

SELECTMEN'S MESSAGE

Welcome to the Annual Town Meeting of the Town of Newbury. We appreciate your attendance at the Annual Town Meeting and thank you for participating in the governance of the Town of Newbury. The Town Meeting Warrant is the agenda for the meeting. It is drawn up by the Selectmen from various proposals made by the Selectmen, Town Committees, other Boards, staff and citizens.

The Selectmen determine the order that the Articles appear in the Warrant. The Articles will be considered in the order in which they appear, unless the Moderator, or the meeting itself, changes that order. Each Article is intended to give fair notice of the topic to be discussed and voted upon, thus any motion made at Town Meeting must be found by the Moderator to be within the scope of the printed Article. At the Town Meeting, the motion made under each Article will describe the specific action that is proposed to be taken. The wording of the motion and any amendments that might be offered to the main motion, may differ from the exact wording of the Article, but must be within the scope of the Article. Accordingly, please listen closely to the reading of the motion and any amendments made before voting.

We request that attendees who wish to speak to an article approach one of the microphones set up throughout the meeting room. Please do not speak until you are recognized by the Moderator. Once you are recognized by the Moderator, please state your name and street address before speaking to the topic at hand. The Town Clerk maintains a record of each Town Meeting and it is essential that you identify yourself so that a complete and accurate record may be kept.

The Town of Newbury could not function without the dedication of its many volunteers who regularly give their time and talent to the community. Citizens participate in town government in many different ways. Many serve on our boards and committees, while others are active in less formal ways. In whatever manner our many volunteers participate in town government in Newbury, they make an invaluable contribution to our community. The Board of Selectmen would like to take this opportunity to thank all of the residents, business owners and the many others who support the community throughout the year. Your work is appreciated and essential and we are very grateful to all of you.

Sincerely,

The Newbury Board of Selectmen
Joseph Story, Chair
Michael Bulgaris, Vice Chairman
Charles D. Bear, Member
Geoffrey Walker, Member
David Mountain, Member

TOWN OF NEWBURY
ANNUAL TOWN MEETING
MAY 24, 2011

ESSEX SS.

TO: ONE OF THE CONSTABLES FOR THE TOWN OF NEWBURY, MASSACHUSETTS

GREETINGS:

IN THE NAME OF THE COMMONWEALTH OF MASSACHUSETTS, YOU ARE HEREBY DIRECTED TO NOTIFY AND WARN THE INHABITANTS OF THE TOWN OF NEWBURY, QUALIFIED TO VOTE IN TOWN AFFAIRS, TO MEET AT THE NEWBURY ELEMENTARY SCHOOL ON HANOVER STREET IN SAID TOWN OF NEWBURY ON TUESDAY, THE 24th DAY OF MAY AT 7:00 P.M. TO ACT ON THE FOLLOWING ARTICLES, VIZ:

ARTICLE 1. To act on the reports of the Selectmen, School Committee, Regular and Special Committees and all other Town Officers.

ARTICLE 2. To see if the Town will fix the salaries and compensation of all certain elective officers of the Town as follows:

Town Moderator		\$100
Board of Selectmen	Each Member	\$2,500
Board of Assessors	Chair	\$3,000
	Member	\$2,000
Town Clerk		\$49,165.33
Tree Warden		\$3,000
Fish Commissioner	Each Member	\$1,000

FINANCE COMMITTEE RECOMMENDS

ARTICLE 3. To see if the Town will vote to raise and appropriate or take from available funds the sum of \$6,621,656.00; and take from the Special Assessment Fund the sum of \$445,000.00; for the operation of the Town in Fiscal Year 2012.

FINANCE COMMITTEE RECOMMENDS	FY 11	FY 12	CHANGE
TOWN MTG. MODERATOR	100	100	0
SELECTMEN SALARIES	15,000	12,500	-16.7%
TOWN ADMINSTRATOR SALARY	115,000	115,000	0
TOWN ADMINISTRATOR EXPENSE	5,000	5,000	0
SELECTMEN ADMIN. ASST. SALARY	45,815.94	45,816	0
SELECTMENS EXPENSE	5,000	5,000	0
FINANCE COMMITTEE EXPENSES	425	425	0
RESERVE FUND	35,000	60,000	71.4%
TREASURER/COLLECTOR SALARY	81,000	81,000	0
TREASURER/COLLECTOR EXPENSE	44,875	41,000	-8.6%
ACCOUNTANT SALARIES	43,348.30	43,500	0.3%

ACCOUNTANT EXPENSES	16,275	10,000	-38.6%
ASSESSORS SALARY	8,500	7,000	-17.6%
ASSESSOR WAGES	45,355.38	45,356	0
ASSESSOR EXPENSES	50,000	49,719	-0.6%
AUDIT TOWN BOOKS	25,000	25,000	0
LEGAL EXPENSE	75,000	75,000	0
PERSONNEL BOARD	500	500	0
TOWN CLERK'S SALARY	49,165.33	49,166	0
TOWN CLERK WAGES	34,535	34,535	0
TOWN CLERK EXPENSES	9,000	6,335	-29.6%
ELECTION EXPENSE	10,000	13,000	30.0%
REGISTRARS VOTERS SALARIES	750	750	0
CONSERVATION COMM. AGENT SALARY	50,421	50,421	0
CONSERVATION COMM. WAGES	11,640.72	11,641	0
PLUM ISLAND BEACH MANAGEMENT	5,000	5,000	0
CONSERVATION COMM. EXPENSES	4,500	3,000	-33.3%
TREE WARDEN SALARY	3,000	3,000	0
TREE WARDEN EXPENSE	0	7,500	100%
CLAM FLATS TOWN WAGES	4,000	4,000	0
PLANNING BOARD WAGES	59,291	59,291	0
PLANNING BOARD EXPENSES	3,615	2,500	-30.8%
MERRIMACK VALLEY PLANNING COMM.	2,215.08	2,216	0
PICTOMETRY, MIMAP, ASSESSORS MAP	3,000	3,000	0
ZONING BOARD OF APPEALS WAGES	900	900	0
ZONING BOARD OF APPEALS EXPENSES	250	250	0
PUBLIC BUILDING EXPENSE	90,000	90,000	0
TOWN REPORTS	1,500	250	-83.3%
INSURANCE EXPENSE	155,750	160,000	2.7%
POLICE WAGES	1,109,300.40	925,000	-16.6%
POLICE EXPENSE	131,000	131,000	0
FIRE PROTECTION-WAGES – P#1	102,025.12	102,025	0
FIRE PROTECTION-WAGES – P#2	91,809.99	91,810	0
CALL FIRE P# 1	74,571.16	74,571	0
CALL FIRE P# 2	74,571.16	74,571	0
FIRE PROTECTION-FLAT RATE-P#1	74,750	74,750	0
FIRE PROTECTION-FLAT RATE-P#2	74,750	74,750	0
FIRE ALARM MAINT. EXPENSE	7,000		-100%
AMBULANCE SERVICE	15,000		-100%
BUILDING COMMISSIONER SALARY	58,849.33	58,850	0
ASST. TO BUILDING COMMISSIONER	9,400	9,400	0
BUILDING INSPECTOR WAGES	11,640.72	11,641	0
BUILDING INSPECTOR EXPENSE	4,800	4,000	-16.7%
SEALER OF WEIGHTS & MEASURES	2,500	2,500	0
INSPECTIONAL SERVICE FEES	25,000	0	-100.0%-
ACO SALARY	20,984	20,984	0
ACO EXPENSE	2,700	2,000	-25.9%
PARKING CLERK SALARY	2,220	2,220	0
PARKING CLERK EXPENSES	400	400	0
HYDRANT SERVICE	15,000	15,000	0

HIGHWAY LABOR	433,841.72	377,000	-13.1%
HIGHWAY MAINTENANCE EXPENSE	175,000	160,000	-8.6%
SNOW REMOVAL WAGES/EXPENSE	95,000	115,000	21.1%
CONSULTING ENGINEER EXPENSE	10,000	0	-100%
STREET LIGHTING	25,000	20,000	-20.0%
BOARD OF HEALTH WAGES	58,108.75	58,109	0
BOARD OF HEALTH EXPENSES	225,000	200,000	-11.1%
COUNCIL ON AGING WAGES	65,568.66	55,725	-15.0%
COUNCIL ON AGING EXPENSES	7,750	2,780	-64.1%
VETERANS DIRECTOR STIPEND	3,000	3,000	0
VETERANS SERVICES	15,000	15,000	0
NEWBURY TOWN LIBRARY WAGES	196,562.44	150,640	-23.4%
NEWBURY TOWN LIBRARY EXPENSES	52,500	52,500	0
HISTORIC COMMISSION	650	650	0
375 TH ANNIVERSARY COMMITTEE	375		-100%
MEMORIAL DAY	750	750	0
COST OF BONDING	17,500	16,351	-6.6%
LONG TERM DEBT PRINCIPAL	1,817,007.68	1,806,061	-0.6%
SHORT TERM DEBT INTEREST	14,668.07	10,363	-29.4%
LONG TERM DEBT INTEREST	507,472.95	447,909	-11.7%
HEALTH INSURANCE	582,732.95	653,378	12.1%
DENTAL INSURANCE	26,144	26,144	0
EMPLOYEE LIFE INSURANCE	1,300	1,300	0
MEDICARE-TOWN EXPENSE	35,750	40,000	11.9%
UNEMPLOYMENT BENEFITS		49,852	100%
ARTICLE 3 TOTALS		7,066,656.00	

FINANCE COMMITTEE RECOMMENDS

ARTICLE 4. To see if the Town will vote to raise and appropriate the sum of \$9,030,742.00 for the purpose of funding the capital improvement and operating assessment of the Town by the Triton Regional School District for Fiscal Year 2012.

ARTICLE 5. To see if the Town will vote to raise and appropriate the sum of \$120,993.00 for the Whittier Vocational School's Fiscal Year 2012 assessment to the Town of Newbury.

FINANCE COMMITTEE RECOMMENDS

ARTICLE 6. To see if the Town will vote to raise and appropriate or take from available funds the sum of \$449,856.58 for the Essex Regional Retirement Board's assessment to the Town of Newbury for Fiscal Year 2012.

FINANCE COMMITTEE RECOMMENDS

ARTICLE 7. To see if the Town will vote to raise and appropriate as required by Section 4, of Chapter 112 of the Acts of 1931, the sum of one dollar (\$1.00) for the necessary maintenance during the ensuing year of the Mosquito Control Works constructed in the Town.

FINANCE COMMITTEE RECOMMENDS

ARTICLE 8. To see if the Town will vote to authorize the Board of Selectmen to seek proposals for, and to convey, on such terms as they deem prudent, including an historic preservation restriction for the exterior of the building, the former Byfield Yellow School; or act in relation thereto.

ARTICLE 9. To see if the voters of the Town of Newbury will direct their selectmen to negotiate a settlement with the Yellow School Center for the Arts, Inc. (YSCA) for the capital expenditure of approximately \$300,000 invested by the YSCA in the Byfield Yellow School and the Byfield Town Hall. The basis of the negotiations shall be the town meeting of the year 2000 in which the Town voted to create an art center and followed by an agreement between the selectmen of Newbury and the YSCA in January 2001. If necessary, binding arbitration should be required. By petition of Richard S. Johnson and over ten others.

ARTICLE 10. To see if the Town will again vote to authorize the Board of Selectmen to petition the General Court to enact legislation as follows:

An Act providing for the establishment of a fire department in the Town of Newbury.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1. It is hereby recognized that Protection Fire Co. No. 1 Byfield , Massachusetts and Protection Fire Co. No. 2 have played a unique role in the history of the town of Newbury . The town seeks to preserve the special relationship it has shared with the fire companies in the provision of fire protection services to the town. While the town has centralized fire protection services known generally as the Newbury Fire Department, which is defined as all appointed firefighters in the town of Newbury, under the direction of the town's board of fire engineers, it is further recognized that to best leverage the limited financial and physical resources of the town, the continued relationship of the town with the fire companies will provide important supplementary resources and support to maintain the high level of fire protection services the people of the town of Newbury have come to expect.

SECTION 2. Notwithstanding any general or special law to the contrary, there shall remain in place two fire companies within the jurisdictional limits of the town of Newbury under the operational control of a single board of fire engineers, who shall be appointed annually by the board of selectmen as provided for in section 45 of chapter 48 of the General Laws. The chief engineer shall have the duties and responsibilities of the fire chief for the town of Newbury. Any member of the board of fire engineers of the town may be removed for cause by the board of selectmen at any time after a hearing. Nothing in this act

shall grant tenure to any member of the board of fire engineers.

SECTION 3. (a) Except as otherwise provided in subsection (b), the board of fire engineers and the fire chief shall have the duties and responsibilities described in this subsection. The fire chief shall have general charge of extinguishing fires in the town of Newbury and the protection of life and property in case of fire or other emergency. The board of fire engineers and fire chief shall have and exercise all the powers and discharge all the duties conferred or imposed by statute upon engineers in towns and fire chiefs, except as herein provided, and shall appoint 1 or more deputy fire chiefs and such other officers and firefighters as the board of fire engineers consider necessary or appropriate and may remove the same for cause at any time after a hearing. Newly appointed firefighters shall serve a probationary period of 1 year, during which time they shall perform the duties of a firefighter and may be removed at any time after a hearing. In responding to fires and other emergencies, all officers and firefighters appointed by the board of fire engineers shall be considered employees of the town, subject to the authority of the board of fire engineers and the fire chief and any rules and regulations adopted by the board of fire engineers or the fire chief for operation of the department and all applicable General Laws. Notwithstanding any provision that may be contained in any general or special law to the contrary, any elected or appointed official or employee of the town of Newbury shall also be eligible to serve as a member of the board of fire engineers or as a town firefighter, or both. The board of fire engineers shall have full and absolute authority in the administration of the department, shall make all rules and regulations for its operation, shall report to the board of selectmen from time to time as the board of selectmen may require, and shall annually report the condition of the fire department to the town along with board of fire engineers' and the fire chief's recommendations thereto. The board of fire engineers shall determine the compensation of the permanent full-time, permanent part-time and call members of the fire department, subject to the approval of the board of selectmen. The board of fire engineers shall, in the expenditure of money, be subject to such further limitations as the town may, from time to time, prescribe.

(b) The board of selectmen, in consultation with the board of fire engineers, may, at its sole discretion, enter into contracts with Protection Fire Co. No. 1 Byfield, Massachusetts and Protection Fire Co. No. 2 for fire protection apparel, equipment and facilities. Execution of such contracts shall not require the approval of the town meeting. Sections 38A1/2 through 38O of chapter 7 of the General Laws, and chapters 30, 30B, and 149 of the General Laws shall not apply to the contracts.

(c) A contract between the town of Newbury and Protection Fire Co. No. 1, Byfield, Massachusetts or Protection Fire Co. No 2 shall not exceed a period of 10 years; provided, however, that the board of selectmen may extend such contract, or negotiate any new contract, for up to 2 additional periods of up to 10 years each. The financial obligation of the town of Newbury under any such contract shall be subject to annual appropriation.

(d) Upon a majority vote of the entire board of selectmen, and with the approval of town meeting, the town may permanently sever its relationship with either firefighting company and terminate any contracts entered into pursuant to this act upon 60-days written notice of

termination from the board of selectmen, at which time subsection (b) shall no longer be in effect with respect to the firefighting company to which notice was provided in accordance with this section. Failure to enter into a contract, negotiate a new contract, or extend an existing contract for the purposes authorized herein shall not be considered to constitute permanent severance of the relationship of the town with the fire companies as set forth in the preceding clause.

SECTION 4. Any individual appointed as a firefighter by the board of fire engineers as of the effective date of this act shall continue in that position until the expiration of the term of appointment of such firefighter, notwithstanding any other provision of this act. Appointments of firefighters shall thereafter be made in accordance with subsection (a) of section 3.

SECTION 5. This act shall take effect upon its passage; or act in relation thereto.

ARTICLE 11. To see if the Town will vote to amend Chapter 56 (Dogs and Other Animals) of its general by-laws by deleting the last sentence of Section 56-2.B thereof and replacing it with the following: the fine for violation of the aforesaid running at large restrictions will be \$25 for the first offense, \$50 for the second offense and \$100 for the third and subsequent offenses; or act in relation thereto. *(The fee for violation of running at large on these public areas will be \$25 for the first offense, \$50 for the second offense and \$100 for the third and subsequent offenses.)*

ARTICLE 12. To see if the Town will authorize the establishment of an “Inspectional Services Revolving Fund” in accordance with Section 53E ½ of Chapter 44 of the General Laws for the purpose of compensation of the Wiring, Plumbing and Gas Inspectors, and further that Inspectional Services is authorized to spend \$25,000 during Fiscal Year 2012; or act in relation thereto.

FINANCE COMMITTEE RECOMMENDS

ARTICLE 13. To see if the Town will authorize the continuance of the “Recreation Revolving Fund” as established in accordance with Section 53E ½ of Chapter 44 of the General Laws for the purposes of maintaining certain fields, and, further that the Recreation Committee is authorized to spend \$25,000.00 during Fiscal Year 2012; or act in relation thereto.

FINANCE COMMITTEE RECOMMENDS

ARTICLE 14. To see if the Town will authorize the continuance of the Board of Health’s “Compost Bin Revolving Fund” as established in accordance with Section 53E 1/2 of Chapter 44 of the General Laws in order to place revenue collected from the sale of compost bins which shall be used to purchase additional compost bins, advertise the

availability of such bins, and, further, that the Board of Health is authorized to spend \$5,000.00 during Fiscal Year 2012; or act in relation thereto.

FINANCE COMMITTEE RECOMMENDS

ARTICLE 15. To see if the Town will vote to authorize the continuance of the “Municipal Waterways Improvement and Maintenance Fund” as established by Section 5 of Chapter 40 of the General Laws as a revolving fund account. Funding in addition to that required by Clause (i) Section 2 of Chapter 60B of the General Laws shall be by sums received from waterway fees, permits, fines or any other designated sources subject to all provisions of Section 53E ½ of Chapter 44 of the General Laws. The Harbormaster, subject to the approval of the Town Administrator, is authorized to spend \$70,000 during the Fiscal Year 2012; or act in relation thereto.

FINANCE COMMITTEE RECOMMENDS

ARTICLE 16. To see if the Town will authorize a “Byfield Community Center Revolving Fund” as established in accordance with Section 53E ½ of Chapter 44 of the General Laws for the purposes of maintaining certain town owned properties and, further, that the Grange Hall Facilities Management Committee is authorized to spend \$20,000.00 during the next fiscal year; or act in relation thereto.

FINANCE COMMITTEE RECOMMENDS

ARTICLE 17. To see if the Town will vote to transfer the sum of \$135,000 from the Special Assessment Fund to the Land Sale Capital Fund for the purpose of reimbursing the Land Sale Capital Fund for the amount previously appropriated from said Capital Fund to pay a portion of the Town’s share of the Plum Island beach nourishment project; or act in relation thereto.

ARTICLE 18. To see if the Town will vote to transfer the sum of \$139,925 from the Land Sale Capital Fund and the sum of \$4,233.60 from the Future Projects 20 Year Fund to the Highway Barn Capital Account Fund (Account #100-420-6800-000) for the purpose of design and reconstruction work to the Public Works Department’s Barn; or act in relation thereto.

ARTICLE 19. To see if the Town will vote to authorize the Board of Selectmen to petition the General Court to enact legislation as follows:

AN ACT AUTHORIZING THE TOWN OF NEWBURY TO USE CERTAIN FUND BALANCES FOR CAPITAL EXPENDITURES.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1. Notwithstanding the provisions of section 20 of chapter 44 of the General Laws or any other general or special law to the contrary, the balances remaining in the Town of Newbury's treasury from the sale of bonds for the purposes of paying for projects to cap the town's former landfill and construct the town's present transfer station may be expended without further appropriation by the Newbury Board of Selectmen for any purpose or purposes for which the town is authorized to incur debt for a period of five years or more.

SECTION 2. This act shall take effect upon its passage;

or act in relation thereto.

ARTICLE 20. To see if the Town will vote, pursuant to G.L. c. 98, § 56, to adopt as a by-law the following weights and measures fee schedule:

**Chapter 110
Sealer of Weights and Measures Fee Schedule**

Pursuant to G.L. c.98, §56, the Town shall impose upon the owner of any establishment wherein devices subject to the provisions of Chapter 98 of the General Laws are used, the following fees for the sealing and inspecting of weighing or measuring devices:

SCALES

Capacity over 10,000 lbs.	\$150
Capacity 5,000 – 10,000 lbs.	\$100
Capacity 1,000 – 4,999 lbs.	\$ 50
Capacity 100 – 999 lbs.	\$ 40
Capacity 10 – 99 lbs.	\$ 30
Capacity less than 10 lbs.	\$ 25

LIQUID CAPACITY MEASURING

All liquid capacity measuring (except vehicle tanks)	\$ 50
Vehicle tanks	\$ 30

AUTOMATED ELECTRIC REGISTERS

3 or less	\$ 75
4 to 11	\$150
More than 11	\$250

OTHER

Milk bottles or jars (per gross)	\$ 25.
Linear or area measure	\$ 25
Taxi-meters	\$ 25
All other	\$ 25

ADDITIONAL FEES

Minimum fee \$ 25
Re-inspection fee equal to fee of initial test:

Or act in relation thereto.

FINANCE COMMITTEE RECOMMENDS

ARTICLE 21. To see if the Town will vote to transfer from the Stabilization Fund the sum of \$60,000 for computer hardware, software, system updates and licenses; or act in relation thereto.

ARTICLE 22. To see if the Town will vote to amend the Town of Newbury Zoning By-Laws, ARTICLE II – USE DISTRICTS, to modify the boundaries of the Industrial District in Byfield south of the Parker River off of Main Street as follows:

1. Revise the Zoning Map referenced in Article II, § 97-2.B.(1), by removing Lots 21, 22, and 23 on Assessors’ Map U-14 from the Industrial District along the south bank of the Parker River in Byfield and rezoning these three lots Agricultural-Residential.
2. Delete Paragraph 2 of Article II, § 97-2.B.(2)(g), which reads “A 500 foot strip along the south bank of the Parker River extending from Main Street to Route 95” and replace it with the following:

“An area in Byfield encompassing Lots 24 and 25 on Assessors’ Map U-14 in their entirety and a 500 foot strip along the south bank of the Parker River extending from the southern boundaries of Lots 23 and 24 on Assessors’ Map U-14 across Lots 33, 37, and 40 on Assessors Map R-19 to Route 95 and as shown on the Town of Newbury Zoning Map as amended.”

or act in relation thereto.

ARTICLE 23. To see if the Town will vote to amend the Town of Newbury Zoning By-Laws, Articles II, III, IV, VI, VIII, and XI, to add provisions for a new use district, the Business and Light Industrial District, to replace the Commercial Highway and Industrial Districts in the area of Route 1, as follows:

1. In ARTICLE II –USE DISTRICTS:
 - a. Insert a new §97-2.A.(9) Business and Light Industrial District (BLI)
 - b. Revise the Zoning Map referenced in § 97-2.B.(1) to include the Business and Light Industrial District as described below.

- c. Delete Paragraph 3 of § 97-2.B.(2)(g) which reads “That portion of Precinct 1 bounded on the north by Newburyport line, and the west by the center line of U.S. Rt. #1” in its entirety.
 - d. Insert a new § 97-2.B.(2)(i) Business and Light Industrial as follows:
 - (i) Business and Light Industrial:
Beginning at a point on the center line of Hanover Street 1,000 feet easterly from the center line of U.S. Route #1, thence by a line parallel to said center line of U.S. #1 and 1,000 feet east of it to the center line of Boston Road, thence westerly by the center line of Boston Road to a point 500 feet west of the center line of U.S. #1 on the center line of Boston Road, thence northerly by a line parallel to the center line of U.S. #1 and 500 feet west of said line to a point on the center line of Middle Road 500 feet west of the center line of U.S. #1, thence southwesterly by the center line of Middle Road to the center line Highfield Road, thence northwesterly by the center line of Highfield Road to the center line of Scotland Road, thence eastwards along the center line of Parker Street to the Newburyport line and east along the municipal boundary to a point 1000 ft east of the right of way of the formerly Boston and Maine Railroad, now the MBTA Commuter Rail line, thence south on a line parallel to the said Railroad right of way to a point on the center line of Hanover Street, thence southwesterly by the center line of Hanover Street to the point of beginning.
 - e. Revise § 97-2.D.(6) Wireless Communication Services to read:
 - (6) Wireless Communication Services:
All lands located within the boundaries of the Commercial Highway District, the Industrial District, and the Business and Light Industrial District.
2. In ARTICLE III – REGULATIONS OF USE DISTRICTS add a new § 97-3.K. Business and Light Industrial as follows:
- K. Business and Light Industrial.
 - (1) Purpose and Intent: The Business and Light Industrial District is intended as an area for retail and service businesses, for professional offices and services, and for assembly and light manufacturing uses consistent with the Town’s current Master Plan.
 - (2) Permitted Uses: In the following Table of Use Regulations, the uses permitted by right are designated by the letter “P”. Those uses that may be permitted by special permit in accordance with conditions, safeguards, and limitations of the Zoning Act and this By-Law are

designated as “SP”. Uses designated “NP” shall not be permitted in the district.

- (3) Special Permit Granting Authority: Unless specifically designated otherwise elsewhere in this By-Law, the Planning Board shall be established as the Special Permit Granting Authority (SPGA) for all Special Permit Applications in the Business and Light Industrial District.
- (4) Table of Use Regulations: The Table of Use Regulations on accompanying pages is a part of this By-Law.

TYPE OF USE	BUSINESS AND LIGHT INDUSTRIAL DISTRICT
COMMERCIAL USES	
Professional and business offices and services including, but not limited to, medical, legal, and financial services	P
Personal care establishments, including, but not limited to, barbers and hairdressers, salons, spas	P
Business repair services, including, but not necessarily limited to, appliances, televisions, computers, and office equipment	P
Convenience store	P
Retail establishment selling general merchandise	P
Retail/service kiosk automated teller machine	P
Sales by vending machines	P
Indoor and outdoor recreation areas and facilities, including, but not limited to, play grounds, health and fitness centers, miniature golf, golf driving range, batting cage, tennis courts, skating rink, boating, fishing, swimming, and hunting where otherwise legally permitted;	P
Performing arts center	P
Museum	P
Establishment selling, servicing, and/or renting new and/or used automobiles, trucks, aircraft, boats, motorcycles, and household and camping trailers, and enclosed repair facilities accessory thereto	P
Establishment selling motor vehicle parts and accessories	P
Animal grooming	P
Veterinary clinic	P
Feed or building materials establishment	P
Temporary trailer	P
Radio/T.V. studio	P
Boat building/sales/service/storage/rental/transport	P
Shopping center	SP
Membership club, including, but not limited to, social club, country club, tennis or similar sports club	SP
Hospital and medical center	SP
Nursing home and rehabilitation center	SP

Assisted Living or Life Care	SP
Rehabilitation residence	SP
Congregate elderly housing	SP
Gasoline, diesel oil, or fuel oil sales or distribution facilities	SP
Animal boarding, kennel - 24 hour operations	SP
Animal daycare – daytime only	SP
Car wash facility	SP
Contractor's yard	SP
Funeral home or mortuary establishments	SP
Mini-storage warehouses	SP
Wireless communications service as provided for in Article IV	SP
Adult Entertainment Establishment	NP
Automobile graveyards and junkyards, as defined in MGL Chapter 140B, Section 1;	NP
FOOD SERVICES	
Eating and drinking places, excluding formula fast food establishments	P
Formula fast food establishments without “drive-thru” facilities	P
Formula fast food establishments with “drive-thru” facilities	SP
MUNICIPAL AND COMMUNITY FACILITIES	
Town Hall or other municipal building	P
Public Works Department and garage	P
Police Station	P
Fire Station	P
Library	P
Church or other religious purpose	P
U.S. Post Office	P
Town outdoor recreation facility and any other outdoor non-commercial recreation use	P
Non-profit recreational facility	P
Cemetery, municipal or private	SP
EDUCATIONAL USES	
Educational purpose which is religious, sectarian, non-denominational, public, or non-profit	P
Educational purpose which is operated for profit	P
Preschool/day care facility	P
INDUSTRIAL USES	
Research offices or establishments devoted to research and development activities	P
Corporate headquarters or office park	P
Offices for general construction, landscaping, or similar contractors, with open storage of related supplies, equipment, or vehicles, and structures for storing such items	P
Non-retail bakery	P
Retail sale of goods manufactured on premises	P
Printing/publishing	P
Services to industry, including environmental and maintenance	P
Light fabrication and repair, including but not limited to welding, carpentry, pipe/duct fabrication	P
Machine shops	P

Temporary construction trailer	P
Small wind energy system accessory to principal use as provided for in Article X	P
Light manufacturing	SP
Food processing and distribution	SP
Seafood processing and distribution	SP
Electric power generation/distribution	SP
Gas distribution facilities	SP
Large wind energy facility as provided for in Article V	SP
Wind monitoring or meteorological tower	SP
Water and wastewater systems	SP
Landfills and open dumps as defined in 310 CMR 19.006	NP
Other open storage	NP
Mining or quarrying	NP
Hazardous material storage	NP
Laundry/dry cleaning plant	NP
Processing and treating of raw materials not enclosed, including but not limited to operations such as grading, drying, sorting, crushing, grinding, and milling	NP
Trash Transfer Stations	NP
WHOLESALE & TRANSPORTATION USES	
Bus terminals and/or railroad passenger stations and any other passenger transportation services	P
Miscellaneous transportation services, including, but not limited to, taxi, van, limousine, and ambulance service and similar "for hire" vehicles	P
Commercial parking lot or structure	P
Street, bridge, vehicular tunnel, or railroad lines	P
Wholesale trade, warehousing and distribution	SP
Truck terminal	SP
Truck and bus maintenance facilities	SP
Heliports	SP
Airport and landing strip	NP
Open storage of raw materials, finished goods, or construction equipment and structures for storing such equipment	NP
AGRICULTURAL USES	
Agriculture, horticulture and floriculture	P
Commercial forestry and growing of all vegetation	P
Greenhouse or stand for retail sale of agricultural or farm products raised locally	P
RESIDENTIAL USES	
Hotels and Motels	P
Single Family Residence	NP
Two Family Residence	NP
A single family residence as an accessory use for the owner of or the security personnel employed by the commercial enterprise located thereon	NP
Multi-Family dwelling	NP
Accessory apartment	NP
Bed and Breakfast establishment	NP
Lodging house	NP

Dormitory: resident, fraternity, or sorority	NP
Mobile homes and trailers for temporary residency	NP
Mobile homes and trailers for permanent residency	NP

(5) Other District Specific Applicable Regulations:

- (a) No business or industry shall be located which would be detrimental or offensive or tend to reduce property values in the same or adjacent districts, by reason of dirt, odor, fumes, smoke, gas, sewerage, refuse, noise, excessive vibration or danger of explosion or fire.

3. In ARTICLE IV – REGULATIONS OF OVERLAY DISTRICTS, amend § 97-4. Regulations of Overlay Districts as follows:

- a. In § 97-4.B. Water Supply Protection, add the following uses to § 97-4.B.(3) Prohibited Uses:

- (k) Public works department and garage;
- (l) Cemetery, municipal or private;
- (m) Contractor’s yard.

- b. In § 97-4.B. Water Supply Protection, add the following uses to § 97-4.B.(4) Uses and Activities by Special Permit under subsection 97-4.B.(4)(b):

- 04) Indoor and outdoor recreation areas and facilities, including, but not limited to, play grounds, health and fitness centers, miniature golf, golf driving range, batting cage, tennis courts, skating rink, boating, fishing, swimming, and hunting where otherwise legally permitted;
- 05) Establishment selling, servicing, and/or renting new and/or used automobiles, trucks, aircraft, boats, motorcycles, and household and camping trailers, and enclosed repair facilities accessory thereto;
- 06) Funeral home or mortuary establishments;
- 07) Mini-storage warehouses;
- 08) Boat building/sales/service/storage/rental/transport.

- c. Revise the first sentence of § 97-4.C.(2)(a) by inserting the words “and the Business and Light Industrial District” and correcting typographical errors as follows:

(a) A wireless communications facility may be erected by special permit in the Industrial and Commercial Highway Districts and the Business and Light Industrial District by the Zoning Board of Appeals pursuant to the Town of Newbury Zoning By-Laws and subject to site plan approval as set forth in this Zoning By-Law, if the Zoning Board of Appeals determines that the adverse effects of the proposed facility will not outweigh its benefits to the Town in view of the particular characteristics of the site and of the proposal in relation to the site.

d. Revise § 97-4.F.(1) to read as follows:

(1) Nothing herein contained is intended or shall be construed to prohibit and/or limit the use of the land within this district for those uses permitted in the underlying Business and Light Industrial District.

e. Revise § 97-4.F.(5)(c) to correct the reference to the Parking Requirements Table as follows:

(c) Parking shall be in accordance with the General Parking and Loading Requirements Table § 97-7.D.(2)(a).

4. In ARTICLE VI – DIMENSIONAL REGULATIONS, § 97-6. Dimensional Regulations, add the following dimensional requirements for the Business and Light Industrial District (BLI) to § 97-6.B. Table of Dimensional Requirements:

TABLE OF DIMENSIONAL REQUIREMENTS							
Zoning District	Minimum Dimensions				Maximum Dimensions		
	Lot Area (sft)	Frontage (ft)	Setbacks		Footprint (sft)	Lot Coverage (%)	Height* (ft)
			Property Line (ft)	Street (ft)			
BLI	40,000 ⁽¹⁾	200	25 ⁽³⁾	50 ⁽³⁾	--	50	35

5. In ARTICLE VIII –SIGNS, § 97-8. Sign Regulations:

a. Renumber § 97-8.K. Exceptions – only by Special Permit to § 97-8.L

b. Insert a new § 97-8.K as follows:

K. Business and Light Industrial District:

The following signs are allowed in the Business and Light Industrial District subject to the provisions of Section 97-8.E. of this By-Law:

- (1) One (1) Freestanding Sign pertaining to the sale, lease or use of the lot or building on which the sign is erected. The advertising Display Area shall not exceed twenty-four (24) square feet.
- (2) One (1) Ground Sign for identification purposes. The Advertising Display Area shall not exceed thirty-six (36) square feet.
- (3) One (1) Wall Sign for identification purposes. The Advertising Display Area shall not exceed one (1) square foot for every two (2) lineal feet of building wall facing the street from which the building derives its frontage.
- (4) Opaque window signs shall not cover more than a maximum of thirty six (36) square feet of the window glass area in which it is located.
- (5) In mixed use or multi-tenant buildings, sign usage shall conform to the following:
 - (a) One (1) Ground Sign per lot for identification purposes of the building and rentable unit located therein. The Advertising Display Area shall not exceed thirty (30) square feet plus an additional four (4) share feet for each tenant located therein.
 - (b) One (1) Wall Sign per tenant for the identification of such tenant. The Advertising Display Area shall not exceed one (1) square foot for every two (2) lineal feet of the rentable unit's wall to which it is attached.

OR

One (1) Projecting Sign per tenant for the identification of such tenant. The Advertising Display Area per tenant shall not exceed six (6) square feet.

- (c) One (1) additional Wall Sign shall be allowed at a secondary entrance from a parking area for the identification of tenants. The Advertising Display Area per tenant shall not exceed two (2) square feet.
- (d) One (1) Freestanding Sign pertaining to the sale, lease, or use of the lot or building on which the sign is erected. The advertising Display Area shall not exceed eighteen (18) square feet.

6. In ARTICLE XI – ADMINISTRATION, § 97-11.D.(2) Written Definitions, add new definitions as follows, to be inserted in their correct location alphabetically:

Animal Boarding Kennels: Facilities primarily for boarding of pets for extended periods, at least overnight, including care, feeding and grooming thereof.

Bus Terminals/Railroad Terminals: Facilities intended for the boarding and discharge of passengers, dispatch of buses as well as fueling and minor routine maintenance such as oil changes for busses.

Commercial Parking Lot or Structure: Imperviously paved areas and open or enclosed buildings primarily intended for the parking of passenger vehicles such as automobiles, vans, pick-up trucks, etc. This does not include parking areas for other approved uses.

Contractor's Yard: Outdoor storage space for the parking of trucks and construction equipment, and the storage of small quantities of construction materials, such as sand, gravel, lumber, pipe, wire, etc.

Convenience Stores: Retail establishment that sells food, liquor, other beverages, "over the counter" drugs, household supplies, tobacco products, lottery tickets and/or sundries.

Heliports: Facilities for landing and takeoff of rotary wing aircraft, as well as facilities for aircraft fueling and maintenance, and air traffic control.

Manufacturing: Facilities engaged in the mechanical or chemical transformation of materials or substances into new products, including the assembly of component parts, the fabrication of products, treatment of articles or merchandise, and the blending of materials such as lubricating oils, plastics, resins or liquors.

Mining or Quarrying: Removal and/or processing of earth products such as stone, gravel, sand, topsoil or mineral ores. Processing shall include crushing, screening, intraplant conveying, washing and storage of products. Concrete and asphalt batch and mixing plants are included in this use.

Nursing Home: Facility for the long-term care of chronically ill persons, including rehabilitation facilities to prepare recovering seriously ill persons to return to normal life.

Open Storage of Raw Materials, Etc.: Storage of products, other than products of a mining operation (such as stone, crushed stone, gravel, sand and loam) in the open air, not inside a building. This does not include storage of small quantities of materials incidental to other permitted uses.

Pet Daycare: Daytime care of pets including washing and grooming, without overnight care.

Shopping Centers: Building complexes under one ownership, consisting of multiple tenant retail spaces, with on-site parking provided.

Rehabilitation Residence: Residence for persons recovering from treatment for alcohol and drug abuse.

Retail Establishment Selling General Merchandise: Retail establishment selling such items as shoes, clothing and accessories, dry goods, household wares, appliances and equipment, furniture, hardware, books, jewelry, gifts, sporting goods, stationery, automotive parts and accessories.

Temporary Trailer: A trailer serving as an office, workshop or storage facility during the construction of a building with a permitted use, or serving as temporary quarters for a building establishment undergoing repair or renovation.

Truck and Bus Maintenance Facilities: Facilities intended for the performance of routine as well as specialized, large-scale, major maintenance and repairs of truck. This use includes fueling facilities.

Truck Terminals: Facilities intended to shelter truck, and to provide facilities for fueling and minor routine maintenance on trucks. This includes dispatching facilities.

Wholesale Trade, Warehousing and Distribution: Facilities intended to provide indoor storage of products and materials, not manufactured on the premises, and which will be further transported to other locations.

or act in relation thereto.

ARTICLE 24. To see if the Town will vote to appropriate the sum of \$507,897.80 from Chapter 90 available funds for use by the Department of Public Works; or act in relation thereto.

FINANCE COMMITTEE RECOMMENDS

ARTICLE 25. To see if the Town will vote to authorize the Board of Selectmen to enter into a contract with the Department of Public Works and the County Commissioners for the construction and maintenance of public highways for the ensuing year; or act in relation thereto.

ARTICLE 26. To see if the Town will vote to assume liability in the manner provided by Section 29, Chapter 91 of the General Laws, as most recently amended by Chapter 5, Acts of 1955, for all damages that may be incurred by work to be performed by the Massachusetts Department of Transportation and the Massachusetts Division of Highways for improvement, development, maintenance and protection within the Town of Newbury, of tidal and non-tidal rivers and streams, harbors, tidewaters, foreshores and shores along a public beach, including the Merrimac River, in accordance with Section 11 of Chapter 91 of the General Laws, and authorize the Selectmen to execute and deliver a bond of indemnity therefore to the Commonwealth; or act in relation thereto.

AND YOU ARE HEREBY DIRECTED TO SERVE THIS WARRANT BY POSTING AN ATTESTED COPY THEREOF IN EACH VOTING DISTRICT, SEVEN DAYS AT LEAST BEFORE THE TIME OF HOLDING SAID MEETING.

HEREOF, FAIL NOT, AND MAKE DUE RETURN OF THE WARRANT WITH YOUR DOINGS THEREON TO THE TOWN CLERK AT THE TIME AND PLACE AFORESAID.

GIVEN UNDER OUR HANDS THIS 12th DAY OF MAY, 2011.

SELECTMEN, TOWN OF NEWBURY

**A TRUE COPY
ATTEST:**

PURSUANT TO THE ABOVE WARRANT TO ME DIRECTED, I HEREBY NOTIFY AND WARN THE INHABITANTS OF THE TOWN OF NEWBURY QUALIFIED TO VOTE IN TOWN AFFAIRS, TO MEET AT THE TIME AND PLACE MENTIONED FOR THE PURPOSE HEREIN NAMED.

DATE:

CONSTABLE:

PURSUANT TO THE ABOVE WARRANT TO ME DIRECTED, I HAVE NOTIFIED AND WARNED THE INHABITANTS OF THE TOWN OF NEWBURY, QUALIFIED TO VOTE IN TOWN AFFAIRS, TO MEET AT THE TIME AND PLACE MENTIONED FOR THE PURPOSE HEREIN NAMED.

DATE:

CONSTABLE: