application Requirement
X		Proof of ownership or control of the site, structure, or subject of Application.
X		Proof of authorization by the public agency, board, committee, or any entity governed by a board, trustees, corporation etc., showing a vote by the entity to submit the Applications and take responsibility for the project.
	X	If the project involves public property, verification that the applicable public agency or department supports the project as presented and will oversee the project if funded.
X		Assessor's map showing location of the Project.
	X	Photographs, including aerial photographs if available.
	X	Detailed scope of work for the project prepared by the Applicant.
	X	Recent cost and time to complete estimates from professionals qualified to complete the project.
	X	Proposed oversight and management plan for the Project.
	X	If the project involves a historic resource, evidence (date of listing on the state register or a letter from the West Newbury Historical Commission confirming its determination of significance) with the application that it meets these criteria.
	X	Architectural plans and specifications, for new construction or rehabilitation.
	X	Maps, renderings, site plans.
	X	Historic structures report, existing conditions report.
	X	Names and addresses of project architects, contractors and consultants.
X*		Documentation of support from Town entities and Community.
	X	Permission from the property owner to display a CPC funded project sign.

*Submittals to be submitted for March 14, 2024 meeting review

Approval by CPC Administrator:

Signature	Wendy Reed
Date	March 4, 2024