



Town of West Newbury, Massachusetts

## **Fall Town Meeting**

November 4, 2019, 7:00 p.m.

Town Annex, 379 Main Street





November 4, 2019

**Dear Fellow Residents of West Newbury:**

We have prepared this booklet to assist you in making informed decisions on this meeting's warrant articles. The Finance Committee has reviewed each proposed article, and herein reports to you on our recommendations to approve or disapprove each article.

The Selectmen and Finance Committee continue to approach the Fall Special Town Meeting's (STM) agenda with the intent to use this time for articles of a more urgent nature. These articles include issues of safety, clerical and budgetary adjustments, and bylaw amendments that are presented to address current Town situations. The Committee's preference is to retain the Annual Town Meeting (ATM), held in the spring, as the forum to bring forward articles that surface through normal Town operations.

Participation at the Special Town Meeting is always important. Voters will have the opportunity to decide on appropriating Town funds toward a variety of projects such as: Community Preservation Committee (CPC) funds and additional borrowing authorization to preserve, restore, and make extraordinary repairs to the Soldiers and Sailors Memorial Building. Voters will also consider the usage of CPC funds to modernize kitchens and the bathrooms at multiple West Newbury Housing Authority properties as well as a proposal to use CPC funds to erect a Historical Marker to honor former resident Julian D. Steele. Two articles proposed by the Board of Health deal with the post-closure and monitoring expenses of the Steele landfill. Voters will review requests by the Department of Public Works on articles that, if approved, will allow for the purchase of a salter unit, the installation of dehumidifiers at the GAR Library, and initial funding for a multiyear plan to remove high-hazard trees in West Newbury. The Planning Board has proposed four sets of changes in language to four of West Newbury's Zoning Bylaws. Finally, voters will be given the option to transfer a sum of up to \$400,000 from Free Cash to reduce the current fiscal year tax rate.

This is a time for voters to address issues that arose after the Annual Town Meeting. It is also a time to address issues which would not be prudent to leave until next spring. We encourage all West Newbury residents to get involved and to participate on Town committees. The Finance Committee meets Tuesday evenings at 7:00 p.m. at the 1910 Building, or as posted on our web page: [www.wnewbury.org/finance-committee](http://www.wnewbury.org/finance-committee). We encourage you to review our website which includes various documents, such as FinCom Town Meeting booklets and meeting minutes, as well as email link to communicate with the Committee.

*"Never fear your enemies, fear your actions."  
George Meade*

Gary L. Roberts, Jr., Chairman

The West Newbury Finance Committee

Gary L. Roberts, Jr., chair  
Forbes C. Durey, vice chair  
Brad Beaudoin, secretary

Nathan Kelly  
Jessica Knezek  
Jim Sperelakis  
Angus Jennings, ex officio

**Reading votes for town meeting warrant articles.**

Votes for town meeting warrant articles follow the format of **(Yay:Nay:Abstention)** for the given article. For example:

Selectmen Recommendation: **Approve: 2:1:0**

This would read that two selectmen approved the article, one disapproved, no abstentions.

FinCom Recommendation: **Disapprove: 2:3:1**

This would read that two FinCom members approved the article, three disapproved, one abstention.

**TOWN OF WEST NEWBURY  
COMMONWEALTH OF MASSACHUSETTS  
WARRANT - SPECIAL TOWN MEETING – MONDAY, November 4, 2019 @ 7p.m.**

Essex, ss.

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

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

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

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**APPROPRIATIONS**  
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**ARTICLE 2.** To see if the town will vote to raise and appropriate and/or transfer from available funds the sum of \$11,500.00 to fund additional frequency of testing for the post-closure of the Steele Landfill.  
*By request of the Board of Health*

**FinCom Recommendation:** Approve: 6-0-0  
**Selectmen Recommendation:** Approve: 3-0-0

**FinCom Rationale:** *The Finance Committee unanimously supports this request to cover the cost of additional FY20 testing for post-closure requirements of the Steele Landfill. The MA Department of Environmental Protection (DEP) approved a monitoring plan requiring monthly testing in April of 2019, after the April 2019 Town Meeting. There are insufficient funds in the FY20 budget to cover this enhanced frequency of testing. This article transfers \$11,500 from Free Cash to cover the deficit. If the Town fails to comply, DEP would issue a letter of non-compliance and the Town could possibly face fines.*

**Funding Source:** *Free Cash* **Sunset Date:** *End of FY 2020*

**ARTICLE 3.** To see if the town will vote to raise and appropriate and/or transfer from available funds the sum of \$66,000.00 to fund the planning, design and installation of a gas migration interceptor trench for the post-closure of the Steele Landfill, and all related costs. *By request of the Board of Health*

**FinCom Recommendation:** Approve: 6-0-0  
**Selectmen Recommendation:** Approve: 3-0-0

**FinCom Rationale:** *The Finance Committee unanimously supports this request to fund the planning, design, and installation of a gas migration interceptor trench as part of the Steele Landfill post-closure requirements. DEP requires this trench be installed alongside Middle Street to reduce the horizontal migration of methane. There are insufficient funds in the FY20 budget to cover the cost of the interceptor trench. This article transfers \$66,000 from Free Cash to cover the deficit. If the Town fails to comply, DEP would issue a letter of non-compliance and the Town could possibly face fines.*

**Funding Source:** Free Cash

**Sunset Date:** End of FY 2021

**ARTICLE 4.** To see if the town will vote to raise and appropriate and/or transfer from available funds the sum of \$50,000.00 to fund all costs associated with the initial implementation of a multi-year plan to remove or otherwise address high-hazard trees in West Newbury. *By request of DPW Director*

**FinCom Recommendation:**  
**Selectmen Recommendation:**

Approve: 6-0-0  
Approve: 3-0-0

**FinCom Rationale:** *The Finance Committee unanimously supports the Department of Public Works (DPW) request for a transfer of \$50,000 from Free Cash for the purpose of high-hazard tree removal. DPW recently completed a town-wide audit of trees and identified 248 high-hazard trees in the public way which should be removed within the next five years. The anticipated total cost to remove all high-hazard trees exceeds \$350,000 (\$70,000 per year over five years). However, only \$20,000 is available for this purpose in the current FY20 budget. DPW would allocate the additional \$50,000 in FY20 to begin removal of the most critical of the high-hazard trees and would create a plan to address removal of the remaining trees in succeeding years.*

**Funding Source:** Free Cash

**Sunset Date:** End of FY 2020

**ARTICLE 5.** To see if the town will vote to raise and appropriate and/or transfer from available funds the sum of \$9,500.00 to fund the purchase and installation of a small salter unit on an existing DPW vehicle. *By request of DPW Director*

**FinCom Recommendation:**  
**Selectmen Recommendation:**

Approve: 6-0-0  
Approve: 3-0-0

**FinCom Rationale:** *The Finance Committee voted in support of this article as it will improve the Town's ability to salt roads, particularly when smaller/selective applications are required. An additional unit placed on a smaller DPW truck will increase the number of DPW personnel able to salt roads.*

**Funding Source:** Free Cash

**Sunset Date:** End of FY 2020

**ARTICLE 6.** To see if the town will vote to raise and appropriate and/or transfer from available funds the sum of \$5,000.00 to fund all costs pertaining to the installation of two additional in-line dehumidifiers in the G.A.R. Memorial Library. *By request of DPW Director*

**FinCom Recommendation:**  
**Selectmen Recommendation:**

Approve: 6-0-0  
Approve: 3-0-0

**FinCom Rationale:** *The Finance Committee voted to support this article as it protects an existing asset, is relatively inexpensive, and will improve the library's guest experience.*

**Funding Source:** Free Cash

**Sunset Date:** End of FY 2020

**ARTICLE 7.** To see if the town will vote to raise and appropriate and/or transfer from available funds the sum of \$2,600.00 to supplement the FY20 Town Building Operating expense budget to offset incurred expenses.  
*By request of DPW Director*

**FinCom Recommendation:**  
**Selectmen Recommendation:**

Approve: 6-0-0  
Approve: 2-1-0

**FinCom Rationale:** *The Finance Committee voted to support this article as it covers costs associated with renovations to improve air quality of the Town Library. In combination with Article #6, these articles represent unanticipated, but necessary maintenance costs to existing Town assets.*

**Funding Source:** *Free Cash*

**Sunset Date:** *End of FY 2020*

**ARTICLE 8.** To see if the town will vote to transfer from the Community Preservation Act funds, a total of \$363,367.00, comprised of \$280,978.95 from Community Housing Reserve, and \$82,388.05 from Undesignated Fund Balance, for Kitchen and Bath Modernization at 1-6 Hills Court and 1-6 Boynton Court, in conformity with the Application for Funding filed, or take any other action relative thereto. *By request of the West Newbury Housing Authority and the Community Preservation Committee*<sup>1</sup>

**FinCom Recommendation:**  
**Selectmen Recommendation:**

Approve: 4-1-1  
Approve: 3-0-0

**FinCom Rationale:** *The Finance Committee supports this article because it provides a substantial opportunity for state matching funds while providing necessary repairs to affordable housing units. Construction of both developments was completed in 1992, and the existing kitchens and bathrooms are original and in poor condition. Funding this article will allow the West Newbury Housing Authority to apply for a High Leverage Asset Preservation Program Award from the Department of Housing and Community Development, which has a maximum award of \$2.5 price match for every \$1 leveraged. The community would receive a benefit from funding this article and accomplish a goal of the CPA of providing safe decent affordable housing, by ensuring that state-funded public housing family developments receive the work they desperately need to preserve the buildings for current and future residents.*

**Funding Sources:** *CPA, Community Housing Reserve  
CPA, Undesignated Fund Balance*

**Sunset Date:** *N/A*

**ARTICLE 9.** To see if the town will vote to transfer from the Community Preservation Act Funds, Historic Preservation Reserve, the sum of \$600.00 for the purchase and installation of a historical marker to recognize and commemorate former West Newbury resident Julian D. Steele, in conformity with the Application for Funding filed, or take any other action relative thereto. *By request of the Historical Commission and the Community Preservation Committee*<sup>2</sup>

**FinCom Recommendation:**  
**Selectmen Recommendation:**

Approve: 6-0-0  
Approve: 3-0-0

<sup>1,2</sup> Please find Special Town Meeting Warrant Appendix A, pages 7 and 8, respectively.

**FinCom Rationale:** *The Finance Committee unanimously supports this modest funding request to add a historical marker to commemorate former West Newbury resident Julian D. Steele. Mr. Steele was the first African American Town Moderator in Massachusetts, serving in that role nearly twenty years. Following his passing, the next year at Town Meeting a proclamation was read, stating, “the Town has lost a valuable and faithful public servant who has left an example of a life worthy of the emulation of all.”*

**Funding Source:** CPA, Historic Preservation Reserve

**Sunset Date:** N/A

**ARTICLE 10.** To see if the Town will vote to appropriate \$1,500,000.00, or any lesser amount, to pay costs of preserving, restoring and making extraordinary repairs to the Soldiers and Sailors Memorial Building (Carr Post), including but not limited to, interior and exterior preservation and restoration of the building, installation of a subsurface sewage disposal system, installation of walkways and signage, hazardous materials remediation, replacement of electrical, plumbing, HVAC and fire alarm systems, and for the payment of all other costs incidental and related thereto; to determine whether this amount shall be raised by taxation, transfer from available funds, including amounts in the Community Preservation Fund, borrowing or otherwise, or to take any other action relative thereto. *By request of the Board of Selectmen and the Community Preservation Committee* <sup>3</sup>

**FinCom Recommendation:**

Disapprove: 1-5-0

**Selectmen Recommendation:**

Approve: 3-0-0

**FinCom Rationale:** *Each member of the Finance Committee applauds all of the hard work by the Carr Post Building Committee, Community Preservation Committee, Board of Selectmen, and all others who support this project.*

*However, the role of the Finance Committee is to act independently as the fiscal eyes and ears for all West Newbury residents. Its members are charged with balancing benefits from proposed projects against competing priorities and making recommendations based on what members feel is in the best interest of the long-term fiscal health of the Town and its taxpayers. Because committee members had significant concerns about the financial cost and impact of the project, we could not recommend approval of the article at this time.*

*The total cost of the project, estimated to be \$1,853,626, anticipates funding through a mix of current CPA reserves (roughly 15% of funding) and borrowing against future CPA revenues (roughly 85% of funding). Borrowing over twenty years includes estimated interest charges of \$363,626, increasing the total cost of the project by 23.5%. Funding the project in this manner commits a significant portion of CPA resources for the next twenty years and carries the very real possibility of compromising CPC as a funding source for competing major infrastructure projects that are currently slated to receive funding from CPC (Page School renovations and a major water infrastructure project). If these projects are unable to receive funding from CPA resources they will then need to be funded by additional borrowing, which would become a significant future expense for West Newbury taxpayers.*

*The Committee is concerned about the lack of a defined use for the building once restoration is completed. Potential uses are severely limited by a lack of available parking, and a bonding requirement that the building maintain spaces that are open to “public access.” Renting the building to a private company “to pay the bills” would not be an option if no public use is found. Operation and maintenance of this new space is estimated to cost the taxpayer an additional \$16,800 annually. This expense will become an ongoing cost to the taxpayer (as it would not be funded by CPA) regardless of whether the building is used. This figure is based on estimates prepared by Town personnel and was included as part of the original CPC proposal.*

<sup>3</sup> Please find Special Town Meeting Warrant Appendix A, page 9.



If the project is approved at Town Meeting and moves forward, the Finance Committee would encourage proponents to seek additional funding sources through grants and fundraising to help defray costs to taxpayers. Further, we would encourage proponents to work quickly to find an ongoing and permanent use for the building and make it a vibrant asset to the Town.

**Funding Sources:** CPA, Historic Preservation Reserve  
CPA, Undesignated Fund Balance, Appropriate, Borrowing Authorization  
**Sunset Date:** N/A

**ARTICLE 11.** To see if the town will vote to transfer from available funds the sum of \$15,000.00 to fund the Unemployment Insurance expense line in the approved FY20 budget to pay expenses resulting from assessments levied during FY20 by the Massachusetts Department of Unemployment Assistance. *By request of the Board of Selectmen*

**FinCom Recommendation:** Approve: 6-0-0  
**Selectmen Recommendation:** Approve: 3-0-0

**FinCom Rationale:** *The Finance Community unanimously supports this article to pay for an unanticipated assessment by the MA Department of Unemployment Assistance for unemployment benefits. The FY2020 budget for this line item carried only \$1, as there was no expectation of unemployment claims during the current fiscal year.*

**Funding Source:** Free Cash  
**Sunset Date:** N/A

**ARTICLE 12.** To see if the town will vote to raise and appropriate and/or transfer from available funds the sum of \$400,000.00 to reduce the current year tax rate. *By request of the Board of Selectmen*

**FinCom Recommendation:** Approve: 6-0-0  
**Selectmen Recommendation:** Approve: 3-0-0

**FinCom Rationale:** *The Finance Committee supports passage of this article to transfer up to \$400,000 from the Town’s Free Cash account, allowing the Town to leave, unchanged, spending/service levels and the projected tax rate, as set by passage of the FY2020 budget during the April 29, 2019 Annual Town Meeting. Without passage of this article, the projected tax rate would either need to be increased for the remainder of FY2020 and/or services would need to be cut to maintain a balanced FY2020 budget.*

**Funding Source:** Free Cash  
**Sunset Date:** N/A

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**BYLAWS - OTHERS**  
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**ARTICLE 13.** To see if the Town will vote to amend Section 2. Definitions of the West Newbury Zoning Bylaw by amending existing definitions or adding new definitions in the appropriate alphabetical order. *By request of the Planning Board*<sup>4</sup>

**FinCom Recommendation:** Approve: 6-0-0  
**Selectmen Recommendation:** Approve: 3-0-0

<sup>4</sup> Please find Special Town Meeting Warrant Appendix A, page 10.

**FinCom Rationale:** *The Finance Committee unanimously recommends passage of Warrant Articles numbered 13, 14, 15, and 16 as presented by the Planning Board. These articles present a series of minor clarifications and amendments to language and definitions of existing Bylaws.*

**ARTICLE 14.** To see if the Town will vote to amend the existing term, “Massachusetts General Laws Chapter 131” each time it occurs in the West Newbury Zoning Bylaw, including abbreviations of said term, by adding a reference to “Section 40” to clarify its reference to the state Wetlands Protection Act. *By request of the Planning Board*<sup>5</sup>

**FinCom Recommendation:** Approve: 6-0-0  
**Selectmen Recommendation:** Approve: 3-0-0

**FinCom Rationale:** *The Finance Committee unanimously recommends passage of Warrant Articles numbered 13, 14, 15, and 16 as presented by the Planning Board. These articles present a series of minor clarifications and amendments to language and definitions of existing Bylaws.*

**ARTICLE 15.** To see if the Town will vote to amend Section 4.B Exempt Uses of the West Newbury Zoning Bylaw by deleting existing Section 4.B.1.b. regarding agriculture, horticulture, floriculture and viticulture, and replacing it with updated language better aligning with M.G.L. Ch.40A, S.3. *By request of the Planning Board*<sup>6</sup>

**FinCom Recommendation:** Approve: 6-0-0  
**Selectmen Recommendation:** Approve: 3-0-0

**FinCom Rationale:** *The Finance Committee unanimously recommends passage of Warrant Articles numbered 13, 14, 15, and 16 as presented by the Planning Board. These articles present a series of minor clarifications and amendments to language and definitions of existing Bylaws.*

**ARTICLE 16.** To see if the Town will vote to amend Section 5.A.4. Uses Permitted in the Residence B and C Districts on a Special Permit Granted by the Planning Board of the West Newbury Zoning Bylaw, by removing reference to “Section 8.A.” at the end of the first paragraph and replacing it with “Section 8”, to clarify that the uses are subject Section 8.B. Site Plan Review; and by deleting the words “not to exceed four (4) units” in Section 5.A.4.a. and replacing them with the words “three (3) or four (4) units” to correct a scrivener’s error. *By request of the Planning Board*<sup>7</sup>

**FinCom Recommendation:** Approve: 6-0-0  
**Selectmen Recommendation:** Approve: 3-0-0

**FinCom Rationale:** *The Finance Committee unanimously recommends passage of Warrant Articles numbered 13, 14, 15, and 16 as presented by the Planning Board. These articles present a series of minor clarifications and amendments to language and definitions of existing Bylaws.*

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<sup>5, 6, 7</sup> Please find Special Town Meeting Warrant Appendix A, pages 13, 14, and 15, respectively.

**APPENDIX A- 2019 Special Town Meeting**  
**STM Article #8**  
**COMMUNITY PRESERVATION COMMITTEE ARTICLE:**  
**KITCHEN & BATHROOM MODERNIZATION**

**ARTICLE 8.** To see if the town will vote to transfer from the Community Preservation Act funds, a total of \$363,367.00, comprised of \$280,978.95 from Community Housing Reserve, and \$82,388.05 from Undesignated Fund Balance, for Kitchen and Bath Modernization at 1-6 Hills Court and 1-6 Boynton Court, in conformity with the Application for Funding filed, or take any other action relative thereto.

Project Summary

The following Project Summary is excerpted from the Application for Project Funding submitted to the Community Preservation Committee by the West Newbury Housing Authority:

The Hills and Boynton Court multi-family developments consist of two separate properties. Both the Hills Court and Boynton Court properties each have three (3), 2-story, duplex wood-framed apartment buildings containing a total of six (6) rental apartment units (12 units total between the 2 developments, 1 being Handicap accessible). The development at Hills Court is located on a total of approximately 1.25 acres. The development at Boynton Court is located on a total of approximately 2.5 acres. Construction of each facility throughout both developments was completed in 1992.

The existing Kitchen and Bathrooms are original to the development and both spaces within all dwelling units are in disrepair and require modernization. The WNHA is seeking funds from the CPC for the Kitchen Modernization portion of the work. If awarded the WNHA will use the funding received to apply for a HILAPP (High Leverage Asset Preservation Program) Award from DHCD (Department of Housing and Community Development) for the Bathroom Modernization portion of the work. The HJ LAPP program offers a maximum \$2.5 price match to every \$1 to leveraged funds received by the Authority.

The complete CPC application can be viewed on the Town website at:

[www.wnewbury.org/community-preservation-committee](http://www.wnewbury.org/community-preservation-committee)

**APPENDIX A- 2019 Special Town Meeting**  
**STM Article #9**  
COMMUNITY PRESERVATION COMMITTEE ARTICLE:  
JULIAN D. STEELE HISTORICAL MARKER

**ARTICLE 9.** To see if the town will vote to transfer from the Community Preservation Act Funds, Historic Preservation Reserve, the sum of \$600.00 for the purchase and installation of a historical marker to recognize and commemorate former West Newbury resident Julian D. Steele, in conformity with the Application for Funding filed, or take any other action relative thereto.

Project Summary

The following Project Summary is excerpted from the Application for Project Funding submitted to the Community Preservation Committee by the West Newbury Historical Commission:

The project will consist of a historical marker in the same shape and design as others in town to preserve the history of Julian Denegal Steele, the first African-American town moderator in the Commonwealth of Massachusetts. The marker, which is proposed to be located in the garden to the left of the Town Hall's front door, will read, "At this site in 1952 Julian D. Steele was unanimously elected town moderator, becoming the first African-American in the Commonwealth to hold this position."

The complete CPC application can be viewed on the Town website at:

[www.wnewbury.org/community-preservation-committee](http://www.wnewbury.org/community-preservation-committee)

**APPENDIX A- 2019 Special Town Meeting  
STM Article #10**

**COMMUNITY PRESERVATION COMMITTEE ARTICLE: PRESERVATION AND  
RESTORATION OF THE SOLDIERS & SAILORS MEMORIAL BUILDING (CARR POST)**

**ARTICLE 10.** To see if the Town will vote to appropriate \$1,500,000.00, or any lesser amount, to pay costs of preserving, restoring and making extraordinary repairs to the Soldiers and Sailors Memorial Building (Carr Post), including but not limited to, interior and exterior preservation and restoration of the building, installation of a subsurface sewage disposal system, installation of walkways and signage, hazardous materials remediation, replacement of electrical, plumbing, HVAC and fire alarm systems, and for the payment of all other costs incidental and related thereto; to determine whether this amount shall be raised by taxation, transfer from available funds, including amounts in the Community Preservation Fund, borrowing or otherwise, or to take any other action relative thereto.

Project Summary

This Project Summary was provided by the Board of Selectmen for inclusion in the Special Town Meeting booklet. It reflects information in the Board’s Application for Project Funding submitted to the Community Preservation Committee (CPC):

The Town took ownership of the Soldiers & Sailors Memorial Building (“Carr Post”) in 2015, which is listed on the National Register of Historic Places, and soon thereafter invested about \$100,000 in CPC funding to stabilize the 1900 building. This summer, the Town engaged a historic preservation architectural and design team, including structural and civil engineers, to reassess the building condition and prepare cost estimates to preserve and restore this building. Concurrently, the Board of Selectmen, Carr Post Building Committee, and CPC each held multiple meetings to review the consultants’ work and to consider the restoration options, building uses and other matters.

The consultant team, working with a cost estimator and others, prepared a \$1.5 million project budget, which they estimate would be needed to fully restore the building to productive use. The funding proposal to Town Meeting would provide \$250,000 of CPC funds for immediate use, which would more than cover the costs to complete the current schematic design plans and to prepare construction documents and bid specifications, and would also authorize an additional \$1.25 million in borrowing to fund the complete project budget. At an estimated 2.5% interest rate over 20 years, this would result in approximately \$80,000 in annual debt service, to be funded from CPC funds, for a total project cost (principal and interest) of \$1.85 million over 20 years.

As a public building, its specific uses can be expected to vary over time. For code compliance purposes, the building plans provide for the first floor of the building to be used for public assembly, with the second floor as office space.

The complete CPC application can be viewed on the Town website at:

[www.wnewbury.org/community-preservation-committee](http://www.wnewbury.org/community-preservation-committee)

Additional background can be found on the Carr Post Building Committee website:

[www.wnewbury.org/carr-post-building-committee](http://www.wnewbury.org/carr-post-building-committee)

APPENDIX A- 2019 Special Town Meeting  
STM Article #13  
ZONING BYLAW

Proposed deletions are ~~strikethrough~~ Proposed additions are double underlined

**ARTICLE 13.** To see if the Town will vote to amend **Section 2. Definitions** of the West Newbury Zoning Bylaw by amending existing definitions or adding new definitions in the appropriate alphabetical order, as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

**APPENDIX A- 2019 Special Town Meeting**  
**STM Article #13**  
**ZONING BYLAW**

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

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

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

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

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

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

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

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

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

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

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

**APPENDIX A- 2019 Special Town Meeting**  
**STM Article #13**  
**ZONING BYLAW**

~~setback of the district within which the lot is located. A lot abutting two or more public or private ways at their intersection.~~

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

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

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

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

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

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

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

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

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

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



**APPENDIX A- 2019 Special Town Meeting**  
**STM Article #14**  
**ZONING BYLAW**

Proposed deletions are ~~striketrough~~

Proposed additions are double underlined

**ARTICLE 14.** To see if the Town will vote to amend the existing term, “Massachusetts General Laws Chapter 131” each time it occurs in the West Newbury Zoning Bylaw, including abbreviations of said term, by adding a reference to “Section 40”, as follows:

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

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

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

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

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

**APPENDIX A- 2019 Annual Town Meeting**  
**STM Article #15**  
**ZONING BYLAW**

Proposed deletions are ~~striketrough~~

Proposed additions are double underlined

**ARTICLE 15.** To see if the Town will vote to amend **Section 4.B Exempt Uses** of the West Newbury Zoning Bylaw by deleting existing Section 4.B.1.b. and replacing it with updated language from Massachusetts General Laws Chapter 40A, Section 3., as follows:

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

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

**APPENDIX A- 2019 Annual Town Meeting**  
**STM Article #16**  
**ZONING BYLAW**

Proposed deletions are ~~striketrough~~

Proposed additions are double underlined

**ARTICLE 16.** To see if the Town will vote to amend Section 5.A.4. Uses Permitted in the Residence B and C Districts on a Special Permit Granted by the Planning Board of the West Newbury Zoning Bylaw, by removing reference to “Section 8.A.” at the end of the first paragraph and replacing it with “Section 8”, and by deleting the words “not to exceed four (4) units” in Section 5.A.4.a. and replacing them with the words “three (3) or four (4) units”, as follows:

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

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

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

**Role of the Finance Committee:** The Finance Committee is an appointed, standing committee consisting of six qualified voters. The Finance Committee is specifically chartered with the following responsibilities:

- Prepare recommendations regarding all Articles in the warrant, especially those involving the appropriation of money.
- Consider all municipal questions affecting the revenue, indebtedness or expenditures of the funds of the Town, and for this purpose the committee shall have access to all books and records of the Town.
- Present the Annual Budget to the Town.
- Confer with and advise the Board of Selectmen whenever so requested.
- One member of the Finance Committee shall be a member of the advisory Capital Improvements Committee.
- Authorize transfers from the Reserve Fund.
- Authorize year-end budget line item transfers.
- Declare a Snow Emergency to allow deficit spending of the Snow Removal budget.

In addition to these statutory responsibilities, the Finance Committee serves as your investigative agent to make sure that all proposed expenditures are thoroughly vetted before they come before the Town.

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### GLOSSARY

1. **Article:** The topic to be considered and voted at Town Meeting.
2. **Assessment:** The Board of Assessors judgment of the value of a property.
3. **Bond:** A means to raise money through the issuance of debt. The Town (borrower) promises in writing to repay a specified sum of money, alternately referred to as face value, par value or bond principal, to the buyer of the bond on a specified future date (maturity date), together with periodic interest at a specified rate. The term of a bond is always greater than one year.
4. **Capital Expenditure:** An expense for a tangible asset or project that costs at least \$10,000 and has a useful life of at least 5 years.
5. **Chapter 70:** The Chapter of Massachusetts law that governs the funding of the schools. The formula is designed to distribute state aid to help establish educational equity among municipal and regional school districts. It is also the name for the largest part of state funding to schools.
6. **Chapter 90:** The Chapter of Massachusetts law that governs the funding of roads and highway improvements. It is also the common name for the largest part of state funding to highways.
7. **Cherry Sheet:** State aid to the Town, so called as they used to be printed on red paper.
8. **Credit Rating:** The evaluation given by lenders indicating the Town's ability to repay a Loan or Bond. A good credit rating allows the Town to borrow at a lower interest rate.
9. **Free Cash:** Funds remaining from the operations of a previous fiscal year (June 30) which may be appropriated after they have been certified by the Massachusetts Department of Revenue. These include unspent appropriations and revenue collected in excess of estimates.
10. **Levy:** The revenue the Town can raise through real and personal property tax and motor vehicle excise taxes.

11. **Levy Limit:** The maximum tax amount the Town can levy in a given year. The limit can grow 2 ½% of the prior year's levy limit plus new growth and any overrides.
12. **New growth:** The taxing capacity and thereby revenue added by new construction and other increases in the property tax base.
13. **Operating Expenses:** The budget for routine, recurring expenses during the fiscal year starting on July 1 through June 30. It includes all labor and expenses. Typical examples are Police and Fire Department salaries, the Town's assessment from the Pentucket Regional School District, road repairs, snow removal and the solid waste pickup (trash) contract.
14. **Override:** Proposition 2 ½ allows a Town to increase the Town's taxes greater than 2 ½% by one of 3 methods, if approved by the voters:
  - a. Capital Outlay Expenditure Override– allows override of Prop 2 ½, only for a one-time purchase.
  - b. Debt Exclusion Override–allows over-ride of Prop 2 ½ only for the term of the debt repayment schedule.
  - c. General Override–increases the total tax beyond 2 ½% permanently.
15. **Pension Obligations:** Contributions to the Essex Regional Retirement Board and to the Other Post-Employment Benefits (OPEB) for eligible Town employees to pay for negotiated benefits.
16. **Pentucket Regional School District (PRSD) Assessment:** What the Town must pay to the PRSD each year for the schools. It includes:
  - a. Minimum contribution established by the Massachusetts Department of Education based on Town demographics, real estate values, and income.
  - b. Other Assessment. Remainder of operating budget of the PRSD, which is calculated based on the number of West Newbury pupils in the district.
  - c. Capital assessment is the district wide debt service on borrowing also apportioned based on the number of West Newbury pupils in the district and some Green Repair town specific debt and reimbursements.
17. **Proposition 2 ½:** The state law that limits the amount of increase in total real estate taxes, which the Town may assess, to a maximum of 2 ½% per year on existing properties. It does not include taxes that may be levied on new construction or additions (so called new growth).
18. **Raise and Appropriate:** Town Meeting authorization to expend a certain amount of money for a specific purpose by raising that amount of taxes to pay for that expenditure.
19. **Sources of Revenue:** Local receipts collected by the Town such as boat and auto excise tax taxes, fines and interest, real estate property taxes, state aid and grants.
20. **Stabilization Account:** A general or special purpose savings account deposited into or withdrawn from at Town Meetings with a 2/3 vote. The town uses the account to save for capital expenditures.
21. **Sunset Provision/Clause:** A clause attached to a town appropriation that is part of the motion to provide a specific expiration date for allocated funds, unless additional legislative action is taken. After the specified date, funds not used for the established purpose of the article are returned to the town's general operating fund.

SPECIAL TOWN MEETING IMPACTS ON TOWN ACCOUNTS

		Estimated					Unreserved: Available for Appropriation				
		Town Stabilization	Pension Stabilization	School Stabilization	Town Free Cash	Water Stabilization	CPC Comm Housing	CPC Historical	CPC Open Space	CPC Undesig	CPC Reserve
<b>Balances Report</b>											
	<b>7/1/2019</b>	1,518,461	229,705	1,594,230	2,103,731	15,359	280,979	177,556	148,308	1,598,808	267,581
<b>10/2019 STM</b>	<b>Art #</b>										
Landfill post-closure testing	2				(11,500)						
Landfill interceptor trench	3				(66,000)						
High hazard trees (year 1)	4				(50,000)						
DPW salter (truck add-on)	5				(9,500)						
Library in-line dehumidifiers	6				(5,000)						
Town Bldg operating exp.	7				(2,600)						
Housing kitchen & bath imp.	8						(280,979)			(82,388)	
Julian D. Steele hist. marker	9							(600)			
Soldiers & Sailors Memorial*	10							(150,000)		(100,000)	
Unemployment costs	11				(15,000)						
Reduce tax rate	12				(400,000)						
<b>Balances after STM</b>		1,518,461	229,705	1,594,230	1,544,131	15,359	0	26,956	148,308	1,416,420	267,581
<p><b>* Note: Article 10 proposes \$250,000 in FY20 and would authorize an add'l \$1,250,000 (principal) in borrowing, for an estimated total cost of \$1.85M (incl. interest) over 20 years.</b></p>											
<p>Source: Angus Jennings, Town Manager, 10/19/19</p>											