Moderator Christopher Armstrong called the meeting to order at 7:08 PM stating that there was a quorum present.

The Town Clerk read the call and return of service.

The Moderator introduced members of the Board of Selectmen: Chairman JR Colby, Vice Chairman Damon Jespersen, Geoffrey Walker, Chuck Bear and Alicia Greco, followed by the Finance Committee: Chairman Marshall Jespersen, Co-Chair Linda Allen, Gene Case, Joseph Ali, Tom Howard and Paul Myette. Kavy Yesair was not present at the meeting.

The Chair of the Planning Board, Rachel McManus was also introduced.

The Moderator introduced the following non-resident employees and requested permission for them to speak during the meeting if necessary: Lisa Mead, Town Counsel; Tracy Blais, Town Administrator; Mike Reilly, Police Chief; Brian Forget, Superintendent and Michelle Cresta, Business Manager of Triton Regional School District and Maureen Lynch, Superintendent and Kara Kosmes, Business Manager of Whittier Regional Technical High School.

Other guests: Larry Wahl, Mary Wahl, Jonathon Dennis, George Haseltine and Newburyport News reporter Jen Solis.

Moderator Armstrong thanked the students from Governor’s Academy and Triton Regional for their assistance in handing out the electronic devices which were formally utilized for voting purposes for the first time.

Jessica Mancini from Turning Technologies reviewed the devices and instructed the voters on how to use them. There were three non-binding preliminary questions displayed for testing purposes.

Electronic voting devices were used for all votes.

GENERAL GOVERNMENT MATTERS

ARTICLE 1. To meet in our respective voting districts on Tuesday, May 14, 2019, the polls will open at 7:00 AM and close at 8:00 PM, to vote on the following offices:

<table>
<thead>
<tr>
<th>Position</th>
<th>Term</th>
</tr>
</thead>
<tbody>
<tr>
<td>Selectman</td>
<td>Three Years</td>
</tr>
<tr>
<td>Assessor</td>
<td>Three Years</td>
</tr>
<tr>
<td>Board of Health</td>
<td>Three Years</td>
</tr>
<tr>
<td>Constable</td>
<td>Four Years</td>
</tr>
<tr>
<td>Constable</td>
<td>Two Years</td>
</tr>
<tr>
<td>Fish Commissioner</td>
<td>Three Years</td>
</tr>
<tr>
<td>Library Trustee</td>
<td>Three Years</td>
</tr>
<tr>
<td>Planning Board</td>
<td>Five Years</td>
</tr>
<tr>
<td>Planning Board</td>
<td>Three Years</td>
</tr>
<tr>
<td>Planning Board</td>
<td>One Year</td>
</tr>
<tr>
<td>Triton Regional School Committee – Newbury</td>
<td>Three Years</td>
</tr>
<tr>
<td>Triton Regional School Committee – Newbury</td>
<td>Two Years</td>
</tr>
<tr>
<td>Triton Regional School Committee – Rowley</td>
<td>Three Years</td>
</tr>
<tr>
<td>Triton Regional School Committee – Salisbury</td>
<td>Three Years</td>
</tr>
<tr>
<td>Triton Regional School Committee – Salisbury</td>
<td>One Year</td>
</tr>
<tr>
<td>Trustee First Settlers Burial Ground</td>
<td>Three Years</td>
</tr>
</tbody>
</table>

This article is informational only. No vote is required.

ARTICLE 2. To receive the reports of the Selectmen, School Committee, Regular and Special Committees, and all other Town Officers, or take any other action in relation thereto.

MOTION: Selectman JR Colby

I move that the Town vote to accept the reports of the Town Officers, Boards, and Committees as printed in the 2018 Town Report without ratification or authorization of any action.

Motion seconded and voted. Motion approved. Vote count: 100 in favor, 8 opposed

ARTICLE 3. To see if the Town will fix the salaries and compensation of certain elective officers of the Town as follows:

<table>
<thead>
<tr>
<th>Officer</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Town Moderator</td>
<td>$500.00</td>
</tr>
<tr>
<td>Board of Selectmen Chair</td>
<td>$7,500.00</td>
</tr>
<tr>
<td>Board of Selectmen Each Member</td>
<td>$7,500.00</td>
</tr>
<tr>
<td>Board of Assessors Chair</td>
<td>$3,500.00</td>
</tr>
<tr>
<td>Board of Assessors Each Member</td>
<td>$2,500.00</td>
</tr>
<tr>
<td>Town Clerk</td>
<td>$61,129.00</td>
</tr>
<tr>
<td>Tree Warden</td>
<td>$5,000.00</td>
</tr>
<tr>
<td>Fish Commissioner Each Member</td>
<td>$1,300.00</td>
</tr>
<tr>
<td>Planning Board Chair</td>
<td>$1,500.00</td>
</tr>
<tr>
<td>Planning Board Each Member</td>
<td>$1,000.00</td>
</tr>
</tbody>
</table>

MOTION: Selectman Damon Jespersen

I move that the Town vote fix the salaries and compensation of the elective officers as listed in Article 3.

Motion seconded and voted. Motion passed. Vote count: 116 in favor, 22 opposed
Marshall Jespersen, Chair of the Finance Committee, presented an informative update of the current financial condition of the town.

Bob Connors, Chair of the Police Station Construction Committee, gave an update on the status of the project as well as the current proposed schedule and estimate of probable cost. There were three renderings of exterior designs shown to the audience who were then asked to vote their preferred option. Nearly 62% of those who voted chose Option 1.

### APPROPRIATIONS

**ARTICLE 4.** To see if the Town will vote to raise and appropriate, transfer from available funds or otherwise provide to meet the salaries and wages of Town Officers and employees, expense and outlays of the Town Departments, and other sundry and miscellaneous, but regular expenditures necessary for the operation of the Town for Fiscal Year 2020;

<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Government</td>
<td>$2,321,126.00</td>
</tr>
<tr>
<td>Public Safety</td>
<td>$3,075,696.00</td>
</tr>
<tr>
<td>Education</td>
<td>$10,212,748.00</td>
</tr>
<tr>
<td>DPW</td>
<td>$1,274,606.00</td>
</tr>
<tr>
<td>Human Services</td>
<td>$319,532.00</td>
</tr>
<tr>
<td>Culture &amp; Recreation</td>
<td>$288,258.00</td>
</tr>
<tr>
<td>Debt Service</td>
<td>$1,139,840.00</td>
</tr>
<tr>
<td>Benefits</td>
<td>$1,732,456.00</td>
</tr>
<tr>
<td><strong>Total Budget</strong></td>
<td><strong>$20,364,262.00</strong></td>
</tr>
</tbody>
</table>

or take any other action in relation thereto.

**MOTION: Selectman Chuck Bear**

I move that the Town vote to raise and appropriate the sum of $19,766,634.00 and transfer from the Special Assessment Fund the sum of $597,628.00, as set forth in Article 4, to fund the operation of the Town in Fiscal Year 2020.

Motion seconded.

The Moderator directed the voters to the Line Item Detail pages in the Finance Committee booklet and informed the audience that any voter could place a “hold” on any of the 8 categories as he read through them which would then be addressed individually. “Holds” were placed on all 8 categories.

Jim Moran, 104 Elm Street, made the following motion to amend:

"Motion is made to amend Article 4 to see if the Town will vote to raise and appropriate, appropriate and transfer the sum of One Million Dollars ($1,000,000) from Free Cash, transfer from available funds or otherwise provide to meet the salaries and wages of Town Officers and employees, expense and outlays of the Town Departments, and other sundry and miscellaneous, but regular expenditures necessary for the operation of the Town for Fiscal Year 2020.

1. General Government $2,321,126
2. Public Safety $3,075,696
3. Education $10,212,748
4. DPW $1,274,606
5. Human Services $319,532
6. Cultural & Recreation $288,258
7. Debt Service $1,139,840
8. Benefits $1,732,456

**Total Budget** $20,364,262

Or take any other action in relation thereto."

After discussion and input from the Finance Committee and Board of Selectmen, a vote was taken on the amendment. The Motion to amend was defeated, 24 in favor to 118 opposed.

Beginning with the first “hold” placed on General Government, voters questions were answered by the appropriate board, committee or authority.

The original Motion was voted and passed: 118 in favor, 21 opposed.

**ARTICLE 5.** To see if the Town will vote to raise and appropriate the sum of $300,000.00, or any other sum, to be added to the Stabilization Fund; or take any other action in relation thereto.

**MOTION: Selectman Alicia Greco**

I move that the Town vote to raise and appropriate the sum of $300,000.00 to be added to the Stabilization Fund.

Motion seconded and voted. The Moderator declared the Motion carried with a vote of 113 in favor, 21 opposed.

**ARTICLE 6.** To see if the Town will vote to raise and appropriate the sum of $100,000.00, or any other sum, to fund Other Post-Employment Benefits Trust Account; or take any other action in relation thereto.

**MOTION: Selectman Geof Walker**

I move that the Town vote to raise and appropriate the sum of $100,000.00 to be added to the Other Post-Employment Benefits Trust Account.

Motion seconded and voted. Motion passed with a vote of 122 in favor, 15 opposed.

**ARTICLE 7.** To see if the Town will vote to appropriate the sum of $25,000.00, or any other sum, from Free Cash, for Storm Water Management purposes; or take any other action in relation thereto.

**MOTION: Selectman JR Colby**

I move that the Town vote to transfer the sum of $25,000.00 from Free Cash to the Storm Water Management Account.

Motion seconded and voted. Motion passed with a vote of 133 in favor, 6 opposed.
ARTICLE 8. To see if the Town will vote to transfer or appropriate the sum of $112,000.00, or any other sum, from the Receipts Reserved Cable Television PEG Access Special Revenue Fund, for the support of PEG access service and programming; or take any other action in relation thereto.

MOTION: Selectman Alicia Greco

I move that the Town vote appropriate the sum of $112,000.00 from the Receipts Reserved Cable Television PEG Access Special Revenue Fund to support PEG access service and programming.

Motion seconded.

Joe McDonough, 43 Main Street proposed an amendment to the motion as follows:

"Motion to amend Article 8 to insert after the words “….PEG access service and programming”, the following words: “to be shared between the two local PEG channels, Triton Regional School and town government, with Triton getting at least an equal share”

Motion to amend was seconded.

Members of the Board of Selectmen, TRHS Superintendent Brian Forget as well as several voters commented on the motion, outlined the needs of the school for broadcasting and associated costs and asked questions.

Ultimately when the vote was taken, the Motion to amend was defeated by a vote of 41 in favor to 96 opposed.

Selectman Damon Jespersen then proposed an amendment to the Motion as follows: “I would like to amend the motion on the floor to increase the amount by $50,000 so the Town of Newbury can fully fund the Triton Regional needs”.

Motion to amend the sum of the appropriation by $50,000, seconded and voted. Motion to amend passed by a vote of 116 in favor to 19 opposed.

A vote was taken on the amended Motion: that the Town vote to appropriate the sum of $162,000.00 from the Receipts Reserved Cable Television PEG Access Special Revenue Fund to support PEG access service and programming, which passed 122 in favor to 13 opposed.

ARTICLE 9. To see if the Town will vote to authorize the total expenditures for the following revolving funds pursuant to G.L. c. 44 Section 53E ½ for the fiscal year beginning July 1, 2019 to be expended in accordance with the bylaws heretofore approved;

<table>
<thead>
<tr>
<th>Fund:</th>
<th>Spending Limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Recreation Revolving Fund</td>
<td>$50,000.00</td>
</tr>
<tr>
<td>Municipal Waterways Improvement and Maintenance Fund</td>
<td>$54,310.00</td>
</tr>
</tbody>
</table>

or take any other action in relation thereto.

MOTION: Selectman Damon Jespersen

I move that the Town vote to authorize that the total expenditures for the following revolving funds for the Fiscal Year beginning July 1, 2019 to be expended in accordance with Chapter 35 of the Code of the Town of Newbury:

Recreation Revolving Fund $50,000.00
Municipal Waterway Improvement and Maintenance Fund $54,310.00

Motion seconded.

Police Chief Michael Reilly provided an update on the progress to build and install new docks and ramp at the Parker River boat launch area.

A vote was taken. The Motion carried by a vote of 119 in favor to 3 opposed.

ARTICLE 10. To see if the Town will vote to raise and appropriate or transfer from available funds the following sums, or any other sums, to operate the Ambulance Enterprise;

<table>
<thead>
<tr>
<th>Salaries &amp; Wages</th>
<th>$94,814.00</th>
</tr>
</thead>
<tbody>
<tr>
<td>Expenses</td>
<td>82,360.00</td>
</tr>
<tr>
<td>Debt Service</td>
<td>22,083.00</td>
</tr>
<tr>
<td>Insurance</td>
<td>4,000.00</td>
</tr>
<tr>
<td>Medicare</td>
<td>1,351.00</td>
</tr>
<tr>
<td>AFG Stretcher Grant Match</td>
<td>9,000.00</td>
</tr>
<tr>
<td>Indirect Costs</td>
<td>56,597.00</td>
</tr>
<tr>
<td>Extraordinary/Unforeseen</td>
<td>6,320.00</td>
</tr>
<tr>
<td>Prior Year Deficit</td>
<td>$276,525.00</td>
</tr>
</tbody>
</table>

And further that $276,525.00 be raised as follows:

Departmental Receipts $276,525.00

or take any other action in relation thereto.

MOTION: Selectman Chuck Bear

I move that the Town vote to appropriate the following sums of money to operate the ambulance enterprise fund:

<table>
<thead>
<tr>
<th>Salaries &amp; Wages</th>
<th>$94,814.00</th>
</tr>
</thead>
<tbody>
<tr>
<td>Expenses</td>
<td>82,360.00</td>
</tr>
<tr>
<td>Debt Service</td>
<td>22,083.00</td>
</tr>
<tr>
<td>Insurance</td>
<td>4,000.00</td>
</tr>
<tr>
<td>Medicare</td>
<td>1,351.00</td>
</tr>
<tr>
<td>AFG Stretcher Grant Match</td>
<td>9,000.00</td>
</tr>
<tr>
<td>Indirect Costs</td>
<td>56,597.00</td>
</tr>
<tr>
<td>Extraordinary &amp; Unforeseen</td>
<td>6,320.00</td>
</tr>
<tr>
<td>Total:</td>
<td>$276,525.00</td>
</tr>
</tbody>
</table>

And further that $257,520.00 be raised as follows:

Departmental Receipts $276,525.00
Motion seconded and voted. Motion carried by a vote of 120 in favor to 4 opposed.

ARTICLE 11. To see if the Town will vote to transfer the sum of $194,495.00 or any other sum, from the Ambulance Enterprise Free Cash Account, to purchase and equip a new ambulance; or take any other action in relation thereto.

MOTION: Selectman Geof Walker

I move that the Town vote to transfer $194,495.00 from the Ambulance Enterprise Free Cash Account to purchase and equip a new ambulance.

Motion seconded. After a brief discussion the Motion was voted and passed by a vote of 100 in favor to 17 opposed.

ARTICLE 12. To see if the Town will vote to transfer the sum of $10,000.00, or any other sum, from Free Cash, to purchase and install a new server for the Town Hall; or take any other action in relation thereto.

MOTION: Selectman JR Colby

I move that the Town vote to transfer the sum of $10,000.00 from Free Cash to purchase and install a new server for the Town Hall.

Motion seconded and voted. Motion passed by a vote of 108 in favor to 9 opposed.

ARTICLE 13. To see if the Town will vote to transfer the sum of $56,000.00, or any other sum, from Free Cash, to purchase and install replacement locks at the Newbury Elementary School; or take any other action in relation thereto.

MOTION: Selectman Damon Jespersen

I move that the Town vote to transfer the sum of $56,000.00 from Free Cash to purchase and install new locks on the doors of the Newbury Elementary School.

Motion seconded. After a period of question and answer with voters speaking passionately about the safety of our children in school as well as the possibility of increasing the budget to accommodate new doors, Chief Michael Reilly explained that the locks would be part of an enhanced barricade program. Selectman Jespersen assured that if the school district made a decision to replace the doors in the future the locks could be reused.

Motion voted and passed by vote of 118 in favor and 7 opposed.

ARTICLE 14. To see if the Town will vote to transfer the sum of $15,000.00, or any other sum, from the Stabilization Fund, to purchase a Sander; or take any other action in relation thereto.

MOTION: Selectman Chuck Bear

I move that the Town vote to transfer the sum of $15,000.00 from the Stabilization Fund to purchase a Sander. (2/3 Vote Required)

Motion seconded and voted. Motion passed by a vote of 106 in favor to 11 opposed. The Moderator declared 2/3 requirement was met.

ARTICLE 15. To see if the Town will vote to transfer the sum of $47,235.00, or any other sum, from the Stabilization Fund, to purchase a Crack Sealer; or take any other action in relation thereto.

MOTION: Selectman Alicia Greco

I move that the Town vote to transfer the sum of $47,235.00 from the Stabilization Fund to purchase a Crack Sealer. (2/3 Vote Required)

Motion seconded. Motion was voted and declared passed by a vote of 110 in favor to 10 opposed. The Moderator declared 2/3 requirement was met.

ARTICLE 16. To see if the Town will vote to transfer the sum of $60,000.00, or any other sum, from the Stabilization Fund, to purchase and install a Radio Voter Site on the Byfield Water Tank; or take any other action in relation thereto.

MOTION: Selectman Geof Walker

I move that the Town vote to transfer the sum of $60,000.00 from the Stabilization Fund to purchase and install a Radio Voter Site on the Byfield Water Tank. (2/3 vote required)

Motion seconded.

Deputy Chief Wallace Ziehler described the equipment and explained the increase in safety it would provide for firefighters.

Motion voted and declared passed by a vote of 118 in favor to 1 opposed. The Moderator announced that the vote had met the 2/3 requirement.

Recreation Committee members Michael Volpone (Chairman), David Dempsey, and David Broll provided a presentation and rational behind their request to construct a basketball court including size, materials and cost.

ARTICLE 17. To see if the Town will vote to transfer the sum of $105,000.00, or any other sum, from the Stabilization Fund, to construct a Basketball Court at the Central Street Recreation Area; or take any other action in relation thereto.

MOTION: Selectman JR Colby

I move that the Town vote to transfer the sum of $105,000.00 from the Stabilization Fund to construct a Basketball Court at the Central Street Recreation Area. (2/3 Vote Required)

Motion seconded.

Voters spoke regarding the increase in traffic the new courts might cause as well as questions on materials, impact on wetlands and fence height.

Several voters felt the timing was off due to increasing costs of the high priority Police Station Building Project.

Motion voted. Vote count was 57 in favor to 63 opposed. The Moderator declared the motion failed.

ARTICLE 18. To see if the Town will vote to transfer the sum of $42,002.55, or any other sum, from the Receipts Reserved for Appropriation Account to the Police Station/Town Hall Project Account, or take any other action in relation thereto.

MOTION: Selectman Damon Jespersen

I move that the Town vote to transfer the sum of $42,002.55 from the Receipts Reserved for Appropriation Account to the Police Station/Town Hall Project Account.
Motion voted and passed by a vote of 92 in favor to 11 opposed.

BYLAWS/OTHER

ARTICLE 19. To see if the Town will vote to amend the Code of the Town of Newbury, Chapter 60, Earth Removal, § 60-1.D. Regulations governing removal of sand, gravel, quarry or other earth materials, as follows (new language indicated by underlined italics):

§ 60-1 Removal of soil, loam, sand, gravel, quarry or other earth material.
D. Regulations governing removal of sand, gravel, quarry or other earth materials. For the removal of sand, gravel, quarry or other earth materials including the processing and treating of raw materials (other than that which is incidental to and in connection with the construction of a building on a parcel, up to a maximum of 2,000 cubic yards) the following regulations shall govern:

or take any action in relation thereto.

MOTION: Selectman Chuck Bear move that the Town vote to amend the Code of the Town of Newbury, Chapter 60, Earth Removal, § 60-1.D. Regulations governing removal of sand, gravel, quarry or other earth materials, as written in the Finance Committee Appropriations Booklet.

Motion seconded. Motion passed by a vote of 86 in favor to 8 opposed.

ARTICLE 20. To see if the Town will vote to amend the Code of the Town of Newbury, Chapter 82, Peace and Good Order, by adding a new § 82-6, Construction work hours, and renumbering the subsequent section, as follows:

§ 82-6 Construction work hours.

Motion seconded. After discussion selectman Jespersen made a motion to table the article. Motion to table was voted and passed with a vote of 82 in favor to 9 opposed.

ARTICLE 21. To see if the Town will vote to amend the Code of the Town of Newbury, Chapter 97, Zoning, Article V – Special Permits General, Section 97-5.H., Marijuana Establishments, Subsection § 97-5.H.(4) Location, and Article III – Regulations of Use Districts, Section 97-3.M., Table of Use Regulations (97 Attachment 4 – Town of Newbury TABLE OF USE REGULATIONS), as follows (deleted language indicated by strike through and new and revised language indicated by underlined italics):

Item 1. H. Marijuana Establishments:

(4) Location:

(a) The Zoning Districts in which Craft Marijuana Cultivator Cooperatives, Marijuana Cultivators, Marijuana Product Manufacturers, and Marijuana Testing Facilities may be located are the Business & Light Industrial District and the Commercial Highway District, excluding that area of the Commercial Highway District at the Northwestern Junction of the right-of-way of I-95 and Central Street.

(b) The Zoning District in which Marijuana Retailers may be located is the Business & Light Industrial District.

(c) No Marijuana Retailer may be located within 1,000 feet of the real property comprising any of the following:

   01) A public or private school;
   02) Daycare center;
   03) A similar facility in which minors commonly congregate (e.g. library, playground, etc.);

(d) No Craft Marijuana Cultivator Cooperatives, Marijuana Cultivators, Marijuana Product Manufacturers, and Marijuana Testing Facilities may be located within 500 feet of the real property comprising any of the following:

   01) A public or private school;
   02) Daycare center;
   03) A similar facility in which minors commonly congregate (e.g. library, playground, etc.);

(a) No Marijuana Establishment may be located within 300 feet of the real property comprising a residence.

(f) The distance under this section is measured in a straight line from the nearest point of the property line of the protected use identified in Section (4)(a), (4)(b), or (4)(c) above to the nearest point of the property line of the proposed Marijuana Establishment.

(a) The Zoning Districts in which Marijuana Establishments may be located are the Business & Light Industrial District, the Commercial Highway District, and the Commercial Highway A District.

(b) No Marijuana Establishment may be located within 500 feet of a pre-existing public or private school providing education in kindergarten or any of grades 1 through 12 or a pre-existing daycare center. The distance under this section is measured in a straight line from the nearest point of the property line of the protected use to the nearest point of the property line of the proposed Marijuana Establishment.

(c) No Marijuana Establishment may be located within 150 feet of a pre-existing residential use. The distance under this section is measured in a straight line from the nearest point of the structure housing the residential use to the nearest point of the structure housing the proposed Marijuana Establishment.
In addition, such facility may be erected in said district, subject to the following conditions:

Motion: Selectman Geof Walker
I vote to amend the Code of the Town of Newbury, Chapter 97, Zoning, Article V – Special Permits General, Section 97-5.H., Marijuana
Motion seconded.
Planning Board members presented information to the audience regarding the four Zoning Articles coming before the voters.

Item 2.

97 Attachment 4

Town of Newbury

TABLE OF USE REGULATIONS

<table>
<thead>
<tr>
<th>P – permitted by right in District</th>
<th>R-AG</th>
<th>Agricultural Residential</th>
<th>CHA</th>
<th>Commercial Highway A</th>
</tr>
</thead>
<tbody>
<tr>
<td>SP – special permit of the Planning Board</td>
<td>PR</td>
<td>Parker River Residential</td>
<td>LIB</td>
<td>Light Industrial Byfield</td>
</tr>
<tr>
<td>SPS – special permit of the Board of Selectmen</td>
<td>R-LB</td>
<td>Residential-Limited Business</td>
<td>UGB</td>
<td>Upper Green Business</td>
</tr>
<tr>
<td>SPA – special permit of the Zoning Board of Appeals</td>
<td>BVB</td>
<td>Byfield Village Business</td>
<td>BLI</td>
<td>Business and Light Industrial</td>
</tr>
<tr>
<td>NP – not permitted in District</td>
<td>CH</td>
<td>Commercial Highway</td>
<td>PRM</td>
<td>Parker River Marine</td>
</tr>
</tbody>
</table>

**PRINCIPAL USE**

<table>
<thead>
<tr>
<th>R-AG</th>
<th>PR</th>
<th>R-LB</th>
<th>BVB</th>
<th>CHA</th>
<th>LIB</th>
<th>DGB</th>
<th>BLI</th>
<th>PRM</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>COMMERCIAL USES</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Marijuana Retailer (see Notes 1 and 4 below)</td>
<td>NP</td>
<td>NP</td>
<td>NP</td>
<td>NP</td>
<td><strong>SP</strong></td>
<td>NP</td>
<td>NP</td>
<td>SP</td>
</tr>
<tr>
<td>Marijuana Testing Facility (see Notes 1 and 4 below)</td>
<td>NP</td>
<td>NP</td>
<td>NP</td>
<td>NP</td>
<td><strong>SP</strong></td>
<td>NP</td>
<td>NP</td>
<td>SP</td>
</tr>
</tbody>
</table>

**INDUSTRIAL USES**

<table>
<thead>
<tr>
<th>R-AG</th>
<th>PR</th>
<th>R-LB</th>
<th>BVB</th>
<th>CHA</th>
<th>LIB</th>
<th>DGB</th>
<th>BLI</th>
<th>PRM</th>
</tr>
</thead>
<tbody>
<tr>
<td>Craft Marijuana Cultivator Cooperative (see Notes 1, 4 and 5 below)</td>
<td>NP</td>
<td>NP</td>
<td>NP</td>
<td>NP</td>
<td><strong>SP</strong></td>
<td>NP</td>
<td>NP</td>
<td>SP</td>
</tr>
<tr>
<td>Marijuana Cultivator (see Notes 1, 4 and 5 below)</td>
<td>NP</td>
<td>NP</td>
<td>NP</td>
<td>NP</td>
<td><strong>SP</strong></td>
<td>NP</td>
<td>NP</td>
<td>SP</td>
</tr>
<tr>
<td>Marijuana Product Manufacturer (see Notes 1, 4 and 5 below)</td>
<td>NP</td>
<td>NP</td>
<td>NP</td>
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<td><strong>SP</strong></td>
<td>NP</td>
<td>NP</td>
<td>SP</td>
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Notes:
1. Notwithstanding the above Table of Use Regulations, nothing in this By-Law shall prohibit or restrict the use of land or structures in any district for agriculture, horticulture, and floriculture on any parcel of five (5) acres or more, in accordance with MGL Chapter 40A, Section 3.
2. See District Specific Applicable Regulations above for additional regulations pertaining to each Use District.
3. See Article IV — Regulations of Overlay Districts for use regulations pertaining to zoning overlay districts, including Water Supply Protection, Wireless Communications, Plum Island, Flood Zone, and Adult Entertainment.
4. See Article V — Special Permits General for regulations pertaining to Bed and Breakfast Establishments, and Large Wind Energy Facilities, Registered Marijuana Dispensaries, and Marijuana Establishments.
5. The Zoning Districts in which RMDs, Craft Marijuana Cultivator Cooperatives, Marijuana Cultivators, Marijuana Product Manufacturers, and Marijuana Testing Facilities may be located are the Business & Light Industrial District (BLI) and the Commercial Highway District (CH), excluding that area of the Commercial Highway District at the Northwestern Junction of the right-of-way of I-95 and Central Street.

or take any other action in relation thereto.

**MOTION: Selectman Geoff Walker**

I vote to amend the Code of the Town of Newbury, Chapter 97, Zoning, Article V – Special Permits General, Section 97-5.H., Marijuana Establishments, Subsection § 97-5.H(4) Location, and Article III – Regulations of Use Districts, Section 97-3.M., Table of Use Regulations (97 Attachment 4 – Town of Newbury TABLE OF USE REGULATIONS), as written in the Finance Committee Appropriations Booklet. (2/3 vote required)

Motion seconded.
Planning Board members presented information to the audience regarding the four Zoning Articles coming before the voters.

After discussion the Motion was voted and declared failed as it did not meet the 2/3 requirement with 36 in favor and 47 opposed.

**ARTICLE 22.** To see if the Town will vote to amend the Code of the Town of Newbury, Chapter 97, Zoning, Article IV – REGULATIONS OF OVERLAY DISTRICTS, Section 97-4.C, Wireless Communications Services Overlay District, as follows (deleted language indicated by strike through and new, revised, and relocated language indicated by **underlined italic**):

C. Wireless Communications Services Overlay District.

(2) Use Restrictions.

(b) In addition, such facility may be erected in said district, subject to the following conditions:

13) Any antenna for use as a wireless communications facility shall not be installed, nor mounted on, nor attached to a new monopole tower or existing structure in any location that is within 300 feet of a lot line defining a parcel on which exists a dwelling, a school, a day-care center, a nursing home or an assisted or independent living facility.

16) Noise generated by any wireless communications facility, including auxiliary generators, shall not exceed 50 **decib** at ground level at the property line at any public way on which it is located.

(4) Review and action by the Zoning Board of Appeals. The Zoning Board of Appeals shall review and act upon an application for a special permit and site plan review and approval for a wireless communications facility in accordance with applicable provisions of MGL c. 40A, §§ 9 and 11; and in accordance with this Zoning By-Law; and:

(e) Shall notify in writing the owners of properties within 300 feet of the proposed site of the facility of an application for a special permit.
Motion seconded and voted. The Moderator declared the motion passed by greater than the 2/3 requirement by a vote of 58 in favor to 18 opposed.

Communications Services Overlay District, as written in the Finance Committee Appropriations Booklet.

MOTION: Selectman Damon Jespersen
or take any other action in relation thereto.

ARTICLE 23.

03) Approval. Within sixty days of the filing of a complete Eligible Facilities Request, any changes or modifications to an already approved wireless communications facility not defined as an Eligible Facilities Request in 47 USC, section 1455, shall be made through the special permit/site plan review and approval process described above.

(a) Any change of personal wireless services as defined in the Federal Communications Act of 1996, other than allowed under an existing special permit.

(b) Any change of service that involves changing the physical appearance of the wireless communications facility;

(c) Any change of tenant by collocation, regardless of the type of service;

(d) Any change in equipment that, by nature of the change, increases the level of radio frequency emissions;

(e) Any change in the physical appearance, physical characteristics or dimensions of the wireless communications facility;

(f) Any change in or deviation from the existing special permit;

(g) Written notice to owners of abutting properties within 900 feet of the proposed site.

(i) Written notice to owners of abutting properties within 900 feet of an application to modify an existing permit.

(b) Request for Modification of Eligible Facilities:

01) Submission Requirements. Applications for an Eligible Facilities Request shall be filed with the Building Department. The Building Commissioner shall conduct an initial review of the application within thirty (30) days of receipt to determine whether the application is complete. The Building Commissioner shall notify the applicant within thirty (30) days of receipt of the application if the application is deemed incomplete. Such notice shall delineate all missing documents or information.

02) Review of Application. The Building Commissioner shall conduct a limited-scope review of an Eligible Facilities Request to determine if the proposed Eligible Facilities Modification will result in a substantial change to the physical dimensions of an Eligible Facility. An Eligible Facilities Request “substantially changes” the physical dimensions of an Eligible Facility if it meets any of the criteria established in the FCC Eligible Facilities Request Rules.

03) Approval. Within sixty days of the filing of a complete Eligible Facilities Request, less any time period that may be excluded pursuant to a tolling agreement between the applicant and the Building Commissioner, the Building Commissioner shall complete his or her limited-scope site plan review and approve the application unless the Building Commissioner determines that the application does not meet the definition of an existing Eligible Facility subject to the Spectrum Act, or the proposed Eligible Facility Request proposes modifications that will substantially change the physical dimension of an Eligible Facility.

or take any action in relation thereto.

MOTION: Selectman JR Colby
I vote to amend the Code of the Town of Newbury, Chapter 97, Zoning, Article IV – REGULATIONS OF OVERLAY DISTRICTS, Section 97-4.C, Wireless Communications Services Overlay District, as written in the Finance Committee Appropriations Booklet.

Motion seconded and voted. The Moderator declared the motion passed by greater than the 2/3 requirement by a vote of 58 in favor to 18 opposed.

ARTICLE 23. To see if the Town will vote to amend the Code of the Town of Newbury, Chapter 97, Zoning, Article III – Regulations of Use Districts, Section 97-3.C, Agricultural-Residential District, Subsection (1)(a) Uses by Special Permit, as follows (deleted language indicated by strike through and new language indicated by underlined italic):

C. Agricultural-Residential District.

(1) District Specific Applicable Regulations:

(a) Uses by Special Permit: In appropriate cases and subject to appropriate conditions, safeguards and limitations on time or use, the Board of Selectmen, the Planning Board, or the Zoning Board of Appeals, as designated in § 97-3.M, Table of Use Regulations (97 Attachment 4 – Town of Newbury TABLE OF USE REGULATIONS), may grant an applicant a special permit to make use of the land or erect and maintain buildings or other structures thereon in accordance with the provisions of Chapter 40A, Section 9 of General Laws, if such use, buildings or other structures are in harmony with the general purpose and intent of this By-Law and with the provisions stipulated in § 97-11.C.(1) for the purpose of uses listed in § 97-3.M, Table of Use Regulations (97 Attachment 4) as allowed by Special Permit of the Board of Selectmen, provided that the Selectmen designated Special Permit Granting Authority (SPGA) find, after a Public Hearing of which due notice is given to any party in interest as defined in Section 11 of Chapter 40A of the General Laws, that the proposed use, building or structure is for the best interest of the Town, is not injurious or obnoxious to the neighboring properties, will satisfy a community need or convenience not otherwise being served, will not affect abutting and nearby properties by increasing traffic and on-street parking, and that nothing connected with the use, buildings or structure, such as machinery, vehicles, material, supplies, equipment and waste materials shall be stored between the street line and the front line of the structure or building, nor be visible from the street.

or take any other action in relation thereto.

MOTION: Selectman Damon Jespersen
I vote to amend the Code of the Town of Newbury, Chapter 97, Zoning, Article III – Regulations of Use Districts, Section 97-3.C. Agricultural-Residential District, Subsection (1)(a) Uses by Special Permit, as written in the Finance Committee Appropriations Booklet.
ARTICLE 24. To see if the Town will vote to amend the Code of the Town of Newbury, Chapter 97, Zoning, Article X – General Regulations, Section 97-10.F. Temporary Trailers and Mobile Homes as follows (deleted language indicated by strike through and inserted language indicated by underlined italics):

97-10.F. Temporary Trailers, and Mobile Homes, and Existing Dwellings to be Demolished.

(1) Purpose and Intent: It is the intent of this article to provide for the temporary use and occupancy of trailers, and mobile homes, and existing dwellings to be demolished within the Town of Newbury, subject to the limitations below.

(2) Allowed Use: A trailer, or mobile home, or existing dwelling that is to be demolished may be used on any lot as provided below:

(a) The owner or occupier of a residence which has been destroyed by fire or natural disaster may place a mobile home on the site of such residence and may, by right, reside in such mobile home for a period not to exceed the shorter of eighteen (18) months or the life of the active building permit, not to exceed 15 calendar days after the issuance of an occupancy permit, while the residence is being rebuilt. Any such mobile home shall be subject to all required local and state permits and approvals.

(b) The tenant of a commercial place of business which has been destroyed by fire or natural disaster may place a trailer on the site of such place of business and may, by right, occupy such trailer for a period not to exceed the shorter of eighteen (18) months or the life of an active building permit, not to exceed 15 calendar days after the issuance of an occupancy permit, while the business premises are being rebuilt. Any such trailer shall be subject to all required local and state permits and approvals.

(c) A trailer or existing dwelling not otherwise being used as a residence may be used for a construction site office on a temporary basis, such trailer or existing dwelling to be removed upon completion of the construction project.

(3) Removal of Trailer: Within five (5) business days of the removal of the trailer, notice in writing shall be given to the Building Department. The notice shall include the owner's name and address, the address the trailer was removed from (if different), and shall be signed and dated by the owner. The provisions of § 97-11.A.(1), Authority to enforce, shall apply for each day the trailer remains on site beyond 15 calendar days after issuance of a certificate of occupancy.

(4) An existing dwelling not otherwise being used as a residence may be used as a construction site office on a temporary basis provided that:

a) The contractor furnish the Building Commissioner with a notarized letter stating that the existing dwelling’s occupancy is to be terminated upon receipt of the certificate of occupancy for the new dwelling;

b) The existing dwelling is removed within 30 calendar days after the issuance of the certificate of occupancy for the new dwelling.

(5) Removal of Existing Dwelling: Within five (5) business days of the removal of the existing dwelling, notice in writing shall be given to the Building Department, in the form described in § 97-10.F.(3) above. The provisions of § 97-11.A.(1), Authority to enforce, shall apply for each day the dwelling remains on site beyond thirty (30) calendar days after issuance of a certificate of occupancy for the new dwelling.