

**TOWN OF NEWBURY
BOARD OF SELECTMEN**

MINUTES

DATE: March 22, 2016

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

Call to Order:

At 7:00 p.m. a motion was made by Selectman Bear, seconded by Selectman Jespersen and voted unanimously to open the meeting. Chairman Walker called the meeting to order with the salute to the flag.

Town Administrators Report - None

New Business:

Request of Jeffrey Christensen, Plum Island Fine Wine & Spirits dba The Cottage Wine & Spirits Business License #G-22 – Change of Business Hours to: Monday – Saturday 7:00 a.m. to 11:00 p.m., (currently 9:00 a.m. – 11:00 p.m.), and Sunday 7:00 a.m. – 11:00 p.m., (currently 12:00 p.m. – 11:00 p.m.) (Per MGL Ch 136 Sec 6 (52) No liquor sales prior to 10:00 a.m.)

(Note: MGL Ch 136, Sec 5 (52), Section 15 Package Stores - Newbury BOS/Local Licensing Authority approved the 10:00 a.m. Sunday retail sales of alcoholic beverages effective October 23, 2014)

Motion: A motion was made by Selectmen Bear, seconded by Selectman Jespersen and voted unanimously to approve the change of business hours to: Monday – Saturday 7:00 a.m. to 11:00 p.m. and Sunday 7:00 a.m. – 11:00 p.m. for Plum Island Fine Wine & Spirits dba The Cottage Wine & Spirits

Request of Jeffrey Christensen, Plum Island Fine Wine & Spirits dba The Cottage Wine & Spirits Liquor License #079400010 – Change in Sunday hours for retail sales of alcoholic beverages from: 12:00 p.m. to 10:00 a.m.

Motion: A motion was made by Selectmen Bear, seconded by Selectman Jespersen and voted unanimously to approve Plum Island Fine Wine & Spirits dba The Cottage Wine & Spirits Liquor License #079400010 – Change in Sunday hours for retail sales of alcoholic beverages from: 12:00 p.m. to 10:00 a.m.

Vote to sign ABCC Form 43 approving change of Sunday hours for retail sales of alcoholic beverages – Plum Island Fine Wine & Spirits, dba The Cottage Wine & Spirits, Liquor License #079400010

Motion: A motion was made by Selectmen Jespersen, seconded by Selectman Bear and voted unanimously to sign ABCC Form 43 approving change of Sunday hours for retail sales of alcoholic beverages – Plum Island Fine Wine & Spirits, dba The Cottage Wine & Spirits, Liquor License #079400010

One-day Liquor License – Byfield Community Arts Center – Cat in the Cradle Coffeehouse, Saturday, April 16, 2016 from 7:30 to 10:30 p.m.

One-day Liquor License – Byfield Community Arts Center – Local Lounge, Saturday, April 30, 2016 from 7:30 to 10:30 p.m.

Motion: A motion was made by Selectmen Bear, seconded by Selectman Jespersen and voted unanimously to approve the One-day Liquor Licenses – Byfield Community Arts Center, Cat in the Cradle Coffeehouse Saturday, April 16 ,2016 from 7:30 to 10:30 p.m. and Local Lounge Saturday, April 30, 2016 from 7:30 to 10:30 p.m.

Request for Public Property Use – **ADDENDUM**

Julie Bokar, Fuel Training Studio, 75 Merrimac St. Newburyport, MA 01950 – River Run 1/2 Marathon & 5K Road Race, Sunday May 15, 2016 from 9:15 a.m. to 1:00 p.m. (approved by Board of Selectmen 11/24/2015) **ADDENDUM:** 3/17/16 – To include music playing from one speaker on the corner of Hanover St. and High St, in front of the baseball field, from 9:15 a.m. to 1:00 p.m.

Motion: A motion was made by Selectmen Jespersen, seconded by Selectwoman Greco and voted unanimously to approve the Public Property Use Addendum for Fuel Training Studio, 75 Merrimac St. Newburyport, MA 01950 to include music playing from one speaker on the corner of Hanover St. and High St. during the River Run 1/2 Marathon & 5K Road Race, Sunday May 15, 2016 from 9:15 a.m. to 1:00 p.m.

Request for Public Property Use – Professor Jaclyn Hatala Matthes, Wellesley College, Science Center, 106 Central St., Wellesley, MA – Use of Salt Marsh along Parker River, off Elm St., Assessors Map R16 Lot 7, from April 1, 2016 through October 31, 2021

Jamie Walker of DeRosa Environmental Consulting, Inc. of Rowley, MA represented Professor Jaclyn Matthes of Wellesley College Science Center. Ms. Walker explained that Professor Matthes seeks to passively measure carbon dioxide exchange and methane emission within the marsh to determine if the recent increase in salinity is disrupting carbon cycling and other ecosystem services provided by the marsh. A single tripod containing solar sensors will be installed in the marsh. A small motor boat will be used to access the equipment at the beginning and end of each year. 4 to 5 visits to check equipment will be made by kayak or canoe.

Motion: A motion was made by Selectmen Jespersen, seconded by Selectman Bear and voted unanimously to approve the Request for Public Property Use of Professor Jaclyn Hatala Matthes, Wellesley College, Science Center, 106 Central St., Wellesley, MA – use of Salt Marsh along Parker River, off Elm St., Assessors Map R16 Lot 7, for three (3) years, April 1, 2016 through October 31, 2019.

Public Hearings:

7:15 p.m. Public Hearing continued from 3/8/16: for conversion of the former Methodist Church at 11 Central St., Byfield, Map U11, Parcel 67: Water Supply Protection Overlay District Special Permit.

Motion: A motion was made by Selectmen Jespersen, seconded by Selectman Bear and voted unanimously to re-open the Public Hearing, continued from March 8, 2016.

Martha Taylor explained to the Board that Steve Sawyer of Design Consultants, Inc. was in attendance to offer additional information on the project. Following his presentation, the Board and members of the audience would have an opportunity to ask questions or to gather further information. If the Board was satisfied with what was presented, the conditions could be reviewed, the public hearing closed and authorization given to Ellen Jameson to draft a decision on behalf of the Board for the two findings that have to be made regarding the Water Protection Overlay District. Martha also reported that an e-mail had been received by abutter John Salter who had no objections to the project.

Steve Sawyer of Design Consultants, Inc., on behalf of Chris Horan, explained that during the 3/8/2016 Public Hearing, concerns were expressed about the double curb cut, which would allow traffic to drive through, from Church St. to Central Street, and the safety of the traffic sight distance on Central Street. As a result of the concerns, Mr. Sawyer redesigned the area, providing a curb cut only on Church Street, opening up the curb cut a little more, and provided a 26 ft. area behind the cars to back out which provides ample area for maneuvering. With those changes there was a slight increase in pavement. The drainage pattern for the area is handled by sheet flow, where the surface water flows off to each corner of the area. Two rain gardens, at 100 sq. ft. each, have been added to each corner location to help with the drainage. A rain garden is a planted area with about 18" of loamy soil mix which will provide treatment and clean the water as it infiltrates through to the ground water. The DEP stormwater standards require a 1" deep, water quality volume over the new impervious area if in a well zone or a surface water supply protection area. The 100 sq. ft. x 8" deep of each rain garden provides the required water quality volume of approximately 130 cubic feet. Full treatment is being provided and the 8" of water permeates back into the ground water. The amount of recharge represented in the project has been increased over what the town standards state, which complies with the regulations.

Selectman Jespersen posed a question about the wide curb cut and what would prevent the water from flowing onto the street. Steve Sawyer explained the grading of the parking lot would allow the water to flow down into the rain gardens. Water flowing back toward the parking and building would hit the curb and flow across to the rain gardens.

Selectwoman Greco questioned if the amount of asphalt in that area had been increased. S. Sawyer explained there was a slight increase but directing the water to the rain gardens will provide treatment and infiltration.

Selectwoman Greco asked Martha Taylor to confirm that the Planning Board had looked at the change and determined that it met the Town of Newbury Stormwater Bylaws. Martha Taylor explained that the planning board had just received the revised plans but had approved the project during the Public Hearing/Planning Board Meeting previously held, contingent on getting the issues sorted out.

Chairman Walker requested confirmation that the new plans met or exceeded the requirements in the Water Supply Protection Overlay District regulations. S. Sawyer explained that prior to installing the rain gardens compliance had exceeded the requirements. Installing the rain gardens will further increase the compliance, and provide a 25% increase in recharge.

Chairman Walker reviewed the Town of Newbury, Chapter 97 Zoning Bylaws. §97.4 – Regulation of Overlay Districts. Section (5) Procedures of issuance of special permit (C) 01) and 02) were read as follows: The Board of Selectmen may grant the required special permit only upon finding that the proposed use meets the standards, those specified in §97-11C of the bylaw, and any regulations or guidelines adopted by the Board of Appeals. The proposed use must: 01) In no way, during construction or thereafter, adversely affect the existing or potential quality or quantity of water that is available in the Water Supply Protection District; and 02) Be designed to avoid substantial disturbance of the soils, topography, drainage, vegetation, and other water-related natural characteristics of the site to be developed.

Chairman Walker reiterated that if the Board was satisfied with what was presented and if the Board has determined that the conditions met the requirements outlined under the Bylaws, the public hearing could be closed and authorization given to Ellen Jameson to draft a decision on behalf of the Board for the two findings that have to be made regarding the Water Protection Overlay District.

Martha Taylor confirmed that if the Board of Selectmen felt that they had received all the information required to make a decision, the Public Hearing could be closed, the criteria reviewed, a straw vote taken, and direction given to Ellen Jameson to write the decision. If acceptable, a vote to approve and sign the decision would occur at the next meeting.

Selectmen Jespersen stated that part of the oversight was based on not disturbing the existing or potential quality or quantity of water during construction. He asked if Building Commissioner, Sam Joslin if extra precautions were used or enforced through the building permit during construction in water overlay protection area.

Sam Joslin answered that if the project had wetlands, conditions are in place for protection of the wetlands. When the project comes back to the Building Department it will be noted that the project had been reviewed and had complied with the Bylaw regulations pertaining to stormwater. During construction general site work conditions will be followed. He stated that for what the project entailed, he felt that it would be a clean building site overall.

Stormwater Chair, John O'Connell stated that he had received the project revisions earlier in the afternoon and did not have a chance to review them. He stated he was not in agreement with Steve Sawyer's approach and wanted a chance for discussion with him. He wants to make sure the rules and regulations under the Water Supply Protection Overlay District have been met.

Chairman Walker confirmed John O'Connell's role as Stormwater Committee Chair and looked to Martha Taylor or John Weis for their input on the project. Planning Board Chair, John Weis explained that the Planning Board had reviewed the plans first submitted during the Public Hearing held by the Planning Board during the prior week. The Board had two major concerns with the project. The first was that the double curb cut, which would allow traffic to drive through, from Church St. to Central Street, and the traffic sight distance on Central Street, seemed like an unsafe condition. There was also a concern that with the redesign to address the curb cut, an increase in water flow was expected. The Planning Board required that both concerns be addressed through the redesign. The Planning Board closed the Public Hearing with the condition that the project approval was contingent on coming to terms with the Town Planner who will review the revised plans with Steve Sawyer. If the Town Planner did not agree with the revised plans then the condition has not been met. Steve Sawyer addressed both concerns through the redesign of the curb cuts and the installation of rain gardens which were reviewed with Town Planner, Martha Taylor. John Weis stated that what John O'Connell was suggesting is an infiltration system or some other system as opposed to a rain garden. John O'Connell with Martha Taylor will be working with Steve Sawyer to solve the issue. The second concern was with landscaping appearing on abutting Town owned property. It should be landscaped but the Planning Board required that the landscaping on Town owned property be worked out with the Town. The Planning Board felt that from their point of view, at the close of their Public Hearing, the conditions were understood. The Planning Board put the charge upon Town Planner, Martha Taylor to work it out with the proponent.

John O'Connell reiterated that he had just a short time to look at the revised plans but from a practical sense did not have an issue with them. He is questioning whether the revision to the plans met the rules and regulations. In fairness to Steve Sawyer of Design Consultants, Inc. John O'Connell stated that Steve has had at least 75% more experience on drainage design than he has had. But he wishes to have the opportunity to talk with Steve and review the revised plans with him.

Chairman Walker suggested holding off on a vote until John and Steve had a chance to discuss the revised plans. He asked Chris Horton about the timing of the project.

Chris Horton explained that timing was an issue and he was hoping the Board of Selectmen could work concurrently with the Planning Board. He felt confident that Martha Taylor, John O'Connell and Steve Sawyer could work through the issues and arrive at a consensus. John Weis confirmed that this would allow the Board of Selectmen to close the Public Meeting and direct Ellen Jameson to work collaboratively with Martha Taylor to draft a decision which would be voted on at the next Board of Selectmen meeting.

Motion: A motion was made by Selectmen Jespersen, seconded by Selectman Colby and voted unanimously to direct Ellen Jameson to draft the Water Supply Protection Overlay District Special Permit Decision for 11 Central Street, conditioned on the fact that Martha Taylor, John O'Connell and Steve Sawyer solve the issues of infiltration.

Motion: At 7:35 p.m. a motion was made by Selectmen Colby, seconded by Selectman Jespersen and voted unanimously to close the public hearing.

Review and approval of Commercial Clam Permit Applications 2016/2017 Season, as follows:

<u>LAST NAME:</u>	<u>FIRST NAME:</u>	<u>ADDRESS:</u>	<u>STATE LIC.</u> #
DAVIS, JR.	EVERETT M	14 GROVE ST.	171646
DOBSON	LEONARD	12 OLD POINT RD	133928

Chairman Walker reported that Mr. Davis, Sr. and Mr. Dobson had made an agreement with the Town to pay back taxes owed which allowed their Commercial Clam Permit applications to be placed back on the agenda for consideration.

Motion: A motion was made by Selectmen Colby, seconded by Selectman Bear and voted unanimously to approve the Commercial Clam Permit applications of Everett M. Davis, Jr. and Leonard Dobson.

Review and approval of Commercial Clam Permit Application (hardship request) 2016/17 Season:

Nicholas H. Colby, 30 Central Street, Byfield – State License #006317

Nick Colby of 30 Central St. explained his hardship request to the Board. Although he does not meet the one-year residency requirement, he and his wife purchased a home in October of 2015. He lived in Newbury his entire life, leaving briefly to attend college, and for a short time, lived in Salisbury. His goal was to return to Newbury to purchase a home. The combination of a new mortgage and student loans have required him to seek additional employment opportunities. Clamming would offer him the needed flexibility with his current work schedule.

Motion: A motion was made by Selectmen Colby, seconded by Selectman Bear to approve the application as presented.

Selectman Jespersen questioned whether there were other types of clamming licenses, such as one-day that Mr. Colby could obtain. It was determined that any other type of license would be expensive and not offer him the amount of clams needed. Selectman Bear stated he could not see the way around the one-year residency requirement. The rules are in place and if his application was approved it would be setting a precedent. Selectman Colby stated that he sympathizes with anyone willing to use his back to pay his bills and didn't oppose issuing the license. Selectwoman Greco understood the hardship of student loans and felt some consideration should be given as Mr. Colby is now a homeowner and taxpayer in Newbury.

Following discussion:

Motion: A motion was made by Selectmen Bear, seconded by Selectman Jespersen to table the hardship application to the April 12th Board of Selectmen meeting.

Review of The Town of Newbury Playing field and Facility Permit Policy for Manter Field for 2016 Season

Motion: A motion was made by Selectmen Jespersen, seconded by Selectman Bear and voted unanimously to approve The Town of Newbury Playing field and Facility Permit Policy for Manter Field for 2016 Season

Vote to sign Restitution Agreement, dated 3/4/2016, between the Town of Newbury and Warren Manter, 6 Fatherland Drive, Byfield, MA and Manter Co., Inc., 20 Popes Lane, Danvers, MA (collectively, "Manter")

Motion: A motion was made by Selectmen Jespersen, seconded by Selectwoman Greco and voted unanimously to sign the Restitution Agreement.

Board and Committee Reports

- Eric Svahn, Municipal Building Committee - MBC's summary presentation to assembled joint committees of Board of Selectmen, Capital Planning Committee, Finance Committee, Planning Board and Municipal Building Committee, for recommendation for an alternate proposed facility project

Prior to Eric Svahn's presentation, Chairman Walker stated that the Town had reached an agreement with Protection #2 regarding the acquisition of their Morgan Avenue property. Protection #2 has voted to approve the sale of its property to the Town. The Town & Protection #2 still need to execute and Purchase and Sale Agreement. An article regarding the purchase of the Protection #2 property is being proposed for inclusion on the Warrant for the April Town Meeting.

Eric Svahn, Chair of the Municipal Building Committee reported that the Municipal Building Committee has been working since the fall Special Town Meeting in regard to the new charge the committee had been given by the Board of Selectmen. The Board charged the Municipal Building Committee to compare the plan most recently put forward, (the Public Safety Facility Complex), the plan for a combined Town Hall and Police Station, and the plan for a combined Town Hall and Police Station with the future ability to address the needs of the Fire Station.

Prior to receiving the new charge, the MBC had proposed a Public Safety Complex on Protection #2 Fire Company far lot which passed at the Annual Town Meeting but failed at the ballot box.

Eric presented a power point presentation of project comparisons outlining what the projects do and don't do, the facility issues they solve, and the cost for each, as follows:

CSP-1 NEW COMBINED TOWN HALL & POLICE STATION

Estimated cost is \$11,356,000 for 22,400 square feet

Reduced square feet option - \$9,140,000 for 18,100 square feet

CSP-2 TOWN HALL RENOVATIONS WITH TOWN HALL & POLICE STATION ADDITIONS

Estimated cost is \$7,687,000 for 17,541 square feet

CSP-3 TOWN HALL RENOVATIONS WITH COMBINED POLICE AND FIRE STATION

Estimated cost is \$11,427,000 for 26,850 square feet

Also discussed were possible options for the Morgan Avenue property.

At 8:59 p.m. the joint meeting of the Board of Selectmen, Municipal Building Committee, Finance Committee, Capital Planning Committee and Planning Board was closed.

Old Business - None

Citizen's Concerns - None

Correspondence - None

Review of Meeting Minutes

- March 8, 2016

Motion: A motion was made by Selectwoman Greco, seconded by Selectman Jespersen and voted unanimously to table the March 8, 2016 to the next Board of Selectmen meeting.

Warrants

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

Meeting Updates – None

Executive Session – None

Adjourn:

Motion: At 8:23 p.m. a motion was made by Selectwoman Greco, seconded by Selectman Jespersen and voted unanimously to adjourn.

Respectfully submitted,
Ellen Jameson
Executive Administrator