

**TOWN OF MARION
TOWN MEETING WARRANT
and
SPECIAL TOWN MEETING WARRANT**

*with
Recommendations of the
Finance Committee*



ANNUAL TOWN MEETING
at Sippican School Auditorium
Spring Street
May 16, 2011
6:45 p.m.
and to elect Officers on

May 20, 2011
at the VFW Hall
465 Mill St. (Route 6)

***BRING THIS COPY WITH YOU
TO TOWN MEETING***

**FINANCE COMMITTEE REPORT
2011 ANNUAL TOWN MEETING**

FY 11 Current Year Status

We continue to be in a reasonable financial position in spite of the sluggish economy and more cuts in State Aid. Our town departments have again conserved their budget funds and will be able to finish the year within plan with the exceptions noted below. Local receipts are tracking very close to the conservative estimates in the FY 11 Budget.

Due to the heavy snowfall this winter we exceeded the budgeted expenditure for snow and ice removal by \$60,000; Benson Brook Landfill will need additional money to complete the project and the school discovered unpaid prior year bills. These shortfalls will be covered by appropriating funds from available free cash at the Special Town meeting within the 2011 Annual Meeting.

The net effect of the State cuts and variations in planned revenue will cause us to finish very close to the planned FY11 Budget. Thanks to conservation by town departments and Sippican School, we enter FY 12 in reasonable shape.

FY 12 Proposed Budget

The planning for the FY 12 Budget was again approached from a very conservative point of view. The economy is improving, but consumers are being very cautious. We feel this impact in local revenues such as excise tax on automobiles and boats. State aid to towns and schools are again reduced. Local revenues and new growth in property valuations continue to be down. For the fifth year in a row all departments and committees were asked to present level-funded and level-service budgets to help contain the growth. Most departments were level funded. The proposed budget for FY 2012 is \$18,024,120. The table below shows that the FY12 Operating Budget calls for a 2.15% increase over last year's budget.

Operating Budget	FY 07	FY08	FY09	FY 10	FY 11	FY12
Total \$ Increase	\$1,207,292	\$367,777	\$332,870	\$96,979	\$526,837	\$379,626
% Increase	8.13%	2.27%	2.00%	0.57%	3.08%	2.15%

Analysis of the Budget Situation

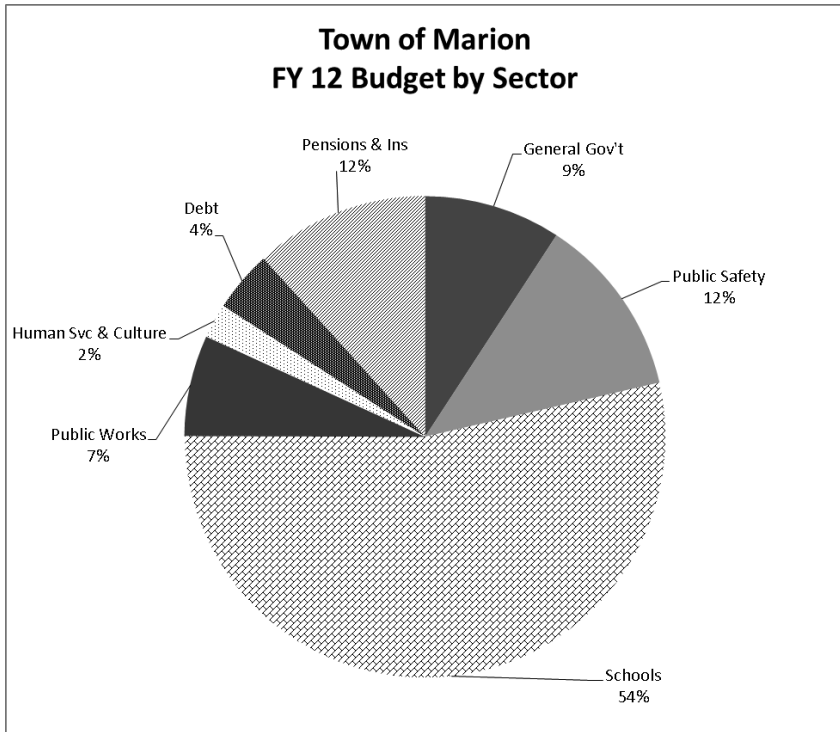
When we exclude debt from the calculations the actual growth in the town's day-to-day operating budget is \$243,121 or 1.45%. Our debt expense (principal and interest) increased by \$136,505 due to the addition of the Police Station to the debt schedule. The table below shows the major (over \$5,000.) increases and decreases to the FY 12 Budget.

Category/Department	\$ Decrease	\$ Increase	Reason
Debt & Interest		136,505	Full Year Police station
Group Insurance		120,912	Rate increases
Police Department		109,309	New patrolman & inflation
Town Insurance		68,768	Rate increases
Upper Cape Technical		41,844	More students and inflation
Fire Department		34,420	Increased calls and inflation
Administrative Services		16,591	Equipment maintenance & OT
Utilities		15,150	Inflation
Recreation		12,103	Wages and maintenance
Building Department		10,564	More Inspections & increased training
DPW		7,177	Contract services, recycling & inflation
Computer		5,300	New hardware and software maint. agreement
ORR	310,383		Fewer students and E&D application
Regional Landfill	9,019		One-time decrease
Sippican School	8,598		Fewer students

Free Cash

DOR Certified Free Cash from previous operations		\$ 1,144,777
Less:		
Fall Town Meeting	\$ 52,000	
Free cash available for use in FY 12		\$ 1,092,777
Available free cash to be allocated as follows:		
Spring Special Meeting	\$ 128,300	
Operating Budget	382,287	
Total GF Articles for Town Meeting	565,967	
Balance after town meeting		\$ 16,223

An analysis of the available free cash position showed a balance of \$1,144,777 at the end of FY 10. We have already used some of the available free cash at the Fall Town meeting and will obligate additional funds at the Special Meeting within the Spring Town Meeting. The total available for FY 12 is predicted to be \$ 964,477. \$ 382,287 is proposed to support the FY 12 Operating Budget. This is 35% of available free cash after the Fall Town Meeting and is well within the town's policy guideline of using no more than 40% of free cash to support the Operating Budget. The Finance Committee is recommending that at least \$100,000 be placed in the Stabilization Fund. The Stabilization Fund balance would then be \$ 1,657,180, still below the State DOR recommendation of 10% of normal operations. A healthy Stabilization Fund helps the town credit rating and is our only cushion for future emergencies.



FY 12 Budget

The Budget by Sector Chart illustrates where we spend our budget. Schools represent the largest portion of the operating expense followed by Public Safety and Pension/Insurance.

Our ability to generate revenue to pay for town services is dependent on State aid, local receipts and property taxes. State aid and local receipts are projected to be lower in FY 12 than in FY11. Taxes are limited by Proposition 2 ½ to increases of 2.5% of the previous year's total plus new growth in assessed valuation. We are experiencing rapid increases in utilities, health and property insurance and the cost of vehicles.

This year's Operating Budget increase of 1.45% is unusually low and is caused by a temporary decrease in the number of students at Old Rochester and the State law requiring ORR to use their E&D funds (free cash) to augment their operating budget. While school expense is sharply lower this year we do not expect this trend to continue – in fact, we expect it to increase in future years. To mitigate this future burden we have elected to raise the tax levy at a rate lower than Proposition 2 ½ permits in FY 2012. This preserves the ability for the town to raise tax revenue in the future but leaves the money in the pockets of the taxpayer now.

We will attempt to steer a conservative course, control the budget and manage increases where possible. Your town departments have again demonstrated excellent stewardship of allocated budgets. However, we are predicting continued, significant pressure on the town finances. You are urged to make your suggestions for improvement known to the Finance Committee and Select Board as we navigate the tricky waters of municipal finance determining the financial future of Marion.

Other Articles to be Considered This Year

Article 6

The town has financial obligations to pay for other post-employment benefits (OPEB) such as health care, unused vacation etc. Last year we established the trust fund that permits us to “save up” for this future requirement. This Article continues our plan to fund the trust by adding \$50,000. In 2010 our bond rating was increased due in part to the fact that we are actively confronting this obligation.

Article 8

The Board of Selectmen has voted to establish a Length of Service Award Program (LOSAP) for the town’s call fire fighters. The \$72,000 expenditure from available funds is the first of 10 similar payments to establish an annuity that will provide a monthly payment based on length of service when a call fire fighter retires.

Article 9

The Harbormaster is requesting \$12,500 be transferred from the Waterways Account to repair/rebuild two outboard motors. This will result in substantially new motors at approximately ½ the cost of acquiring them new. Funds for this project come from the Waterways Account so there is no impact on the tax rate.

Article 10

The Fire Chief is requesting \$80,000 to purchase new protective clothing for all 40 members of the department. This new turn-out gear replaces the old, worn and torn suits presently in use.

Article 11

The Fire Chief is requesting a transfer of \$35,000 from available funds to continue the phased replacement of the Air-Packs used by firemen when they fight fires. This phased replacement program began last year to spread the expense over multiple years.

Article 13

The Fire Chief is requesting \$25,000 to purchase Rescue Cutters/Jaws of Life equipment. The new jaws will replace very old and heavy equipment that requires 2 fire personnel to lift and use.

Article 15

The Fire Chief is requesting \$11,000 from available funds to augment previously approved funds to bring the electrical panel in the main fire station up to code. This will eliminate a potential safety hazard at the main and secondary electrical panels.

Article 16

The Fire Chief is requesting a transfer from available funds to continue the renovation of the old Police wing at the Spring Street Fire Station. This is a combination of funds from a previously approved Article to repair the roof (\$17,000), and a new transfer from available funds of \$23,000. A large portion of the work is being done by Fire Department personnel and should result in a dry storage area and offices for the Chief and Assistant Chief which are publicly accessible.

Article 18

The Recreation Committee is planning for renovation of the baseball and softball fields to eliminate safety related playing surface conditions. This requirement is presented as an Article to permit the project to be finished quickly and in lieu of increasing the Operating Budget over the next 4 years.

Respectfully submitted,

Alan Minard, Chairman
Jim Barron
Jesse Ferguson
Hamish Gravem
Steve Grima
Karen Kevelson
Lee Vulgaris

TOWN OF MARION
TOWN MEETING WARRANT
with recommendation of the Finance Committee
For the Annual Town Meeting to be Held
May 16, 2011

Plymouth, ss:

To either of the Constables of the Town of Marion in the Commonwealth of Massachusetts

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are directed to notify and warn the inhabitants of the Town of Marion qualified to vote in Town election and Town affairs to meet at the Sippican School Auditorium in said Marion, on Monday, the 16th day of May 2011, at 6:45 o'clock in the evening, then and there to act on the following Articles, to wit:

Article 1. To see what compensation the Town will pay its elected Town officials:

EFFECTIVE JULY 1, 2011

Board of Selectmen, each member, per annum	\$ 4,806
Board of Assessors, each member, per annum	\$ 4,744
Board of Health, each member, per annum	\$ 1,830
Town Clerk, per annum	\$19,111
Moderator, for Annual Meeting	\$ 240
per Special Town Meeting	\$ 79

or take any other action thereon.

Finance Committee recommends.

Article 2. To see what sums of money the Town will raise and appropriate and/or transfer from available funds in the treasury in order to pay interest and maturing debt and for charges, expenses and outlays of the several Town departments and Reserve Fund for the ensuing year.

	FY11	FY12	11 to 12
GENERAL GOVERNMENT	Appropriation	FinCom	% chg
		Recommend.	Differ
113 Election and Town Meetings	\$12,177	\$10,227	-16.01%
122 Selectmen	\$59,218	\$56,568	-4.47%
123 Town Administrator	\$107,000	\$110,210	3.00%
131 Finance Committee	\$27,175	\$26,375	-2.94%
132 Reserve Fund	\$110,000	\$250,000	127.27%
135 Finance Director/Town Accountant	\$84,735	\$84,950	0.25%

141	Assessors	\$97,033	\$97,533	0.52%
145	Treasurer	\$42,068	\$45,933	9.19%
146	Collector	\$43,528	\$44,193	1.53%
151	Legal	\$93,000	\$93,000	0.00%
155	Computer	\$65,400	\$70,700	8.10%
159	Administrative Services	\$590,659	\$607,250	2.81%
161	Town Clerk	\$20,361	\$20,611	1.23%
163	Registrar of Voters	\$10,160	\$10,300	1.38%
171	Conservation	\$2,412	\$2,512	4.15%
175	Planning Board	\$14,400	\$14,400	0.00%
176	Zoning Board	\$2,119	\$2,119	0.00%
191	Town Facilities	\$89,000	\$69,600	-21.80%
195	Town Report	\$7,825	\$7,825	0.00%
199	Unclassified	\$1,300	\$1,300	0.00%
<i>Total General Government</i>		\$1,479,569	\$1,625,894	9.87%

PUBLIC SAFETY

210	Police Department	\$1,304,631	\$1,411,340	8.18%
210	Police Cruiser	\$26,500	\$29,100	9.81%
220	Fire Department	\$358,557	\$392,977	9.60%
230	Emergency Medical Ser.	\$124,899	\$122,680	-1.78%
241	Building Department	\$79,677	\$90,241	13.26%
291	Emergency Management	\$883	\$883	0.00%
292	Animal Control	\$48,237	\$48,237	0.00%
295	Marine Resources	\$187,434	\$191,675	2.26%
299	Tree Warden	\$10,700	\$10,700	0.00%
<i>Total Public Safety</i>		\$2,141,518	\$2,297,833	7.30%

SCHOOLS

300	Sippican School	\$5,251,367	\$5,242,769	-0.16%
301	ORR Operating	\$3,924,745	\$3,614,362	-7.91%
302	ORR Debt	\$283,123	\$276,791	-2.24%
302	Upper Cape Cod Oper.	\$244,322	\$286,166	17.13%
302	Upper Cape Cod Debt	\$25,695	\$24,405	-5.02%
<i>Total Education</i>		\$9,729,252	\$9,444,493	-2.93%

PUBLIC WORKS ADMIN.

420	Public Works	\$803,384	\$810,501	0.89%
439	Regional Landfill Assessmt.	\$9,019	\$-0-	-100.00%
490	Utilities & Fuel	\$325,950	\$341,100	4.65%
<i>Total Public Works</i>		\$1,138,353	\$1,151,601	1.16%

HUMAN SERVICES

511	Board of Health	\$79,785	\$81,853	2.59%
541	Council on Aging	\$74,826	\$75,982	1.54%
543	Veterans	\$14,234	\$15,034	5.62%
<i>Total Human Services</i>		\$168,845	\$172,869	2.38%

CULTURE & RECREATION

610 Library	\$140,356	\$143,865	2.50%
630 Recreation	\$69,581	\$81,684	17.39%
670 Natural History Museum	\$6,600	\$6,600	0.00%
692 Celebrations-Parades & Band Concerts	\$13,300	\$13,300	0.00%
<i>Total Culture & Recreation</i>	\$229,837	\$245,449	6.79%

DEBT SERVICE

710 Principal Payments	\$399,215	\$479,000	19.99%
711 Interest Payments	\$199,859	\$264,201	32.19%
<i>Total Debt Services</i>	\$599,074	\$743,201	24.06%

PENSION & INSURANCE

911 Pension Assessment	\$608,784	\$604,127	-0.76%
914 Group insurance	\$1,156,830	\$1,277,742	10.45%
940 Town Insurance	\$392,432	\$461,200	17.52%
<i>Total Pension & Insurances</i>	\$2,158,046	\$2,343,069	8.57%

TOTAL OPERATING BUDGET \$17,644,494 \$18,024,120 **2.15%**

<i>Less Transfers</i>	\$333,500	\$353,500	
<i>Less Indirect Costs</i>	\$454,005	\$470,379	
<i>Less Transfers from Free Cash</i>	\$509,688	\$382,287	
<i>Override</i>	\$ -	\$ -	
<i>Raise and Appropriate</i>	\$16,347,301	\$16,817,954	

Finance Committee recommends.

Article 3. To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of \$2,032,280 to be used to operate the Water Enterprise Fund, the following sums to be appropriated to salaries and expenses, \$869,828; reserve fund, \$60,000; debt, \$855,080; and indirect costs, \$247,372; and the funds be raised from departmental receipts, \$1,632,280, and \$400,000 from water retained earnings; or take any other action thereon.

	<i>FY 11 Appropriation</i>	<i>FY 12 Recommend.</i>	<i>%Chg Differ.</i>
WATER ENTERPRISE FUND			
Salaries and Expenses	\$ 821,542	\$ 869,828	5.88%
Reserve Fund	\$ 60,000	\$ 60,000	0.00%
Debt (principal, interest & charges)	<u>\$ 626,520</u>	<u>\$ 855,080</u>	<u>36.48%</u>
Subtotal	\$1,508,062	\$1,784,908	18.36%
Indirect Costs	<u>\$ 237,073</u>	<u>\$247,372</u>	<u>4.36%</u>
Total Water Enterprise Budget	\$1,745,135	\$2,032,280	16.46%
<i>Less Water Retained Earnings</i>	\$ 400,000	\$ 400,000	
<i>Water Revenues</i>	\$1,345,135	\$1,632,280	

Finance Committee recommends.

Article 4. To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of \$2,304,848 to be used to operate the sewer enterprise fund, the following sums to be appropriated to salaries and expenses, \$813,943; debt, \$1,207,898; reserve fund, \$60,000; and indirect costs. \$223,007; and the funds be raised from departmental receipts, \$1,954,848 and \$350,000 from sewer retained earnings; or take any other action thereon.

	FY 11 <i>Appropriation</i>	FY 12 <i>Recommend.</i>	<i>%Chg Differ.</i>
<i>SEWER ENTERPRISE FUND</i>			
Salaries and Expenses	\$ 700,484	\$ 813,943	16.20%
Reserve Fund	\$ 60,000	\$ 60,000	0.00%
Debt (principal, interest & charges)	<u>\$1,342,023</u>	<u>\$1,207,898</u>	<u>-9.99%</u>
Subtotal	\$2,102,507	\$2,081,841	-0.98%
Indirect Costs	<u>\$ 216,932</u>	<u>\$ 223,007</u>	<u>2.82%</u>
Total Sewer Enterprise Budget	\$2,319,439	\$2,304,848	-0.63%
<i>Less Sewer Retained Earnings</i>	\$ 350,000	\$ 350,000	
<i>Sewer Revenues</i>	\$1,969,439	\$1,954,848	

Finance Committee recommends.

Article 5. To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury (Free Cash) the sum of \$25,000 to the compensated absence account for the purpose of funding accrued benefits for retiring employees; or take any other action thereon.

Finance Committee recommends.

Article 6. To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury (Free Cash) the sum of \$50,000 to the "Other Post-Employment Benefit Liability Trust Fund as established at the Annual Town Meeting of 2010 under Article 14; or take any other action thereon.

Finance Committee recommends.

Article 7. To see if the Town will vote to transfer from the Overlay Surplus Account the sum of \$25,000 to be used by the Board of Assessors for the revaluation of real and personal property as mandated by the Department of Revenue; or take any other action thereon.

Finance Committee recommends.

Article 8. To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury (Free Cash) the sum of \$72,000 to be expended for the purpose of instituting a Length of Service Award Program for the call firefighters of the Town of Marion; or take any other action thereon.

Finance Committee does not recommend.

Article 9. To see if the Town will vote to transfer from the Waterways Account the sum of \$12,500 to be expended by the Marine Dept. to rebuild two (2) 2006 outboard motors; or take any other action thereon.

Finance Committee recommends.

Article 10. To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury (Free Cash) the sum of \$80,000 to be expended by the Fire Dept. to purchase and equip all Fire Dept. personnel with protective clothing and related gear; or take any other action thereon.

Finance Committee recommends.

Article 11. To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury (Free Cash) the sum of \$35,000 to be expended by the Fire Dept. to continue with its program of air pack replacement; or take any other action thereon.

Finance Committee recommends.

Article 12. To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury (Free Cash) the sum of \$35,000 to be expended by the School Dept. to make necessary repairs to the fire alarm system at the Sippican School; or take any other action thereon.

Finance Committee recommends.

Article 13. To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury (Free Cash) the sum of \$25,000 to be expended by the Fire Dept. to purchase rescue cutters/jaws of life equipment for use by the Fire Dept.; or take any other action thereon.

Finance Committee recommends.

Article 14. To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury (Free Cash) the sum of \$50,000 to be expended by the Dept. of Public Works to purchase a one 1-ton dump truck 4x4 with plow to replace a 2000 1-ton dump truck with plow; or take any other action thereon.

Finance Committee recommends.

Article 15. To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury (Free Cash) the sum of \$11,000 to supplement the appropriation approved under Article 10 of the 2010 Annual Town Meeting to perform the needed electrical repairs at the Fire/EMS Building on Spring St.; or take any other action thereon.

Finance Committee recommends.

Article 16. To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury the sum of \$40,000 to be used for building renovations at the Fire/EMS Building on Spring St. and, that to meet this appropriation, the unexpended balance of \$17,000 from Article S4 of the 2010 Special Town Meeting be transferred for the purpose of this vote and that \$23,000 be transferred from available funds in the Treasury (Free Cash); or take any other action thereon.

Finance Committee will make recommendations at Town Meeting.

Article 17. To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury (Free Cash) the sum of \$44,967 to be expended by the Fire Dept. for the purchase of a ¾ ton pick-up truck; or take any other action thereon.

Finance Committee recommends.

Article 18. To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury (Free Cash) the sum of \$15,000 to be expended under the direction of the Recreation Committee for the purpose of performing necessary field maintenance; or take any other action thereon.

Finance Committee recommends.

Article 19. To see if the Town will vote to transfer from available funds in the Treasury a sum to be expended for the purpose of roof replacement at the Perry Hill Water Station and, that to meet this appropriation the sum of \$30,000 be transferred from Water Enterprise retained earnings; or take any other action thereon

Finance Committee recommends.

Article 20. To see if the Town will vote to transfer from available funds in the Treasury a sum to be expended for the purpose of engineering and design work associated with the Great Hill tank replacement and, that to meet this appropriation the sum of \$110,000 be transferred from Water Enterprise retained earnings; or take any other action thereon.

Finance Committee recommends.

Article 21. To see if the Town will vote to transfer from available funds in the Treasury a sum to be expended for the purpose of purchasing a 1-ton heavy duty utility 4x4 pick-up truck with hoist to replace a 1996 utility pick-up truck for use by the Sewer Dept., that to meet this appropriation the sum of \$60,000 be transferred from Sewer Enterprise retained earnings; or take any other action thereon.

Finance Committee recommends.

Article 22. To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury (Free Cash) a sum of money to the Stabilization Fund; or take any other action thereon.

Finance Committee recommends.

Article 23. To see if the Town will approve the \$2,000,000 borrowing authorized by the vote of the Upper Cape Cod Regional Vocational Technical School District on March 10, 2011, for the purpose of paying costs of replacing windows at the District high school located at 220 Sandwich Road, Bourne, Massachusetts, and for the payment of all costs incidental and related thereto; or take any other action thereon.

Finance Committee recommends.

Article 24. To see if the Town will vote to appropriate, upon the recommendation of the Community Preservation Committee, from the Fiscal Year 2012 estimated revenues, \$68,400 for the purpose of meeting the requirements of the Community Preservation Act, G.L. c. 44B, Section 6, for the purposes of Open Space, Community Housing, and Historic Resources, for the Fiscal Year 2012; or take any other action thereon.

Finance Committee recommends.

Article 25. To see if the Town will vote to act upon the recommendation of the Community Preservation Committee to appropriate, from Fiscal Year 2012 estimated annual revenues, \$2,000 to the Community Preservation Committee for administrative expenses; or take any other action thereon.

Finance Committee recommends.

Article 26. To see if the Town will vote, pursuant to Chapter 384 of the Acts of 2010, to authorize the Mattapoisett River Valley Water Supply Protection Committee to modify the fee it currently charges to the Town, in the amount of \$.01 per 100 gallons, according to the following schedule:

TERM	FEE (per 100 gallons)
July 1, 2012 to June 30, 2013	\$.012
July 1, 2013 to June 30, 2014	\$.014
July 1, 2014 to June 30, 2015	\$.016
July 1, 2015 to June 30, 2016	\$.018
On and after July 1, 2016	\$.02

And provided further that this authorization shall be void, and of no effect, unless the same modification schedule is approved by vote of the Town Meeting of each of the Towns of Fairhaven, Marion, and Mattapoisett, no later than June 30, 2011; or take any other action thereon.

Finance Committee recommends.

Article 27. To see if the Town will vote to transfer the sum of \$4,000 from the Chester A. Vose Fund, said monies to be used by the Assessors for the reduction of taxes; or take any other action thereon

Finance Committee recommends.

Article 28. To see if the Town will vote to amend the Zoning By-Laws by inserting a new Section 16 entitled “Neighborhood Overlay District” substantially as follows:

Section 16: Neighborhood Overlay District

16.1 Purpose:

The Neighborhood Overlay Bylaw is intended to provide a streamlined application process for applications with the area that will result in development consistent with The Town of Marion’s needs and goals. Specifically, this Bylaw article is intended to produce projects that enhance the community in the form of affordability, local economics and living-wage jobs, tax revenue, public access, shared spaces, community spaces and be consistent with the local architectural and community character, while not negatively impacting the Marion Village Center economically or otherwise.

The Neighborhood Overlay is an overlay district that grants the power to the Planning Board as the Special Permit Granting Authority (SPGA) to issue a special permit for developments consistent with this Bylaw and other provisions of the Marion Zoning Bylaw (including but not limited to Section 7.2) and G.L. c.40A, s.9. Where the Overlay District is in conflict with permitted structures, uses or dimensional requirements as found in the underlying district, the provisions of the Overlay District shall control.

The Neighborhood Overlay District is intended to ensure that this portion of the Town of Marion is not developed as “sprawl” development, but rather developed consistent with the Town’s 19th century, rural New England, seaside village character. The Bylaw is not intended to press for new development, but to aid the Town in shaping that development, when it comes, to meet the goals expressed though the many studies, reports and other efforts seeking to protect and preserve the Town of Marion.

16.2 Neighborhood Overlay District

The Neighborhood Overlay consists of the following Lots as identified on the Marion Assessor’s Maps and as further identified on the Neighborhood Overlay District Map accompanying this Bylaw and incorporated herein:

MAP 11

LOTS:

61, 61A, 62, 63, 64, 65, 66, 67, 45, 44,

The General Business portion of lots 25, 43, 134, 60, 68, 68B

MAP 13

LOTS:

1A, 1B, 1C, 1D, 2, 2A, 17, 18, 19, 20, 21, 21A, 22A, 22B, 22C, 22H, 22J, 22S, 47, 48, 48A, 49, 49D, 49E, 49F, 22P

MAP 24

LOTS:

13G, 13M, 33, 34, 36, 36A, 37, 37A, 38

16.3 Authority

An applicant seeking a special permit(s) for uses and/or structures within the Neighborhood Overlay District may apply for and the SPGA may approve more than one special permit for uses and/or structures as contained within a single application to the SPGA. The SPGA may, in addition to special permit requirements established in the underlying Districts, permit upon receipt of a special permit the following uses and structures:

1. Maximum residential unit density shall not exceed eight (8) dwelling units per acre (the calculation of dwelling units per acre shall exclude any land defined as wetland by G.L. c.131, s.40);
2. Permitted structures shall be set back from the front yard no less than ten feet (10') and no greater than eighteen feet (18') from the sideline of the road right of way; and
3. Permitted structures shall be set from rear yards no less than three feet (3'). There is no minimum setback required for side yards.

16.4 Uses and Structures Permitted

1. All uses and structures permitted in the underlying zoning district(s) as contained in the Table of Principal Use Regulation, Section 4.2 of the Zoning Bylaw.

16.5 Uses and Structures Permitted Upon Receipt of a Special Permit

1. All uses and structures permitted in the underlying zoning district(s) as contained in the Table of Principal Use Regulation requiring a special permit, Section 4.2 of the Zoning Bylaw.

16.6 Design Requirements.

Special Permits granted pursuant to the Neighborhood Overlay shall conform to the requirements of G.L. c.40A, s.9, Section 7.2 of the Marion Zoning Bylaw and the following:

1. Design Guidelines

In reviewing applications within the Overlay, the Planning Board shall be guided, to the maximum extent possible, by the design guidelines and recommendations found within the Building Form Guidelines for the Planning Board, Town of Marion, dated June 30, 2003 and revised from time to time.

2. Abutting Property Easements

In order to achieve the intended goals of the District, the applicant shall provide the SPGA and where appropriate, the SPGA may accept, grants of easement and fee transfers of real property providing for access and egress to abutting properties, roadways and ensuring adequacy of access (pedestrian and vehicular) for future development within the District, including shared parking facilities for existing and foreseeable development.

3. Inclusionary Zoning

The provisions of Section 8.12 (Inclusionary Zoning) shall apply to any special permit approvals granted pursuant to the Neighborhood Overlay District Bylaw.

4. Protection and Preservation of the Marion Village Center

The SPGA shall give due consideration to the economic benefits of proposed developments within the Neighborhood Overlay District and shall weigh the potential negative impacts of new development within the District upon existing commercial developments and uses within Marion's defined Village Center.

5. Community Space

Special permits granted pursuant to this Bylaw shall include requirements, where appropriate, for publically accessible open space and protection of public views and vistas.

6. Economic and Community Impact

In addition to considering the direct economic impact related to tax revenue and services the SPGA shall include due consideration of the indirect positive and negative economic impacts of the proposed development, including, but not limited to, housing for local municipal volunteers and employees, living wage jobs to be incorporated within the project, and other such factors that bring positive benefits to the Community.

7. Green Buildings

The SPGA shall encourage and support use of environmentally sustainable and energy-efficient materials and technologies with all new developments.

8. Integration within Overlay

The SPGA shall encourage projects to provide the maximum integration within the abutting properties so as to maximize pedestrian friendliness across and within properties and to maximize integration of all driving surfaces across properties for optimum internal and external traffic flow.

9. Street Trees, Lighting and Sidewalks

Where possible and as deemed appropriate by the SPGA, development along street frontage shall include broad sidewalks for pedestrian use, integrated street trees and/or tree strips closest to the street as well as other features, such as park benches and contiguous open spaces. Lighting shall adhere to dark sky provisions and be consistent within the overlay as determined by the SPGA.

Or take any other action thereon.

Finance Committee will make recommendation at Town Meeting.

Article 29. To see of the Town will vote to accept the provisions of General Laws, Chapter 39, Section 23D, said law providing that a member of a board, committee, or commission holding an adjudicatory hearing shall not be disqualified from voting in the matter solely due to the member's absence from one session of such hearing, provided that certain conditions as established by said statute are met, and to make said law applicable to the Marion Planning Board; or take any other action thereon.

Finance Committee has no recommendation, as no financial impact.

Article 30. To see if the Town will vote to amend the General By-Laws, Article XVI – Building numbering, substantially as follows:

Section 3 – At the end of Section 3, add the following new paragraph:

“Structures required to be numbered under this By-law which are not in plain view of, or are not within 150 feet of a public or private way within the Town, shall display a duplicate number or numbers at least three (3) inches in height. Said duplicate numbers shall be made of reflective material, shall be displayed within 25 feet of the public or private way, and shall be displayed not less than 48 inches above the public or private way.”

Section 4 – Delete the section in its entirety and insert in place thereof the following:

“In case the numbers on the building, including numbers displayed facing the public or private way as contemplated in Section 3 above, affixed under this By-law are defaced or removed, or upon the erection of a new building after the numbering under this By-law is completed, new numbers shall be placed upon such building and displayed facing the public or private way in the same manner as prescribed in this By-law.”

Or take any other action thereon

Finance Committee has no recommendation, as no financial impact.

Article 31. To see if the Town will vote to authorize the Board of Selectmen or its designee to make application on behalf of the Town to the appropriate agency of the Federal or State Governments for grants in aid or other funds or to private foundations or other foundations to further carry out certain programs hereinafter listed and to expend such grants to the Town; said applications and expenditures may include, but not be limited to, the following:

- A. Emergency Management Funds
- B. Sewer system, planning and improvements
- C. Water system improvements and aquifer protection
- D. Recreation and conservation land planning, acquisition, and improvements of open space
- E. Open space acquisition
- F. Executive Office of Environmental Affairs self-help program
- G. Executive Office of Environmental Affairs urban self-help program
- H. Executive Office of Environmental Affairs land and water conservation funds
- I. Repairs and renovations to Town properties
- J. Coastal Zone funds for coastal-related activities
- K. Housing-related grants
- L. Public Safety
- M. Title V subsurface disposal of sanitary waste management
- N. Public or private grants deemed by the Selectmen to be in the best interest of the community
- O. State Road funds, Chapter 53B and Chapter 150 (commonly known as Chapter 90 funds)

Or take any other action thereon

Finance Committee recommends.

Article 32. To see if the Town will vote to authorize the Board of Selectmen to institute, defend, or compromise suits of law; or take any other action thereon

Finance Committee recommends.

Article 33. To see if the Town will vote to authorize the Board of Selectmen to sell any article belonging to the Town, provided the Town has no further use for the same; or take any other action thereon

Finance Committee recommends.

Article 34. To see if the Town will vote to authorize the Board of Selectmen to sell or transfer any taxation possession property held by the Town, pursuant to General Laws, Chapter 60, Section 77, after the Board of Selectmen has notified the Planning Board, Open Space Acquisition Commission, Conservation Commission, and the Affordable Housing Trust of the availability of such land and said agencies may report in writing within twenty (20) days to the Board of Selectmen any recommendations that they may have with regard to the disposition of said land; or take any other action thereon

Finance Committee recommends.

Article 35. To consider the reports of the Town officers and committees and act thereon; or take any other action thereon

Finance Committee has no recommendation, as no financial impact.

Article 36. To choose by ballot all necessary officers for the ensuing year, viz; One Selectman for three years; one Assessor for three years; one Moderator for one year; one Board of Health member for three years; three Planning Board members for three years; two Marion School Committee members for three years; two Open Space Acquisition Commission members for three years; one Town Clerk for three years; one Old Rochester Regional School Committee member for three years; and one Tree Warden for three years; commencing on Friday, the 20th of May, 2011, at 8:00 o'clock in the morning in the Veterans of Foreign Wars Hall, 465 Mill Street (Route 6), in said Marion:

And you are directed to serve this Warrant by posting up attested copies thereof, one at the Elizabeth Taber Library, one at the Town House, and one at the Marion Post Office, all in said Marion, fourteen days at least before the time of holding said meeting aforesaid.

Hereof fail not to make due return of this Warrant with your doings thereon to the Town Clerk at the time and place of meeting aforesaid.

Given our hands this 5th day of April in the Year Two Thousand and Eleven.

Roger F. Blanchette, Chairman

Stephen M. Cushing

Jonathan F. Henry

BOARD OF SELECTMEN

A true copy, ATTEST:

I, Lincoln W. Miller, being a duly appointed constable of the Town of Marion, in the County of Plymouth, Commonwealth of Massachusetts, hereby make affidavit that legal notice of the meeting called under this Warrant has been served on the voters of said Town of Marion by posting up attested copies in not less than three public places within the said Town on April 8, 2011, said date being fourteen days, at least, before the date of the meeting, in accordance with Article 2, Section 3 of the By-laws of said Town.

Lincoln W. Miller
CONSTABLE

**TOWN OF MARION
TOWN MEETING WARRANT
For the Special Town Meeting to be Held
May 16, 2011**

Plymouth, ss:

To either of the Constables of the Town of Marion in the Commonwealth of Massachusetts

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are directed to notify and warn the inhabitants of the Town of Marion qualified to vote in Town election and Town affairs to meet at the Sippican School Auditorium in said Marion, on Monday, the 16th day of May 2011, at 8:00 o'clock in the evening, then and there to act on the following Articles, to wit:

Article S1. To see if the Town will vote to transfer from available funds in the Treasury (Free Cash) the sum of \$60,000 to supplement the Fiscal Year 2011 budget of the Department of Public Works to pay the expenses associated with the removal of snow and ice from public ways during said Fiscal Year; or take any other action thereon

Finance Committee recommends.

Article S2. To see if the Town will vote to transfer from Water Enterprise Fund retained earnings the sum of \$116,860 to be expended for the purpose of paying interest on previously authorized borrowings related to water system improvements; or take any other action thereon.

Finance Committee recommends.

Article S3. To see if the Town will vote to transfer from available funds in the Treasury (Free Cash) the sum of \$42,000 to be expended for the purpose of paying the expenses related to the ongoing landfill closure project; or take any other action thereon.

Finance Committee recommends.

Article S4. To see if the Town will vote to transfer from available funds in the Treasury (Free Cash) the sum of \$6,300 to pay the following unpaid bill(s) of the School Dept. for prior fiscal years:

2007/2008/2009 Audit Report – Hague, Sahady & Co., PC

Or take any other action thereon.

Finance Committee recommends.

Article S5. To see if the Town will vote to transfer from available funds in the Treasury (Free Cash) the sum of \$20,000 to supplement the appropriation approved under Article S1 of the Special Town Meeting of May 17, 2010 to continue with the mold remediation program in the basement of the Marion Town House; or take any other action thereon.

Finance Committee recommends.

And you are directed to serve this Warrant by posting up attested copies thereof, one at the Elizabeth Taber Library, one at the Town House, and one at the Marion Post Office, all in said Marion, fourteen days at least before the time of holding said meeting aforesaid.

Hereof fail not to make due return of this Warrant with your doings thereon to the Town Clerk at the time and place of meeting aforesaid.

Given our hands this 5th day of April in the Year Two Thousand and Eleven.

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Lincoln W. Miller
CONSTABLE

**MARION TOWN HOUSE
Two Spring Street
Marion, MA 02738**

**POSTAL PATRON
Town of Marion, MA 02738**

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