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WEST NEWBURY, MA  
2019 SEP 27 AM 11:43

**Town of West Newbury  
Board of Selectmen  
Monday, September 30, 2019 @ 6pm**  
38-1 Main Street, Town Office Building  
[www.wnewbury.org](http://www.wnewbury.org)  
**AGENDA- revised** ←

Re-posted with  
addition of Item E  
(Energy Advisory  
Committee)

**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; meeting with Chief Durand, Chief Dwyer*);
- ❖ 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 P&S; Brown Spring Farm Agricultural Preservation Restriction and Greenbelt MOU*);
- ❖ 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 (*consultation with Town Counsel*).

**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.
- Water Department: Brake's Hill Water Tank site work to begin Monday, September 30<sup>th</sup>
- Upcoming events: Merrimack Valley Planning Commission
- Opportunities for FY20 Committee appointments posted online at <https://www.wnewbury.org/board-selectmen/pages/2019-20-volunteer-opportunities>
- FY20 Senior Tax Work-off Program: interested residents contact Theresa Woodbury at COA

**Regular Business**

- A. Request for authorization to install wayfinding signage within public rights-of-way – *Dave Read, East Coast Greenway*
- B. Request for DPW labor and materials to install wayfinding signage – *Dave Read, East Coast Greenway*
- C. Review of proposed warrant articles for Special Town Meeting
  - a. Proposed DPW articles: high hazard trees; salter; library dehumidifiers; and Town Buildings operating costs
  - b. Proposed Board of Health articles regarding Steele Landfill post-closure costs
  - c. Proposed Zoning Bylaw amendments proposed by the Planning Board
- D. Meeting with Planning Board regarding public safety sign – *requested by Planning Board*
- E. Review of projects for potential Green Communities grant application – *Energy Advisory Committee*
- F. Interview with finalist candidate for Town Accountant/Business Manager position (not before 8:30 PM)
- G. Review of Soldiers & Sailors Memorial (Carr Post) CPC proposal; discussion of financing options
- H. Consideration to re-open Special Town Meeting warrant, and potential article to fund installation of tables and benches at Mill Pond to commemorate Bicentennial
- I. Review of draft warrant for Special Town Meeting
- J. Discussion of recommended bridge type for Middle Street Bridge
- K. Municipal Vulnerability Preparedness Working Group update – *Selectman Parker*
- L. Appointment of EMA personnel, Police, ADA Coordinator and Deputy ADA Coordinator
- M. Meeting minutes: September 16, 2019; September 9, 2019; January 30, 2019.

**Town Manager Updates**

- N. Updated Planning Board Fee Schedule approved September 3, 2019
- O. Follow up meeting assignments
- P. Placing items for future agendas



# Town of West Newbury

381 Main Street

West Newbury, Massachusetts 01985

Angus Jennings, Town Manager

978-363-1100, Ext. 111 Fax 978-363-1826

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

September 24, 2019

To the residents of Robin Road, Woodcrest Drive, Crescent Drive and Hilltop Circle:

Dear resident,

This letter is sent to update you on the construction schedule for the Brake's Hill Water Tank. This is a follow-up to the Water Department's previous letters dated July 1 and September 4, copies of which can be found on the Water Department website at: <https://www.wnewbury.org/water-department-0>.

We had expected the work to begin by now, but the contractor was delayed on other projects they're managing. Following a few weeks of delays, we now have confirmation that **the contractor will be mobilizing on Monday, September 30<sup>th</sup>**. This is delayed from the anticipated schedule mailed to you earlier this month, but the overall sequence of construction will follow that schedule. Periodic project updates will be posted to the webpage linked above.

Following the Board of Selectmen's approval of certain parking and traffic circulation regulations at its July 22<sup>nd</sup> meeting, the DPW has installed most of the signs on the road in the Hilltop Circle area. The signs directing traffic to travel counter-clockwise have arrived and will be installed this week.

The hours of construction are limited to Monday through Friday from 7:00 a.m. to 5:00 p.m. No work will occur outside these hours, including weekends and holidays, without prior approval from the Town. However, contractors are permitted to arrive on site at 6:45 am for set up, and to leave as late as 5:15 pm for break down. Hours of construction are posted at the entrance to the site.

Please, keep your children away from the construction site. **Remember, from Hilltop Circle to the tank will be an active construction site. We are asking that everyone stay away from the site during construction to help ensure a safe and efficient workplace.**

If you have any questions, please CALL THE WATER DEPARTMENT at (978) 363-1100 ext. 127 or [wnewater@wnewbury.org](mailto:wnewater@wnewbury.org). The Water Department does not routinely review social media postings; we can be most responsive to concerns if they are brought to their attention directly.

Thank you,

Angus Jennings  
Town Manager

**Town Manager**

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**From:** [REDACTED]  
**Sent:** Friday, September 13, 2019 1:36 PM  
**To:** Town Manager  
**Subject:** MVPC Summer Review 2019

# ***MVPC Summer Review***

**Merrimack Valley Planning Commission  
Summer 2019**

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## **CEDS Spotlight**

**A Showcase of Best Practices from Across the Country**



The Merrimack Valley Planning Commission's 2018-2023 CEDS took a new and innovative approach which was recognized as a best practice by the National Association of Development Organizations (NADO).

A big thank you to everyone who helped make this possible! [Read more...](#)

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## MVPC Leads a First-of-its-Kind Cultural Asset Mapping Project in the Merrimack Valley

"We recognize that some of our greatest assets are the rich cultural expressions of the communities that live here."

In case you missed it - MVPC launched a regional cultural asset mapping exercise in partnership with [Essex County Community Foundation](#) and [Metropolitan Area Planning Council \(MAPC\)](#). [Read more...](#)

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## Housing Crisis: How does the Merrimack Valley Compare?



See how your community compares! Check out the Greater Boston Housing Report Card and find out what MVPC's Regional Housing Production plan suggests to close the gap. [Read more...](#)

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## Dredging on the North Shore?

MVPC Looks to Investigate for Coastal Resiliency

As water flows it sends sediments downstream which settle and deposit in harbors and channels. Dredging is the process of digging those sediments out to create clear and navigable waterways for us to enjoy. While dredging is an economic necessity to keep our channels clear, the dredging of sediments in and around municipalities helps protect fish, wildlife and

ourselves from harmful pollutants that contaminate the sediments in these areas. Dredged materials can also be used to create living shorelines, beach nourishment, thin layer deposition and other techniques to increase resiliency of the North Shore coast. [Read more...](#)

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## Finding Food, Friends and Good Health at Haverhill's Farmers Market



MVPC's Nate Robertson participates in [MassINC's](#) new podcast where we talk about the [Haverhill Farmers' Market](#) and its transformative impact on downtown Haverhill. [Read more...](#)

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Safe Routes to School staffer, Vivian Ortiz, led a bike parade down Essex Street

## **Ciclovía 2019: Best Year Yet!**

The crowds arrived early. The kids were out riding as soon as the police began closing off the streets. The event was supposed to be from 3-7 pm, but it really started around 1 pm and was in full throttle until the police opened up the streets to cars again. With Mother Nature cooperating this year, the Ciclovía saw the largest crowds yet. Congratulations to the City of Lawrence.

There was something for everyone: riding, walking, music, Zumba, volleyball, bike safety and more. The City of Lawrence, in partnership with local businesses, was able to provide tandem bikes, double surrey cycles and a circular one, so that people who do not have bikes, do not know how to ride, or simply wanted to ride together, could participate more fully. Missed it this year? There's always next year.

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**SAVE THE DATES !**

# North Shore/Merrimack Valley Floodplain Management Workshop

## "Floodplain 101"



Learn what the National Flood Insurance Program (NFIP)  
requires of municipalities

**Thursday, October 10, 2019**

For more information and to register for this event [Click Here.](#)

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## The Merrimack Valley Smart Growth Summit

Presented by MVPC, Massachusetts Smart Growth Alliance and  
Northern Middlesex Council of Governments



## THE RIVER, OUR WATER, OUR LAND Managing for climate challenges

A regional summit about how water can strengthen or undermine the Merrimack Valley's development and quality of life. We'll look at issues of development patterns, water supply and quality, infrastructure and ecological design, climate resilience, health and equity.

**Tuesday, October 29, 2019**

For more information and to register for this event [Click Here](#).

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## MVPC Upcoming Events

### **MPO**

Meets monthly the fourth Wednesday of the month

Date: September 25

Time: Noon

Location: MVPC Conference Room

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**Northshore/Merrimack Valley Floodplain Management Workshop**

Date: October 10

Time: 1:00pm - 4:00pm

Location: Tewksbury Library Meeting Room  
300 Chandler Street Tewksbury, MA

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**MVPC Commission**

Meets monthly the third Thursday of the month

Date: October 17

Time: 7:00pm

Location: MVPC Conference Room

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**Merrimack Valley Smart Growth Summit**

Date: October 29

Time: 8:00am - Noon

Location: UTEC  
35 Warren Street Lowell, MA

**MVPC Events**

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MVPC Website

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**Town Manager**

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**To:** [REDACTED]  
**Cc:** Kristine Keeney  
**Subject:** RE: [FWD: ECG Signs in W. Newbury]

Thanks Angus - yes, still available.  
See you then.  
Dave

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

Subject: RE: [FWD: ECG Signs in W. Newbury]  
From: Town Manager <townmanager@wnewbury.org>  
Date: Fri, September 27, 2019 4:01 pm  
To: [REDACTED]  
Cc: [REDACTED]

Hi Dave,

This is to confirm that you're still available to attend Monday night's meeting of the Board of Selectmen. The ECG topic is listed first on the agenda (posted [here](#)), so will be taken up shortly after 7pm.

Both the DPW Director and Police Chief have stated their agreement with the proposed sign locations, and I will recommend that the Board authorize the installation in the proposed locations. The request for DPW to install the signs will be taken up separately, and I'll recommend that the Board also authorize this, but subject to timing as determined by the DPW Director. We have a very small crew, a very busy workload, and it will not be feasible for the crew to get this done this fall. Our Director has told me that it may be feasible to get it done over the winter – depending on temperatures and precipitation – but this can't be assured since it's weather dependent. At a staff level, our intent would be to work with ECG to obtain the materials (we may be able to fund the sign and arrow purchases from the operating budget), DPW would DigSafe the locations, then the Director would keep an eye out for a gap in the work schedule to allow the crew to do the work.

Please confirm that you're still available to attend, and if this approach is generally agreeable.

Thanks,  
Angus

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

## Town Manager

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**From:** Town Manager  
**Sent:** Thursday, September 12, 2019 11:12 AM  
**To:** Jeff Durand (durand@westnewburysafety.org); dpwdirector@wnewbury.org  
**Subject:** East Coast Greenway proposed signage: request for review  
**Attachments:** ECG MA Municipal Signage Proposals\_2019 - W. Newbury\_FINAL\_June19.pdf

Hi,

You may recall we corresponded earlier this year re a proposal to install new signage to mark the route of the East Coast Greenway, a regional bike route.

It will require BoS approval to install signage within public ROWs, and I've received detailed info from the group re the specific locations where they'd like to install signs. I'd like both of your departments to review and sign off on the proposed locations prior to bringing this to the Board. I've copied the key correspondences below and attached. Correspondences below are in chronological order, so the best info is at the bottom of the thread.

Wayne, as you'll see the group works in coordination w local DPWs and, depending on resources, may look to West Newbury DPW to DigSafe and install the sign posts; obviously I'd look to you to advise re whether this is something we could assist with, as a separate question from whether the Board should authorize the actual installation. I.e., there's a potential scenario where the Board authorizes the sign installation, but we don't agree to actually lead the work itself – or, if we do, we'd obviously do it on a schedule that fits within our manpower and other priorities.

Please review this, and let me know what you think is a reasonable turnaround time to provide a recommendation to the Board of Selectmen. If you have questions, you can let me know or feel free to correspond directly with Kristine Keeney. The Board's upcoming meetings this fall are 9/30, 10/15 and 10/28.

Thanks,  
Angus

**From:** Kristine Keeney [<mailto:kristine@greenway.org>]  
**Sent:** Thursday, July 25, 2019 3:17 PM  
**To:** Leah Zambenardi <[zambenardi@wnewbury.org](mailto:zambenardi@wnewbury.org)>  
**Subject:** ECG Signs in W. Newbury

Hi Leah,

I hope this email finds you well this summer season. I'm currently working with several volunteers and municipalities along the Border to Boston Trail route of the East Coast Greenway to install ECG signs and wayfinding arrows. Massachusetts is actually our least signed state, so it's difficult for users to follow the route. I'm hoping to change this as much as possible this summer and I'm planning to start in Newburyport at the north and have my sights set on getting through at least Salem (and then I've got to get to Boston, Worcester, and down to the RI border!). I have volunteers in a few of the communities that are going to work directly with local DPWs to install signs in northern Massachusetts; this is really helpful because in most residential areas there aren't existing posts to co-locate with.

In consultation with local volunteers, we've actually developed a new route between Newburyport and Boxford (that includes West Newbury) to avoid the "No Trespassing" entrance at the Newburyport MBTA station to the single/double track trail under the power lines into Newbury. The goal for the

interim on-road route is to use quiet streets with minimal traffic. I have an [interactive map](#) of proposed sign locations; the proposed signs for West Newbury are shown with the red pins.

One important question that I wanted to run by you about the route is regarding the Middle Street bridge over the Artichoke Reservoir. My understanding is it's closed to vehicle traffic, but is passable for bicyclists and pedestrians. However, there is signage that says that the bridge is closed and that the road is open only to abutters. Locals suggested this would be ideal for the route because it would mean less vehicular traffic in the area. I'm wondering if it would be ok to utilize this bridge for part of our route just for bikes & peds. With ECG signs and arrows, as well as adding alerts to our online map, we should be able to convey users what is going on. If you're can give me or tell me how I need to gain approval from West Newbury to use this bridge, then we can maintain the proposed route, which would be greatly appreciated.

I believe Ted Russell may have touched base with you on the signage piece sometime this spring, but he has let me know he doesn't have time to help me coordinate this effort in West Newbury. In his last email to me, he did say that you directed him to Angus Jennings, the Town Manager and he then spoke with Angus, who said the Open Space Committee has primary responsibility for bike trails, with the Parks & Recreation Committee secondary. He also said that the Board of Selectmen act as the highway commissioners for the town. Because at this point we're only looking to install signs on-road, who would be the best person at the Board of Selectman that I should talk to about gaining permission for the signage?

In terms of the specific locations proposed for ECG signs, I have attached a PDF signage proposal so you can see the details. Please let me know if these are all ok, or if there are any issues; I'm happy to make any changes you think necessary. You'll notice all of the locations don't have existing sign posts (except potentially the Middle St bridge if there's existing signage related to the closure), which makes it much more difficult for me to install the signs myself- given the need for DigSafe-ing the locations, purchasing the posts, installing the posts, and then installing the signage (and the fact that I live in Maine ;) Do you think there's any way that you/I might be able to work with West Newbury DPW to help install these 11 signs and corresponding arrows?

Please let me know if you have any questions and I'm happy to chat on the phone as well if that would be helpful. I've also attached a picture of what the signage looks like when it's installed; the ECG signs are 15" L x 5" W, and the arrows that get installed underneath are 5" x 5".

Thank you so much for your help with this, I really appreciate it,

Kristine Keeney

<image001.jpg>

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**Kristine Keeney**

New England Coordinator

**East Coast Greenway Alliance**

Portland, Maine | 203-530-7194

Connecting communities, Maine to Florida | [greenway.org](http://greenway.org)

Find us on social media: [Facebook](#) | [Twitter](#) | [Instagram](#) | [@doublek\\_greenway](#)

**From:** Kristine Keeney [<mailto:kristine@greenway.org>]

**Sent:** Tuesday, July 30, 2019 9:07 AM

**To:** Leah Zambenardi <[lzambenardi@wnewbury.org](mailto:lzambenardi@wnewbury.org)>

**Subject:** Re: ECG Signs in W. Newbury

Hi Leah,

Thanks for your reply. I'm happy to jump on a quick call with you all to explain who we are and what we're trying to do if you think it would be helpful. I did this recently with a town in Maine. The town planner, DPW director, myself, and a local volunteer were on the call and it helped to get everyone on the same page. I can also explain the process we usually go through for sign installation, etc. Please let me know if this might be something we can do in the next week or so. Here's our website for general information about our organization and our project: <https://www.greenway.org>.

We install signs to guide people along our route, as I mentioned MA is our least signed state from Maine to Florida. I'm trying to change that with local volunteers and town/city staff. Signs have been installed in Salisbury, and are in the process of being installed in Groveland and Georgetown; the town of Georgetown actually bought the signs from us (to support our small non-profit's work) and a volunteer and the DPW Director are working together to do the install. The same is happening in Boxford, Topsfield, and I recently installed signs myself from Wenham to Salem. With your help, we will be one step closer to signing the whole Border to Boston Trail route as part of the East Coast Greenway this summer!

Thanks so much for your help with this,

Kristine

--

**Kristine Keeney**

New England Coordinator

**East Coast Greenway Alliance**

Maine | 203-530-7194

Connecting communities, Maine to Florida | [greenway.org](http://greenway.org)

Find us on social media: [Facebook](#) | [Twitter](#) | [Instagram](#) | [@doublek\\_greenway](#)

**From:** Kristine Keeney <[kristine@greenway.org](mailto:kristine@greenway.org)>

**Sent:** Monday, August 26, 2019 12:04 PM

**To:** Town Manager <[townmanager@wnewbury.org](mailto:townmanager@wnewbury.org)>

**Cc:** [dave@readfamilyhome.com](mailto:dave@readfamilyhome.com); Leah Zambenardi <[lzambenardi@wnewbury.org](mailto:lzambenardi@wnewbury.org)>

**Subject:** Re: [FWD: ECG Signs in W. Newbury]

Hi Angus,

Sorry for my late reply, I was out of the office at the end of last week. In terms of a marked up base map, I do have an interactive map that I've created to coordinate this signage effort from Newburyport to Topsfield, including West Newbury. You'll see on the map at this [link](#) that the proposed sign locations in West Newbury are shown with red colored pins. If you click the pins, you will get more specific information about the location (intersection), the direction the sign is facing in terms of user travel (northbound to Maine or southbound towards FL), arrow direction, and what existing pole (if any) is available to co-locate our sign on.

I have also attached a sign proposal for West Newbury in spreadsheet format (with pictures of existing poles to co-locate on if available). The attached spreadsheet is actually the back-end data of the interactive map linked above, so it's all the same information.

In terms of the process for installation and who does it, it varies greatly by geography, municipality, etc. The most ideal process typically involves gaining approval for the locations, then we ship the signs to a location where the party that is going to install them is located (ideally a DPW headquarters), and they're also provided with the spreadsheet of sign locations to use in the field. In terms of a "consistent crew" that you mentioned, the only other people that do sign installs are me (I live in Maine so it's tough for me to do all of the installs across my 4 state region without a bit of help), or a volunteer that is willing to do the installation. The previously stated process of working with a local DPW, is definitely the most effective way to get the signs on the ground. If a new sign post is needed, this isn't something that I typically do, so if West Newbury was able to do the DigSafe and post install, that would be extremely appreciated.

In terms of what our typical methods and specs are for install, here is a link to our brand new [Greenway Criteria and Design Guide](#); scroll down to download a copy. On Page 22, it provides information about our signage, including specs and the purpose of signing the route. Here is a summary of the most relevant specs:

*ECGA signs are 5.5" x 15" signs to mark the ECG route. The standard sign is ECGA's preferred model for identifying our route. These signs are made of .063 gauge aluminum with the graphic and text silkscreened onto the engineer grade reflective vinyl sheeting. Signs are pre-drilled with 3/8" holes at intervals permitting mounting on steel u-channel posts (with bolts, washers, and nuts) or square tubular posts. Brackets or mounting clamps may be used to attach these signs to round tubular posts (aka "pipe posts"), which do not have pre-drilled holes for sign installation. Other posts or telephone poles that are wood, require a screw and those can be typical deck screws for instance as long as the washer prevents the screw from going through the 3/8" pre-drilled hole on the sign.*

I've also attached a picture of what our signs typically look like, so you'll have an idea and example to show. In terms of procuring the signs, we do keep them in stock and can mail them directly to you/DPW if they're willing to help with the install. Some municipalities actually purchase the signs from us, as a donation of support for our organization and endorsement of including the ECG route through their town. 11 signs (\$8 each) and 11 arrows (\$7 each) are proposed from West Newbury, the total cost will be \$165. You're not at all obligated to pay for them, but I'm just putting it out there as an option. For example, the Town of Georgetown is buying their signs from us and installing them. But if that's not an option, we can certainly send you some we have in stock.

Lastly, if you need general information about the ECGA, our project, mission, etc. please visit this [link](#) for more details to share with the selectboard. Lastly, I'm not sure if this would be appropriate to show, but we just had a major announcement in NH regarding the purchase of a railroad right of way that will become part of the ECG route and put together this great [video](#) that might inspire your town leadership to support this effort.

Please let me know if you have any other questions; I'm happy to provide anything you need to make this request to the selectboard. Also, if Dave is available to attend, he will be a wealth of knowledge if they have any questions.

Thank you so much for your help with this,

Kristine



**Kristine Keeney**  
New England Coordinator

**East Coast Greenway Alliance**

Maine | 203-530-7194

*Connecting communities, Maine to Florida* | [greenway.org](http://greenway.org)

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Angus Jennings, Town Manager

Town of West Newbury

Town Office Building

381 Main Street

West Newbury, MA 01985

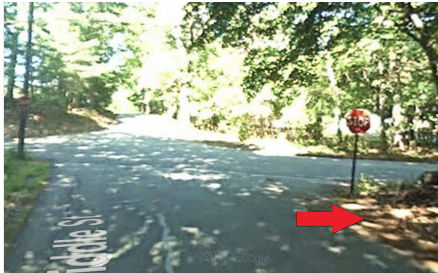

(978) 363-1100 x111

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



# ECG signs	Location	ECG Direction (NB/SB)	Town/City	Jurisdiction	Turn Arrow (R)	Turn Arrow (L)	Turn Arrow (L ahead)	Turn Arrow (R ahead)	Turn Arrow (straight ahead)	Turn Arrow (bear L)	Turn Arrow (bear R)	Description of existing sign(s) & pole *or need new pole	GPS Coordinates	Photo	Notes
1	Middle St & Artichoke Reservoir bridge	NB	West Newbury	Town					1			Any existing signage regarding the bridge being closed and only open to abutters	42.803061, -70.931391		
2	Middle St. & Garden St	SB	West Newbury	Town					1			no existing pole	42.803856, -70.943621		
3	Middle St. & Garden St	NB	West Newbury	Town					1			no existing pole	42.803730, -70.943885		
4	Middle St. & Bachelor St	SB	West Newbury	Town					1			no existing pole	42.788713, -70.972548		

5	Middle St. & Bachelor St	NB	West Newbury	Town							no existing pole	42.788535, -70.972575	
6	Middle Street & Ash Street	SB	West Newbury	Town							no existing pole	42.782796, -70.977193	
7	Middle Street & Ash Street	NB	West Newbury	Town							no existing pole	42.782603, -70.977140	
8	Middle Street & Crane Neck Street	SB	West Newbury	Town							no existing pole	42.776549, -70.984021	
9	Middle Street & Crane Neck Street	NB	West Newbury	Town							no existing pole	42.776376, -70.984053	

10	Middle St & Georgetown Rd	SB	West Newbury	Town					1		no existing pole	42.772086, -70.987384	
11	Middle St & Georgetown Rd	NB	West Newbury	Town					1		no existing pole	42.772021, -70.987643	
					0	0	0	0	11	0	0		
ECG signs					11								
Right (90 degree)					0								
Left (90 degree)					0								
L ahead					0								
R ahead					0								
Straight ahead (90 degree)					11								
Bear L (45 degree)					0								
Bear R (45 degree)					0								

## ARTICLE REQUEST FORM

**ARTICLE:** *Request to fund year 1 of 5-year high hazard tree removal program*

**AMOUNT REQUESTED:** \$50,000

**CONTACT PERSON:** Wayne S. Amaral, DPW Director

**PHONE NUMBER:** (978) 363-1100 x120

**Date:** 02/13/2019

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

*Please see the attached memorandum*

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

*Please see the attached memorandum*

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

*Recommended sunset date of June 30, 2021*

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

*None*

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

*This is an operational maintenance program.*

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



# Town of West Newbury

381 Main Street

West Newbury, Massachusetts 01985

Wayne S. Amaral, Director of Public Works

978-363-1100, Ext. 120

[DPWDirector@wnewbury.org](mailto:DPWDirector@wnewbury.org)

## Memorandum

TO: Board of Selectmen and Finance Committee Members  
FROM: Wayne S. Amaral, DPW Director / Tree Warden  
DATE: September 13, 2019  
RE: High Hazard Tree Removal – Fall 2019 Article Request

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Over the past 12-18 months the Department of Public Works (DPW) has gathered a list of high hazard trees on the public way. This list was gathered from a town wide audit conducted by the DPW Director and from request received by the general public who are concerned about these trees causing property damage and potential public safety concerns.

To gain a better understanding of a High Hazard Tree, it is important to define this tree designation. Massachusetts General Laws, Chapter 87 - Shade Trees Law, it defines the limitations and responsibility of a Tree Warden. In Section 5 of this chapter it states, *“Nothing contained in this chapter shall prevent the trimming, cutting or removal of any tree which endangers persons traveling on a highway.”* A Tree Warden would describe this type of tree as a High Hazard Tree and can authorize the removal of any tree that meets the definition of a High Hazard Tree. I define such tree as a tree with one or more of these characteristics; A dead tree, a tree with major dieback (showing signs of 40% or greater), unbalanced, major trunk damage, insect infestation that has permanently degrades the health of a tree or any tree that shows signs of disease.

A town-wide audit was conducted in August of this year and a total number of 326 trees were inspected in greater detail for potential high hazard designation. It was observed that 248 of these 326 trees met the high hazard designation and should be removed within the next five years. State law does not require these trees to be removed immediately, but for a municipality to have a schedule to address these high hazard trees within a reasonable time frame and budget.

To calculate an estimated cost to remove these trees, an estimated Diameter Breast Height (DBH) must be calculated for each tree. The DBH is the diameter of the tree trunk measured from 4.5 feet from the ground. This was done for all 248 high hazard trees and almost totaled an astonishing 4,100 inches. (about 341 feet of tree trunk width) The estimated cost to remove all 248 trees (including the stump grinding of about 50% of the total number of stumps) is \$350,000.

We currently spend about \$20,000 a year (14% of the budget) from the Highway, Sidewalk and Trees account to maintain trees town wide. These limited funds only cover the cost of trees requiring immediate action and does not account for any proactive high hazard tree removals.

I recommend a five-year plan to address the town-wide high hazard trees. This five-year plan would require an additional \$50,000 a year to address the back log of high hazard trees and once completed will reduce power outages, roadway closures and potential public safety concerns caused by down trees. I respectfully request your support of this article.

## Town of West Newbury - Tree Removal List

Priority	Address / Location	Detailed Location	Number of Trees	DBH	Tree Species	Removal Cost	Stump Grinding Required	Removed By	Removal Date	Notes
3	Ash Street	between utility poles 74-78	22	392"	many	\$32,000.00				Article Request
3	Ash Street	between Bricket St - 189 Ash St	11	298"	many	\$25,000.00				Article Request
3	Ash Street	300'N of swamp / dirt gravel roadway	1	45"		\$3,000.00				Article Request
3	Ash Street	Front of #218	5	110"		\$7,500.00				Article Request
1	Bachelor St	at Walnut Cemetery and opp cemetery	2	67"		\$2,400.00		Iron Tree		Phase 2 - Aug 2019
1	Bachelor St	Front of #89	2	30"		\$700.00		Iron Tree		Phase 2 - Aug 2019
1	Brickett St	50' N of Ash St	1	44"		\$2,000.00		Iron Tree		Phase 2 - Aug 2019
3	Bridge St	opp #67	1	22"		\$2,000.00				Article Request
3	Bridge St	Hickory Lane	2	22"		\$3,000.00				Article Request
2	Browns Lane	many locations	8	138"		\$9,000.00				Article Request
3	Chase Street	at Middle St	2	17"		\$0.00				TOWN
3	Chase Street	opp utility pole #8	1	14"		\$2,000.00				Article Request
3	Chase Street	opp utility pole #5 - #6	2	34"		\$3,000.00				Article Request
3	Cherry Hill	at Indian Hill	1	10"		\$1,000.00				Article Request
3	Church Street	opp #11	1	32"		\$2,500.00				Article Request
3	Coffin Street	opp utility pole #22	1	32"		\$1,000.00				Article Request
3	Coffin Street	at driveway near utility pole #35	1	13"		\$1,500.00				Article Request
3	Coffin Street	at River Rd	3	42"		\$5,000.00				Article Request
3	Crane Neck St	opp #14	1	29"		\$2,500.00				Article Request
3	Crane Neck St	In front of #158	2	46"		\$2,500.00	No			Article Request
3	Crane Neck St	near #170	2	58"		\$6,000.00				Article Request
3	Crane Neck St	opp driveway to #194	1	11"		\$1,500.00				Article Request
3	Crane Neck St	Front of #194	3	74"		\$6,000.00				Article Request
1	Crescent Street	beside #7 Hilltop Circle	1	52"		\$2,500.00		Iron Tree		Phase 2 - Aug 2019
1	<b>Crestnut Lane</b>	<b>at Chestnut St</b>	<b>1</b>		<b>PRUNE ONLY</b>	<b>\$500.00</b>	<b>No</b>	Iron Tree		Phase 2 - Aug 2019
3	Farm Lane	north of utility pole #50/5	1	24"		\$2,000.00				Article Request
2	Garden Street	200' S of Middle St	1			\$2,000.00				Article Request

## Town of West Newbury - Tree Removal List

Priority	Address / Location	Detailed Location	Number of Trees	DBH	Tree Species	Removal Cost	Stump Grinding Required	Removed By	Removal Date	Notes
2	Garden Street	Opp #41	1			\$2,000.00				Article Request
3	Georgetown Rd	at Dead End	2	38"		\$3,000.00				Article Request
3	Indian Hill St	between Kelly Brook and Middle St	25	152"		\$25,000.00				Article Request
3	Meeting House Hill	opp #24	1	8"		\$1,000.00				Article Request
3	Meeting House Hill	opp utility pole #6	3	38"		\$5,000.00				Article Request
3	Meeting House Hill	between utility poles #3-#4	1	14"		\$2,000.00				Article Request
3	Middle Street	Front of #2	2	8"						TOWN
1	Middle Street	Front of #37	4	125"		\$1,600.00		Iron Tree		Phase 2 - Aug 2019
3	Middle Street	Front of #42	1	11"		\$1,500.00				Article Request
3	Middle Street	100'W of mailbox to #223	1	14"		\$1,500.00				Article Request
3	Middle Street	Front of #157	1	26"		\$2,000.00				Article Request
3	Middle Street	Front of #163	4	25"		\$2,000.00				Article Request
3	Middle Street	Front of #167	1	26"		\$2,000.00				Article Request
3	Middle Street	between 229-230 (on both sides of driveway)	3	49"		\$6,000.00				Article Request
3	Middle Street	opp #86	1	23"		\$2,000.00				Article Request
3	Middle Street	opp #186	1	19"		\$2,000.00				Article Request
3	Middle Street	opp #246	1	15"		\$2,000.00				Article Request
3	Middle Street	opp #443	1	35"	Pine	\$4,000.00				Article Request
3	Middle Street	at Tea Bridge between Crance Neck and Ash St	1	16"		\$1,500.00				Article Request
3	Middle Street	350'W of Ash St	2	40"		\$3,500.00				Article Request
3	Middle Street	East of Archelaus Hill Rd	3	30"		\$5,000.00				Article Request
3	Middle Street	opp utility pole #57/2	1	22"		\$2,000.00				Article Request
3	Middle Street	opp utility pole #70	1	30"		\$3,000.00				Article Request
3	Middle Street	opp utility pole #89	2	63"		\$4,500.00				Article Request
3	Middle Street	opp utility pole #153	1	10"		\$1,500.00				Article Request

## Town of West Newbury - Tree Removal List

Priority	Address / Location	Detailed Location	Number of Trees	DBH	Tree Species	Removal Cost	Stump Grinding Required	Removed By	Removal Date	Notes
3	Middle Street	opp utility pole #155	1	18"		\$2,000.00				Article Request
3	Middle Street	opp utility pole #174	2	37"		\$3,000.00				Article Request
3	Middle Street	opp utility pole #186	2	21"		\$2,000.00				Article Request
1	Middle Street	opp #199	1	36"		\$1,000.00		Iron Tree		Phase 2 - Aug 2019
1	Middle Street	70' E from Bachelor St	1	29"		\$700.00		Iron Tree		Phase 2 - Aug 2019
3	Middle Street	opp narrow bridge sign at approach to Plummer St Bridge	1	30"	Pine	\$4,000.00				Article Request
3	Middle Street	at utility pole #37	1	14"		\$2,000.00				Article Request
3	Middle Street	200'E of Garden St	3	52"		\$5,000.00				Article Request
3	Moulton Street	near #110-114	3	71"		\$6,000.00				Article Request
3	Moulton Street	opp between utility poles 21-22	2	38"		\$4,000.00				Article Request
3	Moulton Street	opp utility pole #14	1	26"		\$2,000.00				Article Request
3	Pleasant St	opp #11	3	58"		\$4,000.00				Article Request
2	Pleasant St	Front of #20	1	50"	Standing Log	\$1,000.00				Article Request
3	Pleasant St	opp #30	2	24"		\$2,500.00				Article Request
3	Pleasant St	opp #32	2	18"		\$2,500.00				Article Request
3	River Road	Front of #81 / near utility pole #29	1	18"	Ash	\$2,000.00				Article Request
3	River Road	opp #35	6	75"		\$8,000.00				Article Request
3	River Road	opp #83	7	130"		\$11,000.00				Article Request
3	River Road	opp #89	2	50"		\$5,000.00				Article Request
3	River Road	opp #109 / near utility pole 45/84	2	16"		\$4,000.00				Article Request
3	River Road	between utility poles 41-42	1	15"		\$2,000.00				Article Request
3	River Road	opp #131	1	14"		\$1,500.00				Article Request
2	River Road	Opp #173	1	40"	Dead Tree	\$1,500.00				Article Request
2	River Road	Opp #181	2	68"	2 Trees	\$4,000.00				Article Request
3	River Road	opp #241	3	45"		\$6,000.00				Article Request



## Town of West Newbury - Tree Removal List

Priority	Address / Location	Detailed Location	Number of Trees	DBH	Tree Species	Removal Cost	Stump Grinding Required	Removed By	Removal Date	Notes
3	River Road	opp #251	1	10"		\$1,000.00				Article Request
2	River Road	Between utility poles 58-59	4	46"		\$4,000.00				Article Request
1	Sawmill Brook Rd	100'W of Stewart St at pole #7	1	42"		\$4,000.00				Article Request
3	South Street	12'W of Indian Hill St	2	63"		\$4,000.00				Article Request
3	South Street	at Main St - Newbury. Near Stop sign	1	25"		\$1,000.00				Article Request
3	Turkey Hill Rd	near utility pole #31/1	1	34"		\$2,500.00				Article Request
3	Turkey Hill Rd	near utility pole #5	1	26"		\$2,000.00				Article Request
3	Turkey Hill Rd	between utility pole 35-36	3	67"		\$6,000.00				Article Request
3	Turkey Hill Rd	Near utility pole #53	2	20"		\$2,000.00				Article Request
3	Turkey Hill Rd	near brook crossing & utility pole #14	4	76"		\$6,000.00				Article Request
2	Way to The River	Front of #7	1	22"		\$2,500.00				Article Request
2	Way to The River	In front of #19	2	30"		\$4,000.00				Article Request
3	Way to The River	opp #25	1	22"		\$1,500.00				Article Request
Z	Ash St	opp #20	1	36"		\$700.00		Iron Tree	Feb 2019	Phase 1 - Feb 2019
Z	Ash St	150'W of Montclair St	1	34"		\$550.00		Iron Tree	Feb 2019	Phase 1 - Feb 2019
Z	Ash St	In front of #70	1	31"				Contractor	July 2019	
Z	Cherry Hill St	70' and 150'E of Mail box to #40	2	20"		\$700.00		Iron Tree	Feb 2019	Phase 1 - Feb 2019
Z	Cherry Hill St	Front of #10	1	12"		\$300.00		Iron Tree	Feb 2019	Phase 1 - Feb 2019
Z	Crane Neck Rd	Front of #93	1	48"		\$2,500.00		Iron Tree	Feb 2019	Phase 1 - Feb 2019
Z	Garden St	160' & 170'N of Indian Hill St	2	44"		\$1,000.00		Iron Tree	Feb 2019	Phase 1 - Feb 2019
Z	Georgetown Rd	Front of #105	4	140"	pine	\$5,000.00		Iron Tree	Feb 2019	Phase 1 - Feb 2019

### Town of West Newbury - Tree Removal List

Priority	Address / Location	Detailed Location	Number of Trees	DBH	Tree Species	Removal Cost	Stump Grinding Required	Removed By	Removal Date	Notes
Z	Indian Hill St	Front of #128	1	16"		\$500.00		Iron Tree	Feb 2019	Phase 1 - Feb 2019
Z	Indian Hill St	Front of #110	2	87"		\$3,000.00	Yes - stump included in cost	Iron Tree	Feb 2019	Phase 1 - Feb 2019
Z	Kimball St	Front of #22	2	40"		\$1,400.00		Iron Tree	Feb 2019	Phase 1 - Feb 2019
Z	River Rd opp 101	Dead High Hazard Tree	1	14"	w.o. 2019-010	N/C		Town	April 2019	Emergency
Z	Stewart St	in front of #56	1	15"		\$900.00		Iron Tree	Feb 2019	Phase 1 - Feb 2019

## ARTICLE REQUEST FORM

**ARTICLE:** *Request to purchase a small salter for 1-ton dump truck.*

**AMOUNT REQUESTED:** \$9,500

**CONTACT PERSON:** Wayne S. Amaral, DPW Director

**PHONE NUMBER:** (978) 363-1100 x120

**Date:** 02/13/2019

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

*Please see the attached memorandum*

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

*Please see the attached memorandum*

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

*Recommended sunset date of June 30, 2020*

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

*None*

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

*This piece of equipment has a useful life of about 10-15 years.*

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



# Town of West Newbury

381 Main Street

West Newbury, Massachusetts 01985

Wayne S. Amaral, Director of Public Works

978-363-1100, Ext. 120

[DPWDirector@wnewbury.org](mailto:DPWDirector@wnewbury.org)

## Memorandum

TO: Board of Selectmen and Finance Committee Members  
FROM: Wayne S. Amaral, DPW Director / Tree Warden  
DATE: September 13, 2019  
RE: Purchase of small salter – Fall 2019 Article Request

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As you are aware of, The Department of Public Works (DPW) snow and ice operations is one of many very successful programs that we handle every season. Our 46-miles of clear road conditions during and after a winter storm event is the envy of other communities in our area and I would like to continue to maintain this operation to meet the expectations of the residents of West Newbury.

To improve our operations, I would like to request your support for the purchase of a small salter unit that would be installed onto the back of our smaller 1-ton dump truck. Having a salter mounted onto a non-CDL required vehicle will allow all DPW staff the opportunity to salt during a storm event. This smaller unit will also allow for better salt distribution on smaller dead-end roadways and town parking lots and most important can be used for spot sanding during cold nights where the crew salts a small number of curves and hills. Using a smaller piece of equipment will also extend the life and save fuel on our much larger dump trucks.

The estimated cost of this equipment is \$9,500, which includes the unit, emergency lighting, and installation.

## ARTICLE REQUEST FORM

**ARTICLE:** *Purchase and reimburse air quality improvements to the Library*

**AMOUNT REQUESTED:** \$7,600

**CONTACT PERSON:** Wayne S. Amaral, DPW Director

**PHONE NUMBER:** (978) 363-1100 x120

**Date:** 02/13/2019

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

*Please see the attached memorandum*

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

*Please see the attached memorandum*

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

*Recommended sunset date of June 30, 2020*

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

*To maintain these improvement will cost about \$300 a year.*

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

*This piece of equipment has a useful life of about 15-20 years.*

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



# Town of West Newbury

381 Main Street

West Newbury, Massachusetts 01985

Wayne S. Amaral, Director of Public Works

978-363-1100, Ext. 120

[DPWDirector@wnewbury.org](mailto:DPWDirector@wnewbury.org)

## Memorandum

TO: Board of Selectmen and Finance Committee Members  
FROM: Wayne S. Amaral, DPW Director / Tree Warden  
DATE: September 13, 2019  
RE: Library Air Quality Concerns – Fall 2019 Article Request

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Since late spring of this year, we have received complaints from library staff regarding the air quality in the library building. Their main complaints were stuffy and poor fresh air circulation and smell of mold, which they believe were causing health issues to the staff.

Both Department of Public Works (DPW) and the Town Managers Office had taken these complaints seriously and acted quickly to diagnose the problem, find solutions to the problem and install these solutions in the most expedient manner.

We immediately scheduled: mold testing, duct work cleaning, installation of two in-line dehumidifiers and rug cleaning. While these actions were underway, we contacted the Massachusetts Department of Public Health, Air Quality Program and scheduled an on-site inspection of the library building and grounds. They reviewed our mold report and confirmed that the building has no major mold concerns and the actions we already put in motion were the correct course of action and praise the town for going over and above to address this issue.

All of the above improvements have been completed at an estimated cost of \$15,000. About \$12,400 of these upgrades and improvements were paid from ATM #12 of April 2018 with the remaining \$2,600 paid from the Town Building Operating Expense line.

We have improved the air quality in the building, but have some additional upgrades that should resolve most of the problem. I would like to install two additional in-line dehumidifiers in the building, which will cover the whole HVAC system in the building. The cost for this improvement including installation is \$5,000.

I respectfully request your support for a \$7,600 article which would pay for the additional two dehumidifiers and reimburse the Town Building Operating Expenses line.

## 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 10:04 AM  
**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

[REDACTED] 08

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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

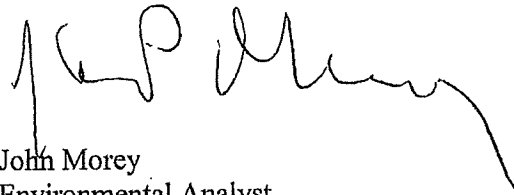
No allegation shall be made in any judicial appeal of this decision unless the matter complained of was raised at the appropriate point in the administrative review procedures established in those regulations, provided that a matter may be raised upon a showing that it is material and that it was not 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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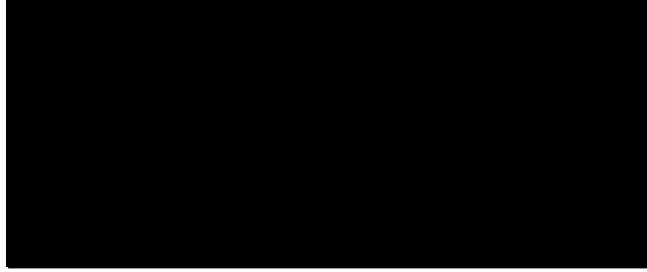
<b>Requested Article Amount</b>	<b>\$66,000</b>
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\*The plan is currently being reviewed by DEP. Prices/requirements subject to change.

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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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

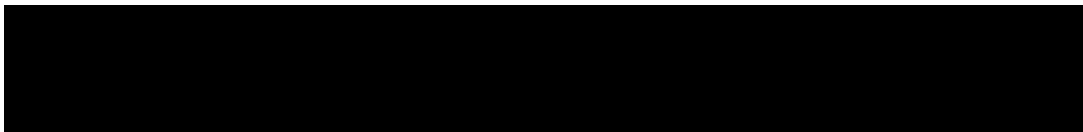
Daily On site analytical device - \$250/day

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,

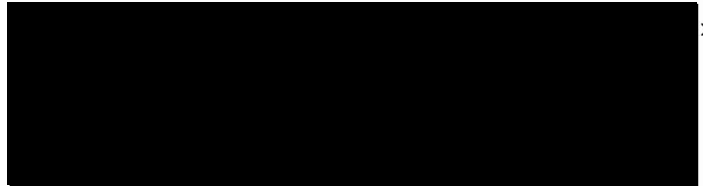
John Clement, LSP  
President



## Paul Sevigny

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**From:**  
**Sent:**  
**To:**  
**Subject:**



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  
Woburn, MA 01801

Phone 781-937-3045  
Fax 781-937-0825

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**From:** Paul Sevigny <[psevigny@wnewbury.org](mailto:psevigny@wnewbury.org)>

**Sent:** Wednesday, September 18, 2019 9:09 AM



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.

# QUOTATION

1345

195 High St.  
Ipswich, MA 01938

DATE 6-Sep-19

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

TO	TOWN OF WEST NEWBURY
ADDRESS	
	LANDFILL

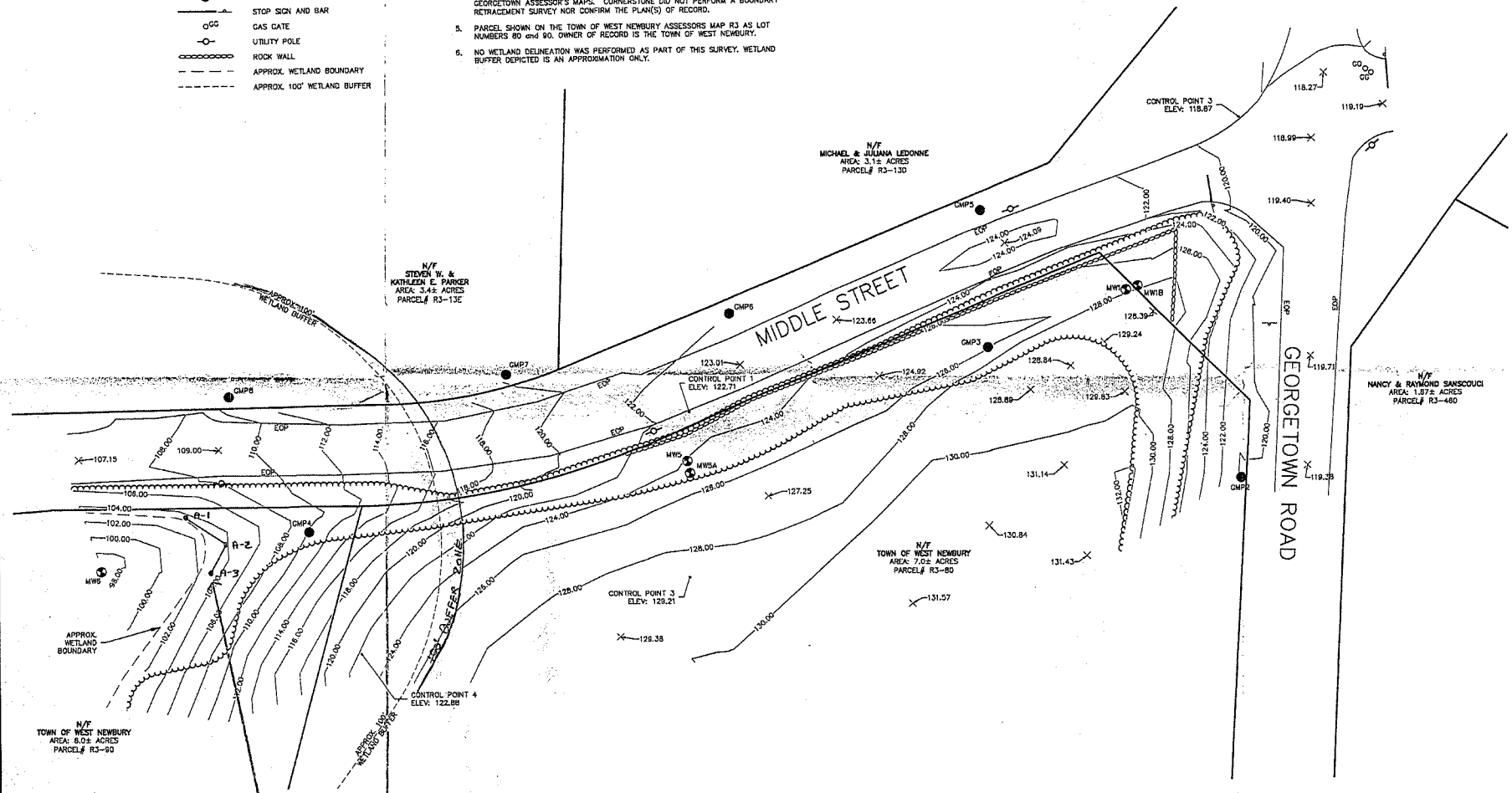
QTY	MODEL/DESCRIPTION	PRICE EACH	AMOUNT
4	6" PVC DWV 90'ELBOW	\$ 37.08	\$ 148.32
3	6x6x4" PVC DWV SANITARY TEE	\$ 55.42	\$ 166.26
4	6x4" PVC DWV REDUCING COUPLING	\$ 30.71	\$ 122.84
36	6" PVC DWV COUPLING	\$ 14.46	\$ 520.56
300	LINEAL FEET 6" PVC CELLULAR CORE PERFORATED PIPE B.E	\$ 3.12	\$ 936.00
40	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/RESTOCKING 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

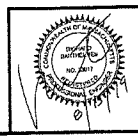
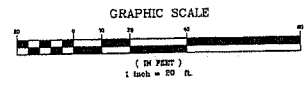
**LEGEND**

	PROPERTY LINE
	EDGE OF PAVEMENT
	MAJOR CONTOUR
	MINOR CONTOUR
	SPOT GRADE
	PROPOSED GAS VENT
	GAS MONITORING PROBE
	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	BY	DESCRIPTION
1	7/21/19	RS	ISSUED FOR PERMITTING
2	8/1/19	RS	APPROX. ADJUSTED WETLAND TANK BUFFER TO 100' ±

**EXISTING CONDITIONS PLAN**

DESIGNED BY	NO
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**

1. 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. WHEN LAND IS EXPOSED DURING DEVELOPMENT, THE EXPOSURE SHOULD BE KEPT TO THE SHORTEST PRACTICAL PERIOD OF TIME.
2. BALD STRAW AND MULCH SHALL BE KINDS OF ACCEPTABLE HERBACEOUS GROWTH, FREE FROM NOXIOUS WEEDS OR WOODY STEMS, AND SHALL BE DRY.
3. 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 DRAINAGE WAYS 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.
4. 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.
5. 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.
6. 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.)**

7. 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.
8. 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/ROADS OF EXISTING AND FUTURE ROADS.
9. 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.
10. WORK TO COMPLY WITH STORMWATER POLLUTION PREVENTION PLAN AND EPA CONSTRUCTION GENERAL PERMIT OBTAINED FOR THE SITE.
11. 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**

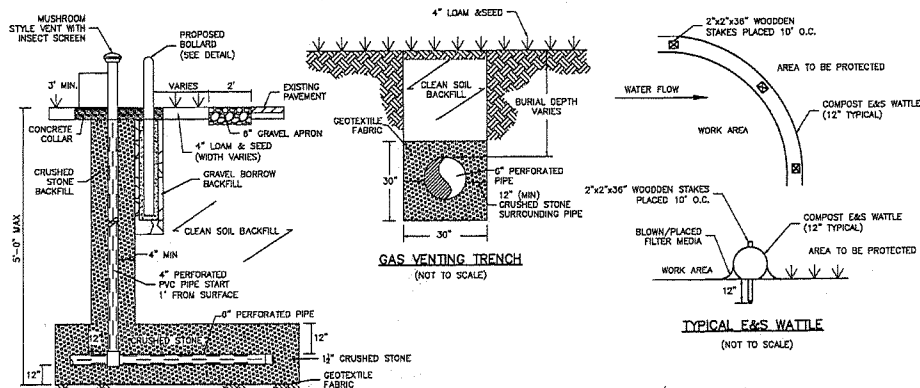
1. ALL APPLICABLE EROSION CONTROL MEASURES AS SHOWN ON THE PLAN MUST BE IN PLACE AND REVIEWED AND APPROVED BY THE ENGINEER.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ASSURING THAT NO EROSION ON THE SITE SHALL OCCUR WHICH WILL CAUSE DEPOSITION OF SOIL OR SEDIMENT UPON ADJACENT PROPERTIES OR PUBLIC WAYS.

**DURING CONSTRUCTION**

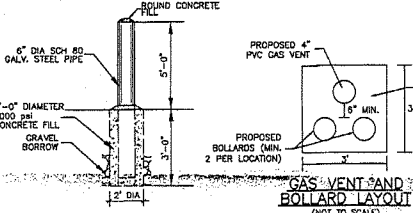
1. DUST CONTROL SHALL BE ACHIEVED BY THE USE OF WATER AS NECESSARY AND ROADWAY MAINTAINED FREE AND CLEAR OF DUST AND DEBRIS THROUGHOUT CONSTRUCTION.
2. TEMPORARY EROSION CONTROL MEASURES CONSISTING OF HAY BALE FENCING SHALL BE INSTALLED AROUND ALL MATERIAL STOCKPILES.
3. REGULAR INSPECTION OF EROSION 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**

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

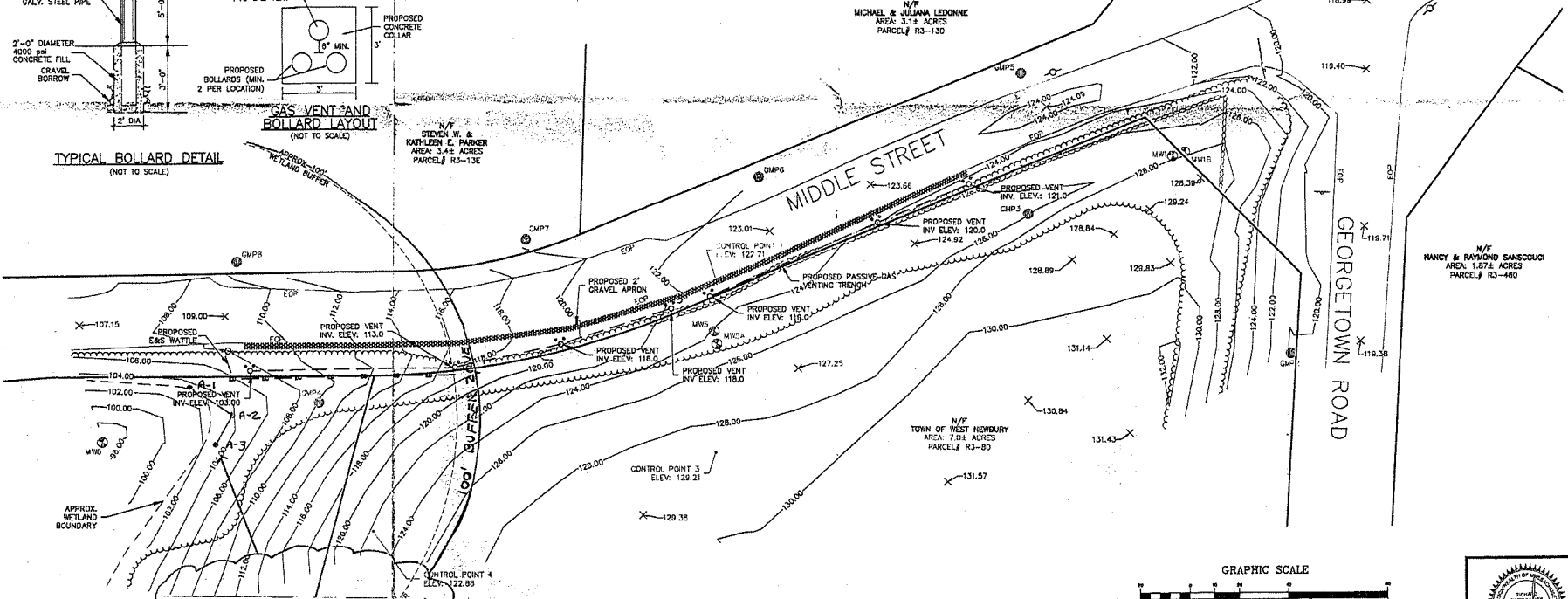


- NOTE**
1. CRUSHED STONE TO BE WRAPPED IN GEOTEXTILE FABRIC.
  2. BOTTOM OF CRUSHED STONE TO BE PLACED A MINIMUM OF 12" ABOVE GROUNDWATER IF ENCOUNTERED.
  3. CONTRACTOR TO ADJUST GRADES MAINTAINING A MINIMUM 1% SLOPE ON THE VENT PIPE IF LEDGE IS ENCOUNTERED.

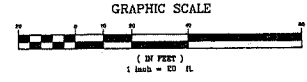


**TYPICAL BOLLARD DETAIL**  
(NOT TO SCALE)

**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.



**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
0	7/20/19	ISSUED FOR PERMITS	MS
1	8/7/19	REVISED EXISTING CONTOURS	MS
2	8/20/19	CONTRACTOR PREPARED FOR PERMITS	MS
3	8/20/19	ADJUST WATTLE DATA	MS

**SITE LAYOUT PLAN**

DATE: 7/20/19	SCALE: 1"=20'
CHECKED BY: [Signature]	NO. [Blank]
DRAWN BY: [Signature]	SHEET NO. C-2

PROJECT No. 19009-20





**DRAFT**  
**Legal Notice**  
**West Newbury Planning Board**

The West Newbury Planning Board will hold a public hearing on Tuesday, October 1, 2019, beginning at 7:15 p.m. in the 2nd Floor Hearing Room, Town Office Building, 381 Main Street, West Newbury MA, in accordance with M.G.L. Ch. 40A, S. 5 to consider amendments to the Zoning Bylaw as follows: 1) Update Definitions S.2. with revised and new definitions; 2) Add “Section 40” to the term, “Massachusetts General Laws Chapter 131” each time it occurs to clarify reference to the state Wetlands Protection Act; 3) Update S.4.B.1.b. relating to exempt uses (agriculture, horticulture, floriculture and viticulture) by replacing it with updated language aligning with M.G.L. Ch.40A, S.3; 4) Amend S. 5.A.4. Uses Permitted in the Residence B and C Districts on a Special Permit Granted by the Planning Board to clarify that such uses are subject to S.8.B. Site Plan Review; and to correct a scrivener’s error regarding the number of units allowed by Special Permit. The proposals may be viewed at the Town Clerk or Planning Board Offices, Town Office Building during regular business hours. Any person interested or wishing to be heard on the proposal should appear at the time and place designated above.

Ann E. Bardeen  
Clerk

Publish September 17, 2019 and September 24, 2019

## 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:

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~~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:

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~~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. Delete the term and definition of Tourist Home, as follows:

~~Tourist Home. See Hotel~~

*Rationale: The term is obsolete.*

- k. 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

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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.

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:

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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:

*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 COUNSEL MEMO

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TO: Town Manager; Building Inspector  
FROM: Michael P. McCarron  
SUBJECT: Public safety informational device  
DATE: February 5, 2019  
CC:

RECEIVED  
FEB 05 2019  
TOWN MANAGER  
TOWN OF WEST NEWBURY

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*This is a confidential communication subject to the attorney client privilege. This communication is exempt from disclosure pursuant to the Public Records Act.*

*Question Presented:* What provisions of the West Newbury Zoning Bylaws permit the Building Inspector of the Town of West Newbury to issue a building permit for the new structure identifying the building and the electronic sign?

*Answer:* In accordance with Section 7.C.2.I of the West Newbury Zoning Bylaws, the following are “not considered signs within the context of this bylaw...”

Non-commercial ...building names;  
Informational devices required by public agencies.

Since the structure identifies the building as the public safety complex, it is permitted as was the one placed recently for the library.

As for the term, “informational devices”, there is no definition of that in the Bylaw. As such, the canons of statutory construction dictate that the common ordinary meanings of the words must be applied. The word, “device” is defined in the Merriam Webster Dictionary as “a piece of equipment or a mechanism designed to serve a special purpose or perform a special function.” The Oxford Living Dictionary defines “device” as, “A thing made or adopted for a particular purpose, especially a piece of mechanical or electronic equipment.”

The word “informational” is defined as, “the communication or reception of knowledge or intelligence” (Merriam Webster Dictionary) and “providing information” (Oxford Living Dictionary.) Taken together, the object constitutes a piece of electronic equipment which provides information. The additional condition is that the device must be controlled by a “public agency.” In this circumstance, the police/fire of the Town of West Newbury constitutes a “public agency.”



# Zoning Bylaw, Section 7.C.

is not held on, conducted on, or sold on the premises where the sign is located.

## D. Permanent Signs

1. Freestanding Sign - A sign affixed to a structure whose sole purpose is to support the sign.
2. Attached Sign - Any sign that is attached to, erected on or supported by a building.

E. Portable A Frame Sign - An "A-frame" shaped sign that identifies or advertises a place of business and that consists of two sign boards that are hinged together at the top.

F. Private Sign - A sign that is not a public sign.

G. Public Sign - A sign authorized, erected, and maintained by the Town or the Commonwealth or other public agencies.

H. Roofline - A horizontal line located at the highest point of a roof exclusive of antennas, cupolas, or other appendages that may protrude from the roof structure.

## I. Sign

1. Refer to Section 2. of the Zoning Bylaw for the definition of a sign.
2. ~~Exceptions - The following devices shall not be considered signs within the context of this bylaw:~~
  - a) ~~Non-commercial historical markers, memorial plaques, and building names.~~
  - b) ~~Flags and insignia of governmental jurisdictions when displayed for non-commercial purposes~~
  - c) ~~Seasonal, non-commercial banners~~
  - d) ~~On premise devices guiding and directing traffic and parking which bear no advertising.~~
  - e) ~~Legal notices such as "No Trespass", "No Soliciting" and "Private Way" signs and building numbers.~~
  - f) ~~Informational devices required by public agencies.~~
  - g) ~~Standard gasoline pumps bearing thereon in usual size and form, the name, type and price of gasoline.~~

J. Sign Area - The area of the smallest horizontally or vertically oriented rectangle which could enclose the display area of the sign, exclusive of structural members not bearing advertising matter.

## K. Temporary Sign

1. A commercial or non-commercial sign relating to any event, activity or business operation which is not of a continuing or regularly recurring nature.
2. Portable A frame and similar signs shall be considered temporary signs. Examples include, but are not limited to, sales, special events, seasonal businesses or changes in the nature of an operation.
3. Window Sign—A sign located in the interior of a building, usually at a window or door, intended to convey information to the public outside the building.

## L. Uses

1. Commercial - A use intended to promote any for-profit event, activity, or business operation.
2. Non-commercial - A use not intended to promote any for-profit event, activity, or business operation.

## Town Manager

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**From:** Leah Zambarnardi  
**Sent:** Wednesday, September 18, 2019 1:30 PM  
**To:** Town Manager  
**Subject:** FW: BoS minutes re sign  
**Attachments:** Public Safety Sign 11.27.17 Minutes and Proposal.pdf

FYI The video of the 11/27/17 meeting where the Selectmen ask about permitting is at this link: <https://www.youtube.com/watch?v=7xplHHEBRqY> . It occurs right around 1 hour, 28 minutes in. Also, my documents are in a DropBox file at this link: [https://www.dropbox.com/sh/o9u5kzz2j9vhj3x/AADvpsdMYobQ9D5b7\\_rmLW9Ua?dl=0](https://www.dropbox.com/sh/o9u5kzz2j9vhj3x/AADvpsdMYobQ9D5b7_rmLW9Ua?dl=0) There is a chronology document in there that might be helpful.

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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.**

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**From:** Town Manager  
**Sent:** Monday, January 28, 2019 3:09 PM  
**To:** Leah Zambarnardi <lzambarnardi@wnewbury.org>  
**Subject:** BoS minutes re sign

Attached FYI. Issue was also discussed in August and September 2018 (only re location to relocate prior granite sign); I think it was discussed last spring and asked Mary to track down any info but she came up empty.

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



**TOWN OF WEST NEWBURY  
OFFICE OF THE PLANNING BOARD  
381 MAIN STREET  
WEST NEWBURY MA 01985  
978-363-1100 X125 Fax: 978-363-1119**

June 18, 2019

West Newbury Board of Selectmen  
West Newbury Town Offices  
381 Main Street  
West Newbury, MA 01922

Dear Honorable Board:

This is a follow up to the Planning Board's 1/23/19 email and 2/21/19 letter to you regarding its concerns with the new sign at the Public Safety Complex. The Planning Board has determined that it should seek the opinion of outside counsel on the matter, and understands that KP Law has been retained by the Town for purposes of providing counsel. The Board therefore requests that the Board of Selectmen provide any necessary approval to engage KP Law for its professional assistance in providing an opinion on the matter. Planning Board members are also available to discuss concerns with this sign at a meeting of the Board of Selectmen.

Sincerely,

Brian R. Murphey  
On behalf of the West Newbury Planning Board



**TOWN OF WEST NEWBURY  
OFFICE OF THE PLANNING BOARD  
381 MAIN STREET  
WEST NEWBURY MA 01985  
978-363-1100 X125 Fax: 978-363-1119**

February 21, 2019

West Newbury Board of Selectmen  
West Newbury Town Offices  
381 Main Street  
West Newbury, MA 01922

Dear Honorable Board:

This is a follow up to my email of 1/23/19 regarding the Planning Board's concerns over the newly-installed sign at the Public Safety Complex (the "Sign"). The Board has further discussed its concerns with the sign and wishes to relate them to you in more detail.

The February 5, 2019 legal opinion from Town Counsel asserting that the Sign is covered by Section 7.C.2.I.2.f. (Informational devices required by public agencies) and that it is therefore exempt from the Signs Bylaw is not persuasive to the Board. This provision covers a narrow range of required devices such as a one-way sign, stop sign, detour sign, etc. Further, Section 7.C.2.G. defines a public sign as "a sign authorized, erected, and maintained by the Town or the Commonwealth or other public agencies". The Board believes the Sign in question falls into this category. Public signs are not called out as being exempt from the Bylaw, therefore it is the Board's opinion that the Sign should comply by either:

- a. meeting the requirements of the bylaw for signs in the residential district (where it is located). As constructed the device fails to meet several of the requirements for lighting and size,

or;

- b. receiving relief from the requirements, as a non-conforming sign, using the Special Permit provisions set forth in the bylaw, which includes a public vetting process.

One of the motivations for the Planning Board proposing and the Town adopting the Signs Bylaw in 2017 was to establish fair standards that apply across the board to residents, businesses and the Town. The Board affirms the importance of standards set forth in the bylaw being applied fairly and uniformly.

Sincerely,

Ann E. Bardeen, Chair  
West Newbury Planning Board

Cc: Town Manager  
file

## Public Safety Complex Sign Chronology

August 24, 2017 – Town Meeting approves an overhaul Amendment to the Signs Bylaw. The Planning Board wrote and sponsored the Bylaw. The Planning Board worked on this for several years and received much input including the Selectmen, Building Inspector and the public.

April 25, 2018 – Building Permit for Public Safety Complex Sign (the “sign”) issued

Fall 2018 – Board of Selectmen review the sign at their 8/20/18 and 9/4/18 meetings

January 15 – 25, 2019 – Town Planner received notice of 5 complaints about the public safety complex sign.

January 22, 2019 – Planning Board discusses the sign at a regular meeting

January 23, 2019 – Planning Board c/o Chair Ann Bardeen sends an email to the Selectmen and the Town Manager indicating their concerns over the sign.

January 24, 2019 – Town Planner asks Town Counsel for advice about Planning Board concerns. Town Counsel responds that he represents the Building Inspector on the matter and that the Board will have to seek other Counsel.

February 5, 2019 – Town Counsel issues legal opinion to Town Manager and Building Inspector advising that the sign is not considered a sign within the context of the Zoning Bylaw and cites Section 7.C.2.I “non-commercial...building names; Informational devices required by public agencies”.

February 21, 2019 – Planning Board c/o Chair Ann Bardeen sends a letter to the Board of Selectmen disagreeing with Town Counsel’s opinion and explaining why, and asks that the sign either be brought into compliance or that the Town seek and receive relief from the ZBA.

June 4, 2019 – Town Counsel issues legal opinion to Town Manager that the Planning Board needs Board of Selectmen approval to employ special counsel.

June 18, 2019 – The Planning Board c/o Chair Brian Murphey sends a letter to the Board of Selectmen indicating it will seek the opinion of outside counsel on the matter and requests that the Board of Selectmen provide any necessary approval to employ KP Law. The PB offers to discuss with Selectmen at a Selectmen’s meeting. No official response is given by the Selectmen. Town Manager relates verbally that the Selectmen denied the request.

The Planning Board has met in Executive Session to discuss strategy in terms of how/if to pursue litigation.

**From:** [Ann Bardeen](#)  
**To:** [Town Manager; Mary Winglass](#)  
**Cc:** [Leah Zambernardi](#)  
**Subject:** sign  
**Date:** Wednesday, January 23, 2019 10:28:31 AM

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To the Board of Selectmen and the Town Manager,

At the January 22, 2019 meeting of the Planning Board, there was a discussion about the newly-installed sign at the Public Safety complex. Board members in attendance felt strongly that the new sign violates several provisions of the Sign Bylaw and does not qualify for multiple exceptions. The Board intends to continue to discuss this matter at future meetings, and to consider what course of action, if any, it may wish to pursue.

Respectfully,  
Ann Bardeen, Planning Board Chair

**From:** [Richard Bridges](#)  
**To:** [Leah Zambernardi](#)  
**Subject:** Fw: Fwd: Re: Illuminated sign-- public safety complex  
**Date:** Sunday, January 20, 2019 4:15:08 PM

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Hi Leah

I think we have to do our own due diligence here to check the application of the bylaws by Glenn and Angus's against our own interpretation. Specifically we need to look at the exemptions and the signs by law and for some reason I'm not able to pull up our general bylaws from over here in Germany. Not sure if the town's website is down or what but I can't get to them.

I've also taken the liberty of emailing Dennis Lucy to get his opinion as an abutter of the grand illumination.

As far as Angus's comment about how this sign was paid for that is really immaterial in this discussion.

Speaking as a resident, the towns aesthetic has already been offended by the Pentucket school sign at the high school entrance and now we are just adding more to the town with yet another neon digital sign. I think the choices here are both insensitive to the town and it's residents and wholly unnecessary for a town like ours.

If they need a sign that Does not require going out in the elements to modify it, perhaps a black and white eink sign would be less offensive. See <https://www.eink.com/signage.html?type=application&id=9>

Best

Rick

[Sent from Yahoo Mail for iPhone](#)

Begin forwarded message:

On Sunday, January 20, 2019, 6:55 PM, Brian Murphey <[brmurphey@comcast.net](mailto:brmurphey@comcast.net)> wrote:

Hi all--

See the note below from Angus Jennings about the new sign; ..no discussion among members, but Rick and Kim, send any comments to Leah since you will not be at the Tuesday meeting. I suspect that we may discuss this topic.

Good luck with the weather today; hope we keep power to root the Pats on!

Brian

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Brian R Murphey  
6 Hilltop Circle  
West Newbury, MA 01985  
cell: [978-270-4121](tel:978-270-4121)

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

From: Town Manager <[townmanager@wnewbury.org](mailto:townmanager@wnewbury.org)>  
To: [REDACTED]  
Cc: Leah Zambernardi <[lzambernardi@wnewbury.org](mailto:lzambernardi@wnewbury.org)>  
Date: January 19, 2019 at 3:02 PM  
Subject: Re: Illuminated sign-- public safety complex

Brian,

I met with Mike McCarron and Glenn Clohecy recently on this question and have been advised that the public safety sign was properly permitted. Mike advises that the Sign Bylaw exempts non-commercial signs and “informational devices required by public agencies” from the requirement to obtain a special permit; and the sign did apply for and receive a building permit as required. Inspectional Services performed the necessary electrical inspections, etc. If you see it differently I can refer this to Mike for further response.

The sign was an initiative of the recently retired Police Chief, and funded through a private donation, and the proposed location and design was reviewed at meetings of the Board of Selectmen both last spring and early this fall.

I appreciate your concerns about the visual impact of the sign, and I (and the Board of Selectmen) agree that its illumination was excessively bright. This was not recognized during daytime hours, but became apparent after dark, so the sign was turned off until public safety personnel could adjust the brightness settings.

One of the Board of Selectmen’s goals is to improve communications to the public, and the hope is that the sign will assist in this regard, though we are working to adjust its brightness and messaging so as not to compromise the area aesthetic.

Thanks,  
Angus

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

Sent from my mobile device



On Jan 19, 2019, at 2:02 PM, Brian Murphey <

[REDACTED] wrote:

Hi Angus-

I just saw that new sign at the complex, and wondered how it was

approved since the signage bylaw does not allow backlit signs by right. If there was a ZBA hearing and I missed it, well, I accept that my opportunity to protest has passed.

I think that this type of sign is inappropriate for a number of reasons, but the visual impact next to our historic Hills House is particularly jarring. I recognize that some may feel its our only way to communicate, but looking like Seabrook or Salisbury is not my idea of progress.

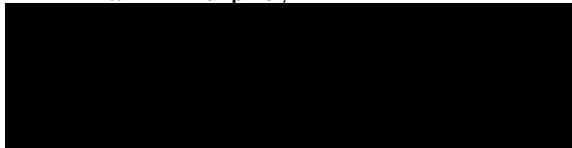
Can you look into this and advise?

Many thanks--

Brian

-----

Brian R Murphey





The Commonwealth of Massachusetts  
Board of Building Regulations and Standards  
Massachusetts State Building Code, 780 CMR

Building Permit Application To Construct, Repair, Renovate Or Demolish a  
*One- or Two-Family Dwelling*

FOR  
MUNICIPALITY  
USE  
Revised Mar 2011

This Section For Official Use Only

Building Permit Number: **18-69RE**

Date Applied: **04/25/2018**

Building Official (Print Name)

Signature

Date

**SECTION 1: SITE INFORMATION**

**1.1 Property Address:**

**401 MAIN ST**

1.1a Is this an accepted street? yes  no

**1.2 Assessors Map & Parcel Numbers:**

**0140**

**0140.0000.00030**

Map Number

Parcel Number

**1.3 Zoning Information:**

Zoning District

Proposed Use

**1.4 Property Dimensions:**

Lot Area (sq ft)

Frontage (ft)

**1.5 Building Setbacks (ft)**

Front Yard

Side Yards

Rear Yard

Required

Provided

Required

Provided

Required

Provided

**1.6 Water Supply: (M.G.L.c. 40, §54)**

Public

Private

**1.7 Flood Zone Information:**

Zone: \_\_\_\_\_

Outside Flood Zone?

Check if yes

**1.8 Sewage Disposal System:**

Municipal

On site disposal system

**SECTION 2: PROPERTY OWNERSHIP<sup>1</sup>**

**2.1 Owner<sup>1</sup> of Record:**

**TOWN OF WEST NEWBURY**

Name (Print)

**WEST NEWBURY, MA 01985**

City, State, ZIP

**381 MAIN ST**

No. and Street

**978-363-1000**

Telephone

Email Address

**SECTION 3: DESCRIPTION OF PROPOSED WORK<sup>2</sup>: (check all that apply)**

New Construction

Existing Building

Owner-Occupied

Repair(s)

Alteration(s)

Addition

Demolition

Accessory Bldg.

Number of Units \_\_\_\_\_

Other

Specify: \_\_\_\_\_

Brief Description of Proposed Work<sup>2</sup>:

place astatic & electronic sign out front of the safety complex near the flag pole

**SECTION 4: ESTIMATED CONSTRUCTION COSTS**

Item	Estimated Costs: (Labor and Materials)	Official Use Only	
		1. Building Permit Fee: \$0.00	Indicate how fee is determined:
1. Building	\$ 5,000.00	✓ Standard City/Town Application Fee	
2. Electrical	\$ 0.00	Total Project Cost <sup>3</sup> (Item 6) x multiplier _____ x _____	
3. Plumbing	\$ 0.00	2. Other Fees: \$0.00	
4. Mechanical (HVAC)	\$ 0.00	List:	
5. Mechanical (Fire Suppression)	\$ 0.00	Total All Fees: \$0.00	
6. Total Project Cost:	\$ 5,000.00	Check No. _____ Check Amount: 0.00 Cash Amount: 0.00	
		Paid in Full	Outstanding Balance Due: 0.00

**SECTION 5: CONSTRUCTION SERVICES**

**5.1 Construction Supervisor License (CSL):**

Name of CSL Holder \_\_\_\_\_

No. and Street \_\_\_\_\_

City/Town, State, ZIP \_\_\_\_\_

Telephone \_\_\_\_\_ Email Address \_\_\_\_\_

License Number \_\_\_\_\_ Expiration Date \_\_\_\_\_

List CSL Type (see below) \_\_\_\_\_

Type	Description
U	Unrestricted (Buildings up to 35,000 cu. ft.)
R	Restricted 1&2 Family Dwelling
M	Masonry
RC	Roofing Covering
WS	Window and Siding
SF	Solid Fuel Burning Appliances
I	Insulation
D	Demolition

**5.2 Registered Home Improvement Contractor (HIC):**

HIC Company Name or HIC Registrant Name \_\_\_\_\_

No. and Street \_\_\_\_\_

City/Town, State, ZIP \_\_\_\_\_ Telephone \_\_\_\_\_

HIC Registration Number \_\_\_\_\_ Expiration Date \_\_\_\_\_

Email Address \_\_\_\_\_

**SECTION 6: WORKERS' COMPENSATION INSURANCE AFFIDAVIT (M.G.L. c. 152, § 25C(6))**

Workers Compensation Insurance affidavit must be completed and submitted with this application. Failure to provide this affidavit will result in the denial of the Issuance of the building permit.

Signed Affidavit Attached? Yes..... No.....

**SECTION 7a: OWNER AUTHORIZATION TO BE COMPLETED WHEN OWNER'S AGENT OR CONTRACTOR APPLIES FOR BUILDING PERMIT**

I, as Owner of the subject property, hereby authorize \_\_\_\_\_ to act on my behalf, in all matters relative to work authorized by this building permit application.

Owner's Name \_\_\_\_\_ Signature \_\_\_\_\_ Date \_\_\_\_\_

**SECTION 7b: OWNER OR AUTHORIZED AGENT DECLARATION**

By entering my name below, I hereby attest under the pains and penalties of perjury that all of the information contained in this application is true and accurate to the best of my knowledge and understanding.

Glenn Clohecy \_\_\_\_\_ Glenn Clohecy \_\_\_\_\_ 04/25/2018  
 Owner's or Authorized Agent's Name Signature Date

**NOTES:**

1. An Owner who obtains a building permit to do his/her own work, or an owner who hires an unregistered contractor (not registered in the Home Improvement Contractor (HIC) Program), will not have access to the arbitration program or guaranty fund under M.G.L. c. 142A. Other important information on the HIC Program can be found at [www.mass.gov/oca](http://www.mass.gov/oca). Information on the Construction Supervisor License can be found at [www.mass.gov/dps](http://www.mass.gov/dps).

2. When substantial work is planned, provide the information below:

Total floor area (sq. ft.) \_\_\_\_\_ (including garage, finished basement/attics, decks or porch)

Gross living area (sq. ft.) \_\_\_\_\_ Habitable room count \_\_\_\_\_

Number of fireplaces \_\_\_\_\_ Number of bedrooms \_\_\_\_\_

Number of bathrooms \_\_\_\_\_ Number of half/baths \_\_\_\_\_

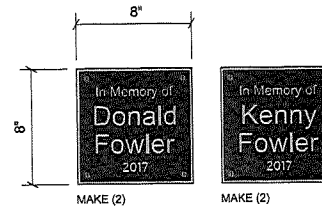
Type of heating system \_\_\_\_\_ Number of decks/ porches \_\_\_\_\_

Type of cooling system \_\_\_\_\_ Enclosed \_\_\_\_\_ Open \_\_\_\_\_

3. "Total Project Square Footage" may be substituted for "Total Project Cost"



TOP VIEW

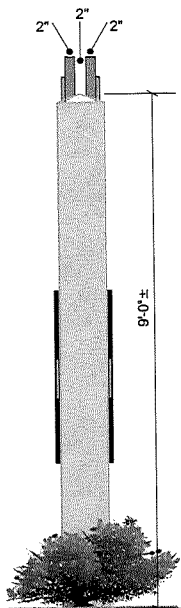


MAKE (2) MAKE (2)

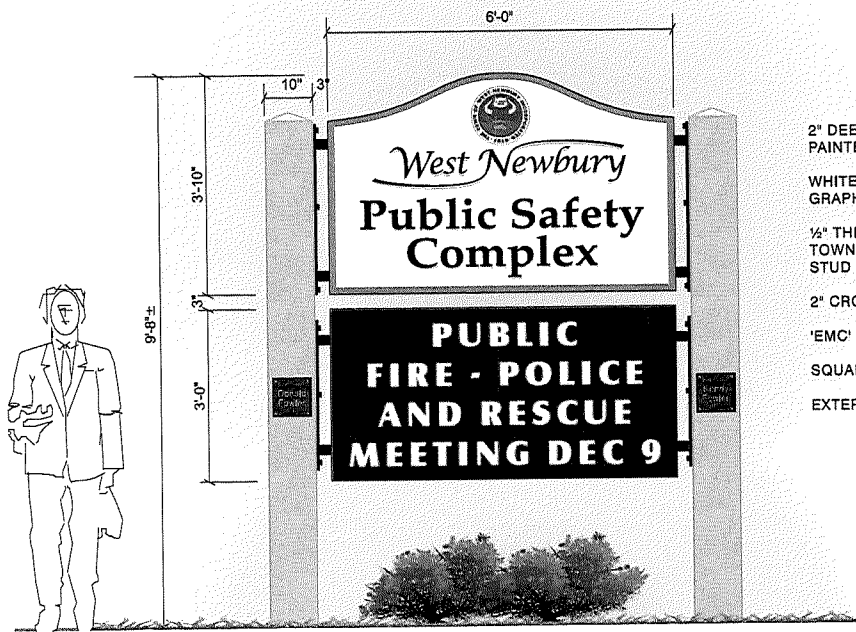
BRONZE PLAQUE WITH 'LEATHERETTE' FINISH, BRONZE RAISED TEXT AND SINGLE LINE BORDER WITH HORIZONTAL GRAIN, SATIN FINISH, (4) ROSETTES EACH PLAQUE

**DEDICATION PLAQUES**

SCALE: 1 1/2" = 1'-0"



END VIEW



2" DEEP ALUMINUM BACKGROUNDS, PAINTED 'AKZO' SMOKED TURQUOISE (30BG 23/124),

WHITE VINYL FIELD WITH PRINTED GRAY BORDER AND FLAG GRAPHICS,

1/2" THICK ACRYLIC MAIN TEXT PAINTED BLACK, TOWN SEAL PAINTED GRAY, PRINTED SEAL GRAPHIC, STUD MOUNTED,

2" CROSS SUPPORTS PAINTED BLACK,

'EMC' - 15mm 60x120 SOLO-ICE MATRIX,

SQUARE GRANITE POSTS WITH TAPERED TOP,

EXTERNAL LIGHTING BY OWNER



Neokraft Signs, Inc.  
684 Main Street  
PO Box 336  
Lewiston, Maine 04240  
207.782.9654 | 800.339.2258  
neokraft.com

*Custom Sign Fabrication*

These plans are the exclusive property of Neokraft Signs, Inc. and are the result of the original work of its employees. They are submitted to Neokraft's client for the sole purpose of consideration of whether to purchase these plans or to purchase from Neokraft a sign manufactured according to these plans.

Distribution or exhibition of these plans to anyone other than employees of said client, or use of these plans to construct a sign similar to the one embodied herein, is expressly forbidden. In the event that such exhibition or construction occurs, Neokraft expects to be reimbursed \$1500 in compensation for time and effort entailed in creating these plans.

**PRESENTATION**

**WEST NEWBURY  
PUBLIC SAFETY  
@4406**

LOCATION: 401 MAIN STREET  
WEST NEWBURY, MA

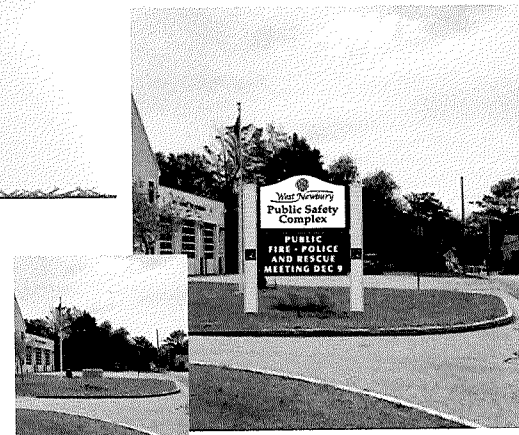
DRAWING NO.: 1 OF 1

DRAWN BY: BK REP: MM

DATE: 04.18.2018

QUOTE: @4406

GEN REF:



**DOUBLE-FACE NON-ILLUM. MONUMENT ID**  
SCALE: 1/2" = 1'-0" (1) REQUIRED



Proposed location  
for relocation of  
existing sign upon  
installation of  
new sign

TO: Board of Selectmen

FROM: Open Space Committee

DATE: August 15, 2019

The installation of the illuminated sign at the Public Safety Complex was discussed at our meeting last night and the Committee voted unanimously to request that the Board of Selectmen initiate a process to bring the sign and its installation into compliance with the Sign Bylaw approved at the August 24, 2017 Town Meeting.

The purpose of the bylaw as stated in Section 7.C.1 is to “preserve and enhance the natural, scenic, historical, cultural and aesthetic qualities of the Town of West Newbury”. This purpose is consistent with public feedback received during the Open Space Survey and Public Meeting conducted in conjunction with completion of the 2018 Open Space and Recreation Plan. Our members do not believe that the current sign is consistent with this purpose and therefore the will of members of the public who participated in the Open Space Committee outreach efforts. We respectfully request that this issue be put on a Board of Selectmen meeting agenda and that interested parties are invited to participate and provide input.

Sincerely,

John Dodge, chairman

West Newbury Open Space Committee

cc: Planning Board

## Town Manager

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**From:** Town Manager  
**Sent:** Tuesday, September 24, 2019 12:03 PM  
**To:** [REDACTED]  
**Subject:** RE: Energy Advisory Committee request to meet briefly with Selectmen at a September meeting

Liz,

This is confirm that the EAC's request will be placed on the 9/30 agenda. If you have any further materials for the Board's meeting packet, please send them my way by midday Thursday. I'll know by then what order this item will be placed on the agenda.

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:** Town Manager  
**Sent:** Thursday, September 5, 2019 10:49 AM  
**To:** [REDACTED] <[REDACTED]@[REDACTED].[REDACTED]>  
**Subject:** RE: Energy Advisory Committee request to meet briefly with Selectmen at a September meeting

Nothing more needed, but you should feel free to send whatever you'd like the Board to have in front of them for the discussion. Order/timing on 9/30 will be based on the overall agenda, which the Chair and I meet to review the Wednesday prior to each BoS mtg. 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)

**From:** [REDACTED] <[REDACTED]@[REDACTED].[REDACTED]>  
**Sent:** Thursday, September 5, 2019 8:34 AM  
**To:** Town Manager <[townmanager@wnewbury.org](mailto:townmanager@wnewbury.org)>  
**Subject:** Re: Energy Advisory Committee request to meet briefly with Selectmen at a September meeting

That will work. Thank you. Please let me know if you need anything additional from us in advance, beyond the description of the topic I sent.

Liz

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

From: Town Manager <[townmanager@wnewbury.org](mailto:townmanager@wnewbury.org)>

To: Liz Callahan <[REDACTED]@[REDACTED]>

Sent: Wed, Sep 4, 2019 8:48 pm

Subject: Re: Energy Advisory Committee request to meet briefly with Selectmen at a September meeting

How about Sept 30?

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)

Sent from my mobile device

On Sep 4, 2019, at 3:12 PM, Liz Callahan <[REDACTED]> wrote:

Thanks Angus.

If it follows the same schedule as past years, it will be due in March. While it may seem that we are starting early on this, we anticipate needing to put time into working out the details and costs and are trying to build in enough time, given how often we meet.

Liz

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

From: Town Manager <[townmanager@wnewbury.org](mailto:townmanager@wnewbury.org)>

To: Liz Callahan <[REDACTED]>

Sent: Wed, Sep 4, 2019 3:00 pm

Subject: RE: Energy Advisory Committee request to meet briefly with Selectmen at a September meeting

Liz,

I've shared w Chairman Archibald who sets the agenda; will depend on how timing fits with some other known agenda items later this month. When would a Green Community grant application be due? Will be back in touch -

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)

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



From: Liz Callahan [REDACTED]  
Sent: Wednesday, September 4, 2019 9:43 AM  
To: Town Manager <[townmanager@wnewbury.org](mailto:townmanager@wnewbury.org)>  
Subject: Energy Advisory Committee request to meet briefly with Selectmen at a September meeting

Hi Angus,

The WNEAC is hoping we could get on the Selectmen 's agenda for sometime in September to get guidance on a couple of options for Green Community grants— LED streetlight replacement and electric vehicle charging station.

September is optimal to help us get prepared ahead of the grant offering. Could you let me know if that's possible?

Thank you.

[REDACTED]

Department: Finance  
Date of Revision: FY 2020

**COMMONWEALTH OF MASSACHUSETTS  
TOWN OF WEST NEWBURY**

**JOB TITLE: TOWN ACCOUNTANT / BUSINESS MANAGER (L9)**

**DEFINITION**

The Town Accountant / Business Manager (TA), appointed by the Board of Selectmen but subject to day-to-day oversight by the Town Manager, is responsible for the development, operation and maintenance of financial information and internal control systems for the town in conformance with Massachusetts Statutes and Town By-Laws, accounting standards promulgated by the Bureau of Accounts, and the information requirements of town boards and departments to the extent provided for by town resources. This is a full-time exempt salaried position.

The TA works with the Town Manager, Finance personnel, Finance Committee, Assessors, Board of Selectmen and other town departments and is responsible for accounting operations relative to all town receipts and disbursements, and other accounting transactions. He/She is the custodian for all original copies of contracts, including insurance policies, provided to him/her by the various departments.

**JOB ENVIRONMENT**

The TA supervises the clerical personnel and is responsible to the Town Manager. This position works in an office environment.

**ESSENTIAL FUNCTIONS**

Town Accountant

Maintains, in compliance with MGL, GASB, UMAS, and GAAP, a complete set of financial records for all Town accounts, appropriations, debts, and contracts; maintains a general ledger, subsidiary ledgers and journals for the recording of all transactions. Has full audit responsibility for all Town departments' receipts and expenditures.

Examines all vouchers and supporting documentation to determine the propriety thereof and the availability of existing appropriations. Requests opinions and/or rulings from the Bureau of Accounts and/or the Town Counsel for questionable expenditure requests.

Periodically tests payroll computations and processing. Reconciles and audits monthly insurance invoices and deduction reports; resolves billing, cancellation or changes and follows up on non-payment issues.

Oversees and participates in the preparation of the expense warrants at least biweekly for approval by the Town Manager. Investigates and resolves questions as may arise in the TA or Town Manager's review of expense warrants.

Oversees and participates in the preparation of the biweekly payroll warrants for approval by the Town Manager. Investigates and resolves questions as may arise in the TA or Town Manager's review of payroll warrants.

Department: Finance

Date of Revision: FY 2020

Notifies the Treasurer of approved expense and payroll warrants so the Treasurer can complete fund transfers as needed.

Posts all warrant information into the computerized accounting system.

Posts all receipt information into the computerized accounting system.

Prepares and posts all journal entries to the computerized General Ledger.

Generates monthly Appropriation/Expenditure Reports by department. Reviewing reports and meeting with Department Heads or others with authority to approve expenditures to review any problems or concerns.

Generates monthly Trial Balances.

Reviews and approves Quarterly Cash Reports to the Bureau of Accounts.

Prepares the annual Schedule A Report and the Balance Sheet Report to the Bureau of Accounts.

Certifies Free Cash and works with the DOR for the end-of-year Financial Statements.

Supports the Town Manager's work with DOR, Assessing etc. to set the annual Tax Rate.

Leads the preparation of the Tax Recapitulation Sheet.

Administers all town contracts, to ensure compliance and identify when contracts are expiring or coming up for renewal. Reviews Town contracts before award to certify as to the availability of funds.

Performs internal audits and a review of cash accounts at least once each year, in accordance with the provisions of chapter 41, Sections 50, 52 and 53 of the General Laws.

Prepares financial statements and/or statistical reports in support of the annual audit.

Reconciles the General Ledger cash accounts with the Treasurer/Collector on a monthly basis.

#### Business Manager

Coordinates the preparation of annual reports for the Town's lending institutions (incl. Hilltop Securities, Unibank, USDA).

Assists town departments in the preparation of required state and federal reports of a financial nature, when necessary.

Department: Finance

Date of Revision: FY 2020

Responsible for the maintenance of the Finance Department's financial software and computer system, as well as making changes and improvements, and acts as troubleshooter on all accounting system issues.

Maintains debt schedules and ensures Finance Department reporting as needed for capital borrowing / bond issues. Arranges, with the Town Manager and the Treasurer, the borrowing of funds as authorized by Town Meeting.

Oversees and coordinates the consulting actuary's preparation of OPEB Valuation in compliance with applicable policy.

Assists in development of overall payroll procedures by recommending improvements or changes when deemed necessary for greater efficiency or level of service.

Assists the Town Manager in the annual budgeting process, including responsibilities established by the Departmental Budgets Bylaw. Monitors town-wide budget on an at-least biweekly basis for every department and fund; on a periodic basis, projects budget expenditures for specific departments or funds upon request of Town Manager.

Provides updates to the Finance Committee semi-annually – prior to its review of the proposed town budget, and during the closeout of each fiscal year – and as needed, regarding continuing warrant articles and year-to-date revenues and expenditures.

Supports the Town Manager's preparation of proposed annual budgets for the Finance Department and other sections of the budget overseen by the Town Manager, including preparing year-to-date revenue and expenditure reports, and preparing budget estimates.

Provides input to budgeting for employee benefits; monitor benefit expenses compared to appropriation.

Calculates department allocations for Retirement.

Supports the Town Manager's work on updates to financial and personnel policy and procedures, including during the ongoing transition to a new form of government.

Reviews employment agreements for town personnel for compliance with the Town's budget; supports the Town Manager in monitoring and recommending staffing levels; works with the Town Manager in confidential preparations for negotiations with collective bargaining units.

Has access to department-related and confidential information.

Manages leave of absence process including Family Medical Leave Act (FMLA). Supports Town Manager's review of requests, determination of eligibility, preparation of correspondence and monitoring of leave usage.

Department: Finance  
Date of Revision: FY 2020

In conjunction with the Town Manager, administers an Employee Assistance Program (EAP).

Coordinates and administers Workers Compensation program including tracking injuries for lost time and compensation paid to ensure compliance with applicable laws and regulations.

Supports the Town Manager's efforts to ensure compliance with OSHA requirements within the 1910 Building, including coordination with DPW/Facilities personnel as needed, and serving as the Program Coordinator for the OSHA Hazard Communication Program within the 1910 Building.

Updates and maintains detailed records for the Elliott Fund. Coordinates Finance personnel regarding the payment of and accounting for authorized expenses from same.

On an annual basis, calculates indirect costs for assignment to Water Department in accordance with Town policy.

Research and data collection as needed, including contacting state agencies for clarification and assistance, contacting other town departments for information or direction, supporting the Town Manager's work to fill out reports, etc.

At the town's expense, attends meetings, workshops, seminars, and conferences of a professional nature in order to keep abreast of current trends, procedures, legal requirements and information relative to the TA's position and the town's accounting system.

Maintains current knowledge of municipal human resources regulations, statutes, policies and legislation, and keeps the Town Manager apprised of information regarding issues that are or may be applicable to the Town of West Newbury.

## **RECOMMENDED MINIMUM QUALIFICATIONS**

### **Education and Experience**

Bachelor's Degree in Accounting or related field

A minimum of five years municipal accounting experience including two years in a supervisory capacity

Successful completion of at least one-half of the testing needed for certification through the Massachusetts Municipal Auditors' and Accountants' Association (MMAAA) Certification Program; or willingness to pursue and secure certification.

### **Knowledge, Ability and Skill**

Working knowledge of Governmental Accounting Principles as required to understand and implement the Uniform Municipal Accounting System (UMAS)

Participate in continuing education in Personnel and Human Resources as provided by the Town during the term of this contract.

Department: Finance  
Date of Revision: FY 2020

Familiarity with applicable Town Bylaws, Federal and State Statutes and Regulations related to municipal financial management and control  
Personal computer literacy  
Ability to meet reporting deadlines on a timely basis.

Physical Requirements

Must be able to operate adding machine and computer.  
Vision and hearing.  
Must be able to lift 20 pounds.  
Must be able to sit/stand for extended periods of time.

*Revised August 19, 2019*

Candidate Name: \_\_\_\_\_ Date: \_\_\_\_\_

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

**INTERVIEW QUESTIONS – TOWN ACCOUNTANT / BUSINESS MANAGER**

1. Tell us a bit about yourself and why you are interested in this position.

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2. Have you read and are you familiar with the job description?

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3. Do you have any questions about the job description?

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4. In your review of the job description, which functions represent your biggest strengths?

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5. Which areas do you consider your weaknesses?

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6. Are there any aspects of the job that you have no experience with?

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7. Can you tell me about your current job?

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8. Please share an example of an extremely difficult or complex matter you have encountered administering these responsibilities in another community. What was the situation, how did it reach resolution, and how does it inform how you do your work?

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9. As municipal employees paid with taxpayer dollars, customer service is very important. Please discuss what this means to you, and provide examples where you feel that you have gone above and beyond in your work for the public.

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10. What types of software have you used most frequently in your prior or current municipal work experience?

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11. In your prior or current town hall work, how have you stayed current with legislation or regulations that affect your responsibilities?

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12. In your current or most recent municipal position describe your typical interactions with the Town Manager/Administrator, other staff, and with the Board of Selectmen.

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13. What is your experience with public meetings, such as presenting reports to a Board of Selectmen?

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14. In your current/most recent municipal position, please describe your role, if any, in supporting preparation of the annual budget.

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15. Where to you see yourself in five years?

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16. If offered the position, any employment offer would be contingent upon reference checks, and a background check. Does this present any concern?

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17. If offered the position, when would you be able to start full-time? Would you anticipate any period of transition time / part-time work to successfully transition from your current position?

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18. Is there anything else you would like us to know about you that will aid us in making our decision, and do you have any questions for us?

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## Town Manager

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**From:** Town Manager  
**Sent:** Thursday, September 26, 2019 3:14 PM  
**To:** 'KC Swallow'; Dr. Stephen Swallow; krystelle griskiewicz; 'Cindy Sauter'; 'Greg Garnache'; Jocelyn Fassett; 'Judith Doble Gregg'  
**Cc:** David Archibald; Michael McCarron; Laurie Zywiak  
**Subject:** Funding mechanism for proposed tables and benches for Mill Pond

Bicentennial Comm,

A question has come up about whether it is allowable to use Bicentennial funds toward the benches and tables. The enabling statute cited in the establishment of the bicentennial fund is M.G.L. Ch. 44 Sec. 53I, as follows (emphasis added):

Section 53I. A city or town, for the celebration of the two hundredth, two hundred and fiftieth, three hundredth and three hundred and fiftieth anniversary of its settlement or incorporation, and for the celebration of any semicentennial anniversary occurring thereafter, or for other special celebrations or events sponsored by the city or town for the benefit, enjoyment and edification of its residents and visitors, may appropriate money annually during the 5 years preceding such anniversary or special event. Notwithstanding the provisions of section 53 or any other general or special law to the contrary, such city or town may establish in its treasury a special fund in which shall be deposited such sums as may be appropriated by it under this section, and any and all sums received from the sale of commemorative items, admission charges or other monies received in connection with the anniversary or special event. Any and all such sums received by the treasurer shall be kept separate from other moneys, funds or property of such city or town and the principal and interest thereof may, from time to time upon the authorization of the mayor or city manager, as the case may be, the board of selectmen or the majority of any special committee established to plan such celebration or special event, be expended **for the purposes of said celebration or special event** in the year of such celebration or special event and in the year preceding or succeeding the same. Any surplus remaining in said special fund after such celebration or special event is concluded, shall be transferred by such treasurer into the treasury of such city or town.

I reviewed this question with Town Counsel and the Town Accountant, and none of us find that the statute clearly supports this expenditure. Further, the Finance Committee has provided the backup materials they were given leading up to the Spring 2018 bicentennial funding appropriation, and has asserted that the expenditure falls outside what was represented at that time. All parties agree that the time capsule, associated monuments, etc., fall within what is contemplated by the statute, but do not find support for the Mill Pond project.

We recognize that this is a well-intended initiative, would benefit Mill Pond, and that the availability of funding results from the anticipated turnback of Bicentennial funds in an amount substantially more than the project cost.

I reviewed this matter with Chairman Archibald, and at Monday's Board of Selectmen meeting he will propose that the Board re-open the Special Town Meeting warrant to consider a potential article to fund installation of tables and benches at Mill Pond to commemorate the Bicentennial. This approach will be more cumbersome, but will ensure that there is no question as to the intent of voters authorizing the appropriation and the validity of the expenditure.

In my initial consideration of this proposal I was more focused on issues of permitting, ADA/AAB compliance and DPW cost/labor implications; I regret that I didn't focus initially on the validity of the expenditure, because on closer review of the statute I think this issue could have been identified sooner.

Please let me know if you have questions, thanks,

Angus

sign a 24 month contract in which they are required to work at least two shifts a month. If individuals leave prior to the contracted period, they are responsible for reimbursing the town.

Ms. Grammer questioned if police were paid time and a half for training. Chief Reed replied if the added time for training was additional to a 40-hour week. Chief Reed stated the recent negotiation between the BOS and the police union covered topics such as shift differential, Personal Time Off (PTO), and education.

Mr. Roberts inquired if the chief has considered non-career track reservists. This policy was common in the 1990s when town residents were committed to protecting the town. Chief Reed stated the days of non-career officers are gone. Most reservists, who have undergone training, are looking for full time employment. One exception on the West Newbury reservist list is a full-time firefighter (former police officer) who is comfortable with being a part-time employee.

Regarding the budget, Chief Reed stated he could not control the union. However, he does need a working capital. Chief Reed requested the increase in overtime, in order to prevent returning to FinCom later in the year, asking for transfers. His hope is not to spend the requested amount, but rather turn back some of the overtime funds available.

Mr. Durey asked if a time-contract has been court tested. It is possible the town would spend \$5,000.00 in legal fees in order to retrieve \$2,000.00 in training costs. However, it would set a precedence.

Mr. Durey remarked expenses have increased approximately \$14,000.00 from FY18 to FY19. He asked for a further breakdown. Chief Reed cited some expenses; they include advertising increases of \$150.00, \$200.00 for mileage, \$1,000.00 for range fees, \$495.00 for education, \$1,000.00 for vests (contract required) for full-time police and \$1,000.00 for vests for reservists.

Mr. Durey stated, with the addition of two new vehicles, the vehicle maintenance would decrease. Chief Reed stated the maintenance does include tires, brakes and alternators.

Dr. Beaudoin, personally, suggested removing one of the cruisers from the budget and creating an article. He asked if it were possible if the chief could revise the budget, decreasing it by 3%. Mr. Durey stated this was an individual suggestion and not that of the Finance Committee.

### **Permanent Finance Committee Chairman**

*FinCom voted to appoint Mr. Roberts as a permanent chair of the Finance Committee, 6, 0, 0.*

### **Special Article Request**

To see if the town will vote to raise and appropriate and/or transfer from available funds the sum of \$140,000.00 add to the special fund established in accordance with the provisions of MGL c. 44 §53I for celebration of West Newbury's Bicentennial in 2019.

**Bicentennial Committee — Dr. Stephen Swallow and Ms. Kathleen (KC) Swallow**

Ms. Swallow presented FinCom with a more detailed Proposal than the original draft. She stated the BOS requested the Bicentennial Committee to prepare of a gala celebration. The committee proceeded to do so. They are, however, willing to scale back or receive suggestions.

Events include town sponsored and pay as you go events. The committee also plans to solicit sponsors and plan fund raising events.

The bicentennial is on February 23, 2019. The committees plan two major parties. An informal celebration held at Pentucket High School and a formal Black Tie Gala at Groveland Fairways. Also on the agenda, is a bus ride to Fenway Park for a game on September 7<sup>th</sup>.

Dr. Swallow stated the Bicentennial Committee is composed of several enthusiastic and talented individuals. The committee has met once monthly in order to develop a wish list of events and seek outside advice. One of the members is an events planner, who developed a worst-case scenario spreadsheet. Depending on feedback, the committee would downsize some events and add others.

The committee has spoken with State Representative Lenny Mirra. He plans to seek \$25,000.00 from the states Ways and Means Committee for the celebration.

Ms. Judy Gregg, a committee member, stated the desire to offer free events to the townspeople as a way of giving back. Mr. Kelly suggested the possibility of contacting food truck vendors for the field day celebration.. Mr. Durey pointed out the success of the Newbury Christmas tree bonfire celebration, where food vendors are invited.

Mr. Kelly inquired about the \$8,210.00 cost of the barn dance. Ms. Swallow stated, at this period, the committee does not have a venue. The old town hall was a suggested site. However, the building most likely holds approximately 125 comfortably. Other possible sites were suggested, such as the Pipestave Community Center and the Department of Public Works (DPW).

Ms. Swallow reviewed some of the general operations expenses.

Ms. Grammer asked about advertising the events. Ms. Swallow stated there would be invitational fliers prepared. The committee is requesting RSVP to specific events. Face Book hosts descriptions of the events. Additionally, dispersion of save the date cards will occur in August/September.

### **Special Article Request – Brown Spring Farm**

To see if the town will vote to transfer from Community Preservation Act funds, Open Space and Recreation Reserve Account, the amount of \$200,000.00 to purchase a perpetual Conservation Restriction for conservation, open space, and farmland purposes on land known as "Brown Spring Farm", which is comprised of 10 acres, more or less, located at 866 Main Street, West Newbury, Assessors Map R28, Lot 150 and shown as "Lot A: on the plan of land entitled "Plan of Land in West Newbury, Mass. Owned by Margaret M. Cooney" dated August 12, 1971 and recorded at Plan Book 120 Plan 34 at the Southern Essex Registry of Deeds. Said Conservation Restriction is to be conveyed to the town of West Newbury acting by and through its amended, and to Essex Greenbelt

Association, Inc.; said purchase to be subject to approval of the Conservation Restriction by all involved parties, and to any conditions imposed by the Community Preservation Committee as part of their approval; and the Town is to be authorized to enter into any agreements, execute any documents, and take any other action necessary or convenient to effectuate the purchase authorized hereunder, or take any other action relative thereto.

Ms. Vanessa Johnson Hall is the Greenbelt contact representative. Ms. Johnson Hall explained the project involves three parties: the Town, Essex County Greenbelt Association, Inc., and a private buyer. The buyer agrees to maintain 10 acres as a working farm, while maintaining open space for the community. Purchase price for the Conservation Restriction is \$330,000.00. If the town agrees to provide \$200,000.00 from the Community Preservation Act funds, Greenbelt will raise the remaining \$150,000.00 in funds.

Ms. Jean Nelson, CPC administrative assistant reported the CPC voted 7,0 to support the purchase. She will forward the Article with numbers to FinCom by the end of the week.

Mr. Ellis inquired if the farm is unsuccessful, can the new owners use the property for other purposes. Ms. Johnson Hall stated they must demonstrate a good faith effort to lease the property for farming purposes. She added the house itself has been vacant since 1995. Most likely, it would be necessary to demolish and rebuild the house. Construction of the original farmhouse and stand was in the 1890s.

Mr. Durey asked if the new owners wanted to expand the farm stand and increase the parking, is it permissible. Ms. Johnson Hall stated Conservation Restrictions are written in a certain language in which some changes are not allowed. Size restrictions maintaining the original character are included.

Ms. Grammer asked for an estimated time. Ms. Johnson Hall stated a proposal to support would be developed by the fall. Ms. Johnson Hall continued when three parties are involved approval by the state is necessary. She stated no funds would be expended until an agreement is reached.

Mr. Roberts stated it is necessary for a steward to monitor the property. Greenbelt monitors properties with Conservation Restrictions.

*FinCom voted to approve the purchase of the Conservation Restriction, 5, 1, 0, Beaudoin opposed.*

Mr. Roberts asked Ms. Nelson about the Page School generator. She suggested consulting with Mr. Bill and/or Mr. McCarron.

The meeting adjourned at 9:07 p.m.

### **Upcoming Meetings**

Monday, March 19, 2018: 6:00 pm

- Community Preservation Committee

Respectfully submitted,

Elisa Grammer  
Secretary Emerita

*Meeting materials:*

Draft minutes February 26, 2018

Water Department – Special Articles

Special Article - Purchase of a Conservative Restriction at Brown Spring Farm

Special Article – Bicentennial Celebration

West Newbury Bicentennial Celebration  
Estimated Budget

Planned Event	Date	Projected # of Attendees	food and beverage	supplies	decorations	equipment rental	sound and lighting	venue rental	entertainment	photographer	police detail	clean-up	fireworks	Estimated Total Cost
Birthdya Gala	2/23/2019	250												\$ -
Birthdya Party at Pentucket H.S.	2/23/2019	400	\$ 1,000	\$ 200	\$ 500	\$ 1,000	\$ 1,500	\$ 200	\$ 1,500	\$ 500	\$ 510	\$ 250		\$ 7,160
Memorial Day Parade	5/27/2019	1500			\$ 500	\$ 750								\$ 1,250
Opening Day/Pancake Breakfast	7/7/2019	500-750	\$ 5,000	\$ 500	\$ 250	\$ 2,500	\$ 1,500	\$ 200	\$ 500	\$ 500	\$ 510	\$ 250		\$ 11,710
Children's Art Exhibit- What Does West Newbury mean to me?	7/8/2019	500	\$ 500	\$ 800				\$ 200						\$ 1,500
Ice Cream Social	7/9/2019	500-750	\$ 1,500	\$ 300		\$ 2,500			\$ 3,000	\$ 500	\$ 510	\$ 250		\$ 8,560
Community Service Day	7/10/2019	200-300	\$ 1,500	\$ 500		\$ 1,000								\$ 3,000
Bandstand Concert and Movie Night	7/11/2019	100-200	\$ 300			\$ 325								\$ 625
Barn Dance	7/12/2019	125	\$ 2,500	\$ 200	\$ 250	\$ 1,000	\$ 1,000		\$ 2,000	\$ 500	\$ 510	\$ 250		\$ 8,210
Field Day and Fireworks	7/13/2019	1000-1500	\$ 15,000	\$ 1,000	\$ 1,000	\$ 25,000	\$ 15,000		\$ 10,000	\$ 1,500	\$ 1,020	\$ 500	\$ 30,000	\$ 100,020
Time Capsule/Closing Ceremony	9/2019	250		\$ 200										
West Newbury Day at Fenway Park	TBD	35				\$ 842			\$ 1,945					\$ 2,787
Event subtotal														\$ 142,035
<b>General Operations (estimated below)</b>														\$ 22,835
<b>Rentals (one week)</b>														
Tables and Chairs			\$ 1,285											
Tents			\$ 1,100											
Portable Stage			\$ 400											
Food Machines			\$ 500											
Port-a-Pottles			\$ 1,100											
<b>Publicity</b>														
Signs			\$ 1,050											
Banners			\$ 800											
Event Booklets			\$ 1,950											
Sponsor Solicitation Brochure			\$ 150											
Letterhead and Envelopes			\$ 250											
Save the Date Postcard Mailing			\$ 2,400											
Flyers			\$ 300											
Mailing Labels			\$ 300											
Invitations			\$ 2,500											
<b>Other General Expenses</b>														
Graphic Design			\$ 2,500											
Marketing - Social Media			\$ 250											
Grants to Other Organizations			\$ 6,000											
													Grand Total	\$ 164,870

\*Estimated expenses will be offset by anticipated revenue from sponsors and fundraising activities



**TOWN OF WEST NEWBURY  
COMMONWEALTH OF MASSACHUSETTS  
WARRANT – SPECIAL TOWN MEETING – MONDAY, NOVEMBER 4, 2019**

Essex, ss.

To any of the Constables of the Town of West Newbury.

In the name of the Commonwealth, you are hereby required to notify and warn all the inhabitants of the Town of West Newbury, who are qualified to vote in the elections and Town affairs, to meet at the **Town Annex, 379 Main Street**, at 7:00 p.m. on Monday, **November 4, 2019** to act upon or take any other action relative to all of the following articles.

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**GENERAL GOVERNMENT MATTERS**  
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**ARTICLE 1.** To hear and act upon the reports of Town officers and Committees.

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**APPROPRIATIONS**  
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**ARTICLE 2.** To see if the town will vote to raise and appropriate and/or transfer from available funds the sum of \$11,500 to fund additional frequency of testing for the post-closure of the Steele Landfill. *By request of the Board of Health*

**ARTICLE 3.** To see if the town will vote to raise and appropriate and/or transfer from available funds the sum of \$66,000 to fund the planning, design and installation of a gas migration interceptor trench for the post-closure of the Steele Landfill, and all related costs. *By request of the Board of Health*

**ARTICLE 4.** To see if the town will vote to raise and appropriate and/or transfer from available funds the sum of \$50,000 to fund all costs associated with the initial implementation of a multi-year plan to remove or otherwise address high-hazard trees in West Newbury. *By request of DPW Director*

**ARTICLE 5.** To see if the town will vote to raise and appropriate and/or transfer from available funds the sum of \$9,500 to fund the purchase and installation of a small salter unit on an existing DPW vehicle. *By request of DPW Director*

**ARTICLE 6.** To see if the town will vote to raise and appropriate and/or transfer from available funds the sum of \$5,000 to fund all costs pertaining to the installation of two additional in-line dehumidifiers in the G.A.R. Memorial Library. *By request of DPW Director*

**ARTICLE 7.** To see if the town will vote to raise and appropriate and/or transfer from available funds the sum of \$2,600 to supplement the FY20 Town Building Operating expense budget to offset incurred expenses. *By request of DPW Director*

**ARTICLE 8.** To see if the town will vote to transfer from the Community Preservation Act funds, ~~a total of \$363,367.00, with \$280,978.95 from Community Housing Reserve, the sum of \$280,979, and \$82,388.05 from to transfer from the Community Preservation Act Funds,~~ Undesignated ~~ReserveFund Balance, the sum of \$82,388,~~ for ~~all expenses related to a kitchen and bathroom Bath modernization Modernization project for at~~ 1-6 Hills Court and 1-6 Boynton Court, in conformity with the Application for Funding filed, or take any other action relative thereto. *By request of the Community Preservation Committee*

**ARTICLE 9.** To see if the town will vote to transfer from the Community Preservation Act Funds, Historic Preservation Reserve, the sum of \$600 for the purchase and installation of a historical marker to recognize and commemorate former West Newbury resident Julian D. Steele. *By request of the Community Preservation Committee*

**ARTICLE 10.** 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. *By request of the Community Preservation Committee*

**ARTICLE 11.** To see if the town will vote to transfer from available funds the sum of \$15,000 to fund the Unemployment Insurance expense line in the approved FY20 budget to pay expenses resulting from assessments levied during FY20 by the Massachusetts Department of Unemployment Assistance. *By request of the Board of Selectmen*

**ARTICLE 12.** To see if the town will vote to raise and appropriate and/or transfer from available funds the sum of \$\_\_\_\_\_ to reduce the current year tax rate. *By request of the Board of Selectmen*

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**BY-LAWS - OTHERS**

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**ARTICLE 13.** 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. *By request of the Planning Board*

**ARTICLE 14.** 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. *By request of the Planning Board*

**ARTICLE 15.** 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. *By request of the Planning Board*

**ARTICLE 16.** 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. *By request of the Planning Board*

You are hereby directed to serve this warrant by posting attested copies thereof at least 14 days before the date of the Special Town Meeting.

**LOCATIONS TO POST WARRANT:**

Town Hall  
1910 Town Office Building  
G.A.R. Memorial Library  
Post Office  
Laurel Grange

Hereof fail not to make due return of this warrant with your doings thereon at the time and place of holding said meeting.

Given under our hands this 15th day of October, 2019.

**BOARD OF SELECTMEN:**

David W. Archibald, Chairman  
Glenn A. Kemper  
Richard Parker

A true copy, Attested:  
Michael P. McCarron, Town Clerk

Pursuant to the above warrant to me directed, I have notified and warned all the inhabitants of the Town of West Newbury who are qualified to vote to meet at said time and place.

Brian Richard, Constable  
Date of Posting: October     , 2019

Municipal Vulnerability Preparedness Program Quarterly Report

Date: 9/25/2019

Applicant (Name of Municipality): Town of West Newbury

Contractor vendor code (from contract): VC 6000192037

MMARS Doc ID (from contract): CT ENV 062519 0000 000000 3876

Local MVP Contact (name, email, phone):

Contracted MVP provider(s) (First and last name, company, email):

Please provide a summary of all MVP progress to date, including but not limited to: meetings with consultants, core team meetings, status of scheduling and completion of MVP workshop(s) and listening session(s).

July 18, 2019: Received “next steps” advisory from the state

July 19, 2019: Established [MVP webpage](#) with list of Core Team and key staff

July 24, 2019: Kickoff meeting of Core Team, discussing process for selecting certified provider

July 25-August 4, 2019: Work on RFP for certified providers

August 5, 2019: WN sent out a [Request for Proposals](#) to 4 state certified consultants.

August 10, 2019: Sent [amplification](#) individually to each invitee explaining intended survey for cost/benefit of microgrid

Sept 5, 2019: Proposals received from state-certified providers

Sept 7-10, 2019: Research & writing [story of prior storm event and hazards](#) in West Newbury

Sept 11, 2019: MVP Core Team met to discuss consultant proposals, completed scoring matrix, and recommended Horsley Witten, also discussed webpage updates and the tentative time of Thurs evenings for the 4-hour workshops with Town staff, etc

Sept 12, 2019: MVP Core Team informed consultant applicants of recommendation for provider

Sept 16, 2019: MVP webpage updates announced, including information about prior storms and maps of flood areas

Sept 18, 2019: E Grammer, MVP Project Manager, attended MVP meeting in Chelmsford @ 1:30 pm, Police Offices

Sept 24, 2019: MVP Core Team-Consultant first meeting with Ellie Baker of Horsley Witten, discussing survey, interviews, workshops, target dates, responsibilities, etc

Please detail if you require any additional assistance from EEA or partners. Please also detail whether a change in schedule or scope of work is anticipated:

At this point we do not require additional assistance and do not anticipate a change in schedule or scope of work.

Please provide an itemized list of spending to date for all expenses including services provided by the MVP provider and any municipal staff time that was allowed for reimbursement. Please attach final invoices to this report. Please also document municipal match time.

Expense description:	Amount:
None to date	\$0.00
Total:	\$0.00



**Town of West Newbury**  
**Board of Selectmen**  
**Minutes of Meeting – Draft**  
**Monday, September 16, 2019**  
**First Floor Meeting Room**

The meeting was called to order at 7:06 by Chairman David Archibald.

**ATTENDANCE**

Board of Selectmen	David Archibald, Glenn Kemper and Richard Parker
Town Manager	Angus Jennings
Town Clerk/Town Counsel	Michael McCarron
DPW Director	Wayne Amaral
Bicentennial Committee	Stephen Swallow, Kathleen Swallow, Judith Gregg, Krystelle Griskiewicz
Also in attendance	Jennifer Solis, Vanessa Graham, Justin Bartholomew, Brad Dore, Jillian Knowles, Timothy Kane, John McGrath, Elisa Grammer, Barry Fogel, David Baker, Joyce Buckland, Margaret Hawkins, other residents

**ANNOUNCEMENTS**

- This meeting is being broadcast on local cable TV and recorded for rebroadcast on the local cable channels and on the internet.
- Essex County Creates calendar; and Essex County Arts & Culture Summit 9:00 a.m. to 4:00 p.m. in Beverly.
- Opportunities for FY 20 Committee appointments posted online at <https://www.wnewbury.org/board-selectmen/pages/2019-20-volunteer-opportunities>
- FY 20 Senior Tax Work-off Program: interested residents contact Theresa Woodbury at the Council on Aging Office
- On 9/23/2019 there will be a joint meeting with the Town of Newburyport regarding the Middle Street Bridge project. Public input is requested.
- Item R Update of mosquitos and recent spraying – EEE virus was found in West Newbury; there have been no new pools. Spraying took place September 9, 2019.
- Item S Update on water quality testing at Mill Pond – Two tests taken have come in as negative. Two consecutive tests below the guidelines lift the precautionary measure notice and it has been removed.

**REGULAR BUSINESS**

- A.) Presentation of Town Bicentennial photo and quilt – Bicentennial Committee  
 The Bicentennial Committee presented the town photo and discussion took place regarding identifying individuals in the photo. Vanessa Graham presented the Bicentennial quilt. Discussion took place regarding framing the quilt to protect it.

ITEM TAKEN OUT OF ORDER

- C.) Request for One-Day Liquor License for Apple Harvest Road Race Spaghetti Dinner Oct. 5, 2019  
Motion made by Glenn Kemper, seconded by David Archibald to approve license.

Yes 3 No 0

REVERT BACK TO NORMAL ORDER

- B.) Proclamation regarding Bethany Groff Dorau to honor her commitment to local history  
Chairman David Archibald read the Proclamation. Motion made by David Archibald, seconded  
by Richard Parker to approve the proclamation.

Yes 3 No 0

- D.) Updates regarding Middle/High School project – Justin Bartholomew, PRSD, Superintendent and  
Brad Dore, Architect, Project Manager.

After a slide show presentation of the design process progress on the project discussion took place regarding various phases of this building project. The Board was informed by Superintendent Bartholomew that in any scenario the project will not exceed the \$146,300,000.00 projected cost. There is a contract manager and the trade contractors will be engaged. Bidding will take place in May, 2020 and there will be early release packages for soil stabilization and foundation, concrete and steel work. June 2022 is targeted as the building completion date. The team is targeting LEED Silver which would earn another 2 points with the Massachusetts School Building Authority for reimbursement purposes. A resident questioned why solar panels were not being installed at the school. The project engineer explained that natural gas was chosen after each item was looked at under a cost/benefit analysis. The buildings will be PV ready and can easily be added later if funds become available. Geothermal was also discussed. The initial cost versus life cycle cost was something that wasn't selected. The site looks large but is constrained. Selectman Parker asked if it is possible to make the parking lot better able to accommodate solar panels. This would be complex due to scale as this would involve not only conduit but foundation that would need to be installed. Structural engineers are at work with each piece of steel specifically accounted for and bid out. Superintendent Bartholomew stated that the overall theme in the design is flexibility as things will change in 20 years, In the Library and Media Center the structural truss will be representative of the Rocks Village Bridge. In the classrooms there will be flexibility as chairs and tables will be on wheels. The district offices will remain in the same location and the district will take care of costs within its own budget. The intersection to the building was discussed as well as entry from Farm Lane. Traffic is now one way and could potentially become two way. There will be one multi-purpose athletic field. Parking for 425 vehicles exists, with an additional 10 spaces for staff. This is being balanced with green space. \$46,800,000.00 has been borrowed at 2.62% interest rate. These funds need to be expended within 18 months. Another borrowing will take place next year. The LEER 2 point difference equates to \$2,000,000.00 in state funds.

- E.) Requests for Appointment to Tree Committee (5 openings) Fred Chanania; Barbara Haack;  
Margaret Hawkins; Kathy Mandeville; Jane Martin; Francesca Pomerantz; Claudia Woods.

Angus Jennings reported that there are 7 interested people with 5 open slots. It has been suggested to create associate members.

Selectman Glenn Kemper made the motion to appoint Fred Chanania, Margaret Hawkins, Kathy Mandeville, Jane Martin and Claudia Woods to a three year term expiring on 6/15/22. The motion was seconded by Selectman Richard Parker.

Yes 3 No 0

Selectman Glenn Kemper made the motion to appoint as associate members Barbara Haack and Francesca Pomerantz to a three year term expiring on 6/15/22. The motion was seconded by Selectman Richard Parker.

Yes 3 No 0

- F.) Discussion of Memorial Day Parade, potential adoption of policies regarding parade participants. After the Memorial Day Parade there was some concern. The town does not currently have a policy as to what is and isn't allowed in the parade. The board is welcoming comments from the residents at this meeting. Town Manager Angus Jennings commented that the board needs to make a decision as to whether it wishes to adopt a policy or not. He expressed that a staff person should not be making judgement calls. Town Clerk/Town Counsel Michael McCarron stated that this should not be content-based policy; but states the purpose of the parade and should be an affirmative statement of purpose rather than a list of what is prohibited. Discussion took place with residents stating the things that they found offensive and that this parade is meant to honor those who served or gave their lives for our country. The board decided to take these comments under advisement with a goal of adopting policy by year end.

G.) Review and approval of Stormwater Management Plan and IDDE Program – DPW Director.

H.) Presentation of draft Year 1 (FY 19) MS4 Annual Report for review and comment.

Wayne Amaral, DPW Director presented the Stormwater Management Plan and Illicit Discharge Detection Elimination Program. These reports to the Environmental Protection Agency and Department of Environmental Protection require a Board vote. These requirements are federally mandated. Wayne explained that it is a working document and the plan can be changed within the guidelines. The MS4 report is 99% complete and doesn't require Board approval but rather the Town Manager's signature. Motion was made by Selectman Glenn Kemper and seconded by Selectman Richard Parker to approve the plans as presented by the DPW Director.

Yes 3 No 0

- I.) Meeting with Planning Board regarding public safety sign. Postponed to the September 30 meeting per request of the Planning Board.

- J.) Request to declare Town Hall Chairs surplus and authorize their disposition. Historical Commission. Elisa Grammer and Dot Cavanaugh members of the Historical Commission. Elisa stated that the chairs should be preserved. Discussion took place as to the best method for



disposing of the chairs. Selectman Glenn Kemper made the motion to declare the chairs surplus which was seconded by Selectman Richard Parker. Further discussion took place and it was decided to sell one unit per resident during Round 1 of sale. The price should be \$25.00 per seat with an anticipated sale in late November or early December. Residents would need to pick up the items after purchase. Wayne stated that the DPW could assist with taking the seats down to the floor from their current stacked position for viewing provided there is no snow event. This would be coordinated with the Historical Commission. Selectman Glenn Kemper amended his motion to charge \$25.00 per seat with 1 set per resident during round 1 of sale.

Yes 3 No 0

- K.) Proposed adoption of updated Designer Selection Procedures (per MGL c. 7c, s. 44-58)  
Town Clerk/Town Counsel Michael McCarron informed the Board that in connection with the Carr Post project the costs exceed \$300,000.00 in cost which also exceeds the \$30,000.00 design cost. In 2011 the Board did adopt the designer selection procedures and this proposal is to update to current law. Selectman David Archibald made a motion to approve this policy which was seconded by Selectman Glenn Kemper.

Yes 3 No 0

- L.) Review and discussion of Soldiers & Sailors Memorial (Carr Post) CPC proposal and financing options. Angus began the discussion to seek the Board's input as to the potential to finance this project. Some of the financing options that were discussed were Free Cash, CPC funds and borrowing the funds to pay for this project. Town Clerk/Town Counsel Michael McCarron explained that a Bond is an obligation of the Town. Even if it is voted down in any given year the Treasurer would still have to pay the amount out of the CPC and that the Assessor's would still be required to assess it. The Board asked what amount was available in Free Cash. Angus reported that number is \$1,180,000.00. The Board discussed using a hybrid of Free Cash and CPC funds to finance this project. Town Clerk/Counsel Michael McCarron advised that a warrant article can set out multiple financing options. Selectman Glenn Kemper made a motion to put forth the CPC proposal which was seconded by Selectman Richard Parker.

Yes 3 No 0

- M.) Review of known/potential warrant articles for Special Town Meeting. Wayne Amaral, DPW Director gave a summary of the three articles related to his department. He explained that the salter being added to the 1 ton truck would enable two members of the DPW department to assist in sanding and salting operations as this truck does not require a CDL license to operate. Another article relates to purchase and reimbursement of costs related to air quality improvements to the Library. His third article is related to a 1 to 5 year plan for tree removal. After discussion Wayne stated that Comcast and National Grid will remove trees that are leaning on their power lines. The Board asked questions regarding the Housing Authority warrant article. Their request states that application will be made to DHCD for bathroom remodeling repairs. After discussion Angus will speak with Tracy at the Housing Authority to ascertain what the

Authority might do if their request to DHCD for funding is not approved. Copies of all known requests are contained in packets.

- N.) Request for authorization to waive 15-day notice and confirmation process and to authorize the Town Manager to appoint the Assistant to the Town Manager and Finance Department position. Angus is making this request to move forward and be able to make an offer to hire the selected candidate for this position. Motion made by Selectman David Archibald, seconded by Glenn Kemper to waive the 15-day notice requirement.

Yes 3 no 0

- O.) Vote to designate Board of Selectmen representative to approve A/P warrants on temporary basis. Selectman Richard Parker requested his desire to learn how this process takes place. Town Clerk/Town Counsel Michael McCarron advised that if there is not deliberation there is no meeting and that Selectman Parker observing the process is allowed. Selectman Glenn Kemper made a motion to designate Selectman David Archibald to sign the Accounts Payable Warrants as the Board's designee, second by Selectman Richard Parker.

Yes 2, No 0, Abstain 1 (David Archibald)

- P.) Meeting Minutes: September 3, 2019; August 19, 2019; August 5, 2019; June 27, 2019; June 24, 2019.

Motion was made by Selectman Glenn Kemper and seconded by Selectman Richard Parker to approve the abovementioned minutes.

#### TOWN MANAGER UPDATES

- Q.) Update on staffing transitions and anticipated engagement of Interim Town Accountant. Laurie Zywiak, Town Accountant has given her notice and has accepted another position. Her last day working in West Newbury will be Thursday, September 26, 2019. The position of Town Accountant/Business Manager has been posted. Assistant Town Manager/Finance Department position can now be filled when the candidate has been chosen. In the meantime an Interim Town Accountant/Business Manager has been posted.

R.) Item taken up under announcements

S.) Item taken up under announcements

- T.) Update on Town Manager workplan, schedule; Board direction re project priorities for fall 2019.

Packets for tonight contain the schedule of current assignments and future goals as agreed between the Board and Town Manager. Discussion took place as to the achievement of these goals as well as the major ongoing projects under the Manager's responsibility.

U.) Upcoming meeting with the Finance and Assessing staff and Mass DOR to review/update fall Work Plan.

The agenda packets contain a calendar of key dates that the Finance Department needs to meet in their areas of responsibility. Angus and the staff will also update our DOR representatives to the progress to date in those areas of responsibility.

V.) Progress toward Page School playground accessibility improvements supported by State earmark funds. This item is informational. A memorandum is contained in the agenda packets.

W.) Follow up meeting assignments; Placing items for future agendas.

Selectman Glenn Kemper reported that Nunan's Florist provided and maintained the hanging plants in town and maintained them at no cost. He wishes to publicly thank them and requests that a letter of thanks be sent to this company.

Selectman Glenn Kemper made the motion which was seconded by Selectman Richard Parker to adjourn the meeting.

Yes 3 No 0

Meeting adjourned at 10:03 p.m.

Respectfully submitted, Mary DiPinto

**Town of West Newbury**  
**Board of Selectmen**  
**Minutes of Meeting – Open Session**  
**Monday, September 9, 2019**

**ATTENDANCE**

**Board of Selectmen      David Archibald, Richard Parker**

**Town Manager            Angus Jennings**

**Carr Post Committee    Robert Janes, Rick Atwater, Peter Ringenbach, Marlene Switzer**

**Also in Attendance      Kathleen Swallow, Stephen Swallow, Ann O’Sullivan, Dick Cushing,  
Kevin Bowe**

**Sullivan, Spencer &**

**Vogt                         Lynne Spencer, Curtis Perrin**

The meeting was called to order by Chairman David Archibald at 7:13 p.m.

**ANNOUNCEMENTS**

- This meeting is being broadcast on local cable TV and recorded for rebroadcast on the local cable channels and on the internet.
- The Carr Post Building Committee will meet with the project consultants at 6:00 p.m. in the First Floor Hearing Room, and may offer recommendations at the Board of Selectmen meeting at 7:00 p.m.
- Mosquitos carrying the EEE virus have been detected in the Town. Spraying will take place tonight.

**REGULAR BUSINESS**

**A.) Vote to accept funds gifted to Carr Post Building Gift Account, and to authorize use of funds.**

**Motion made by David Archibald, seconded by Richard Parker to accept \$3,000.00 gift from John McGrath**

**Yes 2 No 0 Absent 1**

**Motion made by David Archibald, seconded by Richard Parker to accept \$1,000.00 gift from Kathleen Gove**

**Yes 2 No 0 Absent 1**

**B.) Presentation by Sullivan, Spencer & Vogt architectural/historic preservation consultant team; and Board review and recommendations regarding draft proposal to the Community Preservation Committee for restoration of the Soldiers & Sailors Memorial Building (Carr Post)**

Angus Jennings, Town Manager introduced Lynne Spencer, Principal of Historic Preservation at Sullivan, Spencer & Vogt and Curtis Perrin Project Manager. This firm specializes in restoration and rehabilitation of historic properties.

Angus began the meeting by stating that the voters have the decision of what happens to the building. He also asked the Board to support the Community Preservation Committee application for funding to meet the application deadline. He announced that the Carr Post Building Committee met earlier this evening.

Lynne Spencer and Curtis Perrin began a slide show of the current condition of the building. There is also a cost estimate which was included as part of the agenda packets. The first building assessment conducted in 2013 revealed that the building was in tough condition at that time. The Town voted emergency funds to stabilize the building which was in effect a band aid. The slides show the signs of age and a lot of deferred maintenance. The tower is the part of the building that has suffered the most. Water has infiltrated the brick work and the problems have been compounded. Structural stability of the building has been compromised. The architectural team is recommending complete reconstruction of the tower. The floor has also given way and there is mold. Discussion took place regarding the major systems, HVAC, Electrical and Plumbing which would all need to be upgraded. Bathrooms would need to be ADA accessible and there would need to be a lift installed if access to the second floor is desirable. The kitchenette would need to be renovated. The roof is in fairly good condition and would require some repair. The gutters would need rehabilitation. The wood windows with thermal pane would have a higher R Value and could be a project for preservation carpentry students to undertake. The fireplace is not functional. Parking would also be a major issue as the building is located along a state highway. This would need to be addressed if active use of the building for significant public assembly is to be achieved. The Conservation Commission would also have to review the proposal as the site sits in the 100 foot buffer zone.

Discussion took place regarding funding sources for this project. Community Preservation Committee funds are one option. These funds also have competing applications pending. Another option would be bonding the cost with the debt service paid from CPC funds; the Town Manager has reviewed this approach with bond counsel and it is allowable, and other communities in Massachusetts have done so. The bonding market is currently favorable for this option with interest rates low.

Further discussion took place as to how to complete the project. The first option would be to stabilize the building and the exterior envelope, roof repairs, gutters and reconstruction of the tower as the first phase. There is vulnerability at the present time and the windows are currently retrievable. To protect this work the HVAC system may also need to be installed to provide a minimal amount of heat. The cost of this phase of the project would be approximately \$500,000.00. The cost for the complete renovation of the building would be approximately \$1,500,000.00.

Another consideration is the timing of the project. If this were to be approved by the voters in November there would need to be time to proceed with the bidding process. This process would take months and need to begin to protect the building for any further deterioration from weather.

Further discussion took place as to the funding of this project. A combination of Bonding and CPC funding was suggested, but no decision was made. The Board will give this issue further consideration at a future meeting, in order to finalize a funding proposal.

**Motion was made by Chairman David Archibald, seconded by Selectman Richard Parker to submit an application to the Community Preservation Committee for the entire project amount of \$1,500,000.00 with details to be worked out in the subsequent process.**

**Yes 2 No 0 Absent 1**

**Motion was made by Selectman Richard Parker and seconded by Selectman David Archibald to adjourn the meeting.**

**Meeting adjourned at 9:28 p.m.**

**Respectfully submitted, Mary DiPinto**



**Town of West Newbury**  
**Board of Selectmen**  
**Wednesday, January 30, 2019 @ 6pm**  
381 Main Street, Town Office Building  
[www.wnewbury.org](http://www.wnewbury.org)

**Open Session Meeting Minutes**

Chairman Kemper opened the meeting at 6:07pm. Selectmen in attendance were Glenn A. Kemper, Chairman, Joseph H. Anderson Jr., and David W. Archibald.

Others in attendance were Town Manager Angus Jennings and Town Counsel Michael McCarron.

**Chairman Kemper moved to go into Executive Session under MGL Chapter 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; MGL Chapter 30A §21(a) 3: To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares; MGL Chapter 30A §21(a) 7: To comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements. Second by Selectman Anderson with a unanimous roll call vote: Kemper – aye, Anderson – aye, Archibald – aye.**

Chairman Kemper called the open session back to order at 7:25pm.

**Regular Business**

A. Process and timing for review of Police Chief candidates

Applications for the position of Police Chief close on Friday, February 1<sup>st</sup> by 8am. Discussion took place on the process for review of candidates to interview. This cannot be done in executive session yet the Board is striving toward confidentiality of applicants applying for the position.

Town Manager Jennings recommends in order to allow full engagement by each member of the Board in informing a slate of candidates for interview, while complying with the Open Meeting Law:

1. After the position advertisement closes on February 1st, each Board member review the applicants (including applicants from the initial advertisement that closed Dec. 26th) and provide my office your “short list” of 6-8 candidates for recommended interview. Do not discuss your recommendations with any other Board member.
2. On the basis of your recommendations, I will prepare a proposed slate of candidates for first-round interview, and provide this to the Board members, individually, for review. Board members may have questions about why specific candidates were included or not.
3. Once I have communicated with each Board member, if/as needed, I will either recirculate the same slate or, if Board member feedback results in changes in my recommendations, circulate a revised slate.
4. Once the slate is finalized, candidates will be notified and interviews will be scheduled.

Interviewing applicants for the position of Police Chief cannot be done in executive session. The Board is looking for ways to keep the applicants name confidential during the interview process. The following options were discussed: interviews to be done by the Town Manager with the Selectmen allowed to sit in on the interview with no deliberation/discussion. Other options are to have each Selectman meet individually with each application or the last option is to interview the candidates in open session.

The Board agreed to sit in on the Town Manager's interview with no deliberation/discussion. Timing for interviewing will be as follows: Selectmen will individually submit to the Town Manager their rank of applicants (1-10) by next Wednesday. Town Manager will check on any feedback or questions and set appointments after February 15<sup>th</sup> when his budget is due to the Finance Committee and Board of Selectmen.

- B. Proposed revisions to job descriptions for employees with contracts with Board of Selectmen and/or appointed by the Board

The Board was given proposed revisions (red-lined) to three job descriptions under contract and appointed by the Board of Selectmen: Executive Administrator, Town Accountant and Town Clerk/Counsel. Employees have agreed upon the changes as shown and now looking to effect the proposed changes by voting on them.

**Chairman Kemper motioned to approve the revised job descriptions for the Executive Administrator, Town Accountant and Town Clerk/Counsel. Second by Selectman Anderson with a unanimous vote.**

**Town Manager Updates**

- C. Update on revisions to job descriptions under Town Manager appointing authority

Town Manager updated the board on revisions to job descriptions for Resident Services Administrator and Treasurer/Collector.

- D. Follow up meeting assignments
- E. Placing items for future agendas

- Draft agenda for February 4th discussed to include correspondence from the Community Center Committee, posting at Mill Pond and an update on the Page School generator.
- Street Opening Permit Application came in last this afternoon for test borings for the new bridge on Middle Street/Artichoke River. The work is scheduled for Monday and as this came in last minute it was presented for the Selectmen's signatures.

**Chairman Kemper motioned to approve the Street Opening Permit for the Middle Street/Artichoke River Bridge. Second by Selectman Anderson with a unanimous vote.**

**Chairman Kemper motioned to adjourn at 7:55pm. Second by Selectman Archibald with a unanimous vote.**

Respectfully Submitted,

*Mary Winglass, Executive Administrator*



**Town Manager**

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**From:** Leah Zambarnardi  
**Sent:** Thursday, September 5, 2019 9:46 AM  
**To:** Town Manager  
**Subject:** Approved Fee Schedule  
**Attachments:** Planning Board Fees Approved 9-3-19.pdf; Planning Board Fee Recommendations.pdf

Hi Angus, Attached please find the schedule, approved on 9/3. I've also included the fee study, which informed the proposal. I'll be updating the Board's Rules and Regulations and the Subdivision Rules and Regulations over the next couple of days and filing them with the Clerk and Registry of Deeds.

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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.**

West Newbury Planning Board  
 Amended Fee Schedules  
 Approved September 3, 2019  
 Pursuant to M.G.L. Ch. 40A, s. 9 & M.G.L. Ch. 41, s. 81Q

**Amended Documents:**

- 1.) Section VI “Fee Schedule” West Newbury Planning Board Regulations (last amended 10/3/17);
  - 2.) Planning Board Rules and Regulations Governing the Subdivision of Land (last amended 12/21/10);
- as further described below.

- 1.) Section VI “Fee Schedule” West Newbury Planning Board Regulations (last amended 10/3/17);  
 Delete existing Section VI. and replace it with Section VI. Below.

**TOWN OF WEST NEWBURY  
 FEE SCHEDULE  
 SECTION VI.**

The following Table indicates the Fee for Special Permits (SP) and Site Plan Review administered by the Planning Board. In most cases, Site Plan Review (SPR) is required for a Special Permit Application. Note that the Section reference is to the Zoning Bylaw. Please see the Zoning Bylaw for complete text of requirements for each listed use.

**Fee Waivers:** The Planning Board shall waive fees for Affordable Housing Lots or Units created. The Planning Board reserves the right to waive fees as it deems appropriate.

Permit Type	Fee
<b>Pre-Application Meeting with Planning Board</b>	
First Meeting	\$200
Follow-Up Meetings Beyond First Pre-App. Meeting	\$100 per Meeting
<b>Special Permit</b>	
Industrial District Special Permit (5.C.2.); Assisted Living Facility Special Permit (7.E.)	\$500 (unless otherwise noted below) \$1,000
Personal Wireless Service Facilities Special Permit (9.)	\$2,000
Large Wind Facility Special Permit (12.)	\$2,000 per Tower
Public, Municipal, and Municipal Recreational	No Fee
See below for Open Space Preservation Development Special Permit Fees	N/A
<b>Site Plan Review</b>	
SPR - Uses Permitted in Res. A, B & C Districts with a Special Permit (5.A.3.) (5.A.4.)	\$1,000 (unless otherwise noted below) \$500
SPR - Permitted Uses (5.B.1), (5.B.1.) & Uses Permitted with a Special Permit (5.B.2.) in the Business District	\$500
SPR - Additions or Reconstructions exceeding 1,000 s.f. in Industrial District (5.C.1.)	\$500

West Newbury Planning Board  
 Amended Fee Schedules  
 Approved September 3, 2019  
 Pursuant to M.G.L. Ch. 40A, s. 9 & M.G.L. Ch. 41, s. 81Q

<b>Modification to Special Permit, Site Plan Review or Both*</b>	
Minor Modification	\$200
Major Modification	\$200

<b>Open Space Preservation Development Special Permit</b>	
2-5 Lots or Units	\$500
6-20 Lots or Units	\$1000
21 or more Lots or Units	\$2000
<b>OSPD Site Plan for One-Lot Configuration, following Approval of an OSPD Special Permit</b>	
Filing Fee	\$2000
Per Unit Fee	\$250
<b>OSPD Preliminary or Definitive Subdivision Plan following Approval of an OSPD Special Permit</b>	
Filing Fee	\$2000
Per Lot Fee	\$250

**Subdivision Fees (Section 2.5. of Subdivision Regulations)**

Note that Subdivision Fees are established under Planning Board Rules and Regulations Governing the Subdivision of Land. (Section 2.5.) They have been added to this section for reference only, and are not subject to approval of this Fee Schedule.

**Pre-Application Meeting with Planning Board:**

\$200 for first meeting. \$100 per meeting for follow-up meetings beyond the first pre-application meeting.

**Approval Not Required /Form A:**

\$200 Filing Fee and \$200 for each additional lot/parcel created. \$200 Filing Fee for plan showing a lot line adjustment without creating a new lot.

**Definitive Subdivision Filings:**

**Preliminary Subdivision Plan**

**Modification to a Preliminary Plan\*\***

Filing Fee of \$1000 plus \$100/lot

Filing Fee of \$100 plus \$50/lot effected by the modification

**Definitive Subdivision Plan if a Preliminary Plan was submitted**

Filing Fee of \$2000 plus \$250/lot

**Definitive Subdivision Plan without a Preliminary Plan submitted**

Filing Fee of \$2500 plus \$500/lot

**Modification to a Definitive Subdivision Plan\***

Filing Fee of \$1000 plus \$250/lot affected by the modification

West Newbury Planning Board  
Amended Fee Schedules  
Approved September 3, 2019  
Pursuant to M.G.L. Ch. 40A, s. 9 & M.G.L. Ch. 41, s. 81Q

**Preliminary or Definitive Subdivision Plan**                      see 6.B. above  
**following a Special Permit issued for Open Space**  
**Preservation Development**

\*There is no additional fee beyond \$200 for modifications determined to be minor. There is an additional fee of \$200 for modifications determined to be major.  
\*\*Modifications made at the request of the Applicant.

**2.) Planning Board Rules and Regulations Governing the Subdivision of Land (last amended 12/21/10)**

Amend the Planning Board Fees as they appear in the Planning Board Rules and Regulations Governing the Subdivision of Land pursuant to the Subdivision Fees (Section 2.5. of Subdivision Regulations) schedule in Part 1. above.

**I. Existing Fees**

***Special Permit:***

Current fees: Range from \$250 to \$2000+ based on use

Examples: Newburyport - \$200

Newbury - \$1000 + \$100 lot/unit (OSPD); \$500-\$950 (common driveway varies by # of lots)

Georgetown - \$500 + \$50 lot/unit (common driveway); \$250 (Groundwater Protection)

Sherborn - \$950

Paxton - \$500

Dunstable - \$250 (residential lot); \$1000 + \$75 per 1000 gsf (business & industrial)

Essex - \$250 or \$500 based on use; \$500 assisted living facility

Salisbury - \$150 residential; \$250 commercial

Merrimac - \$16,000 escrow (\$100 of which is filing fee + extra exp); \$10,000 escrow (\$100 of which is filing fee + extra exp) if no site plan review is required.

Groveland - \$5,000 + \$100/unit

Other considerations: Fees range from \$150 to \$5,000+

Typical Staff Tasks– Initial contact, follow-up calls, initial plan review and office meeting, application intake, prep of certified abutters notice, legal ad & postings, communication with residents, distribution of plans to Town entities and coordination of comments, review/comment by other Town staff, plan review and comment with applicant, coordination of peer review (if needed), prep of meeting materials, meeting time, draft and administer Planning Board decision; follow up correspondence; involvement during project implementation including coordinating inspections, resident issues.

Recommendation: Base fee of \$500 unless otherwise noted.

***Site Plan Review:***

Current Fees: \$1,000 base fee & new projects in IR; \$.25 per sf no less than \$250 in business; \$500 additions in IR & res special permit; \$2,000 + \$250 unit OSPD.

Examples: Newbury and Newburyport – Major Project = \$700; \$500 - Minor Project = \$350; \$200

Georgetown - \$.15 per building footprint, not less than \$1,000

Sherborn - \$750

Paxton - \$500

Essex - \$150

Groveland - \$500

Merrimac – \$16,000 escrow (\$100 of which is filing fee + extra expenses) – for special permit and site plan review combined

Salisbury - \$200 up to 5000 s.f. of new improvements, over 5000 sf = \$.10 s.f. to a maximum fee of \$1500

Other considerations: Fees vary by Town; W. Newbury's fees are comparable if not more.

Typical Staff Tasks– Initial contact, follow-up calls, initial plan review and office meeting, application intake, prep of certified abutters notice, legal ad & postings, communication with residents, distribution of plans to Town entities and coordination of comments, review/comment by other Town staff, plan review and comment with applicant, coordination of peer review (if needed), prep of meeting materials, meeting time, draft and administer Planning Board decision;

follow up correspondence; involvement during project implementation including coordinating inspections, resident issues.  
Recommendation Base fee of \$1,000 unless otherwise noted

**ANR Plan:**

Current fees: \$200 + \$100/lot (10 lots = \$1,200)

Examples: Newburyport - \$200/lot or lot line change (10 lots = \$2000)

Newbury - \$200/lot or lot line change (10 lots = \$2000)

Georgetown - \$200 + \$100/lot (10 lots = \$1,200)

Sherborn - \$250 for 0 or 1 additional lot + \$50 for each lot beyond 1 (10 lots = \$700)

Paxton - \$350 + \$100/lot (10 lots = \$1,350)

Dunstable - \$400 + \$150/lot over 2; \$200 interior lot line adjustment (10 lots = \$1,600)

Essex - \$250 lot + \$250/lot (10 lots = \$2,750)

Salisbury - \$100 + \$100/lot (10 lots = \$1,100)

Merrimac - \$100 lot line change; \$100 + \$100/lot (10 lots = \$1,100)

Groveland - \$50 lot line adjustment; \$500/lot (10 lots = \$5,000)

Other considerations: For a 10-lot project, fees range from \$700 to \$5,000 (average=\$1,818; median=\$1350)

Typical Staff Tasks— Initial contact, follow-up calls, initial plan review and office meeting, application intake, communication with residents, prep of meeting materials, meeting time, draft and administer Planning Board decision; follow up correspondence.

Recommendation: Increase minimum fee of \$200 + \$100/lot (10 lots = \$1,200) to \$200 + \$200/lot or \$200 for lot line change (10 lots = \$2200)

**Preliminary Plan:**

Current fees: \$100 + \$100/lot (10 lots = \$1,100)

Examples: Newburyport - \$1000 + \$100/lot (10 lots = \$2000)

Newbury - \$500 + \$200/lot (10 lots = \$2,500)

Georgetown - \$500 + \$100/lot (10 lots = \$1,500)

Sherborn - \$750 + \$125/lot (10 lots = \$2,000)

Paxton - \$750 + \$100/lot, min. \$1,200 (10 lots = \$1,750)

Dunstable - \$500 + \$200/lot over 4 (10 lots = \$2,500)

Essex - \$250 lot (10 lots = \$2,500)

Salisbury - \$250 + \$100/lot (10 lots = \$1,250)

Merrimac - \$2000 + \$400/lot, min. \$5000 (10 lots = \$6,000)

Groveland - \$500 + \$100/lot (10 lots = \$1,500)

Other considerations: For a 10-lot project, fees range from \$1,100 to \$6,000 (average=\$2,236; median=\$2,000)

Typical Staff Tasks— Initial contact, follow-up calls, initial plan review and office meeting, application intake, communication with residents, distribution of plans to Town entities and coordination of comments, review/comment by other Town staff, plan review and comment with applicant, coordination of peer review (if needed), prep of meeting materials, meeting time, draft and administer Planning Board decision; follow up correspondence.

Recommendation: Increase minimum fee of \$100 + \$100/lot (10 lots = \$1,100) to \$1000 + \$100/lot (10 lots = \$2000)

**Modification of a Preliminary Plan:**

Current fees: \$75 + \$50/lot (10 lots = \$575)

Examples: Newbury - \$75 + \$50/lot affected (10 lots = \$575)

Georgetown - \$100 + \$50/lot affected and new lot (10 lots = \$600)

Other considerations: For a 10-lot project, fees range from \$575 to \$600

Typical Staff Tasks– Initial contact, follow-up calls, initial plan review and office meeting, application intake, prep of meeting materials, meeting time, draft and administer Planning Board decision; follow up correspondence.

Recommendation: Increase minimum fee of \$75 + \$50/lot (10 lots = \$575) to \$100 + \$50/lot (10 lots = \$600)

Add language that the “per lot” fee is applicable only to lots affected by the modification.

**Definitive Plan with Prior Preliminary Plan Filing:**

Current fees: \$2000 + \$250/lot (10 lots = \$4500)

Examples: Newburyport - \$1000 + \$250/lot – only if prelim approved (10 lots = \$3500)

Newbury - \$1000 + \$500/lot (10 lots = \$6000)

Georgetown - \$2000 + \$1000/lot minus Preliminary Plan Fees if approved (10 lots = \$10,500)

Sherborn - \$1500 + \$250/lot (10 lots = \$4,000)

Paxton - \$1200 + \$200/lot, min. \$2000 (10 lots = \$3200)

Dunstable - \$1500 + \$300/lot over 4 (10 lots = \$4,500)

Essex - \$250 lot (10 lots = \$2,500)

Salisbury –\$1250 + \$325/lot if definitive is filed within 7 months of preliminary (10 lots = \$4500)

Merrimac - \$2000 + \$400/lot, min. \$5,000 (10 lots = \$6,000)

Groveland - \$2000 + \$500/lot if definitive is filed within 7 months of preliminary (10 lots = \$7000)

Other considerations: For a 10-lot project, fees range from \$2,500 to \$10,500 (average=\$5,109; median = \$4,500)

Typical Staff Tasks– Initial contact, follow-up calls, initial plan review and office meeting, application intake, prep of certified abutters notice, legal ad & postings, communication with residents, distribution of plans to Town entities and coordination of comments, review/comment by other Town staff, plan review and comment with applicant, coordination of peer review (if needed), prep of meeting materials, meeting time, draft and administer Planning Board decision; follow up correspondence; involvement during project implementation including coordinating inspections, resident issues.

Recommendation: Leave fee as is

**Definitive Plan with no Prior Preliminary Plan Filing:**

Current fees: \$2000 + \$500/lot (10 lots = \$7000)

Examples: Newburyport - \$1000 + \$500/lot - no prelim, denied prelim or w/d prelim (10 lots = \$6000)

Newbury - \$2000 + \$500/lot/unit (10 lots = \$7000)

Georgetown - \$2000 + \$1000/lot (10 lots = \$12,000)

Sherborn - \$2500 + \$750/lot (10 lots = \$10,000)

Paxton - \$3200 + \$250/lot (10 lots = \$5700)

Dunstable - \$1500 + \$300/lot over 4 (10 lots = \$4,500)

Essex - \$250 lot (10 lots = \$2,500)

Salisbury –\$1500 + \$625/lot (10 lots = \$7750)

Merrimac - \$2000 + \$1000/lot, min. \$12,000 (10 lots = \$12,000)

Groveland - \$2000 + \$1000/lot (10 lots = \$12000)

Other considerations: For a 10-lot project, fees range from \$2,500 to \$12,000 (average=\$7859; median = \$7000)

Typical Staff Tasks– Initial contact, follow-up calls, initial plan review and office meeting, application intake, prep of certified abutters notice, legal ad & postings, communication with residents, distribution of plans to Town entities and coordination of comments, review/comment by other Town staff, plan review and comment with applicant, coordination of peer review (if needed), prep of meeting materials, meeting time, draft and administer Planning Board decision; follow up correspondence; involvement during project implementation including coordinating inspections, resident issues.

Recommendation: Amend current fee of \$2000 + \$500/lot (10 lots = \$7000) by changing it to \$2500 + \$500/lot (10 lots = \$7500)

### ***Modification to Definitive Plan***

Current fees: \$100 + \$500/lot affected (10 lots = \$5,100)

Examples: Newburyport - \$500 + \$175/lot (10 lots = \$2,250)

Newbury - \$500 + \$100/lot affected (10 lots = \$1,500)

Georgetown - \$500 + \$100/lot affected and new lots (10 lots = \$1,500)

Sherborn - \$500 (10 lots = \$500)

Salisbury –\$500 + \$100/lot (10 lots = \$1,500)

Merrimac - \$500 + \$250/lot affected and new lots (10 lots = \$3000)

Groveland - \$2000 + \$400/lot (10 lots = \$6,000)

Other considerations: For a 10-lot project, fees range from \$500 to \$6,000 (average=\$2670; median = \$1,875)

Typical Staff Tasks– Initial contact, follow-up calls, initial plan review and office meeting, application intake, prep of certified abutters notice, legal ad & postings, communication with residents, distribution of plans to Town entities and coordination of comments, review/comment by other Town staff, plan review and comment with applicant, coordination of peer review (if needed), prep of meeting materials, meeting time, draft and administer Planning Board decision; follow up correspondence; involvement during project implementation including coordinating inspections, resident issues.

Recommendation: Amend current fee of \$100 + \$500/lot affected (10 lots = \$5,100) by changing it to \$1000 + \$250/lot affected (10 lots = \$3,500)



## II. New Fees

### ***Pre-Application Meeting with Planning Board***

Examples: Newbury -\$100 (subdivision, special permit)  
Georgetown - \$250 (OSPD)  
Merrimac - \$250 (Conceptual Plan)  
Groveland - \$500 (Conceptual Plan)

Other Considerations: Fees range from \$100 - \$500

Typical Staff Tasks– Initial contact, follow-up calls, research and analysis, office meeting with plan review, prep of meeting materials, meeting time

Recommendation: \$200; Follow-up Planning Board Meetings beyond first pre-application meeting - \$100 per meeting

### ***Minor and Major Modifications to Site Plan Review or Special Permit:***

Examples: Newburyport - \$200 (special permit – major mod)  
Georgetown – \$500 (site plan review – major mod)  
Essex - \$250 (special permit – major mod)  
Newbury - \$100 (site plan review – minor mod)  
Georgetown \$250 (site plan review – minor mod); \$500 (site plan review – major mod)

Other Considerations: Time involved is similar to a standard application with less time for plan review.

Recommendation: \$200 for minor modifications to site plan review, special permit or both; no additional fee if determined minor; \$200 for major modification to site plan review, special permit.

### ***Minor Modification to a Definitive Plan:***

Examples: Georgetown - \$250 + \$50 per lot affected and new lots (10 lots = \$750)

Other Considerations: None of the other 8 communities charged fees for a minor modification of a Definitive Plan. It is unknown at this time whether the Subdivision Rules of these communities have provisions allowing for a minor modification of a Definitive Plan with no fees.

Recommendation: Determine the legality of allowing for the minor modification of a Definitive Plan. Research what other communities do. Develop proposal for a new provision in the Planning Board's Subdivision Rules and Regulations allowing for the minor modification of a Definitive Plan and corresponding fee. Consider using the same fee as that proposed for a minor modification of a site plan or a special permit. No action at this time.

Add Fee waiver: The Planning Board reserves the right to waive fees as it deems appropriate.