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WEST NEWBURY, MA

2019 SEP 20 PM 5:19

**Town of West Newbury  
Board of Selectmen**

**Monday, September 23, 2019 @ 6:00pm**

381 Main Street, Town Office Building

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

**AGENDA – revision 2**

Re-posted with  
addition of Exec  
Session Personnel  
Updates

**Executive Session:** 6pm in the Town Manager's 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 (*personnel updates*);
- ❖ MGL Ch. 30A §21(a) 6: To consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body (*River Road Conservation Restriction; Brown Spring Farm Agricultural Preservation Restriction*);
- ❖ 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; (*Pentucket MOU re Middle/High School permitting/inspections*)

**Open Session:** 7pm in the First Floor Hearing Room

**Announcements:**

- This meeting is being broadcast on local cable TV and recorded for rebroadcast on the local cable channels and on the internet.
- Board of Assessors has completed FY20 property revaluation. Taxpayers are invited to inspect values for review and discuss changes in proposed values at the Assessor's Office, 381 Main Street, from September 23-26, 8am to 4:30pm; and Sept. 27 from 8am to noon. Proposed valuations viewable in person, and on the Assessor's page on the Town website.
- *Essex County Creates* calendar; and Essex County Arts & Culture Summit Sept. 27 9am-4pm in Beverly
- Opportunities for FY20 Committee appointments posted online at <https://www.wnewbury.org/board-selectmen/pages/2019-20-volunteer-opportunities>

**Regular Business**

- A. Joint Public Meeting with City of Newburyport officials regarding Middle Street / Plummer Spring Road Bridge: engineering consultant (BSC Group) presentation of design alternatives and preliminary cost estimates; public comments and questions; potential recommendation of preferred design alternative to advance through engineering and permitting

*[After completion of joint public meeting]*

- B. Request to install signs on public property – *Apple Harbor Road Race sponsors*
- C. Appointment of Interim Town Accountant
- D. Board of Selectmen review of proposed and potential warrant articles for November 4, 2019 Special Town Meeting, determination of which articles will appear on the Special Town Meeting Warrant, and vote to close the Warrant

Re-posted  
with addition  
of new Item C

## West Newbury assessors complete revaluation

WEST NEWBURY — The Board of Assessors has completed its revaluation of all classes of real and personal property for fiscal 2020, something done every five years as required by law. to inspect values for review and discuss changes in proposed values at the Assessor's Office, 381 Main St., from Sept. 23-26, 8 a.m. to 4:30 p.m.; and Sept. 27, 8 a.m. to noon.

Values are derived from an analysis of 2018 market data. Taxpayers are invited For more information, visit [www.wnewbury.org](http://www.wnewbury.org) or call 978-363-1100, ext. 117.



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# Town of West Newbury

## Board of Selectmen

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381 Main Street, West Newbury, MA 01985 | 978-363-1100, Ext. 113 | [selectmen@wnewbury.org](mailto:selectmen@wnewbury.org)

September 6, 2019

**FOR IMMEDIATE RELEASE**

### **Public meeting regarding Middle Street / Plummer Spring Road Bridge**

**Monday, September 23, 2019 at 7 PM**

The City of Newburyport and the Town of West Newbury will jointly sponsor a **public meeting on Monday, September 23, 2019 beginning at 7:00 PM** to review design alternatives and preliminary cost estimates associated with the reconstruction of the Middle Street / Plummer Spring Road Bridge. The meeting will be held in the 1910 Building, First Floor Hearing Room, located at 381 Main Street in West Newbury. The meeting will be televised on West Newbury local cable TV, with the meeting video to be available online the following evening on the West Newbury YouTube channel.

The bridge was closed to vehicular traffic last summer following a failure in the spandrel wall. The City of Newburyport secured a Small Bridge Program grant from the Massachusetts Department of Transportation to support engineering and design of the replacement bridge. Since that time, the two communities have been working together with the design engineer, BSC Group.

The design engineer recently completed a number of conceptual design alternatives, including preliminary cost estimates. The purpose of the upcoming meeting is to invite public review and comment. Key issues to be reviewed at the meeting include roadway width, pedestrian accommodations, bridge type, railing type, vehicular speed control and traffic safety, and project costs.

Taking into account public comments received, costs, and other factors, the two communities will select a preferred conceptual alternative to allow BSC Group to proceed with final project design and permitting. Once permitting is complete, and a final estimate of construction costs is available, the project is expected to be proposed for funding based on an agreed cost share, and offset by further grant monies as may be obtained.

For further information regarding the bridge project, please contact City Engineer Jon-Eric White in Newburyport at 978-465-4464, x1710 or [JEWhite@CityofNewburyport.com](mailto:JEWhite@CityofNewburyport.com); or DPW Director Wayne Amaral in West Newbury at 978-363-1100 x120 or [dpwdirector@wnewbury.org](mailto:dpwdirector@wnewbury.org).

## Newburyport

- Donna D. Holaday – Mayor
- Jon-Eric White P.E. – City Engineer
- Matthew Coogan – Chief of Staff

## West Newbury

- Selectmen – David Archibald, Chairman; Glenn Kemper; Richard Parker
- Angus Jennings – Town Manager
- Wayne Amaral – DPW Director

## BSC Group

- Peter Reed P.E. – Director of Transportation
- Micah Morrison P.E., S.E. – Manager of Structural Engineering



# Plummer Spring Road / Middle Street Bridge Replacement

September 23, 2019

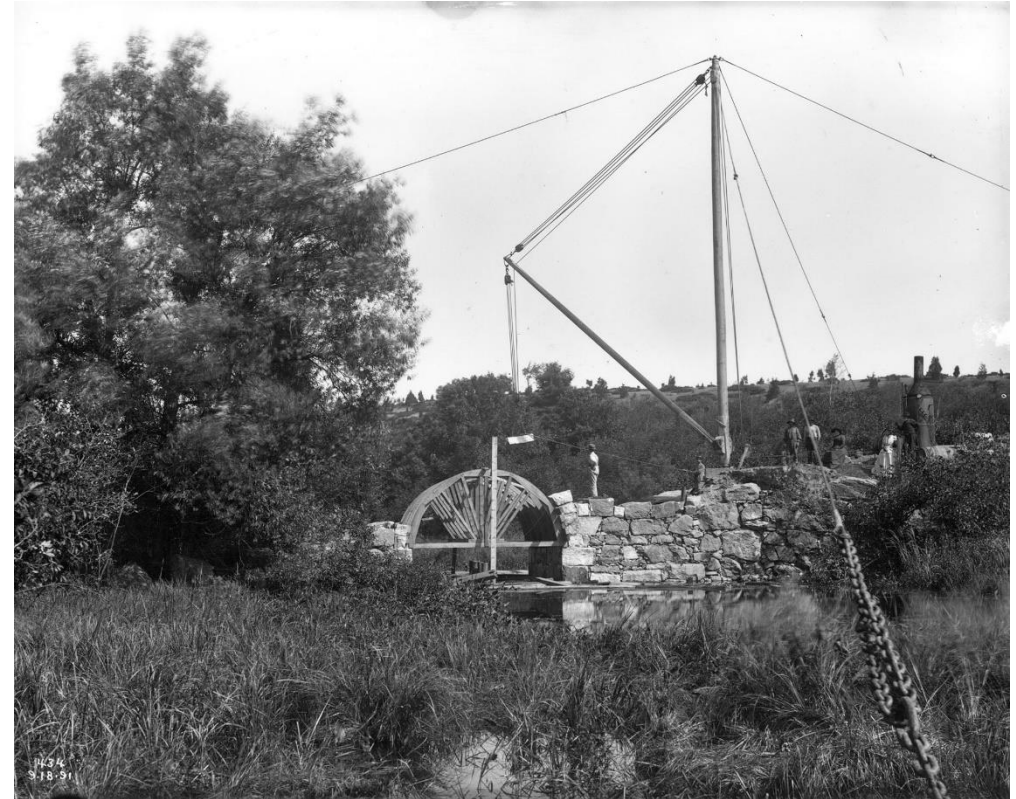


# Plummer Spring Road Bridge Replacement Project

**Owner** – Newburyport / West Newbury

**Design Consultant** – BSC Group

**Anticipated Schedule** – Subject to funding appropriation, goal is to start construction spring 2021. Estimated one year construction duration.



*Artichoke Bridge on Middle Street – John White Winder, 1891  
(Source: Images of America: West Newbury. Susan Poore Follansbee and Jane Wallace Wild).*





# Collaboration & Project Complexity

## Collaborative Effort -

- Bridge straddles Town/City line
- Provided mutual assistance on grant applications
- Joint meetings between communities

## Project Complexity -

- Project located within drinking water reservoir – permitting and construction implications
- Depth of water – requires extensive cofferdams
- Poor soil condition – requires pile support
- Minimal existing roadway width





# Project History

## June 2016

MassDOT routine bridge inspection listed as “severe-priority”

## September 2016

City and BSC Group met to discuss options & possible grant funding

## May 2017

Updated MassDOT bridge inspection

## May 2018

Bridge closed due to a partial collapse of the southern bridge retaining wall

## September 2018

BSC selected as design consultant

## January 2019

Coordination meeting with MassDOT Bridge Section

## August 2019

MassWorks Grant application submitted

2016

2017

2018

2019

## Summer 2016

City began monitoring settlement and leaning block wall

## June 2017

MassDOT Small Bridge Grant Application submitted

## July 2018

Small Bridge Grant executed, work began

## Fall 2018

Bi-weekly coordination meetings with both communities and BSC

## Winter/Spring 2019

BSC prepared conceptual layouts and budget cost estimates



# Existing Bridge

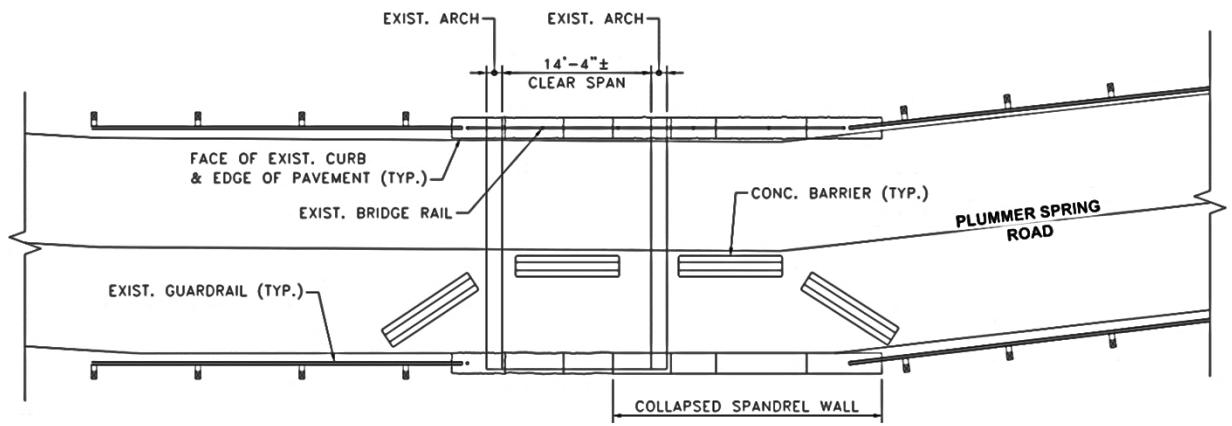
- Existing structure built in 1890
- Due to partial collapse bridge is closed to vehicular traffic and needs to be replaced
- Overall width is 24 feet
- Bridge roadway width is 20 feet
- Existing span length is 14 feet



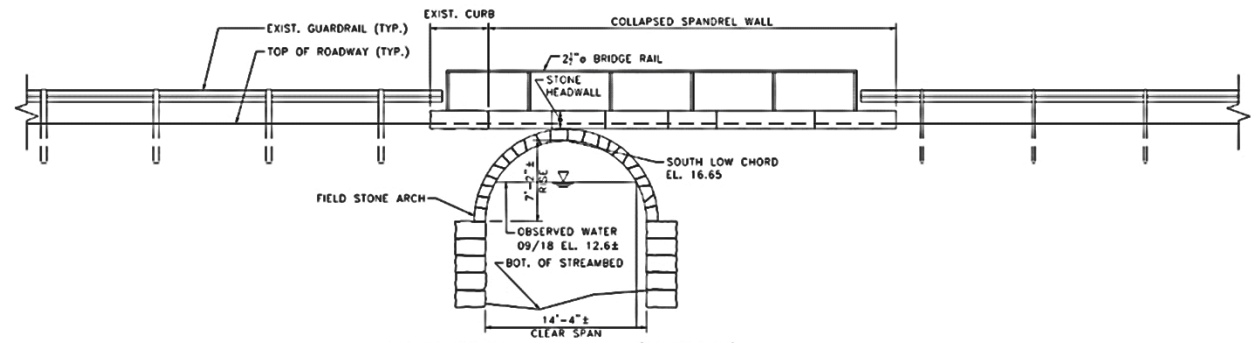


# Existing Bridge

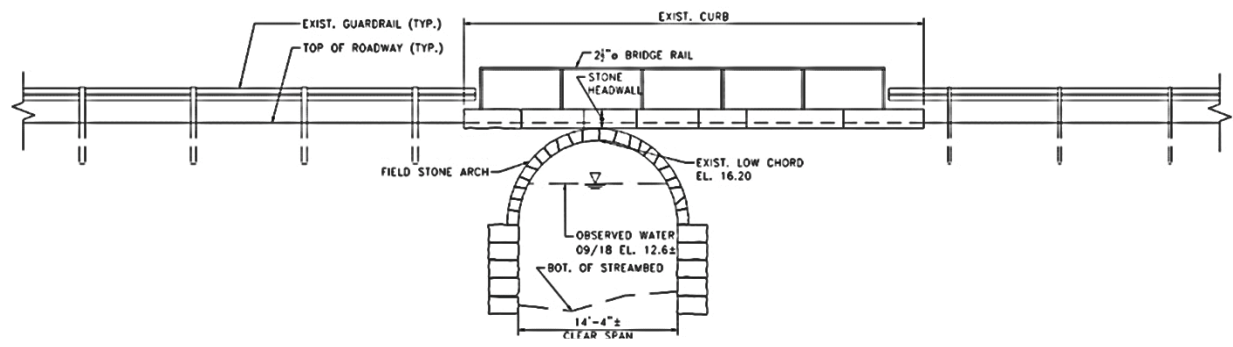
Existing Plan



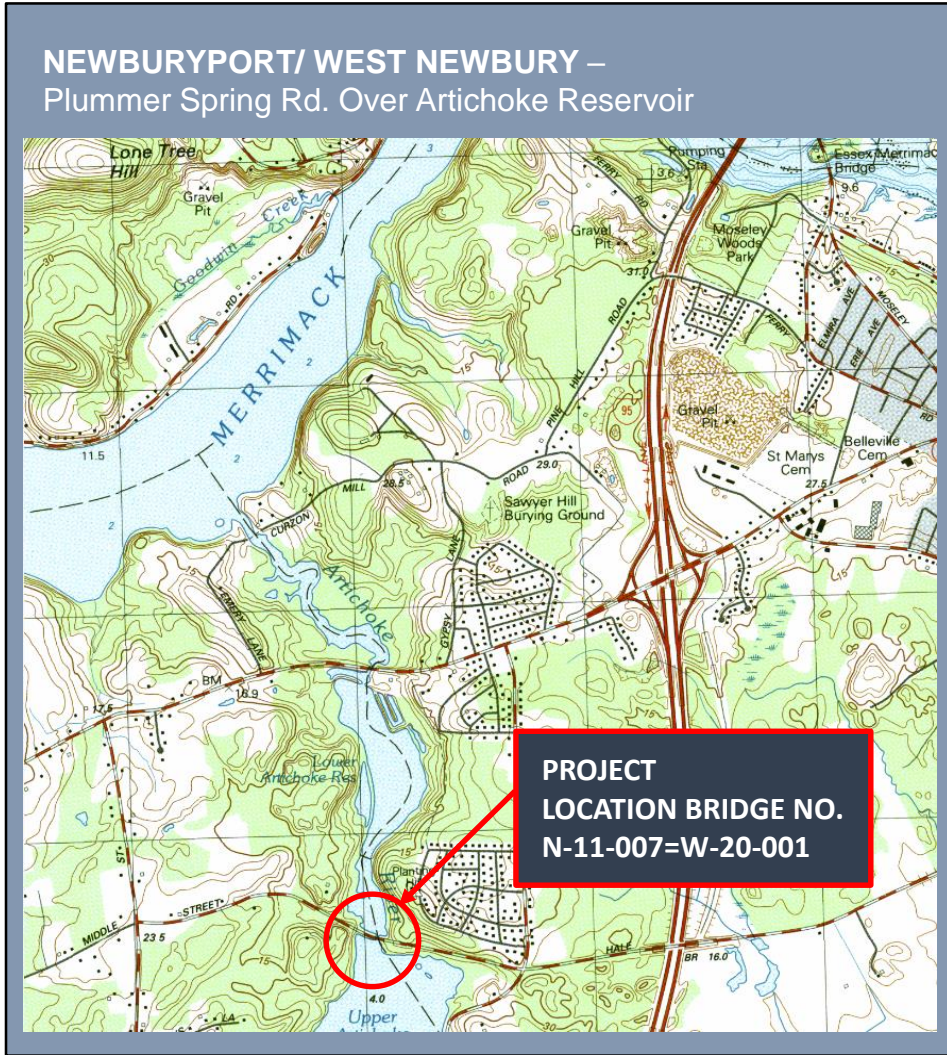
Existing South Elevation (Upstream)



Existing North Elevation (Downstream)



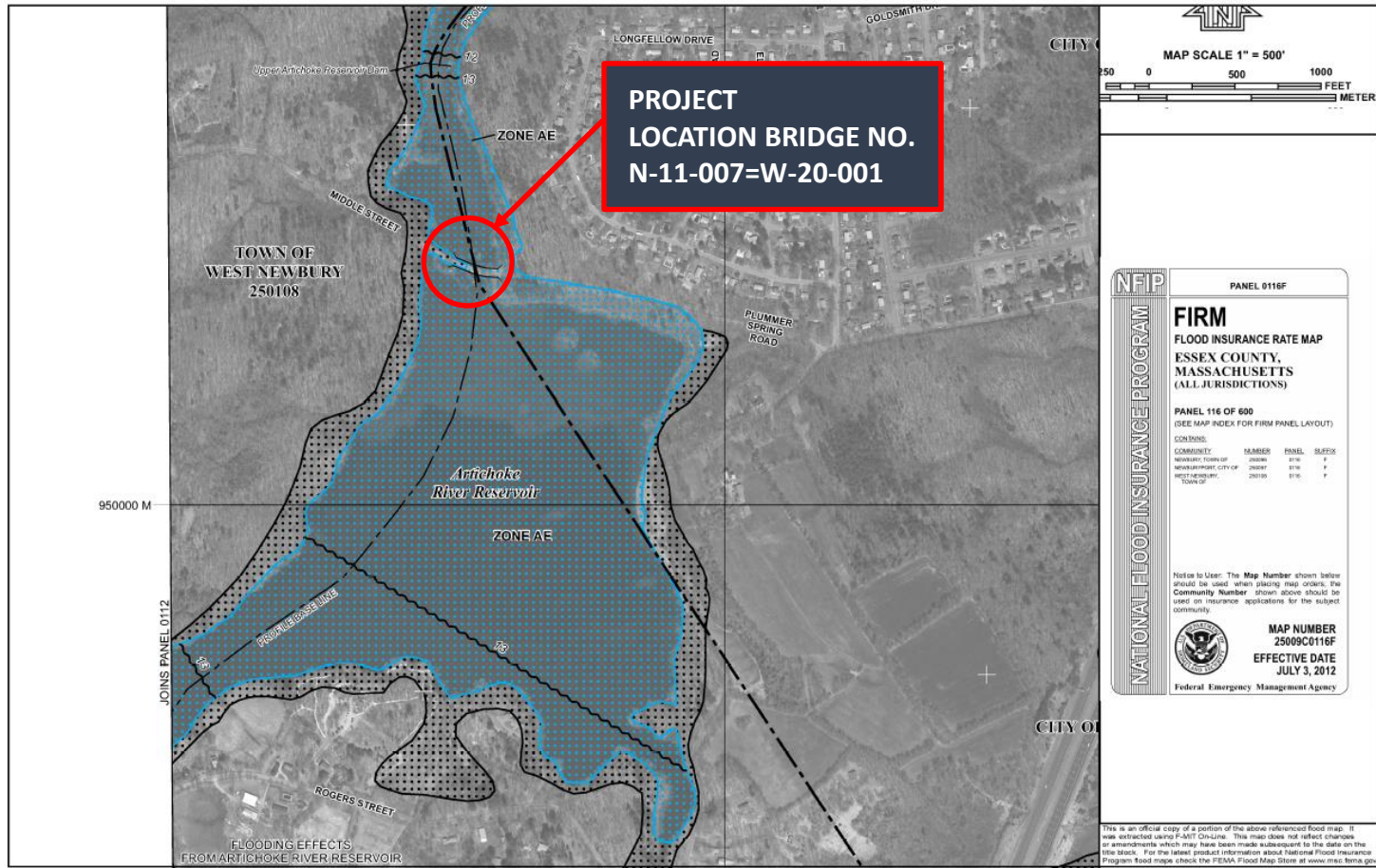
# Project Location



PROJECT LOCATION MAP



# Floodplain Area





# Bridge Alternatives

## Preliminary Bridge Construction Cost Estimate

Alternative	Design Features	Cost
<b>Alternative 1</b>	45'-0" Span Spread Box Beams 24'-0" Roadway	\$2,100,000
<b>Alternative 2</b>	45'-0" Span Spread Box Beams 24'-0" Roadway with one 5'-6" sidewalks	\$2,600,000
<b>Alternative 3</b>	45'-0' Span Spread Box Beams 24'-0" Roadway with two 5'6" sidewalk	\$3,000,000
<b>Alternative 4</b>	45'-0" Span Spread Box Beams 22'-0" Roadway	\$2,100,000
<b>Alternative 5</b>	30'-8" Span Arch 24'-0" Roadway	\$2,300,000
<b>Alternative 6</b>	24'-8" Span Arch 24'-0" Roadway	\$2,300,000
<b>Alternative 7</b>	22'-0" Clear Span Rigid Frame 24'-0" Roadway	\$2,400,000



# Alternative 1

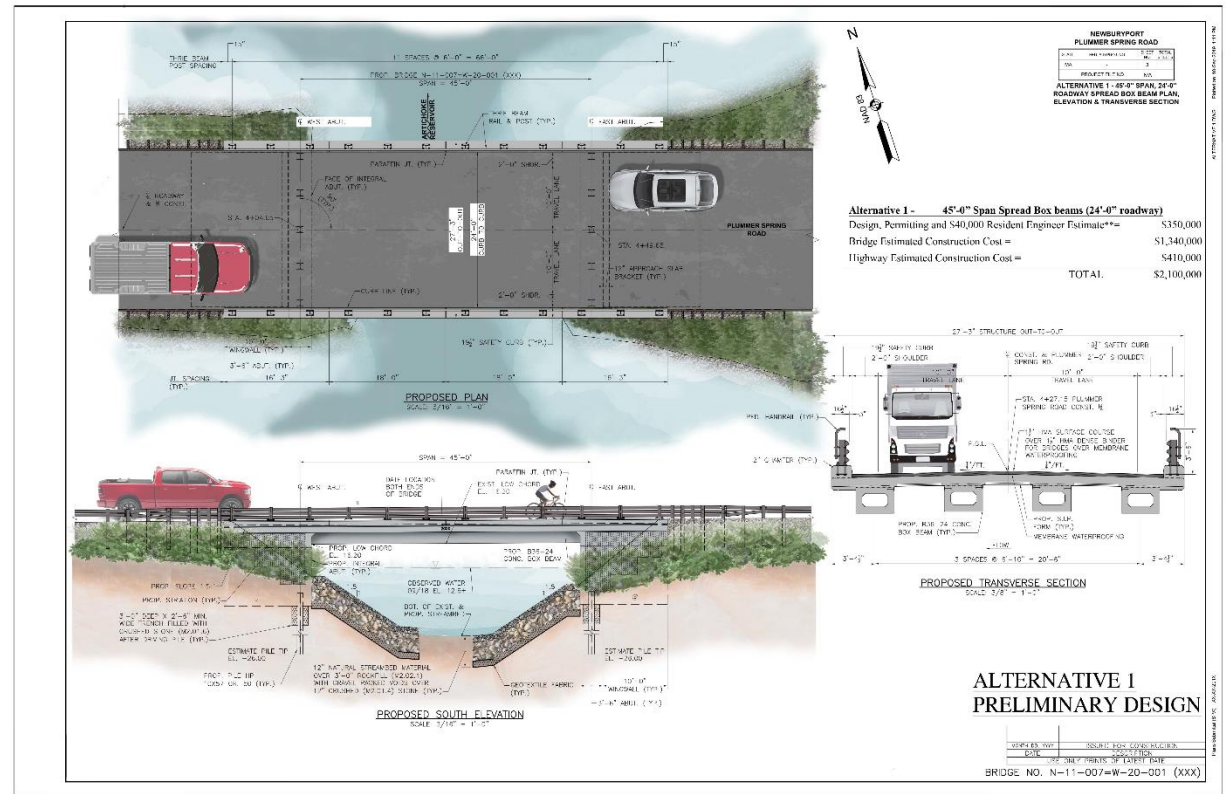
- 45'-0" span spread box beam
- 24'-0" roadway width with no sidewalk and continuous guardrail
- Overall width 27'-3"
- Integral abutment on piles
- Preliminary Cost Estimate = \$2.1 M

## PROs

- Low cost
- Reduced wetland impacts
- Low maint. Cost

## CONs

- No ped. Access



# Alternative 2

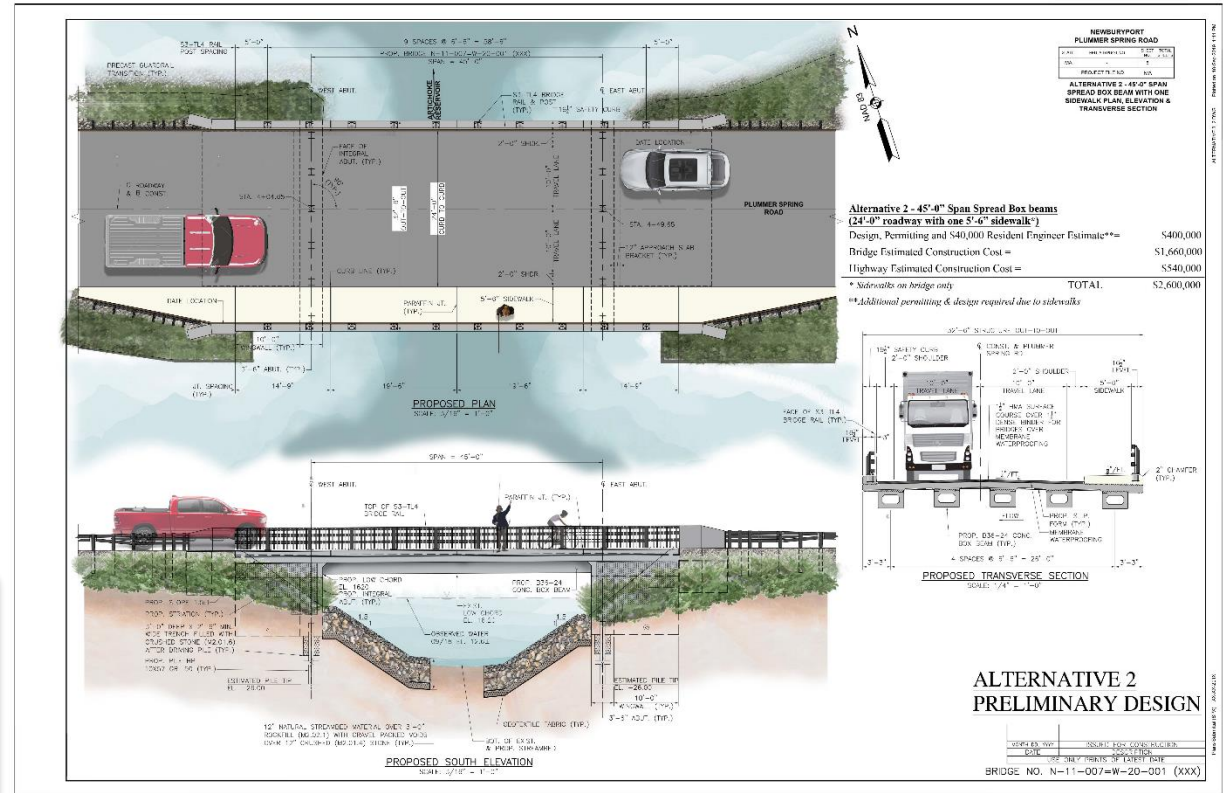
- 45'-0" span spread box beam
- 24'-0" roadway width with 1 sidewalks and S3-TL4 bridge rail
- Overall width 32'-6"
- Integral abutment on piles
- Preliminary Cost Estimate = \$2.6 M

## PROs

- Ped. Access/ safety
- Low maint. Cost

## CONs

- Greater wetland impact
- Higher cost
- Const. Duration
- Increased permitting



# Alternative 3

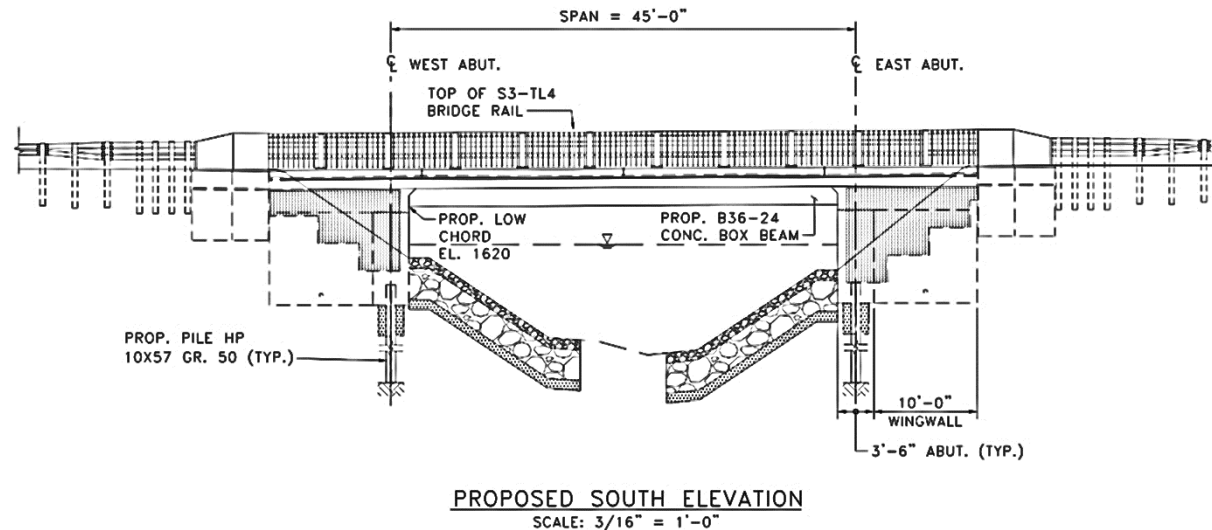
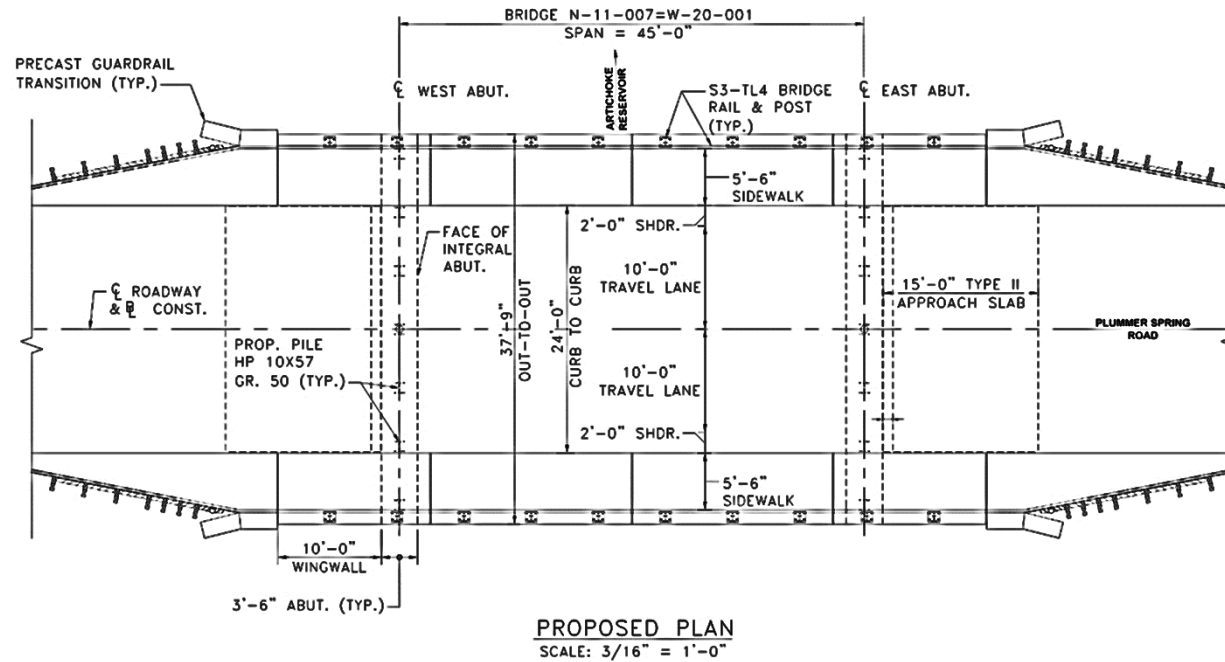
- 45'-0" span spread box beam
- 24'-0" roadway width with 2 sidewalks and S3-TL4 bridge rail
- Overall width 37'-9"
- Integral abutment on piles
- Preliminary Cost Estimate = \$3.0 M

## PROs

- Ped. access
- Low maintenance Cost

## CONS

- Greatest wetland impact
- High cost
- Const. duration
- Increased permitting



# Alternative 4

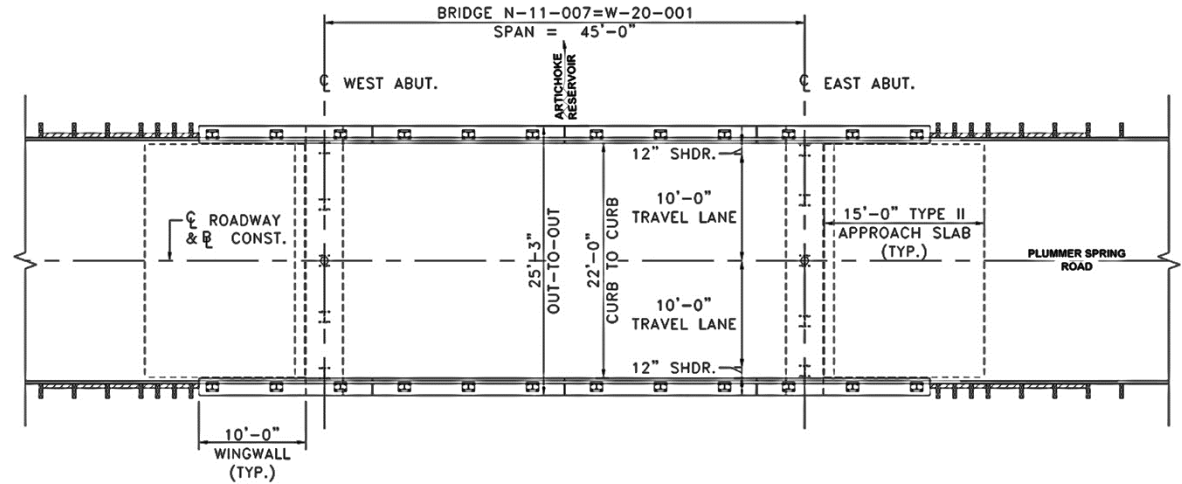
- 45'-0" span spread box beam
- 22'-0" roadway width with no sidewalks and continuous guardrail
- Overall width 25'-3"
- Integral abutment on piles
- Preliminary Cost Estimate = \$2.1 M

## PROs

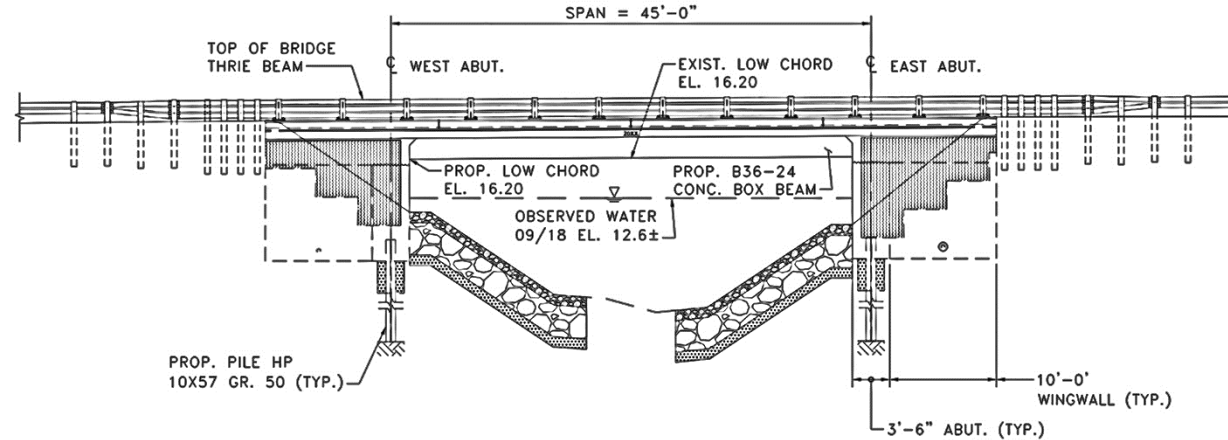
- Lowest cost
- Low maint. cost
- Lowest wetland impact

## CONS

- No ped. Access
- Reduced roadway width/ safety
- Non-standard



PROPOSED PLAN  
SCALE: 3/16" = 1'-0"

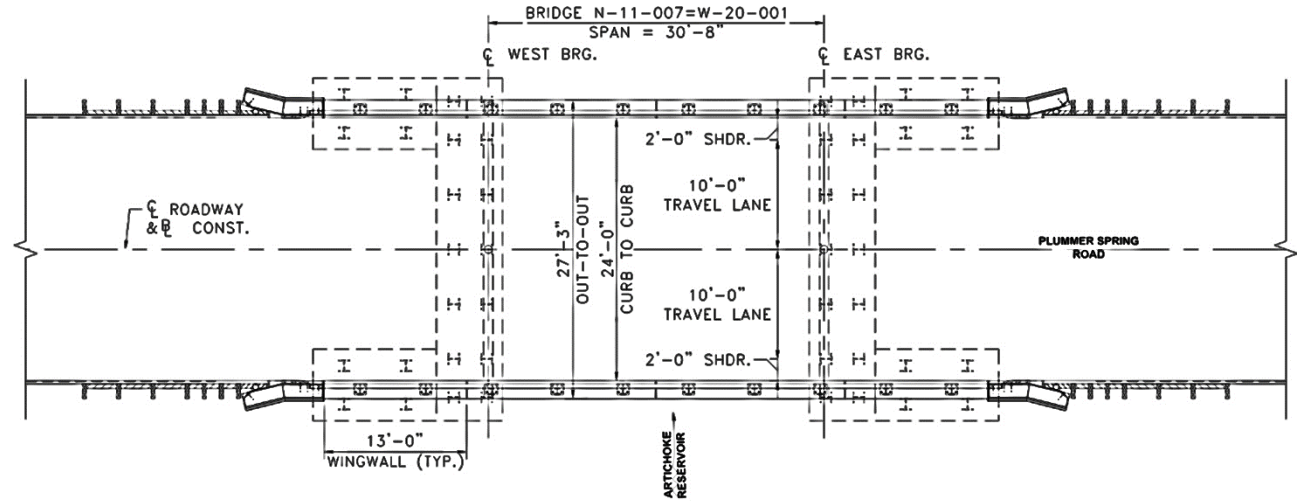


PROPOSED SOUTH ELEVATION  
SCALE: 3/16" = 1'-0"

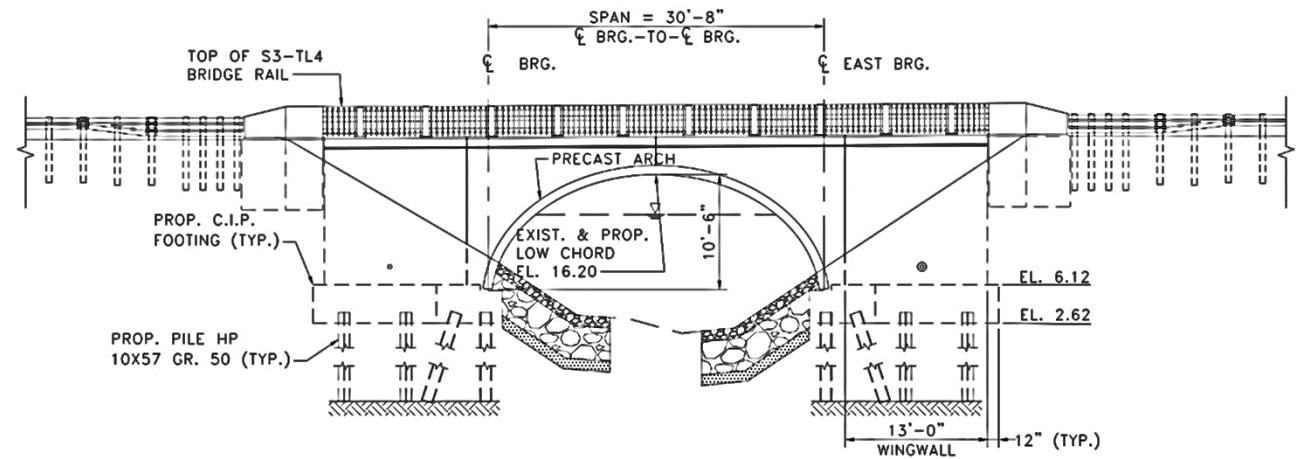


# Alternative 5

- 45'-0" span spread box beam
- 30'-8" span arch bridge
- 24'-0" roadway width with no sidewalks and S3-TL4 bridge rail
- Overall width 27'-3"
- Footing on piles
- Preliminary Cost Estimate = \$2.3 M



PROPOSED PLAN  
SCALE: 3/16" = 1'-0"



PROPOSED SOUTH ELEVATION  
SCALE: 3/16" = 1'-0"

## PROs

- Prefab.
- Arch style

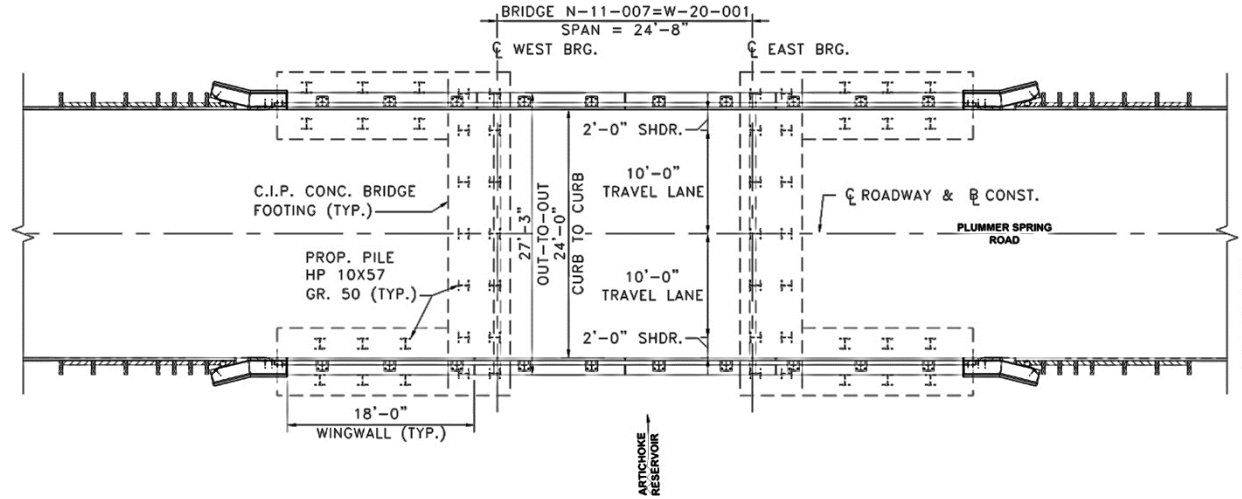
## CONs

- Higher cost
- High const. Duration
- High wetland impacts

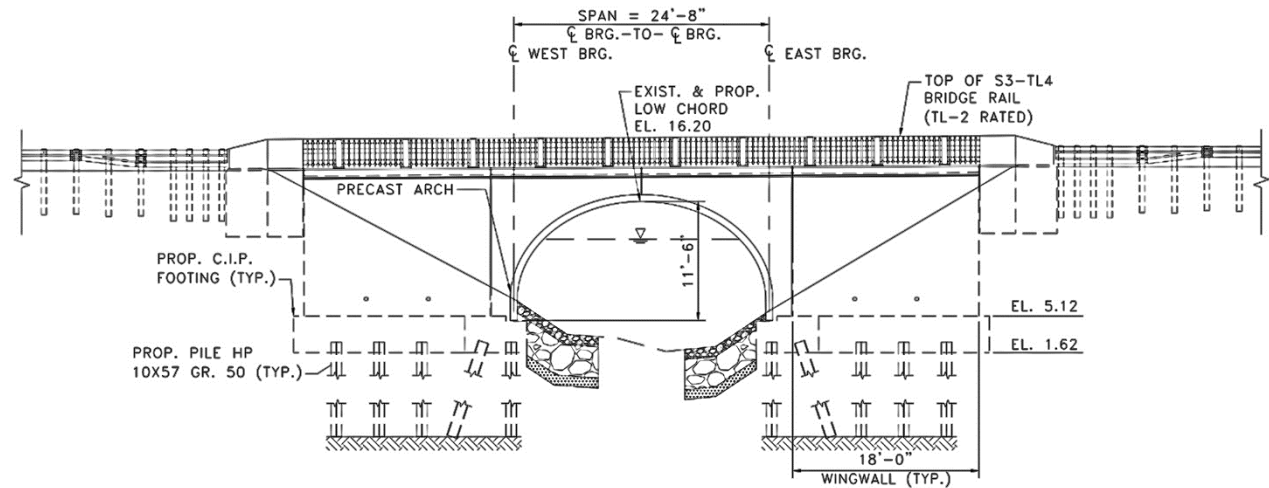


# Alternative 6

- 24'-8" span arch bridge
- 24'-0" roadway width with no sidewalks and S3-TL4 bridge rail
- Overall width 27'-3"
- Footing on piles
- Preliminary Cost Estimate = \$2.3 M



PROPOSED PLAN  
SCALE: 3/16" = 1'-0"



PROPOSED SOUTH ELEVATION  
SCALE: 3/16" = 1'-0"

## PROs

- Prefab.
- Arch style

## CONs

- Higher cost
- No ped. access
- Reduced hydraulic opening



# Alternative 7

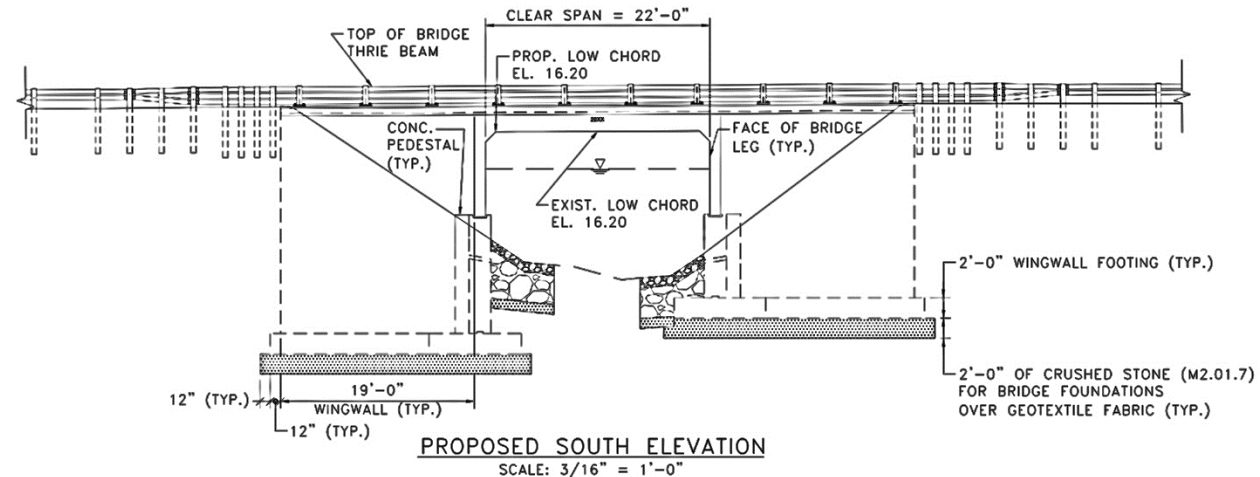
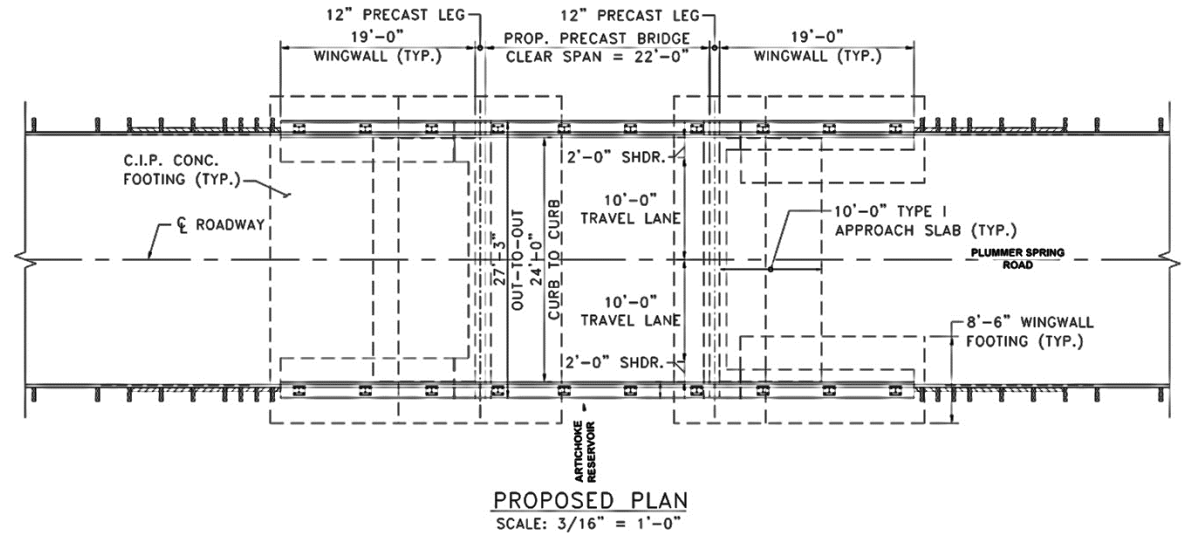
- 22'-0" clear span rigid frame
- 24'-0" roadway width with no sidewalks and continuous guardrail
- Overall width 27'-3"
- Spread footing
- Preliminary Cost Estimate = \$2.4 M

## PROs

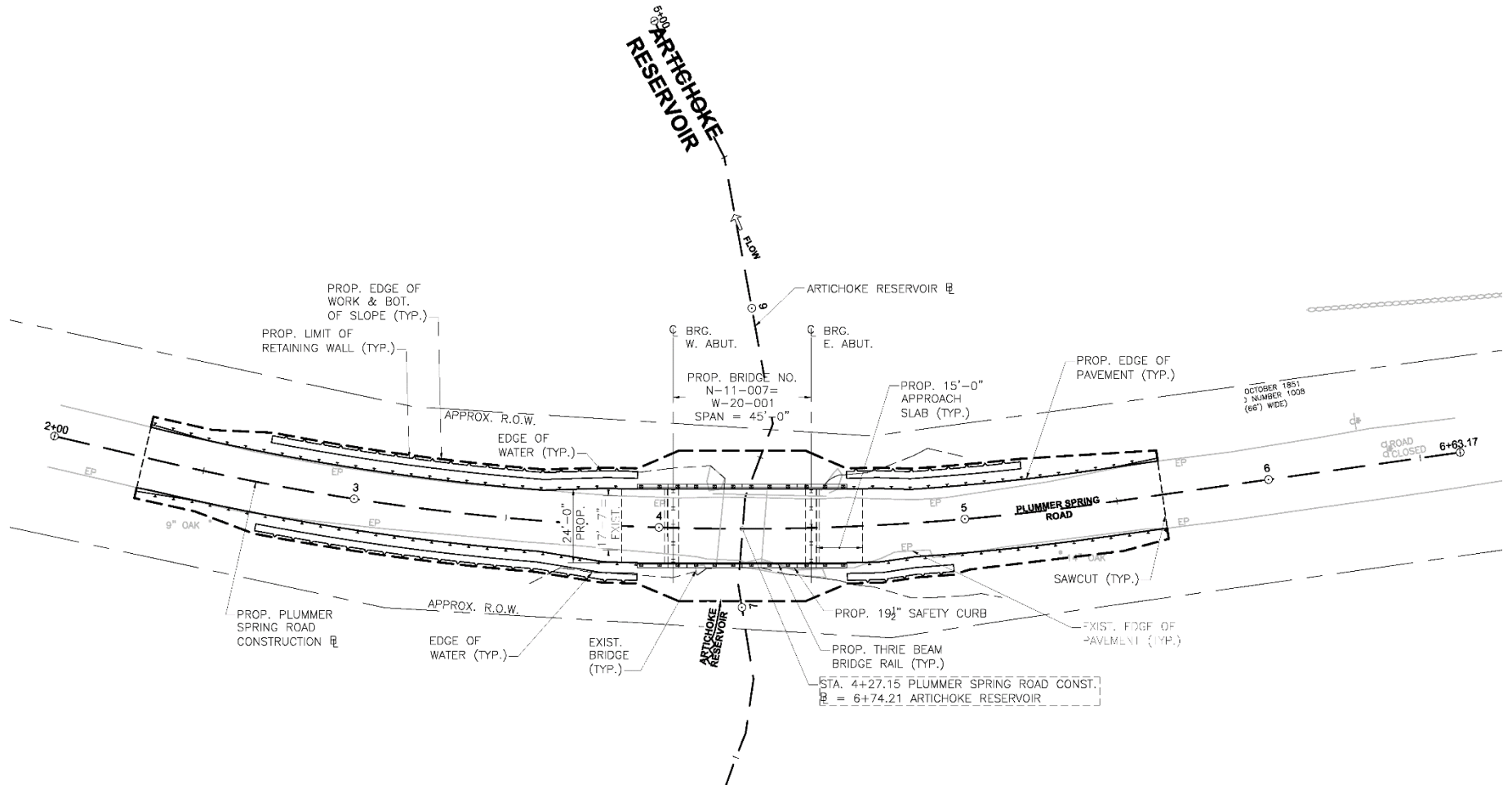
- Prefab.
- Low maintenance cost

## CONs

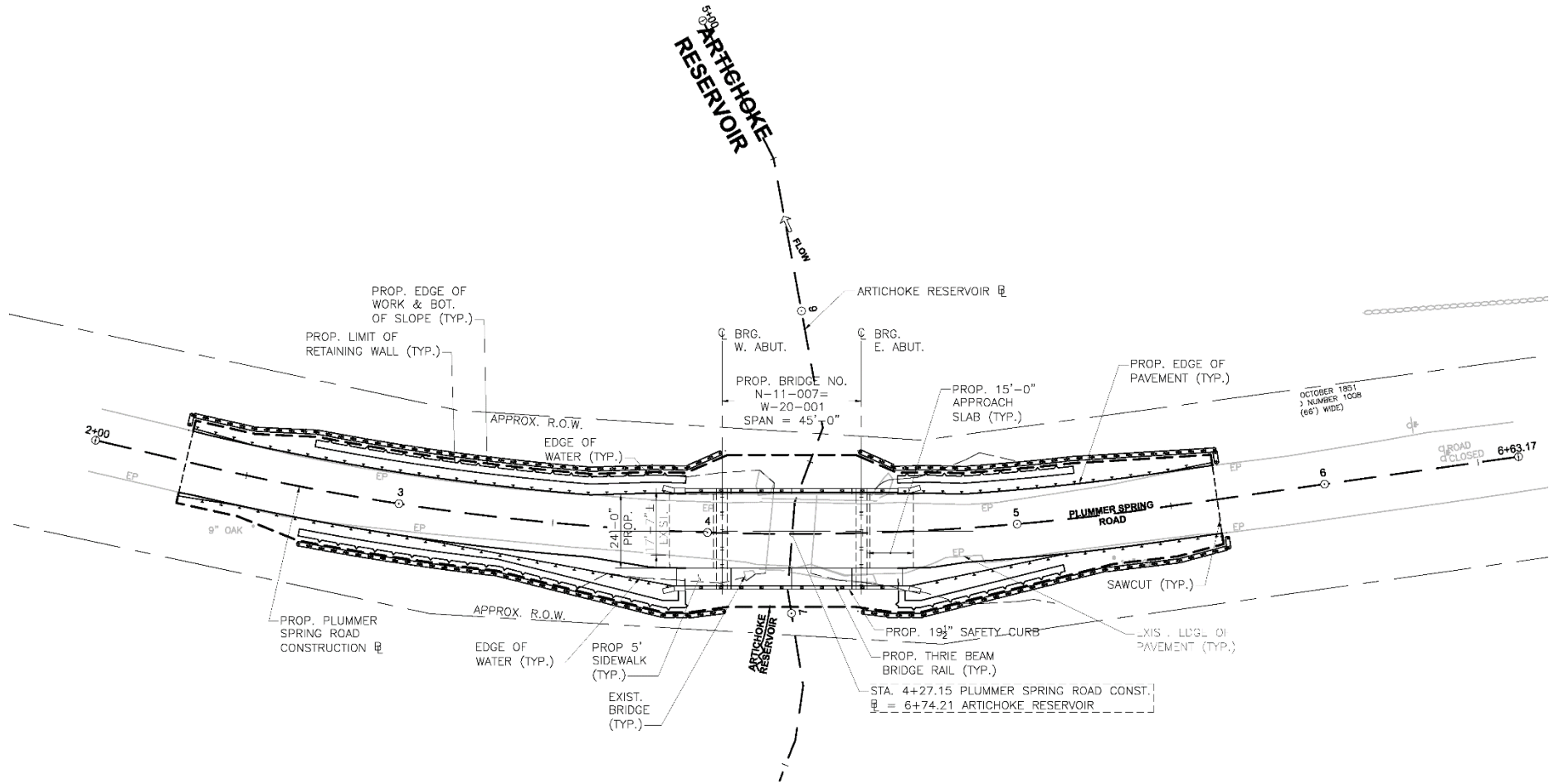
- Higher cost
- No pedestrian access
- Deep excavation
- Wetland impact



# Roadway Plan



# Roadway Plan





## NEXT STEPS

- **Select Preferred Bridge Type** – Newburyport / West Newbury
- **Fall 2019** – MassWorks Grant award notification
- **Design/Permitting** – BSC Group
- **Anticipated Schedule** – Start construction spring 2021, one year construction duration, subject to funding appropriation





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# Questions & Discussion



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**Bridge Replacement Newburyport/West Newbury  
(Plummer Spring Road over Artichoke Reservoir)**

*Partial funding through MassDOT municipal bridge grant*

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**MassDOT District 4  
519 Appleton Street  
Arlington, MA 02476  
January 11, 2019 @ 1:00 PM**

**Attendees: Leonard Aversa, MassDOT, Sandra Sprague, MassDOT Environmental Permitting, Matthew Coogan, Nbpt, Anthony Furnari, Nbpt, Jon-Eric White, Nbpt, Angus Jennings, West Newbury, Wayne Amaral, West Newbury, Peter Reed, BSC, Micah Morrison, BSC**

**Purpose:** Discuss the municipalities' questions regarding the role of MassDOT in municipal bridge design and construction. Have an open discussion of the advancement of the project. Answer questions that MassDOT has about the project.

### Items to Discuss

- Typical bridge design process for municipal owned bridge  
*Hydraulic report, geotechnical report, structural design, construction details (bridge rail), and Chapter 85 review.*

*Because this is a municipal bridge project, MassDOT's only obligation is to perform a Chapter 85 review. MassDOT only to review the bridge submission for structural adequacy and safety. Regarding the roadway, lane widths or issues relative to traffic or pedestrian accommodations, this is up to the municipalities and the designer to decide. MassDOT to strictly perform a structural review only.*

*Based on MassDOT Chapter 85 review requirements the hydraulic report and geotechnical report are to be in accordance with the MassDOT Bridge Manual, Structural Design in accordance with AASHTO HL-93 Design Loading and the MassDOT Bridge Manual. Construction Details: Due to the roadway classification, relatively low volumes and speeds, BSC will investigate the use of a thrie-beam bridge rail with 42" high pedestrian rail.*



- **Bridge types**

*Role of hydraulics in selecting a bridge type*

*When to take borings and their role in selecting bridge type*

*Pile supported vs Spread Footings*

*Hydraulics: It was discussed that the elevation of the reservoir is controlled by the height of the adjacent downstream dam. The available FEMA data shows only minor elevation increases (less than a foot) between the 10- year and 100-year storms. BSC has started a hydraulics model for the existing condition and it appears the existing hydraulic opening is sufficient to handle FEMA's currently stipulated 100-year storm event. However, the hydraulic opening's width is likely to be increased because of bridge type and constructability. Newburyport and West Newbury discussed the elevation of the low chord of the proposed bridge. It was determined that the low chord elevation of the proposed bridge will be the same as the existing low chord elevation. The possibility of lowering the reservoir during construction was mentioned to help during construction but it was determined that this risk should not be pursued.*

*Foundations: Based on past MassDOT projects in the area and the 1890's bridge construction photo that show marshy conditions, it is likely that the existing soil properties are poor, and the proposed foundations may require piles. It was discussed that the existing bridge's stone foundation may have been built on timber cribbing whose decay may have led to the failure of the existing bridge's wingwall/retaining wall. The proposed foundation type will be based on the recommendation of the geotechnical report.*

*Borings: The timing of the borings was discussed with MassDOT. Because this is not a MassDOT project, typical MassDOT protocols regarding at what stage of design and where to take the borings do not need to be strictly adhered to. It was discussed that because the soil properties will have a significant effect on the cost of the bridge types the borings will be taken before a proposed bridge span length is determined. BSC will develop possible bridge types after the borings are completed.*

- **Bridge Cross-Section**

*Typical roadway width (discuss 24' vs 22' vs 20') currently 20'*

*In order to respond to questions about a one lane bridge with alternating traffic, there must be a discussion of the positives and negatives and if it is feasible.*

*Roadway Width: MassDOT will review the project for structural adequacy and safety only.*

*West Newbury and Newburyport discussed safety and cost associated with 24' vs. 22' vs. 20'. It was concluded that the current width of 20' is a safety concern when two vehicles are passing one another on the bridge. It was determined that BSC will investigate roadway widths of 24' and 22' and estimate the cost difference between the two options.*

*One Lane Bridge: The replacement of the existing two-lane bridge with a one-lane bridge was discussed. The feasibility of a one lane bridge with alternating traffic is not part of MassDOT's Chapter 85 review. Newburyport and West Newbury discussed the use of a one lane bridge and concluded that the existing bridge is two lanes and the new bridge should also be two lanes for safety and function for future use.*

- Permitting

*General discussion*

*Does MassDOT have involvement?*

*MassDOT does not have involvement in the permitting of the project. All required permits must be obtained by the municipalities.*

*It was discussed that due to the unique nature of the project (drinking reservoir, its location bordering two communities, etc.) the required permits (local, State and Federal) will be extensive. In addition, the permit review time will likely be lengthy and outside of the municipalities and the consultant's control. In order to expedite the permitting process MassDOT has reviewers on staff at various permitting agencies to review MassDOT projects. Unfortunately, MassDOT reviewers are not available to review municipal projects.*

- Funding for Construction

*Additional grants, etc.*

*At this time MassDOT is unaware of additional MassDOT bridge or highway funds that would be available to the project. The MassDOT municipal bridge grant is furnished for one project only. West Newbury would be unable to receive a municipal bridge grant for the same bridge that Newburyport received a grant for.*

*BSC discussed the possibility of getting a letter of support from MassDOT for a MassWorks grant application. MassDOT mentioned providing a letter of support sounded reasonable and likely something that they can provide. (Note: West Newbury would be the municipality apply for a MassWorks infrastructure improvement grant because its population is less than 7,000).*



*The Commonwealth of Massachusetts*

**MASSACHUSETTS SENATE  
OFFICE OF THE MINORITY LEADER**

**SENATOR BRUCE E. TARR**  
MINORITY LEADER  
*First Essex and Middlesex*

STATE HOUSE, ROOM 308  
BOSTON, MA 02133-1053  
TEL: (617) 722-1600  
FAX: (617) 722-1310

[BRUCE.TARR@MASENATE.GOV](mailto:BRUCE.TARR@MASENATE.GOV)  
[WWW.MASENATE.GOV](http://WWW.MASENATE.GOV)

August 2, 2019

Secretary, Mike Kennealy  
Executive Office of Housing & Economic Development  
One Ashburton Place, Room 2101  
Boston, MA 02108

Dear Secretary Kennealy,

I would like to take this opportunity to express my strong support for the Town of West Newbury. In particular, the town's application for a MassWorks Grant, which would provide the necessary and much needed funds to support completion of the design, permitting, and reconstruction of the Middle Street Bridge.

With that, I note the objective of this project is to replace the existing failed bridge (please see attached map and photos), which was closed after a collapse was experienced in June, 2018. Since then, various/numerous town officials and staff from the Town of West Newbury and the City of Newburyport have been working very closely in order to advance the project design. By replacing the existing failed bridge, Plummer Spring Road will be reopened with a structure that meets modern safety and design features.

In relation to such, I wish to emphasize the importance of this connection point to the City of Newburyport, which can/should be considered crucial to both communities. With both communities offering mutual aid to one another, this bridge closure will likely and negatively impact the emergency response time to residents in the area. I further note the statistical increase in motor vehicle crashes associated when detouring similar traffic onto higher speed roadways (in this case Route 113).

Moreover, I note that Plummer Spring Road provides access for approximately 80 manufacturing businesses in the Lord Timothy Dexter Industrial Green and also serves as an essential evacuation route for the Seabrook Nuclear Power Station. In this case, the proposed bridge replacement would provide full/required compliance with federal law(s) requiring an evacuation route be provided for communities within a 10-mile radius of the emergency planning zone. Furthermore, aside from the burdensome 3.4 mile detour currently in place and how such impacts essential delivery of services, I remain very concerned about the environmental impact associated with the ongoing closure of the Middle Street Bridge, especially given that it traverse's reservoirs that supply drinking water to both Newburyport and West Newbury.

In conclusion, I respectfully request your strongest consideration in support of the Town of West Newbury's MassWorks Grant application. I greatly appreciate your support, and encourage you to contact me directly should you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Bruce E. Tarr".

Bruce E. Tarr  
State Senator  
Minority Leader



The Commonwealth of Massachusetts  
House of Representatives  
State House, Boston 02133-1054

Dear MassWorks Selection Committee,

As the State Representative representing West Newbury, I write to offer my support of the Town's application for a MassWorks Grant to support completion of design, permitting and reconstruction of the Middle Street Bridge.

The objective is to replace the existing failed bridge (see attached map and photos), which was closed after a collapse was experienced in June of 2018. Since that time, town officials and staff in West Newbury and Newburyport have been working very closely to advance the project design.

This importance of this connection point to the City of Newburyport is crucial to both our communities. The communities offer mutual aid to one another and having this bridge closed may hamper the emergency response time to a call in the area of the closure. Also, having all the bridge traffic follow a detour onto a higher speed roadway of Route 113 puts increase odds of potential vehicles crashes. The bridge's closure has caused not only an inconvenience, but a potential safety hazard to those in the affected communities. Although it may not appear to be a safety hazard, those who need to quickly access Anna Jacques Hospital in Newburyport cannot get to the hospital in a timely manner due to the extensive delays. This isn't just an eye-sore on the community, but a hazard to those who need quick access to Newburyport.

Please support the Town's request for the MassWorks Grant.

Sincerely,

A handwritten signature in blue ink that reads "Lenny Mirra".

Representative Lenny Mirra



CITY OF NEWBURYPORT  
OFFICE OF THE MAYOR  
DONNA D. HOLADAY, MAYOR

60 PLEASANT STREET - P.O. BOX 550  
NEWBURYPORT, MA 01950  
978-465-4413 PHONE  
978-465-4402 FAX

August 2, 2019

Executive Office of Housing and Economic Development  
MassWorks Grant Program  
1 Ashburton Place, Room 2101  
Boston, MA 02108

Dear MassWorks Selection Committee:

This letter is written in support of the Town of West Newbury's MassWorks application for the reconstruction of the Plummer Springs Bridge / Middle Street Bridge that spans and connects both our communities.

The existing bridge was recently closed due to significant structural failure, and since then for the past year the City of Newburyport has been working collaboratively with the Town of West Newbury to reconstruct this bridge. For centuries this bridge has been an important neighborhood connection between both communities and it provides vital access for first responders servicing both communities.

Both communities have been closely working together to determine strategy, design options, construction details and cost for a new replacement bridge. We are at a point to start the public comment process. Draft design options have been agreed upon by both communities and a public meeting will be scheduled next month.

We are working together to draft a Memorandum of Understanding (MOU) that formalizes our collaborative efforts and commits both communities to continue working together to construct the new bridge. The MOU is in the final review process we and expect it to be executed within the next few weeks.

The award of this grant is critical for both communities. The estimated cost of \$2.2M will be an overwhelming cost burden on the tax payers in both communities; this grant will reduce this impact by almost half.

Thank you for considering this application for a MassWorks Grant and if I can offer any additional support, please feel free to contact me.

Sincerely,

Donna D. Holaday, Mayor



# **WEST NEWBURY POLICE DEPARTMENT**

401 Main Street, West Newbury, MA 01985

Phone 978-363-1213

Fax 978-363-1114

Jeff Durand, Police Chief  
durand@westnewburysafety.org

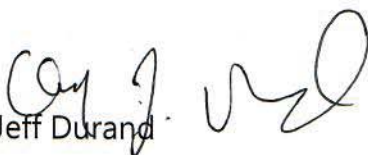
Dear MassWorks Selection Committee,

The West Newbury Police Department would like to offer its full support on the MassWorks Grant application for the rebuilding of the Middle Street bridge in the Town of West Newbury. This bridge is an important connection point to the City of Newburyport. If Route 113 is closed for any reason, the bridge is one of the only two other connections between our towns and the most viable option.

We currently have no fueling stations in town and must travel to Newburyport for fuel. This bridge also supplies another option when returning back to town in the case of an emergency response. Additionally, the Middle Street bridge can be an essential response route for the police department to access certain areas of town on Turkey Hill Road during emergencies.

Again, please consider this letter of support in your determination of awarding this grant.

Sincerely,

  
Jeff Durand

Chief of Police

**A Massachusetts Accredited Agency**



**TOWN OF WEST NEWBURY**  
**Fire Department**  
403 Main Street  
West Newbury, MA 01985  
978-363-1120 fire@westnewburysafety.org

August 5, 2019

Dear MassWorks Selection Committee,

The Town of West Newbury is applying for a MassWorks Grant in an effort to rebuild the Middle Street bridge in our community. As the West Newbury Fire Chief, I would like to express my support for the grant. We are an on-call fire department who has members that live in West Newbury and surrounding communities including Newburyport. Our response time to our stations have been affected by the current state of the bridge and imposed detours. Also, having all the bridge traffic follow a detour onto a higher speed roadway of Route 113 increases the odds of potential vehicle crashes.

In addition to the access to our stations, we rely heavily on mutual aid response from Newburyport, Newbury, Amesbury and Salisbury. Middle Street is a central access point to our community. We are experiencing delays in response from mutual aid fire departments. Additionally, the Middle Street bridge provides our department and mutual aid departments with access to a major water supply used to transport water to various potential fire incidents in the immediate area. A majority of access to this water supply is on the Newburyport side of this bridge, causing a delay in access or re-routing of emergency crews. This can be catastrophic in our town as we have limited access to municipal fire hydrants, particularly in this area of town, where there is no municipal water and no fire hydrants.

Another impact the closure of the Middle Street Bridge has on our community is the ambulance service. Our ambulance service is provided through a contractor (Cataldo) based in Newburyport. The closure of the Middle Street Bridge, which again, is a central access point from Newburyport to West Newbury, impacts the timeliness in which the ambulance is able to respond to fire and medical calls in our community. They now have to take a longer, and more congested route to get to West Newbury. Increase response time has a detrimental effect on patient care.

Please support our request for the MassWorks Grant.

Sincerely,

Michael Dwyer  
Fire Chief

Richard G. Parker  
West Newbury Selectman  
153 Crane Neck Street  
West Newbury, MA 01985

Subject: Importance of the Middle Street/Plummer's Spring Bridge over the Artichoke Reservoir, connecting the Town of West Newbury and the City of Newburyport

To Whom It May Concern:

The bridge over the Artichoke Reservoir, known alternately as the Middle Street Bridge or the Plummer Springs Bridge depending upon which community you live in, connects the Town of West Newbury and the City of Newburyport, and is an important link between the two communities.

In the event of a Rte. 113 road closure causing a detour west of Turkey Hill Road in Newburyport, the bridge is the shortest alternative route to Newburyport for any traffic on that route, including emergency access to Anna Jacques Hospital. Without the bridge, the next alternate route (Garden Street to Rogers Street to Turkey Hill Street – all low speed rural roads) adds an additional 7 to 8 minutes to both emergency and personal / commercial traffic traveling between the two communities. In the event of a medical emergency or a mutual fire aid assist, 7 to 8 minutes can make the difference between life and death.

From the quadrant of West Newbury in which I live, the bridge is by far the shortest and quickest way to reach downtown Newburyport, avoiding the high traffic area of Route 113 that includes the I-95 intersection, the busy commercial strip on Newburyport's Storey Avenue, the intersection with Low Street, and a total of 7 traffic lights. Perhaps 25% of West Newbury residents are similarly affected.

It is important that the bridge be replaced as soon as possible. The \$1,000,000 Massworks Grant being applied for will significantly expedite the process and the ability of the two communities to work together to replace the bridge.

Thank you for your consideration.

Sincerely,  
Richard Parker



## Town Manager

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**From:** John Dodge [REDACTED]  
**Sent:** Monday, August 5, 2019 1:44 PM  
**To:** DPW Director  
**Cc:** Town Manager  
**Subject:** Middle Street Bridge

Dear Wayne,

I am writing you in support of the state grant application to rebuild the Middle Street bridge (also known as the Plummer Springs Bridge). This vital and historical link between West Newbury and Newburyport has been closed to vehicles for a couple of years. The result is a more difficult route for ambulances and emergency equipment in reaching Anna Jaques Hospital and Newburyport in general for mutual aid. Closure has also at times clogged Turkey Hill Road with traffic, it being the only link between the two communities via Hale St.

In short, this bridge should be rebuilt as soon as possible.

Sincerely,

John Dodge  
1 Olde Parish Way  
West Newbury, MA 01985  
[REDACTED]

## DPW Director

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**From:** Sheri Chandler <[REDACTED]>  
**Sent:** Friday, July 26, 2019 7:21 PM  
**To:** DPW Director  
**Subject:** Middle Street Bridge

I would like to speak in favor of the grant application for the Middle Street Bridge. Since it's closure, access from West Newbury into the heart of Newburyport has been severely impacted. For my family it means longer commute times to the grocery store, gas station, doctor's office, and numerous other aspects of our lives every day. Repairing and reopening the bridge would be a significant improvement in our quality of life as well as lighten our impact on the environment as we would be using less fuel and there would be decreased traffics on the only two (currently) functional access roads from West Newbury to Newburyport.

Respectfully,  
Sheri Chandler  
192 Middle Street  
West Newbury, MA 01985

## DPW Director

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**From:** Elizabeth DiGiuseppe <[REDACTED]>  
**Sent:** Saturday, July 27, 2019 7:50 AM  
**To:** DPW Director  
**Subject:** Middle Street Bridge

I am in strong support of the repairs and the reopening of the Middle Street Bridge. I have been a resident on Middle Street for over 40 years and use that bridge almost daily to get to and from Newburyport. It is also a vital way to get to and from Newburyport if something happens on Route 113. In the past there have been times when accidents have forced traffic to be detoured onto Middle Street using the Middle Street Bridge to get to and from Newburyport. Please repair and restore this Bridge as soon as possible.

Elizabeth DiGiuseppe

Sent from my iPad

## DPW Director

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**From:** Cheryl Richardson <[REDACTED]>  
**Sent:** Sunday, July 28, 2019 9:47 PM  
**To:** DPW Director  
**Subject:** Middle Street Bridge

Hi there :),

Below is our letter in support of the grant for the Middle Street/Artichoke Bridge. Hope it helps!

Warmly,

Cheryl

Dear Friend,

I live near the Middle Street/Artichoke bridge and am writing to say how much my family has missed the ease of using the bridge when commuting. The road provides a simple and clear path to neighboring Newburyport and it's been a hardship to travel using the detour (which is quite long).

In addition, we've missed seeing the natural beauty of the area. Swans nesting on a nearby island, watching children fish with their parents, and seeing the wildlife had all been a daily treat and we look forward to having this gift back again.

Please, please provide the funds to restore our bridge!

Thanks very much,

Cheryl Richardson & Michael Gerrish

## DPW Director

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**From:** lorraine sampou <[REDACTED]>  
**Sent:** Monday, July 29, 2019 9:09 AM  
**To:** DPW Director  
**Subject:** Middle Street Bridge

As one of the limited exits from the growing town of West Newbury, I believe this bridge is highly needed!

Lorraine  
Seacoast Canvas and Upholstery  
58 Merrimac St  
Newburyport, Ma 01950  
[REDACTED]

July 29, 2019

DPW Director,

I am a resident interested in the Middle St. Bridge Project. I am writing this letter to inquire whether the bridge must be rebuilt, or whether it has been chosen to be rebuilt. I don't see an upside for the Town of West Newbury to the rebuilding of this bridge. The Newburyport Industrial Park, whose workforce and trucking used, and will use a new bridge, certainly does. The city of Newburyport benefits directly from the Industrial parks Tax Base, definitely an upside. West Newbury, not an industrial town does not need Industrial trucking and traffic. There is no upside for West Newbury.

As things stand now, July 2019, I would choose not to rebuild. West Newbury and Newburyport have an easily accessible, already built, hiking, biking and Recreation area, free from traffic and trucking. Special needs usage looks very promising, with the wide paved road and no motor traffic. Public use areas like this are hard and expensive to come by.

Since the closing of the bridge has there been any negative impact to West Newbury? I haven't heard of or seen any. Rebuilding the bridge is not the only option.

Sincerely,

Thomas A. Leonard  
Garden St.  
West Newbury

## DPW Director

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**From:** Phyllis Unger <[REDACTED]>  
**Sent:** Monday, August 05, 2019 5:58 PM  
**To:** DPW Director  
**Subject:** Bridge

To whom it may concern,

We in West Newbury are in dire need of this bridge. West Newbury is becoming an island. Georgetown Road leading to Georgetown is closed. Driving through the swamp on Ash St. is closed half the time due to flooding and icy conditions. It also is a detriment to cars even going very slowly.

The bridge leading us into Newburyport is not only a convenience but a necessity for safety's sake. While some may like that there isn't much traffic now going by their houses, being able to have access to get out of town in case of an emergency is very important. A grant to help build this bridge is of utmost importance.

Thank you,  
Phyllis Unger  
12 Maple St.  
West Newbury

## DPW Director

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**From:** Elisa Grammer <[REDACTED]>  
**Sent:** Wednesday, August 07, 2019 9:30 AM  
**To:** DPW Director; Town Manager  
**Subject:** Support letter Middle St bridge grant

Hi:

I posted this on the town website but wanted to send directly, also:

As a West Newbury resident, I support the Town's grant to support continued work on the Middle Street bridge because the bridge is an important route to provide our residents access to essential services not available in our small, rural town. West Newbury townspeople need to travel, often to Newburyport, for doctors and many other essential services and goods. The interstate, the river, and other barriers restrict our travel routes. Thus we need the Middle Street bridge.

--

Elisa J. Grammer

[REDACTED]



## DPW Director

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**From:** [REDACTED]  
**Sent:** Tuesday, August 06, 2019 9:26 AM  
**To:** DPW Director  
**Subject:** Middle Street and Plummer Spring Bridge

Dear Mr. Amaral:

Please accept this letter in response to a request for same in support of the grant application for the refurbishment of the Middle Street Bridge.

We are totally in support of the application for this grant. Having the Middle Street Bridge out of commission is first and foremost a dangerous situation for everyone.

Sincerely,

Robert and Jane Wild  
760 Main Street  
West Newbury, MA. 01985

## Town Manager

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**From:** [REDACTED]  
**Sent:** Thursday, August 15, 2019 9:39 PM  
**To:** Town Manager; Selectmen  
**Subject:** Middle Street/Artichoke River Bridge

My name is Dana Bridges and I live on Middle Street in West Newbury. I am writing to express my concerns about the proposed new bridge construction over the Artichoke Reservoir.

As you can see from the email below (dated Nov 21, 2016), the traffic concerns on this stretch of road have been an ongoing issue. I was very appreciative that the town was so responsive to my initial email and included additional signage and police enforcement at that time. Admittedly, we have been enjoying the peace and tranquility of the closed road. It is wonderful to be able to walk the dog without traffic passing by at speeds (most certainly over the speed limit), be able to bike with my young children on the road and walk to the bus stop during the school year. However, I do understand that there is a desire to reopen the bridge among some townspeople (and therefore, the road to thru traffic).

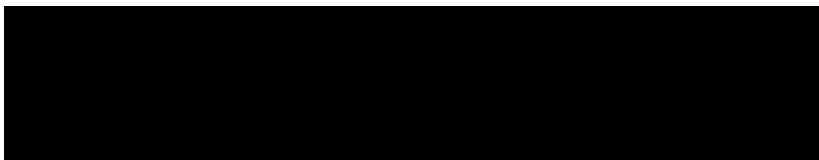
One of my recommendations (before the bridge collapsed) was that trucks not be allowed to pass on the road. Mr. Anderson replied to my email (dated Nov 28, 2016) that there would be a request made to Newburyport for a No Trucks sign at the corner of Hale St and Turkey Hill. I am not sure what ever came of this. I am hoping to raise this issue again now that the bridge plans are being evaluated and that there be consideration of posting the road from both directions (including Middle St/Garden St).

I am also requesting that traffic and speed concerns be included in the evaluation of the bridge design. This is a narrow, curvy stretch of road that is frequented by pedestrians, bikers and horse riders. I think that a large, wide bridge lends itself to faster speeds and while a new bridge may be able to accommodate that, the existing curves and hills of the road cannot.

Thank you for your consideration.

--

**Dana Bridges**



Dear Mr. Anderson and Mr. Bill,

My name is Dana Bridges and I live on Middle Street in West Newbury. I am writing this letter to voice concern about (what I think are) dangerous conditions on Middle Street between Garden Street and the Artichoke Reservoir Bridge.

This is an area that is popular for walkers, bicyclists and horseback riders. Also, the bridge is frequently used as a fishing location. I think that the speed, minimal signage and large trucks on this narrow, curvy stretch of road make for very dangerous conditions. In addition, there is a large amount of trash on the road; beer cans, large and small alcohol containers (which I am guessing are thrown out of car windows). There have been several occasions that myself, or my

family have had to quickly jump into the brush on the side of the road to either avoid being hit, or avoid an accident between two vehicles approaching each other at high speed.

We have previously contacted the West Newbury Police Department with our concerns about the excessive speed on this stretch of road, particularly between the hours of 7-9am and 3-5pm. They have responded by patrolling this area in the past and have had a great impact on speed reduction, however this is only when they are present doing traffic enforcement. Recently, there was an accident on this stretch of road in which a car hit a telephone pole on the opposite side of the street at high speed. Thankfully, there were no pedestrians there at that time.

My second concern is the truck traffic. I am speculating that many of the trucks are coming from, or going to Hale Street in Newburyport (the Industrial area). Turkey Hill Street in Newburyport does not allow trucks (with a posted sign indicating "No Trucks"), therefore the truck traffic from Hale Street is funneled to Middle Street in West Newbury. Since this is a residential area with a high level of pedestrian traffic, I do not think that this is a safe route for trucks. Also, while we do not personally use the bridge for fishing, I have witnessed vehicles speeding over this narrow section and when a truck crosses this narrow bridge, there is not enough room for the other vehicle to pass safely. I realize that the bridge is in Newburyport, but since the truck traffic is coming from, or going to Newburyport via a residential area of West Newbury, I am hoping that you can work with Newburyport on this issue. Would Newburyport consider rerouting the trucks to Low Street? Posting the bridge for "No Trucks"? Or perhaps, both towns could make the street accessible to local/residential traffic only? I have reached out to the town of Newburyport previously without response.

My intentions with this letter are not to provide a list of complaints, but rather to provide suggestions for ways to improve this dangerous situation. I think that this stretch of roadway is not safe for large trucks and I would like to see collaboration with Newburyport in order to have the trucks going to or coming from Newburyport re-routed in a safer way. I think at the very least, the bridge should be posted to prohibit trucks and a reduced speed limit should be posted for all vehicles. I also think that there could be improved signage at the curve, indicating that there is a sharp curve, pedestrians and perhaps decrease the speed limit in the curve. Could there be consideration to making this stretch of road accessible to local/residential traffic only?

Thank you for your consideration and your thoughts on this matter.

Sincerely,  
Dana Bridges

Subject: Re: traffic concerns on Middle St

Dana -

I want get back to you about the concerns you expressed last week. Gary Bill is contacting Newburyport to see if they are willing to add a no trucks sign on Hale Street, at the Turkey Hill intersection. If they do not respond positively, we will

add a Selectmen's meeting agenda item for the Town of West Newbury to make an official request to their Mayor/Town Council.

The speed limit on Middle Street is 25 MPH. We will add a 25 MPH speed limit sign on Middle, coming from the Garden Street intersection. Gary will also evaluate what additional signage might be added in the area that you suggested.

We will also ask the Police Department to continue appropriate enforcement of the 25 MPH speed limit on Middle St.

Thanks for the suggestions. I hope that helps.

Joe

**Town Manager**

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**From:** [REDACTED]  
**Sent:** Wednesday, September 18, 2019 12:47 PM  
**To:** Town Manager; Residents Admin  
**Cc:** Christina Gentile; Kristen Shikes  
**Subject:** Apple Harvest Run Signs

Hi Angus and Annie-

Thank you both again for your help in making the process of the liquor license approval go so smoothly on Monday.

We wanted to check if it would be o.k. to put some of the lawn signs we had printed up around town on public property (ie. Bachelor St. fields, possibly library, and Ash St./Middle St. area)? We are trying to get as much exposure as we can!

Thank you again-  
Courtney

## Town Manager

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**From:** Town Manager  
**Sent:** Thursday, September 19, 2019 4:03 PM  
**To:** Christina Gentile  
**Cc:** courtney Lucey; Kristen Shikes  
**Subject:** RE: Apple Harvest

Hi,

This has been posted to the Town website with e-blast.

Also, your request to place signs on town property will be taken up at the Board of Selectmen's meeting this Monday, 9/23. It will not likely come up until pretty late due to the focus of the meeting on a joint meeting with Newburyport re the Middle Street Bridge (more [here](#), please help spread the word); there is no need for you to attend re the request to place signs. However if you can send me the town-owned locations where you're looking to post, I can provide that info to the Board. They will approve it, but must go through this formality per town policy.

Thanks,  
Angus

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

**From:** Christina Gentile <christinagentile52@gmail.com>  
**Sent:** Wednesday, September 18, 2019 9:23 PM  
**To:** Mary Winglass <mwinglass@wnewbury.org>  
**Cc:** courtney Lucey <crlucey@gmail.com>; Kristen Shikes <kashikes01@gmail.com>  
**Subject:** Apple Harvest

Hi Mary,

Might you be able to send a town-wide email about Pasta Dinner and the Apple Harvest Run? We would be very appreciative. Thinking of something below:

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Join us for the 30th Annual Apple Harvest Race!

Pre-Race Dinner :Oct. 5, 2019, 5:30-8:00 PM, Town Hall Annex, West Newbury

Tickets: \$15 adults | \$7 kids | 3 and under eat free All-you-can-eat pasta (gluten free available), meatballs, salad, rolls, and apple crisp with ice cream. Cash Bar. Sign up at <http://wnpto.org/2019/09/12/3rd-annual-pasta-dinner/>

Apple Harvest Run: Sunday, October 6th! Experience an invigorating closed course, spectacular foliage, food, beer tent, and entertainment. The race includes a USATF certified 5-mile & 5K and a children's 1-mile fun run. Prizes in all age and place categories, kids activities and more. 100% of proceeds benefit educational programs at the Dr. John C. Page Elementary School. Register at [Appleharvestrun.org](http://appleharvestrun.org)

## Town Manager

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**From:** Town Manager  
**Sent:** Friday, September 20, 2019 7:29 PM  
**To:** [REDACTED]  
**Subject:** Update re Interim Town Accountant appointment

Mike,

Thanks for taking the time to meet today. As we discussed, the appointment of the Town Accountant (interim or otherwise) is, per statute, the Board of Selectmen's authority. In consultation with the Board Chairman, I re-posted the Board's agenda for this Monday 9/23 to include appointment of Interim Town Accountant.

Please return the completed job application on Monday, or you could scan and email the completed application over the weekend. If the latter, please leave out (or redact) SSN so as to not take any data security risks. We can get you set up with the personnel paperwork on Tuesday, upon the Board's appointment.

We will need to get you bonded, and while we'll get the ball rolling on that Monday it will not come together by Tuesday. However, I'd still like to keep Tuesday on the calendar for a start date since you'd essentially be shadowing Laurie that day (and Thursday as well, since she'll still be sworn in).

I'm still crunching numbers, but at the hourly rate you requested our budget would support you working two seven hour days/week during the period of your employment, which for budgeting purposes I am assuming as 6 weeks.

Please let me know if this is generally agreeable, and whether you have any questions.

Thanks,  
Angus

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

## Town Manager

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**From:** [REDACTED]  
**Sent:** Friday, September 20, 2019 6:34 PM  
**To:** Town Manager  
**Cc:** Laurie Zywiak  
**Subject:** Re: Interim Accountant-West Newbury

Hi Angus,

That is great news about Mike Morris! We had the opportunity to work with him in Wilmington.

Thank you for contacting me regarding a proposal.

Have a nice weekend!

Eric

**Eric A. Kinsharf, CPA**

[REDACTED]  
[REDACTED]  
[www.erickinsharfcpa.com](http://www.erickinsharfcpa.com)  
[REDACTED]

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**From:** Town Manager <townmanager@wnewbury.org>  
**Sent:** Friday, September 20, 2019 6:25 PM  
**To:** [REDACTED]  
**Cc:** Laurie Zywiak <lzywiak@wnewbury.org>  
**Subject:** RE: Interim Accountant-West Newbury

Eric,  
Thank you for your proposal. We were put in touch with a recently retired Town Accountant, Mike Morris (who was in Wilmington), who lives locally (Newburyport) and will be able to devote more hours/week during the period of transition. I am bringing a proposal to the Board to hire him on an interim basis. In the meantime, we also seem to be closing in on recommending a candidate for the permanent position, so it may end up being a fairly short gap. We will keep you in mind for the future, if the need arises. Thanks again for taking the time to respond.

Angus

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



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**From:** [REDACTED]  
**Sent:** Friday, September 13, 2019 1:07 PM  
**To:** Town Manager <townmanager@wnewbury.org>  
**Cc:** Laurie Zywiak <lzywiak@wnewbury.org>  
**Subject:** Re: Interim Accountant-West Newbury

Hi Angus,

Based on our conversations we would need to be onsite 1 to 2 days per week. Any other issues could be handled remotely.

Our quoted price to act as Interim Town Accountant is \$1,500 per week.

If this is acceptable, I can forward you a contract and we could start on September 30th. I'd want to meet with Laurie the week before.

Thank you for the opportunity to submit a proposal.

Eric

Sent from my iPhone

On Sep 13, 2019, at 11:44 AM, Town Manager <[townmanager@wnewbury.org](mailto:townmanager@wnewbury.org)> wrote:

Hi Eric,

Thanks for your time on the phone. In your conversation with Laurie I hope you got the info you need re what support we'll need this fall. Duration of need uncertain; Laurie's last day is 9/26. We have received a few applications for the permanent position, but it may well be late October or later before a new person is hired and prepared to begin.

Please let me know whether you can provide a proposal in the first part of next week. We have a meeting with our local DOR rep (Bobbi Jo Colburn) next Thursday to game plan, and I'd love to have our interim plan squared away before then.

Thanks again, feel free to call with questions,  
Angus

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

**Town Manager**

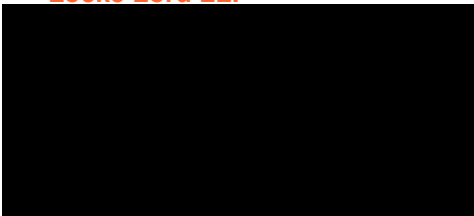
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**From:** [REDACTED]  
**Sent:** Wednesday, September 18, 2019 6:24 PM  
**To:** Town Manager  
**Cc:** [REDACTED]  
**Subject:** Article and Motion -- CPA Funds for Soldiers and Sailors Memorial Building.DOCX  
**Attachments:** Article and Motion -- CPA Funds for Soldiers and Sailors Memorial Building-c.DOCX

Hello Angus, Peter and Abby. As requested, I have attached a suggested form of motion for the Soldiers and Sailors Memorial Building project. I have provided a broadly worded article, under which the Town Meeting can consider the range of potential financing options for the project. I have also provided forms of motions for your consideration. The first approves a borrowing for the entire amount and the second allows for the use of CPA cash for a portion of the project and then a borrowing for the balance. The Community Preservation Committee is required to recommend particular CPA projects for approval by the Town Meeting that are to be paid out of CPA fund revenues. In most communities, the Community Preservation Committee will recommend how the CPA funds should be applied (i.e. use of cash on hand as opposed to a borrowing against future CPA surcharge revenues), although that does not appear to be a requirement of the CPA. Please let me know if we can provide any further assistance.

Rick

Richard A. Manley, Jr.  
Locke Lord LLP



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**Town of West Newbury, Massachusetts**  
Suggested Forms of Articles and Motions

Article \_\_: To see if the Town will appropriate \$1,500,000, or any other amount, to pay costs of reconstructing and making extraordinary repairs to the Soldiers and Sailors Memorial Building (Carr Post), including but not limited to, interior and exterior restoration of the building fabric, installation of a septic system, installation of walkways and signage, hazardous materials remediation, replacement of electrical, plumbing, HVAC and fire alarm systems, and for the payment of all other costs incidental and related thereto; to determine whether this amount shall be raised by taxation, transfer from available funds, including amounts in the Community Preservation Fund, borrowing or otherwise, or to take any other action relative thereto.

Motion \_\_: That the Town appropriates \$1,500,000 to pay costs of reconstructing and making extraordinary repairs to the Soldiers and Sailors Memorial Building (Carr Post), including but not limited to, interior and exterior restoration of the building fabric, installation of a septic system, installation of walkways and signage, hazardous materials remediation, replacement of electrical, plumbing, HVAC and fire alarm systems, and for the payment of all other costs incidental and related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Selectmen, is authorized to borrow said amount under and pursuant to M.G.L. c. 44, §7(1), M.G.L. c. 44B (the Community Preservation Fund), or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor. Any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with M.G.L. c. 44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount. *[Note: this motion approves a borrowing to pay the entire cost of the project.]*

Motion \_\_: That the Town appropriates \$1,500,000 to pay costs of reconstructing and making extraordinary repairs to the Soldiers and Sailors Memorial Building (Carr Post), including but not limited to, interior and exterior restoration of the building fabric, installation of a septic system, installation of walkways and signage, hazardous materials remediation, replacement of electrical, plumbing, HVAC and fire alarm systems, and for the payment of all other costs incidental and related thereto, and that to meet this appropriation, (i) \_\_\_\_\_ shall be transferred from amounts in the Community Preservation Fund, and (ii) the Treasurer, with the approval of the Selectmen, is authorized to borrow (ii) \_\_\_\_\_ under and pursuant to M.G.L. c. 44, §7(1), M.G.L. c. 44B (the Community Preservation Fund), or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor. Any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with M.G.L. c. 44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount. *[Note: this motion permits CPA funds on hand to be applied to pay a portion of project costs, and then authorizes a borrowing for the balance.]*

# ARTICLE REQUEST FORM

**ARTICLE:** FY20 Request for additional funds in the Board of Health "Steele Landfill" line item #01-510-5293

**AMOUNT REQUESTED:** \$11,500

**CONTACT PERSON:** Robert Janes, Chairman, for Board of Health

**PHONE NUMBER:** 978-363-1100 ext 119

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

The Town is required to test the landfill per DEP approved monitoring plan dated April 2019. The conditions of the plan were not issued until after the April 2019 Town Meeting, therefore additional funds are needed to meet the required testing. The entire Town will benefit, the sooner we can reduce the testing frequencies, the overall maintenance costs of the landfill will be lower.

**What factors affect the timing of this purchase?**

Currently, there are not sufficient funds in our budget to cover the costs associated with the monthly testing requirements. If the Town fails to comply, then MA DEP would issue a letter of non-compliance and the Town could possibly face fines.

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

Depending on the results of our findings, additional funds may be required to move forward with the post closure monitoring plan requirement.

**Please attach additional pages or other supporting documentation.**

# Landfill Monitoring Schedule

FY20 Budget \$22,646

4/23/19 DEP Mandate - Gas Assessment Corrective Action Requirements FMF #39872

FY20	GW Monitoring Well & Surface Water Sampling (2x Year)*	Gas Vent (GV) & GMP Testing (12x Year)	Nuisance Wildlife Control*****	Private Well Testing (Every 3 Years) Test Scheduled 11/20	Third Part Inspection (Every 2 Years) Test Scheduled 4/20	Totals
Jul-19		\$ 1,550.00				\$ 1,550.00
Aug-19		\$ 1,550.00				\$ 1,550.00
Sep-19		\$ 1,550.00				\$ 1,550.00
Oct-19	\$ 6,325.00	\$ 1,550.00				\$ 7,875.00
Nov-19		\$ 1,550.00				\$ 1,550.00
Dec-19		\$ 1,550.00				\$ 1,550.00
Jan-20		\$ 1,550.00				\$ 1,550.00
Feb-20		\$ 1,550.00				\$ 1,550.00
Mar-20		\$ 1,550.00				\$ 1,550.00
Apr-20	\$ 6,325.00	\$ 1,550.00	\$ 1,500.00		\$ 1,200.00	\$ 10,575.00
May-20		\$ 1,550.00				\$ 1,550.00
Jun-20		\$ 1,550.00				\$ 1,550.00
<b>GRAND TOTALS</b>	\$ 12,650.00	\$ 18,600.00	\$ 1,500.00		\$ 1,200.00	\$ 33,950.00

## Paul Sevigny

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**From:** [REDACTED]  
**Sent:** Friday, September 06, 2019 5:37 PM  
**To:** Paul Sevigny  
**Cc:** Morey, John (DEP)  
**Subject:** RE: Steele Landfill - request to reduce gas monitoring

Paul,

Thank you for your message. As you know, in April 2019 MassDEP determined that additional assessment and corrective actions are required to address landfill gas migration at the landfill site. MassDEP is currently reviewing the Town's proposed corrective action (a section of gas vent trench to be located alongside Middle Street). The continued monitoring of landfill gas will be necessary prior to construction of the proposed remedy, as well as for some duration following completion of construction to demonstrate the effectiveness. Therefore, the Town's request to reduce landfill gas monitoring cannot be approved at this time.

If you have any questions, please contact me.

Sincerely,  
--Mark

*Mark Fairbrother, Solid Waste Section Chief | phone (978) 694-3298  
MassDEP-NERO | 205B Lowell Street | Wilmington, MA 01887*

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*for use in intra-agency policy deliberations*

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**From:** Paul Sevigny [<mailto:psevigny@wnewbury.org>]  
**Sent:** Friday, September 06, 2019 10:04 AM  
**To:** Morey, John (DEP); Fairbrother, Mark (DEP)  
**Subject:** Steele Landfill

Gentlemen,

This email is a formal request to ask the DEP if the Town of West Newbury could reduce the testing frequency of the gas vent and gas wells. Currently, we are required to test once a month. Due to anticipated costs to install the interceptor trench we are looking to reduce our costs anywhere we can. With that said, we are asking if we can reduce the frequency to every other month (6 times a year instead of 12).

Please advise as we are preparing an article for additional funds at our special town meeting at the end of October.

Paul Sevigny, Health Agent  
Town of West Newbury  
381 Main Street  
West Newbury, MA 01985  
978-363-1100, x119



Commonwealth of Massachusetts  
Executive Office of Energy & Environmental Affairs

## Department of Environmental Protection

Northeast Regional Office • 205B Lowell Street, Wilmington MA 01887 • 978-694-3200

Charles D. Baker  
Governor

Karyn E. Polito  
Lieutenant Governor

Matthew A. Beaton  
Secretary

Martin Suuberg  
Commissioner

April 12, 2019

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

RE: WEST NEWBURY – Solid Waste Management  
Steele Landfill  
Middle Street/Georgetown Road  
FMF#: 39872

### **Landfill Gas Assessment and Corrective Action Requirements**

Dear Mr. Sevigny:

The Massachusetts Department of Environmental Protection, Northeast Regional Office, Bureau of Air and Waste, Solid Waste Management Section (MassDEP), has reviewed the landfill gas monitoring data collected since December 16, 2018 for the closed Steele Landfill, located in West Newbury, Massachusetts (the Landfill). MassDEP's review was undertaken to determine if any additional assessment and/or corrective actions are required under 310 CMR 19.000, the Massachusetts Solid Waste Regulations.

Pursuant to the requirements of 310 CMR 19.142: *Landfill Post-Closure Requirements*, the Town of West Newbury (Town) is required to conduct periodic environmental monitoring of the Landfill in accordance with the Interim Post-Closure Monitoring Plan approved by MassDEP on October 31, 2018 (the Post-Closure Plan). The Post-Closure Plan required, in part, the installation of four permanent landfill gas monitoring wells and the monitoring of landfill gas on a quarterly basis. The environmental monitoring of the Landfill, including the landfill gas assessment work, is being conducted by New England Environmental Technologies Corporation of Haverhill, Massachusetts (NEET) on behalf of the Town.

On December 7, 2018, as part of post-closure environmental monitoring activities, four permanent landfill gas wells were installed at the property line of the Landfill; two wells were installed along Middle Street (GMP-3 and GMP-4) and two wells were installed along Georgetown Road (GMP-1 and GMP-2). The four wells were constructed to depths ranging from 4.5 to 10 feet below the ground surface (bgs), and screened from 2 to 5 feet bgs.

This information is available in alternate format. Contact Michelle Waters-Ekanem, Director of Diversity/Civil Rights at 617-292-6751.  
TTY# MassRelay Service 1-800-439-2370  
MassDEP Website: [www.mass.gov/dep](http://www.mass.gov/dep)

Printed on Recycled Paper

On December 19, 2018, NEET sampled and reported the detection of combustible landfill gas concentrations at the Landfill property line in excess of 25% of the Lower Explosive Limit (LEL). As reported, concentrations of 5.4% methane (108 % LEL) and 3.8 % methane (76% LEL) were detected in landfill gas monitoring wells GMP-3 and GMP-4 located adjacent to Middle Street. In accordance with 310 CMR 19.132, MassDEP and the West Newbury Board of Health were notified of the exceedance.

On December 20, 2018, MassDEP discussed with the Town the need for additional assessment of landfill gas at the Landfill and on the opposite side of Middle Street, north of the Landfill. On January 18, 2019, four additional gas monitoring wells were installed on the north side of Middle Street to further identify potential landfill gas migration. Gas wells GMP-5 through GMP-8 were installed approximately 10 feet bgs with 5 feet of screen at the bottom of the each boring.

On January 22, 2019, a second round of gas monitoring was conducted at the Landfill. As reported, monitoring at wells GMP-3 and GMP-4 indicated gas concentrations of 378% LEL and 704 % LEL, respectively. Gas monitoring at GMP-7 (located on the opposite side of Middle Street) indicated methane concentrations of 38% LEL. Gas monitoring at GMP-1, GMP-2, GMP-5, GMP-6 and GMP-8 did not indicate the presence of methane.

On February 27, 2019, the Town conducted a third round of gas monitoring at the 8 existing monitoring locations. Gas monitoring at GMP-3, GMP-4, and GMP-7 indicated methane concentrations of 446% LEL, 78% LEL and 222% LEL, respectively. Gas monitoring at GMP-1, GMP-2, GMP-5, GMP-6 and GMP-8 did not indicate the presence of methane.

On March 27, 2019, a fourth round of sampling was performed at the existing monitoring locations. Gas monitoring at GMP-3, GMP-4 and GMP-7 indicated methane concentrations of 326% LEL, 756% LEL and 198% LEL, respectively. Gas monitoring at GMP-1, GMP-2, GMP-5, GMP-6 and GMP-8 did not indicate the presence of methane.

MassDEP has reviewed the information from the ongoing environmental monitoring of the Landfill pursuant to 310 CMR 19.000 (Solid Waste Regulations) and the guidelines presented in MassDEP's Landfill Technical Guidance Manual (DEP Publication No. SWMID: 001-91-G, Rev. 5/97). Based on this review and the facts stated above, and in accordance with the requirements of 310 CMR 19.150 and 310 CMR 19.151, MassDEP has determined that additional assessment and corrective actions are required to address landfill gas migration at the Landfill. Therefore, the Town shall implement the following:

1. **Corrective Action Design:** On or before June 14, 2019, the Town shall submit to MassDEP for review and approval a completed application, category BWP SW25 *Corrective Action Design*, to address the landfill gas migrating from the Landfill (the CAD Application). The CAD Application shall be prepared and certified by a Massachusetts Registered Professional Engineer. The proposed design shall comply with the requirements of 310 CMR 19.000, including 310 CMR 19.151, and include, without limitation, the following:



- a. Proposed corrective actions necessary to reduce the migration of landfill gas to a concentration below 25% of the LEL at the property line (the south side of Middle Street) in accordance with 310 CMR 19.117(2);
- b. Detailed design plans and specifications for the corrective action (e.g., vent trench, additional gas vents, etc.) and restoration of the cap after installation;
- c. Detailed specifications for the materials to be used and demonstrate that such materials meet or exceed the specifications of the original approved closure design;
- d. A Quality Assurance/Quality Control Plan for the construction of the Corrective Action Design including specifying the inspection requirements of the Engineer of Record for the construction; and
- e. A schedule for implementation and completion of the proposed CAD design.

**2. Interim Landfill Gas Monitoring:**

- a. Monitoring at the site shall continue to be conducted in accordance with 310 CMR 19.132: *Environmental Monitoring Requirements* and in accordance with the Post-Closure Monitoring Plan approved by MassDEP on October 31, 2018, as modified herein. While the Town is developing and implementing the required corrective actions, the Town shall take all necessary actions to ensure public health and safety. The Town shall conduct monthly monitoring of on-site and off-site landfill gas monitoring wells. The Town shall continue to monitor all such locations on a monthly schedule unless and until such time as the Town submits to MassDEP a request for a reduction in such monitoring and MassDEP issues a written approval for modification of the monitoring frequency.
- b. Within thirty (30) days of the date of this decision, the Town shall conduct indoor air screening at the residence located north of the Landfill at 24 Middle Street for the presence of landfill gas (methane). In the event landfill gas is detected at greater than 10% of the lower explosive limit (LEL) in any building, structures, or underground utility conduits at or in the vicinity of the Landfill, the Town shall comply with the provisions of 310 CMR 19.132(4)(g), including, but not limited to, the two (2) hour notification requirements (see Condition 4, below).

**3. Landfill Gas Monitoring Reports:** Within thirty (30) days of each monitoring event, the Town shall submit to MassDEP the findings of each monitoring event in accordance with 310 CMR 19.132.

**4. Landfill Gas Notification Requirements:** The Town shall notify MassDEP and take appropriate action in accordance with the requirements of 310 CMR 19.132, which reads in relevant portion:

*“(g) When, at any time, the concentration of explosive gasses exceeds 10% of the lower explosive limit (LEL) in any building, structure, or underground utility conduit, excluding gas control, gas recovery and leachate collection system components, the owner or operator shall:*

- 1. take immediate action to protect human health and safety;*
- 2. notify the Department’s Regional Office that covers the municipality in which the facility is located within two hours of the finding; and*

*3. undertake the actions specified under 310 CMR 19.150: Landfill Assessment Requirements and 19.151: Corrective Action Requirements as required by the Department*

*(h) Except in buildings, structures and underground utility conduits for which 310 CMR 19.132(5)(g) applies, when, at any time, the concentration of explosive gasses exceeds 25% of the lower explosive limit (LEL) at the property boundary or beyond, excluding gas control, gas recovery and leachate collection system components, the owner/operator shall:*

- 1. take immediate action to protect human health and safety;*
- 2. notify the Department's Regional Office that covers the municipality in which the facility is located within 24 hours of the finding; and*
- 3. undertake the actions specified under 310 CMR 19.150: Landfill Assessment Requirements and 19.151: Corrective Action Requirements as required by the Department."*

5. MassDEP reserves the right to require additional assessment and/or remedial activities at the Landfill if environmental data and/or studies indicate that past or present operations have contributed to conditions that pose a significant risk to the public health, safety or the environment.

This decision is issued by MassDEP under the authority of M.G.L., Chapter 111, Section 150A and 310 CMR 19.000. All activities shall be implemented in compliance with the Massachusetts Contingency Plan regulations at 310 CMR 40.0114 *Solid Waste Management Facilities* and in a manner consistent with the Department's April 1991 guidance document, Standard References for Monitoring Wells WSC-310-91. This decision does not relieve the Town, its contractors or any other person of the responsibility to comply with all other applicable state, federal, and local statutes, regulations, and requirements.

#### **NOTICE OF RIGHT TO APPEAL**

The Town of West Newbury is hereby notified that it may within twenty-one (21) days of the date of issuance file a request that this decision and permit be deemed a provisional decision under 310 CMR 19.033(4)(b), by submitting a written statement of the basis on which the Town believes it is aggrieved, together with any supporting materials. Upon timely filing of such a request, the decision shall be deemed a provisional decision with an effective date twenty-one (21) days after the MassDEP's receipt of the request. Such a request shall reopen the administrative record, and the MassDEP may rescind, supplement, modify, or reaffirm its decision. Failure by the Town to exercise the right provided in this section shall constitute a waiver of the Town's right to appeal.

**Appeal.** Any person aggrieved by the issuance of this decision may file an appeal for judicial review of said decision in accordance with the provisions of M.G.L. c. 111, s. 150A, and M.G.L. c. 30A, not later than thirty (30) days following the date of issuance of the final decision. The standing of a person to file an appeal and the procedures for filing such appeal shall be governed by the provisions of M.G.L. c. 30A. Unless the person requesting an appeal requests and is

granted a stay of the terms and conditions of the decision by a court of competent jurisdiction, the decision shall remain effective.

**Notice of Action.** Any aggrieved person intending to appeal this decision to the Superior Court shall first provide notice to the MassDEP of their intention to commence such action. Said notice of intention shall include the MassDEP's file number and shall identify with particularity the issues and reasons why it is believed the decision was not proper. Such notice shall be provided to the Office of General Counsel of the MassDEP and the Regional Director for the regional office which processed the application at least five days prior to the filing of an appeal. The appropriate addresses to which to send such notices are:

General Counsel  
Massachusetts Department of Environmental Protection  
One Winter Street – 3<sup>rd</sup> Floor  
Boston, MA 02108

and

Eric Worrall, Regional Director  
Massachusetts Department of Environmental Protection  
Northeast Regional Office  
205B Lowell Street  
Wilmington, MA 01887

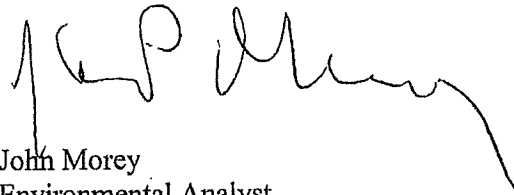
No allegation shall be made in any judicial appeal of this decision unless the matter complained of was raised at the appropriate point in the administrative review procedures established in those regulations, provided that a matter may be raised upon a showing that it is material and that it was not reasonably possible with due diligence to have been raised during such procedures or that matter sought to be raised is of critical importance to the environmental impact of the permitted activity.

If you have any questions about this matter, please contact John Morey at (978) 694-3297.

Sincerely,



Mark G. Fairbrother  
Section Chief  
Solid Waste Management



John Morey  
Environmental Analyst  
Solid Waste Management

MGF/JPM/jpm

Enclosure: Communication for Non-English Speaking Parties

cc: Susan Ruch, Deputy Regional Director, MassDEP-NERO, Bureau of Air and Waste  
Email: [susan.ruch@mass.gov](mailto:susan.ruch@mass.gov)

4/12/19

Paul Sevigny, West Newbury Board of Health  
Email: [psevigny@wnewbury.org](mailto:psevigny@wnewbury.org)

John Clement  
New England Environmental Technologies Corporation  
145 South Main Street  
Haverhill, MA 01835

# ARTICLE REQUEST FORM

**ARTICLE:** FY20 Request for additional funds in Board of Health "Steele Landfill" Line Item #01-510-5293 (TRENCH)

**AMOUNT REQUESTED:** \$66,000

**CONTACT PERSON:** Robert Janes, Chairman for Board of Health

**PHONE NUMBER:** 978-363-1100 ext.119

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

The Town is required by MA DEP to install a gas migration interceptor trench along Middle Street to reduce the horizontal migration of methane. The conditions of the plan were not finalized until after the April 2019 Town Meeting.

**What factors affect the timing of this purchase?**

Currently, there is insufficient funds in our budget to cover the costs associated with the installation of the gas migration interceptor trench. If the Town fails to comply then MA would issue a letter of non-compliance and the Town could possibly face fines.

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

Depending on the results of our findings, additional funds may be required to move forward with the post closure monitoring plan requirement.

**Please attach additional pages or other supporting documentation.**

## Estimated Cost For The Construction Of The Gas Migration Interceptor Trench

Labor Costs (estimate)	\$27,000
105 Yards of 1-1/2" stone	\$2,192
15 Yards gravel / dense pack	\$280
30 Yards Screened Loam	\$510
Police Detail (estimate)	\$2,600
(14) 6" SCH 80 galv. Bollards with concrete base	\$8,540
(4) 6" SCH 40 PVC 90 degree fittings	\$150
(3) 6"x 6" x 4" SCH 40 PVC "T"	\$166
(4) 6" to 4" SCH 40 PVC reducer	\$125
(15) 6" SCH 40 PVC couplings	\$220
(300') 6" SCH 40 perf. PVC	\$936
(40') 4" SCH 40 perf PVC	\$62
(40') 4" SCH 40 PVC	\$56
(7) 4" mushroom cap vents with screens	\$230
(400') 10' wide filter fabric	\$360
(100') 12" compost erosion control wattle	\$505
Bundle 3' grade stakes	\$20
42 bags of concrete	\$135
(10) 2x6x10 KD	\$70
50 lb of seed mix	\$100
Box of 3" deck screws	\$10
(4) cans flat brown spray paint	\$20
Gas monitoring during construction (estimate)	\$6,450
Engineer inspections and As-Built (estimate)	\$4,000

<b>Sub Total</b>	<b>\$54,737</b>
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For budgeting purposes 20% is being added to sub total	<b>\$65,684</b>
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<b>Requested Article Amount</b>	<b>\$66,000</b>
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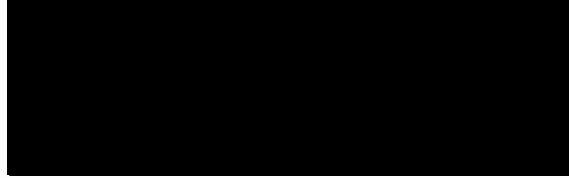
\*The plan is currently being reviewed by DEP. Prices/requirements subject to change.

The Board of Health's intent is to hire a contractor that will do the work for time & materials. If the Town purchases the materials, then we will save money on material mark up as well as taxes. The labor rate is based on prevailing wages. (see price from J. White Contracting, Inc). It's anticipated that the work can be done within a 40 hour work week. The estimate is based on (1) excavator & operator, (2) dump trucks & drivers, & (1) laborer. If we can utilize a Town's dump truck & operator, this would save around \$5,000. One police officer detail would be needed per day. The cost could be as much as \$2,600 (depending on the hourly rate of that particular officer). We have been quoted \$4,000 for engineer inspections & as-built. Fourteen concrete filled steel bollards are needed, for a price of \$8500. A price of \$6450 has been carried for an LSP to monitor the trench for gas during construction. Other estimates and material costs are relatively inexpensive compared to the above. We have also added 20% to the estimate for budgeting purposes.

# J. White Contracting, Inc.

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3 Murray Hill Lane



PC 138 Excavator - \$175.00 Per Hour  
\$220.00 Per Hour Prevailing Rate

Mack Tri-Axle - \$105.00 Per Hour  
\$165.00 Per Hour Prevailing Rate

Laborer - \$90.00 Per Hour  
\$125.00 Per Hour Prevailing Rate

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September 18, 2019  
Proposal P-3314

Mr. Paul Sevigny  
West Newbury Board of Health  
381 Main Street  
West Newbury, MA 01985

**Re: Steele Landfill, Middle Street, West Newbury, MA**  
***Licensed Site Professional Services***

Dear Mr. Sevigny,

New England Environmental Technologies Corporation (NEET) is pleased to provide you with this proposal for Licensed Site Professional (LSP) services relating to oversight and monitoring of landfill excavation activities. The actual scope of service has not been defined therefore the following rates apply primarily to labor rates and one (1) landfill gas monitoring device.

The LSP base rates are quoted as follows:

Hourly Rate - \$150/hr  
Daily Rate - \$140/hr  
Weekly Rate - \$130/hr

Daily On site analytical device - \$250/day

Additional costs may be incurred pending the actual scope of services that the LSP and NEET may be required to provide.

This quotation is provided for your project budgetary planning and is subject to modifications that may be necessary to meet the currently undefined project requirements. Changes in LSP base labor rates, if necessary, will take place only with the clients express knowledge and consent prior to engaging NEET to provide the requested services.

Sincerely,

John Clement, LSP  
President

## Paul Sevigny

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**From:** [REDACTED]  
**Sent:** Wednesday, September 18, 2019 11:37 AM  
**To:** Paul Sevigny  
**Subject:** RE: Corrective Action Trench Installation

Obviously the requirements may be dictated by DEP's approval. But here is what I would expect.

Inspections/construction assistance 7 hrs \$1100 ( 3 site visits)  
As Built Survey and Drawing \$2500

I would budget \$4000. Work would be billed T&M so if less time you get the savings.

**Richard Barthelmes, PE**

**Cornerstone**

9F Presidential Way  
[REDACTED]

This communication and any attachments may be sensitive but unclassified and are intended only for the recipient(s) indicated. Any other use, dissemination, copying, or disclosure of this communication is strictly prohibited. This communication may be an attorney-client communication and as such is privileged. If you have received this communication in error, please notify us and destroy it immediately. Cornerstone is not responsible for any undetectable alteration, transmission error, conversion, media degradation, software error, or interference with this transmission

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**From:** Paul Sevigny <[psevigny@wnewbury.org](mailto:psevigny@wnewbury.org)>  
**Sent:** Wednesday, September 18, 2019 9:09 AM  
[REDACTED]

Hi Rick,

We are working on an article for the trench installation. What is you anticipated cost for your involvement in the construction.? Inspections, As-built, etc.

Thanks,

Paul Sevigny, Health Agent  
Town of West Newbury  
381 Main Street  
West Newbury, MA 01985  
978-363-1100, x119

State Supply Corp.

195 High St.  
Ipswich, MA 01938

978 356 7950  
[mo@statesupplycorp.com](mailto:mo@statesupplycorp.com)

# QUOTATION

1345

DATE 6-Sep-19

TO	TOWN OF WEST NEWBURY
ADDRESS	
	LANDFILL

QTY	MODEL/DESCRIPTION	PRICE EACH	AMOUNT
4	6" PVC DWV 90'ELBOW	\$ 37.08	\$ 148.32
3	6x6x4" PVC DWV SANITARY TEE	\$ 55.42	\$ 166.26
4	6x4" PVC DWV REDUCING COUPLING	\$ 30.71	\$ 122.84
36	6" PVC DWV COUPLING	\$ 14.46	\$ 520.56
300	LINEAL FEET 6" PVC CELLULAR CORE PERFORATED PIPE B.E	\$ 3.12	\$ 936.00
40	LINEAL FEET 4" PVC CELLULAR CORE PERFORATED PIPE B.E.	\$ 1.55	\$ 62.00
40	LINEAL FEET 4" PVC CELLULAR CORE SOLID PIPE B.E.	\$ 1.40	\$ 56.00
7	TUF-TITE SWEET AIR VENT CAP	\$ 32.95	\$ 230.65
1	12.5"x360' 4oz FILTER FABRIC		\$ 357.75
1	PALLET 100' FILTREXX BIOSOXX EROSION CONTROL WATTLE		\$ 505.00

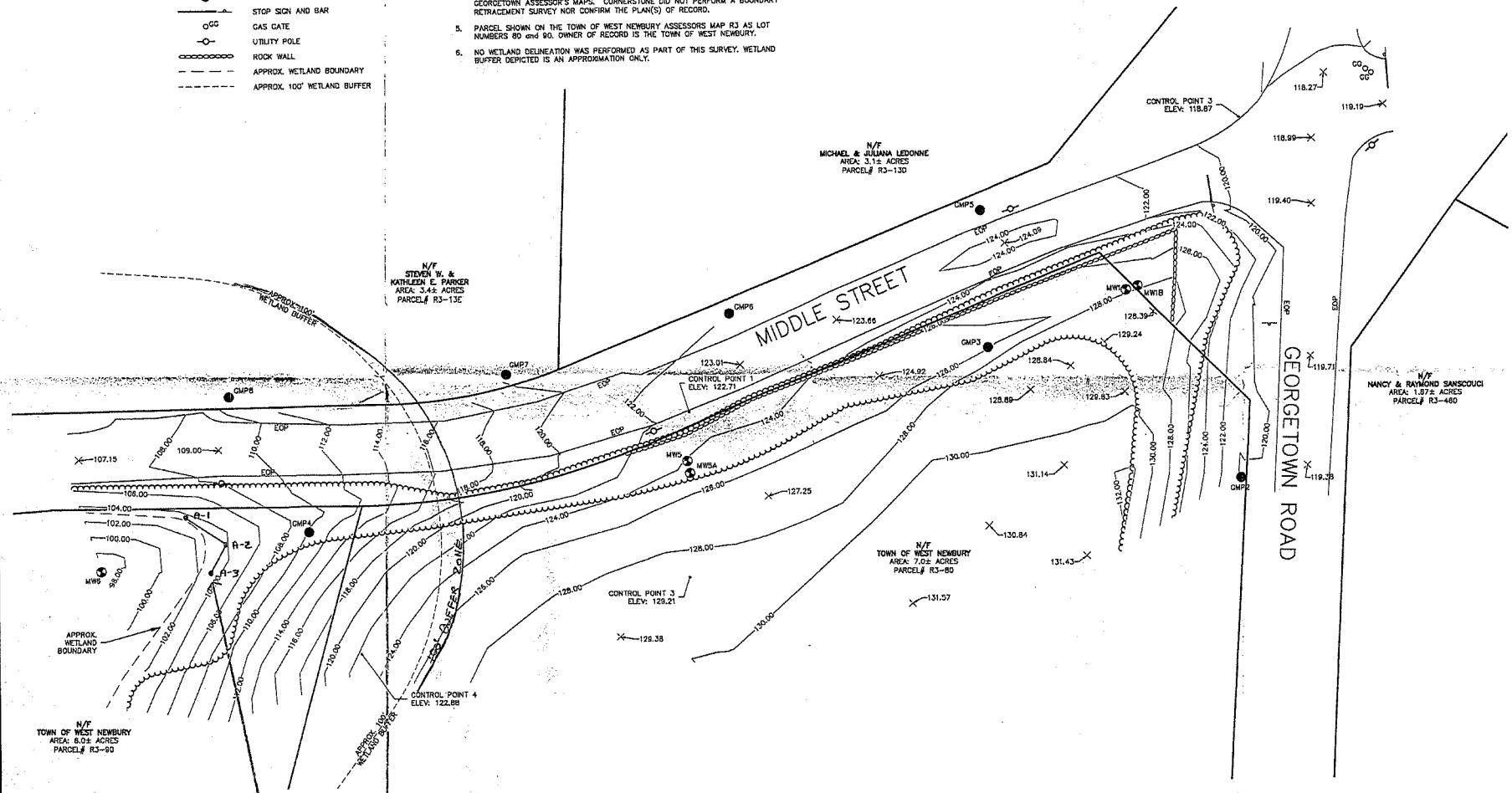
THIS QUOTATION IS VALID FOR 30 DAYS. RETURNS ARE SUBJECT TO HANDLING/RE STOCKING CHARGES CUSTOM ORDERS ARE NON-CANCELLABLE/NON-RETURNABLE THANK YOU FOR THE OPPORTUNITY TO QUOTE YOUR FIXTURES	SUBTOTAL	\$ 3,105.38
	SALES TAX	\$ -
	FREIGHT	\$ -
	TOTAL	\$ 3,105.38

**LEGEND**

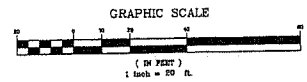
- PROPERTY LINE
- EDGE OF PAVEMENT
- 120— MAJOR CONTOUR
- MINOR CONTOUR
- X-128.22 SPOT GRADE
- GMP6 PROPOSED GAS VENT
- GAS MONITORING PROBE
- MWSA GROUNDWATER MONITORING WELL
- STOP SIGN AND BAR
- GAS GATE
- UTILITY POLE
- ROCK WALL
- - - - - APPROX. WETLAND BOUNDARY
- - - - - APPROX. 100' WETLAND BUFFER

**NOTES:**

1. THIS PLAN HAS BEEN PREPARED TO DEPICT THE PARTIAL EXISTING SITE CONDITIONS ON THE PROPERTY AT MIDDLE STREET AND GEORGETOWN ROAD, WEST NEWBURY, MA. THE FIELD WORK WAS PERFORMED BY CORNERSTONE ON MAY 17, 2019.
2. THIS PLAN DOES NOT SHOW ANY UNRECORDED OR UNWRITTEN EASEMENTS WHICH MAY EXIST. THIS DOES NOT CONSTITUTE A GUARANTEE THAT NO SUCH EASEMENTS EXIST.
3. THE HORIZONTAL AND VERTICAL CONTROL WERE ESTABLISHED BY THE COLLECTION OF GPS AND TOTAL STATION OBSERVATIONS. THE HORIZONTAL CONTROL IS BASED ON THE NORTH AMERICAN DATUM OF 1983 (NAD83). THE VERTICAL DATUM IS BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88).
4. THE PROPERTY LINES DEPICTED HEREON WERE COMPILED FROM TOWN OF GEORGETOWN ASSESSOR'S MAPS. CORNERSTONE DID NOT PERFORM A BOUNDARY RETRACEMENT SURVEY NOR CONFIRM THE PLAN(S) OF RECORD.
5. PARCEL SHOWN ON THE TOWN OF WEST NEWBURY ASSESSOR'S MAP R3 AS LOT NUMBERS 80 and 80. OWNER OF RECORD IS THE TOWN OF WEST NEWBURY.
6. NO WETLAND DELINEATION WAS PERFORMED AS PART OF THIS SURVEY. WETLAND BUFFER DEPICTED IS AN APPROXIMATION ONLY.



The wetlands were flagged by Paul Sevigny, RS on August 1, 2019 and the 100' Buffer Zone adjusted.



**LANDFILL CORRECTIVE ACTION**  
 MIDDLE STREET  
 WEST NEWBURY, MASSACHUSETTS 01985  
 PREPARED FOR  
 TOWN OF WEST NEWBURY  
 WEST NEWBURY, MASSACHUSETTS 01985

REV.	DATE	DESCRIPTION	BY	CHK
1	7/21/19	ISSUED FOR PERMITTING	NC	
2	8/1/19	APPROX. WETLAND BOUNDARY CONTIGUES	NC	
		ADJUSTED WETLAND BOUNDARY	RS	

**EXISTING CONDITIONS PLAN**

DESIGNED BY	NC
CHECKED BY	RB
SCALE	1" = 20'
DATE	7/21/19
SHEET NO.	C-1
PROJECT NO.	19009-20

**LEGEND**

- PROPOSED GAS VENT
- PROPOSED GAS TRENCH
- ▬ PROPOSED E&S WATTLE
- PROPOSED BOLLARDS

**GENERAL EROSION & SEDIMENTATION CONTROL NOTES**

- PRIOR TO CONSTRUCTION EROSION CONTROL MEASURES ARE TO BE IMPLEMENTED AS NOTED. THE SMALLEST PRACTICAL AREA OF LAND SHOULD BE EXPOSED AT ANY ONE TIME DURING DEVELOPMENT. THE EXPOSURE SHOULD BE KEPT TO THE SHORTEST PRACTICAL PERIOD OF TIME.
- BALD STRAW AND MULCH SHALL BE AVOIDANCE OF ACCEPTABLE HERBACEOUS GROWTH, FREE FROM NOXIOUS WEEDS OR WOODY STEMS, AND SHALL BE DIRT.
- E&S WATTLE SHALL BE INSTALLED AND MAINTAINED WHERE SHOWN AND ADDITIONAL E&S WATTLE ADDED AS REQUIRED BY THE ENGINEER PRIOR TO ANY ON-SITE GRADING OR DISTURBANCE OF EXISTING SURFACE MATERIAL. IT SHOULD BE MAINTAINED DURING AND AFTER DEVELOPMENT TO REMOVE SEDIMENT FROM RUNOFF WATER AND FROM LAND UNDERGOING DEVELOPMENT. WHERE POSSIBLE NATURAL DRAINAGEWAYS SHOULD BE UTILIZED AND LEFT OPEN TO REMOVE CLEAN EXCESS SURFACE WATER. THE E&S WATTLE IS TO BE MAINTAINED AND CLEANED UNTIL ALL SLOPES HAVE ESTABLISHED A PERMANENT VEGETATION COVER.
- THE EROSION CONTROL DEVICES SHOWN ON THE DRAWINGS REPRESENT THE MINIMUM REQUIRED FOR EROSION CONTROL. THE CONTRACTOR SHALL ADD TO THESE DEVICES ANY AND ALL MEASURES AS REQUIRED BY THE ENGINEER TO EFFECTIVELY PREVENT MIGRATION OF SEDIMENT FROM THE WORK AREA.
- TEMPORARY EROSION CONTROL MEASURES SHALL BE INSTALLED IN STRICT ACCORDANCE WITH PROJECT DRAWINGS. IN ADDITION, SIMILAR MEASURES SHALL BE INSTALLED WHERE AND WHEN THE FIELD CONDITION, OR FIELD OPERATION MAY WARRANT. ALL TEMPORARY EROSION CONTROL MEASURES USED SHALL BE PERIODICALLY INSPECTED, CLEANED AND MAINTAINED, AND OTHERWISE KEPT IN AN EFFECTIVE OPERATIONAL MANNER THROUGHOUT THE CONSTRUCTION PERIOD.
- AFTER ALL DISTURBED AREAS HAVE BEEN STABILIZED AND FOLLOWING INSPECTION AND APPROVAL BY THE ENGINEER, THE TEMPORARY EROSION CONTROL MEASURES ARE TO BE REMOVED AND ACCUMULATED SEDIMENT DISPOSED OF IN A LOCATION DESIGNATED BY THE OWNER.

**GENERAL EROSION & SEDIMENTATION CONTROL NOTES (CONT.)**

- ALL DISTURBED AREAS AND SOIL SLOPES WHICH ARE FINISH GRADED WITH NO FURTHER CONSTRUCTION TO TAKE PLACE SHALL BE SEEDED AND MULCHED. ALL DISTURBED AREAS OUTSIDE LIMITS OF WORK SHALL BE STABILIZED WITH LOAM, ALL SEED, LIME AND FERTILIZER PROGRAMS SHALL CONFORM TO ALL APPLICABLE SECTIONS OF THE SPECIFICATIONS.
- ANY DISTURBED AREAS WHICH ARE TO BE LEFT TEMPORARILY, OR LONGER THAN ONE MONTH AND WHICH WILL BE REGRADED LATER DURING CONSTRUCTION, SHALL BE TEMPORARILY SEEDED AND MACHINE STRAW MULCHED AT A RATE OF 1.5 TONS/ACRE. AVOID USE OF UNDISTURBED AREAS WHEREVER POSSIBLE DURING CONSTRUCTION. CONSTRUCTION TRAFFIC SHALL TRAVEL THE ROADS/DEDS OF EXISTING AND FUTURE ROADS.
- IN THE EVENT THAT DURING CONSTRUCTION OF ANY PORTION OF THIS PROJECT, A WINTER SHUTDOWN IS NECESSARY, THE CONTRACTOR SHALL STABILIZE ALL INCOMPLETE WORK AND PROVIDE FOR SUITABLE METHODS OF COVERING RUNOFF IN ORDER TO ELIMINATE SHEET FLOW ACROSS FROZEN SURFACES.
- WORK TO COMPLY WITH STORMWATER POLLUTION PREVENTION PLAN AND EPA CONSTRUCTION GENERAL PERMIT OBTAINED FOR THE SITE.
- PLANS WILL INCLUDE THE REMOVAL OF SHADE TREES IN THE VEGETATED BUFFER ALONG THE NORTHERN BORDER OF THE PROPERTY.

**PRIOR TO THE START OF CONSTRUCTION**

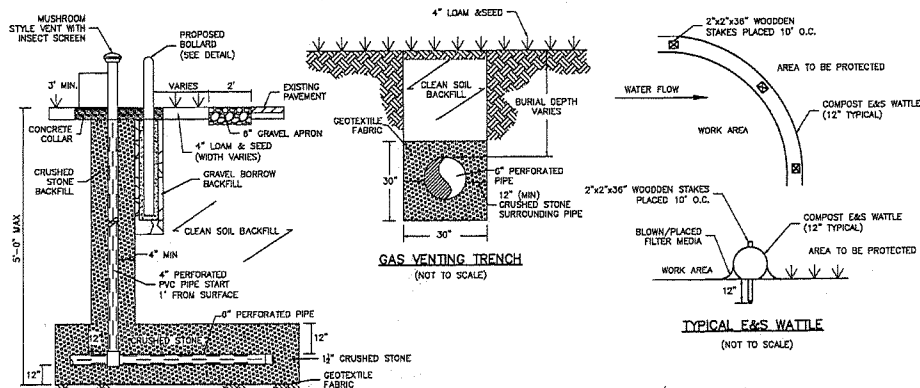
- ALL APPLICABLE EROSION CONTROL MEASURES AS SHOWN ON THE PLAN MUST BE IN PLACE AND REVIEWED AND APPROVED BY THE ENGINEER.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR ASSURING THAT NO EROSION ON THE SITE SHALL OCCUR WHICH WILL CAUSE DEPOSITION OF SOIL OR SEDIMENT UPON ADJACENT PROPERTIES OR PUBLIC WAYS.

**DURING CONSTRUCTION**

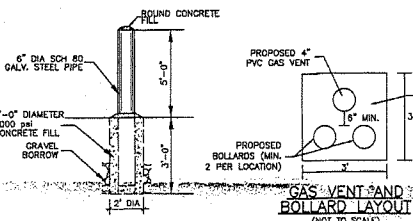
- DUST CONTROL SHALL BE ACHIEVED BY THE USE OF WATER AS NECESSARY AND ROADWAY MAINTAINED FREE AND CLEAR OF DUST AND DEBRIS THROUGHOUT CONSTRUCTION.
- TEMPORARY EROSION CONTROL MEASURES CONSISTING OF HAY BALE FENCING SHALL BE INSTALLED AROUND ALL MATERIAL STOCKPILES.
- REGULAR INSPECTION OF EROSION CONTROL MEASURES SHALL BE COMPLETED. A WRITTEN REPORT SHALL BE PREPARED INDICATING ANY DEFICIENCIES IN EROSION CONTROL MEASURES OBSERVED AND REQUIREMENTS FOR ADDITIONAL EROSION CONTROLS TO BE INSTALLED IF NECESSARY.

**CONSTRUCTION SEQUENCE**

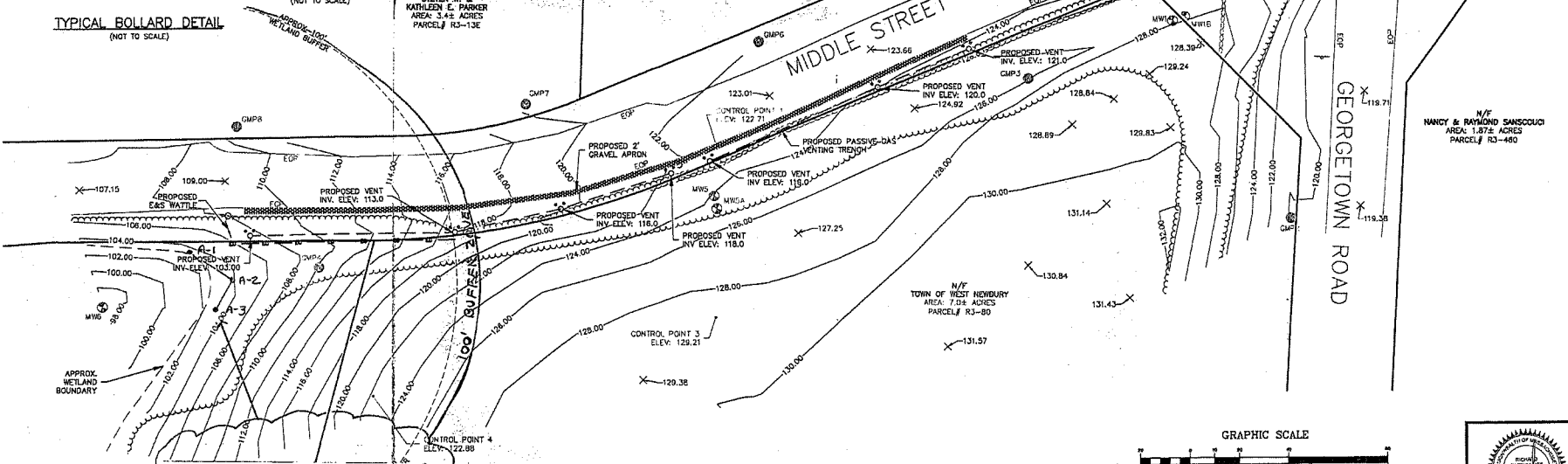
- INSTALL EROSION AND SEDIMENTATION CONTROL MEASURES.
- CLEARING AND GRUBBING OF WORK AREA.
- CONSTRUCTION OF GAS VENTING TRENCH.
- STABILIZE DISTURBED AREAS WITH LOAM AND SEED.
- PERFORM SITE CLEANUP.
- INSPECT SITE TO ASSURE SITE STABILIZATION PRIOR TO REMOVAL OF EROSION CONTROL MEASURES.



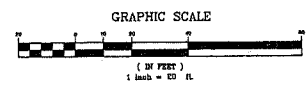
- NOTE**
- CRUSHED STONE TO BE WRAPPED IN GEOTEXTILE FABRIC.
  - BOTTOM OF CRUSHED STONE TO BE PLACED A MINIMUM OF 12" ABOVE GROUNDWATER IF ENCOUNTERED.
  - CONTRACTOR TO ADJUST GRADES MAINTAINING A MINIMUM 1% SLOPE ON THE VENT PIPE IF LEDGE IS ENCOUNTERED.



**GAS VENT AND BOLLARD LAYOUT (NOT TO SCALE)**



The wetlands were flagged by Paul Sevigny, BS on August 1, 2019 and the 100' Buffer Zone adjusted.



**CORNERSTONE**  
98 PRESIDENTIAL WAY  
WOBBURN, MASSACHUSETTS 01801  
(781) 937-3045

**LANDFILL CORRECTIVE ACTION**  
MIDDLE STREET  
WEST NEWBURY, MASSACHUSETTS 01985  
PREPARED FOR  
TOWN OF WEST NEWBURY  
381 MAIN STREET  
WEST NEWBURY, MASSACHUSETTS 01985

NO.	DATE	REVISIONS	BY	CHK
0	7/20/19	ISSUED FOR PERMITS	AS	AC
1	8/7/19	REVISED EXISTING CONTOURS	AS	AC
2	8/20/19	CONTRACTOR'S COMMENTS	AS	AC
3	8/20/19	ADJUST WATTLE LAYOUT	AS	AC

**SITE LAYOUT PLAN**

DATE: 7/20/19  
SCALE: 1"=20'  
SHEET No. C-2  
PROJECT No. 19009-20

**Town Manager**

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**From:** Leah Zambarnardi  
**Sent:** Wednesday, September 18, 2019 12:36 PM  
**To:** Town Manager; Michael McCarron; Residents Admin  
**Cc:** [REDACTED]  
**Subject:** Zoning Articles for Fall Town Meeting  
**Attachments:** PBzoningarticlerequestform1\_1.pdf; 11042019STMZoningArticles.docx

Attached, please find Zoning Articles for Fall Town Meeting that are being submitted by the Planning Board. . I will leave hard copies in your mailboxes. The Planning Board’s required public hearing will be held on Tuesday, October 1, 2019 at 7:15 p.m. in the second floor hearing room at the Town Office Building. Please let me know if you have any questions or require anything else.

Thank you.

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**It has been determined by the Commonwealth of Massachusetts Office of the Secretary of State that emails are a public record. Please keep this in mind when writing or responding to this email.**

## ZONING ARTICLE REQUEST FORM

### ZONING ARTICLES\*:

ARTICLE 1. To see if the Town will vote to amend Section 2. Definitions of the West Newbury Zoning Bylaw by amending existing definitions or adding new definitions in the appropriate alphabetical order.

ARTICLE 2. To see if the Town will vote to amend the existing term, "Massachusetts General Laws Chapter 131" each time it occurs in the West Newbury Zoning Bylaw, including abbreviations of said term, by adding a reference to "Section 40" to clarify its reference to the state Wetlands Protection Act.

ARTICLE 3. To see if the Town will vote to amend Section 4.B Exempt Uses of the West Newbury Zoning Bylaw by deleting existing Section 4.B.1.b. regarding agriculture, horticulture, floriculture and viticulture, and replacing it with updated language better aligning with M.G.L. Ch.40A, S.3.

ARTICLE 4. To see if the Town will vote to amend Section 5.A.4. Uses Permitted in the Residence B and C Districts on a Special Permit Granted by the Planning Board of the West Newbury Zoning Bylaw, by removing reference to "Section 8.A." at the end of the first paragraph and replacing it with "Section 8", to clarify that the uses are subject Section 8.B. Site Plan Review; and by deleting the words "not to exceed four (4) units" in Section 5.A.4.a. and replacing them with the words "three (3) or four (4) units" to correct a scrivener's error.

\*It is understood that these ZONING ARTICLES may not be numbered as they will ultimately appear in the Special Town Meeting Warrant. These ZONING ARTICLES are submitted in accordance with M.G.L. Ch.40A, S.5 which allows for the change or amendment of zoning by-laws. Per the statute, such amendment or change may be initiated by its submission to the Board of Selectmen by the Planning Board. Within 14 days of such receipt, the Board of Selectmen shall submit it to the Planning Board for review. No such amendment or change shall be adopted until after the Planning Board has held a public hearing. This public hearing shall be held within 65 days after the proposed by-law is submitted to the Planning Board by the Board of Selectmen. The Planning Board requires approximately 3 weeks to properly notice the public hearing according to law. The Planning Board then has 21 days from the public hearing date to make a report with recommendations to the Town Meeting.

In order to comply with the statute and adhere to the Town's Special Town Meeting calendar, the Planning Board expects to conduct its required public hearing on Tuesday, October 1, 2019 at 7:15 pm in the 2nd Floor Hearing Room at the Town Office Building.

**AMOUNT REQUESTED:** N/A

**CONTACT PERSON:** Brian Murphey, Planning Board Chairman or Leah Zambernardi, Town Planner

**PHONE NUMBER:** 978-270-4121 (Brian); 978-363-1100 x125 (Leah)

**Why should the Town make this purchase? What needs will be met? Who will benefit?** N/A Please see attached proposal for more information and rationale.

**What factors affect the timing of this purchase?** N/A

**When should this Article be sunsetted--how long will the project take?** N/A

**What ancillary costs do you anticipate? (Maintenance, Insurance, Training, etc.)** The only anticipated ancillary cost is the required legal ad in the Daily News, which is approximately \$400, paid for from the Planning Board budget.

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

**Please attach additional pages or other supporting documentation. See attached.**

Note: These ARTICLES may not be numbered as they will ultimately appear in the Special Town Meeting Warrant.  
Note: Insertions are underlined with italics and bold font: ***Insertion***. Deletions have ~~strike through~~.

ARTICLE 1. To see if the Town will vote to amend **Section 2. Definitions** of the West Newbury Zoning Bylaw by amending existing definitions or adding new definitions in the appropriate alphabetical order, as follows:

- a. Delete the term and definition for Accessory Building or Use and replace it with new definitions, as follows:

~~Accessory Building or Use. A use, or detached building, which is located on the same lot with the main building or use and which is subordinate and customarily incidental to the use of the main building or the land.~~

**Accessory Building. A building not attached to any principal building, customarily incidental to and located on the same lot with the principal building.**

**Accessory Use. A use subordinate and customarily incidental to the principal use and located on the same lot as the principal use.**

*Rationale: Separating the terms removes any ambiguity that the Town may regulate accessory uses that do not involve buildings. Further, “Principal Use” and “Principal building” are defined separately.*

- b. Delete the term and definition for Basement, Finished, as follows:

~~Basement, Finished. A basement used in whole or in part for continuous or permanent habitation for one (1) or more persons.~~

*Rationale: The State Building Code defines this term. Further, the term is not used or referenced elsewhere in the West Newbury Zoning Bylaw.*

- c. Delete the existing term and definition of Building Lot or Lot, and delete the existing definition of Lot and replace it with a new definition, as follows:

~~Building Lot or Lot. A lot of land that meets the rules and regulations of all Town boards, such as Planning Board, Conservation Commission, Board of Health and Building Department as well as Chapter 40A, the West Newbury Zoning By law and MGL 131 S40 and 310 CMR 10, the Wetlands Regulations.~~

**Lot. A single area of land in one ownership, with definite boundaries, uses, or available for use, as the site of one or more buildings. [Amended by vote of the Annual town Meeting of April 30, 2007, approved by the Attorney General on June 11, 2007 and posted according to law on June 25, 2007.] ***An area of land in single ownership with definite boundaries, established by a recorded plan or deed, including a lot created by combining several previously recorded lots, and used or available for use as the site of one or more buildings or for any other purpose.*****

*Rationale: Two separate definitions created ambiguity and confusion, and they conflicted with each other.*

- d. Delete the existing definition of Child Care Center and replace it with a new definition, as follows:



Note: These ARTICLES may not be numbered as they will ultimately appear in the Special Town Meeting Warrant.  
Note: Insertions are underlined with italics and bold font: ***Insertion***. Deletions have strike through.

~~Child Care Center. Any facility operated on a regular basis whether known as a day nursery, nursery school, kindergarten, child play school, progressive school, child development center, or preschool, or known under any other name, which receives children not of common parentage under seven years of age, or under sixteen years of age if such children have special needs, for nonresidential custody and care during part or all of the day separate from their parents. Child Care Centers shall not include: any part of a public school system; any part of a private, organized educational system, unless the services of such system are primarily limited to kindergarten, nursery or related preschool services; a Sunday School conducted by a religious institution; a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services; a family day care home; an informal cooperative arrangement among neighbors or relatives; or the occasional care of children with or without compensation therefore. ***A child care center or school-age child care program as defined in Massachusetts General Laws Chapter 15D, Section 1A.***~~

*Rationale: The existing definition is archaic, confusing, and inconsistent with state law.*

- e. Delete the term and definition of Cluster Zoning, and delete the definition of Open Space Preservation Development and replace it with the definition of Cluster Zoning, as follows:

~~Cluster Zoning. A residential development in conformance with the Section 6.B, in which the buildings and accessory uses are clustered together into one or more groups separated from adjacent property and from other groups in the same development by intervening open land, and in which the minimum dimensional requirements of lots are reduced and the land gained thereby is preserved as open space.~~

Open Space Preservation Development “Reserved” ***A residential development in conformance with the Section 6.B, in which the buildings and accessory uses are clustered together into one or more groups separated from adjacent property and from other groups in the same development by intervening open land, and in which the minimum dimensional requirements of lots are reduced and the land gained thereby is preserved as open space.***

*Rationale: The term “cluster” does not appear anywhere else in the West Newbury Zoning Bylaw. What had been the definition for “cluster” is in fact the appropriate definition for Open Space Preservation Development.*

- f. Delete the existing definition of Contiguous and Buildable Area and replace it with the text, “See Section 6.A.2.”, as follows:

~~Contiguous and Buildable Area. Consistent with the requirements of Section 6.A. Table of Dimensional Control, contiguous and buildable area shall mean that portion of any lot not defined as a resource, subject to MGL Chapter 131 S40 and 310 CMR 10, the Wetlands Regulations and/or having grades of 20% or less. Further, that the area not subject to the natural conditions and restraints noted above shall be a contiguous area of land. ***See Section 6.A.2.***~~

*Rationale: The content and requirements are appropriately covered already in the dimensional requirements section of the Bylaw.*

- g. Delete the existing definition of Corner Lot and replace it with a new definition, as follows:

Note: These ARTICLES may not be numbered as they will ultimately appear in the Special Town Meeting Warrant.  
Note: Insertions are underlined with italics and bold font: ***Insertion***. Deletions have ~~strike through~~.

~~Corner Lot. A corner lot shall be any lot abutting two or more public or private ways at their intersection. For the purpose of this bylaw, all yard setbacks from all ways shall be consistent with the required front yard setback of the district within which the lot is located.~~ ***A lot abutting two or more public or private ways at their intersection.***

*Rationale: Parts of the definition relating to dimensional controls have been removed because they are already covered in Section 6.*

- h. Delete the existing definition of Cul-de-sac and replace it with a new definition, as follows:

~~Cul-de-sac. A dead end street with the closed end consisting of a turn around having an outside property line diameter of at least one hundred twenty feet (120'). In non-residential subdivisions, the minimum outside property line diameter will be of one hundred sixty feet (160'). The cul-de-sac may incorporate the placement of a landscaped circular island with a minimum radius of twenty feet (20') in the center of the turnaround. Refer to the West Newbury Rules and Regulations. [Amended by vote of the Annual Town Meeting of April 30, 2007, approved by the Attorney General on June 11, 2007, and posted according to law on June 25, 2007.]~~ ***A dead end street with the closed end consisting of a turn around. Refer to the West Newbury Planning Board Rules and Regulations Governing the Subdivision of Land, as may be amended.***

*Rationale: This topic is more appropriately regulated through Subdivision Control.*

- i. Delete the existing definition of the term Farm and replace it with a new definition, as follows:

~~Farm. A parcel of land five (5) acres or more used for gain in the raising of agricultural products, live stock, poultry and dairy products, or a parcel with a gross annual value of farm products raised in excess of four hundred dollars (\$400.00), including necessary farm structures and the storage of equipment used.~~ ***The use of land for agriculture as defined in Massachusetts General Laws Chapter 128, Section 1A., as may be amended.***

*Rationale: The proposed definition brings the term in line with the State's definition.*

- j. Add definition for Municipal Buildings and Use, as follows:

***Municipal Buildings and Use. Facilities owned by the Town of West Newbury, operated by the Town of West Newbury, or both, and the uses conducted therein.***

*Rationale: Municipal Buildings and Use is regulated within the Bylaw, Section 4.C.1., but is not defined.*

ARTICLE 2. To see if the Town will vote to amend the existing term, "Massachusetts General Laws Chapter 131" each time it occurs in the West Newbury Zoning Bylaw, including abbreviations of said term, by adding a reference to "Section 40", as follows:

Section 2. Definitions. Wetlands. Swamps, bogs and freshwater wetlands as defined by Chapter 131, ***Section 40*** of the General Laws of the Commonwealth of Massachusetts.

Note: These ARTICLES may not be numbered as they will ultimately appear in the Special Town Meeting Warrant.  
Note: Insertions are underlined with italics and bold font: ***Insertion***. Deletions have ~~strike through~~.

6.A.2. No lot shall have less than the required lot area as contiguous and buildable land as required by Section 6.A Table of Dimensional Controls. Wetlands as described by M.G.L. Chapter 131, ***Section 40*** and slopes in excess of 20% shall not be considered as buildable land for the purpose of calculating square footage.

6.A.9. Frontage must provide access to the lot from the right of way counted for frontage unless otherwise approved by the Planning Board on a Definitive Plan submitted in accord with Chapter 41, General Laws or approved by the Planning Board in the same manner as a Definitive Plan. When a lot or lots has a minimum required frontage pursuant to the West Newbury Zoning Bylaw (or relief from such) on a street and there are no physical impediments for a vehicle to physically pass over the legal frontage onto the lot, the Planning Board may determine that there is adequate access. A valid Order of Conditions pursuant to MGL Ch. 131, ***Section 40*** from the Conservation Commission allowing the crossing of a wetland to access a lot is sufficient for the Board to make this finding.

7.E.1.e. Minimum Open Space. The minimum open space requirement shall be 80% of the total parcel size, and no more than 20% of the open space may be wetlands as defined by Chapter 131, ***Section 40*** of the MGL.

*Rationale: Section 40 of M.G.L. Ch. 131 is the state Wetlands Protection Act. Adding "Section 40" clarifies this reference and provides uniformity throughout the Bylaw.*

ARTICLE 3. To see if the Town will vote to amend ***Section 4.B Exempt Uses*** of the West Newbury Zoning Bylaw by deleting existing Section 4.B.1.b. and replacing it with updated language from Massachusetts General Laws Chapter 40A, Section 3., as follows:

b. ~~Agriculture, horticulture, floriculture and viticulture, provided that such uses shall be limited to parcels of land containing at least five (5) acres.~~ ***Commercial agriculture, aquaculture, silviculture, horticulture, floriculture or viticulture, provided that such uses shall be limited to parcels of 5 acres or more, or to parcels of 2 acres but less than 5 acres if the sale of products produced annually generates at least \$1,000 per acre based on gross sales dollars, in area not zoned for agriculture, aquaculture, silviculture, horticulture, floriculture or viticulture, or as otherwise exempt under Massachusetts General Laws Chapter 40A, Section 3, as may be amended.***

*Rationale: The proposed definition brings the term in line with the State's definition.*

ARTICLE 4. To see if the Town will vote to amend ***Section 5.A.4. Uses Permitted in the Residence B and C Districts on a Special Permit Granted by the Planning Board*** of the West Newbury Zoning Bylaw, by removing reference to "Section 8.A." at the end of the first paragraph and replacing it with "Section 8", and by deleting the words "not to exceed four (4) units" in Section 5.A.4.a. and replacing them with the words "three (3) or four (4) units", as follows:

5.A.4. Uses permitted in the Residence B and C Districts on a Special Permit granted by the Planning Board subject to appropriate conditions where such are deemed necessary to protect the neighborhood or the Town in accord with the provisions of Section ~~8.A.~~ ***8.***

a. Dwelling containing ~~not to exceed four (4) units~~ ***three (3) or four (4) units***, provided that:

Note: These ARTICLES may not be numbered as they will ultimately appear in the Special Town Meeting Warrant.  
Note: Insertions are underlined with italics and bold font: ***Insertion***. Deletions have ~~strike through~~.

*Rationale: Removal of the reference to part A. of Section 8. clarifies that the use is subject to Section 8 in its entirety, including Section 8.B. Site Plan Review. The existing language “not to exceed four (4) units” implies that the section regulates buildings of 1 to 4 units. This is not the case. The proposed terminology corrects this error.*

## Town Manager

---

**From:** [REDACTED]  
**Sent:** Wednesday, September 18, 2019 4:19 PM  
**To:** [REDACTED]  
**Subject:** town charter; 9/11 mail

Hi Angus,

I sent an email on Sept 11 with requests from the bicentennial committee and need to make sure you received it and that those request are being taken care of.

The Article on Municipal Charter is the most important one so naturally I saved it for last. If you would please take the following and turn it into something that will work and is correct with KC I would appreciate it. At the special town meeting I can give a lay rational but would like to yield to you for a more professional one.

Article: To have the Selectmen appoint a Committee to make a draft a town charter for West Newbury. The Committee should include a Selectman, the Town Manager, Town Council and qualified citizens at large.

Rational: When a Town's government in the Commonwealth of Massachusetts becomes complex enough to incorporate the position of Town Manager a Town Charter usually follows. Of the towns in the Commonwealth of Massachusetts 80% have a town charter in order to keep all aspects of that town's government on the same page. It is critical that the Town of West Newbury form such a document so that it runs efficiently and cost effectively; it is similar to an office manual that a well-run small business would develop.

A definition of a Municipal Charter is as follows:

## Municipal Charter

The municipal charter establishes the particular town and includes its boundaries. The charter also includes the municipality's form of government, elected and administrative officials and municipal elections. It outlines the handling of public services and deals with financial matters, such as the power to tax and to incur debt and bond. The charter contains information regarding the town's boards, commissions and committees. It addresses charter amendments and other issues dealing with how a municipality operates.

The Technical Assistance bureau of the Commonwealth of Massachusetts says the following:

The Technical Assistance Bureau (TAB) provides guidance to cities and towns on a variety of municipal matters, including those related to structural issues. Communities often contact TAB because they are contemplating merging their treasurer and collector offices, regionalizing a position or function, developing a charter, or transforming to a city form of government, among many other decisions.

In a town, executive authority is vested in an elected board of selectmen. The selectmen may choose to appoint a full- or part-time professional to manage town affairs on a day-to-day basis, and the incidence of such an administrator generally correlates to the town's population size. The creation of this type of position can be effected through a charter, bylaw or town vote. MGL c. 41, sec. 23A is the general law that authorizes selectmen "to appoint an executive secretary or town administrator." Although the statute makes no distinction between these two titles, in practice, a greater degree of management and appointing authority tends to be delegated to town administrators, either by formal job description or bylaw. Furthermore, some towns choose to give a different job title to the administrator position,

such as town coordinator or executive director. As a well-established best practice, TAB consistently endorses centralized government structures with clear lines of authority because they enable better oversight and accountability. In pursuit of this, many progressive communities refashion the town administrator position and retitle it to town manager, oftentimes doing so through a charter or special act. On a case-by-case basis, though, the difference between a town administrator and town manager can also be purely semantic.

I would appreciate your putting all of this into correct form and your comments and reply.

Thank you!

Steve

**Stephen T. Swallow, DDS**

Diplomate, American Board of Oral Implantology  
Honored Fellow, American Academy of Implant Dentistry  
Past President, Alabama Implant Study Group

## Town Manager

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**To:** [REDACTED]  
**Subject:** Town Manager  
flower baskets

Hi Angus,

I called Nunan's for a quote but Steve is on vacation this week and Linda is out today. She may be able to help me tomorrow morning, but I'm aware that the warrant closes Friday and this is a bit close for comfort. Kathy Mandeville told me that the cost would be \$132/basket and there seem to be 12 baskets which would make it \$1584. That includes making the baskets up and maintenance and watering. I want to confirm that with Nunan's though, before it gets in print. Is it possible to insert the price after the warrant is closed?

KC

## Town Manager

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**From:** DPW Director  
**Sent:** Monday, September 16, 2019 4:29 PM  
**To:** Town Manager  
**Subject:** RE: hanging flower baskets

I will put \$1,600 increase in our FY21 in the B&G line for this.

Wayne

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**From:** Town Manager <townmanager@wnewbury.org>  
**Sent:** Monday, September 16, 2019 9:25 AM  
**To:** DPW Director <dpwdirector@wnewbury.org>  
**Subject:** FW: hanging flower baskets

FYI

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**From:** [REDACTED]  
**Sent:** Saturday, September 14, 2019 7:05 AM  
**To:** Town Manager <[townmanager@wnewbury.org](mailto:townmanager@wnewbury.org)>  
**Subject:** Re: hanging flower baskets

Hi Angus,

Nunan's will do all the installation and watering. We just need someone (or the town) to pay for it. I'll call Steve at Nunan's for a quote.

KC

Sent from my iPhone

On Sep 13, 2019, at 2:36 PM, Town Manager <[townmanager@wnewbury.org](mailto:townmanager@wnewbury.org)> wrote:

Follow up questions: Are we just looking for a financial sponsor? Or also installation and watering? Thanks

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**From:** Town Manager

[REDACTED]

I've got Wayne looking at whether this expense could be absorbed within the FY20 operating budget (doubtful... budgeted costs are for the most part itemized and specifically budgeted), or if this could be rolled into an anticipated STM warrant article he's already intending to submit re some extraordinary Bldgs & Grounds costs we've incurred in the first few months of this fiscal year.

Angus Jennings, Town Manager  
Town of West Newbury



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

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[REDACTED]  
**Sent:** Thursday, September 12, 2019 3:31 PM  
**To:** Town Manager <[townmanager@wnewbury.org](mailto:townmanager@wnewbury.org)>  
**Subject:** RE: hanging flower baskets

Hi Angus,

Well, I meant next spring so FY20. There was a Facebook post about how nice they looked so I replied that if we want to have them next year we need a sponsor. Maybe we'll get a generous donor.

KC

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**From:** Town Manager <[townmanager@wnewbury.org](mailto:townmanager@wnewbury.org)>  
**Sent:** Thursday, September 12, 2019 3:26 PM  
[REDACTED]  
**Cc:** DPW Director <[dpwdirector@wnewbury.org](mailto:dpwdirector@wnewbury.org)>  
**Subject:** RE: hanging flower baskets

Thanks for letting me know. I've copied Wayne who has been the direct contact w the Garden Club. When you say "next year" do you mean next spring (FY20) or next fiscal year (FY21)? That will affect how this could be handled, i.e. a proposed increase in FY21 operating budget v. (potentially) a proposed warrant article to budget funds for the current fiscal year. 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](mailto:townmanager@wnewbury.org)

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**From:** KC Swallow [REDACTED]  
**Sent:** Thursday, September 12, 2019 3:09 PM  
**To:** Town Manager <[townmanager@wnewbury.org](mailto:townmanager@wnewbury.org)>  
**Subject:** hanging flower baskets

Hi Angus,

I was talking to Kathy Mandeville from the Garden Club yesterday. They had thought they could pick up the cost of the hanging flower baskets (from Nunan's at Knapps) for next year (\$132/basket, about 12 baskets) but they have decided against it. So, if we want to have the hanging flower baskets next year we will need another sponsor. One possibility is to have to Town do it, but that would require a line in some budget. Any ideas?

KC