

**TOWN OF MARION
TOWN MEETING WARRANT
For the Special Town Meeting to be Held
October 23, 2023**



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 Marion, on Monday, the 23rd day of October next, at 6:45 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 raise and appropriate the sum of \$922,000 to be used for the construction and equipping of a new Harbormaster building, including all costs incidental and related thereto; to determine whether to meet this appropriation such amount should be raised by authorizing the Treasurer, with the approval of the Select Board, to borrow \$922,000 under the provisions of G.L. c.44, §7(1) or any other appropriate enabling authority, and to issue bonds and notes of the Town therefor; provided, however, that no borrowing shall be made under this article until the Town is awarded grants in the amount of at least \$1,603,000 for the project; and provided further that, while such bonds and notes shall be general obligations of the Town, payment shall be made in the first instance from Harbor receipts; and further that the Select Board be authorized to enter into such contracts and agreements as shall in its judgement be necessary to effectuate the intent of this article; or take any other action thereon.

*Finance Committee Recommends
Select Board Recommends*

Article S2: To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$100,000 to supplement the appropriation for Line Item 122 (Negotiations – Select Board) of the budget approved in Article 2 at the 2023 Annual Town Meeting held on May 8, 2023, for the purpose of funding the cost of living adjustments awarded to Town (union and non-union) personnel, and, that to meet this expenditure, \$75,000 shall be transferred from the Line Item 914 (Group Insurance), \$10,000 shall be transferred from Water Retained Earnings to Water Salaries and Wages, and \$15,000 shall be transferred from Sewer Retained Earnings to Sewer Salaries and Wages; or take any other action in relation thereto.

*Finance Committee Recommends
Select Board Recommends*

Article S3: To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury (Free Cash) the sum of \$30,864.97 for the purpose establishing Opioid Remediation Fund for use for future opioid-remediation programs and strategies, and to meet this appropriation, the sum of \$30,864.97 be transferred from Free Cash; or take any other action thereon.

*Finance Committee Recommends
Select Board Recommends*

Article S4. To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury (Free Cash) the sum of \$56,907 for the purchase and installation of a new communications system at the Fire Station, including without limitation all costs incidental and related thereto; or take any other action thereon.

*Finance Committee Recommends
Select Board Recommends*

Article S5. To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury (Free Cash) the sum of \$12,000 for the purchase and installation of new video and audio recording system at the Marion Town House, including without limitation all costs incidental and related thereto; or take any other action thereon.

*Finance Committee Recommends
Select Board Recommends*

Article S6. To see if the Town will vote to amend the Code of the Town of Marion by adding the following article to Chapter 7 (Boards, Commissions and Committees) as follows:

Article VII: Oath
7-25 Swearing-in

In accordance with Massachusetts General Laws, chapter 41, section 107, all new elected and appointed or re-elected and re-appointed members of Marion Boards, Commissions, and Committees shall swear or affirm an oath of faithful performance of their duties at the commencement of each term. The oath will be performed by the Town Clerk before they can take a seat or vote in a public meeting of the Board, Commission, or Committee that they have been elected or appointed to.

Or take any other action thereon.

*Finance Committee has no recommendation – no financial impact
Select Board Recommends*

Article S7: To see if the Town will vote to amend Article III (Wiring Inspector) and Article IV (Inspector of Gas Piping and Appliances) of Chapter 45 (Officers and Employees) of the Code of Marion, by removing the stricken text and adding the bold/underlined text to read as follows:

Article III ~~Wiring Inspector~~ **Inspectors of Wiring, Plumbing, and Gas Fitting**

[Adopted as Art. VI of Bylaws]

45-3 Appointment; term

[Amended 5-10-2021 ATM by Art. 44]

The Select Board shall appoint Inspectors and Alternate Inspectors of Wiring, Plumbing, and Gas Fitting in accordance with MGL c. 166 § 32, MGL c. 143 § 11, and MGL c. 143 § 30 respectively, to a three-year term. They shall, before entering upon official duties, be sworn to the faithful performance thereof in accordance with MGL c. 41 § 107. ~~A Wiring Inspector and an Alternate Wiring Inspector each year in March, their terms to expire the following June 30²~~

45-4 Powers and duties

[Amended 5-10-2021 ATM by Art. 44]

~~The Inspector of Wires, with the approval of the Select Board, shall make rules and regulations. Subject to the requirements of the General Laws, covering the installation of electric wires within the Town of Marion, and they shall be filed with the Town Clerk. It shall be the duty of the~~ Inspectors to enforce all provisions, as applicable, of the National, State, and local codes and respond to all emergency calls as required.

45-5 ~~Notification of electrical work to be performed~~ Fee

~~Whoever proposes to install wires, conduits, apparatus, fixtures, or other appliances for carrying or using electricity for heat, light, or power purposes, within any building or connected to any building, shall notify the Inspector of Wires in writing before proceeding with the work. There shall be a fee charged for each inspection made by said Inspectors, the amount of which fee shall be determined by the Select Board.~~

~~Article IV **Inspector of Gas Piping and Appliances**~~

~~[Adopted as Art. XIII of the Bylaws]~~

~~45-6 **Appointment**~~

~~[Amended 5-10-2021 ATM by Art. 44]~~

~~The Select Board shall during each year appoint one or more Inspectors of Gas Piping and Gas Appliances who shall serve at the pleasure of the Board.~~

~~45-7 **Qualifications**~~

~~The Inspectors of Gas Piping and Gas Appliances shall be master plumbers as defined by the MGL c.142 §1.~~

~~45-8 **Enforcement duties**~~

~~It shall be the duty of the Inspector of Gas Piping and Gas Appliances to enforce the provisions of the Massachusetts Code for Installation of Gas Appliances and Gas Piping~~

~~45-9 **Fee**~~

~~[Amended 5-10-2021 ATM by Art. 44]~~

~~There shall be a fee charged for each inspection made by said inspectors, the amount of which fee shall be determined by the Select Board.~~

or take any other action thereon.

*Finance Committee has no recommendation, as no financial impact
Select Board Recommends*

Article S8: To see if the Town will vote to amend Section 64.3 (Notice) of Chapter 64 (Town Meetings) of the Code of the Town of Marion, by adding the bold/underlined text to read as follows:

64-3 Notice.

A. Unless otherwise established by vote of the Select Board, all citizens' petitioned warrant articles submitted pursuant to M.G.L. c.39 §10 for inclusion on either an annual or special town meeting must be delivered to the Select Board office no later than sixty (60) days prior to the date of such meeting.

B. All warrants of Town Meeting shall be served by posting up an attested copy thereof in not less than three public places in the Town, 14 days, at least, before the time of holding the Annual or any Special Town Meeting.

C. A copy of the warrant shall be sent to all voters at least five days before the time of holding any Special Town Meeting.

or take any other action thereon.

*Finance Committee has no recommendation, as no financial impact
Select Board Recommends*

Article S9: To see if the Town will vote to amend Section 109-6 (Beaches, public property, and recreation) of Article I (Dog Control) of Chapter 109 (Animal Control) of the Code of the Town of Marion by adding the bold/underlined text to read as follows:

109-6 Beaches, public property, and recreation areas.

A. It shall be unlawful for any person to permit any dog owned by him/her and/or under his/her care or control to be present on any beach owned by the Town of Marion from May 1 through October 1. From October 2 through April 30, dogs may be present on any beach owned by the Town of Marion, provided they are under the control of their owner.

B. Any person who owns a dog or has a dog under his/her care or control on any public street, Town-owned property, or private property of others shall possess the means of removal of any fecal matter left by such dog.

C. Failure of the owner to remove dog waste shall be subject to the penalties described in §109-7

or take any other action thereon.

*Finance Committee has no recommendation, as no financial impact
Select Board Recommends*

Article S10: To see if the Town will vote to amend Table 5.1A (Dimensional Requirements Table) of Section 230-5.1 (Lot, yard and height requirements) of Article V (Intensity of Use Regulations) of Chapter 230 (Zoning of the Code of the Town of by adding the bold/underlined text to read as follows:

Table 5.1A

District Maximum Building Height	Min. Lot Size (square feet)	Min. Lot Frontage (feet)	Min. Front Yard Setback (feet)	Min. Side and Rear (feet)
Residence A ⁽¹⁾⁽⁴⁾ (11)	21,780 (0.5 acre)	125	35	15
Residence B ⁽¹⁾⁽⁴⁾ (11)	43,560 (1.0 acre)	150	35	20

(11) Provided, however, that the Planning Board may grant a special permit to allow a minimum lot frontage on a common private way shown on an enclosed residential compound plan pursuant to the Subdivision Rules and Regulations of the Planning Board.[1] In issuing any special permit for reduced frontage in a residential compound, the Planning Board shall require the applicant to demonstrate that, through easements, restrictive covenants or other appropriate legal devices, the maintenance, repair, snow removal and liability for the common driveway within the residential compound shall remain perpetually the responsibility of the private parties, or their successors-in-interest, and that any breach of this condition shall be deemed noncompliant with the terms of any special permit issued hereunder. Any subsequent change to the roadway surface after the construction of a residential compound shall require a modification of the endorsed plan pursuant to MGL c. 41, § 81W and this special permit.

Or take any other action thereon.

Finance Committee has no recommendation, as no financial impact
Planning Board Recommends
Select Board Recommends

Article S11: To see if the Town will vote to amend Subsection B of Section 230-5.6 (Special Permit and Local Initiative Program Dwelling Units) of Article V (Intensity of Use Regulations) of Chapter 230 (Zoning) of the Code of the Town of Marion by removing the stricken text and adding the bold/underlined text to read as follows:

230-5.6(B)

The Select Board may grant a special permit to build one single-family dwelling on any lot or combination of existing adjoining lots, provided:

(1) The Select Board votes to endorse the application pursuant to the Select Board's authority contained within 760 CMR ~~45.00~~ 56.00 and grants a special permit pursuant to § 230-7.2 of the Zoning Bylaw

or take any other action thereon.

Finance Committee has no recommendation, as no financial impact
Planning Board Recommends
Select Board Recommends

Article S12: To see if the Town will vote to amend subsection C of Section 230-8.4 (Rear Lots) of Article VIII (Special Provisions) of Chapter 230 (Zoning) of the Code of the Town of Marion by adding the bold/underlined text to read as follows:

230-8.4(C)

Lot width is at no point less than 35 feet, and lot frontage is not less than 35 feet. Frontage shall meet all of the requirements contained in the definition for "lot frontage" in Article XI herein.

or take any other action thereon.

Finance Committee has no recommendation, as no financial impact
Planning Board Recommends
Select Board 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 3rd day of October in the Year Two Thousand and Twenty-Three.

Carleton Burr, Jr.

Chair

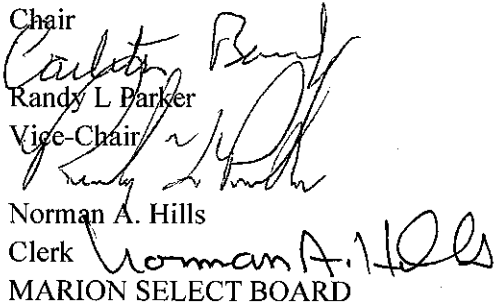
Randy L Parker

Vice-Chair

Norman A. Hills

Clerk

MARION SELECT BOARD

Handwritten signatures of Carleton Burr, Jr., Randy L Parker, and Norman A. Hills. The signature of Carleton Burr, Jr. is written over the printed name. The signature of Randy L Parker is written over the printed name. The signature of Norman A. Hills is written over the printed name.

A true copy, ATTEST:

I, Richard B. Nighelli, 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 October 5, 2023 said date being fourteen days, at least, before the date of the meeting, in accordance with Chapter 64, Section 3 of the Code of the Town of Marion.

A handwritten signature in black ink, appearing to read 'R. Nighelli', written in a cursive style.

RICHARD B. NIGHELLI

CONSTABLE