

**TOWN OF NEWBURY
SPECIAL TOWN MEETING
MAY 19, 2015**

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 19th DAY OF MAY 2015 AT 7:00 P.M. TO ACT ON THE FOLLOWING ARTICLES, VIZ:

ARTICLE 1. To see if the Town will vote to transfer the sum of \$143,822.00, or any other sum, from Free Cash to the Snow & Ice Account to cover the existing deficit balance in this account; or act in relation thereto.

ARTICLE 2. To see if the Town will vote to transfer the sum of \$14,763.65, or any other sum, from the DPW Garage Account to the Public Building Property Related Services Account; or act in relation thereto.

ARTICLE 3. To see if the Town will vote to authorize the payment of the following fiscal year 2014 bill, said sum to be taken from Free Cash; or act in relation thereto.

Industrial Protection Services, LLC

\$41.90

AND YOU ARE HEREBY DIRECTED TO SERVE THIS WARRANT BY POSTING AN ATTESTED COPY THEREOF IN EACH VOTING DISTRICT, FOURTEEN 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 28th DAY OF APRIL, 2015.

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:

**TOWN OF NEWBURY
ANNUAL TOWN MEETING
MAY 19, 2015**

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 19th DAY OF MAY 2015 AT 7:00 P.M. TO ACT ON THE FOLLOWING ARTICLES, VIZ:

GENERAL GOVERNMENT MATTERS

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

APPROPRIATIONS

ARTICLE 2. To see if the Town will vote to raise and appropriate the sum of \$17,489,572.00, or any other sum; and take from the Special Assessment Fund the sum of \$618,441.00, or any other sum, for the operation of the Town in Fiscal Year 2016; or act in relation thereto.

Finance Committee Recommends	FY 2015 Adopted Budget	FY 2016 Recommended Budget	FY 2016 Recommended Increase/Dec
Moderator's Salary & Wages	200	200	-
Moderator's Expense	50	50	-
Selectmen's Stipend	15,000	25,000	10,000
Selectmen's Salary & Wages	47,650	45,000	(2,650)
Selectmen's Expense	3,200	3,200	-
Admin & Finance Salary & Wages	308,683	314,857	6,174
IT Services	24,000	26,000	2,000
Professional & Technical Services	60,000	60,000	-
Tax Title & Foreclosure	20,000	20,000	-
Postage Expense	8,000	15,000	7,000
Admin & Finance Expenses	47,400	47,400	-
Finance Com Salary & Wages	-	1,500	1,500

Finance Committee Recommends	FY 2015 Adopted Budget	FY 2016 Recommended Budget	FY 2016 Recommended Increase/Dec
Finance Com Expenses	425	425	-
Reserve Fund	90,000	100,000	10,000
Assessor's Stipend	8,500	8,500	-
Assessor's Salary & Wages	99,256	105,117	5,861
Assessor's Expenses	41,300	41,300	-
Audit Town Books	25,000	25,000	-
Legal Services	75,000	75,000	-
Personnel Board Expenses	500	500	-
Town Clerk Salary & Wages	71,340	72,767	1,427
General Code Updates	5,000	6,000	1,000
Town Clerk Expenses	5,800	6,800	1,000
Town Records Preservation	10,000	10,000	-
Town Elections	13,500	10,000	(3,500)
Registrars of Voters Salary & Wages	750	750	-
Planning Salary & Wages	63,793	71,370	7,577
Pictometry, MIMAP	9,776	9,776	-
Planning Expenses	5,735	5,735	-
MVPC Dues	2,260	2,316	56
Zoning Board Salary & Wages	900	900	-
Zoning Board Expenses	400	400	-
Utilities	68,000	78,000	10,000
Building Repairs, Maint & Improve	80,000	80,000	-
Property Related Services	44,000	44,000	-
Town Reports	250	250	-
Insurance Expense	127,296	133,661	6,365
Police Salary & Wages	1,145,000	1,167,900	22,900
Police Expenses	153,800	163,200	9,400
Emergency Management Expense	10,000	10,000	-
Police Capital Outlay	36,000	36,000	-
Shellfish Salary & Wages	40,000	40,000	-
Shellfish Expenses	2,500	2,500	-
Fire Protection Salary & Wages	249,805	350,000	100,195
Call Fire Wages	157,210	110,000	(47,210)
Fire Training Wages	16,000	20,000	4,000
Fire Company Lease Payments	150,000	160,000	10,000
Fire Expenses	10,000	10,000	-
Fire Insurance Premiums	23,000	25,000	2,000
Inspectors Salary & Wages	198,267	215,533	17,266
Inspectors Vehicle Allowance	7,200	7,200	-
Storm Water Management	5,000	5,000	-
Beaver Management	5,000	5,000	-
Beach Management Plan	5,000	5,000	-
Greenhead Control Expense	6,500	6,500	-
Inspectors Expense	10,500	10,500	-

Finance Committee Recommends	FY 2015 Adopted Budget	FY 2016 Recommended Budget	FY 2016 Recommended Increase/Dec
Sealer of Weights & Measures	2,500	2,500	-
Animal Control Salary & Wages	22,242	22,712	470
Animal Control Expenses	3,500	3,500	-
Hydrant Service	15,000	15,000	-
Triton Regional Operating Assmt	8,993,686	8,946,255	(47,431)
Triton Regional Debt Service Assmt	169,167	149,015	(20,152)
Whittier Regional Operating Assmt	305,267	374,916	69,649
Whittier Regional Debt Service Assmt	15,092	15,092	-
Essex No. Shore Tech Operating Assmt	62,142	85,000	22,858
DPW Salary & Wages	439,132	447,915	8,783
Tree Warden Salary & Wages	3,000	3,000	-
Tree Warden Expenses	20,000	20,000	-
DPW Expense	180,000	180,000	-
Road Improvement Program	48,000	100,000	52,000
DPW Capital Outlay	-	-	-
Snow & Ice Removal	155,000	155,000	-
Street Lighting	51,000	56,000	5,000
Health Salary & Wages	62,244	63,490	1,246
Health Expenses	55,930	60,930	5,000
Council on Aging Salary & Wages	77,989	79,550	1,561
Council on Aging Expenses	4,010	4,010	-
Veteran's Assessment	25,503	26,038	535
Veteran's Service Benefits	38,000	41,800	3,800
Library Salary & Wages	169,764	173,160	3,396
Library Expenses	68,000	68,000	-
Historical Committee Expenses	650	1,150	500
Memorial Day Celebration	750	750	-
Debt Service Bonding Costs	-	-	-
Debt Service - Principal	1,055,363	1,032,506	(22,857)
Debt Service - Interest	202,238	178,477	(23,761)
Essex Regional Retirement Assmt	499,505	551,914	52,409
Unemployment Expense	10,000	10,000	-
Health Insurance Expense	674,996	748,600	73,604
Dental Insurance Expense	29,652	32,885	3,233
Life Insurance Expense	1,300	1,300	-
Medicare Expense	40,000	43,000	3,000
	<u>\$17,114,368</u>	<u>\$17,489,572</u>	<u>\$375,204</u>

ARTICLE 3. To see if the town will vote to raise and appropriate the sum of \$100,000.00, or any other sum, to be added to the Stabilization Fund; or act in relation thereto.

ARTICLE 4. To see if the town will vote to raise and appropriate the sum of \$25,000.00, or any other sum, to fund Other Post Employment Benefits; or act in relation thereto.

ARTICLE 5. To see if the Town will raise and appropriate or transfer from available funds \$100,000.00, or any other sum, to increase the Snow and Ice Removal line item appropriation for the Fiscal Year beginning July 1, 2015, contingent upon the passage of a proposition 2 ½ referendum question; or act in relation thereto.

ARTICLE 6. To see if the Town will appropriate a sum of money by borrowing to pay the costs of engineering services for a Town Hall/Police Facility, a combined Police/Fire/EMA facility, or any similar facility, including all costs incidental or related thereto, and to authorize the treasurer, with the approval of the selectmen, to issue any bonds or notes that may be necessary for that purpose, or act in relation thereto.

ARTICLE 7. To see if the Town will vote to appropriate the sum of \$13,400.00, or any other sum, from Free Cash to purchase digital scan vote tabulators; or act in relation thereto.

ARTICLE 8. To see if the Town will vote to appropriate the sum of \$36,000.00, or any other sum, from the Stabilization Fund to purchase structural firefighter gear; or act in relation thereto.

ARTICLE 9. To see if the Town will vote to transfer the sum of \$7,950.00, or any other sum, from the Receipts Reserved Fire Alarm Account to repair the fire alarm system; or act in relation thereto.

ARTICLE 10. To see if the town will vote to raise and appropriate or transfer from available funds, the sum of \$125,000.00 or any other sum, to fund a Road Improvement Program for the Fiscal Year beginning July 1, 2015, contingent on the passage of a proposition 2 ½ referendum question, or act in relation thereto.

ARTICLE 11. To see if the Town will vote to transfer the sum of \$500,000.00, or any other sum, from the Sale of Land Account to fund the Town Hall Sewer Connection Project; or act in relation thereto.

ARTICLE 12. To see if the Town will vote to transfer the sum of \$16,442.00, or any other sum, from Free Cash to purchase an All-Terrain Vehicle; or act in relation thereto.

ARTICLE 13. To see if the Town will vote to transfer the sum of \$25,000.00, or any other sum, from Free Cash to purchase and install a precast concrete boat ramp; or act in relation thereto.

ARTICLE 14. To see if the Town will vote to transfer the sum of \$58,500.00, or any other sum, from the Stabilization Fund to purchase a van for the Council on Aging; or act in relation thereto.

ARTICLE 15. To see if the Town will vote to transfer the sum of \$200,000.00, or any other sum, from Free Cash to complete the Field House Project at Manter Field; or act in relation thereto.

ARTICLE 16. 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 Fiscal Year 2016. This revolving fund would accept receipts of fees charged for field usage. The receipts would be expended by the Newbury Recreation Committee with the approval of the Town Administrator for the purposes of maintaining certain fields, and, further that the Recreation Committee is authorized to spend up to \$50,000.00 during Fiscal Year 2016; or act in relation thereto.

ARTICLE 17. To see if the Town will vote to authorize the continuance of the "Municipal Waterways Improvement and Maintenance Fund" as established by Clause 72, 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 up to \$70,000.00 from the fund during Fiscal Year 2016; or act in relation thereto.

ARTICLE 18. To see if the Town will vote to accept the provisions of Chapter 44, Section 53 F1/2 of the Massachusetts General Laws establishing the Ambulance Enterprise Fund as an enterprise fund effective Fiscal Year 2016; or act in relation thereto.

ARTICLE 19. To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to operate the ambulance enterprise; or act in relation thereto.

Salaries & Wages	\$95,862.00
Expenses	86,717.00
Capital Outlay	
Debt Service	22,083.00
Extraordinary/Unforseen	
Total:	\$204,662.00

And that \$204,662.00 be raised as follows:

Departmental Receipts	\$204,662.00
-----------------------	--------------

ARTICLE 20. To see if the Town will appropriate a sum of money by borrowing to pay for the bonds to be issued in order to pay the costs of purchasing a KME Custom Flex Pumper, and to authorize the treasurer, with the approval of the selectmen, to issue any bonds or notes that may be necessary for that purpose, or act in relation thereto.

BY-LAWS - OTHERS

ARTICLE 21. To see if the Town will vote to amend the Town of Newbury Zoning By-Laws, ARTICLE X – GENERAL REGULATIONS, by deleting § 97-10.D. Accessory Apartments in its entirety and replacing it with a new § 97-10.D. as follows:

D. Accessory Apartments. **[Amended 10-24-2006 STM by Art. 3; 5-22-2012 ATM, Art. 24; 5-21-2013 ATM, Art. 27]**

- (1) Purpose and Intent: The intent of permitting accessory apartments is to:
 - (a) Recognize that the housing needs of the Town are changing and that zoning by-laws must be crafted to allow additional options in the provision of housing to the Town's citizens.
 - (b) Provide homeowners with a means of obtaining rental income, companionship, security, and services, thereby enabling them to stay more comfortably in homes and neighborhoods they might otherwise be forced to leave.
 - (c) Develop housing units in residential neighborhoods that are appropriate for households at a variety of stages in their life cycle and for multi-generational households.
 - (d) Encourage a more balanced and diverse population and income mix, with particular attention to young adults and senior citizens.
 - (e) Encourage the creation and addition of moderately priced rental units to the housing stock that meet the needs of small and moderate-income households who might otherwise have difficulty obtaining affordably priced housing in the community.
 - (f) Protect the stability, property values, and the residential character of a neighborhood by ensuring that accessory apartments meet the criteria specified in this section.
- (2) Accessory Apartment Applicability:
 - (a) Accessory apartments are deemed to be either WITHIN or DETACHED FROM an existing or new single-family dwelling.
 - (b) Accessory apartments WITHIN an existing or new owner occupied single-family dwelling may be authorized by the Building Commissioner with the issuance of a building permit when the conditions and requirements of § 97-10.D.(3) and (4) below are met.
 - (c) Accessory apartments in an accessory structure DETACHED from an existing or new single-family dwelling may be authorized by the Zoning Board of Appeals (ZBA) with the granting of a Special Permit issued when the conditions and requirements of § 97-10.D.(3) and (5) below are met.

- (d) A property owner may appeal the denial of a Building Permit for an accessory apartment WITHIN an existing or new owner-occupied single family dwelling by seeking a Variance from the ZBA.

(3) General Requirements:

- (a) The accessory apartment will be a complete, separate dwelling unit that contains both permanent kitchen and bathroom and has its own means of egress.
- (b) The owner(s) of record of the residence in which the accessory apartment is created must continue to occupy at least one of the dwelling units as their primary residence, except for bona fide temporary absences of six months or less; see § 97-10.D.(8) Occupancy Requirements below The Occupancy Permit or Special Permit for the accessory apartment automatically lapses if the owner no longer occupies one of the dwelling units.
- (c) For the purposes of this By-Law, the term "owner" shall mean one or more individuals residing in a dwelling unit, who holds title and for whom the dwelling unit is the principal residence.
- (d) The gross interior floor area of the primary dwelling (excluding unfinished attic and basement, garage, and porch) shall be at least sixteen hundred (1,600) square feet.
- (e) The gross interior floor area of the accessory apartment (excluding unfinished attic and basement, garage, and porch) shall not be greater than 35% of the gross interior floor area of the primary dwelling as defined in § 97-10.D.(3)(d) above or one thousand (1,000) square feet of gross interior floor area, whichever is less.
- (f) No more than one accessory apartment may be created on a lot. There shall be no more than two dwelling units in a structure, and no more than two dwelling units on a single-family lot.
- (g) There shall be no boarders or lodgers within either unit of a dwelling or lot with an accessory apartment.
- (h) An accessory apartment may not have more than two bedrooms. The total number of bedrooms in the primary dwelling and the accessory dwelling unit combined may not exceed the capacity of the permitted septic system, per Title V requirements.
- (i) The existing house and the accessory apartment shall comply with all applicable health, safety, building and other applicable codes in effect at the time of the granting of the Building Permit, and of the Special Permit where applicable.
- (j) The proposed accessory apartment shall not violate any deed restrictions applicable to the subject lot or residence. The Applicant shall certify in a

notarized statement that to the best of his or her knowledge that there are no such deed restrictions.

- (k) Utilities such as water, electric and gas necessary for the accessory dwelling unit shall be extensions of the existing utilities serving the principal single-family dwelling.
 - (l) A minimum of one parking space shall be required for the accessory apartment. Parking spaces shall be located so that both the principal dwelling unit and the accessory apartment shall have at least one parking space with direct and unimpeded access to the street without passing through a parking space designated to serve the other dwelling unit.
- (4) Attached Accessory Apartments: All attached accessory apartments shall meet the General Requirements set forth in § 97-10.D.(3) above and the following specific conditions:
- (a) An attached accessory apartment shall not change the single-family appearance and purpose of the principal dwelling, except for the provision of an additional access or egress.
 - (b) An accessory apartment added to a single-family residence shall be within the dwelling unit or have a common wall and may have a common interior door with the dwelling unit.
 - (c) All stairways to second or third stories shall be enclosed within exterior walls;
 - (d) Any new entrance shall be located on the side or on the rear of the building.
 - (e) Prior to issuance of a building permit, a floor plan and elevations, drawn to scale, shall be submitted showing the proposed interior and exterior changes to the building to demonstrate that the accessory apartment will not significantly alter the appearance of the single-family dwelling.
- (5) Detached Accessory Apartments: All detached accessory apartments shall meet the General Requirements set forth in § 97-10.D.(3) above and the following specific conditions:
- (a) The minimum lot size for accessory apartments in detached structures constructed after the date of adoption of this Accessory Apartment By-Law (May 21, 2013) shall be 60,000 s.f.
 - (b) The minimum lot size for accessory apartments in detached structures in existence as of the date of adoption of this Accessory Apartment By-Law (May 21, 2013) shall be 40,000 s.f.
 - (c) Where accessory apartments are permitted in existing detached accessory structures, any exterior modifications to the accessory structure shall be consistent with the appearance and purpose for which the structure was originally built. If an accessory apartment is incorporated into a new accessory

structure, the new structure shall be compatible in style with the principal dwelling on the same lot.

- (d) The proposed building scale shall be consistent with the single-family residential character of the lot and of the surrounding neighborhood.
 - (e) The abutting properties shall be protected from the proposed use on the site by provision of adequate buffers or screening against light, sight, and sound.
- (6) Deviations from Conditions and Requirements:
 - (a) The ZBA, as Special Permit Granting Authority, may allow minor dimensional variations (up to 5%) from the minimum requirements for lot size and/or maximum requirements for gross interior square feet for an accessory apartment, provided that in the Board's opinion the allowance of such variation is not contrary to the public interest and is consistent with the intent and purpose of this By-Law.
 - (b) In order to encourage the development of housing units for disabled and handicapped individuals and persons with limited mobility, the ZBA as Special Permit Granting Authority may allow reasonable deviation from the stated conditions and requirements where necessary to install features that facilitate access and mobility for disabled persons, provided that the allowance of such deviation is not contrary to the public interest and is consistent with the intent and purpose of this By-Law.
- (7) Submission Requirements: An application for an accessory apartment, whether attached or detached, shall include, at a minimum:
 - (a) A site plan, drawn to scale, showing boundaries and area of the lot, location(s) of all structures, setbacks, location and capacity of the approved septic system, including reserve area, well, driveway and parking spaces;
 - (b) Building floor plans and elevations, drawn to scale, showing the proposed interior and exterior changes to the primary dwelling or accessory structure to demonstrate that the accessory apartment will not significantly alter the appearance of the primary dwelling or accessory structure.
 - (c) Drawings showing door locking configuration and fire protection and fire separation details.
- (8) Occupancy Requirements:
 - (a) Approval for an accessory dwelling unit requires that the owner of record must occupy one of the dwelling units as his or her primary residence.
 - (b) Prior to issuance of a Building Permit, the owner shall send a notarized letter to the Building Commissioner stating that the owner will occupy one of the dwelling units on the premises as the owner's primary residence, except for bona fide temporary absences of six months or less.

- (c) The Building Permit, and Special Permit where applicable, shall be recorded by the owner in the Southern Essex District Registry of Deeds or Land Court, as appropriate, in the chain of title to the property, with documentation of the recording provided to the Building Commissioner, prior to the occupancy of the accessory dwelling unit.
- (d) When a lot with a structure which has received a permit for an accessory dwelling unit is sold, the new owner, if he or she wishes to continue to exercise the Permit, must, within sixty (60) days of the sale, submit a notarized letter to the Building Commissioner stating that he or she will occupy one of the dwelling units on the premises as his or her primary residence, except for bona fide temporary absences of six months or less.
- (e) Failure to follow the above requirements shall result in no Occupancy Certificate being issued or the revocation of the previously issued Occupancy Certificate.

or act in relation thereto.

ARTICLE 22. To see if the Town will vote to amend the Town of Newbury Zoning By-Laws, ARTICLE XI –ADMINISTRATION, § 97-11.D.(2) Written Definitions, to revise and/or add certain definitions in as follows, with deleted language indicated by ~~strike-through~~ and revised, added, and/or relocated language indicated by underlined italics and with new definitions to be inserted in their correct location alphabetically:

1. **Revise** the definition of **Alteration** to read:

Alteration: Any construction, addition, or renovation to an existing structure, other than minor repairs, that requires a building permit. Also, a change in a mechanical, plumbing, gas, or electrical system that involves an extension, addition, or change to the arrangement, type, or purpose of the original installation and that requires a permit.

2. **Revise** the definition of **Floor Area, Gross** by adding a sentence at the end of the paragraph, so that the revised definition reads:

Floor Area, Gross: shall mean the total square feet of floor space under a roof without the outside dimensions of a building including each floor level, without deduction for hallways, stairs, closets, thickness of walls, columns, or other features. Unfinished attics and suspended basements outside the thermal envelope shall not be counted as gross floor area.

3. **Add** a new definition for **Suspended Basement** as follows:

Suspended Basement: A storage area suspended below a residential dwelling that:

- a. Is 250 s.f. or less measured from the exterior sides of outside wall to outside wall with deductions only for mechanical equipment;
- b. Can only be accessed from the exterior and has no access directly into the dwelling unit;

- c. Has a maximum ceiling height of 6'-2", measured from finished floor to ceiling framing;
- d. Is unfinished on the interior and unconditioned.

or act in relation thereto.

ARTICLE 23. To see if the Town will vote to amend the Town of Newbury Zoning By-Laws, ARTICLE VI – DIMENSIONAL REGULATIONS, as follows, with deleted language indicated by ~~strike through~~, and revised, added, and/or relocated language indicated by underlined italics:

In § 97-6.A.(1), change the word “yards” to “setbacks” and change “bylaw” to “By-Law” so that this paragraph reads:

- (1) Any building, structure, or part thereof, converted, constructed, altered, or moved shall conform with the requirements for lot area, frontage, ~~yards~~ setbacks, floor area ratio (FAR), lot coverage, and height as set forth in this table unless otherwise specified elsewhere in this ~~bylaw~~ By-Law.

or act in relation thereto.

ARTICLE 24. To see if the Town will vote to amend the Town of Newbury Zoning By-Laws, ARTICLE X – GENERAL REGULATIONS, § 97-10.A.(1)(a), to add the words “abandoned and” to the second sentence and add commas after the words “extended” and “extension,” so that this paragraph reads as follows, with added language and punctuation indicated by underlined italics:

- (a) The lawful use of any structure or land existing at the time of enactment or subsequent amendment of this By-Law may be continued, although such structure or use does not conform to the provisions of this By-Law. But if any such nonconforming use or structure is abandoned and not used for a period of two (2) years, it shall not thereafter be resumed. Nonconforming uses may be changed, extended, or altered, provided, however, that no such change, extension, or alteration shall be permitted unless there is a finding by the Zoning Board of Appeals that such change, extension, or alteration shall not substantially be more detrimental than the existing nonconforming use to the neighborhood.

or act in relation thereto.

ARTICLE 25. To see if the Town will vote to amend the Town of Newbury Zoning By-Laws, ARTICLE V – SPECIAL PERMITS GENERAL, § 97-5.F. Ground -Mounted Solar Photovoltaic Installations, to change the Special Permit Granting Authority (SPGA) for ground-mounted solar photovoltaic installations occupying two (2) acres of land or more from the Board of Selectmen to the Planning Board as follows, with deleted language indicated by ~~strike through~~ and new language indicated by underlined italics:

- 1. In § 97-F.(2)(c), change the words “Board of Selectmen” to “Planning Board” in the last sentence so that this paragraph reads as follows:
 - (c) Special Permit Siting: Any ground-mounted solar photovoltaic installation occupying two (2) acres of land or more on one or more adjacent parcels either in common ownership or

included in one solar photovoltaic project application, including parcels separated by a roadway, shall require a Special Permit in accordance with the Zoning By-Laws of the Town of Newbury prior to obtaining a building permit. For purposes of this By-Law, the ~~Board of Selectmen~~ Planning Board is the Special Permit Granting Authority.

2. In § 97-F.(6)(b)02), change the words “Board of Selectmen” to “Planning Board” in the first sentence so that this paragraph reads as follows:

02) Special Permit Granting Authority: The ~~Board of Selectmen~~ Planning Board is hereby established as the Special Permit Granting Authority (SPGA) for the issuance of special permits to construct and operate ground-mounted solar photovoltaic installations occupying two (2) or more acres of land. No ground-mounted solar photovoltaic installation of this size shall be erected, constructed, installed, or modified as provided in this section without first obtaining a permit from the SPGA. The construction of a ground-mounted solar photovoltaic installation of two acres or more shall be permitted subject to the issuance of a Special Permit and provided that the use complies with all requirements set forth herein. All such solar photovoltaic installations shall be constructed and operated in a manner that minimizes any adverse visual, safety, and environmental impacts. No special permit shall be granted unless the SPGA finds in writing that the criteria listed in Section (06)(d) below have been met.

3. In § 97-F.(6)(c)01)a), change the words “Board of Selectmen” to “Planning Board” so that this paragraph reads as follows:

- a) The application for a ground-mounted solar photovoltaic installation of two (2) acres or more shall be filed in accordance with the rules and regulations of the ~~Board of Selectmen~~ Planning Board as the SPGA.

or act in relation thereto.

ARTICLE 26. To see if the Town will vote, in accordance with G.L. c. 59, Sec 38H, to authorize the Board of Selectmen to enter into a Tax Agreement with Bashaw Solar 1, LLC for a period of up to twenty-five (25) years, on terms and conditions substantially in the form on file with the Town Clerk, for the parcel of land located at 8 Middle Road and 60 Newbury Turnpike, Newbury, relative to a large-scale ground mounted solar photovoltaic installation, and further to allow the Board of Selectmen to negotiate any amendments necessary to said Tax Agreement to reflect any changes in the size of the parcel of land or the installation, so long as the payments reflected in the Tax Agreement rise or fall commensurately; or act in relation thereto.

ARTICLE 27. To see if the Town will vote to accept the provisions of MGL Chapter 200A, Section 9A, relating to the disposition of abandoned funds, to become effective upon acceptance; or act in relation thereto.

ARTICLE 28. To see if the Town will vote to amend Chapter 88 of the General By Laws pertaining to streets by adding the following section:

88-14. No person owning, possessing or having under his control any real estate abutting any intersection of streets shall erect, place, plant or permit or suffer the erection, placing or planting or maintenance of anything in such a manner that it shall in any way impede the safe operation of motor vehicles including emergency vehicles in any area bounded by the street lines of said real estate and a line joining points thirty (30) feet along said street lines from the point of intersection of said street lines.

Any person who violates this provision and, after being notified of violation by either the Board of Selectmen, the Building Inspector, or the Police Department in writing, permits said violation to continue for 10 days after receipt of notice, may be punished by a fine of fifty dollars (\$50). For the purposes of this section, each successive day during which any violation is committed or continued shall be deemed a separate offense. This section may be enforced through the alternative criminal disposition provisions set for the in G.L. c. 40, § 21D; or act in relation thereto.

ARTICLE 29. To see if the Town will vote to amend Chapter 1 of the Town's General By Laws, (Article 1, general provisions) and Chapter 93 of the General By Laws (Article IV, parking), as follows (new language in **bold**, deleted language in ~~striketrough~~):

§ 1-5 By-Law Numerical Organization Authorization.

The Town Clerk is authorized to assign appropriate numbers or letters to by-law sections, subsections, paragraphs, and subparagraphs without Town Meeting approval. Additionally, the Town Clerk is authorized, without Town Meeting approval but only after consultation with the Board of Selectmen, to make non-substantive, editorial revisions the general by-laws for the purpose of ensuring consistent and appropriate sequencing and numbering, provided that such editorial revisions shall be identified by a footnote or other convention.

§ 93-14, Article IV, Parking

Q. No person shall park or allow to be parked, any motor vehicle on the beach side of Northern Boulevard, ~~between May 15 and September 15, all dates inclusive;~~ except residents and non-resident taxpayers by **parking** permit only.

R. Parking Stickers are available from the Town Clerk to residents of the Town of Newbury. Proof of residency is required at time of purchase and shall be verified through the town Census and/or by a Real Estate Tax Bill.

§ 93-15 Dates and times restricted.

[New Proposed Language]

No person shall park, or allow to be parked, any motor vehicle between 12:00 midnight and 6:00 am on any street whether posted or not, between December 1 and April 1, all dates inclusive of each year. ~~Selectmen shall post official notice each year.~~ Dates and times may change at any **time point** due to snow or other weather emergency.

or act in relation thereto.

ARTICLE 30. To see if the Town will vote to accept the provisions of MGL Chapter 138, Section 33B, which gives local licensing authorities the ability to authorize licensees to sell alcoholic beverages between the hours of 10:00am and 12:00 noon on Sundays, the last Monday in May and on Christmas day or on the day following when said day occurs on Sunday; or act in relation thereto.

ARTICLE 31. PLUM ISLAND EASEMENTS: TRANSFER OF INTEREST IN LAND

To see if the Town will vote to authorize the Board of Selectmen to re-convey certain easements taken over portions of 58 and 60 Northern Boulevard back to the owners of the parcels, and to accept in return revised Easements over those parcels in addition to a Snow Fence Agreements executed by the Owners thereof, or act in relation thereto.

ARTICLE 32. 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 RELOCATION, REPLACEMENT, RECONSTRUCTION AND MAINTENANCE OF A PILING SUPPORTED BUILDING 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. Notwithstanding the provisions of section 40, of chapter 131; or of any provision of chapter 91; or of any special or general law; or of any regulation to the contrary, an existing building located at 41 Plum Island Turnpike, Newbury may be relocated, replaced, reconstructed and/or maintained as a piling supported building having an interior first floor area of 880 square feet and total interior living area of no more than 1800 square feet, and having a piling supported walkway or walkways to provide access and egress, which building may thereafter be used as a residence. The building may be located in a manner to eliminate an existing encroachment created by the laying out of the right of way of the Plum Island Turnpike and thus increase compliance with local zoning setbacks, and to meet the state building code, including in a manner generally consistent with a plan entitled "Plan to Accompany Notice of Intent" prepared for 41 Plum Island Turnpike, Newbury, dated April 13, 2012, prepared by DGT Survey Group-North Shore, a copy of which is attached as an exhibit hereto.

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

as petitioned for by more than ten (10) registered voters of the Town, or act in relation thereto.

AND YOU ARE HEREBY DIRECTED TO SERVE THIS WARRANT BY POSTING AN ATTESTED COPY THEREOF IN EACH VOTING DISTRICT, FOURTEEN 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 28th DAY OF APRIL, 2015.

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: