

MEETING NOTICE-WEST NEWBURY
FINANCE COMMITTEE
JOINT MEETING WITH SELECT BOARD

REC'D W. NEWBURY CLERK
23 SEP 25 AM 11:00

Date & Time: Wednesday, September 27, 2023. 6:00pm
Location: 1910 Building 1st Floor Hearing Room
In-person attendance or remote participation (instructions below)
By: Rob Phillips, Chair

AGENDA

1. Call to Order
2. Public Comment
3. Approval of Finance Committee Minutes
 - Meeting of August 16, 2023
 - Meeting of July 13, 2023
4. Review and discuss articles for fall Special Town Meeting to be held on Oct. 23, 2023
 - Proposal from Weston & Sampson for study of sites for viability as water sources
 - Other Articles included on draft Special Town Meeting warrant
5. Communications
6. Review schedule of future Finance Committee meeting dates (Oct. 4; Oct. 16 – joint meeting with Select Board, Moderator, Town Counsel, Town Clerk re STM Motions)
7. Adjournment

Addendum to Meeting Notice regarding Remote Participation

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

Zoom Meeting

Phone: (646) 558 8656

Meeting ID: 821 3322 7566

Passcode: 979761

Join at:

<https://us06web.zoom.us/j/82133227566?pwd=gbhqSdLFrsHTTQ3LpdFcSZuOrH3ID8.1>

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

Special Warrant Articles - Fall 2023 Town Meeting							Recommendations			
# (DRAFT)	Article	Funding Source	Sunset (EOFY)	Amt (if \$)	Sponsor	Date of FinCom review	Select Board	FinCom	Rationale	Notes
2	Transfer funds to reduce current year tax rate	Free Cash	N/A	TBD	Select Board	9/27/2023				
3	Amend Line Items from 2024 Town Omnibus Budget (see lines below)	Raise & appropriate	N/A		Town Manager	9/14/2023	3-0-0	4-0-0	Rob	
	Amend Item Line 3- Town Manager (Tech Expenses)	"	"	\$ 6,423	"	"	"	"	"	
	Amend Item Line 9- Board of Registrars (Salary & Wages)	"	"	\$ 1,600	"	"	"	"	"	
	Amend Item Line 9- Board of Registrars (Expenses)	"	"	\$ 1,920	"	"	"	"	"	
	Amend Item Line 22- Essex North Shore Ag & Tech	"	"	\$ 47,783	"	"	"	"	"	
	Amend Item Line 25- Board of Health (Steele Landfill monitoring costs)	"	"	\$ 600	"	"	"	"	"	
4	Amend Expense Line FY24 Water Dept Budget	N/A	N/A	\$ (70,000)	BOWC	9/14/2023	3-0-0	4-0-0	Rob	
5	Transfer funds for Pension Liability Stabilization Fund	Free Cash	N/A	\$ 67,514	Select Board	9/14/2023	3-0-0	4-0-0	Rob	
6	Water Site Identification and/or Testing			TBD	Select Board	9/27/2023				
7	FY25 Assessing Revaluation Consultant	Free Cash	Sunset FY25	\$ 20,000	Board of Assessors	9/18/2023	3-0-0	4-0-0	Dan	
8	Police/Fire audio recording (911)	Free Cash	Sunset FY25	\$ 28,000	Police Chief	9/14/2023	3-0-0	4-0-0	Ross	
9	Gas Meters for Fire and First Responders	Free Cash	Sunset FY24	\$ 7,400	Fire Chief Engineer	9/14/2023	3-0-0	4-0-0	Ross	
10	Portable Speed Monitoring Trailer	Free Cash	Sunset FY24	\$ 12,000	Police Chief	9/14/2023	3-0-0	4-0-0	Ross	
11	Stormwater Drainage			\$ 24,000	Town Manager	9/27/2023				
12	Invasive Species Management	Free Cash	Sunset FY25	\$ 50,000	Conservation Agent	9/18/2023	3-0-0	4-0-0	Ann	
13	Invasive Species Intern Program	Free Cash	Sunset FY24	\$ 3,500	Conservation Agent	9/18/2023	3-0-0	4-0-0	Ann	
14	Acquisition of CR (114 Ash Street) Pending CPC Approval			TBD	Open Space	9/27/2023				
15	Unpaid FY23 Bills	Free Cash	Sunset FY24	\$ 2,430	Town Manager	9/14/2023	3-0-0	4-0-0	Rob	9/10th vote
16	ADU Zoning Bylaw	N/A	N/A	n/a	Planning Board	9/27/2023				
17	Nonconforming Uses and Structures	N/A	N/A	n/a	Planning Board	9/27/2023				
18	Establish COA Revolving Fund	N/A	N/A	n/a	Council on Aging	9/14/2023	3-0-0	4-0-0	Dan	
19	Authorize use of COA Revolving Fund	N/A	N/A	n/a	Council on Aging	9/14/2023	3-0-0	4-0-0	Dan	
20	Repeal Short Term Rental Bylaw	N/A	N/A	n/a	Select Board	9/14/2023	3-0-0	4-0-0	Rob	
21	Repeal Personnel Bylaw	N/A	N/A	n/a	Select Board	9/27/2023				
22	Certification Stipend Assessors	N/A	N/A		Town Manager	9/14/2023	3-0-0	4-0-0	Ann	
23	Certification Stipend Town Clerk	N/A	N/A		Town Manager	9/14/2023	3-0-0	4-0-0	Ann	
24	Certification Stipend Treasurer/Collector	N/A	N/A		Town Manager	9/14/2023	3-0-0	4-0-0	Ann	
25	Opioid Settlement Stabilization Account	N/A	N/A	n/a	Town Accountant	9/27/2023				
Notes:										
Numbering may not correspond to order or numbering that will appear on Town Meeting warrant.										

Please note: Article numbers included below are solely for ease of reference. As the final slate of warrant articles is set by Select Board vote, the specific article numbers used here **may change**.

GENERAL GOVERNMENT MATTERS

ARTICLE 1. To hear and act upon the reports of Town officers and committees, or take any other action relative thereto. *By request of the Select Board.*

APPROPRIATIONS

ARTICLE 2. To see if the Town will vote to transfer from available funds the sum of \$_____.00 to reduce the current year tax rate, or take any other action relative thereto. *By request of the Select Board.*

ARTICLE 3. To see if the Town will vote to amend [Line Items as set forth in the Fiscal Year 2024 Town Omnibus Budget adopted under the Motion for Article 4 of the Annual Town Meeting on April 24, 2023, as follows:](#)

- [3 – Town Manager Technology Expenses; \(increase from \\$70,032 to \\$76,455\)](#)
- [9 – Board of Registrars Salary & Wages; \(increase from \\$6,800 to \\$8,400\)](#)
- [9 – Board of Registrars Expenses; \(increase from \\$8,250 to \\$10,170\)](#)
- [22 – Essex North Shore Ag & Tech School; \(increase from \\$46,327 to \\$94,110\)](#)
- [25- Board of Health Steele Landfill Monitoring; \(increase from \\$36,315 to \\$36,915\)](#)

and vote to raise and appropriate a sum or sums of money as may be necessary to defray the expenses of the Town for Fiscal Year 2024, or take any other action relative thereto. *By request of the Select Board.*

ARTICLE 4. To see if the Town will vote to amend the Expenses line in the FY24 Water Department budget, to reduce the budgeted line item from \$445,027.00, as set forth in the Fiscal Year 2024 Water Budget adopted under the Motion for Article 6 of the Annual Town Meeting on April 24, 2023, to \$375,027.00, or take any other action relative thereto. *By request of the Board of Water Commissioners.*

ARTICLE 5. To see if the Town will vote to transfer and/or appropriate from available funds the sum of \$67,514.00 for the Pension Liability Stabilization Fund, or take any other action relative thereto. *By request of the Select Board.*

ARTICLE 6. To see if the town will vote to transfer and/or appropriate from available funds the sum of \$_____.00 for costs associated with [potential identification and evaluation of sites with potential to support well field](#) development [of public well fields](#), to include all necessary expenses associated there with. *By request of the **Select Board(?)**.*

ARTICLE 7. To see if the Town will vote to transfer from available funds the sum of ~~\$2520~~,000.00 for the purpose of engaging consultant support relative to the FY25 assessing revaluation, including all incidental and related expenses, or take any other action relative thereto. *By request of the Board of Assessors.*

ARTICLE 8. To see if the Town will vote to transfer and/or appropriate from available funds the sum of \$28,000.00 to fund the purchase of police/fire audio recording, playback and archiving equipment for use by Police, Fire and Dispatch personnel, including associated training and setup costs, or take any other action relative thereto. *By request of the Police Chief.*

ARTICLE 9. To see if the Town will vote to transfer and/or appropriate from available funds the sum of \$7,400.00 to fund the purchase of gas meters for use by Fire personnel and other first responders, including associated training and setup costs, or take any other action relative thereto. *By request of the Fire Chief Engineer.*

ARTICLE 10. To see if the Town will vote to transfer and/or appropriate from available funds the sum of ~~\$4512~~,000.00 to fund the purchase of a portable speed monitoring trailer, including associated training and setup costs, and pedestrian safety signs, or take any other action relative thereto. *By request of the Police Chief.*

ARTICLE 11. To see if the town will vote to transfer and/or appropriate from available funds the sum of ~~\$1024~~,000.00 for costs associated with the costs associated with undertaking a stormwater drainage and infrastructure engineering study for the neighborhood generally bounded by Main Street (Route 113), Bachelor Street, Meetinghouse Hill Road, and Maple Street, or take any other action relative thereto. *By request of the Town Manager (Select Board(?)).*

ARTICLE 12. To see if the Town will vote to transfer and/or appropriate from available funds the sum of ~~\$2550~~,000.00 to fund professional invasive species management on town owned land, or take any other action relative thereto. *By request of the Select Board.*

ARTICLE 13. Funds for invasive species intern/steward program, for early summer 2024. To see if the Town will vote to transfer from available funds the sum of \$3,500.00 for all costs and expenses pertaining to identifying, mapping and remediating invasive species on public lands in the Town of West Newbury, including all incidental and related expenses, or take any other action relative thereto. *By request of the Select Board.*

ARTICLE 14. To see if the Town will vote to transfer and/or appropriate from Community Preservation Act funds, in accordance with the provisions of Massachusetts General Laws Chapter 44B, the sum of \$175,000.00 to purchase a conservation restriction, and costs incidental or related thereto, in conjunction with Essex County Greenbelt Association, Inc., on real estate located at 114 Ash Street, being a portion of West Newbury Assessors Map 70 Lot 40, consisting of approximately 14 acres; to authorize the Select Board and/or Conservation Commission to acquire and hold said conservation restriction; to authorize the Select Board, the Conservation Commission, and/or their designee to apply for, accept and expend funds from other public or

private sources to defray all or a portion of the costs of acquisition, including, but not limited to, grants and/or reimbursements from any federal, state or other grants or reimbursement programs in any way connected with the scope of this article, including but not limited to funds contributed by Essex County Greenbelt Association; and to enter into any and all agreements and execute any and all documents necessary or convenient to effectuate the foregoing; or take any other action relative thereto. *By request of the Open Space Committee and the Community Preservation Committee.*

ARTICLE 15. To see if the Town will vote to transfer from available funds the sum of \$2,430.00 to fund the payment of unpaid bills incurred from the previous fiscal year, or take any other action relative thereto. *By request of the Town Manager.*

BY-LAWS - OTHERS

ARTICLE 16. To see if the Town will vote to amend the West Newbury Zoning By-law by revising Section 2 Definitions, and by adding a new Section 6.2 Accessory Dwelling Unit (ADU) Bylaw; and further to authorize the Town Clerk's office to make any non-substantive, ministerial changes to numbering and formatting to ensure consistency with the remainder of the By-law, or take any other action relative thereto. *By request of the Planning Board.*

ARTICLE 17. To see if the Town will vote to amend the West Newbury Zoning By-law by deleting in its entirety existing Section 7 (including 7.1.-7.4) and replacing it with a new Section 7 (including 7.1-7.9), Nonconforming Uses and Structures; and further to authorize the Town Clerk to make any non-substantive, ministerial changes to numbering and formatting to ensure consistency with the remainder of the Zoning By-law, or take any action relative thereto. *By request of the Planning Board.*

ARTICLE 18. To see if the Town will vote to amend Section XL of the Town Bylaws by adding sections 5.7.1 thru 5.7.5 in order to establish a revolving fund for revenues and expenses associated with Council on Aging programs:

- 5.7.1 Council on Aging Program Revolving Fund.
- 5.7.2 Department. There shall be a separate fund called the Council on Aging Program Revolving Fund.
- 5.7.3 Revenues. The town accountant shall establish the Council on Aging Program Revolving Fund as a separate account and credit to the fund all the monies received in connection with fees charged for programs, events, trips and transportation.
- 5.7.4 Purposes and Expenditures. During each fiscal year, the Town may incur liabilities against and spend monies from the Council on Aging Program Revolving Fund for the payment of expenses for programs, events, trips, transportation and related expenses. The Council on Aging Director shall have authority to expend from such fund a maximum of \$30,000 per fiscal year.

5.7.5 Fiscal Years. The Council on Aging Program Revolving Fund shall operate for fiscal years that begin on or after July 1, 2023 and shall continue until such time as Town Meeting votes to eliminate the fund.

By request of the Council on Aging.

ARTICLE 19. To see if the Town, in accordance with Massachusetts General Laws Chapter 44, Section 53E½, and Section XL of the By-laws of the Town of West Newbury, will fix the maximum amount that may be spent during the fiscal year beginning on July 1, 2023 for the revolving funds established in town bylaws, as set forth below for certain departments, boards, committees, agencies or officers, with such expenditure limits to be applicable for each fiscal year until such time as Town Meeting votes, prior to July 1 for the ensuing fiscal year, to revise the same; or take any other action relative thereto:

- Section 5.7 Council on Aging Revolving Fund \$ 30,000.00

By request of the Council on Aging.

ARTICLE 20. To see if the Town will vote to amend the West Newbury Town Bylaws to delete in its entirety Section XXXIX Short Term Rentals Bylaw, and further, to authorize the Town Clerk to make any non-substantive, ministerial changes to numbering and formatting, so as to ensure consistency with the rest of the Town Bylaws, as necessary, or take any other action relative thereto. *By request of the Select Board.*

ARTICLE 21. To see if the Town will vote to repeal the Personnel Bylaw, adopted at the third session of the 1999 Annual Town Meeting, in its entirety. *By request of the Select Board.*

ARTICLE 22. To see if the Town will vote to accept the provisions of Mass. Gen. Laws Ch. 59 Sec. 21A regarding certification stipends to Assessors. *By request of the Select Board.*

ARTICLE 23. To see if the Town will vote to accept the provisions of Mass. Gen. Laws Ch. 41 Sec. 19K regarding certification stipends to Town Clerks. *By request of the Select Board.*

ARTICLE 24. To see if the Town will vote to accept the provisions of Mass. Gen. Laws Ch. 41 Sec. 108P regarding certification stipends to Treasurer/ Collectors. *By request of the Select Board.*

ARTICLE 25. To see if the Town will vote to establish a special purpose stabilization fund pursuant to Mass. Gen. Laws Ch. 40, Sec. 5B, to be known as the Opioid Settlement Stabilization Fund, to supplement and strengthen resources for prevention, harm reduction, treatment, and recovery, in accordance with the purposes and subject to the requirements in the Massachusetts Abatement Terms; and, vote to accept the fourth paragraph of Mass. Gen. Laws Ch. 40, Sec. 5B, which allows the dedication, without further appropriation, of all of the receipts from settlements on behalf of the Town with persons and entities involved in the sale, distribution and manufacture of opioid products. *By request of the Town Accountant (Select Board?).*

ARTICLE REQUEST FORM

ARTICLE: To see if the Town will transfer Free Cash to offset the FY24 tax rate

AMOUNT REQUESTED: TBD

CONTACT PERSON: Town Manager

PHONE NUMBER: 978-363-1100 x115

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

Over the past several years, the Town has approved a funding transfer at the Fall STM in order to offset the year's tax rate. (In 6 of those years, the source was Free Cash; in FY21, the Town instead approved an allocation of Overlay Surplus). The Finance Department is working to prepare an estimate of the FY24 tax rate, taking into account the approved Town budget, estimates of the updated Assessed Values, estimates of potential New Growth, and estimates of FY24 non-property tax revenues (i.e. excise, fees, etc.). This estimate will be provided once available. It is recommended that the Select Board include a placeholder article on the STM warrant in order to preserve the Board's option - if it wishes to do so - to transfer Free Cash in order to offset the current year tax rate.

What factors affect the timing of this purchase?

A Fall STM would be needed in order to affect the FY24 tax rate.

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

FY24

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

N/A

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

No

Please attach additional pages or other supporting documentation.



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

TO: Select Board
FROM: Angus Jennings, Town Manager
DATE: September 25, 2023
RE: Estimated FY24 tax rate and potential Free Cash transfer

Taking into account preliminary estimates of FY24 Assessed Values, New Growth and projected non-tax revenues, the approved FY24 operating budget and all approved (spring 2023) and proposed (fall 2023) Town Meeting articles would result in an estimated FY24 tax rate of \$10.95, a decrease from the current year tax rate of \$11.03.¹

Taking into account an estimated average increase in assessed values of 5.0% from FY23 to FY24, this would result in an estimated property tax increase of \$352.21 (4.24%) for a property valued at \$753,400 (the 50th percentile) in FY23. (Estimated tax bill changes, for properties at different values, are attached).

In recent years, Town Meeting voters have appropriated Free Cash at the fall STM to reduce the tax rate, with an average transfer of \$221,186 from FY17-23.²

If the Board were to propose – and Town Meeting were to approve – a fall STM Free Cash transfer of \$250,000, this would result in an estimated annual tax increase, for a home valued at \$753,400 in FY23, of \$225.64 (2.72%).

At Wednesday night's meeting, the Board can review various scenarios to inform your consideration of whether to propose a STM transfer from Free Cash, and if so in what amount, to arrive at an updated estimated FY24 tax rate.

It should be understood that all estimates are preliminary, and will change as new information becomes available, including regarding New Growth, Assessed Values, and non-tax revenues.

cc: *Finance Committee*
Town Accountant
Chief Assessor

¹ This estimate was prepared using the MassDOR Tax Rate Recap Model and rests (as these estimates always do) on reasonable projections of unknowable inputs such as New Growth, Assessed Values and non-tax revenues. (Methodology for both projections are consistent with prior years' methodologies).

² This includes the Fall 2020 transfer of Overlay Surplus balance, in the amount of \$220,000, in order to reduce that year's (FY21) tax rate. If this transfer is omitted, the average amount of Free Cash transfer over this period of time would be \$189,757.

SINGLE-FAMILY PROPERTY TAX BILL COMPARISON TOOL									
PROPERTY DECILES (BASED ON FY23 VALUES)	2023 PROPERTY VALUE	FY 2023 CERTIFIED TAX RATE	EST FY 2023 TAX BILL	2024 ESTIMATED PROPERTY VALUE	FY 2024 ESTIMATED TAX RATE	EST FY 2024 TAX BILL	EST \$ INCREASE IN BILL	EST % INCREASE IN BILL	
10TH PERCENTILE	543,200	11.03	5,991.50	570,360	10.95	6,245.44	253.95	4.24%	
20TH PERCENTILE	597,100	11.03	6,586.01	626,955	10.95	6,865.16	279.14	4.24%	
30TH PERCENTILE	646,300	11.03	7,128.69	678,615	10.95	7,430.83	302.15	4.24%	
40TH PERCENTILE	698,400	11.03	7,703.35	733,320	10.95	8,029.85	326.50	4.24%	
50TH PERCENTILE	753,400	11.03	8,310.00	791,070	10.95	8,662.22	352.21	4.24%	
60TH PERCENTILE	810,000	11.03	8,934.30	850,500	10.95	9,312.98	378.68	4.24%	
70TH PERCENTILE	888,900	11.03	9,804.57	933,345	10.95	10,220.13	415.56	4.24%	
80TH PERCENTILE	984,400	11.03	10,857.93	1,033,620	10.95	11,318.14	460.21	4.24%	
90TH PERCENTILE	1,144,900	11.03	12,628.25	1,202,145	10.95	13,163.49	535.24	4.24%	
EST. TYPICAL INCREASE:							4.24%		
\$500k house	500,000	11.03	5,515.00	525,000	10.95	5,748.75	233.75	4.24%	

Source: Angus Jennings, Town Manager, 9/25/23

SINGLE-FAMILY PROPERTY TAX BILL COMPARISON TOOL - WITH FREE CASH TRANSFER IN AMOUNT OF \$250,000									
PROPERTY DECILES (BASED ON FY23 VALUES)	2023 PROPERTY VALUE	FY 2023 CERTIFIED TAX RATE	EST FY 2023 TAX BILL	2024 ESTIMATED PROPERTY VALUE	FY 2024 ESTIMATED TAX RATE	EST FY 2024 TAX BILL	EST \$ INCREASE IN BILL	EST % INCREASE IN BILL	
10TH PERCENTILE	543,200	11.03	5,991.50	570,360	10.79	6,154.18	162.69	2.72%	
20TH PERCENTILE	597,100	11.03	6,586.01	626,955	10.79	6,764.84	178.83	2.72%	
30TH PERCENTILE	646,300	11.03	7,128.69	678,615	10.79	7,322.26	193.57	2.72%	
40TH PERCENTILE	698,400	11.03	7,703.35	733,320	10.79	7,912.52	209.17	2.72%	
50TH PERCENTILE	753,400	11.03	8,310.00	791,070	10.79	8,535.65	225.64	2.72%	
60TH PERCENTILE	810,000	11.03	8,934.30	850,500	10.79	9,176.90	242.60	2.72%	
70TH PERCENTILE	888,900	11.03	9,804.57	933,345	10.79	10,070.79	266.23	2.72%	
80TH PERCENTILE	984,400	11.03	10,857.93	1,033,620	10.79	11,152.76	294.83	2.72%	
90TH PERCENTILE	1,144,900	11.03	12,628.25	1,202,145	10.79	12,971.14	342.90	2.72%	
EST. TYPICAL INCREASE:							2.72%		
\$500k house	500,000	11.03	5,515.00	525,000	10.79	5,664.75	149.75	2.72%	

Source: Angus Jennings, Town Manager, 9/25/23

ARTICLE REQUEST FORM

ARTICLE: Funding to undertake testing of one or more privately-owned sites to determine suitability as potential new sources for public water supply

AMOUNT REQUESTED: TBD - research ongoing as of 9/12/23

CONTACT PERSON: Angus Jennings, Town Manager

PHONE NUMBER: 978-363-1100 x115

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

The Board of Water Commissioners (BOWC) and the Water Dept. have been working for many years to identify a new source of public water, and have conducted water quality and/or water quantity testing on several sites (both Town-owned and privately-owned). A great deal of time and money has been expended to explore the potential for development of a wellfield at 31 Dole Place. As part of the Select Board's due diligence regarding whether to propose that site for public acquisition in the future, a peer review of prior engineering, permitting and cost estimating work is now underway. The peer review report includes recommendations for additional site testing that would need to be conducted at 31 Dole Place in order to update prior testing needed for permitting of the site as a public water supply by MassDEP (the previous testing having expired in 2022) and to conduct additional testing (such as for PFAS) that is now required but was not required when the site was previously tested in 2022. In addition to continued consideration of the property at 31 Dole Place, the Town (through the BOWC and the Select Board) continues to evaluate other sites (both publicly- and privately-owned) for their potential viability as future public water supply sites. The funding proposed through this Article is intended to support the costs for additional water quality and/or water quantity testing at one or more locations over the course of the remainder of FY24 and through FY25.

What factors affect the timing of this purchase?

Securing funding at the Fall Special Town Meeting will enable the BOWC and the Select Board to continue ongoing investigations regarding potential new public water supply sites.

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

End of FY25

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

Legal costs would be incurred relative to potential acquisition of privately-owned land. Any such costs incurred would be payable from the operating 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.

Site testing is exploratory. If any site is brought forward for proposed public acquisition, at a future Town Meeting, it would be reviewed as a capital project.

Please attach additional pages or other supporting documentation.

Town Manager

From: Town Manager
Sent: Friday, September 22, 2023 2:00 PM
To: Rob Phillips; Daniel Innes; Ross Capolupo; Ann O'Sullivan; James Sperelakis
Cc: Town Accountant; Selectboard
Subject: Potential study of sites for water source potential

FinCom,

Please see below. Following Monday night's Select Board discussion, I connected w Weston & Sampson Tuesday morning at some length via zoom. Our request for broader mapping to illustrate Sea Level Rise scenarios town-wide (outside the current Dole study scope) led naturally to a broader discussion of evaluating potential future water sites on a methodical basis.

In consultation with Wendy, we invited the proposal referenced below. When we receive the complete proposal (anticipated Tuesday), this will be circulated to SB, FinCom and BOWC for discussion at Wednesday night's joint FinCom/SB mtg.

If the SB decides to propose funding for such a study (either in addition to or instead of potential site-specific testing), the FinCom would be asked to vote its recommendation.

The complete proposal from Weston & Sampson will be forwarded on receipt.

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

Begin forwarded message:

From: "Bounty Ridyard, Sarah" <BountyRidyard.Sarah@wseinc.com>
Date: September 22, 2023 at 1:26:54 PM EDT
To: Town Manager <townmanager@wnewbury.org>
Cc: "MacKinnon, Kevin" <mackinnk@wseinc.com>
Subject: Town - Wide Study

Hello Angus,

Thank you for the phone call earlier. Please see below for a description of the proposal we will be providing in advance of the meeting on Wednesday next week.

Weston & Sampson will be providing a proposal for a town-wide study to evaluate and identify favorable areas within town boundaries to be developed as a groundwater source of supply. The approach includes GIS spatial analysis, coupled with a review of any site specific studies already completed for the Town, followed by a subsequent ranking of sites. Our project team's approach to siting a groundwater supply well is first to use existing Geographic Information System (GIS) information available from both the Massachusetts GIS Clearinghouse (MassGIS) as well as select datalayers from the United States Geological Survey (USGS). A base map of the Town of West Newbury distribution system area is developed with the "Surficial Aquifer Potential" layer as the base layer. This layer provides information regarding the stratified drift deposits and their depth. The surficial aquifer potential is akin to the aquifer's transmissivity (the product of the saturated thickness and the hydraulic conductivity), which is a rough measure of the aquifer's ability to allow water to flow to a well in a given location. Using the transmissivity to estimate potential well yield is a start, however further work is required to narrow down potential prospects to ensure exploration sites are a) permissible b) are high yield c) have low potential for water quality threats and d) have minimal impacts from existing and potential contamination sources and existing infrastructure. Once sites are selected, Weston & Sampson will meet with Town stakeholders to discuss our findings and select site(s) for additional study.

Additionally, mapping will be performed to demonstrate the probable level of inundation throughout the Town based on existing sea level rise models (to be agreed upon at the start of the study). A map will be prepared of the Town to show future sea level rise based on model results to demonstrate what areas of the Town will be under water in this scenario of sea level rise. This information will inform the final ranking of sites identified in the study.

Thank you,

Sarah

Sarah Bounty Ridyard, PE
PROJECT MANAGER
direct: 781-649-7074



Weston & Sampson
55 Walkers Brook Drive, Suite 100 | Reading, MA 01867
tel: 978-532-1900
westonandsampson.com

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September 25, 2023

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

Re: **Hydrogeological Services Proposal**
New Source Exploration Services – Desktop Review

Dear Mr. Jennings:

Weston & Sampson is pleased to provide this proposal to provide hydrogeological services for the Town of West Newbury. This proposal is in response to the Town's desire to develop an additional water supply and builds on previously performed research by others. The evaluation described in this proposal begins with a desktop review of existing information with the purpose of identifying the most favorable properties for future water supply development.

Background and Objectives

In recent years, the Town of West Newbury has been evaluating several parcels throughout the Town for potential development of a new public water drinking water well(s) to be connected to the Town's existing water system.

Approach

The following narrative describes Weston & Sampson's approach to locating a new groundwater source for a town-wide study. The approach describes the process from start (GIS Analysis) to finish (permitting); however, the scope of work that follows only addresses the initial GIS spatial analysis and subsequent ranking of sites. Once sites are selected, Weston & Sampson will meet with Town stakeholders to discuss our findings and select site(s) for additional study.

Productive municipal wells are most often located in permeable material with adequate saturated thickness and sufficient long-term recharge. Sand and gravel deposits hydraulically coupled to surface water bodies are the first choice for municipal aquifers in the Northeast. With such aquifers, recharge is furnished not only by precipitation on the sand and gravel itself, but also by induced infiltration from an adjacent pond, lake, stream, or river. The second choice would be to explore and develop a source of supply from the fractured bedrock aquifer. These sources however are typically more difficult to identify, exploration costs are higher, the probability for success is lower, and the resultant yields are lower.

Our project team's approach to siting a groundwater supply well is first to use existing Geographic Information System (GIS) information available from both the Massachusetts GIS Clearinghouse (MassGIS) as well as select datalayers from the United States Geological Survey (USGS). A base map of the Town of West Newbury distribution system area is developed with the "Surficial Aquifer Potential" layer as the base layer. This layer provides information regarding the stratified drift deposits and their depth. The surficial aquifer potential is akin to the aquifer's transmissivity (the product of the saturated thickness and the hydraulic conductivity), which is a rough measure of the aquifer's ability to allow water to flow to a well in a given location. Using the transmissivity to estimate potential well yield is a start, however further work is required to narrow down potential prospects to ensure exploration sites are a) permittable b) are high yield c) have low potential for water quality threats and d) have minimal impacts from existing and potential contamination sources and existing infrastructure.

The approach used here is based on a series of overlays of buffered features. Four suites of buffers are developed in the GIS processing, each with its own unique buffer distances. These regimes include:

- Transportation buffers
- Hydrological/Environmental buffers
- Known and potential contamination sites
- Urban features

The buffer distances used vary from 50 feet to 1,000 feet depending upon the feature being considered, however a core concept of the Zone I sanitary protective radius (SPR) is key to many of the buffer distances used in the analysis. When completed, the analysis serves to reduce the potential exploration areas considerably, helping to target areas with the highest possible favorability from a yield, quality and permitting perspective.

The GIS approach described herein minimizes threats to source water quality and allows a first cut analysis of land availability for a municipal well location. With further information provided by Town personnel, this methodology can be customized with site specific information to guide the process further. This includes previous reports compiled. We anticipate selecting up to 5 locations that are favorable for discussion with stakeholders. A letter report with large and small scale maps will be drafted compiling the results of the analysis and provide the basis for a discussion with stakeholders to identify any areas of concern or limitations with respect to land purchase. Following these discussions with the stakeholders, we expect to select the optimum location(s) from the identified sites for field verification activities.

Following the GIS based approach; field work is typically conducted in order to assess each site in order to verify geologic deposits, site access constraints, and environmental conditions. Wetland resources and critical habitat will be assessed at this time. Where a site proves favorable for a potential water supply location, geophysical investigations may be undertaken to focus the test well drilling investigation.

Following the field work, a meeting with the stakeholders will be held in order to select the most viable site for one or several test well drilling sites to be investigated. The results of this work will guide the final selection of a site for further permitting and testing through the Massachusetts Department of Environmental Protection (DEP) New Source Approval Process. At this juncture, permit applications will be prepared and submitted to DEP pursuant to the MA DEP New Source Approval Process and DEP Guidelines for Groundwater Protection and Public Water Systems. These permitting efforts will include a Pumping Test Proposal (BRP WS 17) and a Source Final Report (BRP WS 19) summarizing the analysis to establish the 1) long term safe yield of the new source, 2) acceptable water quality, and 3) delineate the Zone II wellhead protection area. These additional services can be provided if the municipality chooses to move forward with a favorable property identified in this study outlined below.

Scope of Work

In order to meet the project's objectives, the following scope will be completed.

1. Research and document the previous water supply studies conducted on behalf of the Town. Review available information regarding the West Newbury system and Newburyport system including but not limited to Annual Statistical Reports (ASR's) for the last three years; the applicable groundwater withdrawal permits, and Water Management Act permits and their respective withdrawal limits and conditions; water use data; available projections of average day and maximum water demands; and existing intermunicipal agreements with the City of Newburyport. We will also review the regulatory process involved in seeking any increase in groundwater withdrawals which might be deemed necessary to supply sufficient water to meet projected future demands.

2. Data Collection and Review

Collect and review available published geologic data and review all previous subsurface investigations undertaken by the Town, as well as additional details regarding the priority properties identified in the Backgrounds and Objectives section of this proposal. We will develop a series of overlay maps outlining current documented geologic deposits, supporting recharge areas and potential contamination sources. Evaluate existing Town, State, and Federal documents for the following:

- a. Utility Maps
- b. Floodplain Map
- c. Open Space/Recreation Plan
- d. Pollution Sources (and Potential Contamination Sources)
- e. Topographic Maps
- f. Soils Maps
- g. Stratified-Drift Aquifer Maps
- h. Bedrock and Surficial Geology Maps
- i. USGS Hydrogeologic Reports
- j. Climatological Data
- k. Aerial photography

The assimilation of this data will be prefaced by a preliminary area reconnaissance. The information generated from this task will be used to understand whether the previously recommended sites are still viable given land use changes, regulatory changes and property ownership changes since these sites were originally identified. In addition, this task will develop a preliminary conceptual model of the mapped aquifers within the two town boundaries, and to develop the framework and basis of comparison for a series of proposed Geographical Information System (GIS) maps.

3. Base Map with Properties, and Sea Level Rise Mapping

Obtain the Town of West Newbury's digitized tax mapping in GIS format to create digitized maps from the pertinent sources evaluated from Task 2. Generate a system-wide map compatible with GIS that depicts political (property, roadway) and environmental (stream, wetland, aquifer) boundaries. Also shown on the base map will be the various regulatory setback distances (e.g., surface water, wetlands, and roadways). Additionally, the mapped limits of the surficial aquifer materials (as delineated by the USGS) will be depicted. These data will be used to help locate any favorable areas for additional investigation in overburden (sand and gravel) deposits. Photolineament analysis of potential bedrock aquifers will also be completed for the identification of favorable bedrock well locations.

A map will also be created to show Town -wide implications of sea level rise (SLR) for the year 2100. The Town has expressed that the assumption that future sea level rise would equal six feet above the current FEMA 100-year flood elevation is the basis for current climate resilience planning. The map will show the area that will be inundated under a 100-year flood condition throughout the Town based on this assumption. A similar map will be prepared for the 2070 SLR projections.

4. Groundwater Exploration and Feasibility Assessment – Water Quantity

Evaluate the data generated from Tasks 2 and 3 above in terms of identifying areas or properties that are recommended for additional site-specific fieldwork based on water quantity. Utilize delineated aquifer boundaries, data gleaned from the previous studies, and interpretation based on local experience to identify those areas worthy of further exploration. Apply the mandated setbacks (all in GIS format) to delimit those remaining areas that are most viable.

Compile a list of 5 areas that remain viable, based on quantity, for the development of a new water source. If the town's digitized tax mapping exists, a Site Identifier will be used to key the GIS map to the list of viable sites. This list will include:

- i. Site Identifier
- ii. Property Owner's Name
- iii. Owner's Address
- iv. Tax Assessor's Map and Lot Number
- v. Total Acreage

5. Groundwater Exploration and Feasibility Assessment – Contaminant Threats

Locate, identify, and map documented sources of potential contamination within the area of interest. Conduct an evaluation of potential contamination sites within the area of interest by utilizing on-line services to investigate appropriate state and federal files for the existence of underground storage tanks, gas stations, landfills, and other sites of potential concern. These potential sites will be verified and updated by a drive-through survey. Supplement the investigation on foot for all publicly accessible areas. Refine the conceptual model developed to aid in this determination and, if necessary, assessment of distal recharge areas.

6. Interim Map/Matrix and Recommendations

Compile all data discussed above and prepare preliminary findings including a site selection matrix developed based on geologic conditions, environmental constraints, engineering considerations, and proximity to current water system infrastructure. The decision matrix will rank up to 5 sites and compare each site to land ownership and economic considerations. A final target list of overburden (sand and gravel) and fractured bedrock aquifer areas will be established and presented for discussion of additional nonintrusive (geophysical) and intrusive (drilling) investigations.

The results of this task will clearly identify the areas within the two towns worthy of further exploration. Through the cumulative effect of eliminating areas due to physical constraints or man-made impacts, the remaining viable sites will be identified.

7. Weston & Sampson will compile all data collected and prepare a final report for submission to the Town.

The report will also provide a recommendation for further exploration of the top sites identified. Depending on whether these sites are overburden or bedrock aquifers, a variety of geophysical methods may be recommended to further narrow the list in an effort to identify the most favorable site with respect to yield and water quality. Of the many methods used, Weston & Sampson often employs the use of VLF and 2D resistivity surveying for bedrock applications and seismic refraction profiling for overburden locations. If existing bedrock wells are located in highly fractured bedrock at depth, a variety of borehole geophysical techniques (caliper logs, heat-pulse flow meter, acoustic televiewer, etc) can be used to identify where those fractures could be intercepted at some distance

or perhaps deeper for more available drawdown. These issues will be discussed at the conclusion of site selection.

Project Schedule

Weston & Sampson agrees to provide services for the estimated duration of work, starting immediately upon notice to proceed and concluding within one hundred (100) days upon receipt of the executed proposal.

Proposed Fee

Weston & Sampson proposes completing this study for a lump sum fee of \$50,000. Invoices for this project will be billed monthly as a percentage of work completed for each task. The Town agrees to make payment to the Engineer within thirty (30) days of the invoice date.

Terms and Conditions

Weston & Sampson's services will be provided as described herein and in accordance with the attached Weston & Sampson General Terms and Conditions dated February 14, 2022, which are a part of our agreement with you.

If you agree with this proposal and wish to retain us to provide the proposed services, please sign and return one copy of this proposal to us as authorization to proceed with performance of the services. Also, please initial, date, and return the enclosed Terms and Conditions that are hereby incorporated by reference.

We appreciate the opportunity to submit this proposal and look forward to working with you on this important project.

If you have any questions on this matter, please contact Kevin MacKinnon at (978) 573-4108.

Sincerely,
WESTON & SAMPSON ENGINEERS, INC.



Kevin MacKinnon, PG, PH
Senior Technical Leader, Water Resources
Senior Associate

ACCEPTED FOR:

TOWN OF WEST NEWBURY, MASSACHUSETTS

(Signature / Date)

(Name & Title)

Enclosures – Standard Terms and Conditions

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MEMORANDUM

TO: Angus Jennings, Town Manager and Mark Marlowe, Water Superintendent; Town of West Newbury

FROM: Kevin MacKinnon, PG, CG, PH-GW and Sarah Ridyard, PE; Weston & Sampson

DATE: 8/31/2023

SUBJECT: Dole Place Wellfield Peer Review

1. Background

For the past several years, the Town of West Newbury (The Town) has been evaluating the public acquisition of a privately-owned parcel at Dole Place for the purpose of use as a public water source through the development of new drinking water well(s) to be connected to the Town's existing water system. Presently, the Town's water system consists of one wellfield that supplies approximately 70% of the Town's water needs annually based on data provided by the Town from 2014-2022, and an interconnection to Newburyport that allows the Town to purchase the remainder of water needed at retail cost. An intermunicipal agreement dated 1980 governs the amount of water available for purchase from Newburyport and the payment terms.

The Town of West Newbury has expressed interest in achieving water independence to limit purchasing water from Newburyport. Currently, there are two interconnections to West Newbury's water system: one from Newburyport to supplement daily supply to West Newbury and a second interconnection from Groveland to supply emergency water if needed. Newburyport currently uses the Artichoke Reservoir, primarily located in West Newbury, as their primary water source.

The subject parcel proposed for a new groundwater source for the Town of West Newbury is located at 31 Dole Place, adjacent to the Merrimack River in a residential neighborhood. The current use of the property is residential with a single-family home and secondary garage structure located on the property, which is cleared of most vegetation and trees.

Previous evaluation of the parcel conducted by Tata & Howard in 2016-2017 indicated approximately 1 MGD of drinking water could be available to the Town from a potential wellfield at this site, which would meet the Town's current and projected water needs for the foreseeable future. Any excess water could potentially be sold to a neighboring municipality depending on an agreement reached between the two

towns and subject to permitting through the Massachusetts Department of Environmental Protection (MassDEP) and Department of Conservation and Recreation (DCR).

Due to the proximity of the proposed Dole Place wellfield to the Merrimack River, sea level rise and resilience is of concern. Discussion with the Town indicated an assumption that future sea level rise, in the year 2100, would equal 6' above the current FEMA 100-year flood elevation used for other planning in the local area.

The purpose of this study is to provide peer review of the work completed to date in order to evaluate the potential of the parcel at 31 Dole Place to develop a drinking water source for the Town of West Newbury. A report was developed in 2021 to summarize Tata & Howard's work on the evaluation that included budgetary cost estimates for the development of the wellfield at the Dole Place parcel, and infrastructure updates necessary to provide water from the Town of West Newbury to one or more neighboring communities. The contents of this report were examined as well as other materials provided by the Town related to the site evaluation performed to date, as well as recommended next steps.

2. Water Quantity Evaluation

Dole Place Wellfield Pumping Test and Results (2016)

Weston & Sampson conducted a thorough review of the Tata & Howard Source Final Report (BRP WS 19 permit application) submitted to MassDEP on June 22, 2016, for a new groundwater source of supply located on Dole Place in West Newbury, Massachusetts. A five-day pumping test was conducted between February 4th and February 9th, 2016 by Tata & Howard in support of the new source permitting process required by MassDEP. According to the report, the pumping test was conducted using three clusters of small diameter wells to simulate a final wellfield in this location. The test wells were reportedly pumped at a combined rate of approximately 427 gpm (135 gpm in Well Cluster TW-1, 137 gpm in Well Cluster TW-4, and 155 gpm in Well Cluster TW-5) throughout the five-day pumping test.

The Source Final Report (BRP WS19) submitted to the DEP and reviewed by Weston & Sampson, unfortunately, did not include many of the required elements detailed in Chapter 4 of the Massachusetts Guidelines and Policies for Public Water Systems. Specifically, Chapter 4, Section 4.6.1 Report Contents.

The missing report contents and deficiencies include:

- Ambient (pre long term pumping test) water level / potentiometric fluctuation trends
- Surveyed site plan showing the location and elevation of all test wells
- Proof of stabilization at the conclusion of the pumping test
- Evaluation of the hydrogeology (including aquifer characteristics) based upon data generated during the prolonged pumping test and recovery
- Failure to remove the ambient aquifer trend and tidal influence from the pumping test dataset
- Zone II delineation was determined using a pumping test dataset that was not stabilized or corrected for external influences (ambient aquifer trend and tidal influence)

As a result of the missing data collection and analysis, Weston & Sampson has several concerns. Since stabilization was not reached (or proven), Weston & Sampson believes the following DEP-approved aspects of this project are uncertain:

- Water quality results may not be representative of long-term steady-state pumping conditions.
- Weston & Sampson does not agree with the approach taken to calculate the approvable yield of this site; however, Weston & Sampson does agree that the approved yield is sustainable. The concerns with the approach include:
 - Pumping wells did not meet the DEP requirements for stabilization (<0.04 ft of drawdown in 24 hours of pumping)
 - Pumping test data was not corrected for ambient aquifer trend, or filtered for tidal impacts, or precipitation event.
 - Specific capacity used in the calculation was an average based on high and low tide. If the data were corrected as stated above and filtered for tidal influence, one (1) specific capacity value should be used to represent each of the pumping wells.
- Zone II delineation was conducted using an uncorrected data set from a pumping test that had not stabilized. Mass balance calculations from the Tata & Howard delineated Zone II suggest that 60% of the water withdrawn from this source is a result of induced infiltration from the Merrimack River. No other hydraulic or water quality parameters support that assumption, which means the Zone II is either 1) incorrect or 2) the pumping test was not conducted long enough to reach stabilization.

Recommendations

Based on our review of the Dole Place Wellfield Pumping Test Report and the analysis conducted by Tata & Howard, Weston & Sampson believes the site is capable of pumping the approved withdrawal rate of 684 gpm (0.98 MGD) but offers the following recommendations for future testing to better understand the steady state water quality characteristics of the source water:

- Conduct a long-term pumping test (5 days or greater) until it can be confirmed that stabilization was achieved.
- An accurate analysis of pumping-test data requires consideration of several standard corrections of the pumping test data set to ensure the data set is representative of the hydraulic response in the aquifer to pumping from the pumping well(s). In this case, data corrections should have included ambient aquifer trends, precipitation (recharge events) and tidal influence.
- A complete survey of all monitoring points to obtain reference elevations so groundwater and surface water levels can be converted to groundwater elevations.
- Perform a basic evaluation of aquifer parameters, which includes estimations of hydraulic conductivity, transmissivity and storativity.
- Refine conceptual hydrogeologic model of the Dole Place Wellfield aquifer.

3. Water Quality Evaluation

Water Quality Results (2016)

During the February 2016 pumping test, water quality samples were collected at test wells TW1, TW4 and TW5 at 31 Dole Place by Maher Services, who subcontracted Nashoba Analytical for analysis of water quality parameters. The test well water quality results are presented in Table 1. The only parameter at the time of sample collection and analysis that failed to meet a state or federal Maximum Contaminant Level (MCL) was pH. Sodium was above the Massachusetts Office of Research and Standards Guideline (OSRG) Massachusetts Drinking Water Guideline of 20 mg/L for all three samples with an average value of 31.7 mg/L. For comparison, the 2022 Annual Water Quality Report for West Newbury indicated the current water system had a maximum value of 68.2 mg/L for sodium from the West Newbury wellfield. No total coliform, volatile organic compounds, or synthetic organic contaminants were detected in the three samples. Per- and polyfluoroalkyl substances (PFAS) were not analyzed in the 2016 analysis.

Table 1. Summary of Sampling Results from February 2016				
Contaminant	TW1	TW4	TW5	MCL/SMCL
Total Coliform (per 100 mL)	0	0	0	0/Absent
E. coli (per 100 mL)	-	-	-	0/Absent
Radionuclides				
Gross Alpha (pCi/L)	2.4 +/- 1.1	0.8 +/- 0.7	0.7 +/- 0.8	15
Uranium (pCi/L)	1.1	1	ND ¹	30
Radon (pCi/L)	273	283	302	10,000**
Radium 226 (pCi/L)	0 +/- 0.08	0.1 +/- 0.1	0.2 +/- 0.1	5 combined
Radium 228 (pCi/L)	1.8 +/- 0.6	0.8 +/- 0.5	0.5 +/- 0.5	
Inorganic				
Antimony (mg/L)	ND	ND	ND	0.006
Arsenic (mg/L)	0.003	ND	0.003	0.010
Barium (mg/L)	0.006	0.008	0.004	2
Beryllium (mg/L)	ND	ND	ND	0.004
Cadmium (mg/L)	ND	ND	ND	0.005
Chromium (mg/L)	ND	ND	ND	0.1
Cyanide (mg/L)	ND	ND	ND	0.2
Fluoride (mg/L)	ND	ND	ND	4.0
Mercury (mg/L)	ND	ND	ND	0.002
Nickel (mg/L)	ND	ND	ND	0.1
Selenium (mg/L)	ND	ND	ND	0.05
Sodium (mg/L)	42.3	25.5	27.3	20*
Thallium (mg/L)	ND	ND	ND	0.002
Nitrate (mg/L)	2	1.4	1.8	10
Nitrite (mg/L)	ND	ND	ND	1
Secondary				
Aluminum (mg/L)	ND	ND	ND	0.2
Calcium (mg/L)	36.8	26.2	28.5	NS ²
Copper (mg/L)	ND	0.004	ND	1
Iron (mg/L)	0.022	0.013	0.009	0.3

Magnesium	5.3	4.7	4.1	NS
Manganese (mg/L)	ND	ND	ND	0.05
Potassium (mg/L)	3.8	2.7	2.6	NS
Silver (mg/L)	ND	ND	ND	0.1
Zinc (mg/L)	ND	0.004	ND	5
Alkalinity (mg/L)	77	60	62	NS
Chloride (mg/L)	93.7	60.2	58.1	250
Color (C.U)	0	0	0	15
Hardness (mg/L as CaCO ₃)	114	85	88	NS
Odor (TON)	ND	ND	ND	3
pH	7.4	6.3	6.8	6.5 – 8.5
Sulfate (mg/L)	20.8	12.5	15.7	250
TDS (mg/L)	244	178	188	500
Turbidity (NTU)	ND	ND	ND	NS
Synthetic Organic (µg/L)	ND	ND	ND	All
Volatile Organic (µg/L)	ND	ND	ND	All
Miscellaneous				
Perchlorate (µg/L)	2.0	ND	ND	2.0
Conductivity (µmhos/L)	570	400	412	NS

¹ND: Non-detect (result was below the detection limit for the testing method)

²NS: Not Specified

*ORSG MassDEP guideline for sodium

**MassDEP MCL for radon, EPA proposed MCL for radon is 300 pCi/L

Recent Regulatory Updates

In the years since the water quality sampling was performed at Dole Place there have been several regulatory updates regarding drinking water on both a state and national level. Most notably for this project, updates related regulations to PFAS and the Lead and Copper Rule.

PFAS

In 2016, the EPA announced the first health advisory (non-enforceable) regarding PFAS, which advised the sum of PFOS and PFOA be no higher than 70 parts per trillion (ppt) for drinking water. On June 15, 2022, the EPA announced a second health advisory for four PFAS in drinking water. After considering the public and industry's input, the EPA released proposed MCLs for six PFAS on March 14, 2023, with anticipation of approval by the end of 2023. The proposed MCLs listed PFOS and PFOA at 4 ppt each, and a Hazard Index based on synergistic effects of no more than 1.0 for PFNA, PFHxS, PFBS, and GenX. Unlike the previous health advisories, these proposed MCLs will be enforceable, prompting each state to adapt drinking water treatment processes to meet these regulations. The proposed rule will require public water systems to monitor for these six PFAS, notify the public of the levels of these PFAS, and reduce the levels of these six PFAS in drinking water if they exceed the proposed standards (EPA 2016; 2022, and 2023).

PFAS	2016 Health Advisory	2022 Health Advisory	2023 Proposed MCLs
PFOS	$\Sigma \leq 70$ ppt	0.02 ppt	4 ppt
PFOA		0.004 ppt	4 ppt
PFNA	NA	NA	Hazard Index* 1.0 (unitless)
PFHxS	NA	NA	
PFBS	NA	10 ppt	
GenX	NA	1,000 ppt	

$$*Hazard\ Index = \frac{GenX}{10\ ppt} + \frac{PFBS}{2,000\ ppt} + \frac{PFNA}{10\ ppt} + \frac{PFHxS}{9\ ppt}$$

In October 2020, Massachusetts published MCLs on six PFAS in drinking water, stating the sum of the six must not exceed 20 ppt. The six currently regulated PFAS in Massachusetts are PFOS, PFOA, PFHxS, PFNA, PFHpA, and PFDA, which MassDEP refers to as “PFAS6” (MassDEP, 2020). There is overlap between the proposed federal MCLs and the Massachusetts’s current MCLs, however, Massachusetts does not currently regulate PFBS or GenX, and the EPA does not currently intend to regulate the two perfluoro carboxylic acids (PFCAs), PFHpA (7 carbons) and PFDA (10 carbons) that Massachusetts currently regulates. Current MCLs in four New England states in drinking water are shown in Table 3.

PFAS	Massachusetts	Maine	Vermont	New Hampshire
PFOS	$\Sigma \leq 20$ ppt	$\Sigma \leq 20$ ppt	$\Sigma \leq 20$ ppt	15 ppt
PFOA				12 ppt
PFHxS				18 ppt
PFNA				11 ppt
PFHpA				NA
PFDA				NA
PFBS	NA	NA	NA	NA
GenX	NA	NA	NA	NA

Lead and Copper Rule

On December 16, 2021, the U.S. EPA announced final revisions to the National Primary Drinking Water Regulations for lead and copper under the authority of the Safe Drinking Water Act – called the Lead and Copper Rule Revisions (LCRR). The revisions include requirements for inventory of lead service lines and replacement plans for community systems and non-transient non community (NTNC) systems, establishment of a 90th percentile system wide trigger level of 10 parts per billion (ppb) of lead (in addition to the system-wide 90th percentile action level of 15 ppb), and requirements for community systems to offer testing to schools and childcare facilities. These changes highlight the emphasis on lead and copper for current and future regulatory updates.

The MassDEP will likely require West Newbury to re-establish its Optimal Water Quality Parameters (OWQP’s) once the new source comes online, given the significant changes and potentially different water quality considerations. OWQP’s are established by collecting water samples from the finished water line, all other entry points (for example, source water and post treatment), and from sites within

the distribution system, with the number of points within the distribution system based on the population served by the system. The details of the sampling plan and number of samples are specific to the system and must be determined through discussion with MassDEP once the new source is online.

Recommendations for Sampling

It has been over seven years since water quality sampling and analysis has been done at this site. The water quality data must be updated for the New Source Approval from MassDEP. It is recommended that the Town update water quality data with a new suite of water quality sampling and analysis to both update existing data and provide additional insight for infrastructure planning. The sampling shall include all previous parameters sampled, and the additional items noted in the list below. Crucial parameters for water quality and water treatment considerations at the wellfield include:

- PFAS sampling at a minimum should include at least 18 PFAS from EPA Methods 537 or 537.1. The following eight compounds, a combination of MA's PFAS6 and EPA's proposed MCL, must be included in the analysis: PFBS, PFHxS, PFOS, PFHpA, PFOA, PFNA, PFDA, and HFPO-DA (GenX).
- UV254 to indicate aromatic organic materials, which are precursors to disinfection byproducts (DBPs). Surface waters typically have higher concentrations of natural organic matter (NOM) than groundwater. Unfavorable or high UV254 absorbance may impact disinfection methods and treatment processes.
- Total Organic Carbon (TOC), Dissolved Organic Carbon (DOC), inorganics (iron and manganese), pH, radionuclides (radium), perchlorate, and nitrogen are typical water quality parameters that contribute to a variety of health based MCLs and filtration infrastructure needs. If granular activated carbon (GAC) filtration, common for PFAS removal in drinking water, is utilized at the site, iron and manganese can foul the vessels, lessening the removal of PFAS and other contaminants of concern. If there are high radionuclide or radium concentrations, GAC filter media may be considered a radioactive hazardous waste.
- Microparticulate Analysis (MPA) is recommended for an initial indication of the potential of this source to be Groundwater Under the Direct Influence of Surface Water (GWUDI) as defined by EPA's Surface Water Treatment Rule (SWTR). The determination of whether or not the source is GWUDI will be made based on MPA samples taken twice during a twelve-month period once the source is online; once between August 15 and October 15 (fall) and again between April 1 and May 30 (spring). Depending on whether the site is GWUDI or not will determine the log removal and chlorine contact time necessary, as well as the potential need for filtration in the treatment process. Per 310-CMR 22 Drinking Water, 4-log inactivation of viruses and 3-log inactivation of giardia cysts is required for groundwater under direct influence of surface water. Pressure filters typically account for 2-log credit.
- Corrosivity is a crucial water quality parameter to conform with EPA's Lead and Copper Rule to prevent leaching. Per EPA Optimal Corrosion Control document 816-B-16-003, factors affecting corrosivity and lead and copper leaching are:
 - Alkalinity, pH, and dissolved inorganic carbon (DIC)
 - Hardness (calcium and magnesium)
 - Dissolved oxygen (DO)
 - Ammonia, chloride, and sulfate
 - Natural organic matter (NOM)

- Iron, aluminum, and manganese
- Temperature
- All water quality test methods should conform to most recent State and EPA Methods for drinking water analysis.

Potential Implications of Results

Depending on the results from updated water quality sampling and analysis, certain treatment processes and infrastructure may be required to meet MCLs and improve water quality for a groundwater source located at the project site. Typical treatment of certain water quality parameters is shown in Table 4.

Table 4. Water Quality Parameters, Treatment Technologies, and Concerns	
Water Quality Parameter	Treatment Technology or Concerns
PFAS	Ion Exchange (IX) Resin and/or Granular Activated Carbon (GAC).
UV254	Change in disinfection methods and/or organics removal: processes to avoid DBPs formation.
TOC, DOC, inorganics (iron and manganese), radionuclides (radium)	Green sand filtration or GAC, high radionuclides may cause GAC media to be considered radioactive hazardous waste.
MPA Analysis	4-log inactivation for viruses and 3-log inactivation for giardia cysts if GWUDI (disinfection). Pressure filters typically account for 2-log credit
Corrosivity	Control of corrosivity is crucial to prevent lead and copper leaching. Corrosion control is typically accomplished through chemical addition.

4. Permitting

DEP Permits

Required Actions

Weston & Sampson consulted with Jim Persky and Duane LeVangie of MassDEP regarding the next steps required to renew the approval of the Dole Place Wellfield on behalf of the Town. The Dole Place Wellfield was officially approved on May 23, 2017 and the letter states that the approval is only valid for 5 years. Because it has been more than 5-years since the approval letter was obtained, the Town must complete another 5-day pumping test and collect water quality samples for parameters previously analyzed as well as additional parameters, such as PFAS, that were not collected in 2016. Prior to conducting another pumping test on the Dole Place Wellfield, MassDEP requires a brief pumping test proposal to be submitted that outlines the following:

- Updated Zone II land use evaluation
- Proposed pumping test sampling schedule and list of constituents to be sampled

- Proposed wellfield configuration including test well construction and location of discharge
- Proposed withdrawal rate

Recommended Actions

In addition to MassDEP requirements outlined above, Weston & Sampson recommends the following actions:

- Design and construct final pumping wellfield based on final production well standards prior to the pumping test
- Consider a long-term pumping test (more than 5 days) to confirm stabilization criteria is met
- Collect Microscopic Particulate Analysis (MPA) to confirm whether groundwater is under the direct influence of surface water
- Collect water quality field parameters from both the Merrimack River and the pumping wells (temperature, pH, Oxidation Reduction Potential, specific conductivity, dissolved Oxygen) daily for the duration of the pumping test both to meet regulatory requirements and to have an indicator of the influence of the surface water on the water quality of the groundwater.

MEPA Permitting

Weston & Sampson reviewed the available permitting documents for the Massachusetts Environmental Policy Act (MEPA) for the proposed wellfield at 31 Dole Place. In June 2016 an Environmental Notification Form (ENF) was submitted to the Executive Office of Energy and Environmental Affairs by Tata & Howard on behalf of the Town of West Newbury for the site. The ENF identified a water withdrawal of 868,000 gallons per day for the site, in exceedance of the MEPA threshold of 100,000 gallons per day, which necessitated the review of this potential project by MEPA.

The ENF Determination for the project was issued on August 19, 2016 by the Executive Office of Energy and Environmental Affairs. The project was determined to not require an Environmental Impact Report (EIR) at that time. The MEPA regulations at 301 CMR 11.10 dictate that if more than 5 years have elapsed since any work, including "non-construction related work or activity" then a new ENF shall be filed.

On August 16, 2023 Weston & Sampson met with Jennifer Hughes of the MEPA office for a virtual Teams meeting to discuss the project and next steps from the MEPA perspective. It was discussed that the Determination was issued more than five years ago, but the Town has been actively pursuing the purchase and evaluation of this property throughout the time since 2016 without a lapse of time occurring. Jennifer Hughes followed up after the meeting with additional detail. Because the subject project was determined to not require an EIR and the Town has been actively pursuing the project during the time since the Determination was issued, the Determination would still be valid from 2016 provided the project has not changed from the impacts documented in the 2016 ENF. If the proposed project has changed, for example if the building size increases due to additional treatment required, a Notice of Project Change should be filed with MEPA.

Since the 2016 ENF Determination the MEPA process has undergone several changes. Most notably, the inclusion of Environmental Justice as an area of concern for MEPA review, as well as additional

review of climate change considerations. Weston & Sampson reviewed the Environmental Justice communities mapping available from the Executive Office of Energy and Environmental Affairs (<https://mass-eoeea.maps.arcgis.com/apps/webappviewer/index.html?id=1d6f63e7762a48e5930de84ed4849212>) and determined there are no Environmental Justice communities located within the 1 mile radius of the project, however there are several within the 5 mile radius. The proposed project is not anticipated to have significant impacts on these communities, but this should be reviewed further once the extent of the proposed project is defined.

It was noted during this meeting that priority habitat overlaps the project site. It is recommended that the National Heritage and Endangered Species Program of the MA Division of Fisheries and Wildlife be contacted to confirm that the priority habitat located on the site will not be impacted by the project.

Additional Permits During Construction

In addition to permitting actions recommended above, there are local permitting considerations during construction. Local permits applicable to this project as identified in the Town's bylaws (as of January 2023, accessed online via the Town's website) would include a Street Opening Permit, a Trench Permit, and a Building Permit.

A memorandum prepared by West Newbury's Conservation Agent in March 2023 documents actions to be taken for wetlands permitting on the local level. It was noted that there is an open Enforcement Order on the property related to tree clearing in 2013 which would need to be addressed as part of any new work on the property. It was also noted that proposed work for this project may fall within the buffer zone of wetlands located adjacent to the property and additional wetlands delineation should be performed in order to determine the necessary next steps for proceeding. In addition, the project would be subject to the Massachusetts Stormwater Standards.

5. Sea Level Rise Implications

Weston & Sampson conducted an evaluation on the potential effects of Sea Level Rise (SLR) impacts on groundwater and surface water elevations near the Dole Place Wellfield. The evaluation was conducted to assess potential impacts on both infrastructure as well as safe yield and water quality of the source of supply under normal operating conditions (mean higher high water). As requested by the Town, the evaluation was conducted using the assumption that sea level rise during a 100-year flood condition in the year 2100 would equal six (6) feet above the current (2023) FEMA 100-year flood elevation. It is important to understand the consequences of the 100-year flood condition with respect to the proposed infrastructure needed to support the withdrawal, and the Town would like to incorporate the projected sea level rise into its evaluation for this.

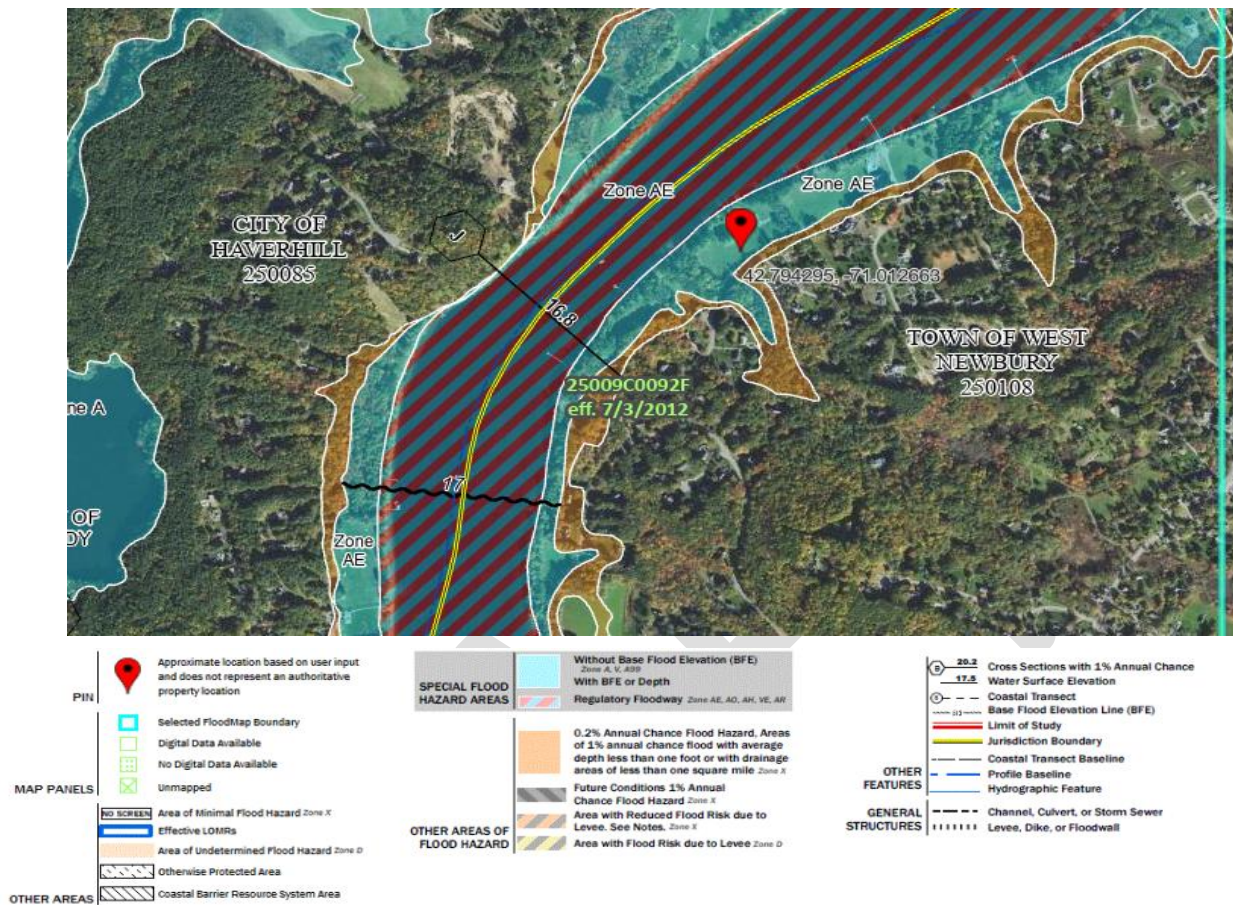
Potential Impact on Groundwater Elevations

Groundwater elevations in 2100 (town recommendation) were evaluated to understand the implications to the safe yield of the aquifer and water quality of the source water for the proposed source of supply under a 100-year flood condition and under normal operating conditions (mean higher high water).

The change (or rise) in groundwater elevations were calculated by using the relationship between the tidally influenced Merrimack River and the groundwater conditions under the 2016 observed conditions during the pumping test and applying that relationship to the predicted river elevations in both 2100 and 2070. Much of the information required for this evaluation was missing from the Tata & Howard Report because an assumed datum was used to estimate relative groundwater elevations. Weston & Sampson used the most recent LiDAR ground elevation data obtained from MassGIS to estimate elevations at the test wells based on the NAVD88 datum. The minimum and maximum observed groundwater levels provided in the report from February 2016 were used in conjunction with LiDAR surface elevations to estimate a range of groundwater elevations at the Dole Place Wellfield site throughout the pumping period. These elevations were then compared to the stage of the Merrimack River at USGS stream gage Newburyport, MA – 01100870 for the same period record as the pumping test. This evaluation showed that for every foot the Merrimack River increases due tidal changes, groundwater elevations increase by approximately 0.08 ft.

Town Recommended Approach: The current 100-year flood elevation of the site is currently 16.8 feet NAVD88 and was determined based on the FEMA Mapping Firm panel 25009C0092F as shown in **Exhibit A** below. The Town requested that Weston & Sampson assess the possible impacts to future elevated groundwater elevations resulting from sea level rise (SLR) by projecting the 100-year flood plain elevation with an additional 6 feet based on the 2070 sea level rise projection. Weston & Sampson's assumption is that this condition represents a 100-year flood condition in 2100.

Exhibit A: FEMA Flood Map



The current 100-year flood plain elevation with an additional 6 feet to represent the 100-year flood elevation in 2100 is equivalent to a water level elevation of 22.8 feet NAVD88. It should be noted that the Dole Place Wellfield is located within a FEMA special flood hazard area (Zone AE) as shown in **Exhibit A** and **Figure 1**. In order to illustrate our findings, a cross-section was developed representing the current groundwater conditions and projected SLR conditions (**Figure 2**). As a conservative approach, Weston & Sampson anticipates the land surface that parallels the Merrimack River to eventually be overtopped causing groundwater elevations to be impacted and rise at the same rate as SLR. Therefore, the projected SLR value was superimposed onto the current condition groundwater elevations. Based on the mapping of the FEMA Flood Hazard Areas (**Figure 1**) and projections explained above, the entire Dole Place Wellfield is expected to be overtopped by approximately 6.8 feet from rising river levels during a 100-year flood. This approach should be considered highly conservative and representative of a flood condition only.

Under the Town’s recommended approach, the entire site would be underwater during a flood condition unless all surface infrastructure is raised 2 feet over the expected 100-year flood elevation in 2100. This represents raising the wellhead(s) and associated infrastructure 8.8 feet above current ground surface.

Under the Massachusetts State Hazard Mitigation and Climate Adaptation Plan, the groundwater elevations in 2070 would rise approximately 0.36 feet. The impact from the resultant SLR-induced groundwater elevation rise would be de minimums on the safe yield of the wellfield, the water quality of the source water, and the associated infrastructure.

6. Recommendations

Assuming the Town decides to pursue the parcel for the development of a groundwater source, the following are recommended next steps for the Town.

Preliminary Steps (Fall 2023-Spring 2024)

The Town can take steps in the short term to move forward with the analysis of the parcel for use as a groundwater source, including the following:

- Submit to MassDEP a brief pumping test proposal that outlines the following:
 - Updated Zone II land use evaluation
 - Proposed pumping test sampling schedule and list of constituents to be sampled
 - Proposed wellfield configuration including test well construction and location of discharge
 - Proposed withdrawal rate and length of test
- Following the pumping test proposal submission, a long-term pumping test and water quality sampling should be performed incorporating the recommendations in Sections 2 and 3 above.
- Survey of the site can be conducted to obtain topographic elevation data and update previously used values for groundwater elevation developed with an assumed datum.

Additionally, the following steps can be taken in the short term to move forward with permitting of the project:

- Additional wetlands delineation should be performed to understand the extent of wetlands and buffer zones for the property.
- National Heritage and Endangered Species Program of the MA Division of Fisheries and Wildlife should be contacted to confirm that the priority habitat located on the site will not be impacted by the project.

Once the additional pumping test and water quality sampling are completed, there will be additional clarity as to the treatment requirements for the potential drinking water source. Treatment requirements will dictate the size of the building and scope of the design which will inform the need to update MEPA permitting for the project and move towards design and construction of the infrastructure necessary for a wellfield at 31 Dole Place.



FIGURE 1
WEST NEWBURY, MA
DOLE WELLFIELD

FEMA MAP

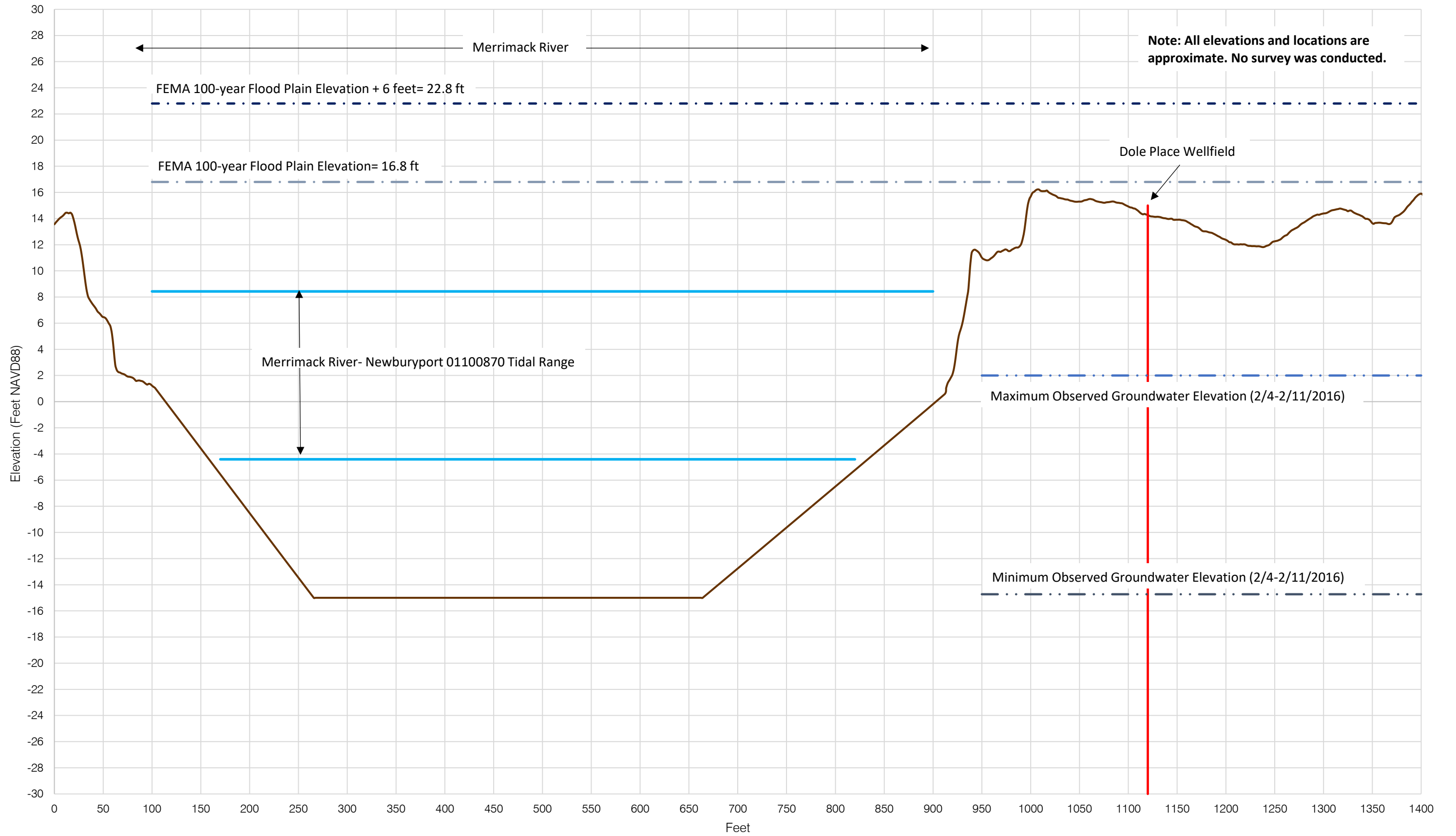
AUGUST 2023 SCALE: NOTED

Weston & Sampson

NW

Figure 2. Dole Place Wellfield Cross-Section

SE



ARTICLE REQUEST FORM

ARTICLE: Drainage Study for 330's Main Street Area

AMOUNT REQUESTED: Proposal from Horsley Whitten requested. Estimated at \$10K

CONTACT PERSON: Angus Jennings

PHONE NUMBER: 978-363-1100 X111

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

The drainage area for a large undeveloped parcel behind 335 Main Street feeds a small stream which goes underground at the property border of 335 Main Street. It then flows beneath the resident's driveway and out to the Main Street drainage system. Intense rainfall storms on August 8, 11 and 18 resulted in extensive flooding of yards, building structures and Main Street in this area due to what appears to be a blockage of the underground drainage system. The resident's driveway has been severely damaged and is no longer usable mid way up. With each rain event, more gravel and debris has been washed into Main Street and neighboring yards. There is a water main running along the side of Main Street in this area that has been undermined by the flooding. MassDOT has been out to the site several times and initially connected the underground drainage from the property to the Main Street drainage system. Because they don't have easements in this area, they are not able to initiate investigation or repair other than in the roadway. Completing a drainage study will provide the Town with information about the volume of stormwater in this geographic area, the requirements of a drainage system that will adequately protect property and Main St in this area and the suitability of the existing drainage system to provide that. Recommendations for improvements would also be made. This will benefit the property owners on both sides of Main Street as well as protect public health and safety by eliminating the risk of damage to the town water supply and Main Street during high intensity rainfall events.

What factors affect the timing of this purchase?

There is an immediate need to remedy this situation, however, until the scope of the problem and possible solutions have been identified, there is no path forward for the Town. Once the extent of the problem has been defined, the Town will work with MassDOT to effect a solution.

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

This study should be completed by the end of the calendar year and sunset at the end of FY24.

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

There are no ancillary costs

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

No

Please attach additional pages or other supporting documentation.

See attached letter from the resident at 335 Main Street



September 22, 2023

VIA EMAIL

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

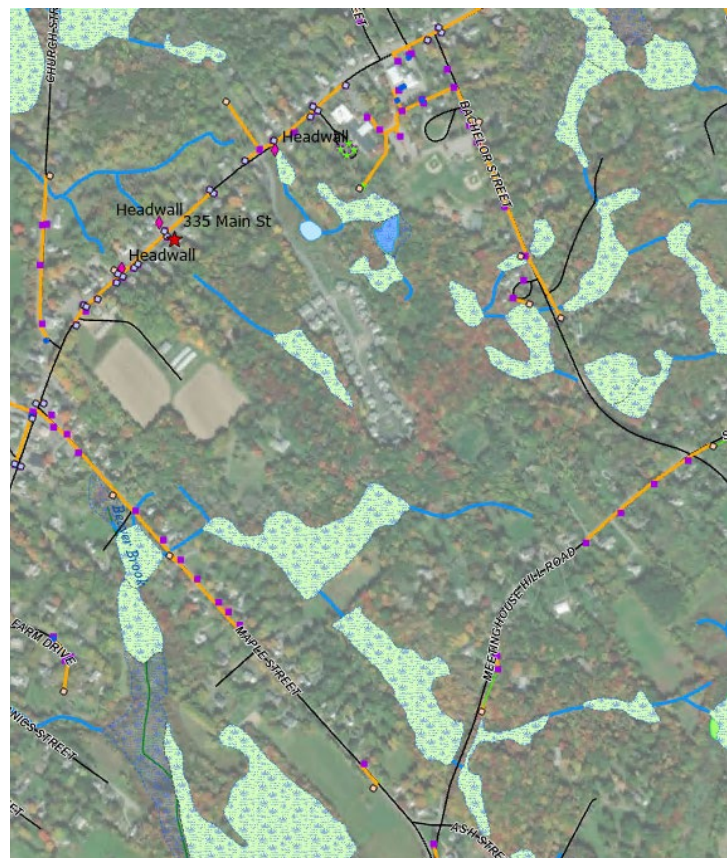
Re: Proposal for Drainage Study - **DRAFT**

Dear Mr. Jennings:

The Horsley Witten Group, Inc. (HW) is pleased to submit this proposal for a drainage study of the area bound by Main Street, Bachelor Street, Maple Street, and Meetinghouse Hill Road. Based on the information you have shared, we understand that property owners reported flooding and property damage at 335 Main St and neighboring properties following storms on August 8th, 11th, and 18th, 2023. While the cause of the flooding is unknown, the property owners at 335 Main St have suggested that the flooding was related to a seasonal stream that originates in the wetlands behind 335 Main St, is piped under the driveway at 335 Main St, and connects into a MassDOT drainage manhole on Main Street.

The Town of West Newbury is seeking to better understand why the flooding occurred and what actions may help to prevent future flooding and property damage. To assist the Town, our proposed drainage study aims to answer three key questions:

- 1) What are the sources of stormwater in this area?
- 2) Are there infrastructure deficiencies or pinch points that may contribute to flooding in this area?
- 3) What improvements could be made to reduce future risks of flooding and property damage?



Study area bound by Main Street, Bachelor Street, Maple Street, and Meetinghouse Hill Road, West Newbury, MA.

Our proposed scope of work and fee are detailed below.

Proposed Scope of Work

Task 1. Compile and Review Background Information

HW will initiate the project with a kickoff meeting with Town staff to discuss the project scope, schedule, roles, communications, and other project logistics. At this meeting, HW will request information and data related to the August 2023 flood event and the study area, such as photos, videos, observations, permits, site plans, as-built plans, drainage system mapping, and stormwater/drainage system maintenance records. HW will also compile publicly available data, including precipitation records, historical maps, and GIS mapping. HW will use this background information to both inform subsequent tasks and to create a cohesive picture of what is known and as-yet unknown about the study area and the August 2023 flooding. This information may help our team understand:

- How this area looked predevelopment (was it mapped as wetlands and stream?),
- Past and recent development,
- Existing drainage infrastructure and stormwater control practices (SCMs),
- History of flooding in this area,
- The probability of occurrence (i.e., return interval) of the August 2023 storms,
- Flood damage that occurred in August, and
- Initial ideas from various sources about what might have caused or contributed to the flooding in August.

Task 1 Deliverables:

- Kickoff meeting (virtual) with Town staff.

Task 2. Field Investigations

HW will complete on-site investigations to gain a better understanding of existing land uses, SCMs, and drainage infrastructure in the study area. Our field personnel will collect photographs, measurements, and observations of SCM and drainage infrastructure condition. HW assumes that the Town will secure permission from property owners for HW to access their properties, and that the Town will provide traffic control (e.g., DPW truck or police detail) to allow safe access to drainage manholes and catch basins in roads.

This scope includes time for two staff to complete the field investigations in two days. Depending on what is found on the first day of field investigations, HW may arrange to conduct limited topographic survey on the second day. The intent of the topographic survey would be to establish elevations for the stream where it flows above ground and enters/exits culverts, to be used in streamflow modeling described under Task 3.

This scope does not include a camera inspection of the piped stream or drainage infrastructure. However, camera inspection may be needed to determine whether pipes have blockages or damage that interfere with flow, and/or to determine pipe dimensions and identify connections if

those are not evident during field investigations. After completing field investigations, HW will advise the Town on whether a camera inspection is needed.

HW will meet virtually with the Town to report the findings of the background review and field investigations, and to solicit feedback and guidance from the Town on modeling evaluations.

Task 2 Deliverables:

- Two days of field investigations for two staff.
- Virtual meeting with Town staff to discuss findings.

Task 3. Existing Conditions Modeling

HW will develop a computer model to simulate runoff, streamflow, and drainage-infrastructure flow resulting from a design storm that represents the August 2023 rain events. The intent of the model will be to evaluate the movement of water through the study area – where runoff is generated, how it is routed through SCMs and drainage infrastructure, and where those flows exceed conveyance capacity and lead to flooding.

HW will determine which modelling software to use (e.g., EPA SWMM, HydroCAD, HEC-RAS) depending on findings from the background review and field investigations. This scope assumes that the modeling will focus primarily on the stream flowing under #335 Main Street.

Task 4. Final Report

HW will meet virtually with the Town to discuss findings from Tasks 1-3 and recommendations for next steps. One of the recommended next steps may be to conduct a Phase 2 drainage study, which would evaluate costs and benefits of alternative mitigation actions and explore implementation pathways (e.g., responsible party, funding, permitting). HW has not included those Phase 2 activities within this scope because of the many unknowns at the time of writing.

HW will prepare a final report detailing the findings of Tasks 1-3. The report will also include HW's preliminary recommendations for potential mitigation actions, such as maintenance of existing SCMs and drainage infrastructure, construction of new SCMs, upgrades/improvements to stream culverts and drainage infrastructure, and ecological restoration.

Task 4 Deliverables:

- Virtual meeting with Town staff.
- Final report.

Estimated Fee

HW proposes to complete the tasks above on a time and materials basis for the estimated fee of \$24,000, as detailed in the table below. This estimated fee includes \$200 reimbursable expenses for mileage.

Task	Estimated Fee (not to exceed)
Task 1	\$5,200
Task 2	\$5,900
Task 3	\$8,300
Task 4	\$4,400
Reimbursable Expenses (Mileage)	\$200
TOTAL	\$24,000

Estimated Schedule

HW will begin work upon receipt of a signed contract with the Town and proposes to complete the full scope of work by September 30, 2024.

Conclusion

Thank you for the opportunity to provide this proposal. We look forward to continuing to work with the Town of West Newbury. Please feel free to contact me at kennedy@horsleywitten.com or 857-263-8193 with any questions.

Sincerely,

Horsley Witten Group, Inc.



Lori Kennedy, P.E.
Senior Water Resources Engineer

From: Manuel Sanchez-Felix
Sent: Tuesday, August 29, 2023 8:26:22 PM
To: bruce.tarr@masenate.gov <bruce.tarr@masenate.gov>
Cc: Anne Sanchez-Felix; Manuel Sanchez-Felix; Selectboard <selectboard@wnewbury.org>
Subject: Assistance with an issue involving MASS DOT related to flooding

Dear Bruce

My wife Anne and I are seeking your assistance with a situation that involves MASS DOT and the town of West Newbury.

Our intent is to resolve an issue that is impacting our neighbors, the town of West Newbury and us.

Situation

Our home has a seasonal stream that runs under our property and drive for about 300 feet. The stream is from a large wetland behind our property and we have a 1 ft pipe from our property that enters the MASS DOT storm drain that crosses the road underground and is transferred to a 2 ft pipe on our neighbors property across the road which allows the stream to run down hill to the Merrimack river.

As you are aware there have been three major rainstorms that have caused flooding on the 8th, 11th and the 18th of August.

These storms caused our drive to collapse (see picture 1) and the volume of water was so great that it caused our asphalt drive to be raised 4 inch to allow the water to exit onto the road. In addition, the stream became a river that ran overground across my neighbor's and my gardens, which caused flooding of our neighbor's rental property basement (up to the rafters causing >\$20K of damage), flooded the road (which required the police to divert traffic), flooded a local garage, washed away a sidewalk that under minded the town's main water pipe (that had to be resolved by MASS DOT). Please see video's 1 and 2 that show how extreme the flooding was.

We believe the issue has been compounded by MASS DOT repair to a storm drain which was not previously connected to pipe from my property and the pipe that goes across the road allowing the stream to flow (see picture 2). We believe that the repair now allows water from storm drain on the road to cause a back flow that stops the flow from the stream and which exacerbated the collapse of the my drive and flood water to travel above ground.

MASS DOT representatives have informed us that they can't do anything on our property to resolve the issue because there is no easement. West Newbury Town have stopped us from excavating our drive to investigate the issue because they claim this is a conservation issue and it requires a trained engineer to make an assessment. We have attempted to hire several

engineers, but they have informed us that they have so much work it will take 3 to 4 months before they are available.

Irrespective of the above the larger issue is that we have a substantial wet land above my property that will transfer large amounts of water and MASS DOT has a 1 foot pipe transferring the flow from both the stream that run down my drive and the water from the road.

Link to pictures and videos

<https://1drv.ms/f/s!AnjFCmOvrl1UhxmOyPtPUev5AkLt?e=i6vV1j>

Request

Can you assist in discussions with MASS DOT and West Newbury Town.

We are willing to provide an easement to our property for MASS DOT resolve the issue. MASS DOT also needs to resolve the issue with the 1 foot pipe that goes across the road, by either exchanging it to a 2 ft pipe or a better solution of running the storm drain down the hill to the stream that crosses the road at the bottom of our hill and using a 36 in pipe.

We also need the town to allow the digging of a retention pond in the wetlands above our properties to slow down the water flow. The neighbor who owns the wet land properties is prepared to do this, but it will require a \$30-\$50K survey to generate the justification. This could be covered by MASS DOT if they accepted the easement to our property.

We are trying to do the right thing and help ensure the issue does not occur for the town, our neighbor's, and ourselves. We could run a 1 foot pipe from the top of our property to the MASS DOT storm drain, but we fear that this will not resolve the issue and it will undermined the road and flooding will continue.

The excuse given to us by MASS DOT for not increasing the size of the pipe across the road is that the storm is a once in 100 years. We had 3 of these storms this year and one in 2021. With climate extremes becoming the norm this model is incorrect.

Thank you reading our email. We will be happy to discuss this further with you.

Anne (RN) and Manuel Sanchez-Felix (PhD, FRSC)

August 8, 2023
Storm/Flooding Briefing

At approximately 11:30 am heavy rains caused significant flooding throughout the town. PD units were dispatched to the areas hardest hit (see below).

Municipal leaders were notified, and social media was utilized to update the community.

No roads were closed. No reported power outages.

Local resources: DPW, MASS DOT, EMA, PD, FD and BOH.

FD responded to 333 Main Street and 22 Maple Street to assist residents with basement pump outs.

162 Middle Street – flooding in roadway from property on sited by the Board of Health.

Area between 333 Main Street and 322 Main Street Route 113. Serious roadway flooding. Local DPW and Mass DOT responded for cleanup. DOT District 4 responded to the area to inspect damage to the sidewalk westbound area of 322 Main.





Undermined section of the sidewalk 322 Main Street. Area of sidewalk has been closed by local and State DOT.

322 Main Street runoff from roadway on the east side of the building. Contact made with the property owner.



Main Street – westbound prior to #322.



173 Main Street. Driveway runoff, gravel in the roadway. Mass DOT responded with street sweeper.

Farm Lane area of new construction possibly #3 Farm Lane. Runoff from construction site mud in the roadway. Health Agent contacted contractor and they be cleaning the roadway with a street sweeper.





River Road between Kimball Field and #127. Significant runoff causing flooding. Highway will be inspecting for further damage.



Runoff from Chestnut Hill Street at the corner of Farm Lane.

ARTICLE REQUEST FORM

ARTICLE:

AMOUNT REQUESTED: \$ 175,000

CONTACT PERSON: Graham Bacheller

PHONE NUMBER: [REDACTED]

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

The goal of this project is to help permanently preserve Evergreen Farm, a 36-acre property on the edge of the Crane Pond Wildlife Management Area that has been a beloved tree farm for many years.

CPA funds would be used to acquire a Conservation Restriction (CR) on approximately 14 acres – acreage that includes the majority of the active farmland. If CPA funds are approved, the Conservation Restriction would be jointly purchased by the Town of West Newbury and Essex County Greenbelt Association (Greenbelt). The CR would forever extinguish the ability to subdivide and develop the property, while allowing farming to continue. After the Conservation Restriction is in place, a total of approximately 18 acres (including 4+/- unrestricted acres with the existing home and barns) would be sold to a private buyer. The acquisition of the CR, the sale to a private buyer (already identified) of the 18 acres, plus the sale of approximately 18 acres to MassWildlife (owner/manager of Crane Pond Wildlife Management Area), will fund the total acquisition of the property, which would be entirely facilitated by Greenbelt. Greenbelt will pay for associated due diligence, including an appraisal, survey, and title examination. The acquisition will preserve important farmland soils, rare species habitat, and expand the connected landscape of conserved land in this are of town. West Newbury residents and beyond will benefit from the preservation West Newbury's rural heritage and increased climate resilience through the protection of intact forests and wetlands.

What factors affect the timing of this purchase?

Purchase timing for the CR may be delayed by the CR approval process with the Executive Office of Energy and Environmental Affairs.

It is anticipated that the Conservation Restriction purchase can close by June 2024.

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

Legal costs for Town of West Newbury conservation restriction review.

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

No

Please attach additional pages or other supporting documentation.

**TOWN OF WEST NEWBURY
COMMUNITY PRESERVATION COMMITTEE**

APPLICATION FOR PROJECT FUNDING

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

APPLICANT INFORMATION

Project Name:	Evergreen Farm Conservation Restriction
Project Address:	114 Ash Street
Map/Lot:	70-40
Applicant Name: (Group or Committee Affiliation)	Essex County Greenbelt Association and Town of West Newbury Open Space Committee
Contact Person:	Vanessa Johnson-Hall
Telephone:	978-768-7241 x116
Address:	PO Box 1026, Essex, MA 01929
Email:	vkjohnson@ecga.org
Date of Application:	September 21, 2023

PROJECT ELIGIBILITY

Community Preservation Category (ies)	Open Space
Date Approved by CPC	August 17, 2023

**TOWN OF WEST NEWBURY
COMMUNITY PRESERVATION COMMITTEE**

APPLICATION FOR PROJECT FUNDING

PROJECT NARRATIVE

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

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

The goal of this project is to help permanently preserve Evergreen Farm, a 36-acre property on the edge of the Crane Pond Wildlife Management Area that has been a beloved tree farm for many years. Greenbelt has an accepted offer to purchase Evergreen Farm for \$1.9 million dollars by March 2024. The intent of this application is to seek \$175,000 in CPA funds to help acquire a Conservation Restriction (CR) on approximately 14 acres at Evergreen Farm. This acreage includes the majority of the active farmland. If CPA funds are approved, the Conservation Restriction would be jointly purchased by the Town of West Newbury and Essex County Greenbelt Association (Greenbelt). We anticipate the total CR purchase price to be \$400,000; this will be confirmed by an appraisal. Greenbelt will raise the remaining funds needed to purchase the CR.

The CR would forever extinguish the ability to subdivide and develop the property, while allowing farming to continue. After the Conservation Restriction is in place, a total of approximately 18 acres (including 4+/- unrestricted acres with the existing home and barns), of which 14 would be encumbered by the CR, would be sold to a private party. The acquisition of the CR by the Town and Greenbelt, the sale to a private buyer (already identified) of the 18 acres, plus the sale of the remaining approximately 18 acres to the MA Dept. of Fish & Game (DFG, owner/manager of Crane Pond Wildlife Management Area), will fund the total acquisition of the property. This conservation project will be facilitated by Greenbelt. Greenbelt will fund all necessary due diligence associated with the Conservation Restriction purchase.

**TOWN OF WEST NEWBURY
COMMUNITY PRESERVATION COMMITTEE**

APPLICATION FOR PROJECT FUNDING

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

Town CPA funding would be leveraged by over 5:1 via the sale of land to the Dept. of Fish & Game (DFG) and the co-acquisition of the conservation restriction with Greenbelt.

This project meets CPA goals by preserving:

- a property listed as a priority for preservation in West Newbury’s Open Space & Recreation Plan
- threatened natural resources (rare species habitat, farmland)
- the Town’s rural, historic character

Evergreen Farm abuts the 2,576-acre Crane Pond Wildlife Management Area (WMA). Protecting Evergreen Farm will expand this connected landscape of preserved land and wildlife habitat. The 18 acres that will be owned by DFG will connect to Crane Pond WMA, and will be open to the public.

Additional benefits include:

- Climate resilience via the protection of intact forests and wetlands, which filter and thus clean water, cool air, and retain floodwaters.
- Preservation of Rare Wildlife Habitat: Evergreen Farm is within a vast area mapped as Priority Habitat for Rare Species by the Commonwealth.
- The state’s 2022 BioMap study includes significant portions of the property within an area mapped Core Habitat for Rare Species and Wetlands, Critical Natural Landscape for Wetland Core Buffers and Landscape Blocks, and locally-important aquatic habitat buffers, wetlands and wetland buffers, and local landscapes.
- Much of the actively-farmed area is mapped as Prime Farmland Soils by the USDA-Natural Resources Conservation Service. As the state with some of the most threatened farmland in the country, preserving our remaining farmland is a tremendous priority.

The purchase of the CR on Evergreen Farm furthers West Newbury’s 2018 Open Space and Recreation Plan goals:

- To preserve the rural character, charm, and sense of community;
- To protect and manage natural resource areas, including water resources and large, contiguous tracts of undeveloped land.

**TOWN OF WEST NEWBURY
COMMUNITY PRESERVATION COMMITTEE**

APPLICATION FOR PROJECT FUNDING

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

Greenbelt has an accepted offer to purchase Evergreen Farm, and is in the process of finalizing a Purchase & Sale Agreement. We will have a signed Purchase & Sale Agreement in advance of Town Meeting. The closing deadline for the purchase of the property is 180 days from signing of the Purchase & Sale Agreement. The conservation restriction would ideally be completed by this deadline, as well.

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

Greenbelt signs P&S with Evergreen Farm Trust: September 2023
Greenbelt signs Option Agreement with DFG: September 2023
Town Meeting CPC Funding Approval: October 23, 2023
Appraisal Deadline: 90 days from execution of P&S
Complete Form A plans to divide property into 2 lots and CR Plan: January 2024
Form A Plan Approval: February 2024
Property Acquisition: March 2024
CR Review and Approval: February 2024
CR Approval by Executive Office of Energy & Environmental Affairs: early March, 2024
CR Signatures by all parties: March 2024
CR Closing: March 31, 2024*

*Timing depends upon CR approval process, notably with the state.

**TOWN OF WEST NEWBURY
COMMUNITY PRESERVATION COMMITTEE**

APPLICATION FOR PROJECT FUNDING

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

The West Newbury Open Space Committee voted to co-apply with Greenbelt for funding to acquire the Evergreen Farm Conservation Restriction at their August meeting (please see attached minutes). The Conservation Commission will be meeting Monday, Sept. 18 and we hope will also vote to support this application.

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

N/A

**TOWN OF WEST NEWBURY
COMMUNITY PRESERVATION COMMITTEE**

APPLICATION FOR PROJECT FUNDING

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

The project is anticipated to close no later than June 2024. The anticipated timeline is as follows:

Greenbelt signs P&S with Evergreen Farm Trust: September 2023

Greenbelt signs Option Agreement with DFG: September 2023

Town Meeting CPC Funding Approval: October 23, 2023

Appraisal Deadline: 90 days from execution of P&S

Complete Form A plans to divide property into 2 lots and CR Plan: January 2024

Form A Plan Approval: February 2024

Property Acquisition Closing: March 2024

CR Review and Approval: February 2024

CR Approval by Executive Office of Energy & Environmental Affairs: early March, 2024

CR Signatures by all parties: March 2024

CR Closing: March 31, 2024*

*Timing depends upon CR approval process, notably with the state.

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

Please see attached budget.

**TOWN OF WEST NEWBURY
COMMUNITY PRESERVATION COMMITTEE**

APPLICATION FOR PROJECT FUNDING

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

In 2019, a preliminary engineering plan shows the subdivision of Evergreen Farm into 7 house lots. Even if this is ambitious, the property has sufficient frontage and upland to be subdivided into enough homesite to irrevocably destroy the conservation benefits available to us now.

If we are successful in preserving Evergreen Farm, a neighbor has pledged to donate several acres of their abutting land to DFG.

Please see attached maps depicting conservation values and public benefits of the conservation of Evergreen Farm.

**TOWN OF WEST NEWBURY
COMMUNITY PRESERVATION COMMITTEE**

APPLICATION FOR PROJECT FUNDING

APPLICATION CHECKLIST:

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

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

Approval by CPC Administrator:

Signature	
Date	

West Newbury Open Space Committee

Meeting Minutes - DRAFT

Wednesday, August 16, 2023

7:00 pm

Please Join Zoom or In-Person Meeting

<https://zoom.us/j/8960752005>

Meeting ID: 896 075 2005

Present: Graham Bacheller, David Parrott, Jean Lambert, John Dodge, Don Bourquard, and Carol Decker, scribe

Absent: Marlene Switzer, Patricia Reeser

Guests: Michelle Greene, Conservation Agent and Vanessa Johnson Hall, Essex County Greenbelt Director, Land Conservation Division

CPC Application

Vanessa Johnson H. submitted an eligibility offer to CPC for the Ash Street Tree Farm. She is submitting an application for CPA funds prior to a closing agreement and needs to submit on August 17. The total purchase offer is not in the application. This would preserve the Lovejoy property with rare species habitat and it has important farmland soils. Eighteen acres would be purchased by MA Fish and Game and 18 acres would be a conservation restriction. Greenbelt also has a buyer identified for the appraised value. The purchase and sale agreement would be with the Evergreen Trust. This property could have six houses and potentially more without protection. John D. made a motion that we authorize Greenbelt to submit on behalf of OSC up to \$175,000 for the Lovejoy Property on the CPC application. Don B. seconded. Motion carried.

Sawmill Fundraising

Graham B. said he had missed the Greenbelt fundraising meeting, but John D. attended. John said Greenbelt would have a table at the next two outdoor bandstand concerts and if anyone on OSC could assist by attending and talking to residents about this important parcel of land. There may also be a house party and two site walks.

Select Board Questionnaire

Graham B. emailed everyone on OSC the questionnaire with feedback requested by the Select Board. There was also discussion on the website and John D. said he would take a look and get rid of old postings.

Invasives and Field Work Update

Michelle G. said the interns were wrapping up with their last day on August 17. They learned a lot, helped a lot and made interesting observations that were recorded in their presentation to the Select Board. Their presentation will be on the OSC and Conservation Commission websites.

Michelle G. said the intern role may be expanded next year to Summer Land Stewards. There are so many other things interns could be involved with that would be useful to her and would make this a more robust internship. Con Comm is still working on the wetland by-law and they have two new members, one full and the other an associate. Carol D. met with Angus J., Butch, Michelle G., and Rick P. on a field mowing plan for three of the West Newbury OpenSpace properties as well as the solar field. The idea is to selectively reduce the mowing so the pollinators can prosper as well as saving labor and tractor costs for mowing.

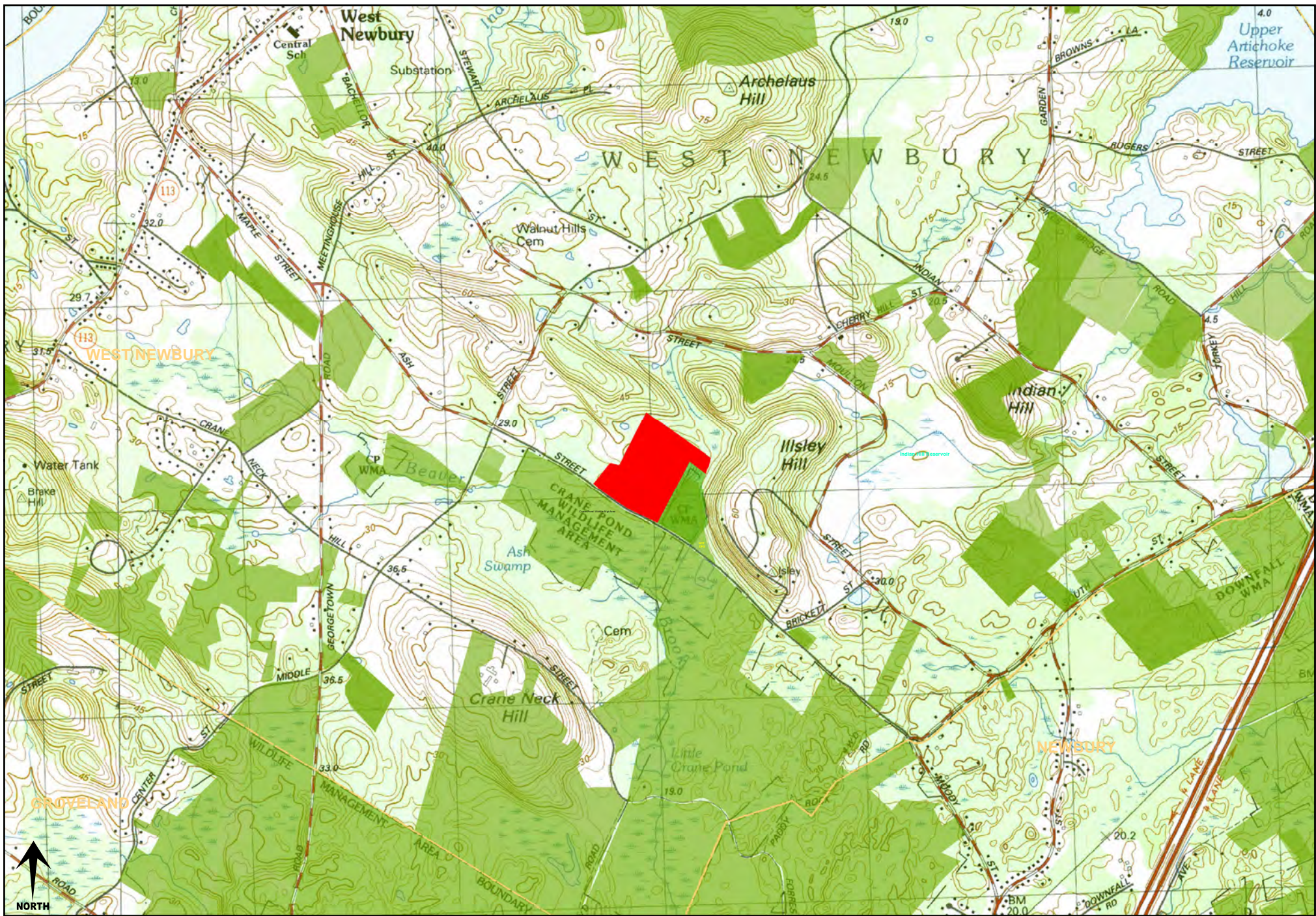
Approve Minutes

Jean L. made a motion to accept both the June 20, 2023 regular session minutes as well as the Executive session minutes. John D. seconded. Motion carried.

Motion to Adjourn:

Don B. made a motion to adjourn. John D. seconded. Motion carried and the meeting adjourned at 8:20 pm.

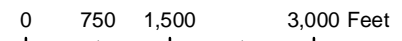
Respectfully submitted,
Carol Decker, Scribe



- Evergreen Farm Trust
- Other Protected Land

Evergreen Farm Trust
36 acres +/-

Materials for Finance Committee meeting on 9/27/23



Map for illustrative purposes only. Boundaries are approximate and based on most currently-available assessor's data. 2013 Orthophotos; 1:5,000. All data other than Greenbelt properties from MassGIS. Map by Greenbelt, dated 9.12.23





171 River Road Trust
38 acres +/-

18 ac +/-
Proposed Dept. of
Fish & Game
Purchase

14 ac +/- Proposed
Greenbelt & Town
Conservation Restriction
Purchase

4 ac +/-
unrestricted

Crane Pond Wildlife Mgt Area
(Dept. of Fish & Game)

- Evergreen Farm Trust
- MA Dept of Fish & Game

Evergreen Farm Trust
36 acres +/-



0 100 200 400 Feet

Map for illustrative purposes only. Boundaries are approximate and based on most currently-available assessor's data. 2013 Orthophotos; 1:5,000. All data other than Greenbelt properties from MassGIS. Map by Greenbelt, dated 6.15.23





Evergreen Farm Trust
 MA Dept of Fish & Game

Development Threat: Proposed 7-lot Subdivision

Materials for Finance Committee meeting on 9/27/23

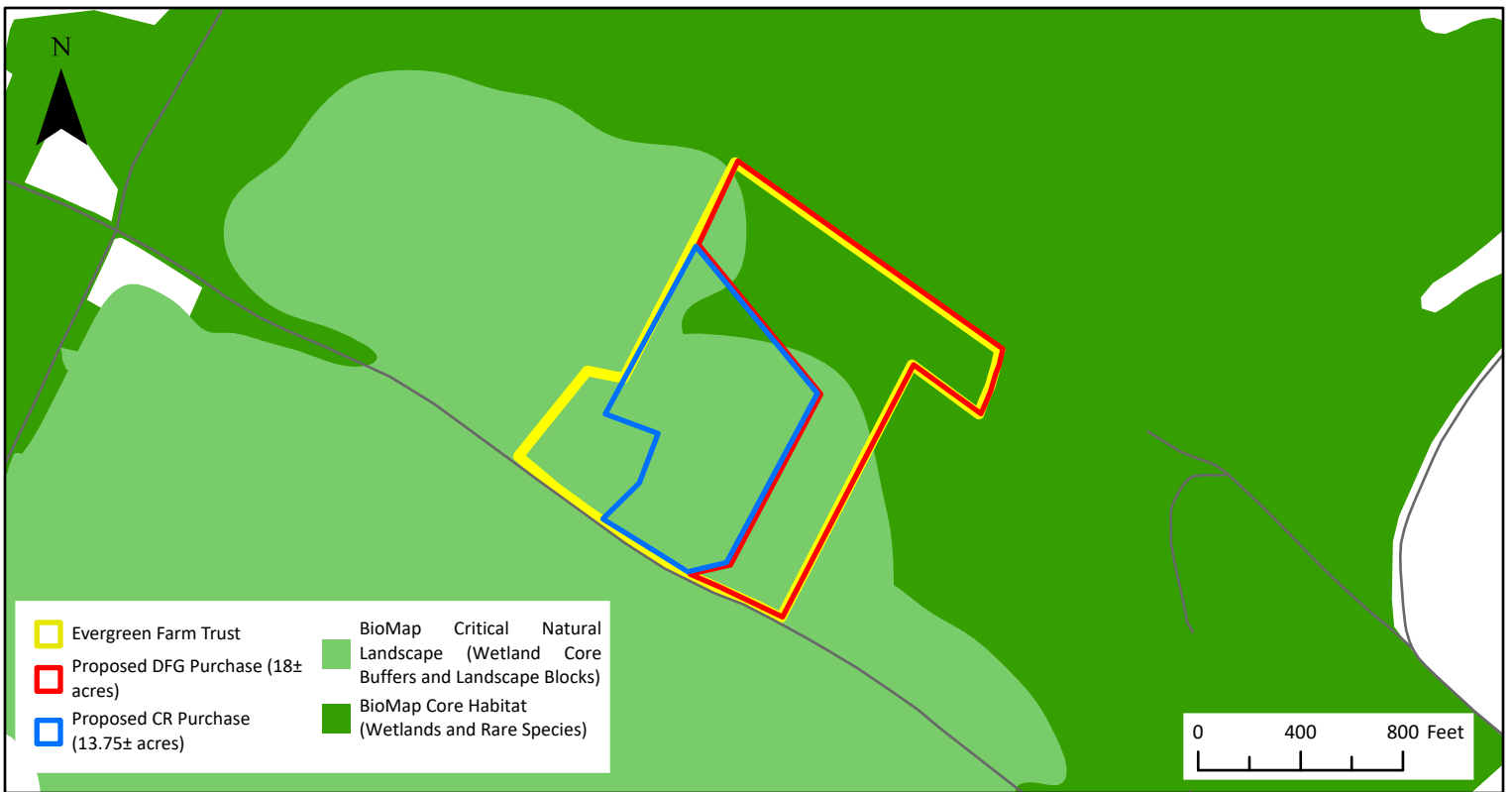


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Map for illustrative purposes only. Boundaries are approximate and based on most currently-available assessor's data. 2013 Orthophotos; 1:5,000. All data other than Greenbelt properties from MassGIS. Map by Greenbelt, dated 6.15.23



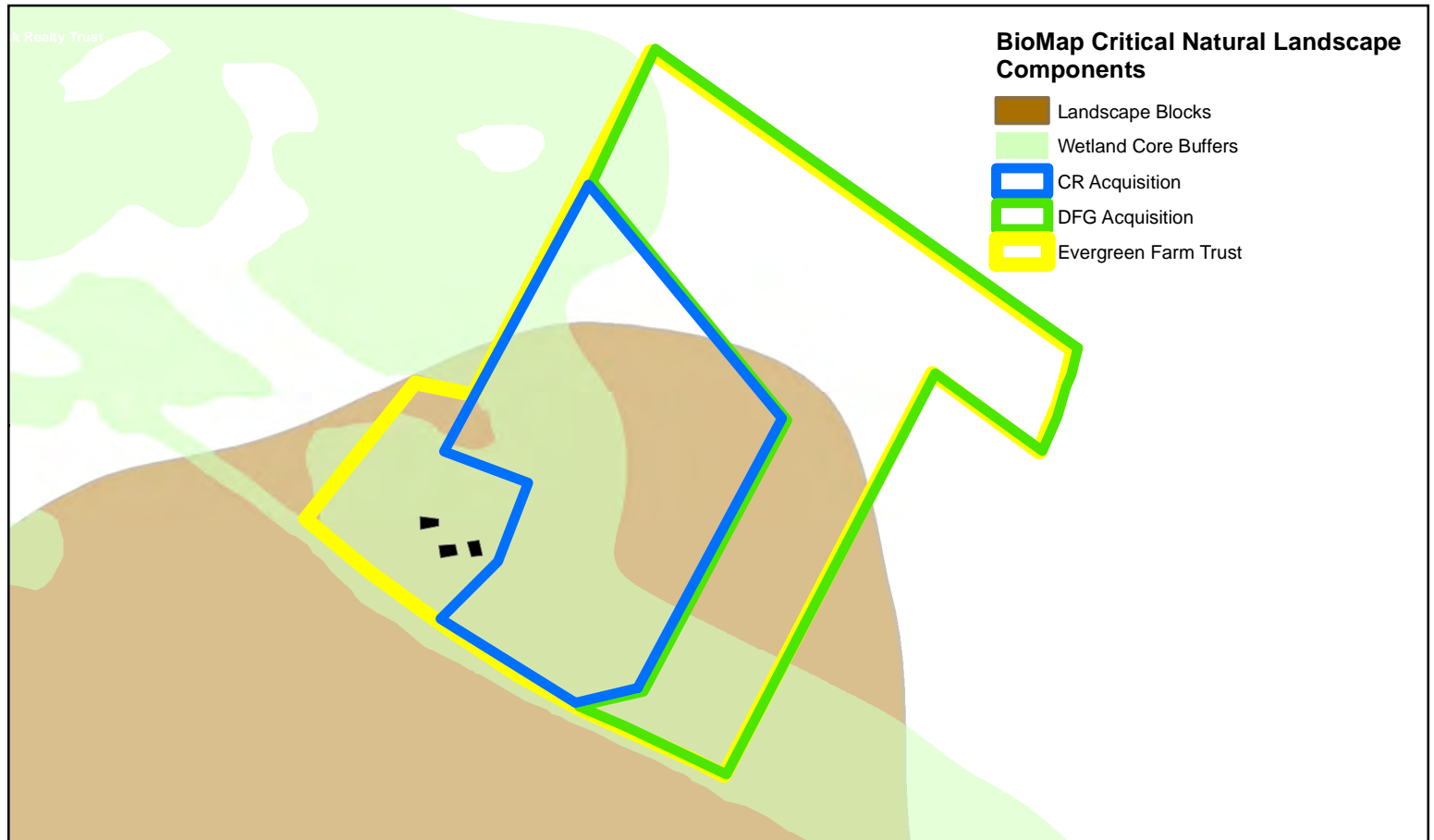
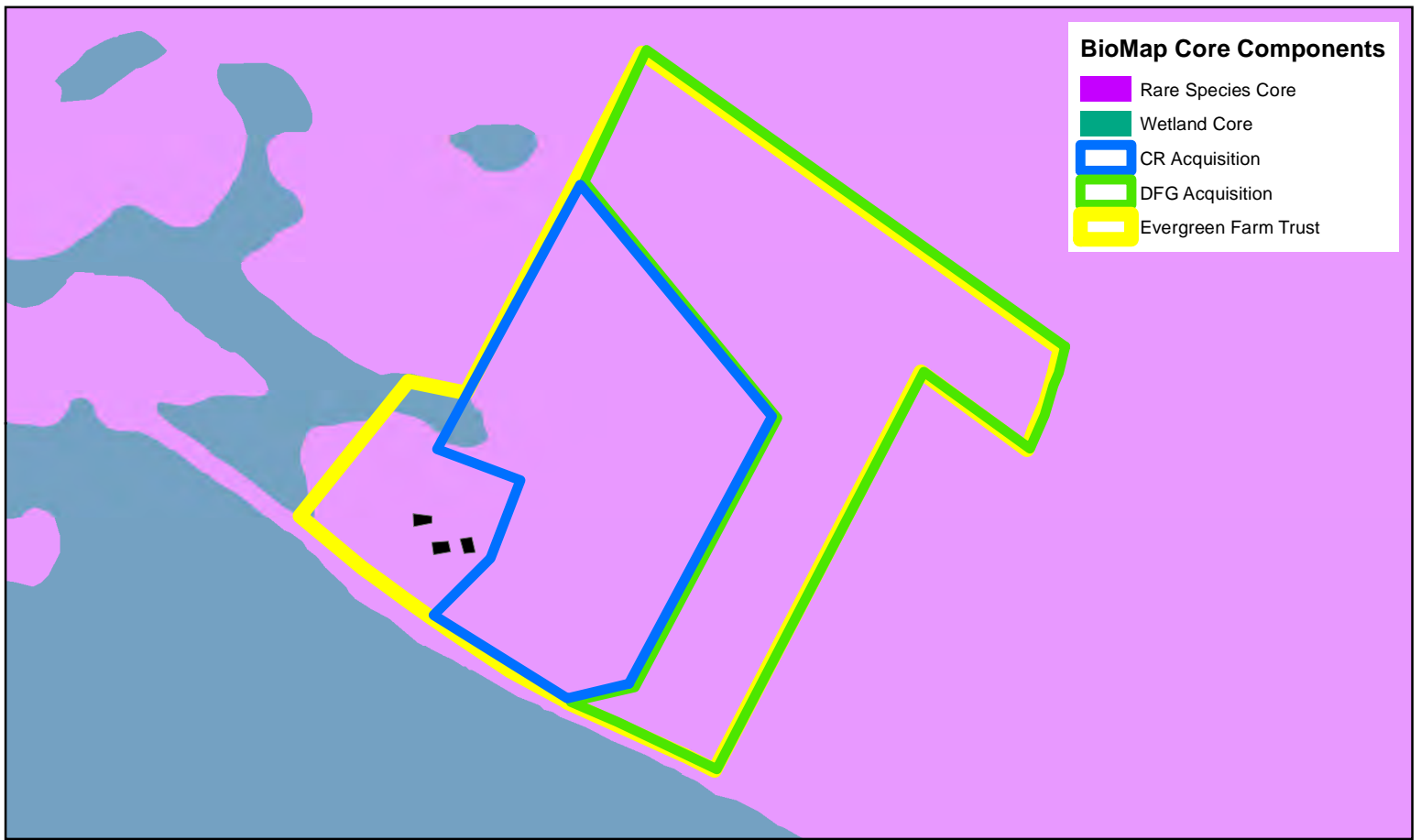
USGS, MassGIS

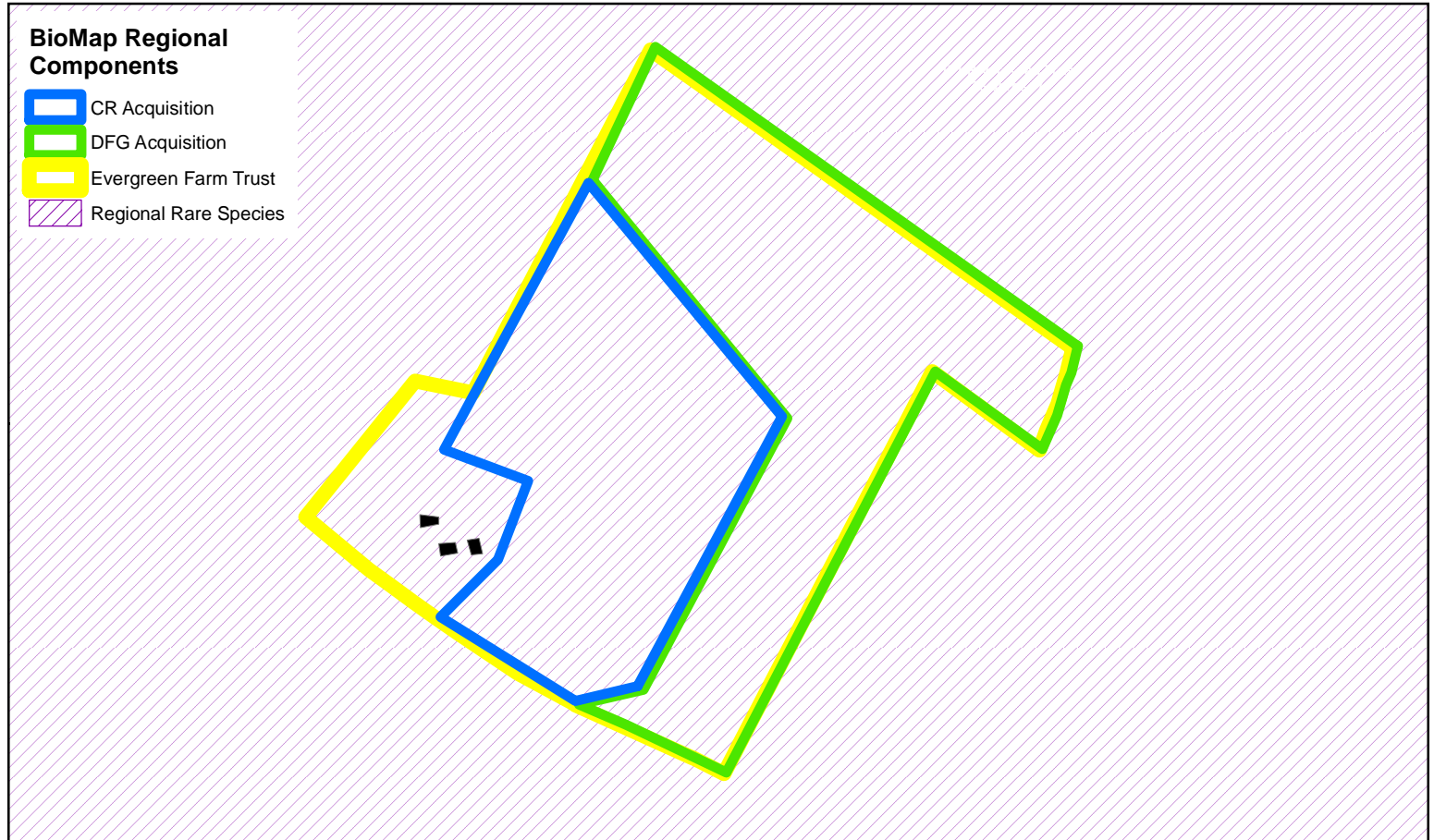


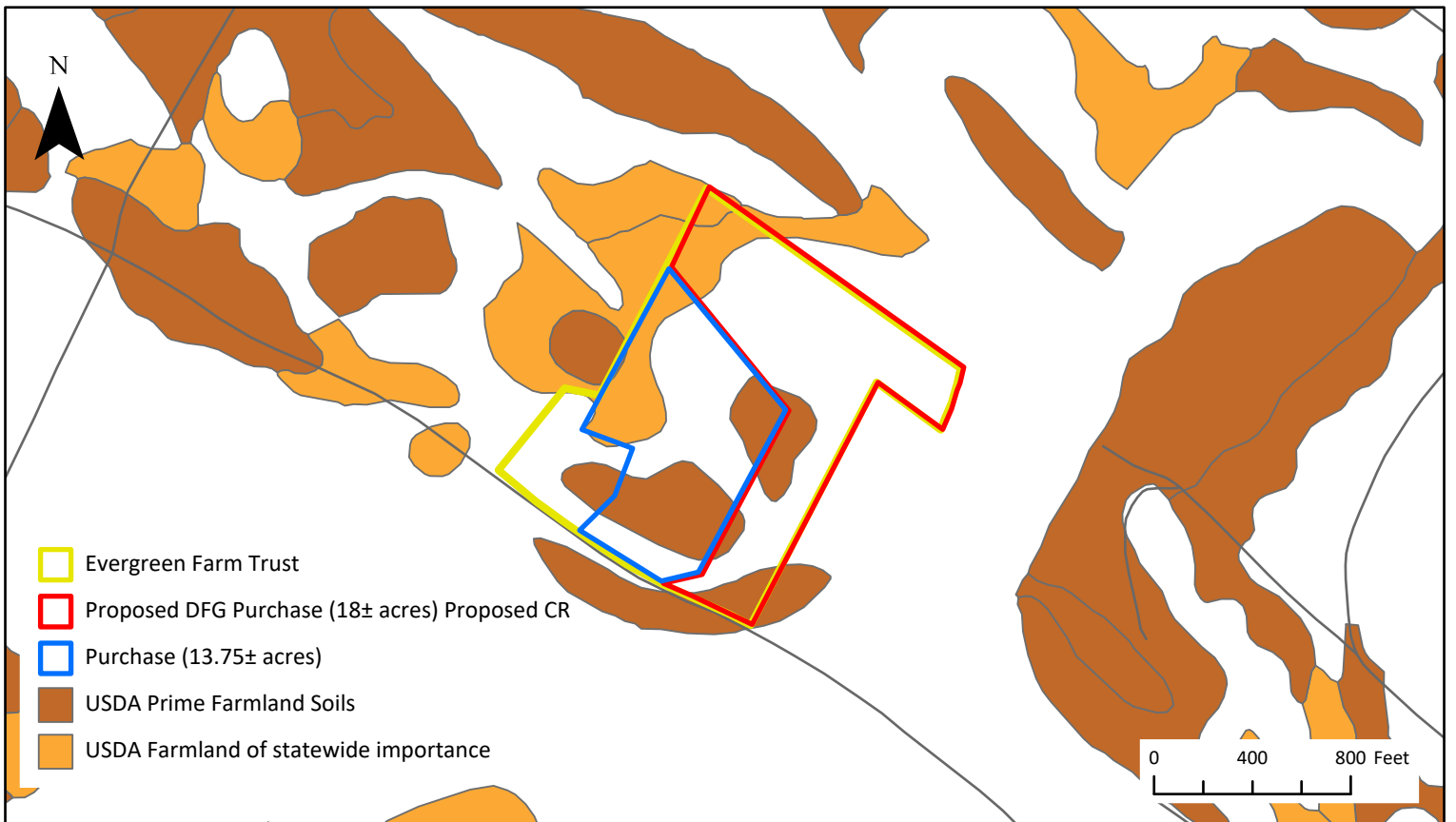
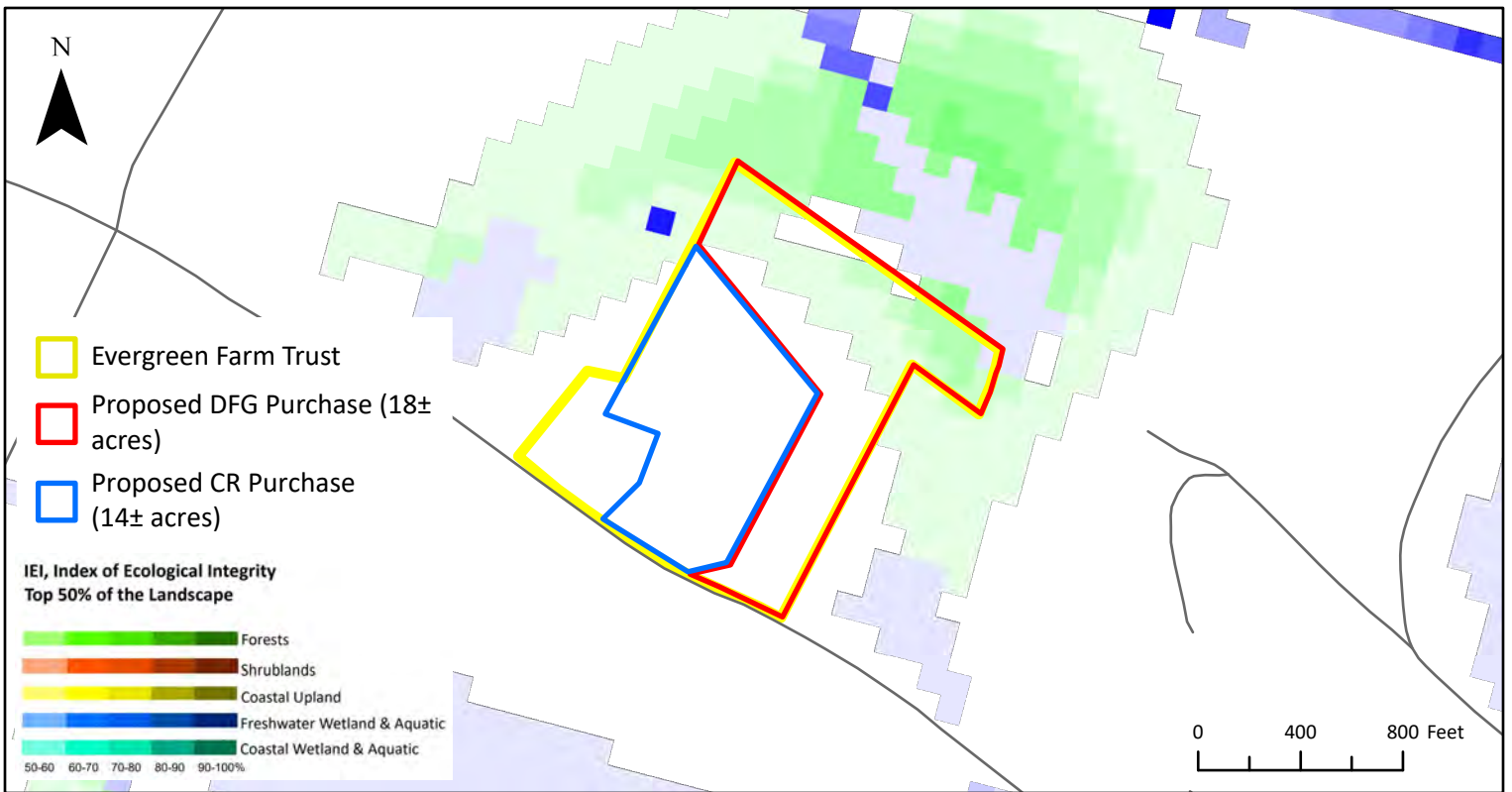
Evergreen Farm Trust, West Newbury Natural Resources Map (1 of 3)

BioMap 3 and Natural Heritage Rare Species Data

Source data obtained from survey plans and Mass GIS. Boundary lines are approximate and to be used for informational purposes only. Materials for Financial Reporting, M9/27/23. Produced September 2023 by Essex County Greenbelt.





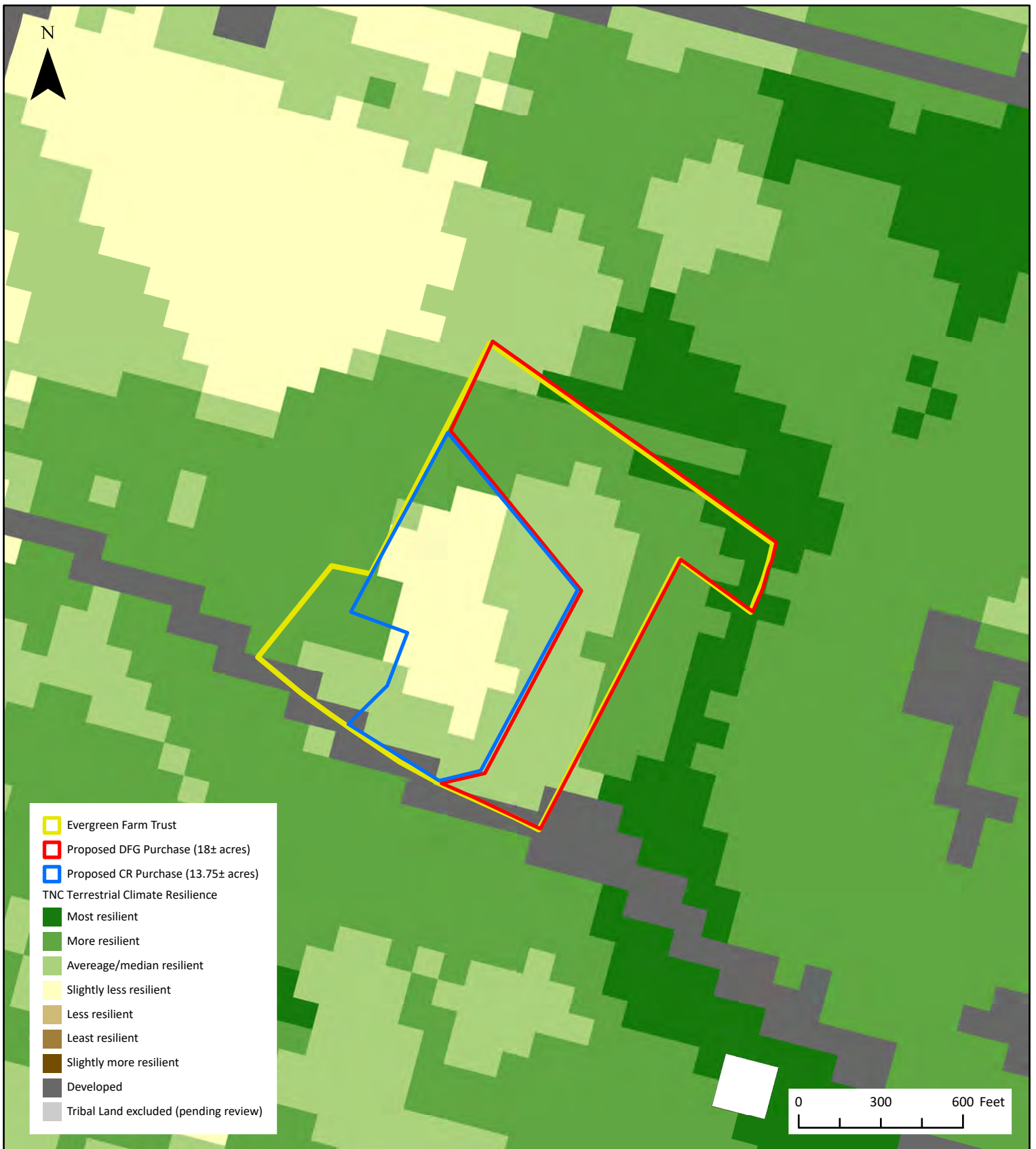


Evergreen Farm Trust, West Newbury Natural Resources Map (2 of 3)

Source data obtained from survey plans and Mass GIS. Boundary lines are approximate and to be used for informational purposes only. Map produced September 2023 by Essex County Greenbelt.



Greenbelt
Essex County's Land Trust



Evergreen Farm Trust, West Newbury Natural Resources Map (3 of 3)

The Nature Conservancy's Terrestrial Climate Resiliency Data



Project Budget: Evergreen Farm Conservation Restriction Acquisition

		Deadline / Status
Acquisition Cost	275,000*	Spring 2024
Transaction Costs (paid by Greenbelt)		
Title	\$1,500	complete
Phase 1 ESA	\$2,500	in progress
Survey	\$16,200	in progress
Appraisal	\$7,500	in progress
Closing Costs	\$1,000	(estimated)
Legal Fees	\$15,000	(estimated)
Total Transaction Costs	\$43,700	approved
Total Project Cost	\$318,700	
Funding Sources		
W Newbury Community Preservation Act fund	\$175,000	
Greenbelt private fundraising	\$100,000	
Greenbelt - transaction costs	\$43,700	approved
Total Funding	\$318,700	

**Very rough estimate based upon current figures. To be confirmed by appraisal.*

Town Manager

From: Shirin Everett <SEverett@k-plaw.com>
Sent: Monday, September 11, 2023 4:02 PM
To: Town Manager
Subject: West Newbury: Warrant Article for 114 Ash St (CPA Funds Contingent on Appraisal)

Angus,

You have informed me that the Town wishes to appropriate \$175,000 in CPA funds for the purchase of a conservation restriction (CR) on a certain parcel of land (which CR is to be co-held with Essex County Greenbelt), but the appraisal of the CR will not be ready by the time Town Meeting is asked to appropriate the funds. You have requested an opinion as to whether the vote under the article may be contingent on the appraisal supporting the purchase price of the CR.

As you know, GL c.44B, s.5(f) states that no “real property, or interest therein, shall be acquired by any city or town for a price exceeding the value of the property as determined by such city or town through procedures customarily accepted by the appraising profession as valid” (emphasis added). Typically, appraisals are obtained prior to the CPC vote so that the CPC can vote to recommend a certain sum and Town Meeting can appropriate CPA funds in that amount, but nothing in the CPA expressly requires the Town to obtain an appraisal prior to the CPC vote or Town Meeting. In my opinion, the CPC may recommend that Town Meeting appropriate \$175,000 for the purchase of the CR contingent on an appraisal, and Town Meeting may appropriate the CPA funds before an appraisal is prepared, provided, however, that the Town (a) completes the appraisal before it purchases the CR (or enters into a binding agreement to purchase the CR that is not contingent on the appraisal), and (b) does not expend more than the appraised sum. Of course, if the appraisal is lower than the sum appropriated by Town Meeting, the Town cannot expend more than the appraised amount. If the appraisal is higher, a new Town Meeting will have to be obtained to appropriate the additional funds.

In terms of the Town Meeting vote, it is my opinion that since the Town is prohibited by law from expending funds in excess of an appraisal, it is not necessary for the Town Meeting vote to expressly include the contingency, although there is no harm including it either. Should the Town wish to make the Town Meeting vote contingent, the motion under the article should state that the expenditure (rather than the appropriation) of CPA funds is contingent on the appraisal, as an appropriation of funds can be contingent only on a ballot question. For example, the vote taken under the article could state that “...provided, however, that no funds shall be expended until an appraisal has been prepared and no funds shall be expended in excess of the appraisal”.

Please let me know if have any questions.

Shirin Everett, Esq.

KP | LAW

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F: (617) 654 1735

severett@k-plaw.com

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ARTICLE REQUEST FORM

ARTICLE: Accessory Dwelling Unit Zoning Bylaw

AMOUNT REQUESTED: N/A

Sue Brown, Town Planner

PHONE NUMBER: (978) 363-1100 X 125, townplanner@wnewbury.org

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

The West Newbury Planning Board is recommending a change to the town’s Zoning Bylaw to allow for the creation of Accessory Dwelling Units (ADUs). ADU’s are small residences that shares a single-family lot with a larger primary dwelling, sometimes referred to as an accessory, garden or in-law apartment. They can be within or attached to a single-family home, or detached such as in garage or carriage house.

Consistently the Town’s long range plans including Comprehensive Plans, Community Development Plans and Housing Production Plans have called for diversifying the town’s housing stock to create housing that meets local needs, with many specifically identifying accessory dwelling units as one strategy for achieving this goal.

The change to the Town's Zoning Bylaw will serve residents by allowing for the creation of less expensive housing options, an identified need of homeowners wishing to downsize but stay in Town and homeowners wishing to provide housing for family members (children or parents). The change would also allow homeowners with a means of obtaining rental income, another strategy for helping seniors and others remain in their homes. The change would encourage a more economic and efficient use of the Town's housing supply while respecting the residential character of West Newbury's neighborhoods.

What factors affect the timing of this purchase?

Given the dire need for more diverse and less expensive housing in West Newbury, the Board encourages action on this proposal immediately.

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

N/A

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

N/A

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

No

Please attach additional pages or other supporting documentation.

PROPOSED ACCESSORY DWELLING UNIT BYLAW

Additions to Section 2

New Section 4.2.4

To see if the Town will vote to amend the Zoning Bylaw of the Town of West Newbury, Massachusetts by striking the language below in italics and shown as struck through and adding the language in bold and underlined as follows, and further to authorize the Town Clerk to make any non-substantive, ministerial changes to numbering and formatting to ensure consistency with the remainder of the Zoning Bylaw, or take any action relative thereto:

Section 2. Definitions

ACCESSORY DWELLING UNIT – A subordinate Dwelling Unit within, attached to, or detached from, an existing Single-Family Dwelling and as further defined in Section 4.2.4.

SINGLE-FAMILY DWELLING – A building designed or used exclusively as a residence and including only one principal Dwelling Unit.

Section 4.2.4. Accessory Dwelling Unit subject to and incompliance with the following:

- a. **Purpose: This section authorizing the provision of Accessory Dwelling Units is intended to:**
 - o **Increase the number of small Dwelling Units available in the Town;**
 - o **Increase the diversity of housing that may serve the needs of the current and future population of the Town including, but not limited to, young adults and senior citizens;**
 - o **Provide homeowners with a means of obtaining rental income; and**
 - o **Encourage a more economic and efficient use of the Town's housing supply while respecting the residential character of West Newbury's neighborhoods.**
- b. **Use and Dimensional Regulations**
 - i. **The Building Inspector may issue a Building Permit authorizing the installation and use of an Accessory Dwelling Unit within an existing or new owner-occupied, Single-Family Dwelling, or in an existing or new structure accessory to an owner-occupied Single-Family Dwelling,**

whether attached or detached, provided that it satisfies the requirements of this Section 4.2.4. and dimensional (Intensity of Use) requirements of Section 5.

- (1) The Accessory Dwelling Unit will be a complete, separate Dwelling Unit that maintains a separate entrance, either directly from the outside or through an entry hall or corridor shared with the principal dwelling sufficient to meet the requirements of the state building code for safe egress.**
- (2) The Floor Area of an Accessory Dwelling Unit shall be no greater than ½ the floor area of the principal dwelling or nine hundred (900) square feet, whichever is smaller.**
- (3) There shall be no more than one Accessory Dwelling Unit on a Lot.**
- (4) The owners(s) of the Single-Family Dwelling must continue to occupy at least one of the Dwelling Units as their primary residence, except for temporary absences per 4.2.4.b.iii.**
- (5) Any new separate outside entrance serving an Accessory Dwelling Unit shall be clearly secondary to the entrance of the principal Single-Family Dwelling.**
- (6) No new curb cuts shall be allowed for an Accessory Dwelling Unit.**
- (7) Adequate off-street parking shall be provided for the Accessory Dwelling Unit**
- (8) The Accessory Dwelling Unit is intended to be an accessory use and the Accessory Dwelling Unit, the principal Single-Family Dwelling and the Lot shall be held by the same owner.**

ii. Prior to issuance of a Building Permit, the owner must submit an affidavit to the Building Inspector stating that they will occupy one of the dwelling units on the Lot as their primary residence.

iii. An absence of six months each year will not constitute a violation of this bylaw.

iv. When a Lot with an Accessory Dwelling Unit is sold, the new owner, if they wish to continue use of the Accessory Dwelling Unit, must within sixty (60) days of the sale, submit an affidavit to the Building Inspector stating that they will occupy one of the dwelling units on the Lot as their primary residence.

c. Special Permit

Accessory Dwelling Units exceeding floor area or curb cut limitations may be allowed by Special Permit from the Planning Board per section 11.2. of the West Newbury Zoning Bylaws.

ARTICLE REQUEST FORM

ARTICLE: Amendment to Non-Conforming Uses Zoning Bylaw

AMOUNT REQUESTED: N/A

CONTACT PERSON: Sam Joslin, Building Inspector/Zoning Enforcement Officer

PHONE NUMBER: (978) 618-4430

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

Currently any homeowner with a non-conforming structure or a structure on a non-conforming lot must get permission from the Board of Appeals to enlarge or change the structure whether or not it is a substantive change or more detrimental to the neighborhood.

The proposed change to the Non-Conforming Uses Bylaw allows the Building Inspector to determine if a proposed change to a non-conforming structure or a structure on a non-conforming lot is not substantially more detrimental to the neighborhood. This would allow the Building Inspector to grant a building permit to a homeowner to enlarge or change a non-conforming structure or to enlarge or change a structure on a non-conforming lot provided the enlargement or change does not create a new non-conformity or increase an existing non-conformity.

The change serves the community by creating a more efficient and fair permitting process.

What factors affect the timing of this purchase?

This is a continuation of the Planning Board and Building Inspector's efforts to improve the Zoning Bylaw and make administration and enforcement of the regulations more effective and efficient. The Planning Board encourages action on the article immediately.

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

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

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

Please attach additional pages or other supporting documentation.

PROPOSED NONCONFORMING USES AND STRUCTURES BYLAW

To see if the Town will vote to amend the Town of West Newbury Zoning Bylaw by striking existing Section 7 (including 7.1.-7.4) and replacing it with the following new Section 7 (including 7.1-7.9), and further to authorize the Town Clerk to make any non-substantive, ministerial changes to numbering and formatting to ensure consistency with the remainder of the Zoning By-law, or take any action relative thereto:

EXISTING:

Section 7 ~~NON-CONFORMING USES AND STRUCTURES.~~

~~7.1. Any lawful building or use of a premise existing at the time of the passage of this by law, or any building or use commenced, within six months of the date of issuance of a building or special permit issued by the Planning Board or Board of Appeals in accordance with the provisions of this by law before the first publication of notice of the public hearing on conformity with the provisions of this by law or an amendment thereto, may be continued, rebuilt if damaged or destroyed, and, if authorized by the Board of Appeals, may be enlarged or changed to a specific use, provided, however, that the Board of Appeals shall not grant such approval unless it shall find that such expansion or change shall not be substantially more detrimental to the neighborhood than the existing non-conforming use or structures. Existing structures that do not meet the setbacks may be expanded or extended along the existing non-conforming building set back line without Board of Appeals approval if said expansion or extension does not encroach upon another setback or create another dimensional non-conformity.~~

~~7.2. If a non-conforming use is discontinued or is abandoned for a period of more than two (2) years, it shall not be re-established, and any future use shall be in conformance with this by law.~~

~~7.3. Increased requirements respecting lot area, frontage, width, yard depth and similar dimensions provided in this by law or amendments thereto shall be subject to the exemptions provided in Section 6, Chapter 40A, G.L., and shall not apply to a lot for single or two-family use which, at the time of recording or endorsement, whichever occurs sooner, was not held in common ownership with adjoining land, conformed to the then existing requirements, and had less than the increased requirement but at least five thousand (5,000) square feet of area and fifty (50) feet of frontage.~~

~~7.4. Any construction or use for which a building permit was lawfully issued prior to the first publication of notice of the public hearing respecting this by law or any amendment thereto shall be permitted, notwithstanding non-compliance with the requirements of this by law or amendments thereto provided such use or construction was commenced within six (6) months after the issuance of the permit and in cases involving construction completion as continuously and expeditiously as is reasonable.~~

PROPOSED

Section 7. Nonconforming Uses and Structures

7.1 Nonconforming single- and two-family residential structures

7.1.1. Nonconforming single- and two-family residential structures may be reconstructed, extended, altered, or structurally changed upon a determination by the Building Inspector that such proposed reconstruction, extension, alteration, or change does not increase the nonconforming nature of said structure. Any one or more of the following circumstances

shall not be deemed to increase the nonconforming nature of said structure:

a. Alteration, reconstruction, extension or change to a structure located on a lot with insufficient lot area, which structure as altered, reconstructed, extended or changed will comply with all current setback, lot coverage, and building height requirements.

b. Alteration, reconstruction, extension or change to a structure located on a lot with insufficient frontage, which structure as altered, reconstructed, extended or changed will comply with all current setback, lot coverage, and building height requirements.

c. Alteration, reconstruction, extension or change to a structure which encroaches upon one or more required yard or setback areas, where the alteration, reconstruction, extension or change will comply with all current setback, lot coverage and building height requirements.

d. Alteration, reconstruction, extension or change to an existing structure that does not meet the required setbacks for purposes of or extending along the existing nonconforming building setback line if said expansion or extension does not encroach upon another setback or create any new dimensional nonconformity.

7.1.2. In the event that the Building Inspector determines that the nonconforming nature of any single- or two-family structure would be increased by the proposed reconstruction, extension, alteration, or change, the Board of Appeals may grant a Finding to allow such reconstruction, extension, alteration, or change where it determines that the proposed modification will not be substantially more detrimental than the existing nonconforming structure to the neighborhood.

7.2 Nonconforming structures other than single- and two-family residential structures

7.2.1. The Board of Appeals may grant a Finding to reconstruct, extend, alter, or change a nonconforming structure in accordance with this section only if it determines that such reconstruction, extension, alteration, or change shall not be substantially more detrimental than the existing nonconforming structure to the neighborhood.

7.3 Variance required

7.3.1. Except as provided in 7.1 above, the reconstruction, extension or structural change of a nonconforming structure in such a manner as to increase an existing nonconformity, or create a new nonconformity, shall require the issuance of a variance from the Board of Appeals.

7.4 Nonconforming uses

7.4.1. The Board of Appeals may grant a Finding to change or extend a nonconforming use, including to another nonconforming use, in accordance with this article only if it determines that such change or extension shall not be substantially more detrimental than the existing nonconforming use to the neighborhood.

7.5 Abandonment or non-use

7.5.1. A nonconforming use or structure which has been abandoned, or not used for a

period of two years, shall lose its protected status and be subject to all of the provisions of this bylaw.

7.6 Reconstruction after catastrophe or demolition

7.6.1. A nonconforming structure may be reconstructed after a catastrophe or after demolition in accordance with the following provisions:

- a. Reconstruction of said premises shall commence within two years after such catastrophe or demolition.
- b. Building(s) as reconstructed shall be located on the same footprint as the original nonconforming structure, shall be only as great in floor area as the original nonconforming structure.
- c. In the event that the proposed reconstruction would 1) cause the structure to exceed the floor area of the original nonconforming structure; 2) exceed applicable requirements for yards, setback, and/or height; or 3) cause the structure to be located other than on the original footprint, the provisions of Section 7 shall apply.

7.7 Reversion to nonconformity

7.7.1. No nonconforming use or structure shall, if changed to a conforming use or structure, revert to a nonconforming use- or structure.

7.8 Lawfully existing uses and structures

7.8.1. This bylaw shall not apply to structures or uses lawfully in existence or lawfully begun, or to a building or special permit issued before the first publication of notice of the public hearing on such bylaw, or amendments thereto, as required by MGL c. 40A, § 5. Such prior, lawfully existing nonconforming uses and structures may continue, provided that no modification of the use or structure is accomplished, unless authorized hereunder.

7.9 Commencement of Use or Construction

Construction or operations under a building or special permit shall conform to any subsequent amendment of the ordinance or by-law unless the use or construction is commenced within a period of not more than 12 months after the issuance of the permit and in cases involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable.

ARTICLE REQUEST FORM

ARTICLE: Repeal of Personnel Bylaw

AMOUNT REQUESTED: N/A

CONTACT PERSON: Town Manager

PHONE NUMBER: 978-363-1100 x115

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

The Personnel Bylaw was adopted at the 1999 Annual Town Meeting, and has not been amended since. The Bylaw assigns responsibility to the Select Board "for the development of a human resources system which meets the needs of the Town", and further states that the Board "shall appoint a Personnel Advisory Committee to assist in carrying out its responsibility", to "be composed of such a number of members for such periods of time as the Board shall so determine." The adoption of the Town Manager Act in 2017 (Chapter 97 of the Acts of 2017) resulted in significant changes to the legal context for personnel administration. The Select Board continues to be the policy-setting entity for personnel policies, but the TM Act vests significant responsibilities in the Town Manager including (at Sec. 8(b)): "The town manager shall supervise all town departments and direct the day-to-day affairs of the town." and (at Sec. 8(e)): "The town manager shall oversee the town's personnel system and staff in accordance with town by-laws and shall oversee personnel evaluation policies and practices, employee benefit programs, enforcement of labor contracts, labor relations, collective bargaining, state and federal equal opportunities law compliance in the town and such other human resource obligations as designated by the [select] board." Since the Town Manager was hired and began work in 2018, the Select Board and the Town Manager have worked closely together, including with other personnel with responsibilities for personnel administration (incl. the Town Accountant, Treasurer/Collector, Dept. Heads, and Boards or Commissions with personnel oversight authority), to review and update the Personnel Policy. In practice, the Personnel Committee has met only rarely, and had not met at all for several years preceding the beginning of the Town Manager's tenure. The proposed Article to repeal the Bylaw is to help bring the Town Bylaws more into coordination with the Town Manager Act, and eliminate internal inconsistencies between the two.

What factors affect the timing of this purchase?

This proposal is intended to help clarify Town policy toward personnel policies and administration.

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

N/A

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

N/A

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

N/A

Please attach additional pages or other supporting documentation.

Current Personnel Bylaw can be found on Town website (under Bylaws, Policies and Procedures), at:

https://www.wnewbury.org/sites/g/files/vyhlif1436/f/uploads/personnel_bylaw_1.pdf

PERSONNEL BYLAW

[Adopted at the third session of the 1999 Annual Town Meeting]

PERSONNEL BYLAW

Section 1 Purpose and Intent

The purpose of the personnel bylaw is to establish fair and equitable personnel policies and to establish a system of personnel administration based on merit principles that ensure uniform, efficient application of personnel policies.

Section 2 Application

All town departments and positions shall be subject to the provisions of this bylaw and policies adopted pursuant to this bylaw, except elected Town officers and employees covered by a collective bargaining agreement (unless such agreement expressly incorporates this Bylaw by reference).

Section 3 Responsibility of the Board of Selectmen

The Board of Selectmen shall be responsible for the development of a human resources system which meets the needs of the Town. The Board of Selectmen shall appoint a Personnel Advisory Committee to assist in carrying out its responsibility. The Personnel Advisory Committee shall conduct such research and carry out such instructions as the Board of Selectmen shall direct including, but not limited to, review of compensation for employees, benefits, methods of selection of personnel, performance appraisal, and personnel procedures. The Personnel Advisory Committee shall be composed of such a number of members for such periods of time as the Board of Selectmen shall so determine. Members of the Personnel Advisory Committee may be removed upon a majority vote of the Board of Selectmen after notice to the Committee member and a public hearing if so requested.

Section 4 Personnel Policies

The personnel policies shall establish a personnel system which shall include, but need not be limited to, the following elements:

- (a) Method of administration. A system which assigns responsibility for the personnel system, including maintaining personnel records, implementing effective recruitment and selection processes, creating and maintaining a

compensation plan, monitoring the application of policies and periodic reviews and evaluation of the personnel system.

- (b) Classification and compensation plan(s), as deemed appropriate.
- (c) Recruitment and selection policies.
- (d) Record keeping system.
- (e) Rights and obligation of employees.
- (f) Other elements of a personnel system as deemed appropriate or necessary.

Section 5 Adoption of Policies

The Board of Selectmen is empowered and authorized by this bylaw to adopt personnel policies defining the rights, benefits and obligations of employees subject to this bylaw. Such policies shall become effective in accordance with the following procedure:

- (a) The Board of Selectmen may propose new, amended or revised policies; any such proposed policy may be proposed at any meeting of the Board of Selectmen.
- (b) Any proposed new, amended or revised policies shall be posted for a period of at least ten days after being proposed by the Board of Selectmen, during which time comments, information and questions regarding any proposed policy may be provided to the Board of Selectmen. A public hearing shall be held following the ten day posting period.
- (c) Any new, amended or revised policies shall become effective upon approval by a unanimous vote of the Board of Selectmen, unless a specific effective date is provided by the Board.
- (d) Copies of new or amended policies shall be posted in prominent locations within the Town Office Building.

Section 6 Severability

The provisions of this bylaw and the policies adopted pursuant to this bylaw are severable. If any bylaw provision or policy is held invalid, the remaining provisions of the bylaw or policy shall not be affected thereby.

Section 7 Effective Date

This bylaw shall take effect on the date of passage of the Personnel Policy. *[The Personnel Policy was adopted on August 23, 1999]*



Town of West Newbury

Select Board

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

Public Hearing Notice

Amendment to the Personnel Policy

Monday, October 2, 2023 @ 7pm

On September 18, 2023 the Select Board proposed an amendment to the Personnel Policy. Any proposed new, amended or revised policies shall be posted for a period of at least ten days after being proposed by the Select Board, during which time comments, information and questions regarding any proposed policy may be provided to the Select Board. A public hearing shall be held following the ten-day posting period.

A public hearing will be held by the Select Board on the following proposed revision to Sec. 1.4 of the Personnel Policy, the Amendments of Polices:

Current language:

“1.4 Amendment of Policies

These policies may be amended as provided in Section 5 of the Bylaw.”

Proposed revised language:

“1.4 Amendment of Policies

These policies may be amended as provided below.

- a) The Select Board may propose new, amended or revised policies; any such proposed policy may be proposed at any meeting of the Select Board.
- b) Any proposed new, amended or revised policies shall be posted for a period of at least ten days after being proposed by the Select Board, during which time comments, information and questions regarding any proposed policy may be provided to the Select Board. A public hearing shall be held following the ten-day posting period.
- c) Any new, amended or revised polices shall become effective upon approval by a unanimous vote of the Select Board, unless a specific effective date is provided by the Board.
- d) Copies of new or amended policies shall be posted in prominent locations within the Town Office Building.”

Rationale for proposed amendment: The proposed amendment would incorporate the process for policy amendment directly into the Personnel Policy. The language proposed for addition to the Personnel Policy is substantially identical to language that has been included in the Personnel Bylaw since 1999. The Personnel Bylaw is proposed for repeal at the Fall Special Town Meeting, so the proposed amendment to the Personnel Policy would ensure that the process to amend the Policy would remain unchanged, if the Bylaw is repealed.

Comments, information and questions from all interested parties may be sent to the Board in advance (selectboard@wnewbury.org), or may be provided at the hearing. All interested parties are encouraged to attend.

ARTICLE REQUEST FORM

ARTICLE: Opioid Settlement Stabilization Fund

AMOUNT REQUESTED: N/A

CONTACT PERSON: Jennifer Walsh, Town Accountant

PHONE NUMBER: 978-363-1100 x112

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

To see if the Town will vote to establish a special purpose stabilization fund pursuant to G.L. c. 40, s. 5B to be known as the Opioid Settlement Stabilization Fund to supplement and strengthen resources for prevention, harm reduction, treatment, and recovery, in accordance with the purposes and subject to the requirements in the Massachusetts Abatement Terms; and, vote to accept the fourth paragraph of Massachusetts General Laws Chapter 40, Section 5B, which allows the dedication, without further appropriation, of all of the receipts from settlements on behalf of the Town with persons and entities involved in the sale, distribution and manufacture of opioid products.

What factors affect the timing of this purchase?

To date, the Town has received \$3,846.12 in settlement funds. All money received or collected from any source by a city, town or district belongs to its general fund and can only be spent after appropriation unless a general or special law provides an exception. At present, there is no general or special law that provides an exception for these settlement proceeds. Creation of this special stabilization fund and acceptance of the fourth paragraph will allow future distributions to be deposited directly into the fund to be used for its intended purpose without further appropriation.

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

N/A

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

N/A

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

N/A

Please attach additional pages or other supporting documentation.

Massachusetts State-Subdivision Agreement for Statewide Opioid Settlements

A. Statewide Opioid Settlements. As used herein, the term “**Statewide Opioid Settlements**” refers to statewide opioid settlements reached by or before January 1, 2026 between the Massachusetts Attorney General and non-bankrupt opioid industry participants, pursuant to which certain Massachusetts political subdivisions (“**Massachusetts Subdivisions**”) are eligible to participate and share in Global Settlement Abatement Funds (“**Abatement Funds**”), in exchange for releases. For avoidance of doubt, the July 2021 opioid settlements between the Massachusetts Attorney General and opioid distributors McKesson, Cardinal, AmerisourceBergen, and opioid-maker Johnson & Johnson (“**Settlements**”) are Statewide Opioid Settlements. Unless otherwise stated, the capitalized terms herein shall have the same meaning as in the Settlements.

B. Massachusetts Abatement Terms. Abatement Funds shall be used solely to supplement and strengthen, rather than supplant, resources for prevention, harm reduction, treatment, and recovery, in accordance with the purposes and subject to the requirements in the appended Massachusetts Abatement Terms.

C. Allocation of Abatement Funds to Massachusetts Subdivisions. The Massachusetts Subdivisions shall collectively be eligible to receive 40% of each Annual Payment of Abatement Funds that come into the state, allocated among them in the percentages reflected in the Settlements, so long as they timely submit Subdivision Settlement Participation Forms in the form attached to the Statewide Opioid Settlements. Participating Subdivisions may elect to share or pool the funds they receive and collaborate on abatement efforts. Participating Subdivisions may also elect to reallocate to the statewide Opioid Recovery and Remediation Fund some or all of their allocation of any Statewide Opioid Settlement with timely notice to the Settlement Administrator.

D. Allocation of Abatement Funds to Statewide Opioid Recovery and Remediation Fund. The statewide Opioid Recovery and Remediation Fund (“**ORRF**”) shall receive 60% of each Annual Payment of Abatement Funds as well as: (a) amounts voluntarily reallocated to it by Participating Subdivisions; (b) amounts allocated to Subdivisions that are Non-Participating Subdivisions as of a Payment Date; and (c) any other Abatement Funds not paid out pursuant to Section C. The ORRF is a Statutory Trust, as that term is defined in the Settlements, established by the legislature in 2021 to expand access to opioid use disorder, prevention, intervention, treatment and recovery options throughout Massachusetts. The ORRF is administered by the Executive Office of Health and Human Services in consultation with a 20-member state- and municipal-appointed advisory council with expertise and experience with opioid use disorder.¹

E. Consent Judgments. This Agreement will be appended to proposed Consent Judgments filed in the Massachusetts Superior Court, in an action or actions filed by the Attorney General, consistent with the Statewide Opioid Settlements and any related legislation. In the event of a

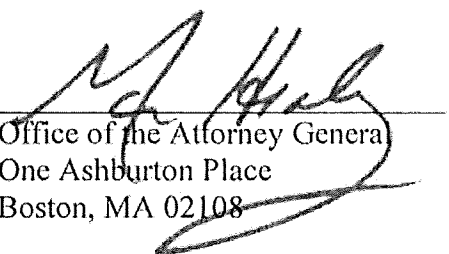

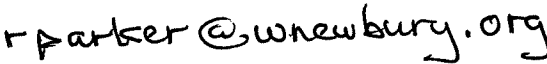
¹ Current appointees include nonprofit leaders, physicians, professors, and public officials from Amherst, Boston, Brockton, Falmouth, Framingham, Lynn, New Bedford, Pittsfield, Springfield, and Worcester. The advisory council holds public meetings every quarter about priorities for addressing the opioid epidemic in Massachusetts.

conflict between this Agreement and the Statewide Opioid Settlements, the Statewide Opioid Settlements will govern.

F. State-Subdivision Agreement. This Agreement is a State-Subdivision Agreement as forth in Exhibit O to the Settlements and shall take effect subject to the approval requirements therein.

G. Authority. The undersigned officials understand and agree to be bound by this Agreement and represent that their execution of this Agreement is voluntary and authorized.

H. Counterparts. This Agreement may be executed in counterparts, each of which constitutes an original and all of which constitute one and the same Agreement.

<p>THE COMMONWEALTH OF MASSACHUSETTS</p> <p>MAURA HEALEY ATTORNEY GENERAL</p>  <p>Office of the Attorney General One Ashburton Place Boston, MA 02108</p> <p>Date: March 4, 2022</p>	<p>Name of Participating Subdivision: Town of West Newbury</p> <p>Signature: </p> <p>Name of Signer: Richard Parker</p> <p>Title: Chair of the Select Board</p> <p>Address: 381 Main St West Newbury MA 01985</p> <p>Phone Number: 978-363-1100</p> <p>Email: </p> <p>Date: March 30, 2022</p>
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MASSACHUSETTS ABATEMENT TERMS

I. STATEWIDE COMMITMENT TO ABATEMENT

The Commonwealth and its municipalities have a shared commitment to using abatement funds recovered from statewide opioid settlements to supplement and strengthen resources available to Massachusetts communities and families for substance use disorder prevention, harm reduction, treatment, and recovery in a manner that:

- ❖ reflects the input of our communities, of people who have personal experience with the opioid crisis, of experts in treatment and prevention, and of staff and organizations that are carrying out the abatement work;
- ❖ addresses disparities in existing services and outcomes and improves equity and the health of individuals and communities disadvantaged by race, wealth, and stigma, including through efforts to increase diversity among service providers;
- ❖ addresses mental health conditions, substance use disorders, and other behavior health needs that occur together with opioid use disorder (“OUD”);
- ❖ leverages programs and services already reimbursed by state agencies and programs, including direct care reimbursed by MassHealth and the state’s Bureau of Substance Addiction Services (“BSAS”); and
- ❖ encourages innovation, fills gaps and fixes shortcomings of existing approaches; supplements rather than supplants resources for prevention, harm reduction, treatment, and recovery; includes evidence-based, evidence-informed, and promising programs; and takes advantage of the flexibility that is allowed for these funds.²

This document sets forth: how abatement funds from these settlements must be used by the state and its municipalities (Sections II and III); how the state will support municipal abatement initiatives (Section IV); and state and municipal reporting requirements (Section V).

II. STATE USE OF ABATEMENT FUNDS

Abatement funds directed to the state shall be deposited into the statewide Opioid Recovery and Remediation Fund to supplement prevention, harm reduction, treatment, and recovery programs throughout Massachusetts. The Fund is overseen by the Commonwealth’s Executive Office of Health and Human Services (“EOHHS”) together with a Council comprised of 10 municipal appointees appointed by the Massachusetts Municipal Association and 10 state

² In this document, the words “fund” and “support” are used interchangeably and mean to create, expand, or sustain a program, service, or activity. References to persons with opioid use disorder are intended in a broad practical manner to address the public health crisis, rather than to require a clinical diagnosis, and they include, for example, persons who have suffered an opioid overdose. It is also understood that OUD is often accompanied by co-occurring substance use disorder or mental health conditions, and it is intended that the strategies in this document will support persons with OUD and any co-occurring SUD and mental health conditions.

appointees qualified by experience and expertise regarding opioid use disorder. Appointees serve for two years. The Council holds public meetings every quarter to identify priorities for addressing the opioid epidemic in Massachusetts.

III. MUNICIPAL USE OF ABATEMENT FUNDS

Abatement funds allocated to municipalities shall be used to implement the strategies set forth below. Municipalities are encouraged to pool abatement funds to increase their impact, including by utilizing the Office of Local and Regional Health's Shared Service infrastructure. Municipal abatement funds shall not be used to fund care reimbursed by the state, including through MassHealth and BSAS, although local or area agencies or programs that provide state-reimbursed services can be supported financially in other ways that help meet the needs of their participants.

1. Opioid Use Disorder Treatment

Support and promote treatment of persons with OUD, including through programs or strategies that:

- a. Expand mobile intervention, treatment, telehealth treatment, and recovery services offered by qualified providers, including peer recovery coaches.
- b. Support evidence-based withdrawal management services for people with OUD and any co-occurring mental health conditions.
- c. Make capital expenditures to rehabilitate and expand facilities that offer treatment for OUD, in partnership with treatment providers.
- d. Treat trauma for individuals with OUD (e.g., violence, sexual assault, human trafficking, or adverse childhood experiences) and family members (e.g., surviving family members after an overdose).

2. Support People In Treatment And Recovery

Support and promote programs or strategies that:

- a. Provide comprehensive wrap-around services to individuals with OUD, including job placement, job training, or childcare.
- b. Provide access to housing for people with OUD, including supportive housing, recovery housing, housing, rent, move-in deposits, and utilities assistance programs, training for housing providers, or recovery housing programs that integrate FDA-approved medication with other support services.
- c. Rehabilitate properties appropriate for low-threshold and recovery housing, including in partnership with DHCD-funded agencies and OUD-specialized organizations.
- d. Provide peer support specialists that support people in accessing OUD treatment, trauma-informed counseling and recovery support, harm reduction services, primary healthcare,

or other services, including support for long-term recovery encompassing relapse, treatment, and continued recovery.

- e. Provide community support services, including social and legal services, to assist in deinstitutionalizing persons with OUD.
- f. Support or expand peer-recovery centers, which may include support groups, social events, computer access, or other services for persons with OUD.
- g. Provide transportation to treatment or recovery services for persons with OUD.
- h. Provide employment training or educational services for persons with OUD, such as job training, job placement, interview coaching, community college or vocational school courses, transportation to these activities, or similar supports.
- i. Increase the number and capacity of high-quality recovery programs to help people in recovery.
- j. Engage non-profits, faith-based communities, and community coalitions to support people in treatment and recovery and to support family members in their efforts to support the person with OUD in the family.
- k. Support programs for recovery in schools and/or standalone recovery high schools.
- l. Support bereaved families and frontline care providers.

3. Connections To Care

Provide connections to care for people who have, or are at risk of developing, OUD through programs or strategies that:

- a. Support the work of Emergency Medical Systems, including peer support specialists and post-overdose response teams, to connect individuals to trauma-informed treatment recovery support, harm reduction services, primary healthcare, or other appropriate services following an opioid overdose or other opioid-related adverse event.
- b. Support school-based services related to OUD, such as school-based contacts that parents can engage with to seek immediate treatment services for their child; and support prevention, intervention, treatment, and recovery programs focused on young people. This should include alternatives to suspension or interaction with school resource officers such as restorative justice approaches.
- c. Fund services or training to encourage early identification and intervention for families, children, or adolescents who may be struggling with use of drugs or mental health conditions, including peer-based programs and Youth Mental Health First Aid. Training programs may target families, caregivers, school staff, peers, neighbors, health or human services professionals, or others in contact with children or adolescents.

- d. Include Fire Department partnerships such as Safe Stations.³

4. Harm Reduction

Support efforts to prevent overdose deaths or other opioid-related harms through strategies that:

- a. Increase availability of naloxone and other drugs that treat overdoses for first responders,⁴ overdose patients, individuals with OUD and their friends and family, schools, community-based organizations, community navigators and outreach workers, persons being released from jail or prison, or the public.
- b. Provide training and education regarding naloxone and other drugs that treat overdoses.
- c. “Naloxone Plus” strategies to ensure that individuals who receive naloxone to reverse an overdose are linked to treatment programs or other appropriate services.
- d. Approve and fund syringe service programs and other programs to reduce harms associated with drug use, including supplies, staffing, space, peer support services, referrals to treatment, fentanyl checking, syringe collection and disposal, connections to care, and the full range of harm reduction and treatment services provided by these programs.
- e. Support mobile units that offer or provide referrals to harm reduction services, treatment, recovery supports, primary and behavioral health care, recovery support, or other appropriate services to persons with OUD.
- f. Promote efforts to train health care providers, students, peer recovery coaches, recovery outreach specialists, or other professionals that provide care to persons who use opioids or persons with OUD in crisis training and harm reduction strategies.
- g. Active outreach strategies such as the Drug Abuse Response Team model or the Post Overdose Support Team model.
- h. Provide outreach and services for people who use drugs and are not yet in treatment, including services that build relationships with and support for people with OUD.

5. Address The Needs Of Criminal-Justice-Involved Persons

Support diversion and deflection programs and strategies for criminal-justice-involved persons with OUD, including:

- a. Programs, that connect individuals involved in the criminal justice system and upon release from jail or prison to OUD harm reduction services, treatment, recovery support, primary healthcare, prevention, legal support, or other supports, or that provide these

³ Safe Stations currently operate in Fall River and Revere. *See, e.g.,* <https://www.mma.org/fall-river-fire-stations-become-safe-stations-for-people-seeking-addiction-treatment/>.

⁴ Municipalities can purchase discounted naloxone kits from the State Office of Pharmacy Services. *See* <https://www.mass.gov/service-details/bulk-purchasing-of-naloxone>.

services.

- b. Co-responder and/or alternative responder models to address OUD-related 911 calls with greater OUD expertise.
- c. Public safety-led diversion strategies such as the Law Enforcement Assisted Diversion model.
- d. Participate in membership organizations such as the Police Assisted Addiction Recovery Initiative for training and networking and utilize law enforcement training opportunities such as the Safety and Health Integration in the Enforcement of Laws on Drugs (SHIELD) model.⁵

6. Support Pregnant Or Parenting Women And Their Families, Including Babies With Neonatal Abstinence Syndrome

Support pregnant or parenting women with OUD and their families, including babies with neonatal abstinence syndrome, through programs or strategies that provide family supports or childcare services for parents with OUD, including supporting programs such as:

- a. FIRST Steps Together, a home visiting program for parents in recovery that currently has seven sites serving cities and towns across the state;
- b. Pregnant/post-partum and family residential treatment programs, including and in addition to the eight family residential treatment programs currently funded by DPH; and
- c. the Moms Do Care recovery support program that has grown from two to ten programs in the state.

7. Prevent Misuse Of Opioids And Implement Prevention Education

Support efforts to prevent misuse of opioids through strategies that:

- a. Support programs, policies, and practices that have demonstrated effectiveness in preventing drug misuse among youth. These strategies can be found at a number of existing evidence-based registries such as Blueprints for Health Youth Development (<https://www.blueprintsprograms.org/>).
- b. Support community coalitions in developing and implementing a comprehensive strategic plan for substance misuse prevention. There are a number of evidence based models for strategic planning to consider including but not limited to the Strategic Prevention Framework developed by the U.S. Substance Abuse and Mental Health Services Administration (<https://www.samhsa.gov/sites/default/files/20190620-samhsa-strategic-prevention-framework-guide.pdf>) and Communities That Care developed by the University of Washington (<https://www.communitiesthatcare.net/programs/ctc-plus/>).
- c. Engage a robust multi-sector coalition of stakeholders in both the development and implementation of the above stated strategic plan (<https://www.prevention->

⁵ See <https://paariusa.org>

[first.org/centers/center-for-community-engagement/about-this-center/](https://www.first.org/centers/center-for-community-engagement/about-this-center/)).

- d. Support community-based education or intervention services for families, youth, and adolescents at risk for OUD.
- e. Support greater access to mental health services and supports for young people, including services provided in school and in the community to address mental health needs in young people that (when not addressed) increase the risk of opioid or another drug misuse.
- f. Initiate, enhance, and sustain local youth health assessment through the implementation of a validated survey tool to develop localized strategic plans that will inform the best ways to institute or enhance strategies to reduce and prevent youth substance misuse, including mental health services and supports for young people, intervention services for families, and youth-focused programs, policies, and practices that have demonstrated effectiveness in reducing and preventing drug misuse.

IV. STATE SUPPORT FOR MUNICIPAL ABATEMENT AND INTER-MUNICIPAL COLLABORATION

EOHHS and the Department of Public Health (DPH), including through its Office of Local and Regional Health (OLRH), will support municipal abatement initiatives by providing strategic guidance to help Massachusetts municipalities select and implement abatement strategies and effectively pool their resources through inter-municipal Shared Service Agreements, as well as other technical assistance. By pooling resources, functions, and expertise, a consortium of cities and towns can expand the public health protections and services they offer residents.

In addition, EOHHS/DPH will collect information regarding municipal abatement and publish an annual report to provide the public with information about the municipal abatement work and to highlight effective strategies, lessons learned, and opportunities for further progress. The support for municipal abatement described in this Section IV will be funded by the state abatement funds described in Section II, above.

V. REPORTING AND RECORD-KEEPING REQUIREMENTS

A. STATE REPORTING. Annually, not later than October 1, the secretary of EOHHS shall file a report on the activity, revenue and expenditures to and from the statewide Opioid Recovery and Remediation Fund in the prior fiscal year with the clerks of the senate and the house of representatives, the house and senate committees on ways and means and the joint committee on mental health, substance use and recovery and made available on the executive office of health and human services' public website. The report shall include, but not be limited to: revenue credited to the fund; expenditures attributable to the administrative costs of the executive office; an itemized list of the funds expended from the fund; data and an assessment of how well resources have been directed to vulnerable and under-served communities. EOHHS filed its first Annual Report on October 1, 2021.

B. MUNICIPAL REPORTING. Cities and towns that receive annual abatement distributions of \$35,000⁶ or more, whether individually or pooled through OLRH Shared Service arrangements, will be required to submit annual reports of their Municipal Abatement Fund expenditures in the prior fiscal year to EOHHS, starting in FY2023. The reports shall include, but not be limited to: municipal abatement funds received; an itemized list of the funds expended for abatement and administrative costs, if applicable; the unexpended balance; a brief description of the funded abatement strategies and efforts to direct resources to vulnerable and under-served communities. Additional reporting-related guidance shall be provided. All municipalities must: maintain, for a period of at least 5 years after funds are received, documents sufficient to reflect that Municipal Abatement Funds were utilized for the Municipal Abatement Strategies listed herein.⁷

⁶ EOHHS retains the right to modify this reporting threshold.

⁷ Nothing in this document reduces obligations under public records law.