

**TOWN OF NEWBURY
BOARD OF SELECTMEN**

MINUTES

DATE: December 8, 2015

PRESENT: Chairman Geoffrey Walker, Selectmen Chuck Bear, Damon Jespersen, J.R. Colby, and Selectwoman Alicia Greco

Motion: At 7:02 p.m. a motion was made by Selectman Bear, seconded by Selectman Colby to open the meeting. Chairman Walker called the meeting to order with the salute to the flag.

Board and Committee Reports:

Eric Svahn, 14 Old Farm Way, Chairman of the Municipal Building Committee updated the Board on the progress of the charge that the Board of Selectmen had given to the Municipal Building Committee of comparing the original plan for a Public Safety Facility Complex, which included Town Hall renovations and a Public Safety Police and Fire Complex to the plan for a combined Town Hall and Police Station and a plan for a combined Town Hall and Police Station with the future ability to address the needs of the Fire Department.

Public Hearings:

In accordance with the provision of M.G.L. Ch 61A "Notice of Intent to Sell" 255 High Road, Newbury, MA, Assessors' Map R27, Lot 64, for other than agricultural use, specifically for residential use.

Motion: At 7:15 p.m. a motion to open the Public Hearing was made by Selectwoman Greco, seconded by Selectman Bear and voted unanimously. The Legal Notice for the Public Hearing was read by Selectman Jespersen.

Town Planner, Martha Taylor reviewed the process for selling land under Chapter 61A. Under the law the Town has 120 days of mailing by landowner, (3/2/2016), to vote to exercise its Right of First Refusal Option to Purchase (to meet a bona fide purchase offer or, in the case of intended conversion by the landowner, an option to purchase at full and fair market value). As part of the process, a Public Hearing is required for the purpose of receiving input on the importance of the property to the Town, its conservation significance and/or its potential to serve municipal needs, and for generally initiating the discussion concerning whether the Town should exercise its option.

The Notice of Intent to sell was distributed to Town Board and Committees who are in the process of review. Input to the Board of Selectmen will be forthcoming. The notice was also mailed to abutters and several conservation entities.

255 High Road is a 13.2 acre parcel that lies within the residential/agricultural area. It was once part of a larger parcel owned by Florence Bushee. Early in the 2000's, the owner, William Hurley, divided the land into 4 parcels and resided in the house/barn on the 13.2 acre parcel. The front part of the parcel has been open field used for haying; the back part is woodland that abuts The Trustees of Reservation land and the Parker River Wildlife Refuge land. The very back of the property lies in the area of critical environmental concern and the 100 year flood plain.

Adam and Lauren True of Newburyport have made an offer to purchase the property from Paul J. Hurley, Trustee of the WJH Realty Trust. Adam True gave an overview of his proposal for the property, which included splitting the parcel into 3 sections. The barn would remain and become part of a 1- acre

parcel retained by Mr. True; a 1-acre house lot would be created with spec house built. The rest of the property would remain in agricultural status with a home built for the True's.

Frank Bertilino of Maple Terrace questioned whether the True's would be willing create a deed restriction that no further buildings be constructed on the third lot, which is proposed to contain their home. Mr. True reported it was their intention to create a deed restriction.

Paul Hurley, representing the estate trust of his father, William Hurley, explained that he was charged by his father's trust to sell the property. His father loved the property and he felt the True's plan allowed the property to remain in a fairly pristine condition.

Abutter, Elizabeth Mitchell, of 257 High Road lives on one of the lots of the original sub-division. She is concerned about the frontage at 255 High Road and believes there is only enough frontage for one home. When she and her husband bought their property it was with the understanding that the property at 255 High Road could not be developed further. She is concerned the property is being sold and taken out of 61A status with plans to develop it. Many walking trails exist on the Hurley property and on abutting property owned by The Trustees of Reservations which is part of the Old Town Hill system and by the Parker River Wildlife Refuge. She would like the opportunity to explore organizations that may wish to see the property preserved, should the town decide to assign the right of first refusal.

Adam True explained that the deed restriction he and his wife have in mind would include the entire field and the back lot containing their proposed home. There are currently no deed restrictions on the property.

Selectman Jespersen questioned the size of the home that could be constructed. The True's plan proposes a 2,600 sq. ft. spec home with a basement and a 2800 sq. foot home with a barn for their residence. The barn at the front of the front lot would be rented by his brother.

Ron Tolleos of 5 Tory Lane and his wife Kendra expressed concerns about what would appear in the field. Mr. True again reviewed the proposed plan and his desire to keep the land in a pristine condition and hay it. He hired Scott Cameron from Morin-Cameron Group to determine the highest and best possible use for the land. Under the sub-division control act with a full sub-division road, the maximum of 6 house lots could be created. Any type of sub-division request would have to go before the Planning Board.

Jean McCarthy of Courtney Drive questioned if the property would be well suited for a solar farm to help create revenue for the Town.

Abutter, John Kennedy, of 253 High Road shared that he was under the impression that the lot was not sub-dividable and was very surprised to learn of the proposal. The proposed road which would run very close to his home, concerns him. Access to ocean trails and conservation trails surrounding the property and trail use on the property, allowed in the past by William Hurley, gave the property unique potential.

Ron Tolleos of 5 Tory Lane raised questions about the specifications of the proposed road. Town Planner, Martha Taylor explained that there are regulations for roadways. Everything will be studied and determined in the sub-division application process made to the Planning Department.

Selectman Colby questioned Town Planner, Martha Taylor if she felt the lot was wide enough to facilitate the type of circle seen in sub-division developments. Ms. Taylor explained that the Planning Board would have to look at the design to determine what would work on the site.

Selectwoman Greco questioned whether a Police Station may be viable for the 255 High St. lot. Municipal Building Committee Chairman, Eric Svahn, explained that previously, the Protection Fire Company #2 property, adjacent to the Police Station and Town Hall, had been offered to the town for

\$300,000.00. The lot on High Road does not offer synergy/a central location for Town Offices, is more expensive, and does not have water or sewer. The combined cost of purchasing the lot and installing water and sewer for a Police Station would make the site cost prohibitive for a Town Police Station.

Following all discussion, Chairman Walker explained that further information would be gathered and therefore, the Public Hearing would be continued.

Motion: A motion was made by Selectman Jespersen, seconded by Selectman Bear and voted unanimously to continue the Public Hearing to January 26, 2016 at 7:15 p.m.

New Business:

Request for Public Property Use/Special Permits – Frank Bertolino for Merrimack River Feline Rescue Society, Strut for Strays Walk/Run, Upper Green, May 22, 2016 from 9:00 a.m. to 4:00 p.m.

Motion: A motion was made by Selectman Bear, seconded by Selectman Jespersen and voted unanimously to approve the Request for Public Property Use/Special Permits – Frank Bertolino for Merrimack River Feline Rescue Society, Strut for Strays Walk/Run, Upper Green, May 22, 2016 from 9:00 a.m. to 4:00 p.m.

One-day Liquor License – Byfield Community Arts Center – Cat in the Cradle Coffeehouse, Saturday, December 12, 2015 from 7:30 to 10:30 p.m.

One-day Liquor License – Byfield Community Arts Center – Local Lounge, Saturday, December 19, 2015 from 7:30 to 10:30 p.m.

Motion: A motion was made by Selectman Bear, seconded by Selectwoman Greco and voted unanimously to approve the One-day Liquor License for Byfield Community Arts Center – Cat in the Cradle Coffeehouse, Saturday, December 12, 2015 from 7:30 to 10:30 p.m.

AND the One-day Liquor License – Byfield Community Arts Center – Local Lounge, Saturday, December 19, 2015 from 7:30 to 10:30 p.m.

Peter Termini – Discuss possibility of Larkin Road Bridge repair for bicycle and pedestrian travel only:

Nicholas Cracknell, Keystone Planning & Design, LLC appeared before the Board on behalf of Livingston Development Corp, LLC of Tewksbury, MA who are seeking to create and develop a 10-lot subdivision at 66 Parish Road in Georgetown. The portion of Parish Road that crosses into Newbury is known as Larkin Road. The bridge on Larkin Road is in disrepair and has been closed for several years. Residents on Parish Road in Georgetown and on Larkin Road in Newbury prefer that the bridge not reopen to vehicular traffic. Livingston Development Corp has proposed having their engineers design repairs to the bridge sufficient to support pedestrian and bicycle traffic only and are willing to make a modest contribution to the Town of Newbury for those repairs.

Selectman Chuck Bear explained that repairs to the Larkin Road Bridge had been put on the back burner. The Main Street Bridge is in dire need of repair and therefore, has first priority. As he felt the Larkin Road Bridge was an important double access for school buses, fire and ambulance services in both communities, he would like to address fixing and restoring the bridge to accommodate vehicular traffic.

Following further discussion, the Board of Selectmen agreed that Larkin Road Bridge should be opened to vehicular traffic. While they are interested in exploring options further with the developer, more information is needed from the Town of Georgetown before commitments can be made.

Appointment of Emergency Management Responders:

- James Velonis
- John Baker

Motion: A motion was made by Selectman Bear, seconded by Selectman Jespersen and voted unanimously to approve the appointments of James Velonis and John Baker as Emergency Management Responders.

Review, approve and sign – 2016 NEW Business License Applications and Licenses as follows:

- Elizabeth & Michael Houlihan, Roots to Wings, 76 Newburyport Turnpike – General Business – Health & Wellness

Motion: A motion was made by Selectman Jespersen, seconded by Selectman Bear and voted unanimously to approve the new business license for Elizabeth & Michael Houlihan, Roots to Wings, 76 Newburyport Turnpike – General Business – Health & Wellness

- Michael Mysliwy, Eyedeas Clothing Co., 220 Middle Rd., General Business

Motion: A motion was made by Selectman Jespersen, seconded by Selectman Bear and voted unanimously to approve the new business license for Michael Mysliwy, Eyedeas Clothing Co., 220 Middle Rd., General Business

Review, approve and sign - 2016 Business License Renewals as follows:

- Stephen Andreottola, dba Steve's Service, Inc., 52 Main St. Byfield: Class II Used Car Dealer
- Stephen Andreottola, dba Steve's Service, Inc., 52 Main St., Byfield: Auto Repair & Sale of Related Items
- Geraldine Dorr, dba Wheelhouse Parking, 39 Northern Blvd: Parking Lot, Popcorn Machine, Slush Machine/Water
- Jeffrey C. Woodburn, dba Little River Realty Trust, 17 Newburyport Turnpike: General Business
- Sean McCarthy, Manager dba Adelynrood Conference & Retreat Center, 46 Elm St. Byfield, Common Victualer
- Michael & Kate Duffield, dba Newbury Kayak & Canoe, 291 High Rd. General Business/Sale of Kayaks, Canoes, & Related Items
- Howard Tolman dba Tolman Automotive, 24 Middle Rd., Auto/Marine
- Ron Barrett, Plum Island Taxpayers Association, 8 Plum Island Blvd, Common Victualer & Parking Lot

Motion: A motion was made by Selectman Jespersen, seconded by Selectman Bear to approve the license renewals as presented with a hold on Wheelhouse Parking, 39 Northern Blvd

Discussion: Selectman Jespersen stated that the Board had previously discussed the idea of asking parking lots on Plum Island to provide trash receptacles. He wondered if that requirement would be part of a business license renewal. Selectman Bear responded that as the parking lot is privately owned he was not sure how that could be enforced. Selectman Walker suggested having the soon to be formed Plum Island Study Committee explore that idea. Selectwoman Greco would like to understand if neighboring municipalities have such requirements.

Following Discussion:

Motion: A motion was made by Selectman Bear, seconded by Selectwoman Greco and unanimously approved to approve all Business License Renewals as presented.

Review, approve and sign – 2016 Liquor License Renewal Applications and 2016 Liquor Licenses as follows:

- #079400001 Parker River Inc. dba Parker River Pub & Grille, 9 Fruit St.
Motion: A motion was made by Selectman Bear, seconded by Selectman Jespersen and unanimously approved to approve Liquor License #079400001 Parker River Inc. dba Parker River Pub & Grille, 9 Fruit St.
- #079400002 Oldtown Country Club, Inc., Marsh Ave.
Motion: A motion was made by Selectman Bear, seconded by Selectman Jespersen and unanimously approved to approve Liquor License #079400002 Oldtown Country Club, Inc., Marsh Ave
- #079400006 Paradigm Beverage, Inc., dba Corner Cupboard, 4 Hanover St.
Motion: A motion was made by Selectman Bear, seconded by Selectman Jespersen and unanimously approved to approve Liquor License #079400006 Paradigm Beverage, Inc., dba Corner Cupboard, 4 Hanover St.
- #079400007 Sylvanowicz Family Associates, Inc. dba D&J Liquors, 53 Main St.
Motion: A motion was made by Selectman Bear, seconded by Selectman Jespersen and unanimously approved to approve Liquor License #079400007 Sylvanowicz Family Associates, Inc. dba D&J Liquors, 53 Main St.
- #079400009 Pizza Factory, Inc. dba Plum Island Provisions 29 Plum Island Blvd
Motion: A motion was made by Selectman Bear, seconded by Selectman Jespersen and unanimously approved to approve Liquor License #079400009 Pizza Factory, Inc. dba Plum Island Provisions 29 Plum Island Blvd
- #079400010 Plum Island Fine Wine & Spirits, Inc. dba The Cottage Wine & Spirits, 14 Plum Island Blvd.
Motion: A motion was made by Selectman Bear, seconded by Selectman Jespersen and unanimously approved to approve Liquor License # #079400010 Plum Island Fine Wine & Spirits, Inc. dba The Cottage Wine & Spirits, 14 Plum Island Blvd
- #079400011 Wayne R. AltaVilla, Jr., dba BGS Variety, 6D Fruit St
Motion: A motion was made by Selectman Bear, seconded by Selectman Jespersen and unanimously approved to approve Liquor License #079400011 Wayne R. AltaVilla, Jr., dba BGS Variety, 6D Fruit St
- #079400016 Plum Island Grille, Inc. dba Plum Island Grille, 2 Plum Island Blvd.
Motion: A motion was made by Selectman Bear, seconded by Selectman Jespersen and unanimously approved to approve Liquor License #079400016 Plum Island Grille, Inc. dba Plum Island Grille, 2 Plum Island Blvd.
- #079400018 The Butchery, Inc. dba Newbury Butchery, 2 Morgan Ave
Motion: A motion was made by Selectman Bear, seconded by Selectman Jespersen and unanimously approved to approve Liquor License #079400018 The Butchery, Inc. dba Newbury Butchery, 2 Morgan Ave
- #079400020 Ould Newbury Golf Club Inc. dba Ould Newbury Golf Club, 319 Newburyport Turnpike

Motion: A motion was made by Selectman Jespersen, seconded by Selectman Bear and unanimously approved to approve Liquor License #079400020 Ould Newbury Golf Club Inc. dba Ould Newbury Golf Club, 319 Newburyport Turnpike

- #079400021 Plum Island Beachcoma, Inc. dba Plum Island Beachcoma, 23 Plum Island Blvd.

Motion: A motion was made by Selectman Bear, seconded by Selectman Jespersen and unanimously approved to approve Liquor License #079400021 Plum Island Beachcoma, Inc. dba Plum Island Beachcoma, 23 Plum Island Blvd

Vote to sign ABCC 2016 Renewal Certification

Motion: A motion was made by Selectman Jespersen, seconded by Selectman Bear and unanimously approved to sign ABCC 2016 Renewal Certification

Old Business:

The Board of Health is considering instituting a \$300.00 fine for littering town-wide and has therefore , requested a vote of confidence from the Selectmen. (Discussion continued from 11/24/15)

Chairman Walker reported that he had received input from Town Counsel that since the fines are set by Town By-law; they can only be changed by amending the By-law, which has to be done at Town Meeting.

Motion: A motion was made by Selectmen Jespersen, seconded by Selectman Bear that the Selectmen give a vote of confidence to the Board of Health in regard to the increase in the littering fine town-wide.

Discussion:

Selectman Bear said many people had approached him and wondered how many fines at \$100.00 had been instituted that would warrant this type of increase. Are fines given out at \$100.00 not working?

Selectwoman Greco would like to find out what other towns charging for littering fines. She is reluctant to go forward with increasing fines, especially on Plum Island, without giving people the tools they need to handle the problem of trash.

Selectman Colby can see merit in an elevated increase of fines which he feels may be an appropriate consequence.

Selectman Jespersen questioned Deputy Chief John Lucey how many fines had been written for littering. Deputy Chief reported 3 to 4 per month had been written.

Chairman Walker stated he felt \$300.00 was too much but would be a good amount for a third offence. \$100.00 for the first offence and \$200.00 for the second offence.

Resident, Patrice Allen attended the Board of Health Meeting when the increase in fine was discussed as a way to minimize trash. She felt it would make people angrier and therefore, behavior change may be better served by appealing to people's better half by asking for cooperation in preserving the beaches. She recommended communicating that the problem is being addressed and solutions discussed, but until there are solutions in place, asking everyone do their part to eliminate trash. Protests have occurred and people are hurling bags of dog waste along the turnpike marsh.

Deputy Chief Lucey shared that most of the violators are walking their dogs on the beach. He suggested that the Board consider signage at the center reminding them of the privilege that is in jeopardy if the

practice continues. In this way it would plead to their better side and perhaps it would lead to violators policing each other.

Motion: A motion was made by Selectman Jespersen, seconded by Selectman Bear to table the vote of confidence until the Plum Island Study Committee is formed and until recommendations are received from the Committee.

Discussion regarding change of venue for 4/26/15 Annual Town Meeting from Newbury Elementary School gym to Triton High School auditorium (Discussion continued from 11/24/15)

Selectwoman Greco reported that the Media Committee has asked that the Town consider moving to the Triton High School Auditorium for acoustical reasons. The committee feels that the auditorium has better acoustics and is better equipped. Problems have been encountered in the past in setting up the sound system at Newbury Elementary School Gym.

Media Director, Caleb Nobel reiterated that the audio is inadequate and horrendous at the Elementary School Gym. Sound bounces off the walls, making it very difficult to record and hear. The acoustics in Newbury Elementary auditorium are far better than the Gym. Caleb recommended relocating Town Meeting to the Triton High School auditorium which he feels would allow for a better quality of acoustics and would allow technology students to become involved.

Chairman Walker stated that he felt keeping consistency is important in Town Government, especially for important decisions coming up in the spring pertaining to the Police and Town Hall facilities. He would like to keep the venue at Newbury Elementary School for the spring Town Meeting.

Discussion regarding the selection for the Plum Island Study Committee was discussed. The Board decided that each member would rank and submit by e-mail, to the Board's Administrative Assistant, their top 5 choices for candidates which would be based on the letters of interest submitted.

Correspondence:

All correspondence was reviewed.

Review of Meeting Minutes

November 10, 2015

Selectman Jespersen recused himself as he was unable to attend the 11/10/15 meeting.

Motion: A motion was made by Selectman Bear, seconded by Selectman Colby and voted unanimously to accept the November 10, 2015 minutes as presented

November 24, 2015

Selectmen Bear and Colby recused themselves as they were unable to attend the 11/24/15 meeting.

Motion: A motion was made by Selectman Jespersen, seconded by Selectwoman Greco and voted unanimously to accept the November 24, 2015 minutes as presented.

Warrants

Motion: A motion was made by Selectman Jespersen, seconded by Selectman Bear and voted unanimously to sign the warrants as presented.

Meeting Updates

Selectwoman Greco reported on the Selectman's coffee held at Town Hall on Saturday, December 5th.

Residents of Plum Island shared questions regarding the allocations for the Betterment Tax on tax bills. Concerns regarding the geese in the Upper Green pond were shared. Residents wondered about acquiring swans to help with the problem.

The Christmas tree on the Upper Green is leaning to one side. Can it be straightened?

The intersection of State and Parker Streets is of concern. As traffic is pulling on to State Street from Parker Street, the line of vision is blocked by parked Enterprise Rental cars.

Motion: A motion was made by Selectman Jespersen, seconded by Selectwoman Greco and voted unanimously to write a letter to Newburyport Mayor, Donna Holaday, outlining concerns.

Residents have requested better communication between Town hall and residents. Selectwoman Greco would like to see a newsletter distributed to residents.

Resident James Moran shared a letter he had written to Selectmen outlining his view pertaining to problems with the dissemination of information between Town Hall and residents.

Residents find Police presence at Town Meeting intimidating.

Executive Session: No Executive Session

Adjourn:

Motion: At 10:16 p.m. a motion was made by Selectwoman Greco, seconded by Selectman Bear and voted unanimously to adjourn.

Respectfully submitted,
Ellen Jameson
Executive Administrator