



**Town of West Newbury
Select Board
Monday, May 23, 2022 @ 5:30pm**
381 Main Street, Town Office Building
www.wnewbury.org
AGENDA

REC'D W. NEWBURY CLERK
'22 MAY 19 PM 5:27

Executive Session: 5:30pm in 1910 Building, 381 Main Street: Select Board office

- ❖ MGL Ch. 30A §21(a) 2: To conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel (*non-union FY22 and FY23 wages; staff structure/org chart; Town Accountant/Business Manager contract*);
- ❖ MGL Ch. 30A §21(a) 3: To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares (*DPW Union contract; Police Union contract*);
- ❖ MGL Ch. 30A §21(a) 7: To comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements (*advice from Town Counsel*);
- ❖ Approval of Executive Session meeting minutes.

The Board may take a brief recess between the Executive Session and the Open Session beginning at 7 PM.

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

Announcements:

- This meeting is being broadcast on local cable TV and recorded for rebroadcast on the local cable channels and on the internet. Meeting also accessible by remote participation; instructions below.
- Public Health Update #1 (2022): Re COVID-19, Mosquito Control, Ticks, Combined Sewer Overflows
- Call for volunteers! Open positions on Town Boards/Commissions/Committees, including the Parks & Rec Commission, and new Affordable Housing Trust! Details at <https://www.wnewbury.org/volunteer>
- Memorial Day Parade! Monday, May 30th beginning at 10:30am
- 2022 Summer Bandstand Concert Schedule– Thursdays (6/23-8/25) at 6:30pm: performers now online!
- Reminder to subscribe for emailed Town news/announcements at <https://www.wnewbury.org/subscribe>

Regular Business

- A. Request for appointment of Morgan Marconi as Reserve Patrol Officer – *Police Chief Dwyer*
- B. Updated Special Event permit request, Ride to End Alzheimer's – June 4, 2022
- C. Request for finding that proposed Conservation Restriction for River Run Farm is in the public interest – *Maggie Brown, Essex County Greenbelt*
- D. Presentation of draft Page/Pipestave/113 safety audit and concept plans – *Liz Oltman, TEC Consultants*
- E. Request for authorization to submit One Stop grant application to support study of local options for compliance with MBTA Communities legislation
- F. Discussion of State budgeting for schools
- G. Review of post-Town Meeting action items
- H. Preview/outline of FY23 reappointment timing/process for Boards/Commissions/Committees
- I. Meeting minutes: April 21, 2022; April 25, 2022

Town Manager Updates

- J. Updates regarding Middle Street Bridge (letter sent to MDEP re Ch. 91 process; Newburyport request for extension of MDOT Small Bridge grant; West Newbury pending request for extension of MassWorks grant; recent working meeting with Mayor Reardon and Newburyport personnel)
- K. Update re invasive species internships (maybe move above)
- L. Support letter for MVPC grant application for Housing Production Plan updates
- M. Ch. 90 funds reimbursement received from MassDOT
- N. Follow up meeting assignment; placing items for future agendas

Addendum to Meeting Notice regarding Remote Participation

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

Zoom Meeting

Phone: (646) 558 8656

Meeting ID: 881 2745 9004

Passcode: 006388

Join at: <https://us06web.zoom.us/j/88127459004?pwd=WGZrZ21HT21EdEpzZGpjbWhXRTRdZQT09>

Every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on the West Newbury website an audio or video recording of proceedings as soon as practicable after the meeting.



TOWN OF WEST NEWBURY

BOARD OF HEALTH

TOWN OFFICE BUILDING
381 MAIN STREET, WEST NEWBURY, MA 01985

PHONE 978-363-1100
FAX: 978-363-1119

West Newbury Board of Health – Public Health Update #1 (2022)

DATE: May 19, 2022
TOWN: West Newbury
CONTACT: Paul Sevigny, Health Agent

Office: 978-363-1100, x119
Cell: 978-833-7458
Email: psevigny@wnewbury.org

COVID Update:

Since the Board of Health's last Covid update, our community has continued to increase its Covid vaccination rate among all age groups. There is a tab on the Town's website called "COVID-19 Updates". www.wnewbury.org/board-health/pages/covid-19-updates-and-information
This link provides our communities vaccination rate, as well as other COVID related information.

The Board of Health continues to encourage all unvaccinated or partially vaccinated individuals to be completely vaccinated. A 2nd booster dose is recommended for individuals over 50 years old as well as younger immunocompromised individuals. See mass.gov/COVID19booster for eligibility requirements. At this time, the BOH is not holding any COVID clinics. A list of vaccination sites can be obtained at: vaxfinder.mass.gov

As we have worked so hard together to put this pandemic behind us, remember that the virus is still causing sickness and death throughout our country and state. The emergence of new variants throughout the world is continually causing concerns for transmission and sickness especially with unvaccinated individuals and children who are not currently eligible to receive the vaccine. Even with West Newbury's high COVID vaccination rates, we should all continue basic infectious disease prevention by washing our hands frequently, covering coughs and sneezes, and staying home when you are sick.

The MA Department of Public Health has continued to improve the availability of information on COVID-19, including their interactive dashboard. [COVID-19 Response Reporting | Mass.gov](https://www.mass.gov/info-details/covid-19-response-reporting). The Center for Disease Control and Prevention (CDC) information can be obtained at: www.cdc.gov/coronavirus/2019-ncov.

Finally, if you suspect being exposed to COVID-19 or if you develop a fever, flu like symptoms, and/or respiratory symptoms, such as a cough or difficulty breathing, call your healthcare provider immediately.

Mosquito Update:

West Newbury is a member of the Northeast Massachusetts Mosquito Control & Wetlands Management District. [Northeast Massachusetts Mosquito Control and Wetlands Management District | \(nemassmosquito.org\)](http://nemassmosquito.org). This is the organization that conducts mosquito surveillance within our Town and provides other resources to the community. They have a redesigned website with a lot of great information. I encourage everyone to check out the new site and view their recent zoom presentation. It can be directly viewed here, (https://fb.watch/c6HURsi_q5/). General information

about mosquito-borne diseases can be obtained from the MA DEP website at: [Mosquito-borne Diseases | Mass.gov](#) .

Tick Update:

With COVID-19 taking the public health spotlight for the last two years, residents are reminded of the need to be vigilant in preventing tick borne diseases. These little critters can cause several diseases across all age groups and, if not properly diagnosed, could potentially lead to life long lasting effects. Information on tick identification and preventative measures can be found at www.mass.gov/info-details/tick-borne-disease-prevention

Combined Sewer Overflows (CSO's)

In January 2021, Governor Baker signed *An Act Promoting Awareness of Sewage in Public Waters* into law. This new law will require the public to be notified when there is untreated wastewater being discharged to waters of Massachusetts through CSO events. The law can be viewed at <https://malegislature.gov/Laws/SessionLaws/Acts/2020/Chapter322>. The Board of Health has been in contact with the upstream sewage treatment facilities located on the Merrimac River. The requirement of public notification takes effect on July 6, 2022. Additional information will be coming out soon.

If you have any questions or concerns about any of these Public Health updates, feel free to contact the Board of Health.



30 MAY 2022

MEMORIAL DAY

★ ★ ★ ★ REMEMBER AND HONOR

West Newbury Parade

Monday, May 30 at 10:30 am

Please join us to honor the men and women who gave their lives while serving in the U.S. military.



Parade route starts in the Town Square, the intersection of Main and Maple Streets.

Ceremony held at the Training Field, 491 Main Street, in front of the G.A.R. Memorial Library.



West Newbury Summer Concert Series

Every Thursday June 23rd-Aug 25th 6:30pm to 8:00pm

June 23
Thomas Machine Works Band
Country/Rock

July 28
Gary Backstrom Band
Original Rock

June 30
Rust Never Sleeps
Neil Young Tribute

Aug 4
The Rum Runners String Band
Bluegrass/Americana

July 7
Liz Frame and the Kickers
Original Americana

Aug 11
Live Dead
Grateful Dead Tribute

July 14
Idlewild :
A Celebration of the
Allman Brothers Band

Aug 18
Ann Marie and Marquis
Guitar/Piano Duo

July 21
Way Up South
Original Rock

Aug 25
Merrimack Valley Concert Band
American Variety

Location: Town Bandstand

381 Main Street, W. Newbury, MA 01985 (behind the Annex Building)

Food and Beverages available for purchase – Rain Shows in Annex Building

ALL SHOWS ARE FREE!

TOWN OF WEST NEWBURY Police Department



Michael D. Dwyer
Police Chief

401 Main Street
West Newbury, MA 01985
978-363-1213
978-363-1114 (Fax)
dwyer@westnewburysafety.org

To: Angus Jennings, Town Manger
CC: Select Board
Date: May 16, 2022
RE: Part time police officer appointment

RECEIVED
MAY 18 2022
TOWN MANAGER
TOWN OF WEST NEWBURY

I am requesting the boards consideration to appoint Morgan Marconi as a part time police officer. Morgan currently works as an investigator for the Essex County Sheriff's Department. She is an active member of the Air National Guard as an Emergency Manager assigned to the 102 Intelligence Wing out of Otis Air National Guard Base. Morgan holds a Bachelor of Arts in Sociology out of the University of Massachusetts Amherst, Graduate Certificate in Politics & Public Policy and recently completed her Associates Degree in Emergency Management through the Community College of the Air Force. Morgan is a resident of Newburyport, MA.

Sincerely,

Michael Dwyer

**Reserve Police Officer – Town of West Newbury
Application**

MORGAN A. MARCONI



MORGAN A. MARCONI

[REDACTED] Newburyport, Massachusetts 01950 [REDACTED]

April 22, 2022

Chief Michael Dwyer
Town of West Newbury Police Department
401 Main Street Public Safety Building
West Newbury, MA 01985

Dear Chief Michael Dwyer

I am honored to submit my application for your consideration in regard to the position of Reserve Police Officer for the community of West Newbury.

I began my professional career with the Essex County Sheriff's Department in the summer of 2004 as a college student intern. Since this internship I have continued to excel in all career positions that I have been assigned. I have proudly served our community in a variety of capacities to include as a Correctional Officer, Assistant Director of the Lynn Office of Community Corrections, and Criminal Investigator. I have also been selected for several prestigious appointments within the Essex County Sheriff's Department such as the Lawrence Warrant Apprehension Unit, Tactical Response Team, Peer Support Team, and Department Court Prosecutor. Such roles have provided me with the opportunity to work extensively with the Essex County District Attorney's Office, Attorney General's Office, local, state, and federal agencies as well as the public on a daily basis.

Throughout my career I have participated in numerous professional development courses and trainings. I have developed a unique and invaluable set of skills to include a strong analytical mindset, excellent oral and written communication skills, and ability to conduct thorough criminal and non-criminal investigations in a timely manner. Furthermore, as a noncommissioned officer with the Massachusetts Air National Guard I have an expertise in intelligence, emergency management, and chemical, biological, radiological, and nuclear defense.

I understand the importance for positive community relations between the West Newbury Department and the citizens we serve. I pledge to address the needs of the community and to maintain the strong quality of life that makes West Newbury a special place for people to live.

Thank you for your consideration and review of my application for this prestigious position. I look forward to meeting you and serving alongside the men and women of the West Newbury Police Department.

Respectfully Submitted,



Morgan A. Marconi

MORGAN A. MARCONI

██████████ Newburyport, Massachusetts 01950 ██████████

Professional Experience

2016 - Present

Investigator, Essex County Sheriff's Department

Investigate all criminal, non-criminal, and administrative activities within the Essex County Sheriff's Department. Conduct thorough investigations in a timely manner and prosecute offenders who engage in criminal activities.

- Court Prosecutor
- Prison Rape Elimination Act Investigator
- Maintain all investigative statistics applicable to the American Correctional Association for annual audit and review

May 2017 - September 2017

Warrant Apprehension Task Force, Essex County Sheriff's Department

Identify, locate, and apprehend fugitives wanted on outstanding warrants in Essex County, with a primary concentration of City of Lawrence, Massachusetts.

- Successfully apprehended 170 individuals
- Cleared 216 warrants within the City of Lawrence Massachusetts
- Assisted state and federal agencies in four separate operations resulting in the arrests of an additional 159 individuals

60 Day Temporary Assignment 2016

Internal Affairs Division, Essex County Sheriff's Department

Responsible for completing background investigations on all applicants for employment and assisting internal affairs investigators with confidential cases.

January 2016 - July 2016

Assistant Director, Lynn Office of Community Corrections

Manage and maintain a safe environment while delivering community based rehabilitative tools for offenders.

- Responsible for managing and supervising staff comprised of Sheriff's Department employees and private vendors
- Worked with parole, probation, trial court and nonprofit agencies to enhance the services offered to offenders
- Assigned to oversee safety and security of all participants and employees

June 2007 - January 2016

Correctional Officer, Essex County Sheriff's Department

Ensure that established policies and procedures are properly enforced while maintaining care, custody and control of all inmates that are detained or sentenced while in the custody of the Essex County Sheriff's Department.

- Member of the Essex County Sheriff's Department Apprehension Team
- Member of the Essex County Sheriff's Department Tactical Response Team
- Prepare disciplinary, informational, and confidential reports in accordance to Department policy and procedure

Military

May 2017 - Present

Emergency Manager, 102 Intelligence Wing, Massachusetts Air National Guard, Otis Air National Guard Base

Expert in global response and recovery operations for natural and manmade disasters. Prepare, review, and provide input to all hazards contingency planning.

- Certified chemical, biological, radiological, and nuclear defense instructor
- Conducts chemical, biological, radiological, and nuclear reconnaissance and surveillance
- Responder for all hazards incidents, including weapons of mass destruction

May 2011 - May 2017

Intelligence Analyst, 102 Intelligence Wing, Massachusetts Air National Guard, Otis Air National Guard Base

Develop, manage, review, and evaluate intelligence processes and ensure that exploitation products are conducted in support of warfighter requirements that satisfy national and tactical tasked objectives while supporting numerous federal agencies.

- Expedite key information to the United States and coalition intelligence communities
- Collect and exploit time sensitive information and intelligence
- Network Intelligence / Technical Reporter Instructor

Education

April 2022

Associate Degree, Emergency Management, Community College of the Air Force

August 2007

Graduate Certificate, Politics & Public Policy, University of Massachusetts-Boston

May 2006

Bachelor of Arts in Sociology, University of Massachusetts-Amherst

May 2006

Certificate, Criminal Justice, University of Massachusetts-Amherst

Awards & Certifications

CPR/First Responder Certified - Present

Class A Large Capacity License to Carry Firearms, Massachusetts - Present

Firearms Qualified - Present

Prison Rape Elimination Act (PREA) Certified Investigator – Present

Secret Clearance, Department of Defense - Present

Sworn Deputy Sheriff, Essex County Sheriff's Department – Present

Sworn Deputy Sheriff, Middlesex County Sheriff's Department – Present

Hazardous Materials Technician, Department of Defense - Present

Emergency Manager, United States Air Force - Present

Air Force Commendation Medal, Outstanding Achievement – 2021

Air Force Commendation Medal, Act of Courage - 2019

Air Force Achievement Medal, Outstanding Achievement – 2019

Top Secret / SCI Clearance, Department of Defense 2011-2017

Essex County Sheriff's Department, Certificate of Commendation - 2017

Essex County Sheriff's Department, Certificate of Appreciation - 2017

From: [Residents Admin](#)
To: [Finance Admin](#)
Subject: SB meeting - Alzheimer's Bike ride
Date: Thursday, May 19, 2022 11:17:57 AM
Attachments: [Alzheimer's Asso Bike Ride 6-4-22.pdf](#)

Hi Jenny~

I have attached the Special Events Application for the ALZ Bike Ride taking place on 6/4/22.

The application was approved by the Select Board on 3/28/2022 with the understanding if the Rocks Village Bridge is still out a new map is needed. Chief Dwyer added more police as the ride goes through a number of streets in Town. I left the original signature page for the Select Board to see the difference.

Mark LeBlanc (Organizer) will be at the meeting via Zoom.

Thank you,

~Annie

Annie Sterling
Residents Services Administrator
Town of West Newbury
381 Main Street
West Newbury, MA 01985
978-363-1100 ext 113
residents.admin@wnewbury.org

approval
emailed
3/29/22



Special Event Application

Organization or Group Alzheimer's Association - Ride to End ALZ

Person Making Reservation Mark LeBlanc

Mailing Address 172 Trademark Drive Buda TX 78610

Phone [REDACTED] e-mail [REDACTED]

Event Date: June 4, 2022 Start Time 7 AM End

Time 7 PM

Reason for Event Charity cycling fundraising event

Number of attendees 500

Check Appropriate Block:

Resident Non-resident

Fund Raising Group Non-Profit Commercial Other

Submit your application (with all maps, diagrams and attachments as required).

Provide a Schedule of Events along with a Sketch Plan which addresses:

1. The location of the event on the property See attached map

2. For road or walk race, a detailed map of the route See attached map and technical sheet

3. Features and attractions NA

4. Participant circulation NA

5. Proposed parking including how you will handle overflow parking NA

6. Any proposed road closures NA

7. Location of trash receptacles and dumpsters NA

8. Location of temporary toilet facilities NA

9. Accessible routes for the disabled or mobility impaired NA

10. Locations, size and number of any tents, trailers or temporary structures
NA

11. Location, size, and description of any signage or banners
small directional signs and biodegradable road arrows as needed

12. If food will be served or sold at the event, you must contact the West Newbury Board of Health to discuss Food and Beverage regulations before you submit your application. If required, your food permit must be submitted before final approval of the Special Event.
NA

13. If Police Details and/or Firefighters/EMTs will be required, contact the West Newbury Police Department and West Newbury Fire Department to secure services. Only Police Officers may direct traffic on town streets. Evidence that Police and/or Fire Personnel have been secured must be presented before the approval of the final Special Event Permit. Yes

14. Provide a Certificate of Insurance to the Town Manager's Office no later than ten (10) business days before the event. Final Special Event Permits will not be issued without submission of a Certificate of Insurance Yes

Name: Mark J. LeBlanc Event: Ride to End ALZ

I/we agree and hold harmless and/or indemnify the said Town of West Newbury against any and all claims or liabilities for personal injury or property damage arising out of use of said property. If the application is submitted less than 60 days before the event, the applicant must pay a \$100 administrative fee or has the option of changing the date. The administrative fee applies to all for profit and nonprofit persons or organizations.

Mark J. LeBlanc 2/1/2022
Individual/Authorized Signature for Group Date

Chief of Police's Signature: Chief Durand via email Date: 3-2-2022
Requests and comments:

~~Police Detail with cruiser
at Main Street
and Coffin Street~~

** See attached comments*

Chief Dwyer 5-19-2022

Fire Chief's Signature: Chief Dwyer Date: 3-14-2022

Requests and comments:

email

Chief Dwyer 5-19-2022

Approval granted if signed here by **Select Board** Date: 3-28-2022

[Signature] Wendy Medina [Signature]

Requests and comments:

If the Rocks Village bridge stays closed a new map is needed and Select Board approval

Date: _____

Detail posts and times, Alzheimer's Ride, 4 June 2022



Main Street @ Garden Street – 2 officers with cruiser, 0730-1030

Middle Street @ Bachelor Street – 1 officer, 0730-1030

South Street @ Great Rock – 1 officer, 0730-1030

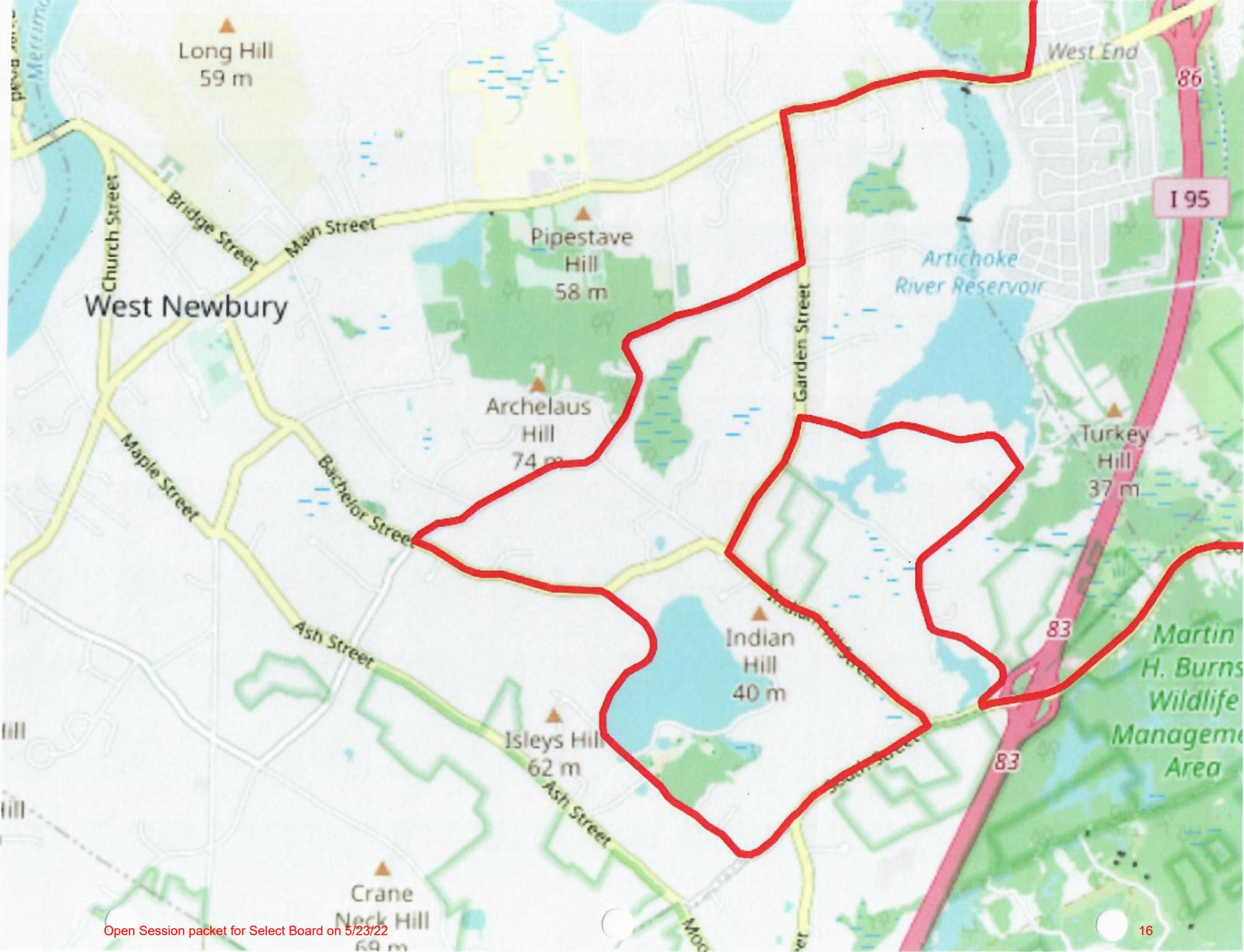
South Street @ Indian Hill Street – 1 officer, 0730-1030

Turkey Hill Street @ South Street – 2 officers with cruiser, 0745-1115

Race route: Main Street to Garden Street, Garden to Middle, Middle to Bachelor, Bachelor to Moulton/South, South to Indian Hill, Indian Hill to Garden, Garden to Rogers, Rogers to Turkey Hill, Turkey Hill to South

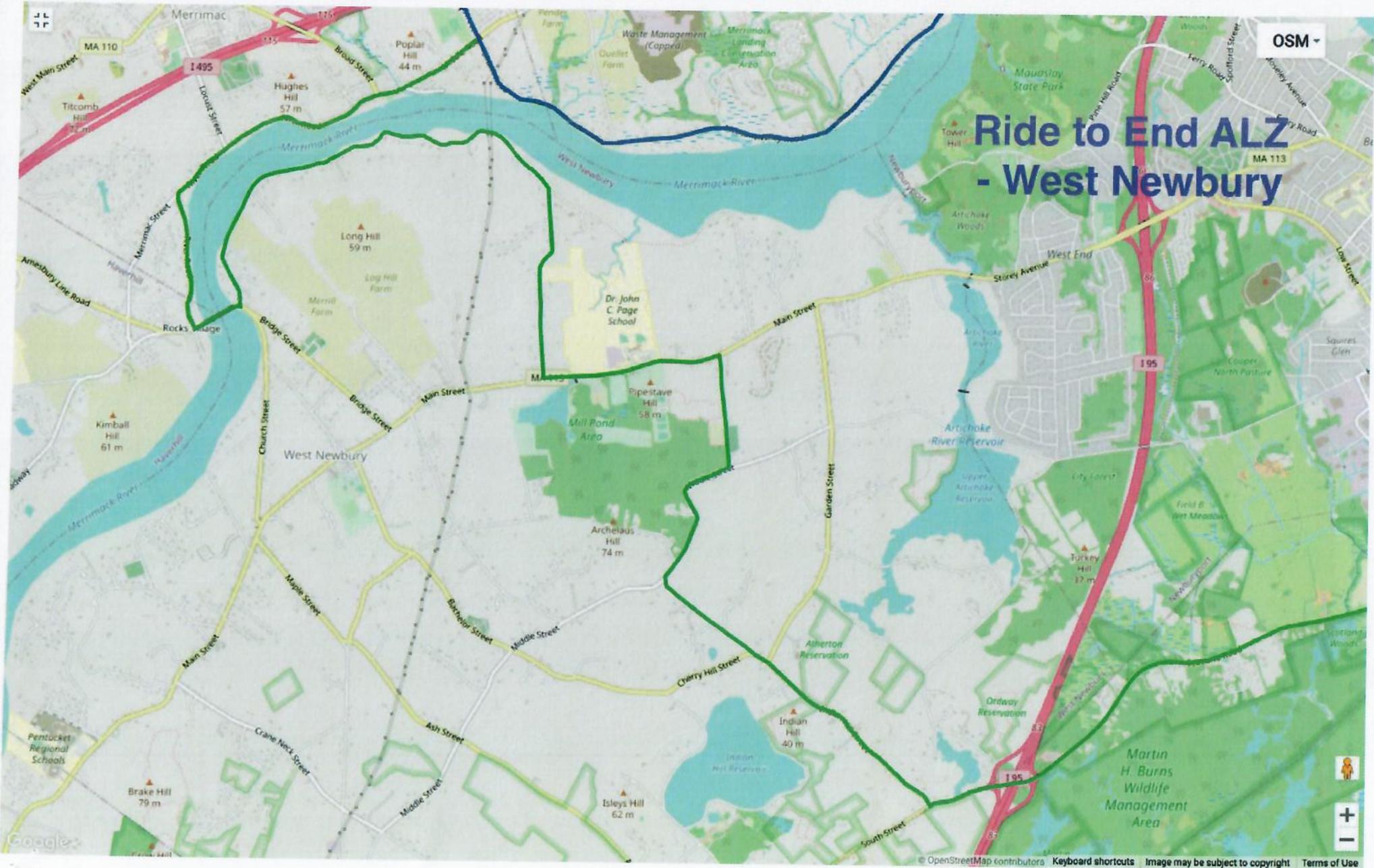
Should be approximately ⁵⁰⁰150 bicyclists participating.

Need sign boards from DPW Main @ Wellfield and Main @ PSC



8:58:48	7:51:39	0.20	19.8	CS	Storey Ave / MA 113	Newburyport / West Newbury townline	
9:00:36	7:52:26	0.30	20.1	CS	Storey Ave becomes Main St	Emery Ln	West Newbury
9:03:36	7:53:44	0.50	20.6	L	Garden St	Main St	West Newbury
9:06:36	7:55:03	0.50	21.1	R	Middle St	Garden St	West Newbury
9:13:48	7:58:10	1.20	22.3	CS	Middle St	Indian Hill St	West Newbury
9:18:36	8:00:16	0.80	23.1	L	Bachelor St	Middle St	West Newbury
9:23:24	8:02:21	0.80	23.9	VR	Bachelor St becomes Moulton St	Cherry Hill St	West Newbury
9:33:36	8:06:47	1.70	25.6	CS	Moulton St merges to South St	Main St	West Newbury
9:37:12	8:08:21	0.60	26.2	L	Indian Hill St	South St	West Newbury
9:43:12	8:10:57	1.00	27.2	R	Garden St	Indian Hill St	West Newbury
9:46:48	8:12:31	0.60	27.8	R	Rogers St	Garden St	West Newbury
9:52:12	8:14:52	0.90	28.7	R	Turkey Hill Rd	Rogers St	West Newbury
10:00:00	8:18:16	1.30	30	L	South St	Turkey Hill Rd	West Newbury
10:00:00	8:18:16	0.00	30	CS	South St / Scotland Rd	West Newbury / Newbury townline	

Old map with Rocks Village Bridge.



Town Manager

From: Maggie Brown <maggie@ecga.org>
Sent: Tuesday, May 17, 2022 9:49 AM
To: Town Manager
Subject: Riverrun Farm CR for Select Board
Attachments: Riverrun Farm, West Newbury Select Board Packet 5.17.22.pdf

Hi Angus,

Greenbelt has been working to place a Conservation Restriction on Riverrun Farm at 540 Main Street. The CR document has been approved by the EEA and is ready for local signatures. The Conservation Commission voted to support the CR in their meeting last night (5/16).

We will need the Select Board to approve the grant of the CR as in the public interest. Can this go on the agenda for the 5/23 meeting?

Attached here is a packet of materials with cover letter, map, and the CR document.

Please let me know if there is room on the agenda and if you need any other information.

Thank you,

Maggie

--

Maggie Brown (she, her)
Land Conservation Project Manager
Greenbelt | Essex County's Land Trust
82 Eastern Avenue
PO Box 1026
Essex, MA 01929
(o) 978 768 7241 x25 (c) 978 768 8061
ecga.org

May 16, 2021

To:
West Newbury Select Board
381 Main Street
West Newbury, MA 01985

Re: Riverrun Farm Conservation Restriction

CC: Angus Jennings, Town Manager

Dear Select Board Members,

Essex County Greenbelt Association (Greenbelt) is accepting the grant of a Conservation Restriction (CR) over 40.967 acres of the Riverrun Farm property at 540 Main Street, West Newbury.

The CR will permanently preserve the land as a working farm while remaining in private ownership. Greenbelt will be responsible for monitoring the terms of the CR in perpetuity.

Greenbelt is seeking approval from the Select Board of the grant of the Conservation Restriction as in the public interest, in accordance with MGL Section 32 Chapter 184. The CR has been reviewed and approved by the Conservation Commission in the meeting of May 16th and the Executive Office of Energy and Environmental Affairs, who will be a signatory on the document.

We look forward to discussion and to protecting the critical resources provided by this land.

Thank you,



Maggie Brown
Land Conservation Project Manager
978-768-7241x25
maggie@ecga.org

Conserving local farmland, wildlife habitat, and scenic landscapes since 1961.

Riverrun Farm, West Newbury



-  Riverrun Farm CR Area
-  West Newbury Assessors Parcels

Source data obtained from survey plans, Mass GIS and Global Positioning Systems (GPS). Orthophotos 2019. Boundary lines are approximate and are to be used for informational purposes only.

Open Session packet for Select Board on 5/23/22

GRANTOR: Riverrun Farm, LLC.

GRANTEE: Essex County Greenbelt Association, Inc.

FOR GRANTOR'S TITLE SEE: Southern Essex District Registry of Deeds at Book 14447, Page 463; and Document No. 336031 filed with the Registered Land Section of the Southern Essex District Registry of Deeds.

CONSERVATION RESTRICTION

Riverrun Farm, LLC, a duly established Massachusetts limited liability company with an address of 540 Main Street, West Newbury, Massachusetts, being the sole owner of the Premises as defined herein, their permitted successors and assigns, ("Grantor"), acting pursuant to Sections 31, 32, and 33 of Chapter 184 of the Massachusetts General Laws, grants with QUITCLAIM COVENANTS to Essex County Greenbelt Association, Inc., ("Greenbelt") a Massachusetts not-for-profit corporation, with an address of 82 Eastern Avenue, Essex, Massachusetts their permitted successors and assigns ("Grantee"), for nominal consideration of less than One Hundred (\$100.00) Dollars, IN PERPETUITY AND EXCLUSIVELY FOR CONSERVATION PURPOSES, the following Conservation Restriction on land located in West Newbury, Massachusetts containing a 40.967-acre portion of a 42.25-acre property (the "Premises"), shown as Lot 2 on Subdivision Plan of Land in West Newbury prepared by Port Engineering Associates, Inc., filed with the Registered Land Section of the Southern Essex District Registry of Deeds as Land Court Plan 3177-C, and as Lot B on Plan of Land in West Newbury, Massachusetts for Arthur Fernald prepared by W.C. Cammett Engineering, Inc., recorded in the Southern Essex District Registry of Deeds Plan Book 245 Plan 71, excluding the area shown as Excluded Area on Exclusion Area Plan prepared by Donohoe Survey, Inc., dated April 6, 2022 (the "Plans"), which Plans are attached hereto in reduced form in Exhibit A and incorporated herein. The Premises is a portion of the property conveyed to the Grantor by deed recorded in the Southern Essex District Registry of Deeds at Book 14447, Page 463, and by deed filed with the Registered Land Section of the Southern Essex District Registry of Deeds as Document No. 336031 (the "Property"). The Premises is shown in the entirety as "Riverrun Farm CR Area" on the Sketch Plan attached hereto in Exhibit B.

I. PURPOSES

This Conservation Restriction is defined in and authorized by Sections 31-33 of Chapter 184 of the General Laws and otherwise by law. The purpose of this Conservation Restriction is to assure that the Premises will be maintained in perpetuity for conservation purposes, in a natural, scenic and undeveloped

condition, and to prevent any use or change that would impair or interfere with its conservation and preservation values (“conservation values”).

The conservation values include the following:

- A. **Open Space Protection.** The Premises contribute to the protection of the scenic and natural character of West Newbury and the protection of the Premises will enhance the open-space value of these and nearby lands. The Premises abuts already conserved land, Long Hill Farm, which is permanently protected with an Agricultural Preservation Restriction held by the Massachusetts Department of Agricultural Resources.
- B. **Soils.** The Premises include 30.5± acres of Prime Farmland or Farmland of Statewide Importance, as identified by the USDA Natural Resources Conservation Service, and 15.8± acres of Prime Forest Land and 5.5± acres of Local Importance Forest Land identified by MassGIS and the USDA Natural Resources Conservation Service, thus this Conservation Restriction preserves an important forest resource.
- C. **Land Conservation Prioritization Analysis.** The Premises is identified in Greenbelt’s 2019 Land Conservation Prioritization Analysis, which identifies parcels as priorities for conservation based on the most recently available data and Greenbelt’s organizational goals in six different modules. The Premises is identified as a Critical Priority in three modules - Habitat, Natural Resilience, and Inland Flood Mitigation.
- D. **Public Access.** The Premises serves to further enhance public access to natural areas, including existing access to the Premises for passive and non-motorized recreation through a Trail Easement granted by Riverrun Farm, LLC to the Essex County Trail Association and recorded at the Southern Essex District Registry of Deed at Book 27154 Page 490 (“Trail Easement”). This Conservation Restriction will ensure permanent public access to the Premises for passive recreational purposes as further defined herein.
- E. **Natural Resilience.** The Premises contains “Slightly Above Average Landscape Diversity” and “Above Average” Resilience as mapped by the Resilient and Connected Landscapes for Terrestrial Conservation dataset produced by The Nature Conservancy in 2016, which study identified sites that have the conditions necessary to support wildlife as species respond to climate change.
- F. **Consistency with Clearly Delineated Federal, State, or Local Governmental Conservation Policy.** Protection of the Premises will further Goals in the 2018 West Newbury Open Space & Recreation Plan to “preserve the rural character, charm and sense of community,” “protect and manage natural resources, including water resources and large, contiguous tracts of undeveloped land,” and to provide accessible passive recreational activities.

Baseline Documentation Report. These and other conservation values of the Premises, as well as its current uses and state of improvement, are described in a Baseline Documentation Report (“Baseline Report”) prepared by Grantee with the cooperation of the Grantor, consisting of maps, photographs, and other documents and on file with the Grantee and referenced herein. The Baseline Report (i) is acknowledged by Grantor and Grantee to be a complete and accurate representation of the condition and values of the Premises as of the date of this Conservation Restriction, (ii) is intended to fully comply with applicable Treasury Regulations, and (iii) is intended to serve as an objective information baseline for subsequent monitoring of compliance

with the terms of this Conservation Restriction as described herein. Notwithstanding the foregoing, the parties may utilize any evidence of the condition of the Premises at the time of this grant other than the Baseline Report, should the Baseline Report be unavailable or if it does not adequately address the issues presented.

II. PROHIBITED ACTS AND USES, EXCEPTIONS THERETO, AND PERMITTED USES

- A. **Prohibited Acts and Uses.** Subject to the exceptions set forth herein, the Grantor will not perform or allow others to perform the following acts and uses which are prohibited on, above, and below the Premises:
1. Constructing, placing or allowing to remain any temporary or permanent building, structure, facility, or improvement, including but not limited to tennis courts, landing strips, mobile homes, swimming pools, asphalt or concrete pavement, signs, fences, billboards or other advertising displays, antennae, utility poles, towers, solar panels, solar arrays, conduits, lines or other temporary or permanent structures, facilities, or improvements on, above or under the Premises;
 2. Mining, excavating, dredging or removing from the Premises of soil, loam, peat, gravel, sand, rock or other mineral resource or natural deposit or otherwise making topographical changes to the area;
 3. Placing, filling, storing or dumping of soil, refuse, trash, vehicle bodies or parts, rubbish, debris, junk, tree and other vegetation cuttings generated off-site, waste or other substance or material whatsoever or the installation of underground storage tanks;
 4. Cutting, removing or otherwise destroying native trees, grasses or other vegetation;
 5. Planting, broadcasting, placement, disposal, transfer, destruction, composting, dumping, or otherwise preventable introduction of “invasive” plant species or any other nuisance or disease carrying species, as defined in *A Guide to Invasive Plants in Massachusetts* (Somers P. et al. 2006) or as amended or contained in a similar professionally acceptable publication available in the future;
 6. Activities detrimental to drainage, flood control, water conservation, water quality, erosion control, soil conservation, wildlife habitat, or archaeological conservation;
 7. Use, parking or storage of vehicles including cars, trucks, motorcycles, mopeds, all-terrain vehicles, trail bikes, or any other motorized vehicles on the Premises except for vehicles necessary for public safety (i.e., fire, police, ambulance, other government officials) in carrying out their official duties or as necessary for the mobility impaired;
 8. Subdivision or conveyance of a part or portion of the Premises alone, or division or subdivision of the Premises (as compared to conveyance of the Premises in its entirety which shall be permitted), and no portion of the Premises may be used towards building or development requirements on this or any other parcel;
 9. The use of the Premises for business, residential or industrial use, or for more than *de minimis* commercial recreation as that term is used in Section 2031(c) of the Internal Revenue Code of 1986, as amended, and regulations promulgated thereunder or any successor statute or regulation;

10. The disruption, removal, or destruction of the stone walls or granite fence posts on the Premises;
11. Any other use of the Premises or activity which is inconsistent with the purpose of this Conservation Restriction or which would impair its conservation values.

B. Reserved Rights and Exceptions to Prohibited Acts and Uses. The Grantor reserves the right to conduct or permit the following activities and uses on the Premises, but only if such uses and activities do not impair the conservation values or purposes of this Conservation Restriction.

1. Vegetation Management. The selective minimal removal, pruning, mowing, and cutting of vegetation to prevent, control or remove hazards, disease, insect or fire damage, or to preserve the present condition of the Premises as documented in the Baseline Report, including vistas, open areas, woods roads, trails, fence lines, and meadows.
2. Invasive Species Management. The removal of non-native or invasive species, and the control of species in a manner that minimizes damage to surrounding, non-target species and preserves water quality.
3. Habitat Improvement. With the prior written approval of the Grantee, measures designed to restore native biotic communities, or to maintain, enhance or restore wildlife, wildlife habitat, or rare or endangered species of flora or fauna, including selective planting of native trees, shrubs and plant species.
4. Equestrian Activities. Equestrian activities shall be permitted without a Farm Plan (as “Farm Plan” is defined below in Section II.B.5.), provided that said activities do not impair the conservation values or the purposes of the Conservation Restriction. “Equestrian Activities” are defined for the purposes of this Conservation Restriction to include commercial or non-commercial stabling, boarding, riding, training, exercising, pasturing, and breeding horses, and / or offering horseback riding lessons.
5. Agricultural Activities. The cultivation, maintenance and harvesting of crops, orchards, trees, flowers and hay; the cleaning, storage and sale of farm produce predominantly grown, produced, or raised on the Premises; the installation, use, maintenance, and storage of irrigation equipment as provided in section II.B.8.; the installation, maintenance, and use of surface and subsurface drainage systems and fencing; animal husbandry activities, including beekeeping, the breeding, rearing, maintenance, pasturage, stabling, sheltering and use of livestock, including but not limited to horses, cows, chickens, pigs, sheep and goats; (collectively, “Agricultural Activities”), provided:
 - a. Any conversion of greater than one-half acre of land from use for Equestrian Activities to use for Agricultural Activities shall require a farm conservation plan acceptable to the Grantee, such as a USDA Natural Resources Conservation Service (NRCS) Farm Conservation Plan (hereinafter “Farm Plan”), prepared for the Premises, and approved in writing by Grantee prior to such conversion. The Farm Plan shall be developed in a manner consistent with generally accepted best management practices for sustainable farming as those practices may be identified from time to time by appropriate governmental or educational institutions such as the USDA Natural Resources Conservation Service (NRCS), UMass Extension, Northeast Organic Farming Association (NOFA), Massachusetts Department of Agricultural Resources, and the like, (collectively, “Best Agricultural Practices”) and

in a manner that promotes healthy soils and healthy soil practices, as such terms are defined in Chapter 358 of the Acts of 2020, which added definitions of these terms to Section 7A of Chapter 128 of the Massachusetts General Laws (“Healthy Soils and Practices”), and in a manner that does not hinder the ability of future generations to engage in Agricultural Activities on the Premises, and shall, at a minimum, address the following: (1) establish wetland buffers and/or filter strips to prevent adverse impacts to the water quality of existing wetlands and waterways; (2) in the event animal husbandry activities are proposed, establish and govern the type and number of each type of animal unit permitted on the Premises, and analyze the pasturage potential of the Premises and establish and govern the cycling of pasturage, and any other measures necessary to ensure the carrying capacity of the Premises is not exceeded in order to protect water quality, prevent soil erosion, and otherwise protect the conservation values of the Premises;

- b. The keeping, rearing, breeding, maintenance, and sheltering of up to twenty-four (24) poultry for personal use and enjoyment shall be permitted without a Farm Plan, provided that said activities do not impair the conservation values or purposes of this Conservation Restriction;
 - c. Grantor retains the right to lease or license the right to use and operate the Premises for Agricultural Activities in accordance with, and subject to, this Conservation Restriction. Any such lease or license shall comply with Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, if applicable.
6. Maintaining Existing Structures and Improvements. The maintenance, repair, removal, repurpose for uses consistent with this Conservation Restriction, and replacement of existing barns, storage sheds, garage, and any other existing improvements substantially in their present locations and footprints (as “footprint” is defined below) as documented herein and in the Baseline Report.
- a. For the purposes of this Conservation Restriction, the term “footprint” shall mean that measurement encompassing the enclosed ground floor area, as measured from the exterior at the point of contact with the ground.
7. Temporary Agricultural and Equestrian Structures and Improvements.
- a. *Temporary Structures.* The construction, maintenance, repair, removal, repurpose for uses consistent with this Conservation Restriction, expansion, and/or replacement of temporary structures (as “temporary” is defined in subsection II.B.7.b.) and improvements directly related to or in support of Agricultural or Equestrian Activities, including, but not limited to, fencing, hayracks, water troughs, “run-in” shelters or other three-sided shelters, hoop houses (also known as “high tunnels”), and the like.
 - b. For the purposes of this Conservation Restriction, the term “temporary” shall mean any improvement without a foundation that can be constructed or removed without any significant disturbance of the soil.
 - c. Any temporary structure with a roof shall require prior written notice to the Grantee.
8. Farm Springs, Wells, and Irrigation Structures. The right to install, use, maintain, repair and replace wells and springs, including, but not limited to, artesian wells, and associated equipment and utilities for irrigation including, but not limited to, irrigation structures and associated pumps and pipes, and surface and subsurface drainage systems.

9. Additional Permanent, Non-Temporary Agricultural and Equestrian Structures and Improvements.
 - a. With prior written approval of the Grantee, the construction, maintenance, repair, removal, repurpose for uses consistent with this Conservation Restriction, expansion and/or replacement of additional permanent, non-temporary, structures and improvements as necessary to conduct Agricultural or Equestrian Activities, provided the total aggregate footprint of all additional permanent structures and improvements shall not exceed 21,500 square feet at any one time.
 - b. For the purposes of this Conservation Restriction, the term “additional” shall mean any permanent structure or improvement that increases the footprint of permanent structures or improvements beyond the footprint that is described below in Section II.B.8(c) and further documented in the Baseline Report.
 - c. The current total footprint of permanent structures and improvements is 17,300 square feet.
 - d. For the purposes of this Conservation Restriction, the term “non-temporary” shall mean any structure or improvement with a permanent foundation.
10. Existing Utilities. The use, maintenance, repair and replacement of existing utilities on, above, and under the Premises for Agricultural or Equestrian Activities. Utilities may be relocated with prior written approval of the Grantee.
11. Vehicle Use, Storage and Parking. The use, parking and short-term storage of vehicles, machinery, and other equipment used for the activities described in this Section II.B.
12. Composting. The stockpiling and / or composting of stumps, trees, brush, limbs, manure, and similar biodegradable materials originating on the Premises, provided that such stockpiling and composting is in locations where the presence of such activities will not impair the conservation values (including scenic values) of this Conservation Restriction. No such activities will take place closer than one hundred (100) feet from any wetland, waterbody or stream. All exercise of this reserved right shall take into account sensitive areas.
13. Passive Recreational Activities. Any and all recreational activities that do not materially alter the surface of the Premises or require any other development of the land (other than as permitted under Section II.B herein), do not degrade environmental quality and do not involve the use of motors or motorized vehicles (other than power-driven mobility devices whose accommodation may be required in accordance with the Americans with Disabilities Act and similar legislation), such as, but not limited to, walking, jogging, hiking, hunting, snowshoeing, and cross-country skiing (collectively, “Passive Recreational Activities”).
14. Trails. The maintenance of currently existing trails located on the Premises, as such maintenance and other such activities may be described in the Trail Easement, and as such trails are shown in the Baseline Report, substantially in their present condition or as reasonably necessary for the uses described in this Section II.B, and, with prior written approval of the Grantee, the relocation of existing trails or the construction of new trails, including clearing, grading, construction, marking and maintenance (including, if necessary, the construction of retaining walls, planking and bridges, or barriers to prevent unauthorized motorized access), provided that the new trails do not impair the conservation values and purposes of this Conservation Restriction. Trails may be constructed of dirt, stone dust, gravel or other natural and pervious material; in no case may they be paved; any new trails shall not be wider than six (6) feet.

15. Non-Commercial Public Event with De Minimis Impacts. The use of the Premises for an annual, non-commercial public light show during the month of December, including the use of temporary signage and vehicle parking, which parking shall be on the existing driveway, provided said light show does not impair the conservation values or purposes of this Conservation Restriction. For the purpose of this Conservation Restriction, the term “light show” shall mean the use of laser lights and other illumination devices along with music or other performance entertainment.
16. Signage. Installing, maintaining, and replacing a minimal number of signs with respect to hunting, trespass, trail access, identity and address of occupants, sale of the Premises, the location of boundary lines, the Grantee’s interest in the Premises and the protected conservation values, prohibited uses and reserved rights, including hunting and recreation, and other regulations with respect to public use; interpretive, informational or other similar signs designed to enhance public use.
17. Forestry and Cutting. In accordance with generally accepted forestry Best Management Practices, as those practices may be identified by appropriate governmental or educational institutions such as the Commonwealth of Massachusetts Department of Conservation and Recreation’s (DCR) Bureau of Forestry or the University of Massachusetts Extension’s Forest Conservation Program or their successor agencies, and in a manner not wasteful of soil resources, or detrimental to water quality or other conservation values of this Conservation Restriction: (a) selective harvesting of trees to provide wood for personal, non-commercial use; (b) the right to conduct, or to permit others to conduct, sound silvicultural uses of the Premises, including the right to commercially harvest forest products, in accordance with a Forest Management or Stewardship Plan prepared by a forester licensed through DCR in conformance with the “Directions for the Preparation of the Chapter 61 Forest Management Plans and Forest Stewardship Plans,” or applicable successor guidance, and with such statutes, regulations and directions in effect at the time of the approval of said Stewardship Plan. The Forest Management or Stewardship Plan shall include provisions designed to minimize soil erosion, conserve surface and groundwater quality, scenic views, wildlife habitat, and to protect the conservation values of this Conservation Restriction, shall be approved by DCR, and shall be effective for a ten (10) year period and resubmitted once every ten (10) years as necessary if additional silvicultural uses are planned. If required by state regulations, a Forest Cutting Plan pursuant to Sections 40-44 of Chapter 132 of the Massachusetts General Laws, as amended, shall be prepared by a professional forester licensed to practice forestry in Massachusetts pursuant to Sections 47-49 of Chapter 132 of the Massachusetts General Laws. Any plans required herein shall be consistent with this Conservation Restriction and must be approved by the Grantee in advance of a commercial harvest, which approval shall not be unreasonably withheld, delayed or conditioned.
18. Archaeological Investigations. The conduct of archaeological activities, including without limitation survey, excavation and artifact retrieval, following submission of an archaeological field investigation plan and its approval in writing by Grantee and the State Archaeologist of the Massachusetts Historical Commission (or appropriate successor official).
19. Site Restoration. Any work undertaken in conjunction with the Reserved Rights described in this Section II.B shall seek to minimize disturbance to the conservation values and other natural features within the Premises that may be impacted as a result of exercising any of the Reserved Rights described herein. Upon completion of any site work performed in conjunction with the Reserved Rights described in this Section II.B, any disturbed areas shall be restored substantially to the conditions with respect to soil material, grade, and vegetated

ground cover as documented in the Baseline Report, as applicable, or in conformance with the conditions with respect to soil material, grade, and vegetated ground cover that existed prior to said work, if said work is done in any area not documented in the Baseline Report.

20. **Other Activities.** Such other activities or uses of the Premises as may be permitted with the prior written approval of the Grantee provided that the Grantee has made a finding, such finding to be documented in writing and kept on file at the office of the Grantee, that such activities are in service to or related to the Reserved Rights and, as applicable, are included in an approved Farm Plan or Forest Management or Stewardship Plan, do not impair the conservation values and purposes of this Conservation Restriction, and, where feasible, result in a net gain in conservation value of the Premises.

C. **Best Management Practices.** Prior to exercising any right reserved by Grantor under Section II.B that may result in more than *de minimis* surface alterations, the Grantor shall consult, if available, established, up to date, and regionally-applicable Best Management Practices or similar standards developed by a governmental agency such as the USDA Natural Resources Conservation Service through its Massachusetts Field Office Technical Guide, DCR, the Massachusetts Department of Agricultural Resources, or other entity with known expertise in the area of practice and designed to protect the natural features potentially affected by the action(s).

D. **Permits, Regulations, Laws.** The exercise of any right reserved by Grantor under Section II.B. shall be in compliance with then-current building, zoning, planning, and conservation regulations, bylaws, or ordinances applicable to the Premises, the Wetlands Protection Act (Section 40 of Chapter 131 of the Massachusetts General Laws), and all other applicable federal, state and local laws, rules, regulations, and permits. The inclusion of any reserved right requiring a permit from a public agency does not imply that the Grantee or the Commonwealth of Massachusetts takes any position whether such permit should be issued.

E. **Notice and Approval.**

1. Whenever notice to or approval by Grantee is required, Grantor shall notify Grantee, by a method requiring proof of receipt, in writing not less than 60 days prior to the date Grantor intends to undertake the activity in question. The notice shall describe the nature, scope, design, location, timetable and any other material aspect of the proposed activity in sufficient detail to permit the Grantee to make an informed judgment as to its consistency with the purposes of this Conservation Restriction. Where Grantee's approval is required, Grantee shall grant or withhold approval in writing within 60 days of receipt of Grantor's request. Grantee's approval shall not be unreasonably withheld, but shall only be granted upon a showing that the proposed activity shall not impair the purposes of this Conservation Restriction.
2. Grantee agrees to use reasonable diligence to respond to Grantor's request within 60 days of delivery. Grantee's failure to respond within the sixty (60) calendar day period shall be deemed a denial of the request (hereinafter, a "Deemed Denial"). A Deemed Denial is not final or binding on Grantee, and Grantor may submit the same or a similar request for approval.

III. LEGAL RIGHTS AND REMEDIES OF THE GRANTEE

A. **Legal and Injunctive Relief.** The rights hereby granted shall include the right to enforce this Conservation Restriction by appropriate legal proceedings and to obtain injunctive and other equitable relief against any violations, including, without limitation, relief requiring restoration

of the Premises to their condition prior to the time of the injury complained of (it being agreed that the Grantee will have no adequate remedy at law). The rights hereby granted shall be in addition to, and not in limitation of, any other rights and remedies available to the Grantee for the enforcement of this Conservation Restriction. Grantee agrees to cooperate for a reasonable period of time prior to resorting to legal means in resolving issues concerning violations provided Grantor ceases objectionable actions and Grantee determines there is no ongoing diminution of the conservation values of the Conservation Restriction.

- B. Reimbursement of Costs of Enforcement.** Grantor covenants and agrees to reimburse to Grantee all reasonable costs and expenses (including reasonable counsel fees) incurred in enforcing this Conservation Restriction or in taking reasonable measures to remedy, abate or correct any violation thereof, provided that a violation of this Conservation Restriction is acknowledged by Grantor or determined by a court of competent jurisdiction to have occurred.
- C. Boundary Disputes.** In the event of a dispute over the boundaries of the Conservation Restriction, Grantee shall have the right to require Grantor, at Grantor's sole expense, to commission a survey or have the boundaries of the Premises permanently marked.
- D. Non-Waiver.** Enforcement of the terms of this Conservation Restriction shall be at the discretion of Grantee. Any election by the Grantee as to the manner and timing of its right to enforce this Conservation Restriction or otherwise exercise its rights hereunder shall not be deemed or construed to be a waiver of such rights.
- E. Disclaimer of Liability.** By acceptance of this Conservation Restriction, the Grantee does not undertake any liability or obligation relating to the condition of the Premises pertaining to compliance with and including, but not limited to, hazardous materials, zoning, environmental laws and regulations, or acts not caused by the Grantee or its agents.
- F. Acts Beyond the Grantor's Control.** Nothing contained in this Conservation Restriction shall be construed to entitle the Grantee to bring any actions against the Grantor for any injury to or change in the Premises resulting from causes beyond the Grantor's control, including but not limited to fire, flood, storm and earth movement, or from any prudent action taken by the Grantor under emergency conditions to prevent, abate, or mitigate significant injury to the Premises resulting from such causes.
- G. Actions to Prevent or Remedy Violations.** The Grantee shall have the right to take appropriate actions to prevent, abate, or remedy violations of this Conservation Restriction, including violations by non-parties.

IV. ACCESS

- A. Access by the Grantee.** The Grantor hereby grants to the Grantee, or its duly authorized agents or representatives, the right to enter the Premises upon reasonable notice and at reasonable times, for the purpose of inspecting the Premises to determine compliance with or to enforce this Conservation Restriction. The Grantor also grants to the Grantee, after notice of a violation and failure of the Grantor to cure said violation, the right to enter the Premises for the purpose of taking any and all actions with respect to the Premises as may be necessary or appropriate to remedy or abate any violation hereof, including but not limited to the right to perform a survey of boundary lines. The Grantee shall have the right to erect and from time to time replace, at appropriate locations near the boundaries of the Premises, suitable signs identifying the Grantee as the holder of this Conservation Restriction.

B. Access by the Public. Subject to the provisions of this Conservation Restriction, the Grantor hereby grants access to the Premises to the general public and agrees to take no action to prohibit or discourage access to and use of the Premises by the general public, but only for daytime use and only as described in Paragraph III.B.13. provided that such agreement by Grantor is subject to the Grantor's reserved right to establish reasonable rules, regulations, and restrictions on such permitted recreational use by the general public for the protection of the Purposes and Conservation Values. Grantor has the right to control, limit, or prohibit by posting and other reasonable means activities or uses of the Premises not authorized in Paragraph III.B.13. The Grantee may require the Grantor to post the Premises against any use by the public that results in material impairment of the Conservation Values. This grant of public access to the Premises is solely for the purposes described in Section 17C of Chapter 21 of the Massachusetts General Laws and the Grantor and Grantee hereto express their intent to benefit from exculpation from liability to the extent provided in such section. Public access granted through this Conservation Restriction is in addition to the existing Trail Easement.

V. EXTINGUISHMENT

- A. Termination only by Judicial Proceeding and Grantee's Right to Recover Proportional Value.** If circumstances arise in the future such as render the purpose of this Conservation Restriction impossible to accomplish, this Conservation Restriction can only be terminated or extinguished, whether in whole or in part, by a court of competent jurisdiction under applicable law after review and approval by the Commonwealth of Massachusetts Secretary of Energy and Environmental Affairs. If any change in conditions ever gives rise to termination or extinguishment or other release of the Conservation Restriction under applicable law, then Grantee, on a subsequent sale, exchange, or involuntary conversion of the Premises, shall be entitled to a portion of the proceeds in accordance with Section V.B. below, subject, however, to any applicable law which expressly provides for a different disposition of the proceeds and after complying with the terms of any gift, grant, or funding requirements. Grantee shall use its share of the proceeds in a manner consistent with the conservation purposes set forth herein.
- B. Proceeds.** Grantor and Grantee agree that the grant of this Conservation Restriction gives rise to a real property right, immediately vested in the Grantee, with a fair market value that is at least equal to the proportionate value that this Conservation Restriction bears to the value of the unrestricted Premises at that time and represents all land development rights associated with the Premises, except as such rights may have been specifically retained pursuant to this Conservation Restriction. Such proportionate value of the Grantee's property right shall remain constant. Any proceeds will be distributed only after complying with the terms of any gift, grant, or other funding requirements.
- C. Grantor/Grantee Cooperation Regarding Public Action.** Whenever all or any part of the Premises or any interest therein is taken by public authority under power of eminent domain or other act of public authority, then the Grantor and the Grantee shall cooperate in recovering the full value of all direct and consequential damages resulting from such action. All related expenses incurred by the Grantor and the Grantee shall first be paid out of any recovered proceeds, and the remaining proceeds shall be distributed between the Grantor and Grantee in accordance with Section V.B above, after complying with the terms of any law, gift, grant, or funding requirements. If a less than fee interest is taken, the proceeds shall be equitably allocated according to the nature of the interest taken. The Grantee shall use its share of the

proceeds like a continuing trust in a manner consistent with the conservation purposes of this grant.

VI. DURATION & ASSIGNABILITY

- A. **Running of the Burden.** The burdens of this Conservation Restriction shall run with the Premises in perpetuity, and shall be enforceable in perpetuity against the Grantor and the successors and assigns of the Grantor holding any interest in the Premises, by the Grantee, its successors and assigns acting by and through its duly designated officers, directors, employees or agents as holders of this Restriction.
- B. **Execution of Instruments.** The Grantee is authorized to record or file any notices or instruments appropriate to assuring the perpetual enforceability of this Conservation Restriction; the Grantor, on behalf of itself and its successors and assigns, appoints the Grantee their attorney-in-fact to execute, acknowledge and deliver any such instruments on its behalf. Without limiting the foregoing, the Grantor and its successors and assigns agree themselves to execute any such instruments upon request.
- C. **Assignability; Running of the Benefit.** The benefits of this Conservation Restriction shall run to the Grantee, shall be in gross and shall not be assignable by the Grantee, except the Grantee and its successors and assigns shall have the right to assign all or a portion of its right, title and interest hereunder to a “Qualified Organization” as defined in Section 170(h)(3) of the Internal Revenue Code, provided that: (i) such assignee is an eligible grantee of a conservation restriction as set forth in Section 32 of Chapter 184 of the Massachusetts General Laws; (ii) that such assignee is not an owner of the fee in the Premises; (iii) as a condition of such assignment, the assignee shall be required to hold this Conservation Restriction and enforce its terms for conservation purposes and to ensure that the purposes of this Conservation Restriction continue to be carried out; and (iv) any assignment shall comply with Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, if applicable.

VII. SUBSEQUENT TRANSFERS

- A. **Reference to Conservation Restriction in Future Deeds and Required Notification of Transfers.** The Grantor agrees to incorporate by reference the terms of this Conservation Restriction in any deed or other legal instrument which divests any interest in all or a portion of the Premises, including any leasehold interest or option, and to notify the Grantee in writing not less than thirty (30) days prior to the execution of such transfer. Failure to do any of the above shall not impair the validity or enforceability of this Conservation Restriction. Any transfer will comply with Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, if applicable.
- B. **Termination of Rights and Obligations.** The Grantor shall not be liable for violations occurring after their ownership. Liability for any acts or omissions occurring prior to any transfer and liability for any transfer if in violation of this Conservation Restriction shall survive the transfer. Any new owner shall cooperate in the restoration of the Premises or removal of violations caused by prior owner(s) and may be held responsible for any continuing violations.

VIII. ESTOPPEL CERTIFICATES

Upon request by the Grantor, the Grantee shall, within thirty (30) days execute and deliver to the Grantor any document, including an estoppel certificate, which certifies the Grantor's compliance or non-compliance with any obligation of the Grantor contained in this Conservation Restriction.

IX. NON MERGER

The parties intend that any future acquisition of the Premises shall not result in a merger of the Conservation Restriction into the fee. The Grantor agrees that it will not grant, and the Grantee agrees that it will not take title to, any part of the Premises without having first assigned this Conservation Restriction to a non-fee owner that is qualified under Section 170(h) of the Internal Revenue Code of 1986, as amended, and applicable regulations thereunder and is eligible to receive this Conservation Restriction under Section 32 of Chapter 184 of the Massachusetts General Laws in order to ensure that merger does not occur and that this Conservation Restriction continues to be enforceable by a non-fee owner.

X. AMENDMENT

A. Limitations on Amendment

Grantor and Grantee may amend this Conservation Restriction only to correct an error or oversight, clarify an ambiguity, maintain or enhance the overall protection of the Conservation Values, or add real property to the Premises, provided that no amendment shall:

1. affect this Conservation Restriction's perpetual duration;
2. be inconsistent with or materially impair the Purposes;
3. affect the qualification of this Conservation Restriction as a "qualified conservation contribution" or "interest in land" under any applicable laws, including 26 U.S.C. Section 170(h), and related regulations;
4. affect the status of Grantee as a "qualified organization" or "eligible donee" under any applicable laws, including 26 U.S.C. Section 170(h) and related regulations, and Sections 31, 32, and 33 of Chapter 184 of the Massachusetts General Laws; or
5. create an impermissible private benefit or private inurement in violation of federal tax law, as determined by an appraisal, conducted by an appraiser selected by the Grantee, of the economic impact of the proposed amendment; or
6. alter or remove the provisions described in Paragraph V (Extinguishment); or
7. cause the provisions of this Paragraph X to be less restrictive; or
8. cause the provisions described in Paragraph VI.C (Running of the Benefit) to be less restrictive

B. Amendment Approvals and Recording

No amendment shall be effective unless documented in a notarized writing executed by Grantee and Grantor, approved by the Town of West Newbury and by the Secretary in the public interest pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws, and recorded in the Essex Registry of Deeds or registered in the applicable land court registry district.

XI. EFFECTIVE DATE

This Conservation Restriction shall be effective when the Grantor and the Grantee have executed it, the administrative approvals required by Section 32 of Chapter 184 of the General Laws have been obtained,

and it has been recorded in a timely manner in the Southern Essex District Registry of Deeds and/or the Land Registry Section of said Registry of Deeds, as applicable.

XII. NOTICES

Any notice, demand, request, consent, approval or communication that either party desires or is required to give to the other shall be in writing and either served personally or sent by first class mail, postage pre-paid, addressed as follows:

To Grantor: Name: Riverrun Farm, LLC
 Address: 540 Main Street
 West Newbury, MA 01985

To Grantee: Essex County Greenbelt Association, Inc.
 ATTN: Director of Stewardship
 82 Eastern Ave.
 Essex, MA 01929
 Phone: 978-768-7241

or to such other address as any of the above parties shall designate from time to time by written notice to the other or, if notice is returned to sender, to an address that is reasonably ascertainable by the parties.

XIII. GENERAL PROVISIONS

- A. Controlling Law.** The interpretation and performance of this Conservation Restriction shall be governed by the laws of the Commonwealth of Massachusetts.
- B. Liberal Construction.** Any general rule of construction to the contrary notwithstanding, this Conservation Restriction shall be liberally construed in favor of the grant to effect the purpose of this Conservation Restriction and the policy and purposes of Sections 31, 32, and 33 of Chapter 184 of the Massachusetts General Laws. If any provision in this instrument is found to be ambiguous, any interpretation consistent with the purpose of this Conservation Restriction that would render the provision valid shall be favored over any interpretation that would render it invalid.
- C. Severability.** If any provision of this Conservation Restriction or the application thereof to any person or circumstance is found to be invalid, the remainder of the provisions of this Conservation Restriction shall not be affected thereby.
- D. Entire Agreement.** This instrument sets forth the entire agreement of the parties with respect to this Conservation Restriction and supersedes all prior discussions, negotiations, understandings or agreements relating to the Conservation Restriction, all of which are merged herein.

XIV. AFFIRMATIVE COVENANTS OF THE GRANTOR

- A. Payment of Taxes.** The Grantor shall pay before delinquency all taxes, assessments, betterments, liens, fees and charges levied on or assessed against the Premises by any federal, state, or local government authority or other competent authority or entity (collectively "taxes"), and shall furnish the Grantee with satisfactory evidence of payment upon request.

- B. Subordination.** The Grantor shall deliver to Grantee for recording simultaneously with this Conservation Restriction all documents necessary to subordinate any mortgage, promissory note, loan, lien, equity credit line, refinance assignment of mortgage, lease, financing statement or any other agreement which gives rise to a surety interest affecting the Premises.
- C. Adverse Possession.** The Grantor represents and warrants that to the best of his knowledge no person has occupied or used the Premises without the Grantor’s permission or has openly claimed ownership of the Premises as against the Grantor or the Grantor’s predecessors in title or has conducted continuous activities or uses on the Premises (such as, but not limited to, logging, camping or similar uses). The Grantor agrees that if any such activity is observed now or in the future, the Grantor shall immediately notify the Grantee and shall cooperate with the Grantee to notify such persons of their wrongful entry onto the Premises.

XIV. MISCELLANEOUS

- A. Pre-existing Public Rights.** Approval of this Conservation Restriction pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws by any municipal officials and by the Secretary of Energy and Environmental Affairs is not to be construed as representing the existence or non-existence of any pre-existing rights of the public, if any, in and to the Premises, and any such pre-existing rights of the public, if any, are not affected by the granting of this Conservation Restriction.
- B. Representations of the Grantee.** The Grantee represents that it is a not for profit corporation, that it has a perpetual existence, that it is organized and operated for the purpose of preserving and conserving natural resources, natural habitats, environmentally sensitive areas and for other charitable, scientific and educational purposes, that it has both the necessary funds and commitment to hold this Conservation Restriction exclusively for conservation purposes in perpetuity and to enforce its terms, that it is a “Qualified Organization” as that term is defined in Section 170(h)(3) of the Internal Revenue Code of 1986, as amended, and that it is an eligible donee of a conservation restriction as set forth in Section 32 of Chapter 184 of the Massachusetts General Laws, as amended.
- C. Executory Limitation.** If Grantee shall cease to exist or to be qualified to hold conservation restrictions pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws, or to be qualified organization under 26 U.S.C. 170(h), and applicable regulations thereunder, if applicable, and a prior assignment is not made pursuant to Paragraph VII, then Grantee’s rights and obligations under this Conservation Restriction shall vest in such organization as a court of competent jurisdiction shall direct pursuant to the applicable Massachusetts law and with due regard to the requirements for an assignment pursuant to Paragraph VII.
- D. Prior Encumbrances.** This Conservation Restriction shall be in addition to and not in substitution of any other restrictions or easements of record affecting the Premises.
- E. Signature Pages and Exhibits.** The following signature pages are included in this Grant:

Signature Pages

Grantor: Riverrun Farm, LLC
 Grantee Acceptance: Essex County Greenbelt Association, Inc.
 Approval by West Newbury Board of Selectmen
 Approval of the Secretary of Energy and Environmental Affairs.

Exhibits

Exhibit A: Reduced Copy of Plan of Premises

Exhibit B: Sketch Plan

WITNESS my hand and seal this ____ day of _____, 2022,

Riverrun Farm, LLC

Katharine Feehery, its Manager, duly authorized

COMMONWEALTH OF MASSACHUSETTS

ESSEX, ss:

On this ___ day of _____, 2022, before me, the undersigned notary public, personally appeared Katharine Feehery, and proved to me through satisfactory evidence of identification which was _____ to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose.

Notary Public
My Commission Expires:

ACCEPTANCE OF GRANT

This Conservation Restriction from Riverrun Farm, LLC was accepted by Essex County Greenbelt Association, Inc. this ____ day of _____, 2022.

ESSEX COUNTY GREENBELT ASSOCIATION, INC.

By: _____

Name: Katherine Bowditch

Title: President

Hereunto duly authorized

By: _____

Name: Timothy Fritzing

Title: Treasurer

Hereunto duly authorized

COMMONWEALTH OF MASSACHUSETTS

ESSEX, ss:

On this ____ day of _____, 2022, before me, the undersigned notary public, personally appeared Katherine Bowditch, and proved to me through satisfactory evidence of identification which was _____ to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

Notary Public

My Commission Expires:

COMMONWEALTH OF MASSACHUSETTS

ESSEX, ss:

On this ____ day of _____, 2022, before me, the undersigned notary public, personally appeared Timothy Fritzing, and proved to me through satisfactory evidence of identification which was _____ to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

Notary Public

My Commission Expires:

APPROVAL OF TOWN OF WEST NEWBURY SELECT BOARD

We, the undersigned, being a majority of the Select Board of the Town of West Newbury, hereby certify that at a public meeting duly held on _____, 2022, the Select Board voted to approve the foregoing Conservation Restriction from Riverrun Farm, LLC to Essex County Greenbelt Association, Inc. in the public interest pursuant to Section 32 of Chapter 184 of the General Laws of Massachusetts.

SELECT BOARD:

Richard Parker, Chairperson

David W. Archibald, Vice Chairperson

Wendy Reed

COMMONWEALTH OF MASSACHUSETTS

ESSEX, ss:

On this ____ day of _____, 2022, before me, the undersigned notary public, personally appeared Richard Parker, David W. Archibald, and Wendy Reed, and proved to me through satisfactory evidence of identification which was _____ to be the persons whose names are signed on the proceeding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose.

Notary Public

My Commission Expires:

**APPROVAL OF SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS
COMMONWEALTH OF MASSACHUSETTS**

The undersigned, Secretary of Energy and Environmental Affairs of the Commonwealth of Massachusetts, hereby certifies that the foregoing Conservation Restriction from Riverrun Farm, LLC to Essex County Greenbelt Association, Inc. has been approved in the public interest pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws.

Dated: _____, 2022

BETHANY A. CARD
Secretary of Energy and Environmental Affairs

COMMONWEALTH OF MASSACHUSETTS

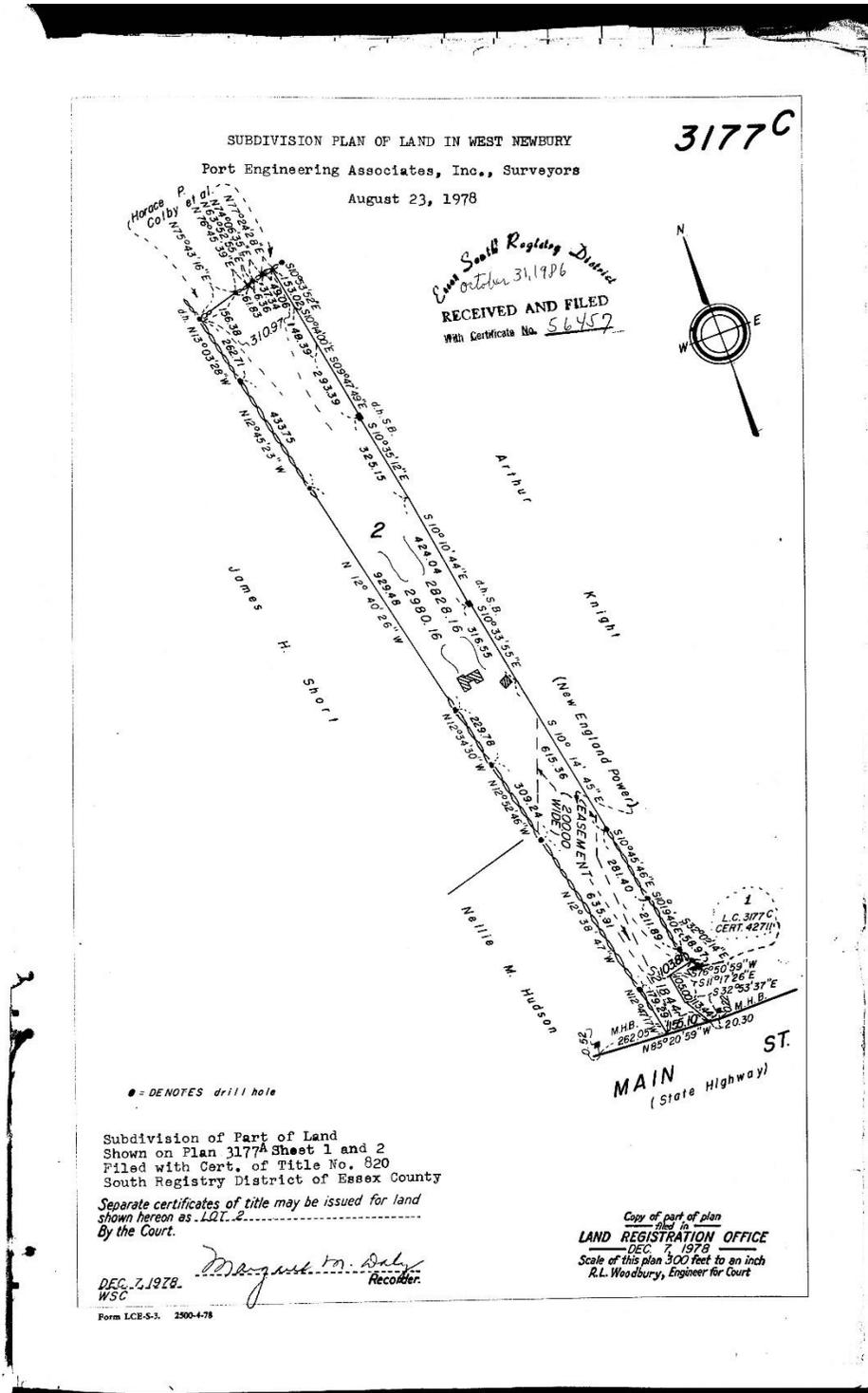
SUFFOLK, ss:

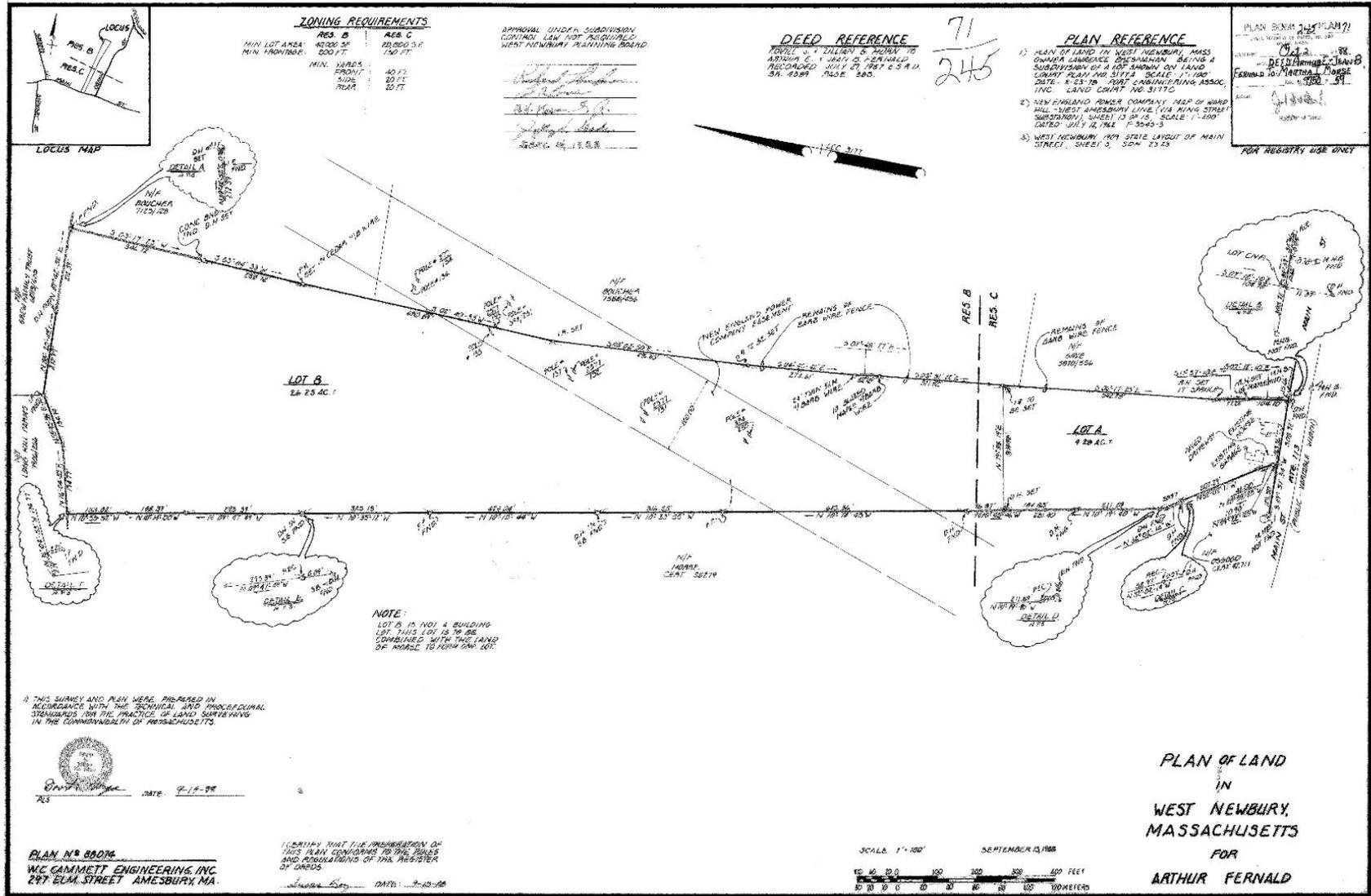
On this _ day of _____, 2022, before me, the undersigned notary public, personally appeared BETHANY A. CARD, and proved to me through satisfactory evidence of identification which was _____ to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose.

Notary Public
My Commission Expires:

EXHIBIT A – Reduced Copy of Recorded Plan of the Premises

For the full size plans see the file in the Registered Land Section of the Southern Essex District Registry of Deeds Land Court Plan 3177-C and Southern Essex District Registry of Deeds Plan Book 245 Plan 71.





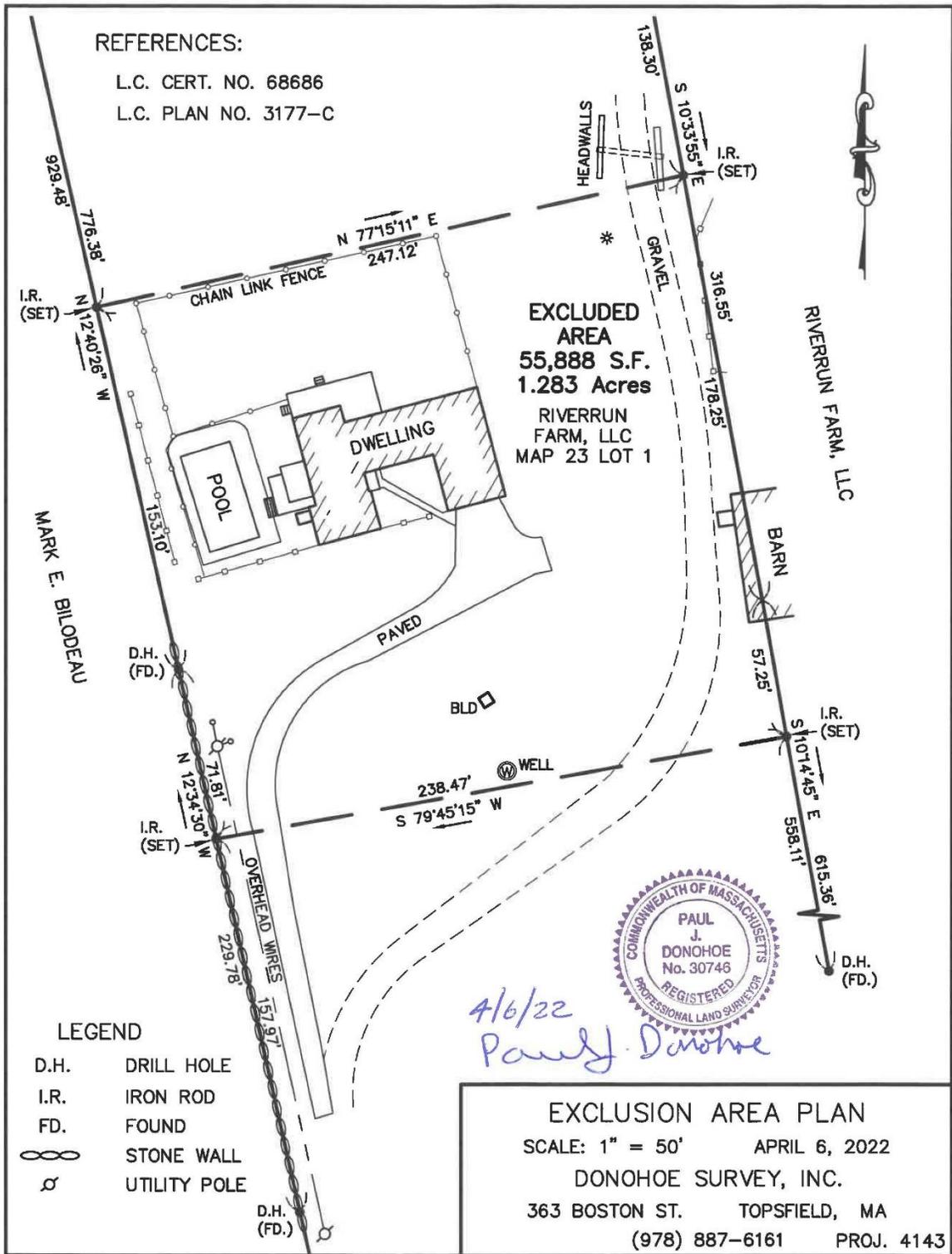
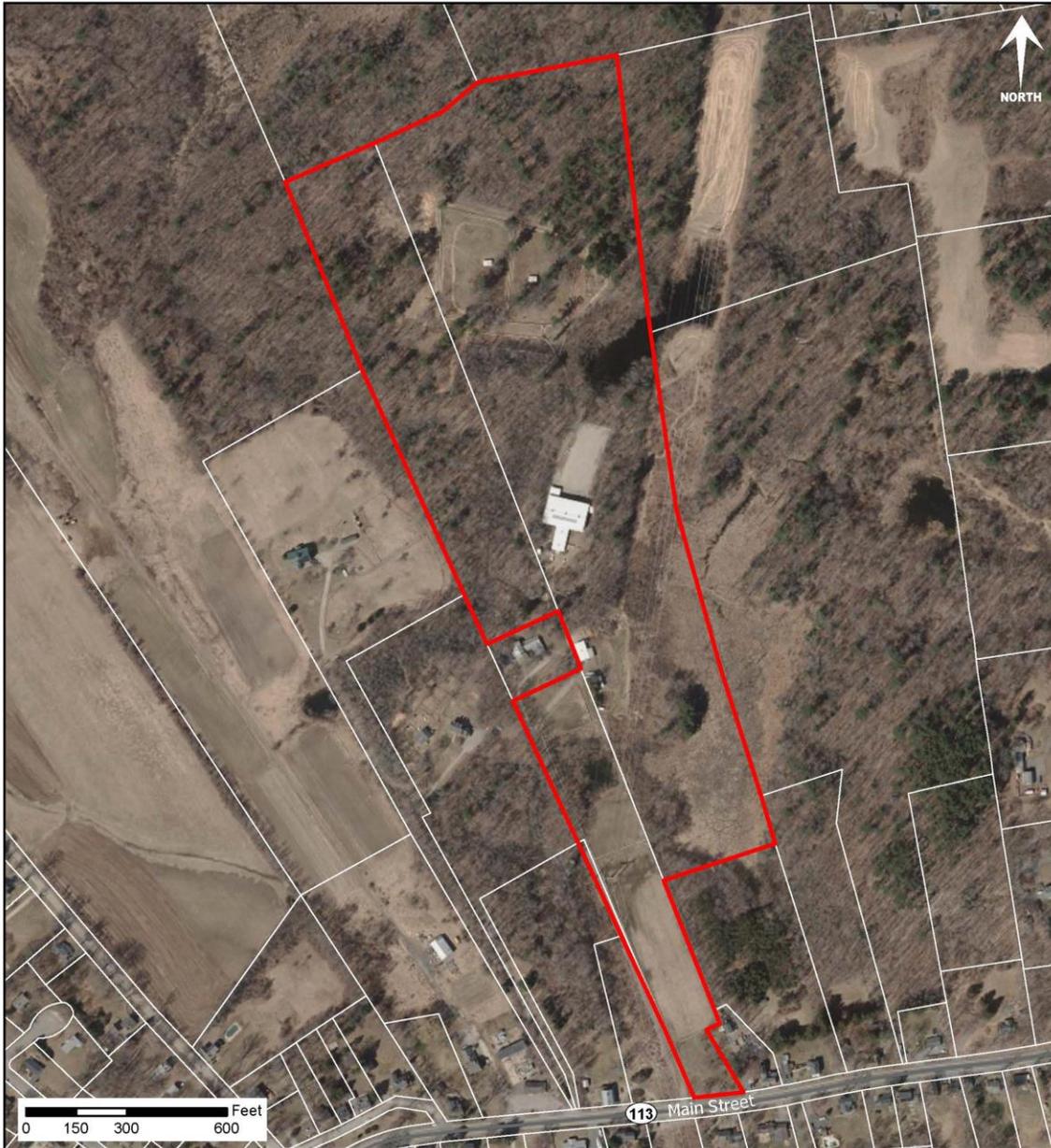


EXHIBIT B – Sketch Plan

**Riverrun Farm, West Newbury
CR Area Sketch Plan**



-  Riverrun Farm CR Area
-  West Newbury Assessors Parcels

Source data obtained from survey plans, Mass GIS and Global Positioning Systems (GPS). Orthophotos 2019. Boundary lines are approximate and are to be used for informational purposes only.



Page School / Route 113 Safety Analysis Town of West Newbury, MA

Select Board
May 23, 2022



Safety Audit Area



Traffic Safety Audit

- **Safety Audit held at the site in person on January 12, 2022**
- **Attendees included representatives from:**
 - **Parks and Recreation, Police, Public Works, Page School Administration, Riding and Driving Club, Open Space Committee, Town Manager**
- **Received 12 feedback emails from residents**
- **Turning movement counts collected April 30 and May 5**
- **Main Street volume and speed data collected May 7-10**

Observations

- **7,400 vehicles per day average on Main Street (Route 11f3)**
- **85th Percentile vehicle speeds along Main Street (Route 113) are consistent with posted 40 mph speed limit**
- **One crash on average per year, with two rear-end crashes recorded**
- **Pedestrians were recorded using the existing crosswalk between the Page School and Pipestave**
- **Sight distances for vehicles approaching the existing intersections are constrained to/from the west**
- **Pipestave sight distances more constrained than the School**
- **No accommodations for pedestrians waiting to cross**

Choosing a Treatment

Using FHWA Guidance for:

- 40 MPH Roadway
- Two lanes
- Less than 9000 vehicles per day

- Always use crosswalk markings, lighting, and warning signage
- Consider a RRFB
- Consider a PHB

Roadway Configuration	Posted Speed Limit and AADT								
	Vehicle AADT <9,000			Vehicle AADT 9,000–15,000			Vehicle AADT >15,000		
	≤30 mph	35 mph	≥40 mph	≤30 mph	35 mph	≥40 mph	≤30 mph	35 mph	≥40 mph
2 lanes (1 lane in each direction)	① 2 4 5 6	① 5 6 7	① 5 6 7 9	① 4 5 6 7 9	① 5 6 7 9	① 5 6 7 9	① 4 5 6 7 9	① 5 6 7 9	① 5 6 7 9
3 lanes with raised median (1 lane in each direction)	① 2 3 4 5	① 5 7 9	① 5 7 9	① 3 4 5	① 5 7 9	① 3 4 5	① 3 4 5	① 3 4 5	① 3 4 5
3 lanes w/o raised median (1 lane in each direction with a two-way left-turn lane)	① 2 3 4 5 6	① 3 5 6 7 9	① 3 5 6 7 9	① 3 4 5 6 7 9	① 3 5 6 7 9	① 3 5 6 7 9	① 3 4 5 6 7 9	① 3 5 6 7 9	① 3 5 6 7 9
4+ lanes with raised median (2 or more lanes in each direction)	① 3 5 7 8 9	① 3 5 7 8 9	① 3 5 8 9	① 3 5 7 8 9	① 3 5 7 8 9	① 3 5 8 9	① 3 5 7 8 9	① 3 5 8 9	① 3 5 8 9
4+ lanes w/o raised median (2 or more lanes in each direction)	① 3 5 6 7 8 9	① 3 5 6 7 8 9	① 3 5 6 8 9	① 3 5 6 7 8 9	① 3 5 6 7 8 9	① 3 5 6 8 9	① 3 5 6 7 8 9	① 3 5 6 8 9	① 3 5 6 8 9

Given the set of conditions in a cell,

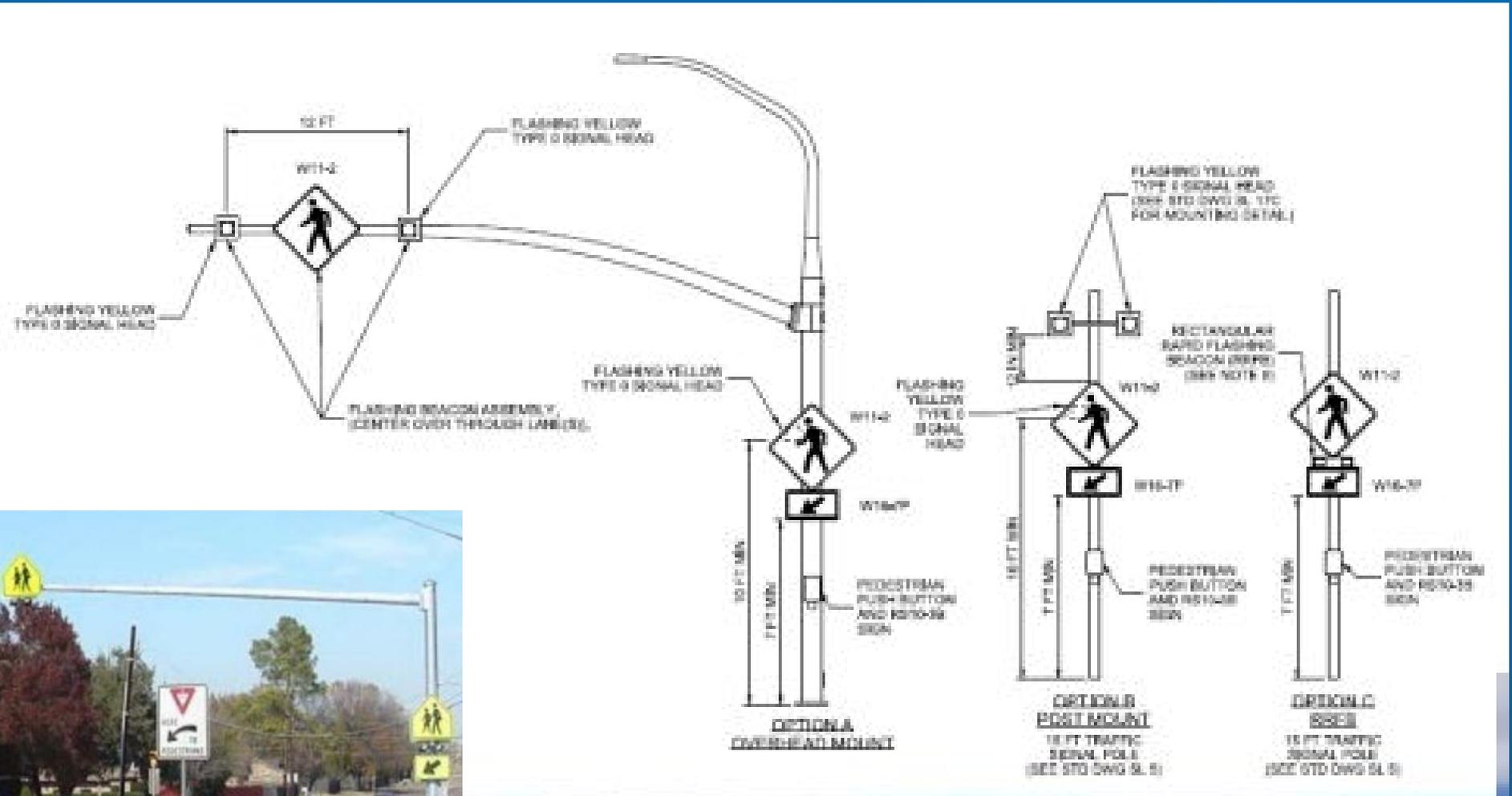
- # Signifies that the countermeasure is a candidate treatment at a marked uncontrolled crossing location.
- Signifies that the countermeasure should always be considered, but not mandated or required, based upon engineering judgment at a marked uncontrolled crossing location.
- Signifies that crosswalk visibility enhancements should always occur in conjunction with other identified countermeasures.*

The absence of a number signifies that the countermeasure is generally not an appropriate treatment, but exceptions may be considered following engineering judgment.

- 1 High-visibility crosswalk markings, parking restrictions on crosswalk approach, adequate nighttime lighting levels, and crossing warning signs
- 2 Raised crosswalk
- 3 Advance Yield Here To (Stop Here For) Pedestrians sign and yield (stop) line
- 4 In-Street Pedestrian Crossing sign
- 5 Curb extension
- 6 Pedestrian refuge island
- 7 Rectangular Rapid-Flashing Beacon (RRFB)**
- 8 Road Diet
- 9 Pedestrian Hybrid Beacon (PHB)**

Recommendations

- **Realign crosswalk at Pipestave and add new crosswalk at Page School (location options to be considered)**
- **High visibility crosswalk pavement markings**
- **Construct ADA Ramps at the crosswalk ends**
- **Construct connecting sidewalk between driveways and along all driveway approaches**
- **Install Rectangular Rapid Flashing Beacons (equestrian and pedestrian activation)**
- **Install new consistent school signage**



Open Session packet for Select Board on 5/23/22

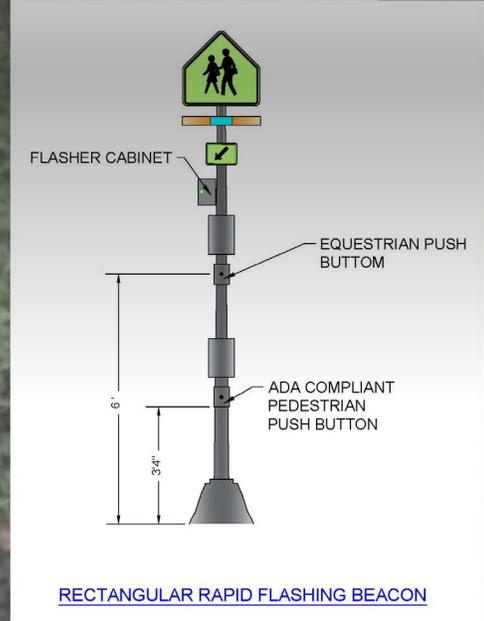
RRFB Options

PHB Example (State Street, Newburyport)



SIGN LEGEND

S1-1	
W16-9P	
W16-7P	



Option I

Open Session packet for Select Board on 5/23/22



SIGN LEGEND	
S1-1 W16-9P	
W16-7P	
S4-5a	

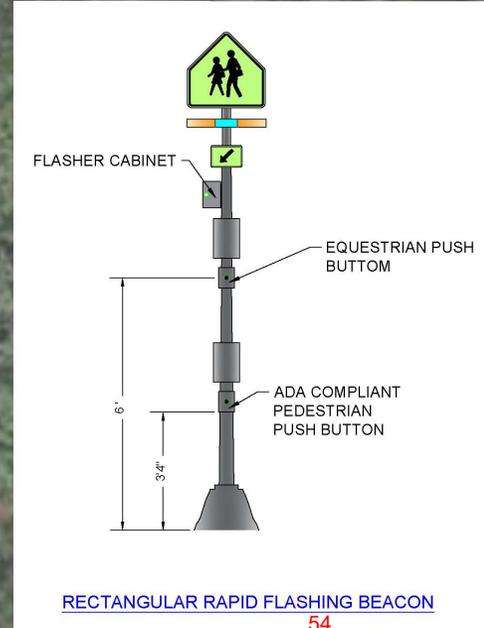


LIMIT OF MILL AND OVERLAY

MAIN STREET (ROUTE 113)

SCHOOL DRIVEWAY

Option II



RECTANGULAR RAPID FLASHING BEACON

Open Session packet for Select Board on 5/23/22



PROPOSED 5-FOOT SIDEWALK ALONG SCHOOL DRIVEWAY. EXTEND ALONG SCHOOL DRIVEWAY AS NEEDED.

SCHOOL DRIVEWAY

SIGN LEGEND	
S1-1	
W16-9P	
W16-7P	

S1-1
W16-9P

LIMIT OF MILL AND OVERLAY

MODIFY OPEN AREA TO INCLUDE SIDEWALK

POTENTIAL RECTANGULAR RAPID FLASHING BEACON (RRFB)

NARROW DRIVEWAY WITH EXPANDED LANDSCAPE AREA

S1-1 (2)
W16-7pL
W16-7pR

MAIN STREET (ROUTE 113)

RELOCATE GUARDRAIL TO BACK OF THE PROPOSED SIDEWALK

S1-1 (2)
W16-7pL
W16-7pR

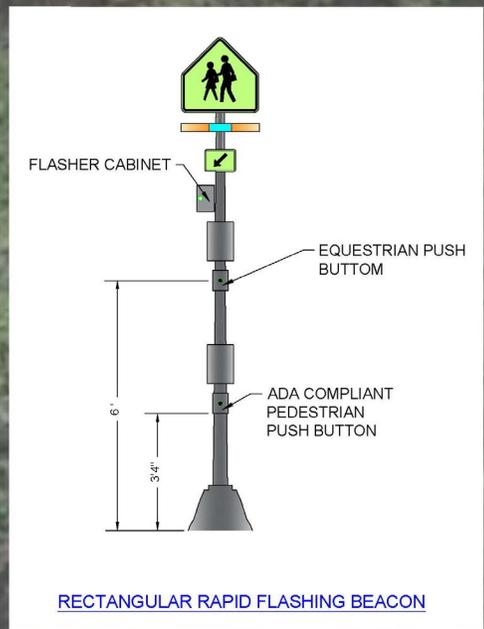
POTENTIAL RECTANGULAR RAPID FLASHING BEACON (RRFB)

LIMIT OF MILL AND OVERLAY

S1-1
W16-7pL

REMOVE EXISTING S1-1 AND R10-6A SIGNS

PROPOSED 5-FOOT SIDEWALK ALONG PIPESTAVE HILL DRIVEWAY. EXTEND INTO RECREATION AREA AS NEEDED.



Option III

Open Session packet for Select Board on 5/23/22



SIGN LEGEND	
S1-1 W16-9P	
W16-7P	
S4-5a	
S5-2	

RRFB Options

Signage Replacement Plan

- Legend
- = Asphalt Sidewalk
 - = ADA Compliant Wheelchair Ramp
 - = Grass
 - = Rectangular Rapid Flashing Beacon



publicfeedback@theengineeringcorp.com

TRAFFIC SAFETY AUDIT

Dr. John C. Page School

Town of West Newbury

May 19, 2022

Prepared For:
Town of West Newbury, Massachusetts



DRAFT

Prepared By:
TEC, Inc.
282 Merrimack Street, 2nd Floor
Lawrence, Massachusetts



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Appendix B.	Traffic Count Data
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Background

TEC, Inc. (TEC), in cooperation with the Town of West Newbury, has conducted this Traffic Safety Audit (TSA) to evaluate the existing safety characteristics along Main Street (Route 113) adjacent to the frontage of the Dr. John C. Page School (Page School) and the Pipestave Recreation Area in West Newbury, Massachusetts. A traffic safety audit was scheduled for this location due to recurring resident concerns regarding the safety of pedestrians and equestrians crossing Main Street in the area and accessing the Page School and the Pipestave Recreation Area. Further, the audit is a first step in project scoping and assessment of the feasibility of a single sidewalk along Main Street (Route 113) from Coffin Street to Chase Street, linking residential areas to recreation areas, open space, and the Page School. This TSA supplements and expands upon the *Safe Routes To School Arrival/Dismissal Observations Report for the Page Elementary School*, prepared by the Massachusetts Department of Transportation (MassDOT) in September 2021.

Audit Meeting Participants

The TSA for the Main Street (Route 113) pedestrian crossing at Page School was conducted on Wednesday, January 12, 2022, at 9:00 AM, with the pre-audit meetings held at the Page School at 694 Main Street in West Newbury. A copy of the TSA agenda can be found in Appendix A. As presented in Table 1, the audit meeting participants consisted of a cross-section of local engineering, enforcement, maintenance, and emergency response professionals.

Table 1: Audit Meeting Participants

Audit Participants	Agency/Affiliation
Angus Jennings	West Newbury Town Manager
Wayne Amaral	West Newbury Department of Public Works Director
Jeff Durand	West Newbury Police Department
Brad Buschur	West Newbury Parks and Recreation Commissioner
Mary Bellerose	Page School
Kathy Feehery	West Newbury Open Space Committee, West Newbury Riding and Driving Club
Catherine Marrone	West Newbury Riding and Driving Club
Elizabeth Oltman, PE	TEC, Inc. (Design Consultant)
Sam Gregorio, PE, PTOE, RSP	TEC, Inc. (Design Consultant)

Public Outreach

TEC presented to the Town Select Board on two occasions at public meetings: February 14, 2022 and May 23, 2022. Public outreach to the community included a feedback solicitation during the conduction of the TSA, distributed on all Town social media outlets. Twelve responses were received and are included in Appendix A. As presented in Table 1a, the respondents included:

Table 1a: Public Feedback Participants

Feedback Respondent	Affiliation
Deb Hamilton	West Newbury Resident, West Newbury Riding and Driving Club, West Newbury Planning Board, Mill Pond Committee
Raymond Cook	West Newbury Resident, West Newbury Planning Board
Garrett Wojutkiewicz	West Newbury Resident
Horst Dornbusch	West Newbury Resident
John Gregorio	West Newbury Resident
Linda Schaeffer	West Newbury Resident, West Newbury Wild and Native
Patricia Christofferson	West Newbury Resident, Former Page School Staff
Patricia Skibbee	West Newbury Resident
Pauliina Swartz	West Newbury Resident
Polly Mcdowell	West Newbury Resident, Mill Pond Committee
Sarah Santipadri	West Newbury Resident
Todd Basque	West Newbury Resident

Project Location and Description

An audit area location map is provided in Figure 1. A detailed description of the intersections included in the audit area is provided in the following section.

Existing Geometry and Infrastructure Summary

Main Street (Route 113)

Main Street, signed as Route 113, is a two-lane, east-west, urban principal arterial under the jurisdiction of the Massachusetts Department of Transportation (MassDOT). The corridor provides regional connection between Groveland to the west and Newburyport to the east. The roadway operates with two lanes, one in each direction, with directional flow marked by a centerline. The posted speed limit along Main Street is 40 miles per hour (MPH); however, a School Zone 20 MPH speed limit flashing assembly is posted on the roadway approaching Page School. On-street parking is prohibited on both sides of Main Street. Sidewalks, and formal bicycle accommodations, are not provided. Land uses along Main Street in the study vicinity consist of residential homes, the Dr. John C. Page School, the Pipestave Recreation Area, a solar field, Department of Public Works (DPW) facilities and the Mill Pond Recreation Area.

Pipestave Recreation Area

The Pipestave Recreation Area is open space area owned by the Town of West Newbury and managed by the Select Board, the Mill Pond Committee and the Park and Recreation Commissioners. The property includes forested and wetlands areas with trails for walking, bicycling, and horseback riding, athletic fields (lacrosse, soccer, and baseball), equestrian riding and warmup rings, and open fields, among other activities. It is connected internally to the Mill Pond Area, which has a separate access onto Main Street,

approximately 1,200 feet to the west of the Pipestave Recreation Area Driveway and Dunn Fields. The Town Department of Public Works Garage and Town recycling center are also located on the property.

Dr. John C. Page School

The Dr. John C. Page School (Page School) is the public elementary school for the Town of West Newbury and includes Pre-Kindergarten through Sixth Grade. The School hours for Kindergarten through Sixth Grade are 8:35 AM to 3:00 PM. There are two Pre-K sessions from 8:25 AM to 11:15 AM and 12:15 PM to 2:55 PM.

Main Street / Pipestave Recreation Area Driveway / Housing Authority Access Driveway

The Pipestave Recreation Area Driveway intersects Main Street from the south, opposite an Access Driveway to West Newbury Housing Authority home to form an offset four-legged unsignalized intersection. The Pipestave Recreation Area Driveway northbound and the Housing Authority Access Driveway southbound approaches consist of a single general-purpose travel lane under STOP-control. The Housing Authority Access Driveway also provides a secondary access to the Page School parking area; however, this access is currently blocked to vehicles. There is currently no STOP-sign present at the termini of either the northbound or southbound approaches. Directional flow on both approaches is unmarked. The Main Street eastbound and westbound approaches consist of single general-purpose travel lanes under free-flow conditions with directional flow separated by a marked centerline. On-street parking is prohibited on both sides of Main Street in the vicinity of the intersection. There are no sidewalks on either side of each approach to the intersection. A crosswalk is present across Main Street from the east side of the Pipestave Recreation Area Driveway to the west side of the Housing Authority Access Driveway.

Main Street / Page School Driveway

The Page School Driveway, also known as Eugene “Shike” Willis Way intersects Main Street from the north to form a three-legged unsignalized intersection approximately 220 feet to the east of the Pipestave Recreation Area Driveway. The Page School Driveway southbound approach consists of a single general-purpose travel lane under STOP-control. Directional flow along the southbound approach is unmarked. The Main Street eastbound and westbound approaches consist of single general-purpose travel lanes under free-flow conditions with directional flow separated by a marked centerline. On-street parking is prohibited on both sides of Main Street in the vicinity of the intersection. There are no sidewalks on either side of each approach to the intersection.

Public Transportation Accommodations

The proposed project site is not located near existing public transportation services. The Merrimack Valley Regional Transit Authority (MVRTA) has bus routes in the nearby towns of Haverhill, Amesbury, Newburyport, and Salisbury.



1" = 100'



Study Area Intersection

1. Main Street / Pipestave Recreation Area Driveway
2. Main Street / Page School Driveway

Figure 1

Locus Map



TEC, Inc.
282 Merrimack Street, 2nd Floor
Lawrence, MA 01843
978-794-1792

www.TheEngineeringCorp.com

Open Session packet for Select Board on 5/23/22

Safety Evaluation

Vehicle Count Data

To establish existing traffic volume conditions, manual Turning Movement Counts (TMCs) were conducted during a typical weekday and Saturday (7:00 AM – 7:00 PM) at the study area on Thursday, May 5, 2022, and Saturday April 30, 2022. The Page School was in regular session during the time of the traffic counts. The Page School hours are 8:35 AM to 3:00 PM. A detailed summary of the TMCs, partitioned into 15-minute intervals, is provided within Appendix B.

Automatic Traffic Recorder (ATR) counts were conducted on Main Street at the Page School, from Saturday May 7, 2022 through Tuesday, May 10, 2022 for a continuous 96-hour period. Vehicle classification and speed data was gathered as part of the ATR counts. A summary of the weekday ATR traffic data is presented in Table 2. A detailed summary of the ATR data, partitioned into 15-minute intervals, is provided within Appendix B.

Table 2: Existing Weekday Traffic Volume Summary

Location	Weekday Traffic Volume	Weekday Morning Peak Hour (7:45 AM – 8:45 AM)			Weekday Evening Peak Hour (4:45 PM – 5:45 PM)		
		Traffic Volume	K Factor	Directional Distribution	Traffic Volume	K Factor	Directional Distribution
Main Street (west of Page School Driveway)	7,419	626	8.4%	60% EB	640	8.6%	58% WB

An additional peak hour was recorded on the weekday between 2:45 PM and 3:45 PM, coincident with the Page School dismissal period. During this period, 677 vehicles were recorded along Main Street, higher than either of the commuter peak hours. The highest 15-minute period of the day was recorded between 3:00 PM and 3:15 PM.

The Saturday midday peak hour was recorded between 10:15 AM and 11:15 AM on Saturday April 30, 2022, with 557 vehicles recorded, lower than the weekday commuter peak hours.

Traffic Volume Adjustments

Traffic volumes and area businesses were significantly affected by the onset of the COVID-19 pandemic in March 2020. Recent MassDOT guidance has indicated that Massachusetts roadways have entered a “new normal” condition in April 2022. In order to confirm for the study area, TEC compared daily traffic volumes at the closest MassDOT permanent count station with available data before the pandemic and the date of recent traffic counts. This count station¹ is located along Interstate 495 at Merrimac. The comparison examined the daily traffic volume on Thursday, May 5, 2022 and Saturday, April 30, 2022 (dates of TMCs) and the comparable first Tuesday of May (May 2, 2019) and last Saturday of April (April 27, 2019) prior

¹ MassDOT Permanent Count Station #5234 – Merrimac – Interstate 495 at Merrimac

to the onset of the pandemic. Upon review of the seasonally-adjusted April and May 2019 and 2022 traffic volumes, traffic along in the area were shown to have a de minimis difference of 0.43 and 1.50 percent during the weekday morning and Saturday midday peak hours, respectively. For the weekday evening peak hour, traffic along I-495 in Merrimac was shown to have increased by 0.42, indicating that traffic volumes have returned to pre-pandemic levels. Therefore, no adjustment to the existing recorded traffic volumes is necessary.

Vehicle Speed Data

The ATRs collected speed data along Main Street for four days. The 85th percentile speed, or the speed at which 85 percent of the vehicle are traveling at or below, was consistently recorded as 39 miles per hour (mph) in the eastbound direction and 40 mph in the westbound direction. The posted speed limit is 40 mph within the study area. When the school zone flashers are activated at 8:00 AM and 3:00 PM, the average speed significantly decreases to the 20-30 mph hour range. This indicates that excessive vehicle speed may not be a primary factor in the safety related issues along the corridor.

Pedestrian/Bicycle/Equestrian Volume Data

Pedestrian counts were conducted during the turning movement counts on Thursday, May 5, 2022, and Saturday April 30, 2022 between 7:00 AM and 7:00 PM. The Page School was in regular session during the time of the counts.

Pedestrian counts collected over the 12-hour period at the intersection of Main Street / Pipestave Recreation Area Driveway / Housing Authority Access Driveway indicated six (6) pedestrians, with three (3) pedestrians crossing the Main Street crosswalk and three (3) across the Pipestave Recreation Area Driveway during the weekday, while nine (9) pedestrians were counted during the Saturday counts with six (6) crossing Main Street, two (2) crossing the Housing Authority Access Driveway, and one (1) crossing the Pipestave Recreation Area Driveway.

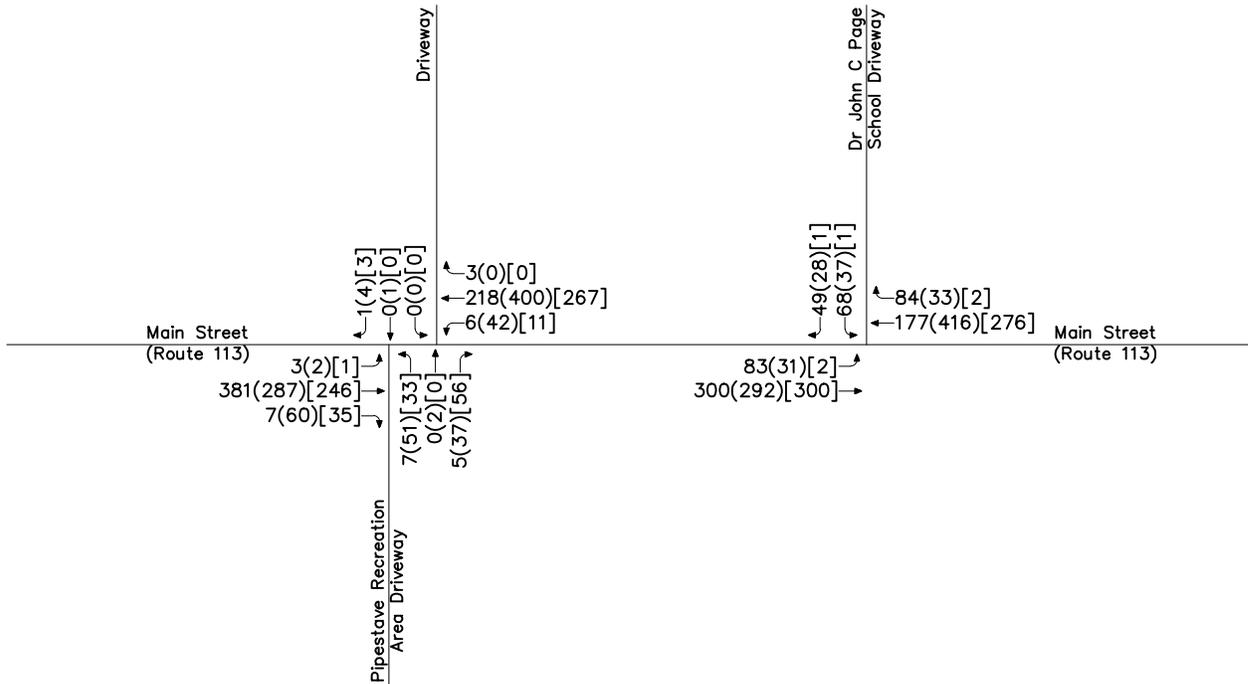
The intersection of Main Street / Page School Driveway indicated one (1) pedestrian crossing Main Street during the weekday, while four (4) pedestrians were counted during the Saturday counts with three (3) crossing the Page School Driveway, and one (1) crossing Main Street.

A total of 21 bicycles were recorded in each direction on the Thursday, and eight (8) bicycles were recorded in each direction on the Saturday.

No equestrians were recorded along Main Street during the count periods.



Not to Scale



XXX(XXX)[XXX] = WEEKDAY MORNING PEAK HOUR(WEEKDAY EVENING PEAK HOUR)[SATURDAY MIDDAY]

Figure 2

2022 Existing Conditions
Weekday Morning, Weekday
Evening, and Saturday Midday
Peak Hour Traffic Volumes



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General Crash History

Crash reports at the study intersections were compiled and analyzed from the Town of West Newbury Police Department and MassDOT for the most-recent consecutive six-year period (2016-May 2022) which includes the most recent four-year period (2016 – 2019) of complete data identified by MassDOT through the Interactive Mapping Portal for Analysis and Crash Tracking (IMPACT) database. The motor vehicle crash data was reviewed to determine if any crash trends exist within the audit area.

In addition to examining the number of crashes on the study intersections, an intersection crash rate was calculated to compare the occurrence of crashes to the volume of traffic passing through the audit intersections. The crash rate per million entering vehicles (MEV) was calculated using the weekday evening peak hour volumes from the TMCs, a calculated K-factor obtained from the ATR counts, and the total years of analyzed crash data. For the purposes of this report, only crashes occurring in the complete years of data (2016-2019) were included in this calculation. The crash rate at the intersections was compared to the statewide and district-wide averages published by MassDOT in June 2018 to determine the significance of the crash occurrence. The statewide average for unsignalized intersections is 0.57 crashes per MEV, and the District 4 average is 0.57 crashes per MEV. Crash rates are summarized in Table 2. A detailed compilation of the crash data is provided in Appendix C.

Table 3: Crash Rates by Intersection or Segment

Intersection	Total Crashes	Crash Rate	Statewide Avg	District Wide Avg
Main Street / Pipestave Recreation Area Driveway/ Page School Driveway	7	0.37	0.57	0.57

Crash Summary

Main Street / Pipestave Recreation Area Driveway / Page School Driveway

The area of Main Street between the Pipestave Recreation Area Driveway and the Page School Driveway experienced 7 crashes, or an average of 1 crash per year, over the 7-year study period. The crash rate for this area is significantly lower (0.37 crashes per MEV) than the statewide and district-wide averages for unsignalized intersections. Two-thirds (4 of 7) of the crashes were single-vehicle crashes. Of these single-vehicle crashes, two were collisions involving deer were reported, while the remaining two involved a vehicle striking a pole located at the Page School Driveway and a trailer rolling over after attempting to turn right from the residential Driveway at 692 Main Street. The remaining three crashes at consist of a head-on collision involving a vehicle traveling on the wrong side of the road and two rear-end crashes where an eastbound vehicle attempting to turn left onto the Page School Driveway was struck from behind by another vehicle. None of the crashes resulted in an injury. The highest number of crashes were reported between 9 AM and noon (3 of 7). All of the crashes occurred during dry roadway conditions, while half of the crashes (3 of 7) noted driver inattention or distraction as the contributing factor in the crash.

Table 4: Crash Data Summary

Parameter		Main Street / Pipestave Recreation Area Driveway / Page School Driveway
Crash Year:		
	2016	1
	2017	3
	2018	1
	2019	0
	2020	1
	2021	0
	2022	1
	TOTAL	7
Annual Average Rate per MEV		<i>1.0</i> <i>0.37</i>
Type:		
	Angled	0
	Rear-End	2
	Head-on	1
	Single Vehicle	4
	Ped / Bike	0
	TOTAL	7
Surface Conditions:		
	Dry	7
	Wet	0
	Snow / Ice / Slush	0
	Other / Unknown	0
	TOTAL	7
Severity:		
	Property Damage	7
	Non-Fatal Injury	0
	Not Reported	0
	TOTAL	7
Day of Week:		
	Monday-Friday	5
	Saturday-Sunday	2
	TOTAL	7
Time of Day:		
	6:00AM-9:00AM	0
	9:00AM-12:00PM	3
	12:00PM-3:00PM	1
	3:00PM-6:00PM	3
	6:00PM-9:00PM	0
	9:00PM-6:00AM	0
	TOTAL	7

Sight Distance Measurements

TEC visited the site on Wednesday, May 5, 2022 to measure the available sight distances at the Pipestave Recreation Area Driveway and the Page School Driveway. The availability sight distances were compared to minimum requirements established by the American Association of State Highway and transportation Officials (AASHTO).

Sight distance represents the length of roadway that is visible to a driver traveling within the roadway. Two types of sight distance are typically evaluated for driveways and intersections: stopping sight distance (SSD) and intersection sight distance (ISD). SSD is the minimum distance required for a driver traveling along a roadway to perceive an object in the roadway and stop safely in advance of the object when traveling on a wet pavement surface.

ISD represents the length of the roadway visible to a driver waiting to exit a driveway or minor street. Minimum ISD requirements are based on the distance required for a driver to exit a minor street onto a major street without requiring an approaching vehicle to reduce its speed from the design speed to less than 70 percent of the design speed.

SSD is typically considered the critical sight distance, as it represents the minimum distance required for safe stopping, while ISD represents an acceptable speed reduction for approaching vehicles. The ISD, however, must be at least equal to the minimum required SSD to prevent a driver from entering the roadway when an approaching vehicle is too close to safely stop. Tables 5 and 6 provide a summary of the available SSD and ISD at the Driveways, respectively.

Table 5 – Existing Stopping Sight Distance Measurements

Approach / Direction	Operating Speed*	AASHTO Required Minimum	Measured Stopping Sight Distance
Pipestave Recreation Area Driveway: <i>Main Street eastbound</i>	40 MPH	305 FT	200 FT ^a
<i>Main Street westbound</i>	40 MPH	305 FT	300 FT
Page School Driveway: <i>Main Street eastbound</i>	40 MPH	305 FT	420 FT
<i>Main Street westbound</i>	40 MPH	305 FT	500 FT

* Operating speeds based on recorded 85th percentile speed
^a SSD restricted by the grade and curve of Main Street west of the driveway

Table 6 – Existing Intersection Sight Distance Measurements

Approach / Direction	Operating Speed*	AASHTO Design	AASHTO Required Minimum	Measured Intersection Sight Distance
Pipestave Recreation Area Driveway: <i>Looking to the West</i>	40 MPH	385 FT	305 FT	220 FT ^a
<i>Looking to the East</i>	40 MPH	445 FT	305 FT	300 FT
Page School Driveway: <i>Looking to the West</i>	40 MPH	445 FT	305 FT	425 FT
<i>Looking to the East</i>	40 MPH	385 FT	305 FT	500 FT

* Operating speeds based on recorded 85th percentile speed

^a ISD restricted by the grade and curve of Main Street west of the driveway

Sight distances to the west of the study area, specifically to the west of the Pipestave Recreation Area Driveway are constrained by the horizontal and vertical geometry of Main Street. The AASHTO requirements for ISD and SSD minimums are met at the Page School Driveway.

Audit Observations and Potential Safety Enhancements

Pre-TSA site walk meeting was held at the Page School at 694 Main Street in West Newbury. The first stage included brief introductions, a review of the TSA process, and an overview of the safety characteristics for the Main Street / Page School Driveway / Pipestave Recreation Area Driveway area. Each Participant was asked to provide their concerns and comments related to the safety issues at the audit intersection. At the end of the discussion about the area and Driveway intersection deficiencies, the group participated in a site walk to observe the audit location. The third stage of the meeting discussed potential countermeasures for the safety concerns raised during the discussions and site walk.

The TSA Participant's field observations and discussions show that the Participants have several general concerns about existing conditions at the study intersection, which may negatively impact safety. Several of these concerns require further evaluation and design work to develop appropriate safety enhancements. More specific safety challenges located at the audit area intersections are also included.

Summary of Corridor Safety Concerns

The TSA Participants identified the following safety issues for the Main Street / Page School Driveway / Pipestave Recreation Area Driveway area prior to, during, and after the field visit:

- Pedestrian / Equestrian / Bicycle Accommodations
- Sight Distances
- Pavement Markings and Traffic Signage
- Guardrail Condition and Treatments
- Street Lighting

The following section provides a detailed summary of the identified safety concerns and potential safety enhancements along the corridor.

Safety Issue #1: Pedestrian / Bicycle / Equestrian Accommodations

Specific Observations:

Pedestrian Accommodations: It was noted during the TSA that pedestrian traffic across Main Street is low; however, desirable pedestrian destinations such as the Dr. John C. Page School and the Pipestave Recreation Area are adjacent to the study area. Sidewalks are not provided within the study area. Only one marked crosswalk is provided in the area, which crosses Main Street, connecting the west side of the Housing Authority Access Driveway to the east side of the Pipestave Recreation Area Driveway. Pedestrian curb ramps are not provided at the crosswalk location. The TSA Participants also noted that the marked crosswalk is skewed, which increases the crossing distance, and reduces pedestrian visibility at the location. During the audit meeting, it was also noted that vehicles do not always yield to pedestrians at the crosswalk. No crashes during the seven-year study period involved a pedestrian.



Image 1: Skewed/Faded Crosswalk at the Pipestave Recreation Area Driveway

Equestrian Accommodations: The Pipestave Recreation Area includes two equestrian riding rings and access to riding trails. Audit Participants noted that mounted riders sometimes travel along Main Street between the Riverbend Trail to the west of the Page School and the Pipestave Recreation Area. These riders typically use the crosswalk at the Pipestave Recreation Area Driveway to cross Main Street. No crashes during the seven-year study period involved an equestrian.

Bicycle Accommodations: There are currently no bicycle lanes on Main Street. No crashes during the seven-year study period involved a bicyclist.

Potential Safety Enhancements:

1. Consider the relocation of the crosswalk to minimize crossing distance and maximize sight distances.
2. Construct ADA/AAB compliant pedestrian curb ramps at each end of the marked crosswalk.
3. Provide consistent crosswalk marking / treatments at the Pipestave Recreation Area Driveway and the Page School Driveway, preferably high visibility crosswalk markings.
4. Consider the installation of a pushbutton-activated Rectangular Rapid Flashing Beacon (RRFB) to alert motorists of pedestrians crossing at any new or realigned crosswalk at the Pipestave Recreation Area Driveway to increase pedestrian and equestrian visibility and reinforce yielding to crossing compliance. The RRFB could be mounted on posts on the

side of the roadway or overhead. Any RRFB installation should include push buttons within reach of a mounted horseback rider to facilitate equestrian crossings.

5. Evaluate the opportunity of installing a High-Intensity Activated Crosswalk Beacon (HAWK) to increase pedestrian and equestrian visibility and reinforce yielding to crossing compliance.
6. Consider installation of bicycle lanes along Main Street throughout the study area.
7. Evaluate the opportunity of constructing sidewalks along Main Street, the Page School Driveway, the Housing Authority Access Driveway, and the Pipestave Recreation Area Driveway.
8. Expand landscaped area to narrow the Page School Driveway and eliminate unnecessary pavement area to slow vehicle speeds and define pedestrian access to the Page School.

Safety Issue #2: Sight Distance

Specific Observations:

Stopping sight distance (SSD) and intersection sight distance (ISD) are both limited to the west of the Pipestave Recreation Area Driveway along Main Street. The sight lines are impeded by several factors in each direction. Anecdotal observation from the various Audit Participants noted that the lack of clear and extended sight lines for vehicles exiting the Pipestave Recreation Area Driveway is the primary safety issue at the intersection.

Main Street Eastbound - Main Street approaching the intersections from the west is a steep 5.6% uphill before leveling off just before the Pipestave Recreation Area Driveway intersection. The vertical curvature of the roadway profile along Main Street eastbound provides a stopping sight distance (SSD) of approximately 200 feet for eastbound vehicles approaching the Driveway. The intersection sight distance (ISD) from the Pipestave Recreation Area Driveway northbound approach to the west is limited to approximately 220 feet based on the vertical alignment of the roadway, vegetation overgrowth, and signs on a utility pole along the south side of Main Street. The ISD from the Page School Driveway southbound approach facing west is approximately 425 feet, which exceeds the AASHTO minimum for 40 MPH.



Image 2: Limited sight distance from Pipestave Recreation Area Driveway northbound looking west

Main Street Westbound – Sight lines to/from the east at the Pipestave Recreation Area Driveway are constrained by the horizontal curvature of Main Street and are just under the AASHTO minimum requirement of 305 feet. The SSD along westbound Main Street approaching the Pipestave Recreation Area Driveway and the ISD from the Pipestave Recreation Area Driveway facing east both extend approximately

300 feet. The ISD from the Page School Driveway southbound approach facing east and the SSD along westbound Main Street approaching the Page School Driveway are greater than 500 feet, which exceed the AASHTO minimum for 40 MPH.

Potential Safety Enhancements:

1. Consider relocating the utility pole on the southwest corner of the Pipestave Recreation Area Driveway intersection to further extend the sight distance to the west.
2. Trim vegetation along the south side of Main Street to increase the sight distance to the west.
3. Consider installation of an Intersection Conflict Warning System (ICWS), which may warn motorists approaching an intersection of potential conflicts with other approaching vehicles. Such systems include detection of vehicles on the major road, minor road, or both.
4. Consider adding flashing LED intersection warning signs to the Main Street eastbound approach.
5. Consider supplementing intersection warning signs with an overhead flashing beacon. This should not be implemented with an overhead RRFB installation.

Safety Issue #3: Pavement Markings and Traffic Signage

Specific Observations:

Faded Pavement Markings – Audit Participants noted that many of the existing pavement markings along Main Street are faded and/or difficult to see. Pavement markings on the roadway are currently established with paint and typically fade quickly upon application due to external forces, such as plowing operations. In addition, there is currently no break in the roadway centerline or shoulder lines at the entrance to the Pipestave Recreation Area Driveway. The consistent movements in and out of this driveway have resulted in faded pavement markings immediately adjacent to the driveway opening.



Image 3: Faded pavement markings along Main Street adjacent to Pipestave Recreation Area Driveway.

Signage Clutter – Main Street approaching both the Pipestave Recreation Area Driveway and the Page School Driveway from each direction has a series of traffic signage that becomes repetitive and can be seen as sign clutter. This includes in sequential order:

- “SCHOOL BUS ENTERING” [Approx. 900-feet in advance of crosswalk]
- S1-1 w/ “SCHOOL ZONE AHEAD” [Approx. 600-feet in advance of crosswalk]

- School Zone Flasher w/ S5-1
- S1-1 w/ R1-5 [0 to 50-feet in advance of crosswalk]

Many of these signs in their current placement are either redundant or too far in advance of the object / maneuver location to convey a clear message and command respect from the roadway user.

Non-Reflective or Fluorescent Yellow/Green Signage – Certain school area traffic signage in the vicinity of the intersection is either not made of reflective materials or do not present in a fluorescent yellow/green color as allowed by the *Manual on Uniform Traffic Control Devices* (MUTCD) for school area signage. This includes the “SCHOOL BUS ENTERING” signage, the S3-1a “SCHOOL BUS STOP AHEAD” signage, and some of the S1-1 signage on both Main Street approaches.



Image 4: Vegetation blocking West Newbury DPW signage.

Blocked Signage – Some signage along the corridor in the vicinity of the intersection is currently blocked by vegetation overgrowth. At the time of the Audit, the West Newbury DPW directional signage along Main Street eastbound was blocked from view.

Potential Safety Enhancements:

1. Repaint faded pavement markings in the vicinity of the intersection.
2. Eradicate pavement markings directly in front of the Pipestave Recreation Area Driveway.
3. Replace all paint pavement markings in the vicinity of the intersection with recessed polyurea of thermoplastic to extend service life.
4. Remove repetitive traffic signage in advance of the subject driveways and crosswalk. Reposition usable signage closer to the subject driveways and crosswalk to command respect by roadway users.
5. Replace all school area related signage in the area, as necessary, with reflective materials and a fluorescent yellow/green background color.
6. Install new “School Zone” flasher assemblies.
7. Trim vegetation along the sides of Main Street to extend the visibility of traffic signage along the corridor.

Safety Issue #4: Guardrail Treatments and Condition

Specific Observations:

Guardrail is present along the south side of Main Street east of the Pipestave Recreation Area Driveway. A guardrail terminal turned-down end treatment is present immediately adjacent to the Pipestave Recreation Area Driveway. Turned-down end treatments are not crashworthy and may cause vehicles to vault or flip. Although sometimes acceptable on the trailing end of a one-way or divided roadway, the treatment is present on the lead end of the guardrail approach direction. The short segment of guardrail ends at the Booster Station Driveway with a rounded end treatment which appears to be damaged. To the east of the Booster Station Driveway, the guardrail starts with no end treatment. The blunt-end of the guardrail is blocked by a construction drum. Overall, the guardrail appears to have seen multiple strike locations and has visible damage.



Image 5: Turned-down end treatment on approach side of Main Street.

Potential Safety Enhancements:

1. Remove and replace existing damaged sections of guardrail along the south side of Main Street.
2. Remove and replace non-compliant end treatments from guardrail section based on current MassDOT and MASH standards.
3. Add an end treatment to the guardrail section along the east side of the Booster Station Driveway.

Safety Issue #5: Street Lighting

Specific Observations:

There is currently only one overhead streetlight located opposite the Page School Driveway. There is currently no street lighting provided above the Pipestave Recreation Area Driveway or the opposing residential driveway. To the east and west of the intersection where overhead tree canopies are present, overhead street lighting is limited.

Potential Safety Enhancements:

1. Consider additional street lighting on the Main Street corridor in advance of the Pipestave Recreation Area Driveway and Page School Driveway.
2. Add a street lighting luminaire to the utility pole at or directly opposite the Pipestave Recreation Area Driveway.

Summary of Traffic Safety Audit

Each improvement considered has been categorized as having short-term, mid-term, or long-term timeframe for implementation. Additionally, a cost category has been assigned to each improvement based on the definitions shown in Table 4. Table 5 includes a summary of the several potential safety enhancements. Safety benefit estimates are subjective and may be based on the relative percent of crashes that may be reduced by the enhancement based on known and documented crash reduction factors, if available, or estimated crash reduction based on a stated source.

Table 7: Estimated Time Frame and Costs Breakdown

Time Frame		Costs	
Short-Term	<1 Year	Low	<\$10,000
Mid-Term	1-3 Years	Medium	\$10,001-\$50,000
Long-Term	>3 Years	High	>\$50,000

Table 8: Potential Safety Enhancement Summary

Safety Issue	Potential Safety Enhancement	Safety Payoff	Time Frame	Cost	Jurisdiction
Pedestrian / Bicycle Accommodations	Consider the realignment of the crosswalk to minimize crossing distance and maximize sight distances.	Medium	Short-Term	Low	MassDOT
	Construct ADA/AAB compliant pedestrian curb ramps at each end of the realigned crosswalk.	Low	Mid-Term	Medium	MassDOT
	Provide consistent crosswalk marking / treatments at the Pipestave Recreation Area Driveway and the Page School Driveway, preferably high visibility crosswalk markings.	Medium	Short-Term	Low	MassDOT
	Consider the installation of a pushbutton-activated Rectangular Rapid Flashing Beacon (RRFB) The RRFB could be mounted on posts on the side of the roadway or overhead. Any RRFB installation should include push buttons within reach of a mounted horseback rider to facilitate equestrian crossings.	High	Mid-Term	Medium to High	MassDOT
	Evaluate the opportunity of installing a High-Intensity Activated Crosswalk Beacon (HAWK) to increase pedestrian visibility and reinforce yielding to pedestrian crossing compliance.	High	Long-Term	High	MassDOT
	Consider installation of bicycle lanes along Main Street within the study area.	High	Mid-Term	High	MassDOT
	Evaluate the opportunity of constructing sidewalks along Main Street.	High	Long-Term	High	MassDOT

Table 8 (Continued): Potential Safety Enhancement Summary

Safety Issue	Potential Safety Enhancement	Safety Payoff	Time Frame	Cost	Jurisdiction
Pedestrian / Bicycle Accommodations	Expand landscaped area to narrow the Page School Driveway and eliminate unnecessary pavement area to slow vehicle speeds and define pedestrian access to the Page School.	Medium	Short-Term	Medium	MassDOT
	Consider relocating the utility pole on the southwest corner of the Pipestave Recreation Area Driveway intersection to further extend the sight distance to the west.	Medium	Long-Term	High	MassDOT
Sight Distance	Trim vegetation along the south side of Main Street to increase sight distance to the west.	High	Short-Term	Low	MassDOT
	Consider installation of an Intersection Conflict Warning System (ICWS), which may warn motorists approaching an intersection of potential conflicts with other approaching vehicles. Such systems include detection of vehicles on the major road, minor road, or both.	High	Long-Term	High	MassDOT
	Consider adding flashing LED intersection warning signs to the Main Street eastbound approach.	Medium	Short-Term	Low	MassDOT
	Consider supplementing intersection warning signs with an overhead flashing beacon. This should not be implemented with an overhead RRFB installation.	Medium	Mid-Term	Medium	MassDOT

Table 8 (Continued): Potential Safety Enhancement Summary

Safety Issue	Potential Safety Enhancement	Safety Payoff	Time Frame	Cost	Jurisdiction
Pavement Markings and Traffic Signage	Repaint faded pavement markings in the vicinity of the intersection.	Medium	Short-Term	Low	MassDOT
	Eradicate pavement markings directly in front of the Pipestave Recreation Area Driveway.	Medium	Short-Term	Low	MassDOT
	Replace all paint pavement markings in the vicinity of the intersection with recessed polyarea of thermoplastic to extend service life.	High	Short-Term	Medium	MassDOT
	Remove repetitive traffic signage in advance of the subject driveways and crosswalk. Reposition usable signage closer to the subject driveways and crosswalk to command respect by roadway users.	Medium	Short-Term	Low	MassDOT
	Replace all school area related signage in the area, as necessary, with reflective materials and a fluorescent yellow/green background color.	High	Short-Term	Low	MassDOT
	Install new "School Zone" flasher assemblies.	High	Short-Term	Low	MassDOT
	Trim vegetation along the sides of Main Street to extend the visibility of traffic signage along the corridor.	Medium	Short-Term	Low	MassDOT

Table 8 (Continued): Potential Safety Enhancement Summary

Safety Issue	Potential Safety Enhancement	Safety Payoff	Time Frame	Cost	Jurisdiction
Guardrail Treatments and Condition	Remove and replace existing damaged sections of guardrail along the south side of Main Street.	Medium	Mid-Term	Medium	MassDOT
	Remove and replace non-compliant end treatments from guardrail section based on current MassDOT and MASH standards.	High	Short-Term	Medium	MassDOT
	Add an end treatment to the guardrail section along the east side of the Booster Station Driveway.	High	Short-Term	Medium	MassDOT
Street Lighting	Consider additional street lighting on the Main Street corridor in advance of the Pipestave Recreation Area Driveway and Page School Driveway.	Medium	Short-Term	Medium	MassDOT
	Add a street lighting luminaire to the utility pole at or directly opposite the Pipestave Recreation Area Driveway.	Medium	Short-Term	Low	MassDOT

Appendix A. TSA Meeting Agenda and Public Feedback Emails

Agenda

School Safety Audit

JOHN C. PAGE ELEMENTARY SCHOOL

WEST NEWBURY, MA

Meeting Location:

694 Main Street, West Newbury, MA

Wednesday, January 12, 2022

9:00 AM

Type of meeting:

School Safety Audit

Attendees:

Invited Participants to Comprise a Multidisciplinary Team

Please bring:

Thoughts and Enthusiasm!

Welcome and Introductions

- Introductions

Review of Site Specific Material

- Discuss existing geometries and conditions
- Discuss existing observations
- Technical data review

Visit the Site

- Conduct Field Visit
- As a group, identify areas for improvement

Post Visit Discussion

- Discuss observations and findings
- Discuss potential improvements and recommendations

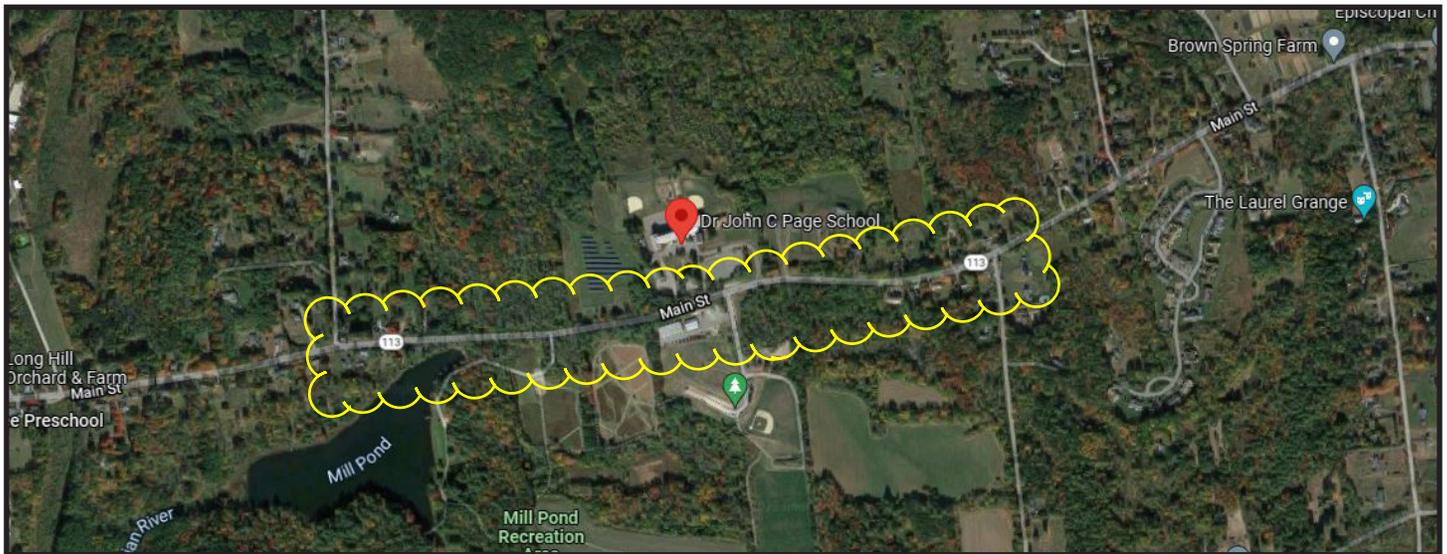
Adjourn

Instructions for Participants:

- All participants will be actively involved throughout the SSA process. Participants are encouraged to come with thoughts and ideas.
- After the SSA meeting, participants will be asked to comment and respond to the document materials to assure it is reflective of the SSA completed by the multidisciplinary team.

Page School / Pipestave Safety Audit

We would like your feedback!



The Town of West Newbury is working with TEC, a transportation planning and engineering firm, to identify opportunities to improve pedestrian, bicycle, and equestrian safety along Main Street (Route 113) near the Page School and the Pipestave Hill Recreation Area. Improvements to promote non-vehicular travel along Main Street (Route 113) and to create safe, visible crossings between facilities are under consideration. As residents and users of these facilities, we would like to hear from you!

Please share your experiences, concerns, and thoughts for improvements to the email below by February 4, 2022. Please indicate if you would like to receive email updates on this project.

As this project progresses, periodic updates will be provided at Select Board meetings. Any recommendations for infrastructure improvements will be incorporated into the Town's capital planning and budgeting.

Any questions, please contact: Elizabeth Oltman, PE (TEC consultant)

Open Session packet for Select Board on 5/23/22

publiccomment@theengineeringcorp.com

From: [Town Manager](#)
To: [publiccomment](#)
Cc: [Liz Oltman](#); [DPW Director](#)
Subject: FW: User activated Pipestave light
Date: Wednesday, January 12, 2022 3:28:18 PM

Below re West Newbury initiative. I've known Joe Geller for years so will follow up as time allows to get more info about the Topsfield projects referenced. Please add below to public comments received on this project, 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

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

From: Deb Hamilton [REDACTED]
Sent: Wednesday, January 12, 2022 12:50 PM
To: Town Manager <townmanager@wnewbury.org>
Subject: User activated Pipestave light

Hi, Angus,
I'm eager to hear about this morning's traffic study meeting, and will talk to Kathy Feehery shortly. Also glad to hear you'll attend the Park and Rec meeting RE avoiding parking and use conflicts during the WNRDC's two fall events.

ECTA chair Martha Sanders just called me, and we wanted you to have Joe Geller's name. He's head of Topsfield Open Space and did the rail trail crossings in Topsfield 6 years ago or so. She also said that the town of Ipswich just finished installing two user-activated, solar-powered lights on Topsfield road, connecting Bradley-Palmer SP with Willowdale. If you're looking into recent pedestrian-equestrian options, I'm out of state the rest of January, hope you don't have many crises to avert!
Deb Hamilton

Total Control Panel

[Login](#)

To:	Message Score: 1	High (60): Pass
publiccomment@theengineeringcorp.com	My Spam Blocking Level: Low	Medium (75): Pass
From: townmanager@wnewbury.org		Low (90): Pass

[Block](#) this sender
[Block](#) wnewbury.org

This message was delivered because the content filter score did not exceed your filter level.

From: [Garrett Wojtukiewicz](#)
To: [publiccomment](#)
Subject: Crossing safety
Date: Monday, January 10, 2022 2:06:54 PM

Hello,

My family and I reside at 178 Main Street and find it dangerous to cross Main Street/rt 113 in the designated cross walks. Would it be possible to install a lighted crossing system similar to what Newburyport has? They seem to really get the attention of passing vehicles.

Thank you for your time,

Garrett Wojtukiewicz


iPhone

Total Control Panel

[Login](#)

To:	Message Score: 1	High (60): Pass
publiccomment@theengineeringcorp.com	My Spam Blocking Level: Low	Medium (75): Pass
From: gwojtukiewicz@yahoo.com		Low (90): Pass

[Block](#) this sender

[Block](#) yahoo.com

This message was delivered because the content filter score did not exceed your filter level.

From: horst@cerevisiacommunications.com
To: [publiccomment](#)
Cc: EEKOWALD@COMCAST.NET
Subject: Avoiding accidents on Rt. 113 near the post office.
Date: Tuesday, January 4, 2022 1:50:31 PM

Hi,

I suggest you create a no-parking and no-stopping section of perhaps 150 yards in front of the West Newbury post office. Vehicles parked curbside in front of the post office currently obstruct the vision for on-coming traffic from the left for anybody exiting the post office parking area. I have had several close calls with invisible, on-coming vehicles already, one with a motor bike approaching at very high speed.

This has become a growing problem as traffic density on Rt. 113 has increased dramatically in recent years.

Cheers.

Horst Dornbusch

Cerevisia Communications LLC

Consultants to the International Brewing Industry
Brewer/Author/Speaker/International Beer Judge
P.O. Box 719/West Newbury/Massachusetts 01985/USA

Phone (USA): [REDACTED] **/Phone (international):** [REDACTED]

<https://www.horstdornbusch.com>

<https://www.cerevisiacommunications.com>



Total Control Panel

[Login](#)

To:	Message Score: 50	High (60): Pass
publiccomment@theengineeringcorp.com	My Spam Blocking Level: Low	Medium (75): Pass
From:		Low (90): Pass
horst@cerevisiacommunications.com	Block this sender	
	Block cerevisiacommunications.com	

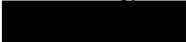
This message was delivered because the content filter score did not exceed your filter level.

From: [John Gregorio](#)
To: [publiccomment](#)
Subject: Re: Page School / Pipestave Safety Audit
Date: Wednesday, March 2, 2022 11:42:19 AM

Hello,
Just confirming you received this email.
Thank you,
John

On Mon, Jan 3, 2022 at 3:23 PM John Gregorio <johngregorio1234@gmail.com> wrote:
Dear Elizabeth Oltman, PE

In regards to this study, we live on Chase street in town. When my daughter attended the Page school, we'd sometimes walk to school. We found this sometimes difficult because there was no sidewalk. I was told since this is a state road, they need to put sidewalks in. We feel a contiguous sidewalk on 113 would better connect us to not only the Page but also the library and other town services. I know several neighbors would agree with this assessment as well. I'd be glad to discuss more. Please keep me updated with the progress.

Thank you very much,
John Gregorio


----- Forwarded message -----

From: Town of West Newbury MA <cmsmailer@civicplus.com>
Date: Mon, Jan 3, 2022 at 2:40 PM
Subject: Page School / Pipestave Safety Audit
To: <JOHNGREGORIO1234@gmail.com>

Page School / Pipestave Safety Audit

We would like your feedback!

The Town of West Newbury is working with TEC, a transportation planning and engineering firm, to identify opportunities to improve pedestrian, bicycle, and equestrian safety along Main Street (Route 113) near the Page School and the Pipestave Hill Recreation Area. Improvements to promote non-vehicular travel along Main Street (Route 113) and to create safe, visible crossings between facilities are under consideration. As residents and users of these facilities, we would like to hear from you!

Please share your experiences, concerns, and thoughts for improvements to the email below by February 4, 2022. Please indicate if you would like to receive email updates on this

From: [Linda Schaeffer](#)
To: [publiccomment](#)
Subject: Pipestave Recreational Area
Date: Friday, February 4, 2022 1:27:35 PM
Attachments: [Base map Pipestave Mill Pond Conservation Restriction copy- garden area.pdf](#)
[Entrance to Pipestave .docx](#)

Hi

I want you to take this opportunity to tell you about a proposed project at the Entrance to The Pipestave Area off of Rte. 113.

The area I am talking about is located on the right side, in front of the fence blocking the view from the Highway Dept. materials.

I have attached a map with the area noted with a blue mark. I have also included a brief write up about the proposed plan for a Demonstration Garden of Native plantings.

I would appreciate your taking this project into consideration when planning any improvements to the entrance and when planning your budget.

Any questions, feel free to contact me either by email or phone 978-363-5251.

Thank you,
Linda Schaeffer

Total Control Panel

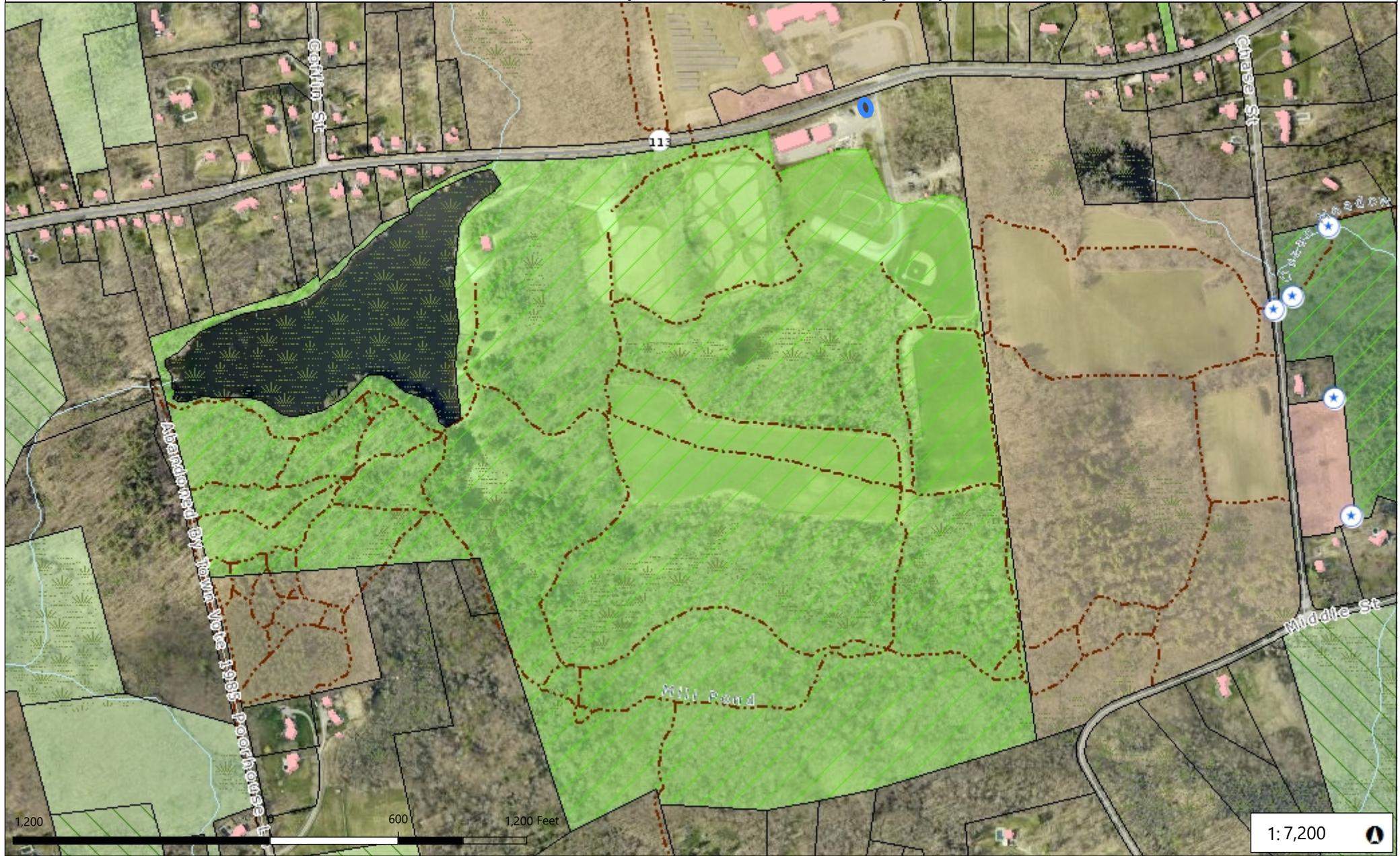
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To:
publiccomment@theengineeringcorp.com
From: linda-schaeffer@verizon.net

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Town of West Newbury Mill Pond / Pipestave / Dunn Property

1/25/2022



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

Open Session packet for Select Board on 5/23/22

Legend	
MVPC Boundary	Open Space Monitoring
In Progress	Complete
Denied	Conservation Restriction
Major Road	Local Road
Streams	Wetlands
Other	Other
Building Footprints	CR
Parcels	APR
Trails	Requested
Roads	Scheduled
Easements	Chapter Land



Entrance to Pipestave Hill Recreation Area.

The West Newbury Wild and Native (WN2) is a newly formed group in town, dedicated to sharing information and resources for residents of West Newbury to integrate native plants into their gardening, to support pollinators and to work on eradicating invasive plants in our yards and town owned lands. The WN2 has requested the area to the right as you enter the Pipestave Hill Recreation Area at the intersection of Rte.113 and Pipestave to be developed into a native demonstration garden. This garden would be used to help the community learn about the advantages of planting natives, the need to restore our bee, bird, and insect population and the increasing need for biodiversity within our community. The area would be aesthetically pleasing as well as ecologically sound.

This gateway garden would be one of several demonstration gardens within West Newbury. The visibility of this area is important to not only the West Newbury residents but to the various people traveling along Rte.113. It is our hope that seeing this garden and reading the signage will promote resident awareness of how native plantings in our yards and town spaces can be an important measure we all can take to ensure the ecological benefits of increased biodiversity right here in our local community.

From: [Patricia Christofferson](#)
To: [publiccomment](#)
Subject: I taught at the Page for 24 years, and knew how very dangerous Rte. 113 was for crossing with a group of kids. No sidewalks on either side poses the most problems. Some parents had to park in the equestrian area and had to cross through busy traffic..
Date: Monday, January 3, 2022 5:19:01 PM

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To: [publiccomment@theengineeringcorp.com](#) Message Score: 10 High (60): **Pass**
My Spam Blocking Level: Low Medium (75): **Pass**
From: pchristofferson@hotmail.com Low (90): **Pass**

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From: [Pat Skibbee](#)
To: [publiccomment](#)
Subject: West Newbury/non-vehicular access along Rte. 113, especially near Pipestave/Page School
Date: Tuesday, January 4, 2022 8:40:32 AM

Good Morning, and thank you for asking for public comment.

The steep upward-sloping embankments near the entrance and on both sides of the street to both Pipestave and the Page School make any project to provide for safe non-vehicular access 100% impractical and wildly out-of-line expensive. Further, there are no residences for some considerable distance on both sides, north and south, of these entrances, extremely minimal "need" for pedestrian access. This specific area should be left as it is.

Put the money and effort into areas that can actually be improved.

Patricia Skibbee



West Newbury

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To: publiccomment@theengineeringcorp.com Message Score: 15 High (60): **Pass**
My Spam Blocking Level: Low Medium (75): **Pass**
From: pat@rivervalleyrealestate.com Low (90): **Pass**
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From: [Pauliina Swartz](#)
To: [publiccomment](#)
Subject: Fw: Page School / Pipestave Safety Audit
Date: Monday, January 3, 2022 8:35:59 PM

Hi,

I live a few driveways from the Page School entrance on Main Street in West Newbury. I don't feel safe walking on Main Street in the area of Page School/Pipestave Hill. My biggest concern are the cars coming from Page School. Cars turning from the school to Main Street often barely stop. Do the drivers coming from the school take time to notice any walkers or bikers when making their turns? Also, there is a ton of through traffic on that section of Main Street. I ride my bike on Main Street in the opposite direction from Page School (towards Newburyport). It can take a long time for me to be able to turn from our driveway to Main Street because there is so much traffic. It would be great to have a wider breakdown lane near the Page School entrance though I am not sure that is possible given property lines and hilliness of the area.

Thanks for this ability to submit feedback.

Pauliina Swartz

W Newbury

----- Forwarded Message -----

From: Town of West Newbury MA <cmsmailer@civicplus.com>
To: "ppswartz@yahoo.com" <ppswartz@yahoo.com>
Sent: Monday, January 3, 2022, 02:41:02 PM EST
Subject: Page School / Pipestave Safety Audit

Page School / Pipestave Safety Audit

We would like your feedback!

The Town of West Newbury is working with TEC, a transportation planning and engineering firm, to identify opportunities to improve pedestrian, bicycle, and equestrian safety along Main Street (Route 113) near the Page School and the Pipestave Hill Recreation Area. Improvements to promote non-vehicular travel along Main Street (Route 113) and to create safe, visible crossings between facilities are under consideration. As residents and users of these facilities, we would like to hear from you!

Please share your experiences, concerns, and thoughts for improvements to the email below by February 4, 2022. Please indicate if you would like to receive email updates on this project. As this project progresses, periodic updates will be provided at Select Board meetings. Any recommendations for infrastructure improvements will be incorporated into the Town's capital planning and budgeting. Any questions, please contact: Elizabeth Oltman, PE (TEC consultant) publiccomment@theengineeringcorp.com

From: ppgpmcdowell@verizon.net
To: [publiccomment](#)
Date: Monday, January 3, 2022 5:15:44 PM

hi
How about a traffic light and a very large cross walk painted in the style that makes it look 3D
Polly Mcdowell
I would love updates.

Total Control Panel

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To:
publiccomment@theengineeringcorp.com
From: ppgpmcdowell@verizon.net

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From: [Raymond Cook](#)
To: [publiccomment](#)
Subject: Page School and pedestrian traffic
Date: Saturday, January 8, 2022 2:13:43 PM
Attachments: [image001.png](#)

Hello!

I've been thinking about this for years. It's a worthy topic to research and discuss.

'Just a couple of notes.

I think a pedestrian bridge across 113 is quite feasible. This would cross the highway where it is already depressed going from roughly the area of the apartment building to behind the highway barn. Yes, it would be expensive, but this would allow students and pedestrians to safely cross from Page School to Pipestave and allow the Page School parking area to be used for events on Pipestave Hill.

Though a sidewalk from the Training Field to Page School would be difficult, I think it's a worthy effort. It's a shame our kids can't walk or ride their bikes to Page right now. There's not a lot of room to work with on either side of 113, but I think it's possible to thread a sidewalk through. What becomes more challenging, however, is the hill from the low spot on 113 up to Page School. I worry a kid on a bike coming down the hill on a sidewalk could lose control. Here, I think an unusual solution is worth exploring: having a sidewalk with switchbacks come up in the field between 113 and the solar field. Not only would this protect kids and pedestrians from 113 and help kids keep control of their bikes, switchbacks could be made ADA compliant providing the proper slope and resting spots along the way. A downside of this approach is that the users would not be readily visible from 113 and that may concern parents, but I think the benefits here outweigh the costs.

Finally, the whole traffic intersection in the area, I think, should be redone. I believe the entrance to Pipestave should be relocated East so that it's directly across from the current Page School entrance. This would require fill and be costly, but it would provide better visibility and safety and a traffic light could be added at the intersection. Furthermore, the current entrance to the school area, that which passes by the apartment building, should be reworked to the west. Two separate entrances are required for the school building for safety reasons, and having the two so close together as they are now is skirting the law and unsafe. A major accident on the highway in the current intersection area could trap students and others in the Page School lot. Emergency egress from Page School, I believe, is also currently inadequate.

Thanks for the opportunity to weigh in.

Ray Cook, [REDACTED]



Raymond A. Cook, PE, PhD

Associate Professor (Structural Design)
BSCIVE Undergraduate Coordinator
BSCIVE Exchange Coordinator

Department of Civil and Environmental Engineering

W181 Kingsbury Hall, 33 Academic Way
Durham, NH 03824
ray.cook@unh.edu

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My Spam Blocking Level: Low Medium (75): **Pass**
From: ray.cook@unh.edu Low (90): **Pass**

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From: [sarah nickerson](#)
To: [publiccomment](#)
Subject: Main street
Date: Tuesday, January 4, 2022 2:19:14 PM

Hello,

I am 100% on board for redoing this stretch of 113! I have 3 kids and I would never let them ride their bikes or walk along this stretch of town. It would be great to have sidewalks or something off the road to travel on. Even as an adult, I don't feel comfortable walking there.

On another note, I live on Cherry Hill Street. This street and Bachelor are other unsafe streets for walking/biking/running. Cars fly by up and down these roads. I put up "slow down" signs but it is really bad. Also, big trucks cut through all the time. I would love to open up a conversation around this area and see if any improvements/restrictions can be put into place to increase safety in these neighborhoods.

We live in such a beautiful, rural area and it stinks that most parents are not comfortable letting their kids walk or bike around town purely because of restricted sidewalk access and cars that drive way too fast!!!

Thank you,
Sarah Santipadri

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From: nickersonsarah@yahoo.com		Low (90): Pass
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From: [Todd Basque](#)
To: [publiccomment](#)
Subject: pedestrian traffic improvements WN main street
Date: Tuesday, January 4, 2022 11:45:29 AM

I have lived in town for about 4 to 5 years now and i have noticed that there are a lot of cross walks that are present on 113 but not obvious to drivers (even those that live in town). I was thinking that a simple option may be to use the solar powered yellow indicator lights for people to use to identify that they want to cross the street as people's intentions are not always obvious.

I have seen setups like this used in Danvers and other municipalities for rail trail crossings and such. I don't think we need a full stop light setup like they installed near the post office. but just indicator lights would be good so that pedestrians can identify when they want o cross the street and cars don't have to guess.

Todd Basque


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To:	Message Score: 1	High (60): Pass
publiccomment@theengineeringcorp.com	My Spam Blocking Level: Low	Medium (75): Pass
From: todd.basque@yahoo.com		Low (90): Pass

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Appendix B. Traffic Count Data

Appendix C. Detailed Crash Data

Crash Data Summary Charts
 Main Street (Route 133) @ Pipestave Recreation Area Driveway / Page School Western Driveway - West Newbury, MA
 01/01/2016 - 05/09/2022

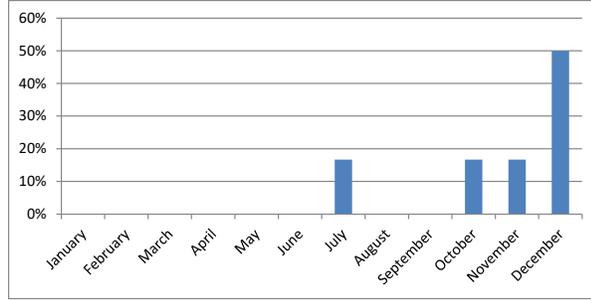
Collision Diagram	Crash Date	Crash Time	Ambient Light	Weather Condition	Road Surface	Number of Vehicles	Crash Severity	Number of NonFatal Injuries	Manner of Collision	Driver Contributing Codes	Detailed Narrative (from Crash Report)
1	12/20/2016	9:49 AM	Daylight	Clear	Dry	2	Property Damage Only	0	Rear-end	Inattention / Distracted	MV1 travelling EB on Main Street (Route 113) was rear-ended by MV2 after making a stop for a left turn into the Page School (694 Main Street) driveway.
2	10/16/2017	2:54 PM	Daylight	Cloudy	Dry	1	Property Damage Only	0	Single Vehicle	Inattention / Distracted	MV1 which was towing a trailer was travelling SB from driveway at 692 Main Street. When attempting to make a right into Main Street the trailer rode up on a rock at the end of a driveway causing the trailer to flip onto the left side in the middle of Main Street.
3	11/18/2017	9:46 AM	Daylight	Cloudy	Dry	1	Property Damage Only	0	Single Vehicle	D1: (Unknown)	Single vehicle struck a pole at the Page Elementary School driveway.
4	12/30/2017	5:03 PM	Dark - Not Lighted	Cloudy	Dry	1	Property Damage Only	0	Single Vehicle	No Improper Driving	MV1 travelling Main Street (Route 113) EB struck a deer that came out from the Solar Field area.
5	12/03/2018	5:44 PM	Dark - Lighted	Clear	Dry	1	Property Damage Only	0	Single Vehicle	No Improper Driving	MV1 travelling Main Street (Route 113) WB struck a deer just east of page school driveway.
6	07/06/2020	11:46 AM	Daylight	Clear	Dry	2	Property Damage Only	0	Head-on	Inattention / Distracted	MV1 travelling NB on Page School driveway was struck by MV2 travelling SB on the wrong side of the road.

Crash Data Summary Charts

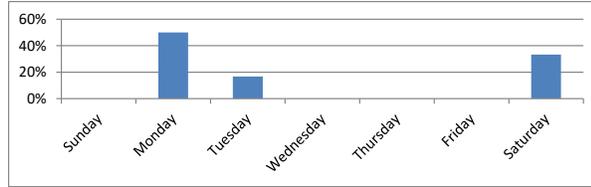
Main Street (Route 133) @ Pipestave Recreation Area Driveway / Page School Western Driveway - West Newbury, MA
01/01/2016 - 05/09/2022

Main Street (Route 133) @ Pipestave Driveway 6

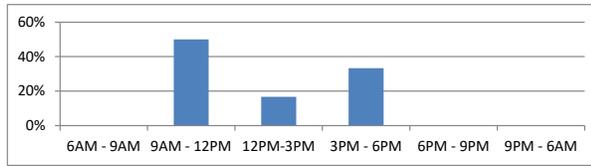
Month	#	%
January	0	0%
February	0	0%
March	0	0%
April	0	0%
May	0	0%
June	0	0%
July	1	17%
August	0	0%
September	0	0%
October	1	17%
November	1	17%
December	3	50%



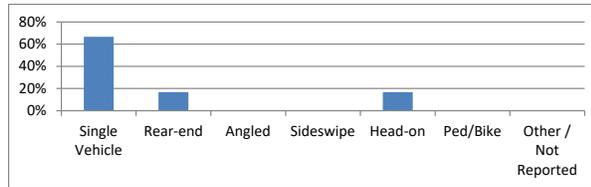
Day of Week	#	%
Sunday	0	0%
Monday	3	50%
Tuesday	1	17%
Wednesday	0	0%
Thursday	0	0%
Friday	0	0%
Saturday	2	33%



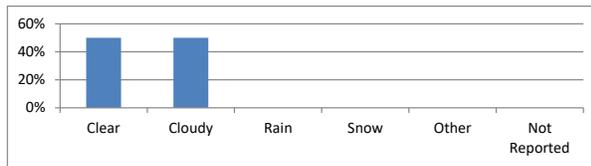
Time of Day	#	%
6AM - 9AM	0	0%
9AM - 12PM	3	50%
12PM-3PM	1	17%
3PM - 6PM	2	33%
6PM - 9PM	0	0%
9PM - 6AM	0	0%



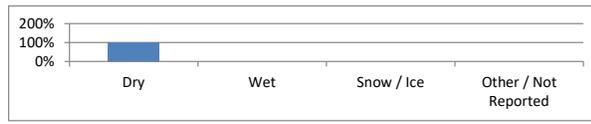
Manner of Collision	#	%
Single Vehicle	4	67%
Rear-end	1	17%
Angled	0	0%
Sideswipe	0	0%
Head-on	1	17%
Ped/Bike	0	0%
Other / Not Reported	0	0%



Weather Conditions	#	%
Clear	3	50%
Cloudy	3	50%
Rain	0	0%
Snow	0	0%
Other	0	0%
Not Reported	0	0%



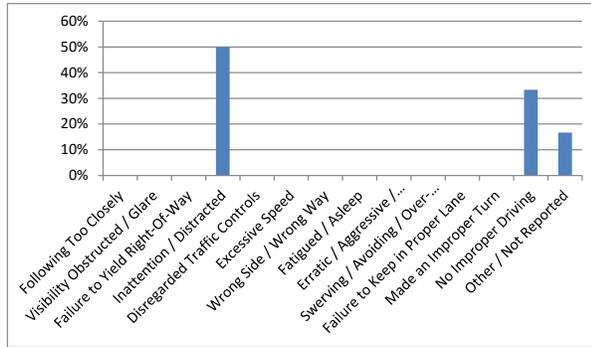
Road Surface	#	%
Dry	6	100%
Wet	0	0%
Snow / Ice	0	0%
Other / Not Reported	0	0%



Crash Severity	#	%
Property Damage Only	6	100%
Non-Fatal Injury	0	0%
Fatal Injury	0	0%
Not Reported	0	0%



Main Contributing Factor from Narrative	#	%
Following Too Closely	0	0%
Visibility Obstructed / Glare	0	0%
Failure to Yield Right-Of-Way	0	0%
Inattention / Distracted	3	50%
Disregarded Traffic Controls	0	0%
Excessive Speed	0	0%
Wrong Side / Wrong Way	0	0%
Fatigued / Asleep	0	0%
Erratic / Aggressive / Reckless Driving	0	0%
Swerving / Avoiding / Over-Steering / Over-Correcting	0	0%
Failure to Keep in Proper Lane	0	0%
Made an Improper Turn	0	0%
No Improper Driving	2	33%
Other / Not Reported	1	17%



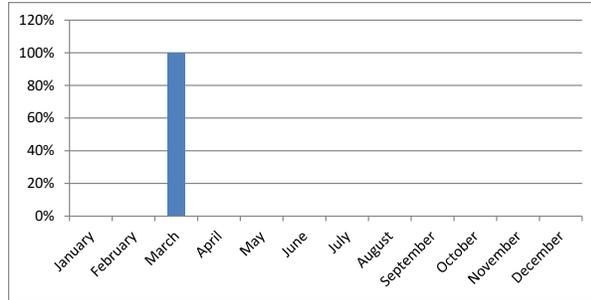
Crash Data Summary Charts
 Main Street (Route 133) @ Page School Eastern Driveway - West Newbury, MA
 01/01/2016 - 05/09/2022

Collision Diagram	Crash Date	Crash Time	Ambient Light	Weather Condition	Road Surface	Number of Vehicles	Crash Severity	Number of NonFatal Injuries	Manner of Collision	Driver Contributing Codes	Detailed Narrative (from Crash Report)
1	03/25/2022	3:00 PM	Daylight	Clear	Dry	2	Property Damage Only	0	Rear-end	No Improper Driving	EB MV1 and MV2 were travelling on Main Street (Route 113) when MV2 was rear-ended by MV1.

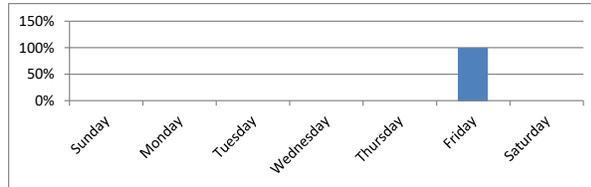
Crash Data Summary Charts
Main Street (Route 133) @ Page School Eastern Driveway - West Newbury, MA
01/01/2016 - 05/09/2022

Main Street (Route 133) @ Page School Driveway **1**

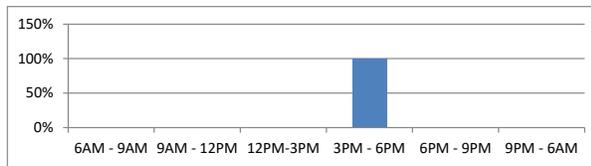
Month	#	%
January	0	0%
February	0	0%
March	1	100%
April	0	0%
May	0	0%
June	0	0%
July	0	0%
August	0	0%
September	0	0%
October	0	0%
November	0	0%
December	0	0%



Day of Week	#	%
Sunday	0	0%
Monday	0	0%
Tuesday	0	0%
Wednesday	0	0%
Thursday	0	0%
Friday	1	100%
Saturday	0	0%



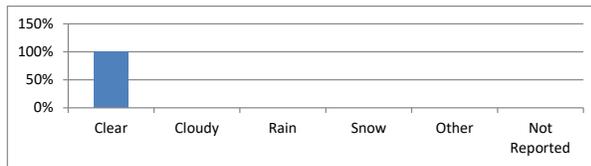
Time of Day	#	%
6AM - 9AM	0	0%
9AM - 12PM	0	0%
12PM-3PM	0	0%
3PM - 6PM	1	100%
6PM - 9PM	0	0%
9PM - 6AM	0	0%



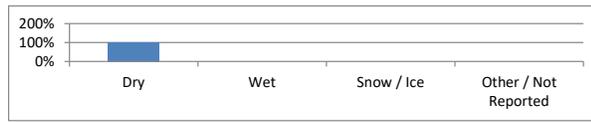
Manner of Collision	#	%
Single Vehicle	0	0%
Rear-end	1	100%
Angled	0	0%
Sideswipe	0	0%
Head-on	0	0%
Ped/Bike	0	0%
Other / Not Reported	0	0%



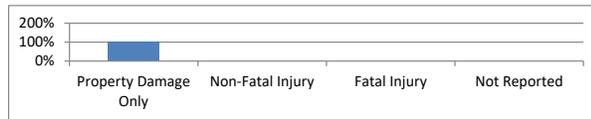
Weather Conditions	#	%
Clear	1	100%
Cloudy	0	0%
Rain	0	0%
Snow	0	0%
Other	0	0%
Not Reported	0	0%



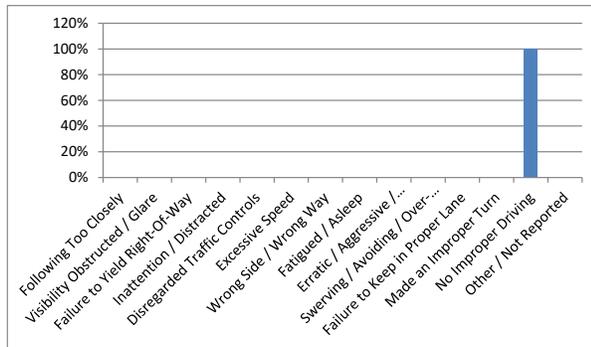
Road Surface	#	%
Dry	1	100%
Wet	0	0%
Snow / Ice	0	0%
Other / Not Reported	0	0%



Crash Severity	#	%
Property Damage Only	1	100%
Non-Fatal Injury	0	0%
Fatal Injury	0	0%
Not Reported	0	0%



Main Contributing Factor from Narrative	#	%
Following Too Closely	0	0%
Visibility Obstructed / Glare	0	0%
Failure to Yield Right-Of-Way	0	0%
Inattention / Distracted	0	0%
Disregarded Traffic Controls	0	0%
Excessive Speed	0	0%
Wrong Side / Wrong Way	0	0%
Fatigued / Asleep	0	0%
Erratic / Aggressive / Reckless Driving	0	0%
Swerving / Avoiding / Over-Steering / Over-Correcting	0	0%
Failure to Keep in Proper Lane	0	0%
Made an Improper Turn	0	0%
No Improper Driving	1	100%
Other / Not Reported	0	0%



Appendix D. Additional Information

Appendix E. Traffic Safety Audit References

Traffic Safety Audit References

FHWA Office of Safety - Proven Safety Countermeasures, U.S. Department of Transportation, Federal Highway Administration <https://safety.fhwa.dot.gov/provencountermeasures/>.

Road Safety Audits, A Synthesis of Highway Practice. NCHRP Synthesis 336. Transportation Research Board, National Cooperative Highway Research Program, 2004.

Road Safety Audits. U.S. Department of Transportation, Federal Highway Administration, <https://safety.fhwa.dot.gov/rsa/>

FHWA Road Safety Audit Guidelines. U.S. Department of Transportation, Federal Highway Administration, 2006.

Road Safety Audit, 2nd edition. Austroads, 2000.

Road Safety Audits. ITE Technical Council Committee 4S-7. Institute of Transportation Engineers, February 1995.



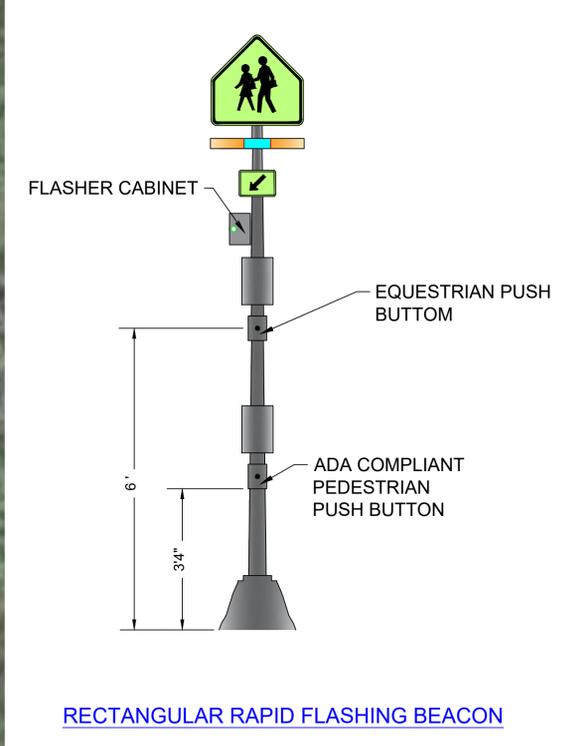
SIGN LEGEND	
S1-1 W16-9P	
W16-7P	
S4-5a	
S5-2	

Signage Replacement Plan

- Legend
- = Asphalt Sidewalk
 - = ADA Compliant Wheelchair Ramp
 - = Grass
 - = Rectangular Rapid Flashing Beacon



SIGN LEGEND	
S1-1 W16-9P	
W16-7P	
S4-5a	



Site Access Vision

Legend

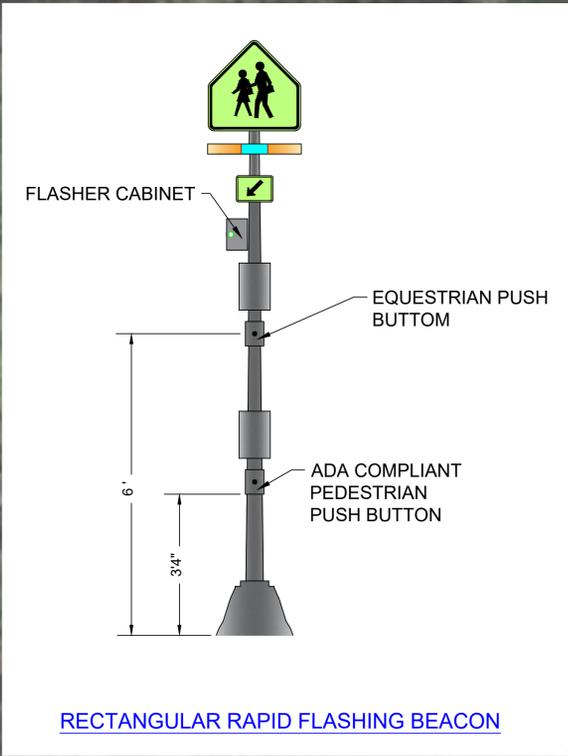
- = Asphalt Sidewalk
- = ADA Compliant Wheelchair Ramp
- = Grass
- = Rectangular Rapid Flashing Beacon

May, 20 2022

Main Street at School Driveway
West Newbury, Massachusetts
Option II



SIGN LEGEND	
S1-1 W16-9P	
W16-7P	



Site Access Vision

- Legend**
- = Asphalt Sidewalk
 - = ADA Compliant Wheelchair Ramp
 - = Grass
 - = Rectangular Rapid Flashing Beacon



Expression of Interest Feedback Report

Applicant Organization: West Newbury

Document ID: EXP-FY23-West Newbury-West Newbu-00465

Date Submitted: 03/18/2022

Thank you for submitting an Expression of Interest (EOI) to the Community One Stop for Growth. We are excited to partner with you in the pursuit of opportunities to achieve economic growth for your organization and/or community.

Your submission has been reviewed by the One Stop Team, which includes representatives from EOHEd, DHCD, MassDevelopment, and other state partner agencies as deemed necessary. This report summarizes the team's collective review of your EOI, and provides feedback and comments intended to assist you in the decision, and preparation, to submit your Full Application(s) for consideration in the current funding round.

GENERAL FEEDBACK:

- Your municipality is an **MBTA Community** as identified in MGL section 3A c40A. Please be aware of requirements posted on December 15, 2021, that must be met by May 2, 2022 as articulated in the document "MBTA Communities: How to Comply in 2022" which can be found at: mass.gov/mbtacomunities. The law provides that a noncompliant MBTA community will not be eligible for funds from the following grant programs: (i) the Housing Choice Initiative; (ii) the Local Capital Projects Fund; or (iii) the MassWorks Infrastructure Program. Please review the requirements carefully, particularly if you intend to apply in the Planning & Zoning or Infrastructure categories in this round of the Community One Stop.
- Based on the Rural and Small Town designation, the municipality qualifies for consideration by the [Rural and Small Town Development Fund](#) for projects submitted in the Planning and Zoning, Site Preparation, Building, and Infrastructure categories. Please note that the Rural and Small Town Development Fund will fund a maximum of one (1) project per community. The applicant should carefully review the guidelines for the [Rural and Small Town Development Fund](#) for details about how this type of project would be evaluated.
- This Expression of Interest has multiple projects eligible in the Planning and Zoning category, which would require the submission of a separate Full Application for each. The team recommends that the applicant prioritize the projects and only submit one of

them in this round, to avoid having its projects compete against each other. Please note that the program guidelines for the [Community Planning Grants](#) state that each community will only be eligible to receive one grant award.

PROJECT SPECIFIC FEEDBACK:

- **Project 1: Technical Assistance for Obtaining Compliance with MBTA Communities Multi-Family Zoning District Requirements**
 - Based on the description, the team confirms that this project is eligible and would fit in the [Planning and Zoning](#) category.
 - In this case, the applicant should carefully review the guidelines for the [Community Planning Grants](#) for information on how this type of project would be evaluated.

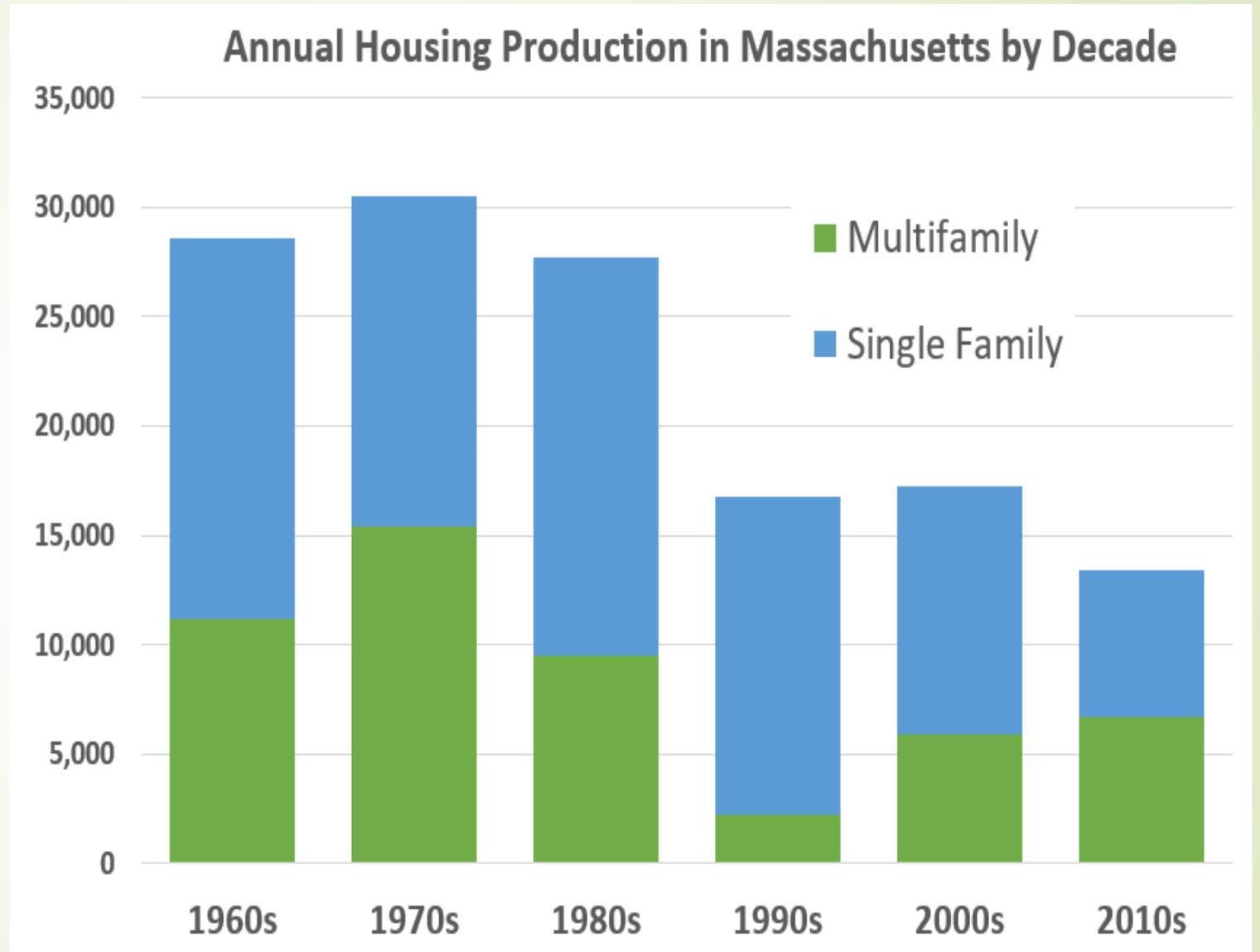
- **Project 2: Comprehensive Review of and Revisions to West Newbury Bylaws, Regulations, Policies, and Procedures**
 - Based on the description, the team confirms that this project is eligible and would fit in the [Planning and Zoning](#) category.
 - In this case, the applicant should carefully review the guidelines for the [Community Planning Grants](#) for information on how this type of project would be evaluated.

In conclusion, the guidance provided above is intended to help a prospective applicant decide if they will submit a Full Application(s) to the One Stop and to provide guidance for how to strengthen such submission(s). This advice is not meant as a promise or guarantee that an application will be successful. Eligible applicants are expected to review and adhere to the posted guidelines for the programs in the corresponding categories in which they plan to submit. All applications will be reviewed and/or scored on a competitive basis.



40A Section 3A Multi-Family districts for MBTA communities

- ▶ Condensed by decade you can see the drastic decrease in home production
- ▶ There is an estimated shortage of 200,000 housing units in the state



The Housing Crisis

- Massachusetts has among the highest, and fastest growing, home prices and rents of any state in the nation.
- Rising costs have dramatically increased financial pressures on low- and middle-income families, forcing them to sacrifice other priorities in order to pay housing costs. High housing costs are a primary driver of homelessness.
- The lack of housing production is an impediment to economic community development.

Legislation Summary

The Acts of 2020, Chapter 358, Section 18 **were adopted** into law on 1/14/2021 (“Multi-Family Districts under Section 3A of the Zoning Act”).

- ▶ The law requires a zoning bylaw that:
 - * Has at least 1 district of **reasonable size**, multi-family housing is permitted as of right with no age restrictions. and must be suitable for families with children).
 - * District of **reasonable size**:
 - (i) minimum gross density of 15 units per acre,
 - (ii) located not more than 0.5 miles from a commuter rail station, subway station, ferry terminal or bus station, if applicable.
- ▶ The law requires that DHCD promulgate guidelines to determine if an MBTA Community is in compliance with the law.
- ▶ ***This is a Zoning Mandate, NOT a Housing Production Mandate.***

Draft Guidelines

- ▶ DHCD released Draft Guidelines for Public Comment on December 15, 2021. The Public Comment Period Closes on March 31, 2022.
- ▶ Requirements of Draft Guidelines (not all-inclusive):
 - * The Guidelines categorize West Newbury as an “Adjacent Community”, which is an MBTA Community with no transit station within its border or within 0.5 mile of its border.
 - * Create a multi-family “as of right” zone or overlay of “reasonable size” with a minimum gross density of 15 units per acre
 - * District must be a minimum of 50 acres
 - * Minimum number of multi-family units. The greater of:
 - 10% of existing housing stock for Adjacent Communities (West Newbury=1,740 units)
 - or**
 - 750 units (50 acres x 15 units per acre = 750 units gross)
 - * No restrictions on age, unit size, number of bedrooms, size of bedrooms or number of occupants

What does this look like in each community?

Community	MBTA Community Type	2020 Housing Units	Min. # Of Units in District	Community	MBTA Community Type	2020 Housing Units	Min. # Of Units in District
Amesbury	Adjacent	7889	789	Merrimack	Adjacent	2,761	750
Andover	Commuter rail	13,541	2,031	Newbury	Commuter rail	3,072	750
Boxford	Adjacent	2,818	750	Newburyport	Commuter rail	8,165	1,292
Georgetown	Adjacent	3,159	750	N. Andover	Commuter rail	11,914	1,787
Groveland	Adjacent	2,596	750	Rowley	Commuter rail	2,405	750
Haverhill	Commuter rail	27,927	4,189	Salisbury	Adjacent	5,305	750
Lawrence	Commuter rail	30,008	4,501	W. Newbury	Adjacent	1,740	750
Methuen	Adjacent	20,194	2,019	TOTAL	-	143,494	22,608

Why Do We Need to Comply?

Communities that do not comply with the legislation will be ineligible for the following state grant programs:

- ▶ Housing Choice Community Grants
- ▶ MassWorks
- ▶ Local Capital Projects Funds

Within the Past few years, West Newbury has received the following funds.

Housing Choice	\$0
MassWorks	\$1 Million - Plummer Spring Road Bridge over the Artichoke Reservoir
Local Capital Projects Funds	\$0

Timeline for Implementation



To View the Draft Guidelines, visit: <https://www.mass.gov/info-details/draft-compliance-guidelines-for-multi-family-districts-under-section-3a-of-the-zoning-act>

To make public comments to DHCD by the March 31st deadline, visit: <https://www.mass.gov/forms/submit-public-written-comment-on-draft-guidelines-for-multi-family-zoning-requirement-for-mbta-communities>

Pentucket Regional School District

Superintendent

Dr. Justin Bartholomew

22 Main St.

West Newbury, MA 01985



FOR IMMEDIATE RELEASE

Wednesday, May 11, 2022

Media Contact: Tom Zuppa

Phone: 617-993-0003

Email: tom@jgpr.net

***CORRECTED* Pentucket Regional School
Committee Approves 2022-2023 Budget,**

Shares Information About Cuts, Additional Fees

(Corrects community of Chair Christopher Markuns)

WEST NEWBURY – Superintendent Justin Bartholomew and the Pentucket Regional School Committee wish to share an update about the District's 2022-2023 budget, and the impact it will have on students, staff, and faculty.

The School Committee unanimously approved a budget of \$47,846,000 for the coming school year on Tuesday, May 9. The Committee had requested an additional \$1.34 million in spending to cover an ongoing structural deficit between state funding and the actual cost of services.

The District sought increased funding through a Proposition 2 ½ override, which voters in Groveland and Merrimac did not approve.

To close a \$1.34 million gap, the School Committee approved Superintendent Bartholomew's recommended cuts:

General expenses (\$528,364)

- Reduce HS/MS supplies, \$45,864
- Stop paying for field trips in Grades 6 and 7, \$28,000
- Reduce Paraeducators positions by two, \$40,000
- Reduce athletic teams to two male and two female teams per sport, \$25,000
- Discontinue a percussion contract, \$24,500
- Do not hire a human resources manager, \$115,000

- Reduced the number of special education teachers from six to four, \$120,000
- Do not hire Tech Repair or Tech Theater support, \$85,000
- Eliminate special education coordinator days during the summer, \$45,000

Increased fees (\$325,950)

- Increase before-school and after-school program fees by \$50 per session, or \$110 for both sessions, \$160,000 (*estimate*)
- Double athletic fees in effect in the 2020-2021 school year, and eliminate family cap, in the 2022-2023 school year only, \$105,950 (*Students who have an economic hardship would still be eligible for a waiver.*)
- Eliminate one bus route, \$60,000

Staff reductions (\$485,686)

- Eliminate one nurse position
- Eliminate 1.2 English Language Arts positions (Middle-High School)
- Eliminate one Math teaching position (Middle-High School)
- Eliminate one Science teaching position (Middle-High School)
- Eliminate one Visual Arts teaching position (Middle-High School)
- Eliminate a .7 Performing Arts teaching position (Middle-High School)
- Eliminate one Physical Education/Wellness teaching position (Middle-High School)
- Reduce Art teaching position at Page Elementary School from 1.0 to 0.6
- No Library/Media Aide at Bagnall Elementary School
- Eliminate one elementary teaching position each at Bagnall Elementary School and Sweetsir Elementary School

"None of this is fair. None of this is good, but it's where we are," Superintendent Bartholomew said.

Increased fees and staffing cuts were spread across the District, while attempting to protect elementary grades where development of health, wellness and interpersonal skills are especially critical.

Committee members concurred with the recommendation to not seek a smaller override. A second override would mean a larger number of teachers would receive notification of possible non-renewal on Friday, and create great uncertainty across the District into July.

The spending gap is being driven by a series of factors, including a significant decrease in state funding:

- Student transportation costs will increase by more than \$500,000 next year. The state does not follow its obligation to fully fund regional school transportation, and actually is cutting Pentucket's allocation by \$144,000 next year.
- Pentucket will receive just \$67,500 in additional Chapter 70 funding.
- While the state promotes its \$1.5 billion Student Opportunity Act, the District will receive only \$58,000 from the Act next year.

Superintendent Bartholomew and Committee Chair Christopher Markuns of Merrimac recommended that residents and town officials begin working together immediately to find funding solutions for the 2023-2024 budget.

"The state is swimming in extra money, and we're cutting \$1.34 million," Superintendent Bartholomew said. "The funding formula does not work."

To see Superintendent Bartholomew's presentation to the School Committee, click [here](#).

###

A message from Pentucket Regional School District

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John Guilfoil Public Relations LLC
8 Prospect St.
Georgetown, MA 01833
617-993-0003

Town Manager

From: Carol McLeod - Finance (X3040) <cmcleod@townofmerrimac.com>
Sent: Monday, May 16, 2022 8:48 AM
To: Town Manager
Subject: FW: Chapter 70 Funding- Regional - LAW CHANGE
Attachments: Letter to Groveland Select Board .docx; Pentucket Budget- Cuts-Rationale .docx; School Transportation MEETING - OVERIDES.docx

FYI

Carol A. McLeod
Finance Director, Treasurer, Town Administrator
Town of Merrimac
4 School St.
Merrimac, MA 01860
(978) 346-0524

Office Hours:

Monday 8 AM – 7 PM
Tuesday – Thursday 8 AM – 4 PM

From: Joseph D'Amore <damorecos@gmail.com>
Sent: Friday, May 13, 2022 11:20 AM
To: Carol McLeod - Finance (X3040) <cmcleod@townofmerrimac.com>; Stefanie DeRosa <Stefaniederosa@yahoo.com>
Subject: Chapter 70 Funding- Regional - LAW CHANGE

Hi Carol: I am not sure why this didn't flow through earlier this morning
Please feel free to share this e mail and all three attachments with your counterparts in West Newbury and Select Board, Fin Com members. I've also added a Letter To The Editor with yellow highlights to express two specific proposals I hope to get support on

Thank you
Joe

E MAIL TO jsullivan@newburyportnews.com

Hi James
Thanks for your time yesterday
This explains what I highlighted yesterday in two key areas

1. Transportation is severely cut and the state is not fulfilling their obligations stated when we first "regionalized" years ago (I don't know the year)
- 2 Student Opportunity Act. Yes to qualify for funds the district did file a 3 year plan but look how much it received.

Representative Mirra spoke with me after I called him in the morning and we spoke at length for idea of at least one citizen in the commonwealth asking at least one legislator to consider modifying or creating a new law . I pursued same approach to change our Select Board from 3-5 members in 2014 and a similar process is now underway to eliminate our Finance Director position and to eventually replace the law that currently supports our first Town Administrator by a state law----with instead our own ---Town Administrator By Law (I chaired this committee for 2 years to make this second significant change in our town government) However, these examples are easy because they are HOME RULE PETITIONS (Meaning that a local government asks the General Court to support a change in their form of government or key operations.

The goal of changing the State Aid formula is not home rule petition but will impact regional schools in all of the Commonwealth

Lenny believes that even though we should target the entire formula, the only real chance we may have is to change

- a) Special Education Circuit Breaker amounts that are paid
- b) Boost to promised levels Chapter 70 Transportation

This is going to be a tough fight at Beacon hill but we have to try

Lenny told me he will immediately enlist Senator Bruce Tarr to pursue this

I called Andrew Carden , Chief of Staff of Senator Diana DiZoglio who later in the day he returned message that the Senator would attend --or if unable---send a representative to any meeting in the Pentucket district to openly discuss the idea of funding formula law changes. Senator Diana and I have a long history of jointly working community projects and I've never been able to vote for her because she's out of district (Methuen) . However, this year she is running for State Auditor (state - wide vote)

Just before I called you Representative Mirra and I spoke again and he told me that a meeting with all 3 towns was being planned after he had heard from public officials in Merrimac about the same idea.

Thank you
Joe D'Amore

[REDACTED], Groveland, MA 01834
[REDACTED]

cc. S. DeRosa (Jim - Stefanie is a volunteer in this effort who tracks my communications)

2 Attachments

School Transportation Costs Must Be Increased

As reported in the Eagle Tribune on May 13th: On May 10th the Senate House, Ways & Means Committee conducted a widely attended Zoom meeting regarding the state's unrestricted general government aid formula (UGGA). For many years the state has pursued a sensible policy of increasing aid to flow to local cities and towns that keep up with actual state revenues. This increase for this year is expected to be 5.4% But will the money actually hit the bottom lines of cities and towns---and Pentucket Regional Schools?

The Pentucket towns increase property taxes at 2.5% unless there are also debt exclusion (debt for purchases) or override tracks (past or future requested). Yet the cost of operating the schools are escalating beyond 2.5% typically and regarding school transportation the rising costs are significantly above this level

Pentucket's transportation costs are expected to increase by \$500,000 in FY22. This, in part, is related to a host of factors cited by transportation operators such as increased fuel costs, intense competition for drivers and staff in a shrunken labor market and supply issues related to mechanical parts. Even though there is a bidding process the realities are the district has virtually no negotiation ability since there is very little competition for favorable bids.

Add to this the fact that the regional school administration has announced an anticipated reduction of \$144,000 in Chapter 70 (Transportation) funding and the emergence of one of the key factors for the recent override request becomes apparent.

Both regional school districts and the town's at Pentucket are drawing at straws to pay for a critical service with escalating costs coupled with an unacceptable reduction in state aid.

I've dialogued this week with a state representative to ask him to lead an effort to make two changes -- through new law or modification of existing law---in the regional state funding formula.

The first change is the creation of a separate state aid formula specifically for transportation costs. Financial support and increases from the state should be based on a more robust formula that mimics the real costs that regional districts actually experience. Additionally, should there be "windfalls" of increases in UGGA these should be overlaid as well.

Secondly, a separate state aid formula should be created to more closely support the actual cost experiences of regional districts for special education.

Though these changes may not resolve all the funding requirements of regional districts in future years, bolstering these two categories can establish a higher base line that may reduce the incidences of override requests while placing intense pressure on both school systems and cities and towns that support them.

Joe D'Amore

Groveland, MA

to Selectmen@grovelandma.com, Ruth, lenny.mirra May 12, 2022

Good afternoon

At next opportunity I will attend a Select Board meeting at Public Comments to deliver these remarks and otherwise, offer them here to you in advance as a courtesy for your consideration.

1. I've contacted and spoken directly with Representative Mirra this morning and he will enlist Senator Bruce Tarr without necessitating my direct outreach to Senator Tarr to attend a meeting in Groveland in June (or Town Meeting at your discretion)
2. The purpose of the meeting is to directly petition a legislative team to seek definitive public policy changes in state aid for regional school districts. Both me and Representative Mirra believe that the overall goal of an actual change to the formula will be very difficult if not outright impossible. However, two smaller targets are possible.
 - a) Bolster Sped Ed Circuit Breaker driven by actual " per regional school " need, populations or use
 - b) Restore or establish Chapter 70 (Transportation)funding to levels that were promised at the onset of regionalization.

Why Groveland Select Board as situs of this meeting?

Because we have expertise on budgets through members of our Finance Committee and Select Board who can help guide the discussion and offer opinions that will have material impact.

Who should be invited?

I would hope that whether this is an agenda item or public forum , you should formally invite key stakeholders such as the Superintendent of schools , school committee members and Fin Com/ Select Board / TA members of West Newbury and Merrimac.

Subsequent to speaking to Representative Mirra I exchanged emails with Andrew Carden the Chief of Staff for Senator Diana DiZoglio who informed me that the Senator will either attend or dispatch a representative at this meeting.

When should the meeting be held ?

I recommend 2nd meeting in June after Town Meeting and budget matters and other urgent issues are settled.

ALTERNATIVE: YOU MAY CHOOSE TO INVITE THE LEGISLATORS FOR TOWN MEETING. If you do please make the invitations and/ or ask me to do that for you (Legislators only) > All others (ie. Superintendent/ SC) should be pursued by you

In my opinion , we do not need to form a government study committee because the transfer of an idea to willing legislators who have technical, legal and financial teams to formulate law , policy or changes to either will produce the results we are hoping for.

Thank you for your consideration

Joe D'Amore

[REDACTED], Groveland, MA

[REDACTED]

I

**Town of West Newbury
Select Board
Monday, April 21, 2022
381 Main Street, Town Office Building
www.wnewbury.org
Meeting Minutes-DRAFT**

Open Session: The joint meeting was called to order at 7:05 pm.

Participation at the Meeting:

Town Moderator- KC Swallow
Town Counsel- Timothy Zessin
Town Manager- Angus Jennings
Town Clerk- James Blatchford
Finance Committee- Walter Burmeister, Christopher Wile, Jim Sperelakis

Announcements

- The broadcast information and virtual log-in instructions (see agenda for details).
- Sign up for announcements at the town website www.wnebury.org/subscribe.
- The Town-wide Roadside Cleanup: Saturday April 23 and Sunday April 24, 2022 (See page 2 for additional information). Information available on the Town website.
- Arbor Day events organized by the West Newbury Tree Committee Saturday, April 30, 2022 (See page 3 for additional information).
- Town Election Monday, May 2nd 7am-8pm. Annual & Special Town Meetings: Saturday May 14, 2022 at 9am.

Regular Business

A. Joint meeting with Finance Committee/ Moderator/ Town Counsel/ Town Manager regarding Town Meetings to be held Saturday, May 14, 2022

Town Manager Angus Jennings gave a summary of the recommendations the Finance Committee made on the articles for the Annual & Special Town Meeting. Article 1: The Finance Committee voted approve the updated amount listed for the water system study (4 Yes, 0 No). Article 2: The Finance Committee voted to rescind the borrowing authorization for the Soldiers and Sailors building restoration approved in fall 2019 (4 Yes, 0 No). Article 3: The Finance Committee made no recommendation for the request to authorize disposition in anticipation of an accompanying zoning amendment at a future town meeting. Article 4: The Finance Committee made no recommendation for the proposal to fund the removal of the building, state stabilization, and conceptual estate planning. Article 5: The snow and ice number provided was believed to be the final number. Jennings stated that recommendations were received from both the Select Board and the Finance Committee for almost all of the articles.

It was explained the DPW articles had started as one article but were then broken down into 3 different articles (Article 6, Article 17, and Article 18). The Finance Committee voted on the 5 components of Article 6 as separate items with the recommendation to approve 4 of the items. The Moderator, KC Swallow, stated the language within Article 6 should be simplified, and the Town Meeting should only approve/deny the amount proposed, not the specific items the funds were allocated to be used. Jennings stated the Finance Committee had broken the article down into the 5 components to make their recommendation. Reed asked if the Finance

Committee could revisit Article 6 before the Town Meeting as the recommendation given was not on the article as a whole.

Parker made a motion to strike all verbiage from the comma following the word “town” to the word “building” including the word building.

Swallow asked why the phrase “or take any other action related thereto” was added to each article. The moderator stated disapproval of the phrasing as it could cause additional motions to be made that would fall under the scope of the article. Timothy Zessin, Town Council, gave insight into the phrasing and stated the clause was included as a protective measure for the Town in the event someone challenged a vote as beyond the scope of the article.

Parker asked if there was a second to the motion. Archibald seconded. Discussion ensued surrounding if the Finance Committee could re-vote on the article as a whole within the timeframe before the Town Meeting. Jennings suggested the Finance Committee could prepare a recommendation during the scheduled meeting prior to the Town Meeting.

Motion unanimously passed (3 Yes 0 No).

Reed asked to discuss Soldiers and Sailors Article 3 and Article 4. The Joint Meeting members discussed what would happen if both articles passed. Jennings stated that in the event both articles passed, the Select Board would ultimately have the authority to chose which article to move forward with. Discussion ensued as to whether the articles could be combined. Parker stated the Town should have the option as to which route to pursue. Reed stated the Select Board should provide a position if both articles were placed on the warrant. Parker asked if the Finance Committee would re-address the articles if they were to be combined. It was stated the Finance Committee did not want to take a position. Discussion continued as to how the articles could be combined or if a sunset clause could be placed within Article 3. Archibald stated opposition towards combining the articles.

Archibald made a motion to support Article 3. Reed seconded. Reed asked to include the sunset clause language into the article. It was decided that 2 years was an appropriate amount of time. The language to include “by sale or lease, on or by June 30, 2024” was added to Article 3. Motion passed (2 Yes, 1 No).

The Selectboard briefly discussed the Article 4. **Parker made a motion to support Article 4. Reed seconded. Motion failed (1 Yes, 2 No).** Parker stated for the record the opinion that the sale of the building would fail. Jennings clarified that both articles would remain on the warrant but that Article 3 would be presented as a Select Board recommendation.

Parker made a motion to withdraw Article 12 from the Annual Town Meeting. Archibald seconded. Motion unanimously passed (3 Yes, 0 No). Parker stated a more thorough plan was needed as the area required more work than just removal of invasive growth.

Archibald made a motion to approve Article 5 (snow and ice) on the Special Town Meeting. Parker seconded. Motion unanimously passed (3 Yes, 0 No).

Archibald made a motion to approve Article 1 (water system study) on the Special Town Meeting. Parker seconded. Motion unanimously passed (3 Yes, 0 No).

Jennings stated numbers listed in Article 8 (revolving funds) had been updated. **Archibald made a motion to approve revised Article 8 on the Annual Town Meeting. Parker seconded.** Section 5.3 (Police Vehicle Revolving Fund) was discussed. **Motion unanimously passed (3 Yes, 0 No).**

Jennings advised the Select Board not to vote on the revised budget as the item was listed on the Select Board Meeting Agenda for April 25, 2022.

Swallow asked if any appropriations were new stabilization. Jennings reviewed the draft of the Finance Committee booklet and stated Articles 15 through 21 and Article 2 on the Annual Town Meeting involved stabilization.

B. Appointment of Michael D. Dwyer as Interim Police Chief through May 6, 2022 (the date of Chief Durand's scheduled retirement, and beginning of M. Dwyer's term as permanent Police Chief)

Parker made a motion to appoint Michael D. Dwyer as Interim Police Chief April 13, 2022 through May 6, 2022 he will be sworn in as permanent Police Chief. Reed seconded. Motion unanimously passed (3 Yes, 0 No).

Parker made a motion to adjourn to Executive Session under MGL Chapter 30A § 21(a)2 and § 21(a)3. Reed seconded. Motion unanimously passed (3 Yes, 0 No).

Open Session adjourned 8:58pm



Town of West Newbury
Select Board
Monday, April 25, 2022
381 Main Street, Town Office Building
www.wnewbury.org
Meeting Minutes- Draft

Open Session: The open session was called to order at 7:20pm by Chairman Parker.

Participation at the meeting:

- Select Board Members: Richard Parker, David Archibald, and Wendy Reed
- Town Manager, Angus Jennings
- Town Clerk, James Blatchford
- Board of Fire Engineers: Chief Mike Dwyer, Dave Evans, and Ben Jennell (Jennell appeared virtually)
- Lark Madden
- Conservation Commission Chair, Judy Mizner (virtually)

Announcements:

- This meeting is being broadcast on local cable TV and recorded for rebroadcast on the local cable channels and on the internet. Meeting also accessible by remote participation; see agenda for details.
- Arbor Day events organized by West Newbury Tree Committee – Saturday, April 30th (See pages 3 and 4 for additional information)
- Special and Annual Town Meeting – Saturday, May 14, 2022 at 9am, Bandstand
- Town Elect Monday, May 2, 2022- Polls open 7am-8pm
- May/June Council on Aging Newsletter now available! (See pages 5-14 for additional information)
- Thank you to all those who participated in the roadside cleanup!
- Reminder to subscribe for emailed Town news/announcements at <https://www.wnewbury.org/subscribe>

Regular Business

A. Request for appointment of members to Board of Fire Engineers

Dave Evans and Chief Mike Dwyer appeared before the Select Board with Ben Jennell appearing remotely. The Select Board discussed the number of members currently on the Board of Fire Engineers and stated 5 applications had been received (see exhibit A pages 15-21 for additional details). Parker and Archibald spoke in support of increasing the number of members on the Board of Fire Engineers, citing the addition of new members and furthering the professional resumes of firefighters as a benefit.

Parker made a motion to appoint Dave Evans, Mike Dwyer, Ben Jennell, Cooper Carifio, and Mark Marlowe as members of the Board of Fire Engineers. Archibald seconded.

Chief Dwyer addressed the Select Board and discussed benefits of moving from the current 3-member board to the proposed 5-member board. Chief Dwyer stated that after appointment, the Board of Fire Engineers would meet and the division of responsibilities would be determined amongst the members. Operational control would be handled through the Fire Department structure while the Board of Fire Engineers would be responsible for capital planning, capital assets, special requests, and budget planning.

Motion passed (Yes 3, No 0, Abstain 0)

James Blatchford, the Town Clerk, stated an email would be generated to the appointees with information relevant to being sworn in.

B. Update on request for temporary road closure, of a portion of Church Street, for use as staging area for Rocks Village Bridge repairs

Jennings stated the contractor in communication with DPW was not yet under contract with MassDOT and recommended to wait until the vendor was formally under contract before moving forward. Correspondence that addressed a number of questions concerning the staging area was presented (see exhibit B pages 22-30 for additional information). Traffic flow and access to the boat launch area were not addressed in the correspondence. It was stated that follow-up on whether motor vehicle access from Church Street to Bridge Street through the use of Ferry Lane would be needed. The Select Board discussed the substantial additional costs for transportation for Pentucket and Whittier Vocational school students due to the closure of the bridge. It was suggested to contact Town Counsel to see if the trucking company would be liable for any of the additional transportation costs for the school districts. Jennings stated contact would be made with Town Counsel concerning this matter.

Select Board member Archibald exited the meeting.

C. Consider sending request to MassDOT to restrict truck traffic from Rocks Village Bridge

Parker spoke favorably to restricting truck traffic from the Rocks Village Bridge and suggested the Town request MassDOT to consider additional exclusionary systems to prevent over height trucks from attempting to cross the bridge. Parker stated height restriction warning sign did not deter the truck driver from attempting to cross the bridge and something more than a sign was needed (see exhibit C pages 31-34 for additional details). A letter from the Haverhill City Council President was presented requesting the Town of West Newbury to join Haverhill in lobbying MassDOT for permanent truck restrictions for the bridge. Reed asked if the Haverhill City Council had included Merrimac in this request. It was stated the letter from the City Council was only sent to the West Newbury community as the town directly abutted the bridge.

Parker made a motion to make a request to MassDOT to put a truck restriction on the bridge to include an appropriate system for sensing and warning over height vehicles. Reed seconded. Archibald absent. Motion passed (Yes 2, No 0, Abstain 0)

D. Update on MBTA Communities legislation, and responses to questionnaire due to State DHCD on/by May 2, 2022

Jennings asked for clarification as to who should be listed under 5b1 of the questionnaire (see exhibit D pages 35-42 for additional details).

Parker made a motion to list Angus Jennings as the responsible individual for the MBTA Communities for the compliance with section 3A of c40A. Reed seconded. Archibald absent. Motion passed (Yes 2, Abstain 0, No 0)

Jennings stated the meeting minutes of the presentation the planning board would need to be submitted.

E. Request for authorization to submit Mill Pond ANRAD to Conservation Commission

Parker and Reed stated there were no questions concerning this item (See exhibit E pages 43-65 for additional details).

Parker made a motion to authorize Mill Pond ANRAD to Conservation Commission. Reed seconded. Archibald absent. Motion passed (Yes 2, No 0, Abstain 0)

It was decided to take item G out of order from the agenda.

G. Review/make recommendations on proposed warrant articles, including proposed FY23 operating budget (updated with Finance Committee recommendations), for spring Annual and Special Town Meetings scheduled for Saturday, May 14, 2022 at 9am

Parker stated the 3 changes to the operating budget involved an increase of \$20,000 in the Financial Committee budget, a reduction of \$18,000 to the waste disposal portion of the Board of Health, and the library 10hr support position roughly \$8600 (see exhibit G pages 85-126 for additional details). Jennings asked if the Select Board was in agreement with the 3 changes. **At this point Archibald re-entered the meeting.** Jennings explained the reasoning behind the reduction in budget for solid waste disposal and the increase to the Financial Committee reserve fund. The Select Board members briefly discussed the solid waste budget and the recycling budget. It was clarified the recycling budget was separate from the solid waste disposal budget. **Parker made a motion to accept the changes proposed on the FY23 operating budget for the spring Annual and Special Town meeting with the updated Finance Committee recommendations. Reed seconded. Motion passed (Yes, 3 Abstain 0, No 0)**

Jennings asked if any edits in the language used within the draft warrant were required. It was noted that the bylaws were most likely to be placed at the end of the warrant and had not been placed in the draft at that time.

Parker made a motion to accept the proposed warrant articles for the spring Annual and Special Town Meetings. Reed seconded. Motion passed (Yes 3, No 0, Abstain 0)

It was decided to address agenda item F at this time.

F. Review of updated proposed Wetlands Protection Bylaw

Archibald stated the new bylaw would create additional workload for the Conservation Committee and over 100 properties in the community would be affected (see exhibit F pages 66-84 for additional details). The proposed 100-foot setback would include the properties across the street, therefore doubling the number of properties affected. Archibald stated concern for property owners as simple property maintenance decisions would require appearance before the Conservation Committee for approval. Archibald was not favorable towards the tone of the bylaw and read an excerpt to illustrate the point. Parker stated it would be good for the Town to have a wetlands bylaw where the Select Board could make certain discretionary changes, but the

proposed bylaw went too far. Conversation ensued surrounding the restrictions associated with the proposed bylaw and how the areas of wetlands would need to be identified. Jennings asked if the Finance Committee booklet should include the Select Board recommendation. The Select Board discussed whether a vote had been taken to recommend the bylaw or to approve the bylaw on the warrant. Jennings stated the Select Board had previously voted to recommend the bylaw.

Parker made a motion to reconsider the prior recommendation for the proposed bylaw.

Archibald seconded. Motion passed (Yes 3, No 0, Abstain 0)

Parker discussed the reasoning for reconsideration of recommendation. Jennings stated one of the requirements of the storm water permit included the mapping of areas with swales and water quality testing, but was unsure of the timeline of when this would need to occur. The Select Board continued discussion concerning the impact on the community and the needed administrative resources associated with the bylaw.

Parker made a motion to support the bylaw. Archibald seconded. Parker and Archibald voted in opposition. Reed voted in favor. Motion failed (Yes 1, No 2, Abstain 0)

It was decided to take item L out of order from the agenda.

L. Discussion of West Newbury Investment Policy Statement, and potential to incorporate guidelines and/or requirements regarding divestment from fossil fuels

Parker spoke in favor of consideration in rebidding the management of funds and potentially moving away from investment in fossil fuels (see exhibit L pages 150-172 for additional details). Archibald spoke in opposition, stating the dislike of one business could snowball into dislike of multiple businesses and therefore minimize the ability of the investment manager to maximize returns. Archibald stated the fiduciary responsibility of any pension system was to provide the maximum return for the benefit of the pension holder. Jennings recommended the Select Board to take no further action than to refer this item for future study.

Lark Madden appeared before the Select Board. Madden stated data suggested ESG (environmental, social, and governance) investing has outperformed over the long term. In the short term, the OPEB portfolio was not invested aggressively in oil stocks and could have performed better if a more balanced portfolio was present. Madden stated this was a policy matter for the Town and not an IPC level decision. Madden recommended the Select Board to look into ESG managers and their relative performance against benchmarks as ESG was a broader approach to investment.

The Select Board discussed various funds and their levels of performance. Jennings stated a draft RFQ had been created. Conversation continued surrounding the language and objectives to be included in the RFQ, as well as what roles the Treasurer, Select Board, and the ICP Committee would have in the process. Jennings stated by statute the Treasurer would ultimately have sole authority on this matter. Parker stated continued discussion and exploration of options was needed on this topic as it involved more than divestment from fossil fuels. Jennings stated communication would be sent to the IPC as support to discuss this matter further was expressed from the Select Board. **No motions were made at this time.**

H. Discussion of potential proposal (for future Town Meeting) to amend zoning applicable to site of the Soldiers & Sailors Memorial Building

Jennings discussed an email that suggested referring this item for analysis to the Planning

Board (see exhibit H page 127 for additional details). Archibald asked if any strategy was gained from the consultant. Jennings stated the consultant verified the restoration of the building by an outside party was going to come at a big cost where the zoning did not allow for very much. Jennings discussed what would be required if a zoning amendment was supported and asked if the parcel would be included in an existing zoning district or if it would be a stand-alone zoning district. Jennings stated this item was placed on the agenda in order for the Select Board to discuss questions that might arise before the Town Meeting. The Select Board discussed spot zoning and the historic use of the parcel of land in question. It was decided to wait until after Town Meeting to refer this matter to the Planning Board. **No motions were made at this time.**

I. Update regarding consideration of potential Municipal Vulnerability Preparedness action grant proposal

Parker stated at the prior Select Board meeting it was decided the proposed grant was too extensive and the town did not have the administrative resources to support the workload at this time (see exhibit I pages 128-133 for additional details). Instead of continuing with the grant as a whole, the Resilience Committee would work over the course of the summer to determine the amount needed in order to pursue an analysis of the risk to River Road, specifically from climate change. The matching funds amount would be included at the Special Town Meeting in the Fall. **No motions were made at this time.**

J. Review of potential policy to waive 15-day waiting period for effective date of Town Manager personnel appointments

Jennings presented a draft of the policy for the Select Board to review (see exhibit J page 134 for additional details). **Archibald made a motion to approve the policy to waive 15-day waiting period for effective date of Town Manager personnel appointments. Reed seconded. Motion passed (Yes 3, No 0, Abstain 0)**

K. Consideration of referring potential amendments to Personnel Policy (regarding sick and personal-day accruals for qualified part-time employees) for public hearing

The Selectboard discussed the increments of accrual for personal leave for qualified part-time employees (see exhibit K pages 135-149 for additional details). Jennings stated the amendment would increase the amount of personal leave for all employees and would address the ambiguity of how many hours of personal leave were in a day as some employees worked part-time. Parker stated the proposed policy would increase the personal leave from 8hrs to 16hrs per year for full time employees. For part-time employees, the time would be pro-rated dependent upon the number of hours the qualified part-time employee worked per week. **Archibald made a motion to refer the personal leave policy for amendment to a public hearing May 9, 2022. Parker seconded. Motion passed (Yes 3, No 0, Abstain 0)**

Jennings discussed sick day accruals and the language used within the current policy. The Select Board discussed how the current policy could be misinterpreted and how the pro-rated language from the proposed personal leave policy for qualified part-time employees could be used within the sick policy. **Parker made a motion to refer the sick accrual rate for reclarification to a public hearing May 9, 2022. Archibald seconded. Motion passed (Yes 3, No 0, Abstain 0)**

Town Manager Updates

M. Discussion of practice of scheduling site visits on Sundays and holidays, including Easter Sunday

Jennings presented a proposal for consideration to disallow any board, commissioner, or committee appointed by the Select Board to schedule any work event where attendance is required on any Sunday that is part of a 3-day weekend or any holiday recognized as such in the West Newbury personnel policies or Easter Sunday (see exhibit M page 173 for additional details). Archibald stated the opinion that employees should not be required, unless on an emergency basis, to have regular responsibilities on any Sunday. This would exclude the Board of Fire Engineers as some trainings /drills are scheduled on the weekends. Judy Mizner, Conservation Commission Chair, appeared before the Select Board virtually. Mizner stated Sunday site visits were scheduled to accommodate members of the commission, as they are unable to attend during the weekday working hours, and the Conservation Agent was not required to attend. Mizner stated the site walk completed Easter Sunday of 2022 was scheduled at the applicant's request as an accommodation for the applicant. Parker stated in roughly the past 6 months, there were 3 different site walks scheduled during weekends or holiday weekends. Jennings clarified a site walk was scheduled for Columbus Day weekend and had been rescheduled, but a site walk did take place on New Years Day. Mizner and Jennings disagreed as to whether attendance of employees was required at site walks. Jennings stated that presenting employees with the choice to either miss a work obligation or give up a holiday entitled to under the personnel policy was profoundly disrespectful. The Select Board, Jennings, and Mizner discussed how site walks were scheduled around the Conservation Commission meetings that occur twice a month. Parker suggested this item to be placed on the following agenda as a proposed policy. Jennings stated the proposal would be sent to Mizner. **No motions were made at this time.**

N. Update on recent attendance at Lappin Foundation's Two Steps Forward against Antisemitism Summit

Jennings reviewed the recommendations from the Antisemitism Summit (see exhibit N pages 174-178 for additional details). The recommendations included recognition of International Holocaust Remembrance Day and January as Holocaust Education month. Jennings stated these items would be brought before the Select Board in December to vote for a proclamation.

O. Update on Board of Assessors transfer of \$100,000 from Overlay Account to Overlay Surplus Account

Jennings presented a memo of recommendation from the Chief Assessor to the Board of Assessors concerning the transfer of \$100,000 from Overlay Account to Overlay Surplus Account (see exhibit O page 179 for additional details). Jennings stated the Board had already voted on this matter and this was merely informational.

P. Follow up meeting assignment; placing items for future agendas

- Parker requested to discuss starting a Town Charter and the steps needed to complete this. Jennings discussed the differences between creating a Charter Commission, a Town Charter Study Committee, and a Town Government Study Committee.

- Jennings discussed creating a work plan for the Select Board for the next year to clearly illustrate the commitments already in place and to determine what capacity is left to take on additional items.
- Reed requested road race organizers to be required to notify residents of the event through signage or other means. It was suggested to include the requirement on the event application.
- It was stated that Parker would be out of town May 15th-30th. Contingency plans in the event of rain for the Annual and Special Town Meeting May 14th were briefly discussed. It was decided to maintain the scheduled Select Board meeting May 23, 2022 in Parker's absence but to potentially make adjustments to the summer schedule of meetings.

Archibald made a motion to adjourn. Parker Seconded. Motion unanimously passed (Yes 3, Abstain 0, No 0). Open session adjourned at 10:51pm

Town Manager

From: Kreisel, Sara <SKreisel@bscgroup.com>
Sent: Wednesday, May 18, 2022 5:12 PM
To: DEPwaterways@mass.gov
Cc: daniel.padien@mass.gov; ben.lynch@state.ma.us; Town Manager; Jon-Eric White; DPW Director; mcarthurenvironmental@gmail.com; Morrison, Micah; Walden, Diana L.
Subject: Ch 91 Regulatory Pathway for West Newbury / Newburyport - EEA Number 16412
Attachments: UpperArtichokeReservoir_WestNewburyNewburyport_ProposedMinorModPackage_Under_Chapter91_May18_2022.pdf

Dear DEP Waterways Reviewer,

We have previously coordinated with the Waterways Program regarding Chapter 91 jurisdiction and the proposed permitting pathway and would like to coordinate further with Department at this time. Ben Lynch had previously provided this review if he is available, for the sake of continuity. For your consideration, we have included a discussion and relevant documentation as an attachment to this email, a copy of which is being mailed to your office.

We would be happy to discuss with you further and look forward to your reply.

Regards,
Sara

Sara E. Kreisel, PWS
Ecological Project Manager

Personal Pronouns: She/Her/Hers ([Why pronouns?](#))

skreisel@bscgroup.com

BSC Group

PO Box 60658 | Worcester | MA, 01606
803 Summer Street | Boston | MA, 02127

direct | 617-896-4579

main | 508-792-4500

May 18, 2022

www.bscgroup.com

MassDEP Waterways Program
Chapter 91 Reviewer c/o Ben Lynch
1 Winter Street – 5th Floor
Boston, MA 02108

RE: Upper Artichoke Reservoir Bridge Replacement Project
West Newbury / Newburyport, Massachusetts
Chapter 91 – Minor Project Modification

Dear Reviewer:

The Town of West Newbury and the City of Newburyport are jointly proposing the replacement of an existing bridge carrying Middle Street / Plummer Spring Road over the Upper Artichoke Reservoir. BSC Group provided the bridge design services and prepared the environmental permit applications for the Project. We have previously coordinated with the Waterways Program regarding Chapter 91 jurisdiction and the proposed permitting pathway.

The project has been previously made available for notice and opportunity for public comment on two separate occasions: 401 Water Quality Certification on Jan 22, 2021, and for the MEPA ENF on July 23, 2021. The Waterways Program's August 13, 2021 letter for the public comment period for the MEPA Certificate (EEA Number 16412) asserted Chapter 91 jurisdiction over the project based on 310 CMR 9.04(1)(e), and on the assumption that the Upper Artichoke Reservoir/River is navigable. A response was presented to the Program (October 26, 2021) that the Reservoir is not accessible to public navigation due to the City of Newburyport Code of Ordinances stating that "*Wading, swimming, bathing or boating in the municipal water supply or its tributaries*" are prohibited. The Department responded on November 4, 2021 that they do "*not agree with the petitioners' interpretation of Chapter 91 and the regulations,*" and that filing a Chapter 91 license application may be applicable. The applicants acquiesce to MassDEP jurisdiction but also request that the activities be approved as a Minor Project Modification and not a Chapter 91 License under the regulations:

According to the regulations under 310 CMR 9.05(3)(c)), "*no license or permit is required for:*

[the] continuation of any existing, unauthorized public service project, provided that no unauthorized structural alteration or change in use has occurred subsequent to January 1, 1984, unless the Department determines, upon notice and opportunity for public comment, that licensing is essential to prevent significant harm to an overriding water-related public interest."

Per 310 CMR 9.02, a Public Service Project means a project:

- (a) whose entire control, development, and operation is undertaken by a public agency for the provision of facilities or services directly to the public (or to another public agency for such provision to the public) by the public agency or its contractor or agent; or*
- (b) which consists entirely of Infrastructure Facilities, as defined at 310 CMR 9.02.*

Since the bridge has been in existence since 1891 and is an infrastructure facility and/or a service under the control of a public agency (Middle Street, Plummer Spring Road, and the Upper Artichoke Reservoir are all owned, operated, and maintained by two municipalities) for the purpose of public transportation and public water supply, the project meets the necessary regulatory definitions of a Public Service Project. As an existing, public service project, a Minor Project Modification is applicable for maintenance and work activities defined under 310 CMR 9.22(3), for "... a project exempt from licensing pursuant to 310 CMR 9.05(3)(b) through (h)."

Such modifications are limited to alterations confined to the existing footprint of the fill or structures being altered and which represent an insignificant deviation of the original specifications; or changes of use which maintain or enhance public benefits provided by the project and which represent an insignificant deviation from the original use, in terms of function, character, duration, patronage, or other relevant parameters.

The bridge is on an emergency evacuation route but is currently considered structurally deficient and unstable. This forced the municipalities to close it to vehicular traffic in July 2018, rendering the bridge unavailable for public vehicular use. The project is partially funded by a MassDOT municipal small bridge grant and a MassWorks Infrastructure grant both of which are time sensitive. The \$1,000,000 MassWorks grant includes construction funding which currently must be used no later than June 30, 2022; although the grant administrators are presently considering a request to extend these funds through June 30, 2023. The additional time that would be required for the full Chapter 91 licensing process could be very damaging to the prospects of this project as the funds must be used or they may be forfeited. Compliance with the Waterways Program through a Minor Modification instead of a full Chapter 91 license is both appropriate and would greatly benefit the project timeline and reduce the overall burden to the municipalities and to the general public which relies on the bridge. The proposed Bridge Replacement Project will both *maintain* and *enhance* public benefits and represents an insignificant deviation from the original use (restoring a vehicular bridge connection and enhancing public safety with the installation of guardrail and a sidewalk on the bridge).

The proposed project represents a *significant* improvement over existing conditions. The replacement bridge will maintain the existing vertical clearance and provide a span three times as wide as existing conditions for an improvement of connectivity and openness. The replacement bridge will also incorporate a sidewalk and will significantly improve its utility and safety for pedestrians.

Portions of existing roadway fill will be removed which would improve crossing openness. Since the project's intent is to maintain (and improve) the same use in terms of function, character, duration, patronage, and other relevant parameters, while maintaining existing or enhanced navigable characteristics, the Town of West Newbury and the City of Newburyport strongly advocate that the project qualifies for a Minor Project Modification under the regulations.

Therefore, the municipalities of West Newbury and Newburyport are submitting this request for a Minor Modification to MassDEP for concurrence per 310 CMR 9.00 within 30 days of this Notice.

For convenience, the project details are summarized here:

Project Proponents (Names):

Town of West Newbury (Angus Jennings) townmanager@wnewbury.org
& City of Newburyport (Jon-Eric White) JWhite@CityofNewburyport.com

Property Information:

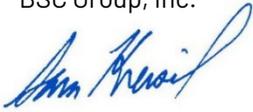
Middle Street, West Newbury / Plummer Spring Road, Newburyport, MA
Over the Upper Artichoke River/Upper Artichoke Reservoir

Proponent Representative:

Sara Kreisel
617-896-4579
skreisel@bscgroup.com

Please do not hesitate to contact our office for further discussion or any inquiries you may have at skreisel@bscgroup.com. I may also be reached at 617-896-4579.

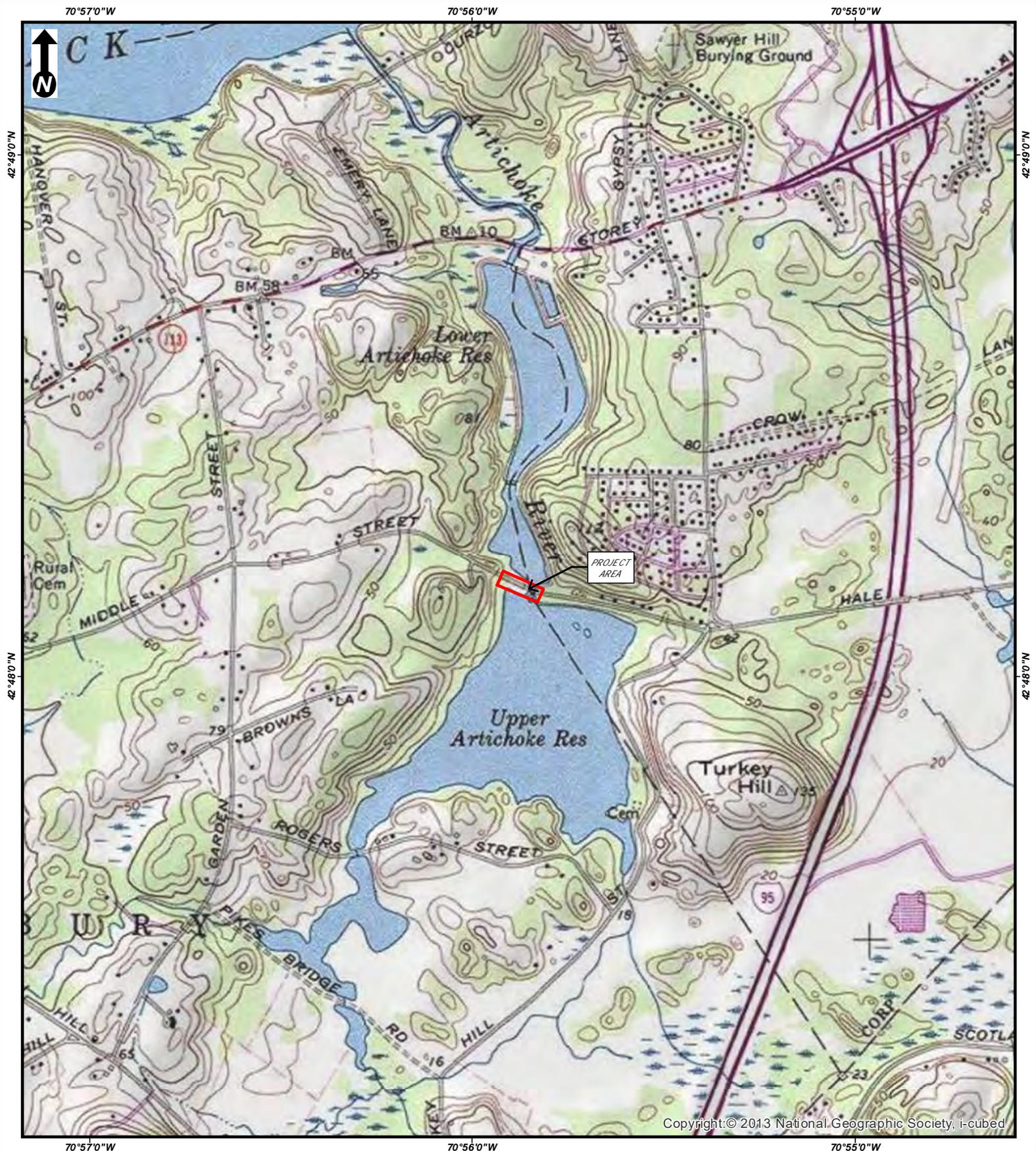
Sincerely,
BSC Group, Inc.



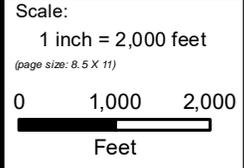
Sara Kreisel, PWS
Ecological Project Manager

cc: Angus Jennings, Town Manager, Town of West Newbury Wayne Amaral, DPW Director, Town of West Newbury
Jon-Eric White, City Engineer, City of Newburyport Micah Morrison, PE, BSC Group
Daniel Padien, MassDEP Diana Walden, BSC Group
Ben Lynch, MassDEP Susan McArthur, McArthur Environmental
Senator Bruce E. Tarr Senator Diana DiZoglio
Representative Lenny Mirra Representative James M. Kelcourse
Mayor Sean Reardon, City of Newburyport Council President Heather Shand, City of Newburyport
Chairperson David Archibald, Select Board, Town of West Newbury

Encl: USGS Locus Map
 Environmental Resources Map (Aerial)
 Tearsheets
 Newburyport Water Resource Protection District Ordinance
 Middle Street/Plummer Spring Road Over Upper Artichoke Reservoir Project Plans



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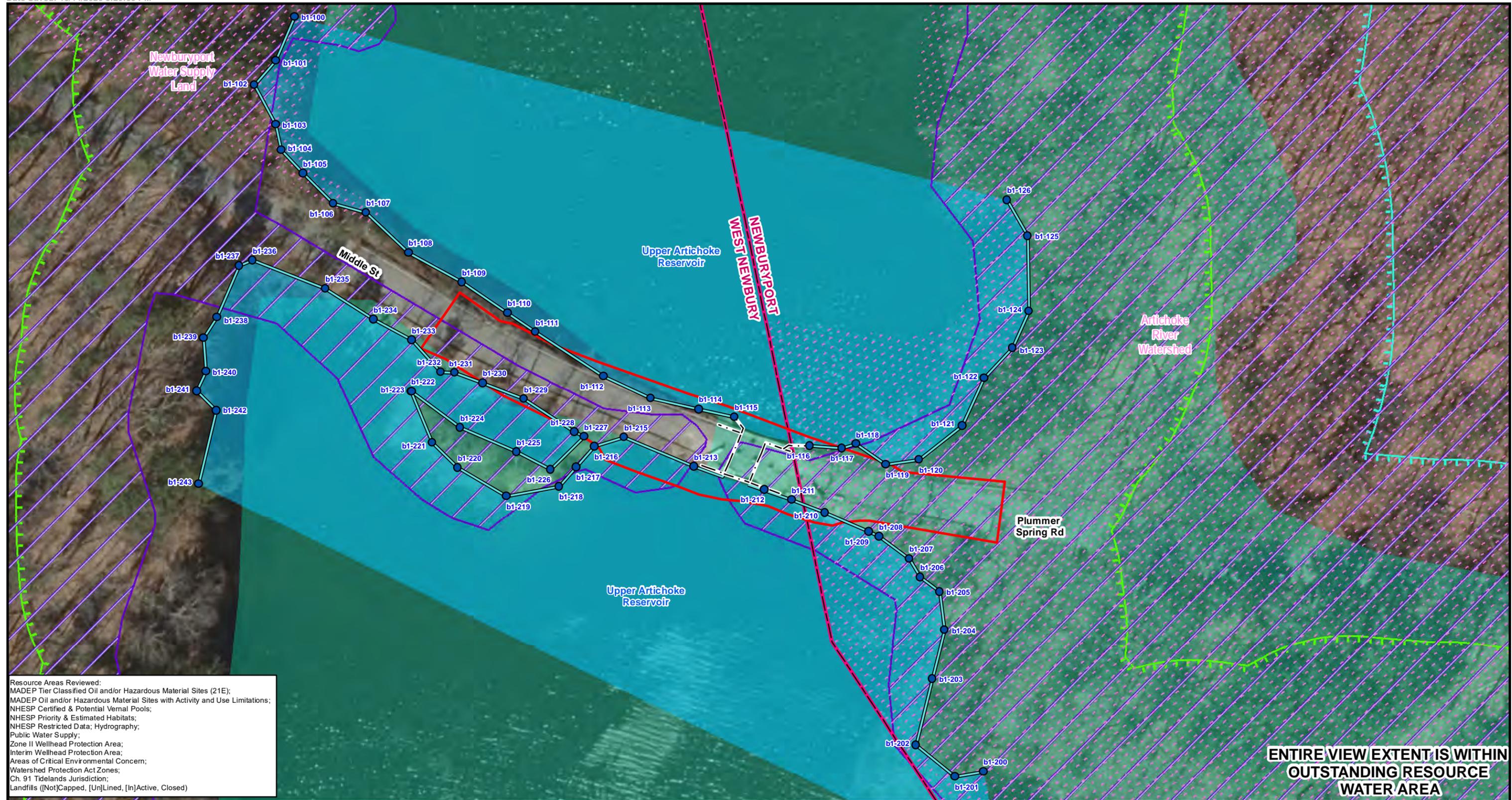
**MIDDLE ST / PLUMMER SPRING RD OVER UPPER ARTICHOKE RESERVOIR
BRIDGE REPLACEMENT PROJECT**

**USGS Site Location Map
West Newbury & Newburyport, MA**

Source: 2013
National Geographic
Society, i-cubed

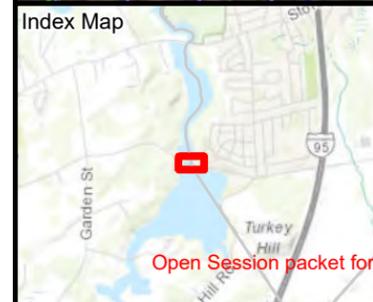


Open Session packet for Select Board on 5/23/22



**ENTIRE VIEW EXTENT IS WITHIN
 OUTSTANDING RESOURCE
 WATER AREA**

Resource Areas Reviewed:
 MADEP Tier Classified Oil and/or Hazardous Material Sites (21E);
 MADEP Oil and/or Hazardous Material Sites with Activity and Use Limitations;
 NHESP Certified & Potential Vernal Pools;
 NHESP Priority & Estimated Habitats;
 NHESP Restricted Data; Hydrography;
 Public Water Supply;
 Zone II Wellhead Protection Area;
 Interim Wellhead Protection Area;
 Areas of Critical Environmental Concern;
 Watershed Protection Act Zones;
 Ch. 91 Tidelands Jurisdiction;
 Landfills ([Not]Capped, [Un]Lined, [In]Active, Closed)



Legend

Project Area	100ft Buffer to Wetlands & Streams	Article 97 Lands
Existing Bridge Structure	200ft Riverfront Area	Municipal
Field Delineated Bank Flags	FEMA 100yr Floodplain (Zone AE)*	Surface Water Protection Zone
Field Delineated Edge of Bank	Town Boundary	
Field Delineated Waterbody		
MADEP Hydrologic Connections		

1 inch = 50 feet
 0 25 50
 Feet
 *Indicates Layers Set to Transparency

**MIDDLE STREET / PLUMMER SPRING ROAD
 OVER THE UPPER ARTICHOKE RESERVOIR
 BRIDGE REPLACEMENT PROJECT**

Environmental Resources Map
 West Newbury & Newburyport, MA

Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community



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PUBLIC NOTICES

PUBLIC NOTICES

NEWBURYPORT HOUSING AUTHORITY

Notice is hereby given of a PUBLIC HEARING to be held on MARCH 9, 2021 @ 9:00 a.m. virtually. The purpose of this hearing is for the public to review and comment on The Newburyport Housing Authority's 2021 PHA Plan and CFP. The plan is available for public review in the lobby of 25 Temple Street, Newburyport, MA as well as at <https://www.cityofnewburyport.com/housing-authority-0>

Written comments must be received by close of business on March 8, 2021.

Due to the Covid 19 pandemic and social distancing guidelines this hearing will be held virtually.

NHA Public Hearing PHA 2021
 Tue, Mar 9, 2021 9:00 AM - 10:00 AM (EST)

You can dial in using your phone. United States (Toll Free): 1 866 899 4679

Access Code: 565-312-533
 NT - 1/22/21

INFORMAL PROBATE PUBLICATION NOTICE

Docket No. ES21P0072EA
 Commonwealth of Massachusetts
 The Trial Court
 Probate and Family Court
 Essex Division

Estate of: Margaret Eileen Maloney

Also Known As: Margaret E. Maloney
 Date of Death: November 20, 2020

To all persons interested in the above captioned estate, by Petition of Petitioner **Caroline T. Maloney** of Newburyport MA

a Will has been admitted to informal probate.

Caroline T. Maloney of Newburyport MA has been informally appointed as the Personal Representative of the estate to serve without surety on the bond.

The estate is being administered under informal procedure by the Personal Representative under the Massachusetts Uniform Probate Code without supervision by the Court. Inventory and accounts are not required to be filed with the Court, but interested parties are entitled to notice regarding the administration from the Personal Representative and can petition the Court in any matter relating to the estate, including distribution of assets and expenses of administration. Interested parties are entitled to petition the Court to institute formal proceedings and to obtain orders terminating or restricting the powers of Personal Representatives appointed under informal procedure. A copy of the Petition and Will, if any, can be obtained from the Petitioner.
 NT - 1/22/21

PUBLIC NOTICE

Massachusetts Department of Environmental Protection
 Northeast Regional Office
 (978-694-3200)
 Division of Wetlands and Waterways

Pursuant to 33 U.S.C. 1341 and M.G.L.c. 21 §§ 26-53, notice is given of a 401 Water Quality Certification (WQC) application filed by the Town of West Newbury (381 Main Street, West Newbury, MA 01985) and the City of Newburyport (16C Perry Way, Newburyport, MA 01950) for a bridge replacement project on Middle Street, West Newbury / Plummer Spring Road, Newburyport over the Upper Artichoke Reservoir (Bridge No. N-11-007). The bridge is structurally deficient due to undermining of the existing roadway foundation and is proposed to be replaced in a similar horizontal and vertical alignment that will address existing structural and hydraulic deficiencies, while also minimizing disturbances to the surrounding environment and improving openness. Additional information may be obtained from Sara Kreisel, BSC Group, Inc., 1000 Summer Street, Boston MA 02127, (617) 896-4579, skreisel@bscgroup.com.
 Written comments on the 401 WQC

MOTELS/HOTELS
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 Getting Divorced? Live at the Salisbury Inn. From \$200/week. 978-465-5584

Employment

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 Roll off truck experience
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GENERAL HELP WANTED

Beth Israel Lahey Health
 Anna Jaques Hospital

Anna Jaques Hospital is looking for additional heroes to join our team.

We do not provide capes, but we do provide masks, competitive salary and a generous benefits package.

Part of our mission is to provide the highest quality medical care and improve the health of our community and to make that happen the first step is to make our facility shine. In this role you will be part of our efforts to providing a clean, safe and attractive environment

SUPERPOWERS REQUIRED FOR THE ROLE OF HOUSEKEEPER ARE:

Lift, push and pull 50 pounds and stand for 90% of shift
Push, pull, bend, kneel and squat.
Operate cleaning equipment (mops, vacuum etc.)
Can demonstrate consistency, strong work ethic and reliable Working in fast paced, physically demanding positions
High Diploma preferred but not required
We will conduct education verification, drug and nicotine screening and CORI.

Starting pay is \$15 but may be higher depending on years of experience.
Benefits include:
Medical, Dental, Vision, FSA, Disability, Life and more.

We have a wide range of open positions so check out our website at www.ajh.org/careers

WM WASTE MANAGEMENT

NOW HIRING!

Diesel Technician Mechanic in Londonderry, NH!
\$2500 Sign-on bonus!

Competitive Pay, Great Benefits!

Requirements:
Must be 18 Years or Older
Technical schooling or Diesel and/or Auto exp required.

Call or apply online for immediate consideration!

1-877-220-5627
careers.wm.com

Equal Opportunity Employer
 Minority/Female/Disability/Veteran

WM WASTE MANAGEMENT

NOW HIRING!

PLANT MAINTENANCE TECHNICIANS in Billerica, MA!
\$4000 Sign-on Bonus!

Competitive Pay, Great Benefits!

Requirements:
 18 Years or Older
 2+ Years of Related Work Experience.
 3rd Shift position, 10pm-6:30am

Call or apply online for immediate consideration!
 1-877-220-5627
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 Equal Opportunity Employer

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CROWNINSHIELD
 MANAGEMENT CORPORATION

PROFESSIONAL SENIOR CARE COORDINATOR Full Time

Position includes assessing the needs of the elders in an independent living community on the North Shore, and to work with them to establish links to needed supportive services to maintain resident's independent living status.

Care professional maintains regular contact with residents, monitoring the delivery of supportive services desired or required by the residents. Works with residents and housing management staff to develop, support, and implement activities, functions and/or programs that promote a positive social climate.

Please send a cover letter and resume to: susanjacmacneil@yahoo.com

PROFESSIONAL

First Run
PT Federal Public Housing Coordinator

BHA seeks part-time, detail-oriented, energetic, self-motivated individual to perform rent recertifications for 118 elderly & disabled and 50 family tenants in Federal Public housing. Experience with Federal Public Housing preferred. Applicant must have excellent communication, analytical and organizational skills. Proficient using Word and Excel; familiar with MRI software a plus.

Duties include interacting with tenants; performing annual & interim rent recertifications; enforcing tenant compliance with all lease provisions; other duties as assigned. College degree in related field required, however a minimum 2 years' experience in Public Housing, Social Service, Property Management, or related experience may substitute. Bilingual (English/Spanish) a plus.

Submit resumes to Debra Roy, Deputy Director, Beverly Housing Authority, 137 Rear Bridge Street, Beverly, MA 01915. Salary commensurate with experience and education. Resumes accepted until position filled. EOE/AA

TRADES/INDUSTRIAL

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 Green or Seasoned. Delivery & Stacking Avail. Partial Cords, 603-437-0940
www.firewoodguy.com

PATRICK & SONS QUALITY FIREWOOD
 100% hardwood, Seasoned. Call 603-898-4770.

FUEL

ATTENTION FUEL CONSUMERS:

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Business & Service DIRECTORY

Services

ADULT CARE

A PCA/CNA needed immediately for 79 year old female in Beverly. Nice surroundings. 40 hours/week. Call 860-899-5213

BUSY LADY SERVICES-
 Are you in need of a ride to AIRPORT, doctor, shopping, or where ever you need to go?
 Call 978-423-0754

EXPERIENCED dependable strong PCA/CNA needed nights and weekends to assist women with MS. Hoya lift experience necessary, drivers license, dependable car & references.
 \$15.75/hr. Must be Covid free.
 978-977-0910, email fondinib@aol.com

HAVERHILL man needs PCA for Weekends. Must be reliable & have references. \$15.00/hr.
 Call 978-641-3946 or 978-332-0638

SEEK Reliable compassionate personnel care assistant for lucid senior female with neurological disorder. Compensation package includes: wages & live in quarters in country setting near beach. Full time position with some weekend/evening/oncall time to be negotiated. Duties include: transfer, housekeeping, medication management, meal prep, toilet support, participation in therapies, companionship. In Gloucester. Own transportation necessary. Email name, brief statement of qualifications & contact information to care8123@gmail.com

DISPOSAL SERVICES

ANYTHING & EVERYTHING JUNK REMOVAL Estate Clean-outs, Basement, Garage, Yard Debris, Dump runs. Call Jack 978-521-0445

BEST RATES - CALL MIKE
 remove junk anything from A-Z. Also land clearing & mulching. 978-973-2009

JUNK REMOVAL
 Taking campers & hot tubs
 Call 978-682-2040

classified marketplace

Be included in this section by calling 800.927.9200 fax: 978.685.1588

FUEL

BEST PRICE \$1.59
 (Price subject to change)
 978-631-3044 www.ordercleanoil.com

GARAGE SALE

LOOK
 BRENTWOOD, 9 Shannon Way Estate Sale, Jan. 22-24, 9-3 p.m. daily, 2003 Mini Cooper, furniture, motorcycle helmets, garage-items, garden, linens, lighting, shelving, books, and so much more. VSM/C. Cash, no early birds, watch for signage. Face masks a must!
 Pictures www.lifetimeliqduations.com

MISC ITEMS WANTED

CASH FOR RECORD ALBUMS
 33LPS & 45s WANTED. Call George (617) 633-2682

CASH PAID FOR
 COINS, REAL & COSTUME JEWELRY, POCKET & WRIST WATCHES, ANTIQUES, COMIC BOOKS, MUSICAL INSTRUMENTS, BASEBALL CARDS. DAN (603) 505-0380

WANTED FOR CASH
 Baseball, Football, Hockey, Basketball Cards.
 Call Rick 603-494-1327

MISC MERCHANDISE

Eisenhower Dollar Coins (collection of) Best Offer
 Antique Large & Small currency notes
 Call (978) 208-8944

New Englander Pellet Stove New Englander heats 1500 sf. Complete with video & installa-

ELECTRICAL
 DAN STEVENS
 ELECTRIC, HEATING & COOLING
 Lic & Insured. Commercial - Residential. A+ rating on BBB! 781-775-7431 or danstevenselectric@yahoo.com

→ QUALITY, SERVICE & PRICE ←
 That Won't Shock You! Insured. MA#31525E NH#12831M. Call Mike 978-423-8510

R. A. Vitale Electric
 Master Electrician, Low Rates. Fully Insured For all your electrical needs. Lic. #A20829. 978-979-0858

GUTTERS
BEST CHOICE CONSTRUCTION
 Gutters, seamless aluminum, cleanings, leaf guard. 37 yrs. experience. 978-973-5410

HOUSE PAINTING
 BALDASSARI - Painting Interior/Exterior. Wallpapering & removal. Free estimates
 Call 781-953-6890; 978-688-0161

OTHER BUSINESS SERVICES

DOG WASTE REMOVAL
 LOW RATES
 CALL 781-718-2364

PAINTING & PAPERING
 BALDASSARI - Painting Interior/Exterior. Wallpapering & removal. Free estimates
 Call 781-953-6890; 978-688-0161

PLASTERING

HL PLASTERING
 40 yrs experience. Free estimates. No Job to Big or Small
 Merrimack Valley area (978) 390-6423

PLUMBING/HEATING

MASTER PLUMBER-Retired looking for small jobs. MA, NH & Maine. #9563 MA. #1653 NH Master gas fitter NH. Call Bill 978-476-9627

PRESSURE WASHING
 Full service power washing company for residential, commercial, driveways, walkways, awnings. Complete graffiti removal also complete cleanouts. Insured. Free estimates. The Leonard Co. 617-512-7849

REMODELING
 MD's HOME REPAIR - Remodeling, Painting, Repairs. Small jobs to Big jobs. Insured. Free estimates. References Call Mike 603-890-1122

ROOFING & SIDING
BEST CHOICE CONSTRUCTION
 Roofing, siding, gutters. Quality work, reasonable costs. 37 yrs exp. Fully ins. 978-973-5410

MOST AFFORDABLE - Roofing, Windows, Siding, Financing Avail. GAF Master Elite Installer Lic/Ins. BBB. 978-265-6843; 603-260-5062

ROOF REPAIRS
 WE STOP LEAKS - Guaranteed!
 Lic / Insured. 978-902-7644

SNOW PLOWING/REMOVAL

SNOW REMOVAL AND DOG WASTE REMOVAL AND TREE REMOVAL
 LOW RATES
 CALL 781-718-2364

TREE REMOVAL

LIVINGSTON Tree & Stump Removal
 Fantastic Deals! Fast/Quality Service
 978-689-8373 livingstonfamilytree.com

TREE REMOVAL
 LOW RATES
 CALL 781-718-2364

PETS & FREE PETS

ATTENTION! ATTENTION!
 Beware of anyone replying to your ad offering to send you a check for shipping and you sending them back the difference. Also beware when responding to classified ads that ask you to send shipping cost. Possible scam!

CHORKIE: Male very active 4.5 mo old. (12-14 lbs. when adult) vet checked, very healthy, \$500 Call (978) 810-9659 between 8am-4pm.

ENGLISH BULLDOG PUPPIES - Taking deposits for 3 females. Ready February 1st. 2 rounds of shots, 2 dewormings & health certificate. Asking \$3000 each. AKC papers + \$
 Call or text 978-288-9233

LABADOR PUPPIES AKC Champion Breed 6 females, (5 chocolate & 1 black) 3 males, (2 black & 1 chocolate) 1st shots & dewormed Ready 1st week of February \$1800/\$300 deposit Call (978) 290-9147

SUBARU, Legacy 2013 152000 miles Great in snow. Reliable 4-door with heated cloth seats. \$4900. 508-523-1729

WARNING

If you get an email or cashiers check for more than the asking price for your pet, vehicle or merchandise asking you to refund the difference it is likely a scam. Seller Beware!

SUV

JEEP, Grand Cherokee 2005. 96,200 miles. Clean and well cared for. Remote start, moon roof, 4wd. Power windows, locks, bluetooth. \$5000. 781-820-7916

4 RIMS AND TIRES
 off a 2020 Ford Edge with 200 miles on them. 245/60R18 Michelin tires/10 spoke

LEXUS RX 350 2014

Due to the COVID-19 pandemic and social distancing guidelines this hearing will be held virtually:
 NHA Public Hearing PHA 2021
 Tue, Mar 9, 2021 9:00 AM - 10:00 AM (EST)
 You can dial in using your phone.
 United States (Toll Free): 1 866 899 4679
 Access Code: 565-312-533
 NT - 1/22/21

INFORMAL PROBATE PUBLICATION NOTICE
 Docket No. ES21P0072EA
Commonwealth of Massachusetts The Trial Court Probate and Family Court Essex Division
 Estate of: Margaret Eileen Maloney
Also Known As: Margaret E. Maloney
Date of Death: November 20, 2020

To all persons interested in the above captioned estate, by Petition of Petitioner **Caroline T. Maloney of Newburyport MA** a Will has been admitted to informal probate.

Caroline T. Maloney of Newburyport MA has been informally appointed as the Personal Representative of the estate to serve without surety on the bond.

The estate is being administered under informal procedure by the Personal Representative under the Massachusetts Uniform Probate Code without supervision by the Court. Inventory and accounts are not required to be filed with the Court, but interested parties are entitled to notice regarding the administration from the Personal Representative and can petition the Court in any matter relating to the estate, including distribution of assets and expenses of administration. Interested parties are entitled to petition the Court to institute formal proceedings and to obtain orders terminating or restricting the powers of Personal Representatives appointed under informal procedure. A copy of the Petition and Will, if any, can be obtained from the Petitioner.
 NT - 1/22/21

PUBLIC NOTICE
 Massachusetts Department of Environmental Protection
 Northeast Regional Office
 (978-694-3200)
 Division of Wetlands and Waterways

Pursuant to 33 U.S.C. 1341 and M.G.L.c. 21 §§ 26-53, notice is given of a 401 Water Quality Certification (WQC) application filed by the Town of West Newbury (381 Main Street, West Newbury, MA 01985) and the City of Newburyport (16C Perry Way, Newburyport, MA 01950) for a bridge replacement project on Middle Street, West Newbury / Plummer Spring Road, Newburyport over the Upper Artichoke Reservoir (Bridge No. N-11-007). The bridge is structurally deficient due to undermining of the existing roadway foundation and is proposed to be replaced in a similar horizontal and vertical alignment that will address existing structural and hydraulic deficiencies, while also minimizing disturbances to the surrounding environment and improving openness. Additional information may be obtained from Sara Kreisel, BSC Group, Inc., 803 Summer Street, Boston MA 02127, (617) 896-4579, skreisel@bscgroup.com.

Written comments on the 401 WQC must be sent within twenty-one (21) days of this notice to: MassDEP Protection

Northeast Regional Office
 205B Lowell Street
 Wilmington, MA 01887
 Any group of ten persons, any aggrieved person, or any governmental body or private organization with a mandate to protect the environment who submits written comments may appeal the Department's Certification. Failure to submit written comments before the end of the public comment period may result in the waiver of any right to an adjudicatory hearing.
 NT - 1/22/2021

Part of our mission is to provide the highest quality medical care and improve the health of our community and to make that happen the first step is to make our facility shine. In this role you will be part of our efforts to providing a clean, safe and attractive environment

SUPERPOWERS REQUIRED FOR THE ROLE OF HOUSEKEEPER ARE:
 Lift, push and pull 50 pounds and stand for 90% of shift
 Push, pull, bend, kneel and squat.
 Operate cleaning equipment (mops, vacuum etc.)
 Can demonstrate consistency, strong work ethic and reliable
 Working in fast paced, physically demanding positions
 High Diploma preferred but not required
 We will conduct education verification, drug and nicotine screening and CORI.

Starting pay is \$15 but may be higher depending on years of experience.
Benefits include:
 Medical, Dental, Vision, FSA, Disability, Life and more.

We have a wide range of open positions so check out our website at www.aih.org/careers

WM WASTE MANAGEMENT

NOW HIRING!

Diesel Technician Mechanic in Londonderry, NH!
\$2500 Sign-on bonus!

Competitive Pay, Great Benefits!

Requirements:
 Must be 18 Years or Older
 Technical schooling or Diesel and/or Auto exp required.

Call or apply online for immediate consideration!

1-877-220-5627
careers.wm.com

Equal Opportunity Employer
 Minority/Female/Disability/Veteran

WM WASTE MANAGEMENT

NOW HIRING!

PLANT MAINTENANCE TECHNICIANS in Billerica, MA!
\$4000 Sign-on Bonus!

Competitive Pay, Great Benefits!

Requirements:
 18 Years or Older
 2+ Years of Related Work Experience.
 3rd Shift position, 10pm-6:30am

Call or apply online for immediate consideration!

1-877-220-5627
careers.wm.com

Equal Opportunity Employer
 Minority/Female/Disability/Veteran

JOB WANTED

Ads In This Classification Are WORK WANTED NOT HELP WANTED

MEDICAL

ATTENTION CAREGIVERS!
 If you are a PCA, CNA, Nurse or offer personal care services please go to the business and service directory and check out the category for Adult Care. Your services are needed!

PROFESSIONAL

First Run
 PT Federal Public Housing Coordinator

BHA seeks part-time, detail-oriented, energetic, self-motivated individual to perform rent recertifications for 118 elderly & disabled and 50 family tenants in Federal Public housing. Experience with Federal Public Housing preferred. Applicant must have excellent communication, analytical and organizational skills. Proficient using Word and Excel; familiar with MRI software a plus.

Duties include interacting with tenants; performing annual & interim rent recertifications; enforcing tenant compliance with all lease provisions; other duties as assigned. College degree in related field required, however a minimum 2 years' experience in Public Housing, Social Service, Property Management, or related experience may substitute. Bilingual (English/Spanish) a plus.
 Submit resumes to Debra Roy, Deputy Director, Beverly Housing Authority, 137 Rear Bridge Street, Beverly, MA 01915. Salary commensurate with experience and education. Resumes accepted until position filled.
 EOE/AA

TRADES/INDUSTRIAL

HVAC Installation Help

Retirement Plan, Paid Vacations, Health Insurance, Paid Holidays, Competitive Wages.

Experience Necessary

Send resume to positionhvac@gmail.com or call 978-374-4590

Merchandise

FIREWOOD FOR SALE

ADS in this category if the ad shows a price it must show it by cu. ft. Half a cord is 64 cu. ft. and a cord is 128 cu. ft.

ALL HARDWOOD SEASONED 1 year or 2 year, 16" cut & split
 Call M.Kovalchuk 978-204-9483

"BUGLESS" FIREWOOD
 Green or Seasoned. Delivery & Stacking Avail.
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John's Oil
 Home heating oil. Dyed Red Off Road Diesel available. Fuel Assistance Welcome
www.johnsoil.com
 978-777-4205

\$1.58
 Senior Citizen Price
PAYLESS OIL
 All Cities and Towns
 No minimum. Senior & Veteran discounts
877-688-7667
 Price subject to change

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HAVERTHILL man needs PCA for Weekends. Must be reliable & have references. \$15.00/hr.
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SEEK Reliable compassionate personnel care assistant for lucid senior female with neurological disorder. Compensation package includes: wages & live in quarters in country setting near beach. Full time position with some weekend/evening/oncall time to be negotiated. Duties include: transfer, housekeeping, medication management, meal prep, toilet support, participation in therapies, companionship. In Gloucester. Own transportation necessary. Email name, brief statement of qualifications & contact information to: care8123@gmail.com

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 Pictures www.lifetimeliquidations.com

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 Baseball, Football, Hockey, Basketball Cards.
 Call Rick 603-494-1327

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Eisenhower Dollar Coins (collection of) Best Offer
 Antique Large & Small currency notes
 Call (978) 208-8944

New Englander Pellet Stove New Englander heats 1500 sf. Complete with video & installation instructions. Paid \$1800 asking \$235.00 best offer Call (978) 828-1220

PLOW 7.5 ft Fisher Minute Mount One.
 Needs work. \$300 or best reasonable offer.
 Call 508-932-0990

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PETS & FREE PETS

Absolutely Adorable Cockapoo Puppies!
 Beautiful cockapoo mix puppies! 2 males, 1 female, ready to go January 7, first vet visit & shots. Hypoallergenic. Foamly raised. Approx 20 lbs. When full grown. Adoption fee \$2900. Pics available. Text: 336-588-3774

HONDA CIVIC LX
 2012 Coupe
 Automatic with front wheel drive. Gray beauty. 131K. Cloth interior. Sporty and powerful. \$5699. Text for photos 978 697 4369

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 2012 Coupe
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BALDASSARI - Painting Interior/Exterior.
 Wallpapering & removal. Free estimates
 Call 781-953-6890; 978-688-0161

OTHER BUSINESS SERVICES

DOG WASTE REMOVAL
LOW RATES
 CALL 781-718-2364

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 Wallpapering & removal. Free estimates
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HL PLASTERING
 40 yrs experience. Free estimates.
 No Job to Big or Small
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PLUMBING/HEATING

MASTER PLUMBER-Retired looking for small jobs. MA, NH & Maine. #9563 MA. #1653 NH
 Master gas fitter NH. Call Bill 978-476-9827

SNOW PLOWING/REMOVAL
SNOW REMOVAL AND DOG WASTE REMOVAL AND TREE REMOVAL
LOW RATES
 CALL 781-718-2364

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SNOW REMOVAL AND DOG WASTE REMOVAL AND TREE REMOVAL
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TREE REMOVAL

LIVINGSTON Tree & Stump Removal
 Fantastic Deals! Fast/Quality Service
 978-689-8373 livingstonfamilytree.com

TREE REMOVAL
LOW RATES
 CALL 781-718-2364

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 Call or text 978-288-9233

LABADOR PUPPIES AKC Champion Breed 6 females, (5 chocolate & 1 black) 3 males, (2 black & 1 chocolate) 1st shots & dewormed
 Ready 1st week of February
 \$1800/\$300 deposit Call (978) 290-9147

4 RIMS AND TIRES
 off a 2020 Ford Edge with 200 miles on them.
 245/60R18 Michelin tires/10 spoke wheels/TPM's. Mounted & balanced. \$1800.
 Call 978-902-0036

Transportation

AUTOMOBILE PARTS & ACCESSORIES

4 RIMS AND TIRES
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 245/60R18 Michelin tires/10 spoke wheels/TPM's. Mounted & balanced. \$1800.
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AUTOS

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BUICK Regal 2015 Turbo All wheel drive
 39-MPG dual exhaust. 1-owner non smoker. Black/black leather. Navigation backup camera. Full power, power sunroof, 18" Michelins 10 spoke alloy wheels 39K, AM/FM 6 Disk CD. Every option available. \$13,900. 603-400-4638

WANTED JUNK CARS/PARTS
\$ WANTED \$

CASH PAID FOR CLEAN AUTOS, TRUCKS & SUVs
Inspection Ready Vehicles
 Call Joe 978-852-5008

JUNK CARS, TRUCKS & HEAVY EQUIPMENT
 WANTED. Picked up within 24 hrs.
 Up to \$300 CASH PAID! Call (603) 303-2866

\$250-\$700 CASH
 For Junk Cars & Trucks
INSTANT ONLINE OFFER:
www.salisburysalvage.com
 978-462-8262 - Free Towing

\$\$\$ WE PAY THE MOST \$\$\$
CARS - TRUCKS
INSTANT ONLINE OFFER:
www.salisburysalvage.com
 978-462-8262 - Free towing

AUTOS

Let Me Sell Your Car!
Guilmette City Service
 Call me 603-400-4638. Don't trade in your car I can sell it for more! Professional sales person I can sell any vehicle for you at the price you want. I can guarantee top dollar for your sale. Serving New England area for 45 years

SUBARU, Legacy 2013 152000 miles.
 Great in snow. Reliable 4-door with heated cloth seats. \$4900.
 508-523-1729

LEXUS RX 350 2011
 Black exterior & interior. Fully loaded. No navigation. 6 cylinder. Good tires & brakes. 128,000 miles. Runs & drives great!
 \$10,900 or best offer. Call 603-770-5735

WARNING
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SUV

JEEP, Grand Cherokee 2005. 96,200 miles.
 Clean and well cared for. Remote start, moon roof, 4wd. Power windows, locks, bluetooth.
 \$5000. 781-820-7916

LEXUS RX 350 2011
 Black exterior & interior. Fully loaded. No navigation. 6 cylinder. Good tires & brakes. 128,000 miles. Runs & drives great!
 \$10,900 or best offer. Call 603-770-5735

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 Black exterior & interior. Fully loaded. No navigation. 6 cylinder. Good tires & brakes. 128,000 miles. Runs & drives great!
 \$10,900 or best offer. Call 603-770-5735

TRUCKS

2008 Ford F250
 for Project/Parts. 5.4L V8 engine, w/bad cylinder, some rust, minor dents, needs tires. Best offer over \$800. Send offer by mail to: Blue Truck, P.O. Box 751, Haverhill, MA 01831 or fax to 978-373-1104
 Offer must be in by: 02/19/21

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\$ WANTED \$

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Inspection Ready Vehicles
 Call Joe 978-852-5008

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 For Junk Cars & Trucks
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\$\$\$ WE PAY THE MOST \$\$\$
CARS - TRUCKS
INSTANT ONLINE OFFER:
www.salisburysalvage.com
 978-462-8262 - Free towing

Jobs-Sales



North of Boston Media Group has a great opportunity for an advertising sales consultant.

NOW HIRING A: North Andover, MA 01845

SALES CONSULTANT

Potential to earn \$50k+ per year selling trusted and effective advertising platforms. Prior sales experience preferred but not required. Training provided. The most important attributes include a positive attitude and willingness to learn. Comprehensive benefits package (health benefits, 401K, paid time off), and opportunities for advancement.

Send resume to: Mzappala@NorthOfBoston.com



PUBLIC NOTICE

Massachusetts Department of Environmental Protection
Northeast Regional Office
(978-694-3200)

Division of Wetlands and Waterways

Pursuant to 33 U.S.C. 1341 and M.G.L.c. 21 §§ 26-53, notice is given of a 401 Water Quality Certification (WQC) application filed by the Town of West Newbury (381 Main Street, West Newbury, MA 01985) and the City of Newburyport (16C Perry Way, Newburyport, MA 01950) for a bridge replacement project on Middle Street, West Newbury / Plummer Spring Road, Newburyport over the Upper Artichoke Reservoir (Bridge No. N-11-007). The bridge is structurally deficient due to undermining of the existing roadway foundation and is proposed to be replaced in a similar horizontal and vertical alignment that will address existing structural and hydraulic deficiencies, while also minimizing disturbances to the surrounding environment and improving openness. Additional information may be obtained from Sara Kreisel, BSC Group, Inc., 803 Summer Street, Boston MA 02127, (617) 896-4579, skreisel@bscgroup.com. Written comments on the 401 WQC must be sent within twenty-one (21) days of this notice to:

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Northeast Regional Office
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NT - 1/22/2021



NOW HIRING!

PLANT MAINTENANCE TECHNICIANS in Billerica, MA!
\$4000 Sign-on Bonus!

Competitive Pay, Great Benefits!

Requirements:

18 Years or Older
2+ Years of Related Work Experience.
3rd Shift position, 10pm-6:30am

Call or apply online for immediate consideration!

1-877-220-5627
careers.wm.com

Equal Opportunity Employer
Minority/Female/Disability/Veteran

JOB WANTED

Ads In This Classification Are
WORK WANTED
NOT HELP WANTED

MEDICAL

ATTENTION CAREGIVERS!

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If the ad shows a price it must show it by cu. ft. Half a cord is 64 cu. ft. and a cord is 128 cu. ft.

ALL HARDWOOD SEASONED
1 year or 2 year, 16" cut & split
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John's Oil

Home heating oil. Dyed Red Off Road Diesel available. Fuel Assistance Welcome
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978-777-4205

\$1.58

Senior Citizen Price
PAYLESS OIL
All Cities and Towns
No minimum. Senior & Veteran discounts
877-688-7667
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If you get an email or cashiers check for more than the asking price for your pet, vehicle or merchandise asking you to refund the difference it is likely a scam. Seller Beware!

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Open Session packet for info on Board on 5/20/22





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Published Date July 23, 2021

Notice Details

PUBLIC NOTICE OF ENVIRONMENTAL REVIEW PROJECT: Middle St / Plummer Spring Rd Over Upper Artichoke Reservoir Bridge Replacement Project
LOCATION: West Newbury & Newburyport, Massachusetts
PROONENT: Town of West Newbury & City of Newburyport
 The undersigned is submitting an Environmental Notification Form ("ENF") to the Secretary of Energy & Environmental Affairs on or before July 23, 2021 This will initiate review of the above project pursuant to the Massachusetts Environmental Policy Act ("MEPA", M.G.L. c. 30, s.s. 61-62I). Copies of the ENF may be obtained from: Sara Kreisel, skreisel@bscgroup.com, 617- 896-4579 During the interim Covid-19 re- sponse period, electronic copies of the ENF are also being sent to the Conservation Commission and Planning Board of West New- bury & Newburyport The Secretary of Energy & En- vironmental Affairs will publish notice of the ENF in the Environmental Monitor, will receive public comments on the project for 20 days, and will then decide, within ten days, if an Environmental Impact Report is needed. A site visit and consultation session on the project may also be scheduled. All persons wishing to comment on the project, or to be notified of a site visit or consulta- tion session, should email MEPA@ mass.gov. Mail correspondence will continue to be accepted, though re- sponses may be delayed. Mail cor- respondence should be direct to the Secretary of Energy & Environmen- tal Affairs, 100 Cambridge St., Suite 900, Boston, Massachusetts 02114, Attention: MEPA Office, referencing the above project. BY: Town of West Newbury, City of Newburyport NT - 7/23/21

Print This Notice

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TOWN OF NEWBURY LEGAL NOTICE Request for Determination of Applicability Notice is hereby given that ...

SECTION XIX. - WATER RESOURCE PROTECTION DISTRICT

XIX-A - Purpose of district.

The purpose of this water resource protection district is:

1. To promote the health, safety, and general welfare of the community by ensuring an adequate quantity and highest quality of water possible for residents, institutions and businesses of the City of Newburyport.
2. To preserve and protect existing and potential watersheds and aquifers for drinking water supplies.
3. To prevent temporary and permanent contamination in the water resource protection district.
4. To protect the community from the detrimental use and development of land and water within the water protection district.

(Ord. of 7-27-98(5); Ord. of 10-27-03)

XIX-B - Scope of authority.

The water resource protection district is an overlay district superimposed on the zoning districts. This overlay district shall apply to all new construction, reconstruction, or expansion of existing buildings and new or expanded uses. Applicable activities or uses which fall within the water resource protection district shall comply with the requirements of this district as well as with the underlying zoning. Uses that are prohibited in the underlying zoning districts shall not be allowed in the water resource protection district.

(Ord. of 7-27-98(5))

XIX-C - Definitions.

For the purpose of this ordinance [section], the following words and phrases shall have the following meanings:

Aquifer. Geologic formation composed of rock, sand, or gravel that contains significant amounts of potentially recoverable water.

Disposal. The deposit, injection, dumping, spilling, leaking, incineration, discharge, or placing of any material into or on any land or surface water or groundwater so that such material or any constituents thereof may enter the environment or be emitted into the air or discharged into any waters subject to this ordinance.

Disturbance. Activities including, but not limited to land clearing and grading, tree and shrub removal, mowing, burning, spraying, grazing, soil and gravel removal, all construction and any other unlawful or disruptive activities.

Groundwater. All water beneath the surface of the ground in a saturated zone.

Impervious. Material or structure on, above, or below the ground that does not allow precipitation or surface water to penetrate directly into the soil.

Mining. The removal or relocation of geological materials such as topsoil, sand, gravel, metallic ores, or bedrock.

Recharge areas. Areas that collect precipitation or surface water and transmit it to aquifers.

Surface water. All water open to the atmosphere and subject to surface runoff, including but not limited to rivers, streams, lakes, ponds, springs, impoundments, estuaries, wetlands, coastal waters, and vernal pools.

Water resource protection district. The zoning district defined to overlay other zoning districts in the city. The water resource protection district includes three distinct watershed zones for surface water sources: Zone A, Zone B and Zone C. The water resource protection district includes two distinct zones for groundwater sources: Zone I and Zone II.

Toxic or hazardous material. Any substance or mixture of substances which, because of its physical, chemical or infectious characteristics, posing a significant actual or potential hazard to water supply or to human health if such substance or mixture were discharged to land or water of the city. Toxic or hazardous materials include, without limitation, synthetic organic chemicals, petroleum products, heavy metals, radioactive or infectious wastes, acids and alkalis, and all substances defined as toxic or hazardous under M.G.L.A. c. 21C and 21E, and 310 CMR 30.00 as well as such products as solvents and thinners in quantities greater than those associated with normal household use.

Tributary. Any body of running, or intermittently running, water which moves in a definite channel, naturally or artificially created, in the ground due to a hydraulic gradient, and which ultimately flows into a Class A surface water source, as defined in 314 CMR 4.05(3)(a).

Watershed. Land area bounded by a ridgeline of higher elevation, or drainage divide, from which surface runoff and groundwater flow downgradient into streams, ponds, reservoirs, wetlands, and aquifers. An aquifer is located within a watershed and is recharged by precipitation falling on watershed land.

The watershed zones are generally defined by the direction of the flow of water. These zones are specifically shown on the delineation map identified in section XIX-D of this ordinance entitled "Water Resource Protection District, City of Newburyport". The watershed zones are described as follows:

Watershed Zones:

- a. Zone A: (a) The land area between the surface water source and the upper boundary of the bank; (b) the land area within a 400 foot lateral distance

from the upper boundary of the bank of a Class A surface water source, as defined in 314 CMR 4.05 (3)(a); and (c) the land area within a two hundred-foot lateral distance from the upper boundary of the bank of a tributary or associated surface water body.

- b. Zone B: The land area within one-half mile of the upper boundary of the bank of a Class A surface water source, as defined in 314 CMR 4.05(3)(a), or edge of the watershed, whichever is less. However, Zone B shall always include the land area within a four-hundred-foot lateral distance from the upper boundary of the bank of the Class A surface water source.
- c. Zone C: The land area not designated as Zone A or Zone B within the watershed of a Class A water source as defined in 314 CMR 4.05(3)(a).
- d. Zone I: The zone encompassing the area which falls within a four-hundred-foot radius from the municipal well shaft.
- e. Zone II: The area of an aquifer which contributes water to a municipal well under the most severe pumping and recharge conditions that can be realistically anticipated (one hundred eighty (180) days of pumping at safe yield with no recharge from precipitation), as defined in 310 Code of Massachusetts Regulations (CMR) 22.00.

(Ord. of 7-27-98(5); Ord. of 10-27-03)

XIX-D - Establishment and delineation of a water resource protection district.

This ordinance establishes within the City of Newburyport certain water resource protection zones, consisting of watershed areas of the Indian Hill Reservoir, Artichoke Reservoir, Bartlett Spring Pond and Zone I and Zone II of the groundwater sources, which are delineated on a map. This map is at a scale of one inch to eight hundred (800) feet and is entitled "Water Resource Protection District, City of Newburyport" dated February 25, 2003. This map is hereby made part of the city zoning ordinance and is on file in the office of the city planner and water department office.

(Ord. of 7-27-98(5); Ord. of 10-27-03)

XIX-E - Allowed uses within the water resource protection district.

Water supply related activities will not be subject to regulations within this ordinance [section].

The following uses are allowed within the water resource protection district, provided that all necessary permits, orders, or approvals required by local, state or federal law are first obtained:

1. Conservation of soil, water, plants, and wildlife.
2. Outdoor recreation, nature study, boating, fishing, and hunting where legally permitted, subject to sections XIX-H, I, and J (prohibited uses) and section XIX-K (special permitted uses).
3. Foot and/or bicycle paths and associated bridges.
4. Normal operation and maintenance of existing water bodies and dams, splash boards, and other water control, supply, and conservation devices.
5. Maintenance, repairs, and enlargement of any existing structure, subject to sections XIX-H, I, and J (prohibited uses) and section XIX-K (special permitted uses).
6. Residential development, subject to sections XIX-H, I, and J (prohibited uses) and section XIX-K (special permitted uses).
7. Farming, gardening, nursery, conservation, harvesting, and grazing, subject to sections XIX-H, I, and J (prohibited uses) and section XIX-K (special permitted uses).
8. Construction, maintenance, repair, and enlargement of drinking water supply related facilities such as, but not limited to, wells, pipelines, aqueducts, and tunnels. Underground storage tanks related to these activities are not categorically allowed.

(Ord. of 7-27-98(5))

XIX-F - Prohibited uses within the water resource protection district.

Notwithstanding the general power conferred by section X-H(6)(A) of the zoning ordinance upon the planning board to grant use variances, no use variance shall be granted so as to permit any of the uses prohibited by the foregoing section.

The following uses are prohibited within the entire water resource protection district:

1. Landfills and open dumps as defined in 310 CMR 19.006.
2. Landfilling of sludge or septage as defined in 310 CMR 32.05.
3. Storage of sludge and septage, unless such storage is in compliance with 310 CMR 32.30 and 310 CMR 32.31.
4. Automobile graveyards and junkyards, as defined in M.G.L.A. c. 140B, § 1.
5. Storage of liquid hazardous materials, as defined in M.G.L.A. c. 21E, unless in a freestanding containers within a building or above ground with secondary containment adequate to contain a spill one hundred ten (110) percent the size of the containers total storage capacity.
6. Stockpiling and disposal of snow and ice containing deicing chemicals as well as disposal of such material directly into a tributary to the principal water supply.
7. Structures other than those related to flood control or water supply, within the Zone A or Zone I.
8. Placement of fill, unless the fill has been designated as "clean fill."

9. Storage of deicing chemicals, unless such storage (including loading areas) is within a structure designed to prevent the generation and escape of contaminated runoff or leachate.
10. Any other activity deemed likely to cause or contribute to the contamination of the public water supply.
11. No water shall be diverted out the water resource protection district.

(Ord. of 7-27-98(5); Ord. of 10-27-03)

XIX-G - Prohibited uses within the Zone A, Zone B, Zone I and Zone II.

In addition to prohibitions in section XIX-H, the following uses are prohibited within the Zone A, Zone B, Zone I, and Zone II of the water resource protection district:

1. Individual sewage disposal systems that are designed and located in accordance with 310 CMR 15.000 to receive more than one hundred ten (110) gallons of sewage per quarter acre under one ownership per day, or four hundred forty (440) gallons of sewage on any acre under one ownership per day, whichever is greater, except the replacement or repair of an existing system that will not result in design capacity above the original design.
2. Storage of animal manure unless covered or contained so as to prevent the generation and escape of contaminated runoff or leachate.
3. Earth removal, consisting of the removal of soil, loam, sand, gravel or any other earth material (including mining activities) to within six (6) feet of historical high groundwater as determined from monitoring wells and historical water table fluctuation data compiled by the United States Geological Survey, except for excavations for building foundations, roads, or utility works.
4. Facilities that generate, treat, store, or dispose of hazardous waste subject to M.G.L.A. c. 21C and 310 CMR 30.00, except the following:
 - a. Waste oil retention facilities required by M.G.L.A. c. 21C, § 52A.
 - b. Water remediation treatment works approved under 314 CMR 5.00.
5. Treatment works that are subject to 314 CMR 5.00, including privately owned sewage treatment facilities, except the following:
 - a. Replacement or repair of an existing treatment works that will not result in a design capacity greater than the design capacity of the existing treatment works.
 - b. Replacement of existing subsurface sewage disposal system(s) with waste treatment works that will not result in a design capacity greater than the design capacity of the existing sewage disposal system(s).
 - c. Treatment works designed for the treatment of contaminated surface water and groundwater, approved by the Massachusetts Department of Environmental Protection.
6. Industrial and commercial uses which discharge process wastewater on site.
7. Alteration of any bordering vegetated wetland.
8. Incinerators.
9. Storage of liquid petroleum products, except the following:
 - a. Normal household use, outdoor maintenance, and heating of a structure.
 - b. Waste oil retention facilities required by statute, rule, or regulation.
 - c. Emergency generators required by state regulations.
 - d. Treatment works approved under 314 CMR 5.00 for treatment of ground or surface waters.

Provided that such storage, listed in items a. through d. above, is in freestanding containers within buildings or above ground with secondary containment adequate to contain a spill the size of one hundred ten (110) percent [of] the container's total storage capacity.
10. Commercial repair, servicing, washing, and rebuilding of vehicles, boats, and other large motorized equipment other than for normal household or farming activities.
11. Storage of commercial fertilizers, as defined in M.G.L.A. c. 128, § 64, unless such storage is within a structure designed to prevent the generation and escape of contaminated runoff or leachate.

(Ord. of 7-27-98(5))

XIX-H - Prohibited uses within the Zone A and Zone I.

In addition to the prohibitions and restrictions in sections XIX-H and I of this water resource protection district, the following activities are prohibited within the Zone A and Zone I, but are not limited to this list.

1. Any activity, other than for flood control or municipal water supply, which causes earth movement or disturbance.
2. Construction or placement of any permanent structures, other than those associated with flood control or water supply.
3. Any surface or subsurface discharge, including, but not limited to, stormwater or hazardous materials, except as allowed by special permit.
4. Wading, swimming, bathing or boating in the municipal water supply or its tributaries.
5. Horse paths.
6. Construction of new roads.

7. Any burial place or cemetery within one hundred (100) feet of the high water mark of a tributary.
8. Storage of animal manure, even if covered and contained.
9. Facilities that generate, treat, store, or dispose of hazardous waste subject to M.G.L.A. c. 21C and 310 CMR 30.00, regardless of size and quantity of hazardous waste generated.
10. Snowmobiling, dirt biking, all terrain vehicles (ATVs), sea planes and any other activities that in the opinion of the SPGA presents a threat to the water supply or the watershed.

(Ord. of 7-27-98(5))

XIX-I - Uses requiring a special permit within the entire water resource protection district.

The following uses and activities are allowed only upon the issuance of a special permit by the planning board under such conditions as the board may require.

1. Enlargement or alterations of existing uses that do not conform to the water resource protection district.
2. Application of pesticides, herbicides, insecticides, fungicides, and rodenticides for nondomestic or nonagricultural uses in accordance with the state and federal standards. The special permit shall be granted if such standards are met. If applicable, the application shall provide documentation of compliance with a yearly operating plan (YOP) for vegetation management operations under 333 CMR 11.00 or a Department of Food and Agriculture approved Pesticide Management Plan or Integrated Pest Management (IPM) program under 333 CMR 12.00.
3. Application of fertilizers for nondomestic or nonagriculture uses. Such application shall be made in a manner so as to minimize adverse impacts to surface water and groundwater quality due to nutrient transport, deposition, and sedimentation.
4. Activities which involve the handling of toxic or hazardous materials in quantities greater than those associated with normal household use, if allowed in the underlying zoning (except as prohibited under sections XIX-H, I, and J). Such activities shall require a special permit to prevent contamination of surface water and groundwater.
5. Construction of dams or other control devices, ponds or other changes in water bodies or courses, created for swimming, fishing or other recreational uses, agricultural uses, or drainage improvements. Such activities shall not adversely affect water quality or quantity.
6. Any use that will render impervious more than five thousand (5,000) square feet of a residential lot or ten thousand (10,000) square feet of a nonresidential lot. A system for groundwater recharge shall be provided which does not degrade ground or surface water quality. For all nonresidential uses, recharge shall be by storm water infiltration basins or similar systems covered with natural vegetation. Dry wells shall be used only where other methods are infeasible. For all nonresidential uses, all such infiltration basins and dry wells shall be preceded by oil, grease, and/or sediment traps to facilitate removal of contaminants. All recharge areas shall be regularly maintained in proper working order by the owner.
7. Residential construction upon a lot with an average slope exceeding fifteen (15) percent. An acceptable plan for site stabilization and control of erosion and sedimentation shall be provided.
8. Any new stormwater runoff shall be set back from the receiving water a minimum of one hundred (100) feet, and shall include best management practices appropriate to the site. Existing and replacement discharges shall be set back from the receiving water when either the site stormwater drainage system is changed or the discharge is increased. The best management practices shall be designed so as to maximize infiltration and minimize erosion, and to mitigate water quality impacts, including those due to total suspended solids and oil and grease. This applies to stormwater runoff from all impervious surfaces, including roads and parking lots.

(Ord. of 7-27-98(5); Ord. of 10-27-03)

XIX-J - Procedures for issuance of special permit.

1. The special permit granting authority (SPGA) under this ordinance shall be the planning board. Such special permit may be granted if the SPGA determines, in conjunction with the board of water commission, sewer commission, board of health, conservation commission and department of public works that the intent of this ordinance, as well as its specific criteria, are met. The SPGA shall not grant a special permit under this section unless the petitioner's application materials include, in the SPGA's opinion, sufficiently detailed, definite, and credible information to support positive findings in relation to the standards given in this section. The SPGA shall document the basis for any departures from the recommendations of the other municipal boards or agencies in its decision.
2. Upon receipt of the special permit application and filing fee, the SPGA shall transmit one copy each to the board of water commission, sewer commission, board of health, conservation commission and the department of public works for their written recommendations. Failure to respond in writing within sixty (60) days of receipt shall indicate approval or no desire to comment by said agency. The requisite number of application copies shall be furnished by the applicant.
3. The SPGA may grant the required special permit only upon finding that the proposed use meets the requirements specified in sections XIX-E, F, G, H, and I of this ordinance, any regulations or guidelines adopted by the SPGA, and the following standards. The proposed use must:
 - a. In no way adversely affect the existing or potential quality or quantity of water that is available for on-site recharge in the water resource protection district, during or after construction.
 - b. Be designed to avoid substantial disturbance of the soils, topography, drainage, vegetation, and other water related natural characteristics of the site to be developed, in adherence to the practices outlined in "Guidelines for Soil and Water Conservation in Urbanizing Areas of Massachusetts" (USDA Soil Conservation Services, October 1977).

4. The SPGA may adopt regulations to govern design features of projects. Such regulations shall be consistent with subdivision regulations adopted by the city.
5. The applicant for a special permit shall file fifteen (15) copies of a site plan and attachments. The site plan shall be drawn at a proper scale and be stamped by a professional engineer as determined by the SPGA. All additional submittals shall be prepared by qualified professionals. The site plan and its attachments shall include at a minimum the following information where pertinent:
 - a. A complete list of chemicals, pesticides, fertilizers, fuels, and other potentially hazardous materials to be used or stored on the premises in quantities greater than those associated with normal household use.
 - b. For those activities using or storing such hazardous materials, a hazardous materials management plan shall be prepared and filed with the hazardous materials coordinator, fire chief, and board of health. The plan shall include:
 - i. Provisions to protect against the discharge of hazardous materials or waste to the environment due to spillage, accidental damage, corrosion, leakage, or vandalism, including spill containment and clean-up procedures.
 - ii. Provisions for indoor secured storage of hazardous materials and waste on impervious floor surfaces.
 - iii. Evidence of compliance with Regulations of the Massachusetts Hazardous Waste Management Act 310 CMR 30.00, including obtaining an EPA identification number from the Massachusetts Department of Environmental Protection.
 - c. Proposed down-gradient locations for surface water or groundwater monitoring should the SPGA deem the activity a potential surface water or groundwater threat.
6. The SPGA shall hold a public hearing, in conformity with the provision of M.G.L.A. c. 40A, § 9, within ninety (90) days after the filing of the application and after the review by the appropriate city boards, departments, and commissions.

Notice of the public hearing shall be given by publication and posting and by first-class mailing to "parties of interest" as defined in M.G.L.A. c. 40A, § 11. The decision of the SPGA and any extension, modification, or renewal thereof shall be filed with the SPGA and city clerk within ninety (90) days following the closing of the public hearing. Failure of the SPGA to act within ninety (90) days shall be deemed as a granting of the permit. However, no work shall commence until a certification is recorded as required by said M.G.L.A. c. 40A, § 11.

(Ord. of 7-27-98(5); Ord. of 10-27-03)

XIX-K - Enforcement.

Written notice of any violation of this ordinance [section] shall be given by the building inspector/code enforcement officer to the responsible person as soon as possible upon observation, detection, knowledge or proof that a violation has occurred. Notice to the assessed owner of the property shall be deemed notice to the responsible person. Such notice shall specify the requirements or restriction violated and the nature of the violation, and may also identify the actions to remove or remedy the violations, preventive measures required for avoiding future violations, and a schedule of compliance. A copy of such notice shall be submitted to the board of water commission, sewer commission, building inspector, board of health, conservation commission and department of public works. The cost of containment, cleanup, or other action of compliance shall be borne by the assessed owner of the property.

For situations that require remedial action to prevent impact to the water resources within the water resource protection district, the building inspector, the board of health, or any of their agents may order the owner and/or operator of the premises to remedy the violations. If said owner and/or operator does not comply with said order, the building inspector, the board of health, or any of their agents, if authorized to enter upon such premises under the terms of the special permit or otherwise, may act to remedy the violation. The cost of remediation shall be the sole responsibility of the owner and/or operator of the premises.

(Ord. of 7-27-98(5))

XIX-L - Severability.

A determination that any portion or provision of this water resource protection district ordinance is invalid shall not invalidate any other portion or provision thereof, nor shall it invalidate any special permit issued previously thereunder.

(Ord. of 7-27-98(5))

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IMPACTS TO WETLAND AND WATERBODY RESOURCES AND WATERS OF THE UNITED STATES					
		WEST NEWBURY	NEWBURYPORT	TOTAL	
LAND UNDER WATERS OF THE US (LUW) / WATERBODY	PERMANENT IMPACT	553	431	984	SF
	TEMPORARY IMPACT	443	198	641	SF
	PERMANENT IMPACT - DREDGE / FILL	39 / 17	9 / 2	48 / 19	CY
	TEMPORARY IMPACT - DREDGE / FILL	28 / 0	22 / 0	50 / 0	CY
INLAND BANK / ORDINARY HIGH WATER (OHW)	PERMANENT IMPACT	128	54	182	LF
	TEMPORARY IMPACT	47	14	61	LF

NOTES:

- HORIZONTAL DATUM IS BASED OFF OF THE NORTH AMERICAN DATUM (NAD) 1983
- ELEVATIONS ARE REFERENCED TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88)

PREPARED FOR:
CITY OF NEWBURYPORT
 60 PLEASANT ST NEWBURYPORT,
 MA 01950
TOWN OF WEST NEWBURY
 381 MAIN ST, WEST NEWBURY,
 MA 01985

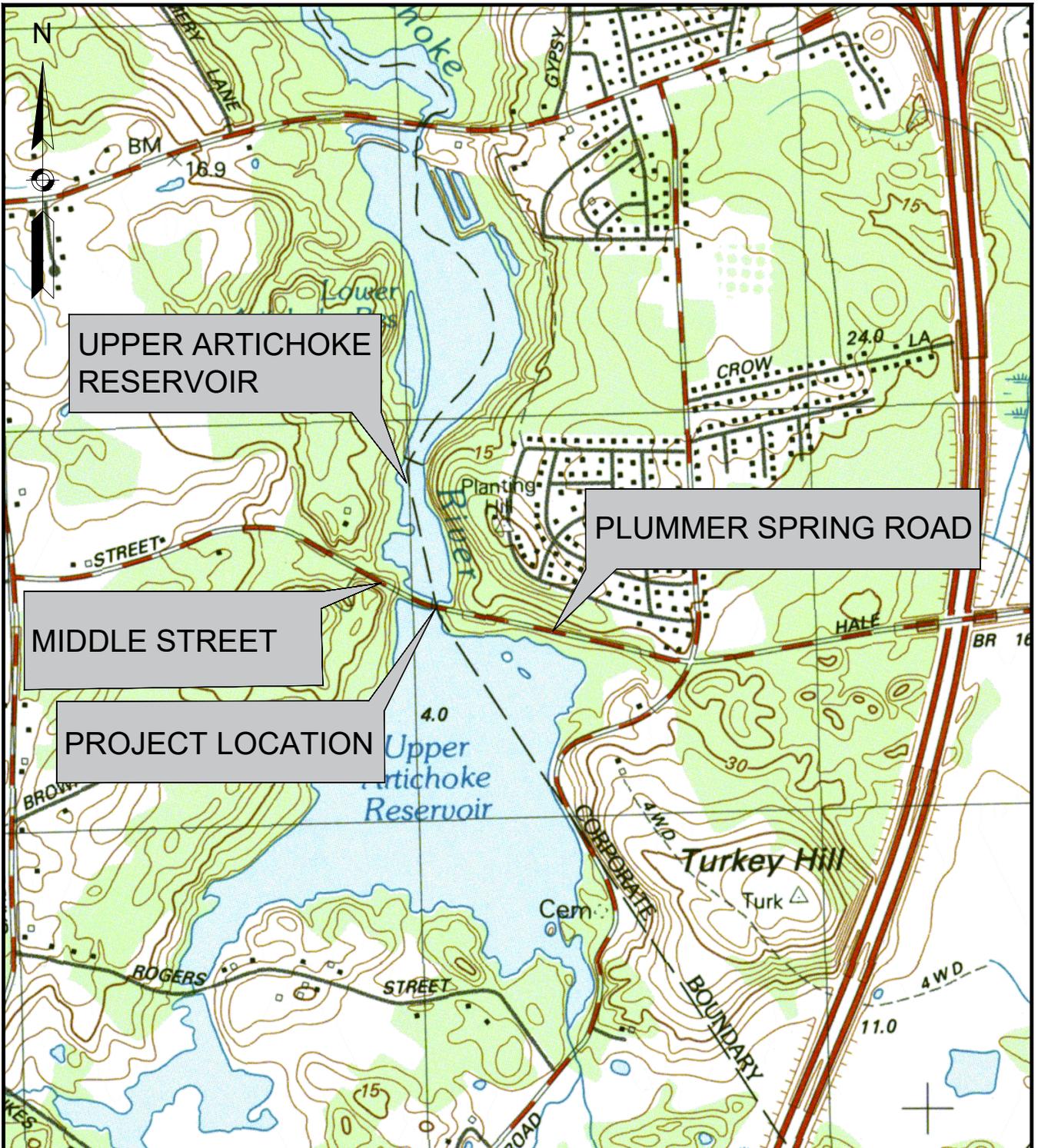
INDEX

Source:
 BRIDGE REPLACEMENT PROJECT
 MIDDLE STREET/PLUMMER SPRING ROAD OVER
 UPPER ARTICHOKE RESERVOIR, WEST NEWBURY/NEWBURYPORT, MA
 ESSEX COUNTY

Job No.: 28395.00 Date: 12/21/2020
 Scale: N/A Revised: _____
 Description: INDEX Figure: 1 OF 14



BSC GROUP
 803 Summer Street
 Boston, Massachusetts
 02127
 617 896 4300



UPPER ARTICHOKE RESERVOIR

PLUMMER SPRING ROAD

MIDDLE STREET

PROJECT LOCATION

LATITUDE: 42°48'10.7"N
 LONGITUDE: -70°55'51.5"W

SCALE: 1" = 1200'



PREPARED FOR:
 CITY OF NEWBURYPORT
 60 PLEASANT ST
 NEWBURYPORT, MA 01950
 TOWN OF WEST NEWBURY
 381 MAIN ST, WEST
 NEWBURY, MA 01985

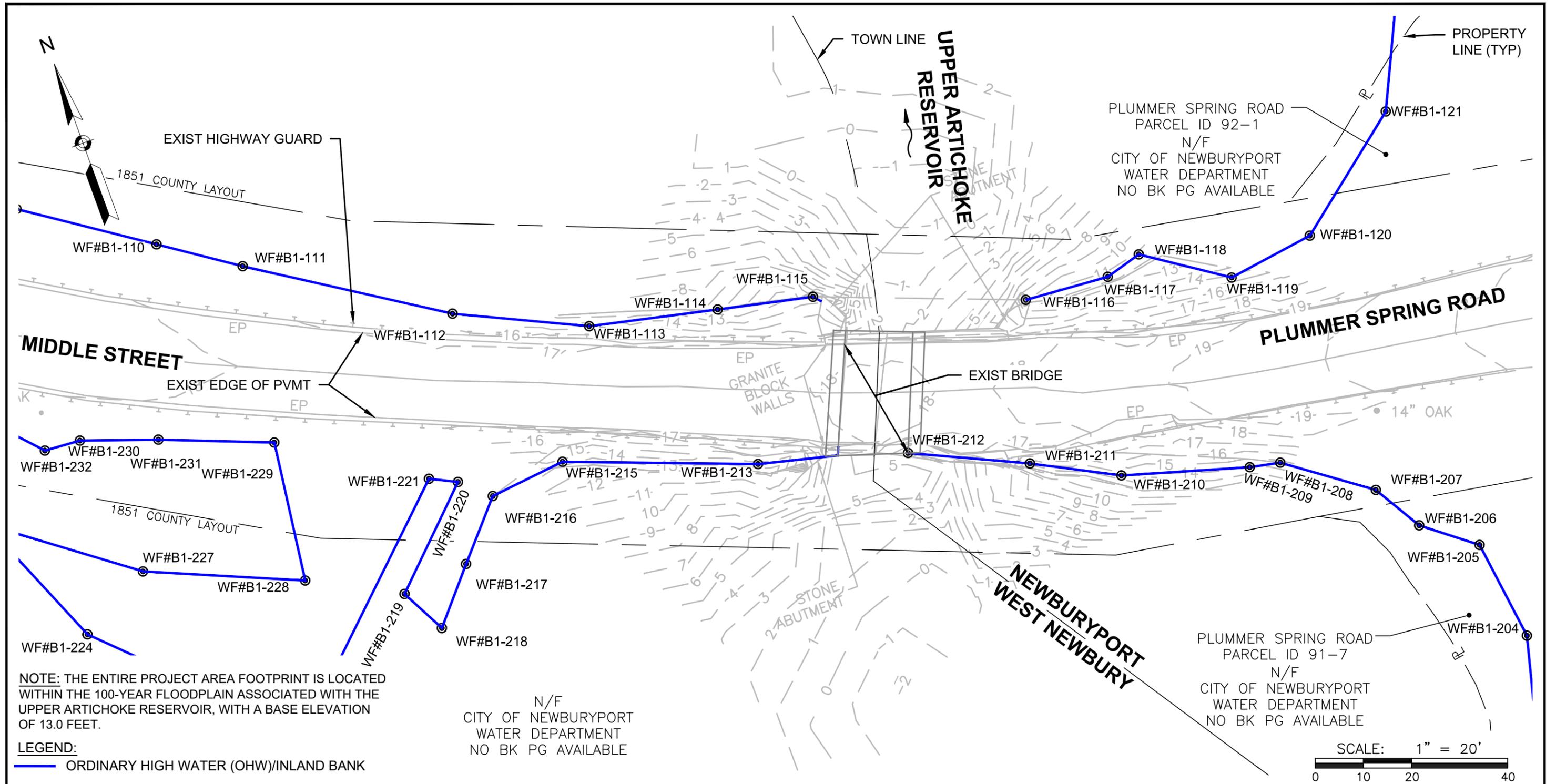
LOCUS MAP
 Source:
 BRIDGE REPLACEMENT PROJECT
 MIDDLE STREET/PLUMMER SPRING
 ROAD OVER UPPER ARTICHOKE
 RESERVOIR, WEST NEWBURY/
 NEWBURYPORT, MA, ESSEX COUNTY

BSC GROUP

803 Summer Street
 Boston, Massachusetts
 02127

617 896 4300

Job No.:	28395.00	Date:	12/21/2020
Scale:	1"=1200'	Revised:	
Dwg. No.:	Locus	Figure:	2 OF 14

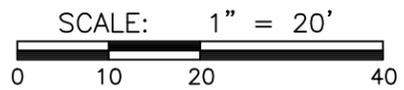


NOTE: THE ENTIRE PROJECT AREA FOOTPRINT IS LOCATED WITHIN THE 100-YEAR FLOODPLAIN ASSOCIATED WITH THE UPPER ARTICHOKE RESERVOIR, WITH A BASE ELEVATION OF 13.0 FEET.

LEGEND:
 — ORDINARY HIGH WATER (OHW)/INLAND BANK

N/F
 CITY OF NEWBURYPORT
 WATER DEPARTMENT
 NO BK PG AVAILABLE

PLUMMER SPRING ROAD
 PARCEL ID 91-7
 N/F
 CITY OF NEWBURYPORT
 WATER DEPARTMENT
 NO BK PG AVAILABLE

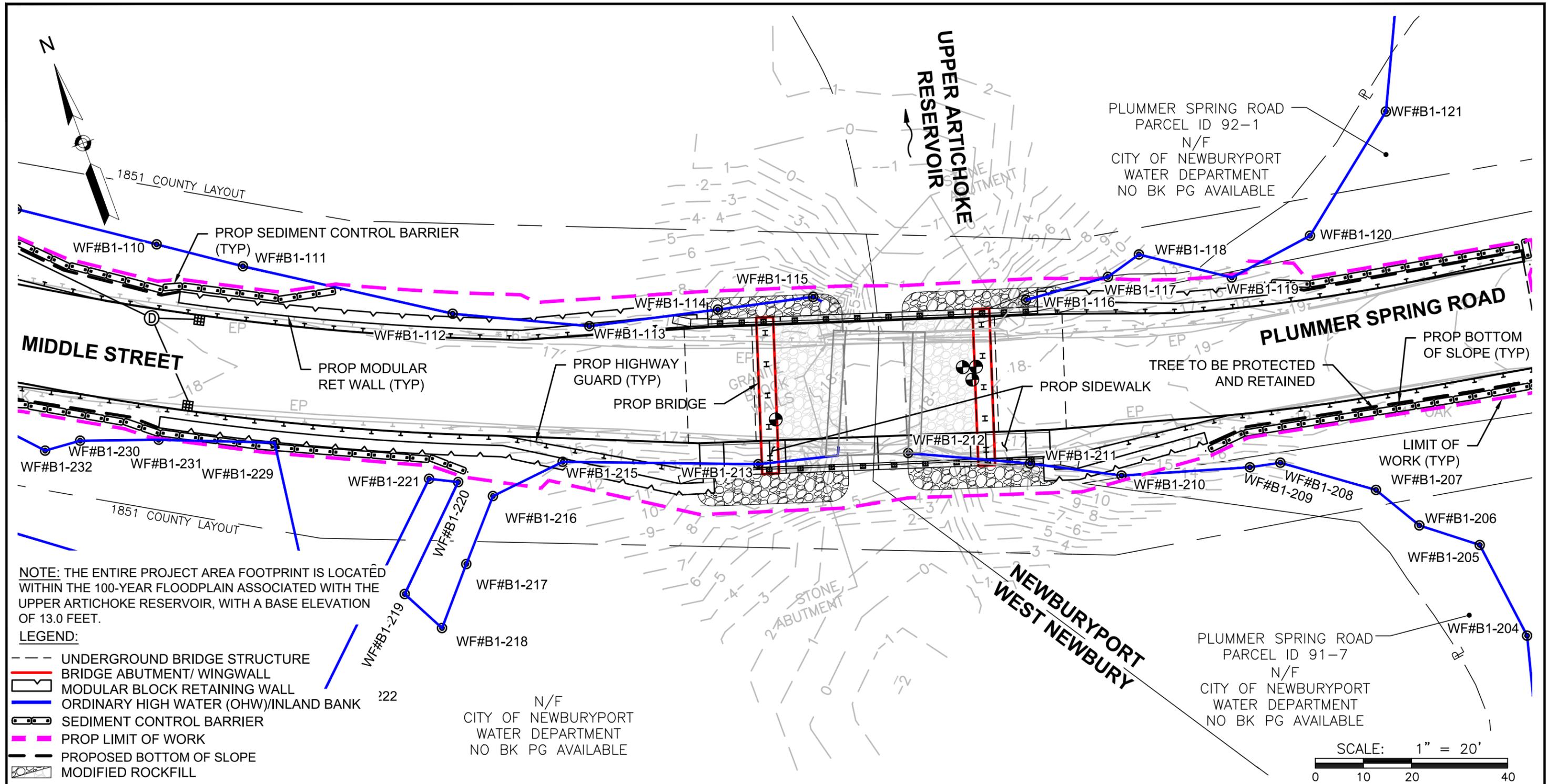


PREPARED FOR:
 CITY OF NEWBURYPORT
 60 PLEASANT ST NEWBURYPORT,
 MA 01950
 TOWN OF WEST NEWBURY
 381 MAIN ST, WEST NEWBURY,
 MA 01985

Source:
EXISTING CONDITIONS
 BRIDGE REPLACEMENT PROJECT
 MIDDLE STREET/PLUMMER SPRING ROAD OVER
 UPPER ARTICHOKE RESERVOIR, WEST NEWBURY/NEWBURYPORT, MA
 ESSEX COUNTY

Job No.: 28395.00 Date: 12/21/2020
 Scale: 1" = 20' Revised: _____
 Description: EX COND Figure: 3 OF 14

803 Summer Street
 Boston, Massachusetts
 02127
 617 896 4300



NOTE: THE ENTIRE PROJECT AREA FOOTPRINT IS LOCATED WITHIN THE 100-YEAR FLOODPLAIN ASSOCIATED WITH THE UPPER ARTICHOKE RESERVOIR, WITH A BASE ELEVATION OF 13.0 FEET.

- LEGEND:**
- UNDERGROUND BRIDGE STRUCTURE
 - BRIDGE ABUTMENT/WINGWALL
 - MODULAR BLOCK RETAINING WALL
 - ORDINARY HIGH WATER (OHW)/INLAND BANK
 - SEDIMENT CONTROL BARRIER
 - PROP LIMIT OF WORK
 - PROPOSED BOTTOM OF SLOPE
 - MODIFIED ROCKFILL

PREPARED FOR:
CITY OF NEWBURYPORT
 60 PLEASANT ST NEWBURYPORT,
 MA 01950
 TOWN OF WEST NEWBURY
 381 MAIN ST, WEST NEWBURY,
 MA 01985

PROPOSED CONDITIONS

Source:

BRIDGE REPLACEMENT PROJECT
MIDDLE STREET/PLUMMER SPRING ROAD OVER
UPPER ARTICHOKE RESERVOIR, WEST NEWBURY/NEWBURYPORT, MA
ESSEX COUNTY

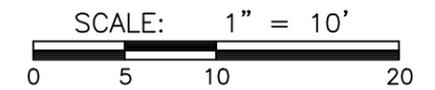
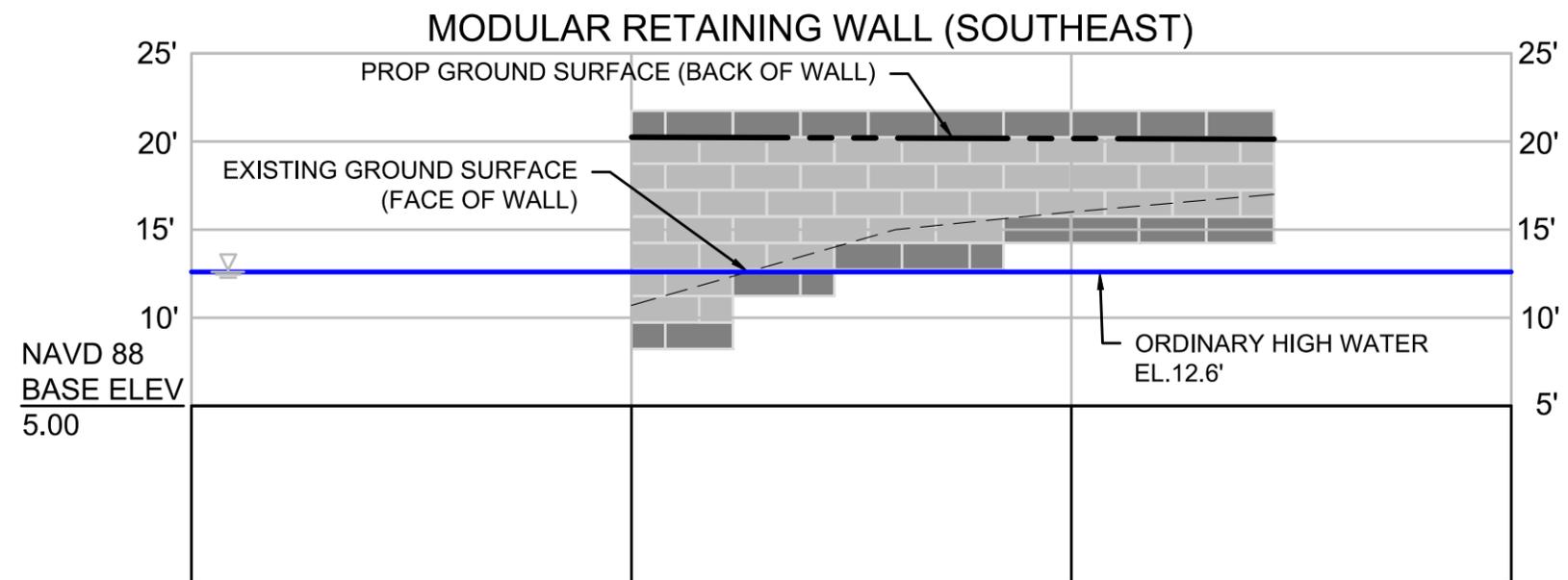
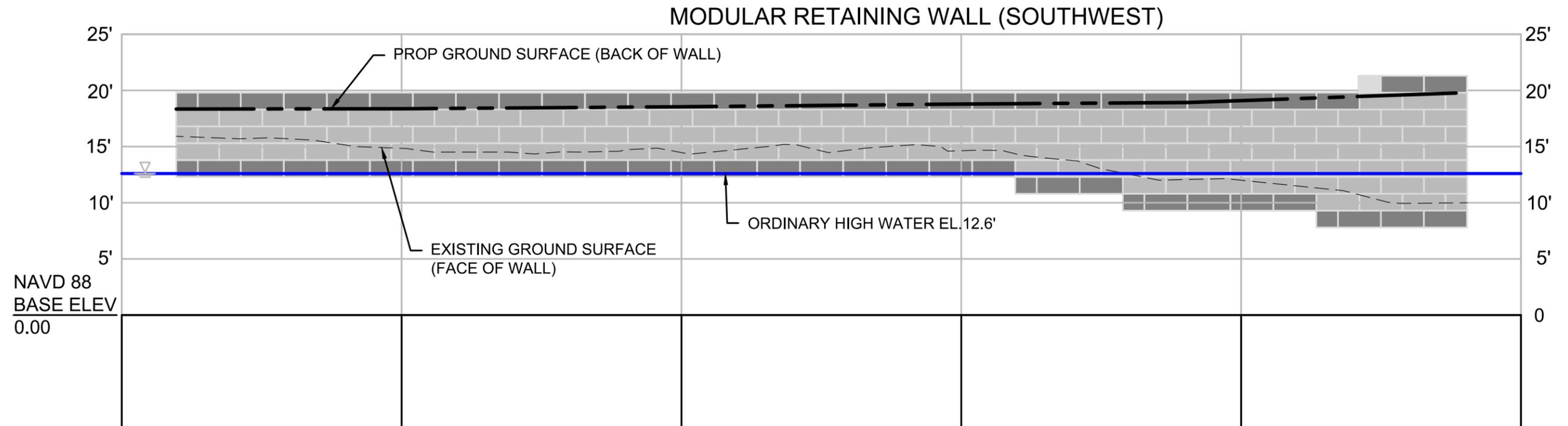
Job No.: 28395.00 Date: 12/21/2020

Scale: 1" = 20' Revised: _____

Description: PROP COND Figure: 4 OF 14

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 02127
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PREPARED FOR:
 CITY OF NEWBURYPORT
 60 PLEASANT ST NEWBURYPORT,
 MA 01950
 TOWN OF WEST NEWBURY
 381 MAIN ST, WEST NEWBURY,
 MA 01985

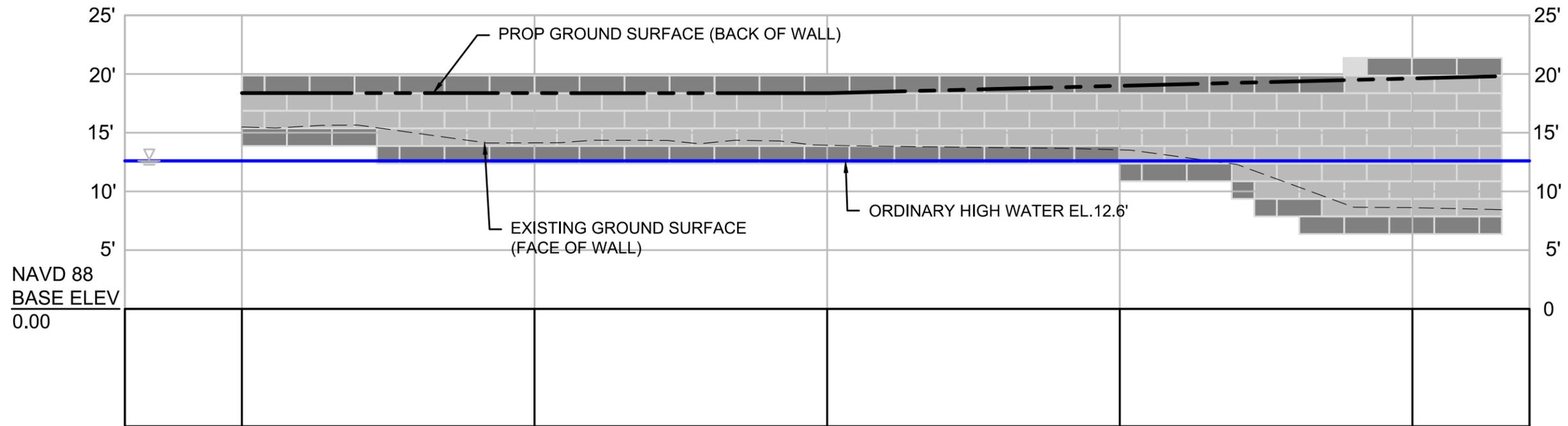
PROPOSED WALL PROFILE

Source:
 BRIDGE REPLACEMENT PROJECT
 MIDDLE STREET/PLUMMER SPRING ROAD OVER
 UPPER ARTICHOKE RESERVOIR, WEST NEWBURY/NEWBURYPORT, MA
 ESSEX COUNTY

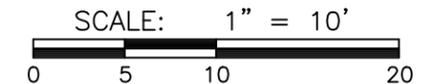
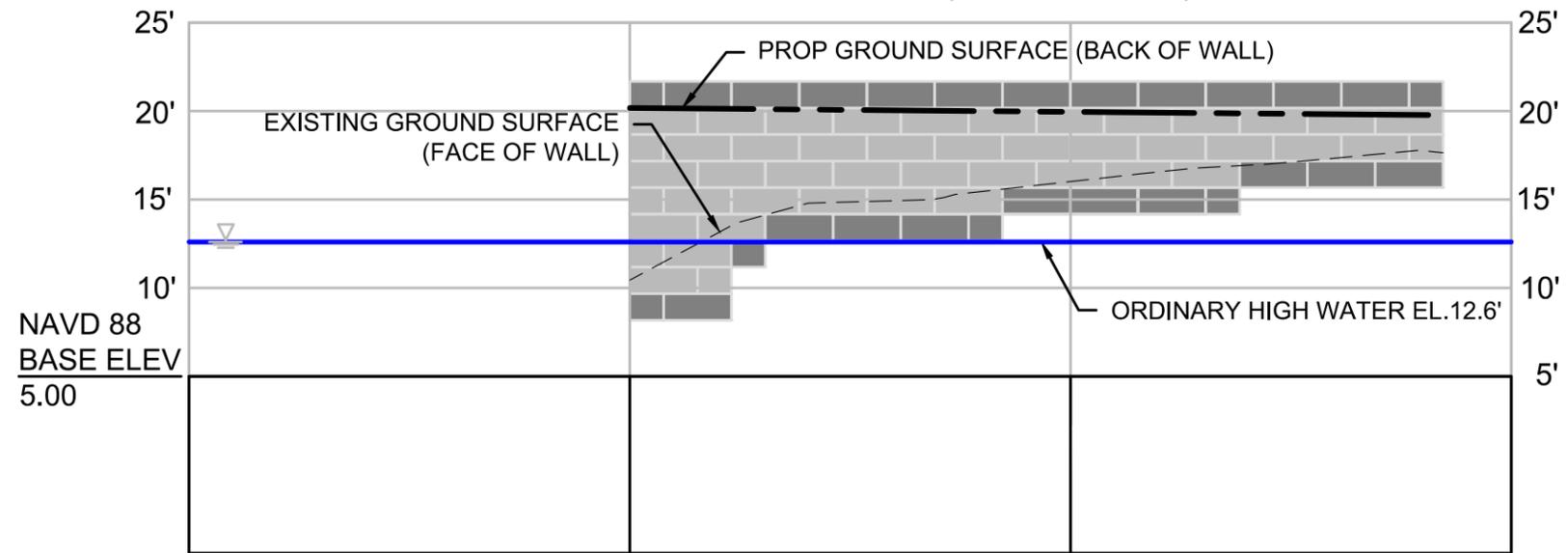
Job No.: 28395.00 Date: 12/21/2020
 Scale: 1" = 10' Revised: _____
 Description: PR WALL Figure: 5 OF 14

BSC GROUP
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MODULAR RETAINING WALL (NORTHWEST)



MODULAR RETAINING WALL (NORTHEAST)



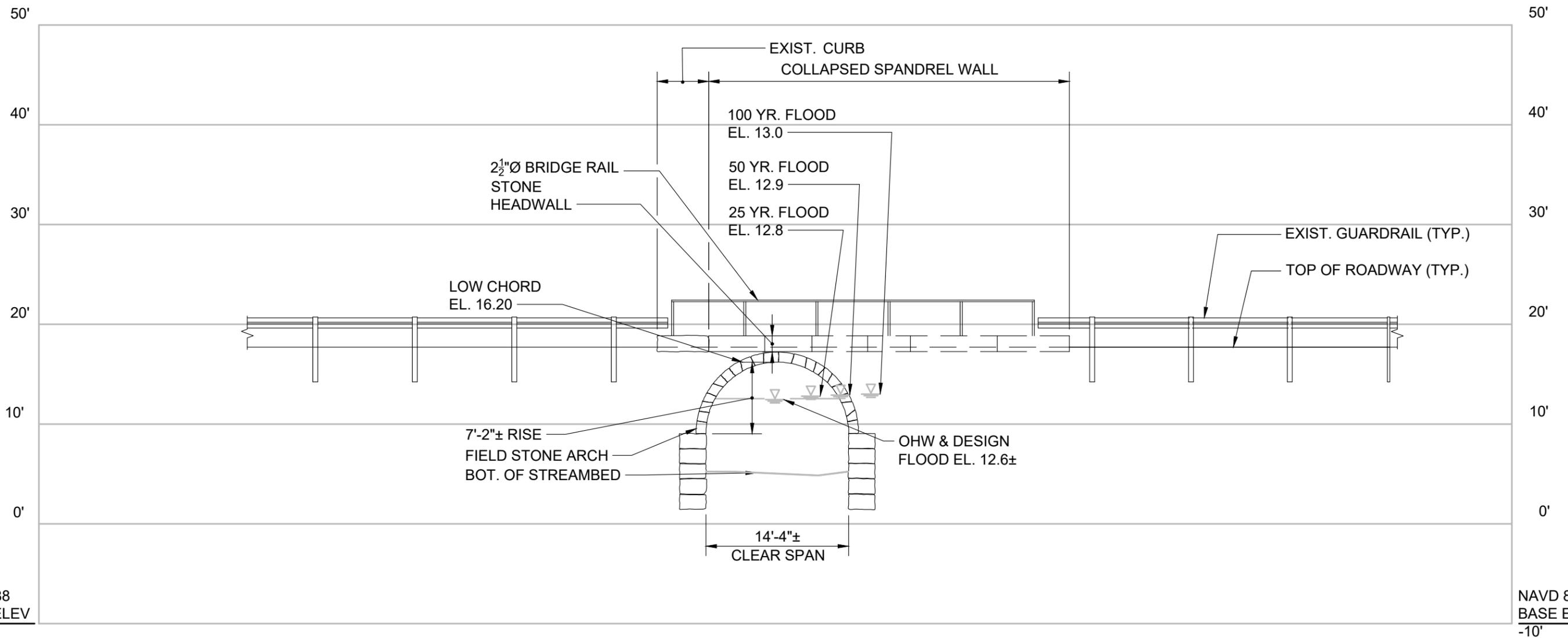
PREPARED FOR:
CITY OF NEWBURYPORT
60 PLEASANT ST NEWBURYPORT,
MA 01950
TOWN OF WEST NEWBURY
381 MAIN ST, WEST NEWBURY,
MA 01985

PROPOSED WALL PROFILE

Source:
BRIDGE REPLACEMENT PROJECT
MIDDLE STREET/PLUMMER SPRING ROAD OVER
UPPER ARTICHOKE RESERVOIR, WEST NEWBURY/NEWBURYPORT, MA
ESSEX COUNTY

Job No.: 28395.00 Date: 12/21/2020
Scale: 1" = 10' Revised: _____
Description: PR WALL Figure: 6 OF 14
PROF

BSC GROUP
803 Summer Street
Boston, Massachusetts
02127
617 896 4300



EXISTING ELEVATION
SCALE: 3/32" = 1'-0"

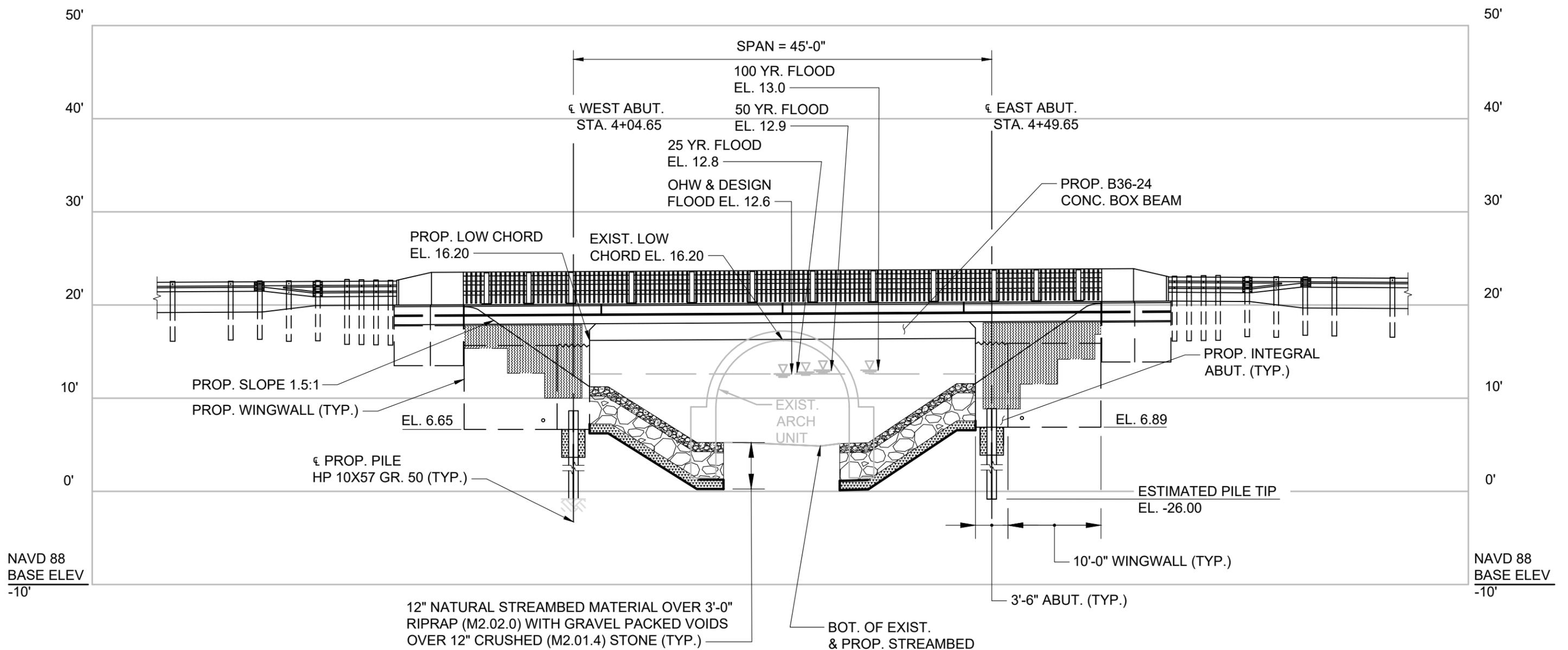
PREPARED FOR:
CITY OF NEWBURYPORT
60 PLEASANT ST NEWBURYPORT,
MA 01950
TOWN OF WEST NEWBURY
381 MAIN ST, WEST NEWBURY,
MA 01985

Source: **EXISTING - SOUTH ELEVATION**

BRIDGE REPLACEMENT PROJECT
MIDDLE STREET/PLUMMER SPRING ROAD OVER
UPPER ARTICHOKE RESERVOIR, WEST NEWBURY/NEWBURYPORT, MA
ESSEX COUNTY

Job No.: 28395.00 Date: 12/21/2020
Scale: 3/32" = 1'-0" Revised: _____
Description: EXIST. EL. Figure: 7 OF 14

BSC GROUP
803 Summer Street
Boston, Massachusetts
02127
617 896 4300



NOTE: EXISTING STRUCTURE TO BE REMOVED IN ITS ENTIRETY

PROPOSED SOUTH ELEVATION
SCALE: 3/32" = 1'-0"

PREPARED FOR:
CITY OF NEWBURYPORT
 60 PLEASANT ST NEWBURYPORT,
 MA 01950
TOWN OF WEST NEWBURY
 381 MAIN ST, WEST NEWBURY,
 MA 01985

Source:

PROPOSED - SOUTH ELEVATION

BRIDGE REPLACEMENT PROJECT
 MIDDLE STREET/PLUMMER SPRING ROAD OVER
 UPPER ARTICHOKE RESERVOIR, WEST NEWBURY/NEWBURYPORT, MA
 ESSEX COUNTY

Job No.: 28395.00 Date: 12/21/2020

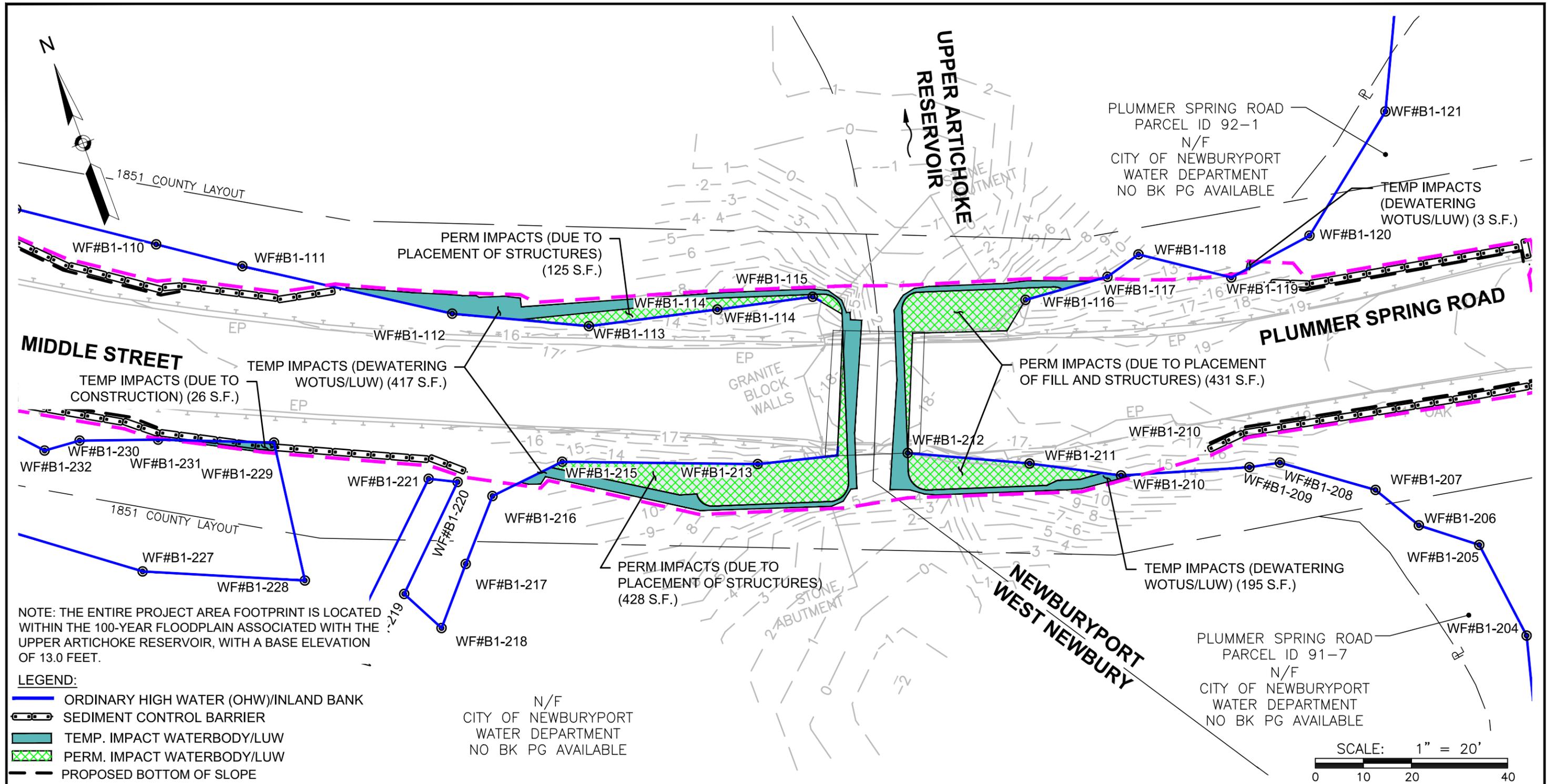
Scale: 3/32" = 1'-0" Revised: _____

Description: PROP. EL. Figure: 8 OF 14



BSC GROUP

803 Summer Street
 Boston, Massachusetts
 02127
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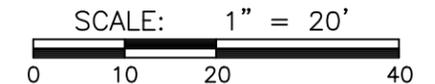
NOTE: THE ENTIRE PROJECT AREA FOOTPRINT IS LOCATED WITHIN THE 100-YEAR FLOODPLAIN ASSOCIATED WITH THE UPPER ARTICHOKE RESERVOIR, WITH A BASE ELEVATION OF 13.0 FEET.

LEGEND:

- ORDINARY HIGH WATER (OHW)/INLAND BANK
- SEDIMENT CONTROL BARRIER
- TEMP. IMPACT WATERBODY/LUW
- PERM. IMPACT WATERBODY/LUW
- PROPOSED BOTTOM OF SLOPE

N/F
CITY OF NEWBURYPORT
WATER DEPARTMENT
NO BK PG AVAILABLE

PLUMMER SPRING ROAD
PARCEL ID 91-7
N/F
CITY OF NEWBURYPORT
WATER DEPARTMENT
NO BK PG AVAILABLE



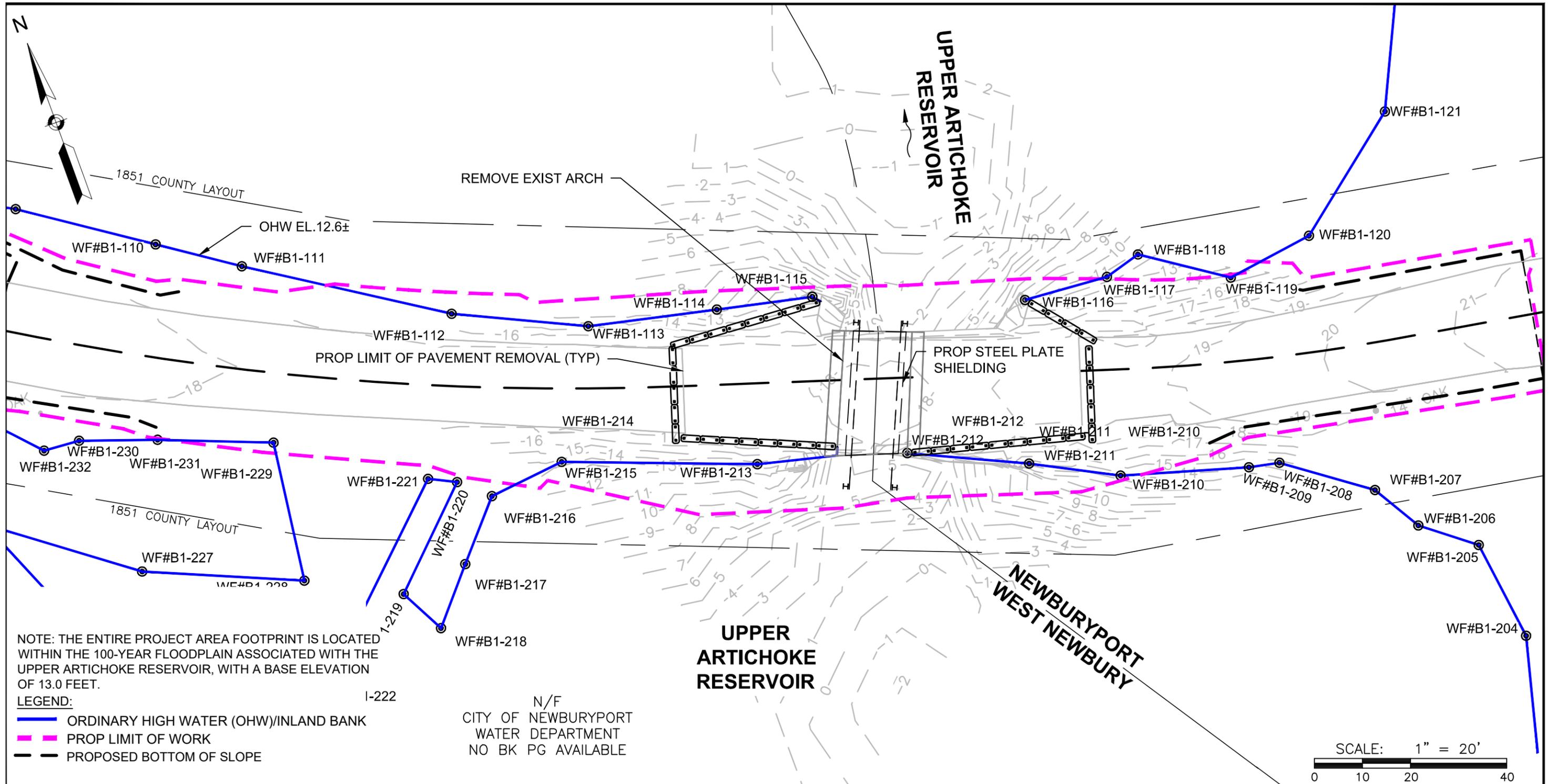
PREPARED FOR:
CITY OF NEWBURYPORT
60 PLEASANT ST NEWBURYPORT,
MA 01950
TOWN OF WEST NEWBURY
381 MAIN ST, WEST NEWBURY,
MA 01985

IMPACTS

Source:
BRIDGE REPLACEMENT PROJECT
MIDDLE STREET/PLUMMER SPRING ROAD OVER
UPPER ARTICHOKE RESERVOIR, WEST NEWBURY/NEWBURYPORT, MA
ESSEX COUNTY

Job No.: 28395.00 Date: 12/21/2020
Scale: 1" = 20' Revised: _____
Description: IMPACTS Figure: 9 OF 14

BSC GROUP
803 Summer Street
Boston, Massachusetts
02127
617 896 4300



NOTE: THE ENTIRE PROJECT AREA FOOTPRINT IS LOCATED WITHIN THE 100-YEAR FLOODPLAIN ASSOCIATED WITH THE UPPER ARTICHOKE RESERVOIR, WITH A BASE ELEVATION OF 13.0 FEET.

LEGEND:
 — ORDINARY HIGH WATER (OHW)/INLAND BANK
 - - - PROP LIMIT OF WORK
 - - - PROPOSED BOTTOM OF SLOPE

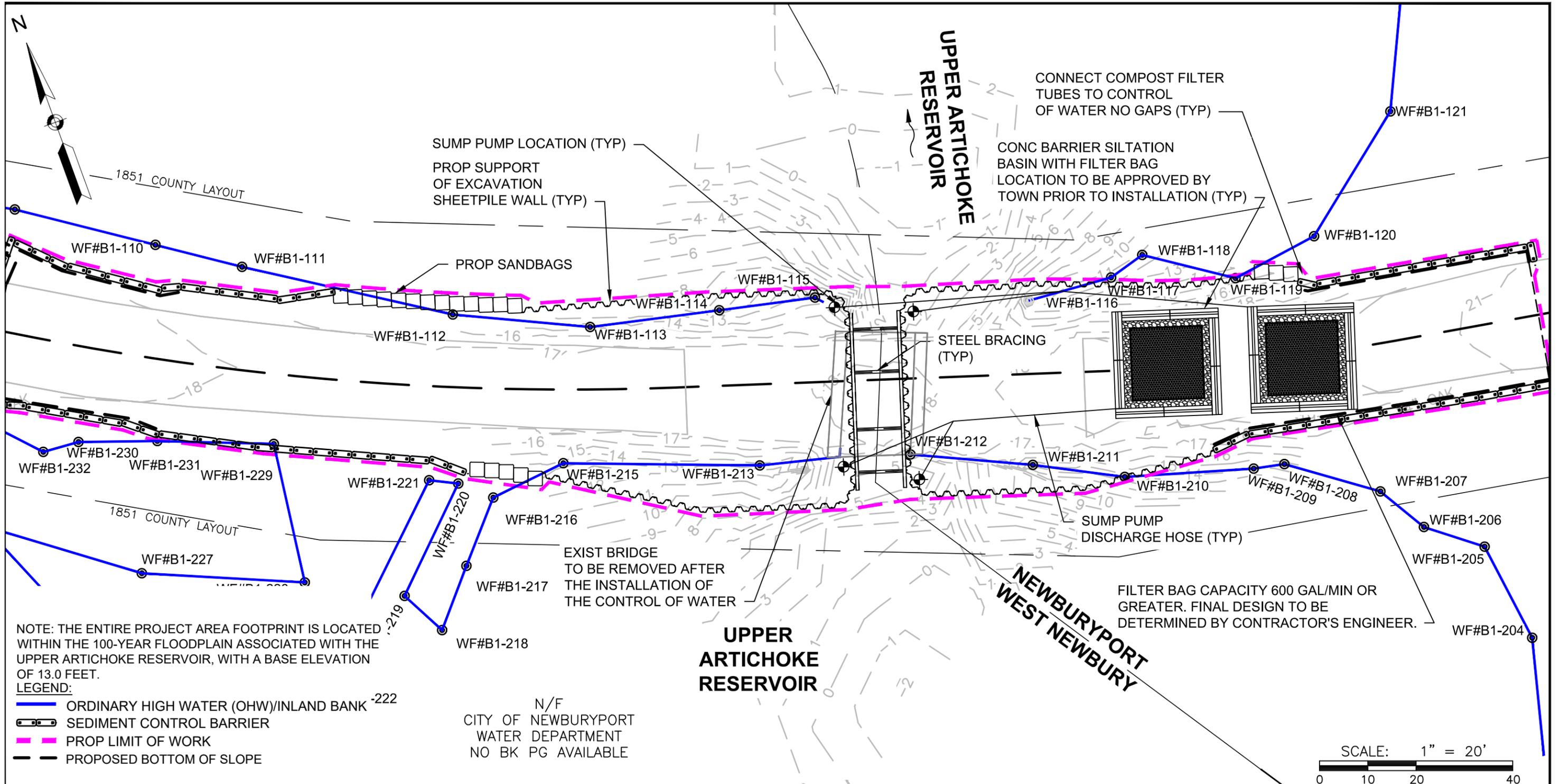
N/F
 CITY OF NEWBURYPORT
 WATER DEPARTMENT
 NO BK PG AVAILABLE

PREPARED FOR:
 CITY OF NEWBURYPORT
 60 PLEASANT ST NEWBURYPORT,
 MA 01950
 TOWN OF WEST NEWBURY
 381 MAIN ST, WEST NEWBURY,
 MA 01985

SHIELDING PLAN - UPPER ARCH REMOVAL
 BRIDGE REPLACEMENT PROJECT
 MIDDLE STREET/PLUMMER SPRING ROAD OVER
 UPPER ARTICHOKE RESERVOIR, WEST NEWBURY/NEWBURYPORT, MA
 ESSEX COUNTY

Job No.: 28395.00 Date: 12/21/2020
 Scale: 1" = 20' Revised: _____
 Description: COW Figure: 10 OF 14

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PREPARED FOR:
CITY OF NEWBURYPORT
 60 PLEASANT ST NEWBURYPORT,
 MA 01950
 TOWN OF WEST NEWBURY
 381 MAIN ST, WEST NEWBURY,
 MA 01985

Source: **CONTROL OF WATER - PHASE 1 - PLAN**

BRIDGE REPLACEMENT PROJECT
 MIDDLE STREET/PLUMMER SPRING ROAD OVER
 UPPER ARTICHOKE RESERVOIR, WEST NEWBURY/NEWBURYPORT, MA
 ESSEX COUNTY

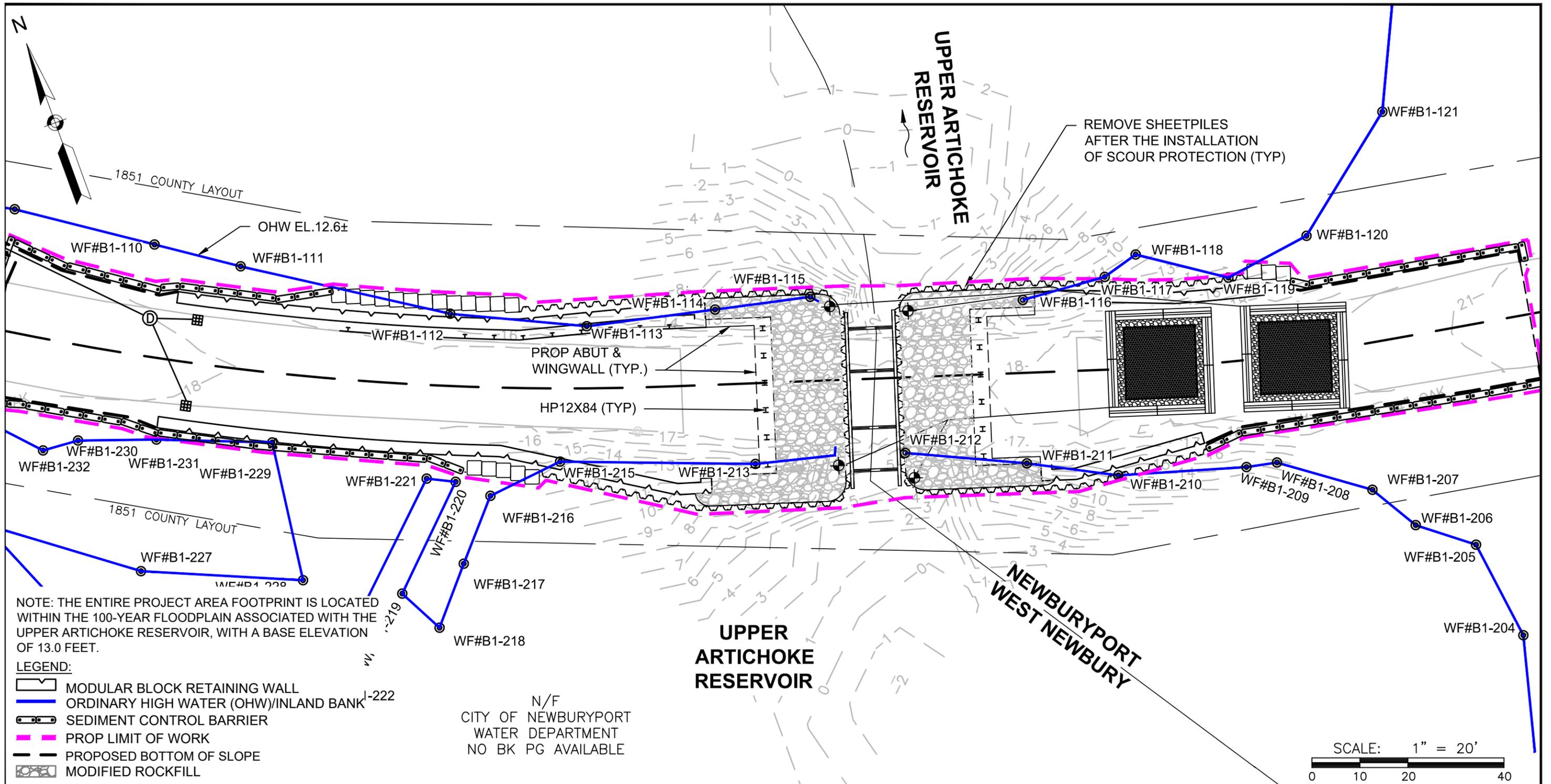
Job No.: 28395.00 Date: 12/21/2020

Scale: 1" = 20' Revised: _____

Description: COW Figure: 11 OF 14

BSC GROUP

803 Summer Street
 Boston, Massachusetts
 02127
 617 896 4300



NOTE: THE ENTIRE PROJECT AREA FOOTPRINT IS LOCATED WITHIN THE 100-YEAR FLOODPLAIN ASSOCIATED WITH THE UPPER ARTICHOKE RESERVOIR, WITH A BASE ELEVATION OF 13.0 FEET.

- LEGEND:
- MODULAR BLOCK RETAINING WALL
 - ORDINARY HIGH WATER (OHW)/INLAND BANK
 - SEDIMENT CONTROL BARRIER
 - PROP LIMIT OF WORK
 - PROPOSED BOTTOM OF SLOPE
 - MODIFIED ROCKFILL

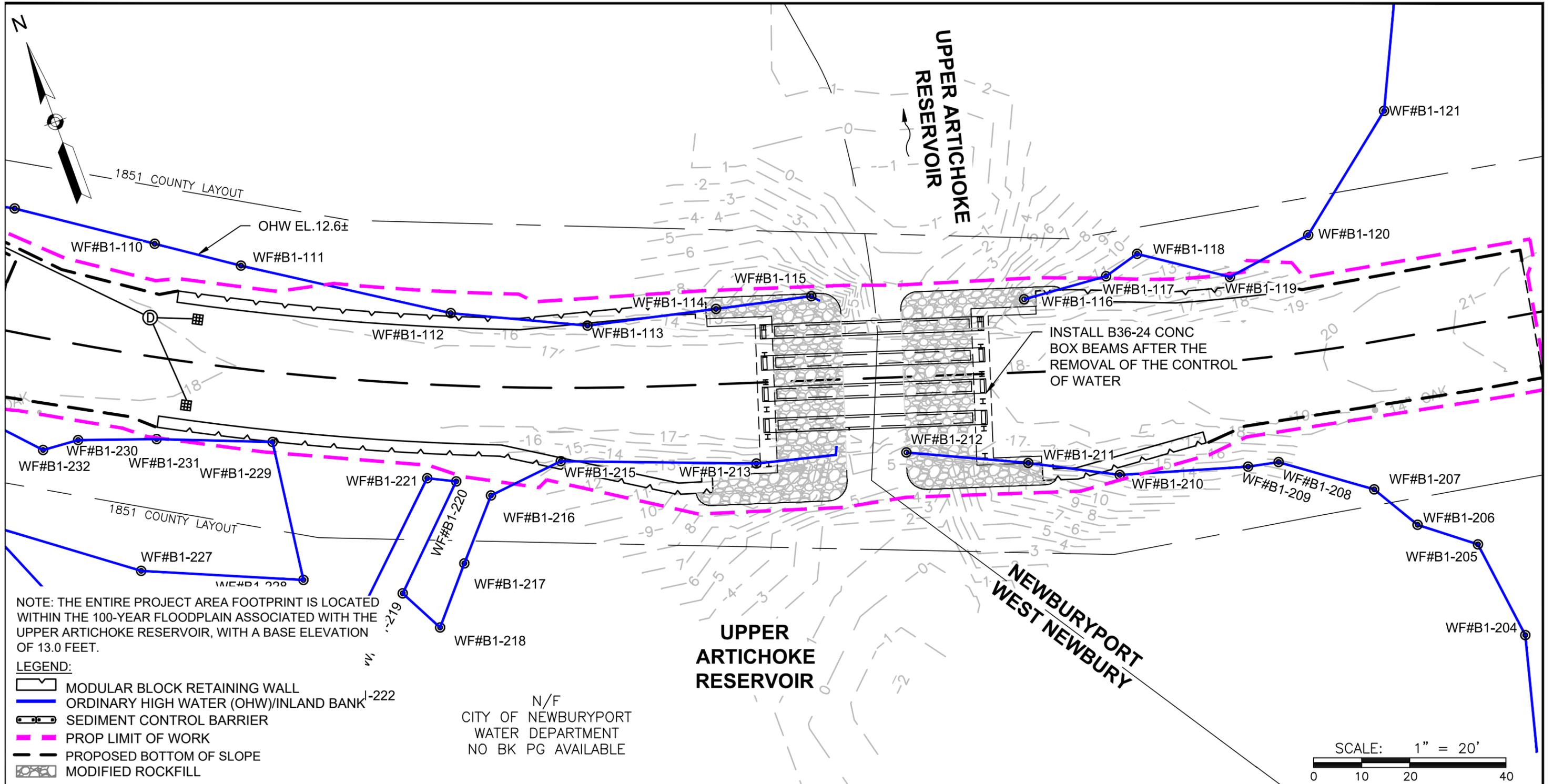
N/F
CITY OF NEWBURYPORT
WATER DEPARTMENT
NO BK PG AVAILABLE

PREPARED FOR:
CITY OF NEWBURYPORT
60 PLEASANT ST NEWBURYPORT,
MA 01950
TOWN OF WEST NEWBURY
381 MAIN ST, WEST NEWBURY,
MA 01985

Source: **CONTROL OF WATER - PHASE 2 - PLAN**
BRIDGE REPLACEMENT PROJECT
MIDDLE STREET/PLUMMER SPRING ROAD OVER
UPPER ARTICHOKE RESERVOIR, WEST NEWBURY/NEWBURYPORT, MA
ESSEX COUNTY

Job No.: 28395.00 Date: 12/21/2020
Scale: 1" = 20' Revised: _____
Description: COW Figure: 12 OF 14

BSC GROUP
803 Summer Street
Boston, Massachusetts
02127
617 896 4300



PREPARED FOR:
CITY OF NEWBURYPORT
 60 PLEASANT ST NEWBURYPORT,
 MA 01950
 TOWN OF WEST NEWBURY
 381 MAIN ST, WEST NEWBURY,
 MA 01985

CONTROL OF WATER - PHASE 3 - PLAN

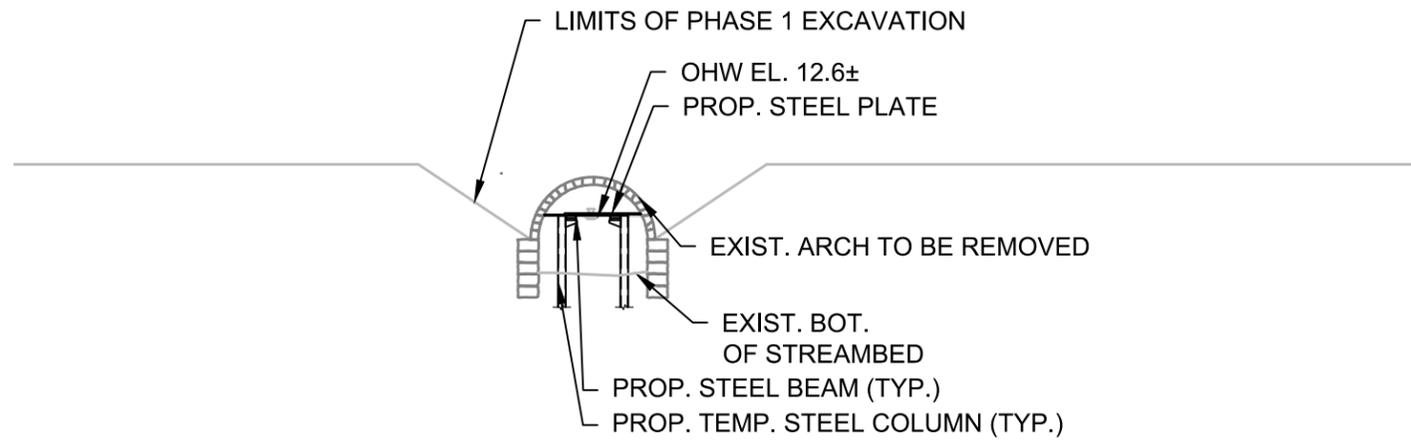
Source: _____

BRIDGE REPLACEMENT PROJECT
 MIDDLE STREET/PLUMMER SPRING ROAD OVER
 UPPER ARTICHOKE RESERVOIR, WEST NEWBURY/NEWBURYPORT, MA
 ESSEX COUNTY

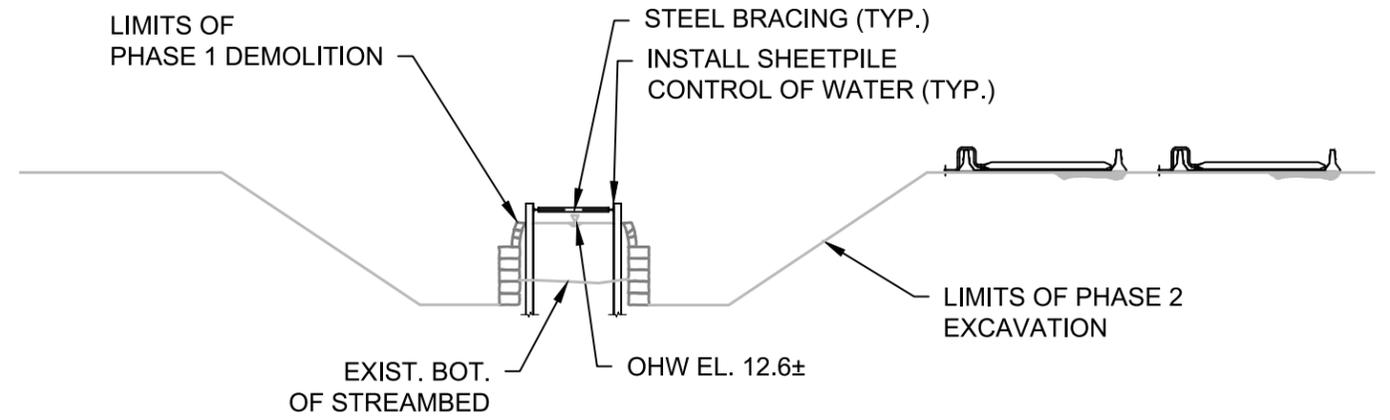
Job No.: 28395.00 Date: 12/21/2020
 Scale: 1" = 20' Revised: _____
 Description: COW Figure: 13 OF 14

BSC GROUP

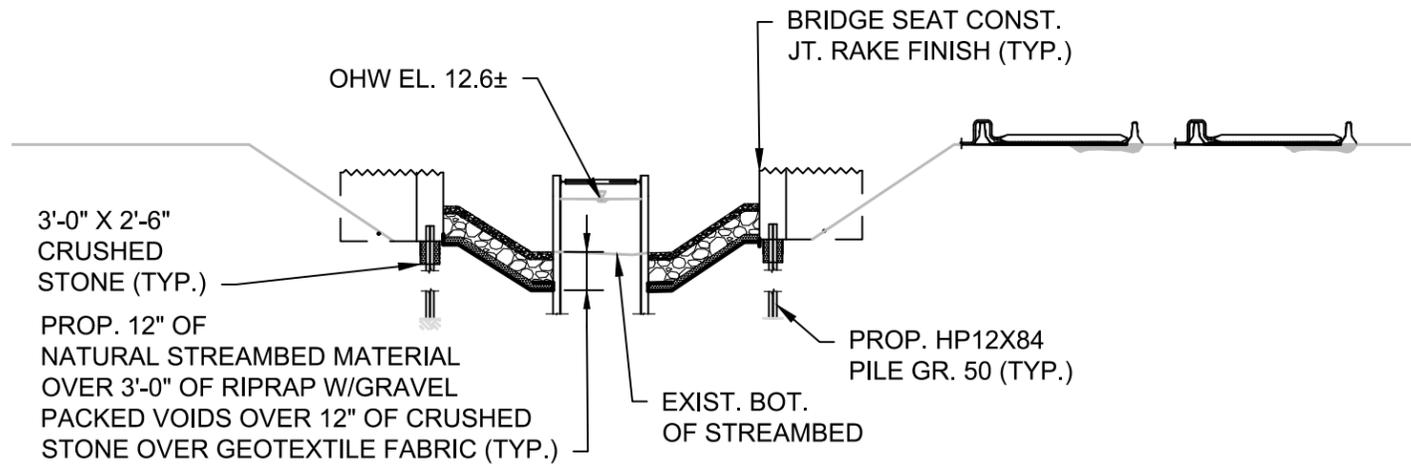
803 Summer Street
 Boston, Massachusetts
 02127
 617 896 4300



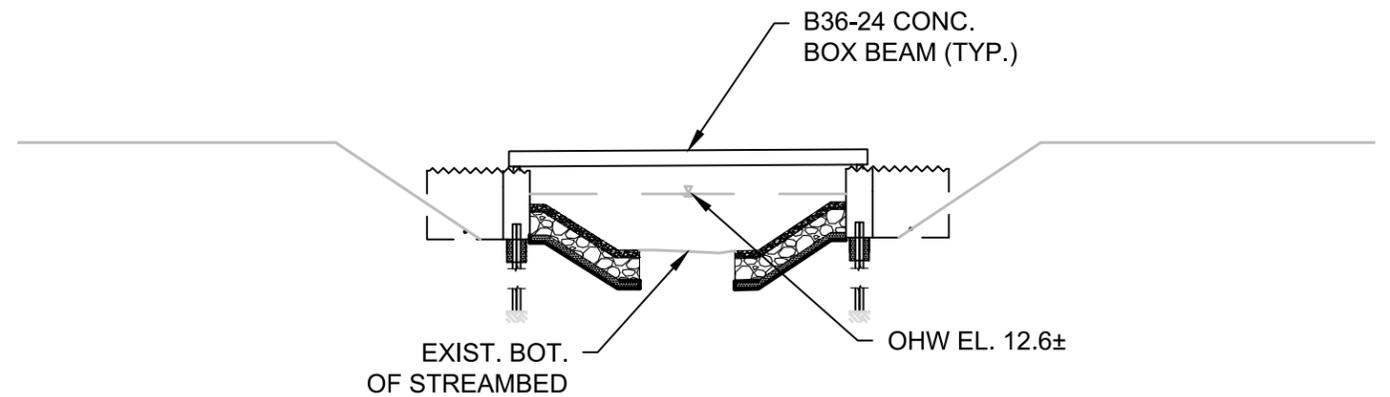
SHIELDING PLAN - UPPER ARCH REMOVAL
SCALE: 1/2" = 1'-0"



CONTROL OF WATER - PHASE 1 - ELEVATION
SCALE: 1/2" = 1'-0"



CONTROL OF WATER - PHASE 2 - ELEVATION
SCALE: 1/2" = 1'-0"



CONTROL OF WATER - PHASE 3 - ELEVATION
SCALE: 1/2" = 1'-0"

PREPARED FOR:
CITY OF NEWBURYPORT
60 PLEASANT ST NEWBURYPORT,
MA 01950
TOWN OF WEST NEWBURY
381 MAIN ST, WEST NEWBURY,
MA 01985

SHIELDING AND CONTROL OF WATER - ELEVATION

BRIDGE REPLACEMENT PROJECT
MIDDLE STREET/PLUMMER SPRING ROAD OVER
UPPER ARTICHOKE RESERVOIR, WEST NEWBURY/NEWBURYPORT, MA
ESSEX COUNTY

Job No.: 28395.00 Date: 12/21/2020
Scale: 1/2" = 1'-0" Revised: _____
Description: COW Figure: 14 OF 14

BSC GROUP
803 Summer Street
Boston, Massachusetts
02127
617 896 4300

**COMMONWEALTH OF MASSACHUSETTS
TOWN OF WEST NEWBURY**

INTERNSHIP: INVASIVE PLANT INTERNS

Summary: The Town of West Newbury seeks **two Invasive Plant Interns** to assist with identification, mapping, and management of invasive plant species on town owned property under the guidance of town staff and town committee members during Summer 2022. In addition to regular duties, interns will have the ability to attend lectures/programs, go on field trips, and design and complete an intern capstone project. The town seeks to engage two interns: a lead intern, and a support intern. The lead intern, determined through a combination of experience and education, would be hired for a period of 10 weeks not to exceed 25 hours per week. The support intern would be hired for a period of 8 weeks not to exceed 20 hours per week.

Start Date: June 2022; End Date: August 2022

Start and end dates are flexible, based on candidate availability. A 10-week consecutive commitment is required for the lead intern. An 8-week consecutive commitment is required for the second intern. Non-work weeks to accommodate other obligations can be designated at time of hire. Hours worked within a given week may be flexible, subject to advance scheduling.

Work Schedule: The lead intern would be hired for a period of 10 weeks not to exceed 25 hours per week. The support intern would be hired for a period of 8 weeks not to exceed 20 hours per week. A flexible work schedule may be accommodated, which could involve work performed outside of normal work hours. The work schedule may vary weekly and daily to avoid work occurring in dangerous conditions including excessive heat and electrical storms.

Wage: The hourly wage is \$14.25 to \$15.50 per hour based on experience. Both positions are part-time, temporary positions, and are not benefits eligible. Mileage reimbursement will be provided at the then-current IRS.

Position Description:

The invasive plant internship is intended to facilitate personal growth and professional development. Interns will be exposed to conservation and land management practices, plant identification, and GIS mapping. Interns will also have the opportunity to network with municipal staff and town committee members, many of whom are experts in their fields. Interns will primarily perform plant identification, GIS mapping of invasive plant populations, and management of invasive plants. Interns may also have the opportunity to participate in other activities including training, field trips, and presentations. The interns will work together to create a capstone presentation to the Town of West Newbury summarizing the data they collected and proposing suggestions for invasive plant management in the town, to be presented in a public meeting at the conclusion of their internship.

Primary Duties include:

- Correctly identifying invasive plant species at various phenological stages using a botanical key
- Surveying and recording invasive plant species and populations
- GIS mapping of invasive plant populations using the application EDD Maps
- Physical removal of invasive plants including hand pulling or removal and management with non-motorized hand tools
- Assisting town staff and town committees, as needed, with community outreach on invasive plants
- Preparing and presenting a capstone presentation to the town summarizing data collected and presenting invasive plant management suggestions

Physical Requirements: This position requires physical exertion such as walking long distances over uneven terrain and standing for long periods of time. Bending, crouching, stooping, lifting or reaching. Hand and finger dexterity and physical coordination may involve fine and precise procedures, delicate adjustments or exact measurements. The ability to occasionally lift and/or move up to 50 lbs. safely.

Environmental Conditions/Hazards: This position may encounter environmental conditions/hazards including extreme heat or cold, wet and windy weather, rocky terrain, muddy, swamp, or wetland conditions, biting insects, dense vegetation, poison ivy, pollen, and potentially dangerous wildlife. Those in this position are expected to conduct position duties in a safe and orderly manner so as not to endanger self, staff, members of the public, and/or resources.

Vehicle and Equipment Use/Safety: Due to the work occurring in various locations in the Town of West Newbury, consistent access to reliable transportation and possession of a valid driver's license is required. Any tools required for the accomplishment of the duties will be provided by the Town of West Newbury. Use of personal protective equipment (PPE), typically provided by the Town of West Newbury, will be mandatory for any activity that requires it. Strict adherence to training and safety protocols is required.

Qualifications:

Required

- Willing and able to represent the Town of West Newbury in a professional, positive, and enthusiastic manner
- Ability to work independently with minimal supervision and the ability to be a positive, contributing member of a group or team
- Ability to accept guidance from supervisor and other town committee members
- Willingness to work in field conditions which will include insects, heat, humidity, rain, and exposure to irritating plants including poison ivy
- Willingness to participate in training including, but possibly not limited to, EDD mapping, plant identification, and safety protocols
- Ability to follow directions, instructions, and safety protocols
- U.S. Citizen or Permanent Resident

- Due to the potential hazards and independent nature of the position, applicants must be at least 18 years old at time of hire
- A valid driver's license, an insurable driving record (documentation to be provided upon request), and access to a reliable personal vehicle
- Willingness to undergo and ability to pass a required CORI check
- Ability to perform the essential duties of the position with or without reasonable accommodation

Preferred

- Education or experience in botany, GIS mapping, plant identification, environmental science, natural resources, biology, ecology and/or a related subject is preferred
- Strong interest in working with plants, natural resources, and/or environmental science
- Ability to walk and stand for long periods
- Ability to perform manual labor including physically pulling or removing invasive plants with non-motorized hand tools
- Familiarity with GPS and iPads
- Ability to collect high quality, accurate data
- Ability to identify plants using a botanical key, distinguish invasive plants from native plants, and willingness to learn plant identification skills

Application Details: To apply please send a resume, cover letter, and list of three professional/academic references to personnel@wnewbury.org please include your name and the words "Invasive Plant Internship Application" in the subject line.

NOTE: Positions will remain open until filled. Applications will be reviewed on a rolling basis and interviews may be conducted on a rolling basis – interested applicants are encouraged to apply early. If you have any questions regarding the positions, please contact Michelle Greene, Conservation Agent for the Town of West Newbury, conservation@wnewbury.org, 978-891-0238.

The Town of West Newbury is an Equal Opportunity Employer and does not tolerate discrimination on the basis of an individual's sex, age, race, color, creed, national origin, alienage, religion, marital status, pregnancy, sexual orientation or affectional preference, gender identity and expression, disability, genetic trait or predisposition, carrier status, citizenship, veteran or military status and other personal characteristics protected by law. All applicants will receive consideration for employment without regard to legally protected characteristics.

Town Manager

From: Town Manager
Sent: Friday, May 13, 2022 6:47 PM
To: Conservation; Rick Parker; Nancy Pau; Carol Decker; patricia reeser
Subject: RE: Working Group Meeting for Invasive Plant Interns
Attachments: Selected interns summer 2022.pdf; Internship Expenses 2022 DRAFT.xlsx

Hi,

Based on application materials and interviews, invasive species internships have been offered to the following two applicants:

- [REDACTED] lead intern
- [REDACTED] support intern

We're hopeful that both will accept the offer, which will be contingent upon reference checks. We'd like to see about setting both internships' duration as concurrent, and need to see how that would fit into the budget. If one of you has or has access to whatever assumptions (re hrs, rate, expenses) underpinned the \$8,000 that was approved in the article, that background would be helpful to receive. I have attached the working draft of anticipated supplies needed for the interns.

If you have not yet responded to the doodle poll that Michelle sent on Wednesday, please do so or otherwise get us your availability. She has outlined a lot of good questions, and there is a lot more prep work needed to get them started in a couple of weeks. It will be helpful to get everyone together soon.

Thanks,
Angus

From: Conservation <conservation@wnewbury.org>
Sent: Wednesday, May 11, 2022 4:07 PM
To: Rick Parker <rparker@wnewbury.org>; Town Manager <townmanager@wnewbury.org>; Nancy Pau <nancy_pau@yahoo.com>; Carol Decker <whittideck@verizon.net>; patricia reeser <ppreeser@comcast.net>
Subject: Working Group Meeting for Invasive Plant Interns

Hello,

I've had 3 great candidates interview so far and have 2 more interviews today and am hoping to have candidates selected by next week.

As we get closer to the beginning of June, the start date for the internship, I'm hoping to have another working group meeting, ideally next week. I'd like to finalize the following:

- A list of sites to be surveyed, ranked in priority
 - o my hope is to work through this list in order with the interns assigning them sites/areas at sites depending on site size and continuously have a new site ready to be surveyed should the finish at the current site or need to move locations for whatever reason
- A list of priority species to survey for
 - o I don't think it's the best use of the interns' time to survey a site for every species that is invasive and I think it will reduce data quality by having the interns attempt to ID and log and then having volunteers attempt to confirm the ID of every invasive species
 - o Based on this I think a list of 5-10 "priority" invasive species to survey for makes the most sense

- Based on this list, I/we can streamline ID and training materials too
- A schedule for the first week or 2 weeks of the internship to be focused on training.
 - I know that a lot of people wished to be involved with this and I will need all the help available. Creating a schedule will allow our time to be used wisely while giving the interns the best training possible
- Additional items to discuss:
 - Are we ready to go with EddMaps (i.e. have volunteers been logged in as reviewers, have we logged any test data, are we comfortable in our skills to train the interns and troubleshoot as needed)
 - Regarding EddMaps it seems like they are doing a training on May 20th the link for more info and to register is here: https://zoom.us/webinar/register/tJYoc-igqTMjGt2JfSa9IKPdfrVz1W2tE562/success?act=cancel&user_id=hRX5M5ILSFsrsxQxu-BQHw
 - Any other outstanding items (I'll have a list by end of week of items ordered for the interns and will share it once available).

Please use the Doodle poll to confirm availability. I'd prefer an in person meeting but if we need to use Zoom to accommodate logistics that is OK too. I've listed only evening options as that is what Nancy will be most likely able to attend

<https://doodle.com/meeting/participate/id/bo2rxKja>

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

Town Manager

From: Town Manager
Sent: Friday, May 20, 2022 8:21 PM
To: Nancy Pau
Cc: Conservation
Subject: Re: Working Group Meeting for Invasive Plant Interns

Hi Nancy,

I was able to connect with each of Patricia and Carole earlier today by phone, and I think we are going to be in great shape! There are a number of details that will need to come together in the next two weeks or so, and then coordination going forward as the field work gets underway. But once we meet next week, I think it will come together really nicely, as I know there is a lot of support for this effort in the community and a lot of people will come together to help ensure that the interns have an enriching experience, and that their work substantially advances the towns goals for this project.

We really appreciate your efforts, and those of others, and look forward to connecting early next week at whatever time and method works best for people.

Have a great wknd,
Angus

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

Sent from my mobile device

Town Manager

From: Jerrard Whitten <jjwhitten@mvp.org>
Sent: Wednesday, May 18, 2022 4:48 PM
To: Town Manager
Subject: Re: West Newbury support letter for HPP grant application
Attachments: MVPC Draft on letterhead - West Newbury support letter.pdf

Hi Angus,

Just a quick note to express our thanks for your support. We are optimistic about our application and really appreciate your help. As information becomes available we will keep you posted. Hope the rest of your week goes well.

Sincerely,
Jerrard

On May 18, 2022, at 10:17 AM, Town Manager <townmanager@wnewbury.org> wrote:

Nate, Jerrard,

Please find attached. Good luck with the grant application, and please let us know if we can be of assistance.

Thanks,
Angus

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



Town of West Newbury

381 Main Street

West Newbury, Massachusetts 01985

Angus Jennings, Town Manager

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

townmanager@wnewbury.org

May 17, 2022

Executive Office of Energy and Environmental Affairs
100 Cambridge St.
Suite 900
Boston, MA 02114

To the EEA Planning Assistance Grant Review Committee:

The Town of West Newbury enthusiastically endorses and supports Merrimack Valley Planning Commission's application to the Executive Office of Energy and Environmental Affairs (EEA) Planning Assistance Grant for funding consideration. West Newbury is working to advance a proactive strategy for planning and developing affordable housing for residents of West Newbury and the Merrimack Valley region at large.

The Merrimack Valley Planning Commission (MVPC) will be the lead consultant on the proposed grant application and has decades of partnership experience with the 15 cities and towns comprising the Merrimack Valley region. MVPC collaborates with all fifteen Merrimack Valley communities to produce 5-year Housing Production Plans (HPPs) for each individual municipality according to their unique needs, and to produce a regional Housing Production Plan. The creation of HPPs aligns with the Housing Choice Best Practice of having a DHCD Certified Housing Production Plan, subsequently resulting in an increase of 0.5% to 1% of year-round housing units within each municipality. To date, the Merrimack Valley is the only region in the Commonwealth of Massachusetts where each community has an approved Housing Production Plan. Our goal is to maintain and continue this work. West Newbury has taken proactive steps since its adoption of its current HPP in 2018, including adding affordable units to our Subsidized Housing Inventory via the Local Initiative Program, and establishing a new Affordable Housing Trust. We are excited to once again partner with MVPC to update our five-year Housing Production Plan through a collaborative and comprehensive public process.

West Newbury recognizes that by taking a proactive approach in the adoption of a Housing Production Plan, we are much more likely to achieve our affordable housing goals in a manner consistent with our overall community planning goals. Additionally, we recognize that if we join with our fellow Merrimack Valley communities and plan for housing in a coordinated way, we can grow in a way that is responsive to the needs of the entire region.

West Newbury is excited to embark on a municipal and regional Housing Production Plan update in partnership with the Merrimack Valley Planning Commission. The EEA Planning Assistance Grant is instrumental in funding this important project. Thank you for your consideration of this application, and please reach out for additional clarity or questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Angus Jennings". The signature is fluid and cursive, with the first name "Angus" being more prominent than the last name "Jennings".

Angus Jennings
Town Manager

Town Manager

From: DPW Director
Sent: Thursday, May 12, 2022 11:21 AM
To: Town Accountant
Cc: DPW Admin; Town Manager
Subject: RE: Chap 90

Our first Chapter 90 project from start to finish. I would love to say it was easy and worth it. But it was hell.

From: Town Accountant <townaccountant@wnewbury.org>
Sent: Tuesday, May 10, 2022 12:44 PM
To: DPW Director <dpwdirector@wnewbury.org>
Cc: DPW Admin <DPWAdmin@wnewbury.org>; Town Manager <townmanager@wnewbury.org>
Subject: FW: Chap 90

Hello Wayne:

Job well done. All the funding has come in for all of your chapter 90 reimbursement requests totaling \$239,644.97. I know the paperwork is a lot but can't thank you enough for all of you efforts.

Have a good day,

Stephanie Frontiera

Town Accountant/ Business Manager
 Town of West Newbury
 Town Office Building
 381 Main Street
 West Newbury, MA 01985
 (978) 363-1100 x112
townaccountant@wnewbury.org

From: Town Treasurer <treasurer@wnewbury.org>
Sent: Tuesday, May 10, 2022 12:42 PM
To: Town Accountant <townaccountant@wnewbury.org>
Subject: Chap 90

Here is the print out

Very truly yours,

Kaitlin Gilbert

Treasurer/Collector
 Town of West Newbury
 Town Office Building
 381 Main Street
 West Newbury, MA 01985

TOWN OF WEST NEWBURY Payment History

Date Range Searched: From 05/01/2022 To 05/06/2022

Department(s) Searched: ALL

Number of Payment Lines Found: 3

[Understanding Payments History.](#)

Return Payments History Search

Address ID: AD001---381 MAIN ST WEST NEWBURY, MA				
Payment Number: 123A2011063				
Payment Date: 5/4/2022				
Department	Payment Ref. #	Contract Number	Line Amount	Check Amount
DOT - MASSACHUSETTS DEPARTMENT OF TRANSPORTATION	51027/N00002	INTF00X02018S0051027	\$31,604.76	\$31,604.76
Check Description:		Ch. 90 - Local Aid		
Penalty Interest Amount:			-	
Total Amount			\$31,604.76	\$31,604.76
Payment Number: 124A2015982				
Payment Date: 5/5/2022				
Department	Payment Ref. #	Contract Number	Line Amount	Check Amount
DOT - MASSACHUSETTS DEPARTMENT OF TRANSPORTATION	51027-N00003	INTF00X02018S0051027	\$118,944.58	\$118,944.58
Check Description:		Ch. 90 - Local Aid		
Penalty Interest Amount:			-	
DOT - MASSACHUSETTS DEPARTMENT OF TRANSPORTATION	51027-N00004	INTF00X02018S0051027	\$89,095.63	\$89,095.63
Check Description:		Ch. 90 - Local Aid		
Penalty Interest Amount:			-	
Total Amount			\$208,040.21	\$208,040.21
Address ID: AD001---381 MAIN ST Total:			\$239,644.97	\$239,644.97



Assure Station Metrics Monthly Reporting

Town of West Newbury - Monthly Report - April 2022

Company Id
112991

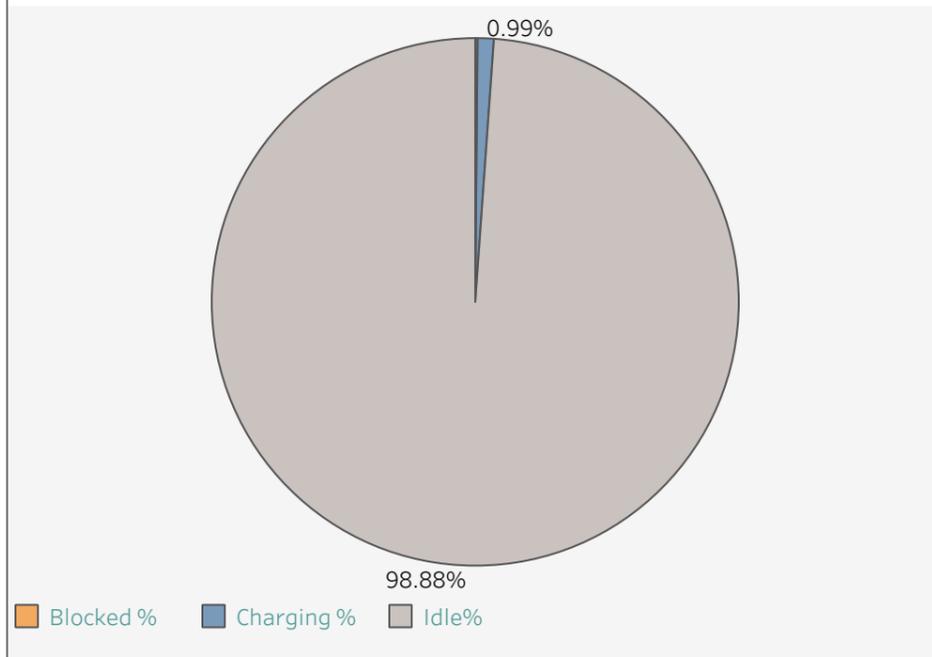
Port Level
All

Organization Name
All

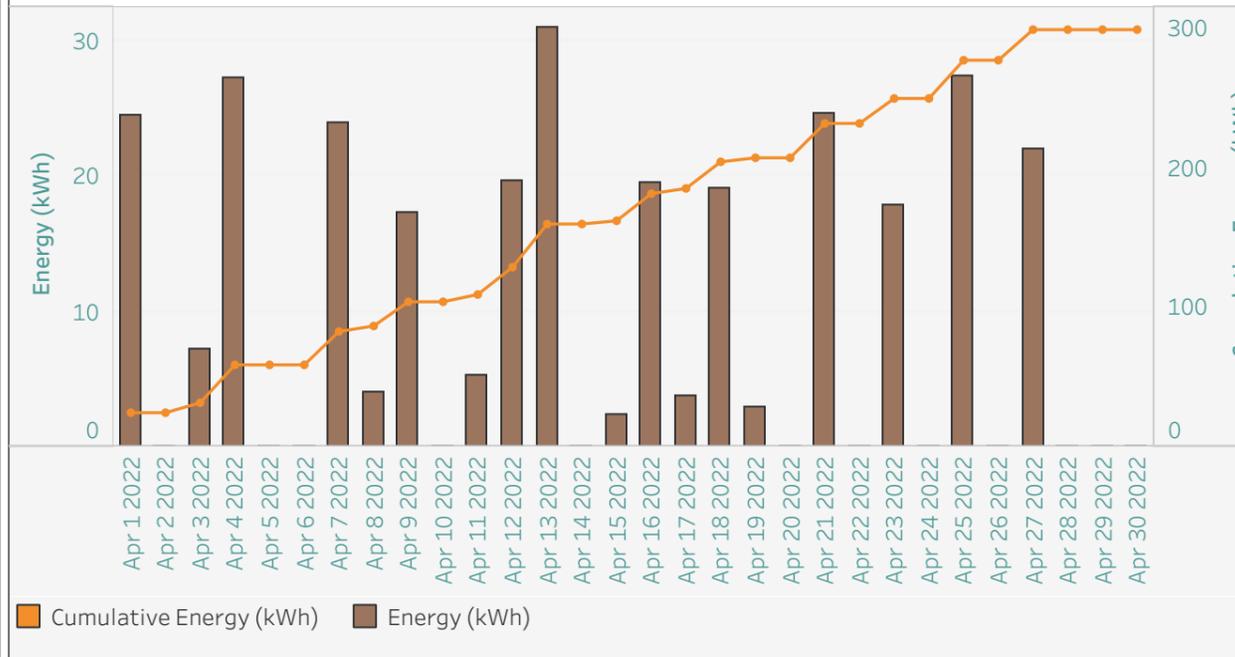
Month End Date
4/30/2022

Port Count	Station Count	Total Revenue (\$)	Energy (kWh)	GHG Savings (kg)	Gasoline Saved (Gal)	Unique Driver	Chargepoint Response SLA	Session Count
8	4	94	299	126	38	6	100.00%	22

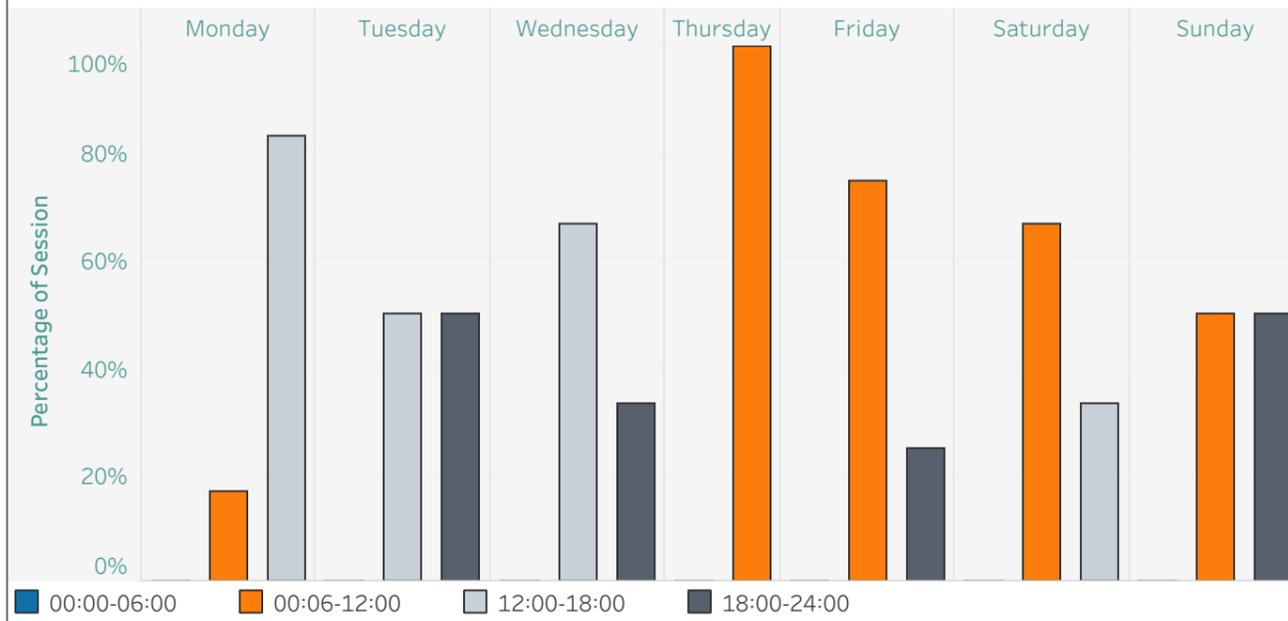
Port Utilization: 24 Hours



Energy Dispersed (kWh) by Day



Session Starts by Time of Day Month



Average Session Duration (Hours)	2.93
Average Session Charge Time (Hours)	2.60
Average Session Energy (kWh)	13.59
Average Session Revenue (\$)	4.28
Occupied Hours	64.38
Charging Hours	57.13
Service Tickets	0.00



Assure Station Metrics Reporting Appendix

Port Utilization Chart: This is a view of station utilization during common business hours.

You can use this information to determine if updates need to be made to pricing / access policies or if stations should be added.

Session Start Distribution Chart: This is a view (by day) of what times drivers start sessions.

You can use this information to fine tune time of day pricing policy rules.

Station / Port Count: In order to be counted, a station must have the "Assure" entitlement applied.

This is the number of stations / ports that currently have the "Assure" entitlement.

Total Revenue: This is the sum of session fees generated by your "Assure" stations minus the ChargePoint service fee (10%).

This is based on session dates (not transaction date which may differ). Your Flex Billing reports should be used for financial reporting.

Energy (kWh): All energy dispensed through your "Assure" stations.

This data point can be useful in reconciling station energy against energy bills.

GHG Savings (kg): All the green house gasses (95% CO2) that would have been released had the miles provided by your stations come from gasoline.

This data point can be useful in sustainability reporting.

Unique Drivers: The number of unique drivers that used your stations this month (a driver would be counted only once even if they used different RFID cards).

An understanding of the number of unique drivers visiting may be useful in creating station messaging / video ads.

Gasoline (Gal) Saved: All the gasoline that would have been burned had the miles provided by your stations come from gasoline.

This data point can be useful in sustainability reporting.

ChargePoint Response SL: Percentage of tickets to which ChargePoint responded within Service Level (1 business day).

ChargePoint holds itself accountable to our Service Level commitment.

Uptime: Percentage of time that your ports were capable of dispensing power.

ChargePoint is committed to keeping your ports dispensing power 98% of the time or better.

Sessions: Total session count.

An understanding of the number of times your stations authorize a session can be useful creating station messaging / video ads.

Average Session Duration: Average amount of time drivers occupy your stations.

This data point can be useful in fine tuning length of stay pricing policy rules.

Average Charging Time: Average amount of time per session energy is flowing.

This data point can be useful in fine tuning length of stay pricing policy rules.

Average Session Energy: Average amount of energy dispensed.

This data point can be useful in fine tuning price per kW pricing policy rules.

Average Session Revenue: Average session fee - 10%.

This data point can be useful in fine tuning minimum & maximum values for pricing policy rules.

Total Hours Occupied: Sum of all session durations.

This is used in part to determine utilization.

Total Hours Charging: Sum of all session charging durations.

This is used in part to determine utilization.

New Service Tickets: Count of trouble tickets tracking issues with a "Assure" station created this month.

This will help in keeping track of station fault issues raised with ChargePoint Support.