

TOWN OF WEST NEWBURY



BYLAWS

Originally Adopted May 1, 1930
Amendments as adopted through
January 25, 2023

(3) Installation and continued operation of such systems requires that there be no connection between the private water supply and the municipal water service. Separation using valves or removable sections of pipe is prohibited.

(4) Irrigation systems sourced by private water supplies and operated as described herein shall not be limited to specific hours of operation, odd/even days of use, or other such water restriction, in the event of a Water Restriction declared by the Board of Water Commissioners.

SECTION 3. Exceptions.

This bylaw shall not be used to regulate in-ground irrigation systems installed on land used primarily and directly for the raising of fruits, vegetables, berries, nuts and other foods for human consumption, feed for animals, flowers, trees, nursery or greenhouse products, and ornamental plants and shrubs.

XXXVI COMMUNITY PRESERVATION COMMITTEE BYLAW

[Adopted at the April 30, 2007 Annual Town Meeting, Approved by the Attorney General on June 11, 2007, Posted According to Law on June 25, 2007. Amended at the April 28, 2008 Annual Town Meeting, approve by the Attorney General on June 12, 2008, Posted According to Law on June 17, 2008 Amended by Article 11 of the Special Town Meeting held on October 24, 2016 approved by the Attorney General on September 17, 2017 and posted according to law on September 19, 2017 References to the Finance Director were replaced with reference to the Town Manager by Article 19 of the Annual Town Meeting held on April 30, 2018 approved by the Attorney General on August 29, 2018 and posted according to law on October 5, 2018, Amended at the October 24, 2022 Special Town Meeting, approve by the Attorney General on January 24, 2023, Posted According to Law on January 25, 2023]

Community Preservation Committee Bylaw

Sec. 1 Establishment

- a) There is hereby established a Community Preservation Committee, consisting of seven (7) voting members pursuant to MGL Chapter 44B. The composition of the committee, the appointing authority, specific roles, and the term of office for the committee members shall be as follows:
- b) One member of the Board of Selectmen or their designee, as designated by a majority vote of the entire current membership of the Board of Selectmen for a term of one year and thereafter until a duly appointed successor is named.
- c) One member of the Open Space Committee as designated by a majority vote of the entire current membership of the Open Space Committee for a term of one year and thereafter until a duly appointed successor is named.

- d) One member of the Conservation Commission as designated by a majority vote of the entire current membership of the Conservation Commission for a term of one year and thereafter until a duly appointed successor is named.
- e) One member of the Planning Board as designated by a majority vote by a majority vote of the entire current membership of the Planning Board for a term of one year and thereafter until a duly appointed successor is named.
- f) One member of the Historical Commission as designated by a majority vote of the entire current membership of the Historical Commission for an initial term of one year and thereafter until a duly appointed successor is named.
- g) One member of the Parks and Recreation Commission as designated by a majority vote of the entire current membership of the Parks and Recreation Commission for an initial term of one year and thereafter until a duly appointed successor is named.
- h) One member of the West Newbury Housing Authority as designated by a majority vote of the entire current membership of the Housing Authority for a term of one year and thereafter until a duly appointed successor is named.
- i) The Town Manager or designee shall serve Ex Officio.
- j) Each member of the Committee shall serve for the term as set forth above, or until the person no longer serves in the Community Preservation Committee position or on the board or committee as set forth above, whichever is earlier. Any committee shall designate a replacement at its next meeting should a vacancy occur.
- k) Should any of the Commissions, Boards, Councils or Committees who have appointment authority under this Section be no longer in existence for whatever reason, the absent appointment authority for that Commission, Board, Council, or Committee shall be assumed by the Board of Selectmen, who may appoint a replacement member from the community at-large.
- l) Any member of the Committee may be removed for cause by their respective authority after hearing.
- m) The Committee shall elect a Chairman, Vice Chairman, and a Secretary annually from its membership.

Sec. 2. Duties

- a) The Community Preservation Committee shall hold one or more public hearings annually to provide information and solicit written proposals consistent with the Community Preservation Act, as adopted, from Town committees and boards, as

well as unaffiliated citizens or groups (ad hoc committees). Notice of the hearing, or hearings, shall be posted publicly in accordance with the Open Meeting Law, M.G.L Chapter 30A. §20 and published for each of the two weeks preceding a hearing in a newspaper of general circulation in the town as required by M.G.L. chapter 44B. §3(b) (1).

- b) Additionally the Committee shall meet any number of times in meetings posted in accordance with Open Meeting Law to consult with existing municipal boards, standing committees, or ad hoc committees including, but not limited to, the Conservation Commission, the Historical Commission, the Planning Board, the Board of Parks and Recreation Commissioners, the Housing Authority, the Open Space Committee, the Board of Water Commissioners, and the Workforce Housing Trust or persons acting in those capacities or performing like duties, to determine the needs, possibilities, and resources of the Town regarding community preservation possibilities and resources or to act on submitted proposals. All completed proposals, as determined by the committee, submitted to the Committee shall be voted upon and ranked for possible recommendation to the Town at Town Meeting. A written report of all votes and summary of findings shall be presented at said Town Meeting.
- c) The Community Preservation Committee shall make recommendations to the legislative body (Town Meeting) for the acquisition, creation and preservation of open space; for the acquisition, preservation, rehabilitation and restoration of historic resources; for the acquisition, creation, and preservation of land for recreational use; for the acquisition, creation, and preservation of land for natural resources including agriculture, forestry, and conservation purposes; for the acquisition, creation, preservation and support of community housing; and for the rehabilitation or restoration of open space, land for recreational use, and community housing that is acquired or created as provided in this section. With respect to community housing, the Community Preservation Committee shall recommend, wherever possible, the reuse of existing buildings or construction of new buildings on previously developed sites.
- d) The Community Preservation Committee may include in its recommendation to the legislative body (Town Meeting) a recommendation to set aside for later spending funds for specific purposes that are consistent with community preservation but for which sufficient revenues are not then available in the Community Preservation Fund to accomplish that specific purpose or to set aside for later spending funds for general purposes that are consistent with community preservation.
- e) In every fiscal year, the Community Preservation Committee must recommend either that the Town legislative body (Town Meeting) spend, or set aside for later spending, not less than thirty (30) percent of the annual revenues in the Community Preservation Fund consistent with the provisions in M.G.L. Chapter 44B.

- f) The Community Preservation Committee shall consult with the Finance Committee at a meeting prior to voting recommendations.

Sec. 3 Requirement for a quorum and cost estimates

The Community Preservation Committee shall comply with the provisions of the Open Meeting Law, M.G.L. Ch. 39, §23B. The committee shall not meet or conduct business without the presence of a majority of the members of the Community Preservation Committee, which shall constitute a quorum. The Community Preservation Committee shall approve its actions by majority vote of members present.

Sec. 4. Amendments

This bylaw may be amended from time to time by a majority vote of the Town Meeting consistent with the provisions of M.G.L. c. 44B.

Sec. 5. Severability

In case any section, paragraph, or part of this bylaw is, for any reason, declared invalid or unconstitutional by any court, every other section, paragraph, or part shall continue in full force and effect.

Sec. 6. Effective Date

Following Town Meeting approval, this bylaw shall take effect immediately upon approval by the Attorney General of the Commonwealth, and after all requirements of the M.G.L. c. 40, §32 have been met. Each appointing authority shall have sixty (60) days after approval by the Attorney General to make their initial appointments.

If any appointing authority shall fail to make appointments as provided in this bylaw, the Board of Selectmen shall send notice of such failure to the appointing authority.

XXXVII STRETCH ENERGY CODE

[Adopted at the April 29, 2013 Annual Town Meeting, Approved by the Attorney General on June 14, 2013, Posted According to Law on June 26, 2013]

§ 1 Definitions

International Energy Conservation Code (IECC) - The International Energy Conservation Code (IECC) is a building energy code created by the International Code Council. It is a model code adopted by many state and municipal governments in the United States for the establishment of minimum design and construction requirements for energy efficiency, and is updated on a three-year cycle. The baseline energy conservation requirements of the MA State Building Code are the IECC with

ARTICLE 14. To see if the Town will vote to amend the Town's By-Laws by adopting a Community Preservation Committee By-Law, available for review in the Town Clerk's Office and included in the Finance Committee Appropriations Booklet, pursuant to M.G.L. Chapter 44B, or take any other action relative thereto. By request of the Board of Selectmen.

This is a true copy of Article 14 as it appeared on the Warrant for the Town of West Newbury Annual Town Meeting held on Monday April 30, 2007,

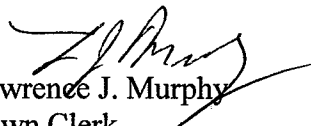
Attest:


Lawrence J. Murphy
Town Clerk

Article 14 ATM

Attached is a true copy of the Community Preservation Committee Bylaw referenced in Article 14 of the Warrant for the Town of West Newbury Annual Town Meeting held on Monday April 30, 2007, and available for review at the West Newbury Town Clerk's Office from the posting of the Warrant on April 13, 2007 until the close of the Annual Town Meeting on April 30, 2007.

Attest:


Lawrence J. Murphy
Town Clerk

Community Preservation Committee Bylaw

Chapter 13

Community Preservation Committee Bylaw

Sec. 13-1 Establishment

- a) There is hereby established a Community Preservation Committee, consisting of seven (7) voting members pursuant to MGL Chapter 44B. The composition of the committee, the appointing authority, specific roles, and the term of office for the committee members shall be as follows:
- b) One member of the Board of Selectmen or their designee, as designated by the Board of Selectmen for a term of one year and thereafter for a term of one year.
- c) One member of the community at large as designated by the Board of Selectmen for a term of three years.
- d) One member of the Conservation Commission as designated by a majority vote of the full Conservation Commission for a term of three years.
- e) One member of the Planning Board as designated by a majority vote of the full Planning Board for an initial term of two years and thereafter for a term of three years.
- f) One member of the Historical Commission as designated by a majority vote of the full Historical Commission for an initial term of one year and thereafter for a term of three years.
- g) One member of the Parks and Recreation Commission as designated by a majority vote of the full Parks and Recreation Commission for an initial term of one year and thereafter for a term of three years.
- h) One member of the West Newbury Housing Authority as designated by a majority vote of the full Housing Authority for an initial term of two years and thereafter for a term of three years.
- i) The Finance Director or designee shall serve Ex Officio.
- j) Each member of the Committee shall serve for the term as set forth above, or until the person no longer serves in the Community Preservation Committee position or on the board or committee as set forth above, whichever is earlier. Any committee shall designate a replacement at its next meeting should a vacancy occur.
- k) Should any of the Commissions, Boards, Councils or Committees who have appointment authority under this Section be no longer in existence for whatever reason, the absent appointment authority for that Commission, Board, Council, or Committee shall be assumed by the Board of Selectmen, who may appoint a replacement member from the community at-large.

- l) Any member of the Committee may be removed for cause by their respective authority after hearing.
- m) The Committee shall elect a Chairman, Vice Chairman, and a Secretary annually from its membership.
- n) No person shall hold the seat of Chairman for more than one year in three consecutive years.

Sec. 13-2. Duties

- a) The Community Preservation Committee shall hold one or more public hearings annually to provide information and solicit written proposals consistent with the Community Preservation Act, as adopted, from Town committees and boards, as well as unaffiliated citizens or groups (ad hoc committees). Notice of the hearing, or hearings, shall be posted publicly at the Town Office Building, Library, and Post Office, and published for each of two weeks preceding a hearing in a newspaper of general circulation in the town.
- b) Additionally the Committee shall meet any number of times in meetings posted in accordance with Open Meeting Law to consult with existing municipal boards, standing committees, or ad hoc committees including the Conservation Commission, the Historical Commission, the Planning Board, the Board of Parks and Recreation Commissioners, the Housing Authority, the Open Space Committee, the Board of Water Commissioners, and the Workforce Housing Trust or persons acting in those capacities or performing like duties, to determine the needs, possibilities, and resources of the Town regarding community preservation possibilities and resources or to act on submitted proposals. All completed proposals, as determined by the committee, submitted to the Committee shall be voted upon and ranked for possible recommendation to the Town at Town Meeting. A written report of all votes and summary of findings shall be presented at said Town Meeting.
- c) The Community Preservation Committee shall make recommendations to the legislative body (Town Meeting) for the acquisition, creation and preservation of open space; for the acquisition, preservation, rehabilitation and restoration of historic resources; for the acquisition, creation, and preservation of land for recreational use; for the acquisition, creation, and preservation of land for natural resources including agriculture, forestry, and conservation purposes; for the acquisition, creation, preservation and support of community housing; and for the rehabilitation or restoration of open space, land for recreational use, and community housing that is acquired or created as provided in this section. With respect to community housing, the Community Preservation Committee shall recommend, wherever possible, the reuse of existing buildings or construction of new buildings on previously developed sites.
- d) The Community Preservation Committee may include in its recommendation to the legislative body (Town Meeting) a recommendation to set aside for later spending funds for specific purposes that are consistent with community preservation but for which sufficient revenues are not then available in the Community Preservation Fund to accomplish that specific purpose or to set aside for later spending funds for general purposes that are consistent with community preservation.
- e) In every fiscal year, the Community Preservation Committee must recommend either that the Town legislative body (Town Meeting) spend, or set aside for later spending, not less than thirty (30) percent of the annual revenues in the Community Preservation Fund consistent with the provisions in M.G.L. Chapter 44B.
- f) The Community Preservation Committee shall consult with the Finance Committee at a meeting prior to voting recommendations.

Sec. 13-3 Requirement for a quorum and cost estimates

The Community Preservation Committee shall comply with the provisions of the Open Meeting Law, M.G.L.

Ch. 39, §23B. The committee shall not meet or conduct business without the presence of a majority of the members of the Community Preservation Committee, which shall constitute a quorum. The Community Preservation Committee shall approve its actions by majority vote of members present. Recommendations to the Town Meeting shall include a fully developed time and cost plan.

Sec. 13-4. Amendments

This bylaw may be amended from time to time by a majority vote of the Town Meeting consistent with the provisions of M.G.L. c. 44B.

Sec. 13-5. Severability

In case any section, paragraph, or part of this bylaw is, for any reason, declared invalid or unconstitutional by any court, every other section, paragraph, or part shall continue in full force and effect.

Sec. 13-6. Effective Date

Following Town Meeting approval, this bylaw shall take effect immediately upon approval by the Attorney General of the Commonwealth, and after all requirements of the M.G.L. c. 40, §32 have been met. Each appointing authority shall have sixty (60) days after approval by the Attorney General to make their initial appointments.

If any appointing authority shall fail to make appointments as provided in this bylaw, the Board of Selectmen shall send notice of such failure to the appointing authority. If the appointing authority fails to act on any such vacancy within thirty (30) days of the date of such notice, the Board of Selectmen shall make the appointment.

Article 21.


I move to amend the Community Preservation Committee Bylaw adopted at the April 30, 2007 Annual Town Meeting by deleting "Chapter 13" in the heading and by renumbering Sections 13-1, 13-2, 13-3, 13-4, 13-5 & 13-6 as Sections 1, 2, 3, 4, 5 & 6 respectively.



Signed

A true copy of the Main Motion brought under Article 21 of the Town of West Newbury Annual Town Meeting of April 28, 2008. The Moderator announced the motion passed by the unanimous vote of the Town Meeting.

ATTEST:


Lawrence S. Murphy
Town Clerk