

**TOWN OF MARION  
TOWN MEETING WARRANT**



**ANNUAL TOWN MEETING  
at Sippican School Auditorium  
Spring Street  
May 13, 2019  
6:45 p.m.**

and to elect Officers on

**May 17, 2019  
at the Benjamin D. Cushing Community Center  
465 Mill Street (Route 6)**

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

**TOWN OF MARION**  
**TOWN MEETING WARRANT**  
**For the Annual Town Meeting to be Held**  
**May 13, 2019**



*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 13<sup>th</sup> day of May, 2019, 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, 2019**

	<b><u>FY19</u></b>	<b><u>FY20</u></b>	<b><u>% chg</u></b>
	<b><u>Approp</u></b>	<b><u>Recommend</u></b>	
Board of Selectmen,			
each member, per annum	\$ 4,902	\$ 4,902	0.0%
Board of Assessors,			
each member, per annum	\$ 4,839	\$ 4,839	0.0%
Board of Health,			
each member, per annum	\$ 1,866	\$ 1,866	0.0%
Town Clerk, per annum	\$ 19,493	\$19,493	0.0%
Moderator, for Annual Meeting	\$ 245	\$ 245	0.0%
per Special Town Meeting	\$ 81	\$ 81	0.0%

or take any other action thereon.

*Finance Committee will make recommendation at Town Meeting*

**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.

		FY20	19 to 20
	FY19	FinCom	% chg
GENERAL GOVERNMENT	Appropriation	Recommend.	Differ
113 Election and Town Meetings	\$8,950	\$8,950	0.00%
122 Selectmen	\$47,006	\$100,006	112.75%
123 Town Administrator	\$123,689	\$136,355	10.24%
131 Finance Committee	\$37,700	\$37,700	0.00%
132 Reserve Fund	\$105,682	\$50,000	-52.69%
135 Finance Director / Town Acct	\$120,590	\$123,000	2.00%
141 Assessors	\$111,687	\$114,295	2.34%
145 Treasurer	\$59,462	\$56,405	-5.14%
146 Collector	\$52,119	\$49,062	-5.87%
151 Legal	\$189,500	\$189,500	0.00%
155 Computer	\$104,827	\$108,000	3.03%
159 Administrative Services	\$725,150	\$794,690	9.59%
161 Town Clerk	\$22,043	\$22,043	0.00%
163 Registrar of Voters	\$12,800	\$12,800	0.00%
171 Conservation	\$2,960	\$2,960	0.00%
175 Planning Board	\$18,400	\$55,950	204.08%
176 Zoning Board	\$2,119	\$2,119	0.00%
191 Town Facilities	\$330,674	\$344,777	4.26%
195 Town Report	\$6,525	\$6,600	1.15%
199 Unclassified	\$1,800	\$1,800	0.00%
<i>Total General Government</i>	<b>\$2,083,683</b>	<b>\$2,217,012</b>	<b>6.40%</b>

#### **PUBLIC SAFETY**

210 Police Department	\$1,899,359	\$1,940,883	2.19%
210 Police Cruiser	\$41,676	\$54,382	30.49%
220 Fire/EMS Department	\$1,073,077	\$1,098,881	2.40%
241 Building Department	\$104,027	\$107,551	3.39%
292 Animal Control	\$54,795	\$52,483	-4.22%
295 Marine Resources	\$237,364	\$241,928	1.92%
299 Tree Warden	\$20,700	\$30,700	48.31%
<i>Total Public Safety</i>	<b>\$3,430,998</b>	<b>\$3,526,808</b>	<b>2.79%</b>

## **SCHOOLS**

300	Sippican School	\$6,218,768	\$6,420,408	3.24%
301	ORR Operating	\$4,336,188	\$4,540,902	4.72%
302	ORR Debt	\$224,954	\$221,749	-1.42%
302	Upper Cape Cod Oper.	\$380,675	\$332,119	-12.76%
302	Upper Cape Cod Debt	\$25,481	\$24,243	-4.86%
<i>Total Education</i>		<b>\$11,186,066</b>	<b>\$11,539,421</b>	<b>3.16%</b>

## **PUBLIC WORKS ADMIN.**

420	Public Works	\$942,736	\$1,041,672	10.49%
439	Regional Landfill Assessment	\$27,841	\$27,841	0.00%
490	Utilities & Fuel	\$456,710	\$462,825	1.34%
<i>Total Public Works</i>		<b>\$1,427,287</b>	<b>\$1,532,338</b>	<b>7.36%</b>

## **HUMAN SERVICES**

511	Board of Health	\$148,624	\$152,339	2.50%
541	Council on Aging	\$196,796	\$204,223	3.77%
543	Veterans	\$85,785	\$95,785	11.66%
<i>Total Human Services</i>		<b>\$431,205</b>	<b>\$452,347</b>	<b>4.90%</b>

## **CULTURE & RECREATION**

610	Library	\$167,735	\$171,090	2.00%
630	Recreation	\$141,614	\$151,963	7.31%
670	Natural History Museum	\$6,600	\$10,000	51.52%
692	Celebrations-Parades & Band Concerts	\$19,200	\$19,200	0.00%
<i>Total Culture &amp; Recreation</i>		<b>\$335,149</b>	<b>\$352,253</b>	<b>5.10%</b>

## **DEBT SERVICE**

710	Principal Payments	\$490,800	\$460,800	-6.11%
711	Interest Payments	\$124,279	\$139,098	11.92%
<i>Total Debt Services</i>		<b>\$615,079</b>	<b>\$599,898</b>	<b>-2.47%</b>

## **PENSION & INSURANCE**

911	Pension Assessment	\$1,019,533	\$1,051,710	3.16%
914	Group insurance	\$1,702,065	\$1,782,900	4.75%
940	Town Insurance	\$646,233	\$681,993	5.53%
<i>Total Pension &amp; Insurances</i>		<b>\$3,367,831</b>	<b>\$3,516,603</b>	<b>4.42%</b>

**TOTAL OPERATING**

<b>BUDGET</b>	<b>\$22,877,298</b>	<b>\$23,736,680</b>	<b>3.76%</b>
<i>Less Transfers</i>	\$294,471	\$303,198	
<i>Less Indirect Costs</i>	\$790,617	\$865,772	
<i>Less Transfer from Free Cash</i>	\$370,139	\$370,000	
<b>Raise and Appropriate</b>	<b>\$21,422,071</b>	<b>\$22,197,710</b>	

*Finance Committee will make recommendation at Town Meeting*

**Article 3.** To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of \$2,252,273 to be used to operate the water enterprise fund, the following sums to be appropriated to salaries and expenses, \$979,692; reserve fund, \$60,000; debt, \$829,338; and indirect costs, \$383,243; and the funds be raised from department receipts, \$1,952,273 and \$300,000 from water retained earnings; or take any other action thereon.

	<b>FY19</b>	<b>FY2</b>	<b>% chg</b>
<b>WATER ENTERPRISE FUND</b>	<b>Appropriation</b>	<b>Recommend.</b>	<b>Differ</b>
Salaries and Expenses	\$952,662	\$979,692	2.84%
Reserve Fund	\$60,000	\$60,000	0.00%
Debt (principal, interest and charges)	\$775,588	\$829,338	6.93%
Subtotal	<b>\$1,788,250</b>	<b>\$1,869,030</b>	<b>4.52%</b>
Indirect Costs	\$334,771	\$383,243	14.48%
<b>TOTAL WATER ENTERPRISE</b>			
<b>BUDGET</b>	<b>\$2,123,021</b>	<b>\$2,252,273</b>	<b>6.09%</b>
<i>Less Water Retained Earnings</i>	<b>\$400,000</b>	<b>\$300,000</b>	
<b>Water Revenues</b>	<b>\$1,723,021</b>	<b>\$1,952,273</b>	

*Finance Committee will make recommendation at Town Meeting*

**Article 4.** To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of \$3,114,828 to be used to operate the sewer enterprise fund, the following sums to be appropriated to salaries and expenses, \$1,155,197; reserve fund, \$60,000; debt, \$1,417,102; and indirect costs, \$482,529; and the funds be raised from departmental receipts, \$2,914,828 and \$200,000 from sewer retained earnings; or take any other action thereon.

SEWER ENTERPRISE FUND	FY19 Appropriation	FY20 Recommend.	% chg Differ
Salaries and Expenses	\$1,097,058	\$1,155,197	5.30%
Reserve Fund	\$60,000	\$60,000	0.00%
Debt (principal, interest and charges)	\$1,476,862	\$1,417,102	-4.05%
Subtotal	<b>\$2,633,920</b>	<b>\$2,632,299</b>	<b>-.06%</b>
Indirect Costs	\$435,606	\$482,529	10.77%
<b>TOTAL SEWER ENTERPRISE BUDGET</b>	<b>\$3,069,526</b>	<b>\$3,114,828</b>	<b>1.48%</b>
<i>Less Sewer Retained Earnings</i>	<b>\$300,000</b>	<b>\$200,000</b>	
<i>Sewer Revenues</i>	<b>\$2,769,526</b>	<b>\$2,914,828</b>	

*Finance Committee will make recommendation at Town Meeting*

**Article 5.** 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 will make recommendation at Town Meeting*

**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 \$8,420 to be expended by the Facilities Department to install new insulated copper line with a circulation pump to correct an insufficient hot water issue at the Police Station; or take any other action thereon.

*Finance Committee will make recommendation at Town Meeting*

**Article 7.** To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury (Free Cash) the sum of \$5,200 to be expended by the Town Clerk to purchase one (1) new Image Cast Precinct Optical Scan Tabulator (voting machine) for use in all elections; or take any other action thereon.

*Finance Committee will make recommendation at Town Meeting*

**Article 8.** To see if the Town will vote to appropriate a sum of money to provide for the lining of Sewer Lagoon #1 as required by the Administrative Order on Consent issued by the Environmental Protection Agency together with any and all associated reliability upgrades necessary to meet the Town's regulatory requirements that include, but are not necessarily limited to, the development of a Draft High Flow Management Plan and the removal of trees on the lagoon embankment; and to determine whether this appropriation shall be raised by authorizing the Treasurer, with the approval of the Board of Selectmen, to issue bonds or notes in the amount of \$3,009,182 under the provisions of M.G.L. c. 44, or other appropriate enabling authority; or take any other action thereon.

*Finance Committee will make recommendation at Town Meeting*

**Article 9.** To see if the Town will vote to appropriate a sum of money to 1.) upgrade the existing ultraviolet (UV) disinfection equipment and the UV Building, and 2.) to repair and/or replace the disk filter equipment and Filter Building; and to determine whether this appropriation shall be raised by authorizing the Treasurer, with the approval of the Board of Selectmen, to issue bonds or notes in the amount of \$1,743,112 under the provisions of Chapter 44 of the General Laws, or other appropriate enabling authority; or take any other action thereon.

*Finance Committee will make recommendation at Town Meeting*

**Article 10.** To see if the Town will vote to raise and appropriate \$350,000 to provide for the development of a Comprehensive Wastewater Management Plan to address future needs of the Town's sewer system to include, but not necessarily be limited to, the identification of sewer needs areas, flows and loads, collection system upgrades, treatment plant upgrades, effluent disposal options, regulatory permit considerations and regionalization considerations; subject to the voters' approval of a capital outlay exclusion under the provisions of Chapter 59, Section 21C of the General Laws; or take any other action thereon.

*Finance Committee will make recommendation at Town Meeting*

**Article 11.** To see if the Town will vote to appropriate a sum of money to provide for the installation of 6,200 linear feet, more or less, of 12-inch water main in Mill Street, from the Mill Street Water Tank to a point between Sparrow Lane and Rocky Knook Lane to include engineering services during construction; and to determine whether this appropriation shall be raised by authorizing the Treasurer, with the approval of the Board of Selectmen, to issue bonds or notes in the amount of \$2,800,000 under the provisions of Chapter 44 of the General Laws, or other appropriate enabling authority; or take any other action thereon.

*Finance Committee will make recommendation at Town Meeting*

**Article 12.** To see If the Town will vote to raise and appropriate the sum of \$182,000 to supplement the funding approved under Article 13 of the 2016 Annual Town Meeting for the Mary's Pond Well upgrades and, that to meet this appropriation, \$182,000 be transferred from the Water Enterprise Fund Retained Earnings; or take any other action thereon.

*Finance Committee will make recommendation at Town Meeting*

**Article 13.** To see if the Town will vote to appropriate or transfer from available funds in the Treasury the sum of \$24,000 for roof replacement at Fire Station 2 (Point Road) and that to meet this appropriation \$24,000 be transferred from Capital Improvement Projects Stabilization Fund; or take any other action thereon.

*Finance Committee will make recommendation at Town Meeting*

**Article 14.** To see if the Town will vote to appropriate or transfer from available funds in the Treasury the sum of \$13,000 to replace the restroom facilities at the DPW garage including remodeling, plumbing and installation and connection of a new sewer line; and further, to authorize the Board of Selectmen to accept on behalf of the Town any and all necessary easements necessary for the relocation of a new sewer line and that to meet this appropriation the \$13,000 be transferred from Capital Improvement Projects Stabilization Fund; or take any other action thereon.

*Finance Committee will make recommendation at Town Meeting*

**Article 15.** To see if the Town will vote to appropriate or transfer from available funds in the Treasury the sum of \$42,000 for the purchase and installation of a new emergency generator to be used by the Police Dept. as a back-up power source for its communication tower and repeater and by the Department of Public Works for its Mill Street facility; and that to meet this appropriation \$42,000 be transferred from the Capital Improvement Projects Stabilization Fund; or to take any other action thereon.

*Finance Committee will make recommendation at Town Meeting*

**Article 16.** To see if the Town will vote to appropriate or transfer from available funds in the Treasury the sum of \$50,000 to be expended by the Department of Public Works to comply with new OSHA requirements, and that to meet this appropriation, \$50,000 be transferred from the Capital Improvement Projects Stabilization Fund; or take any other action thereon.

*Finance Committee will make recommendation at Town Meeting*

**Article 17.** To see if the Town will vote to appropriate or transfer from available funds in the Treasury the sum of \$105,000 for the engineering design and bidding services for the design of approximately 6,300 linear feet of 12-inch diameter water main in Point Road from the Point Road Water Tank to the intersection of Delano Road, and in Delano Road to the Great Hill Tank transmission main connection; and, that to meet this appropriation, \$105,000 be transferred from the unexpended balance of a prior year appropriation under Article 8 of the May, 2004 Annual Town Meeting; or take any other action thereon.

*Finance Committee will make recommendation at Town Meeting*

**Article 18.** To see if the Town will vote to appropriate or transfer from available funds in the Treasury the sum of \$10,000 to be expended by the Harbormaster to replace existing channel markers with new, more visible markers and lights; and that to meet this appropriation, the sum of \$10,000 be transferred from the Waterways Account; or take any other action thereon.

*Finance Committee will make recommendation at Town Meeting*

**Article 19.** To see if the Town will vote to appropriate or transfer from available funds in the Treasury the sum of \$40,000 to be expended by the Water Department to purchase and install three (3) additional segments of wireless control equipment for the Department's SCADA control system; and that to meet this appropriation \$40,000 be transferred from the unexpended balance of a prior year appropriation under Article 8 of the May, 2004 Annual Town Meeting; or take any other action thereon.

*Finance Committee will make recommendation at Town Meeting*

**Article 20.** To see if the Town will vote to appropriate or transfer from available funds in the Treasury the sum of \$21,366 to be expended by the Council on Aging to provide a covered awning and railing system at the entrance to the Benjamin D. Cushing Community Center; and that to meet this appropriation the sum of \$21,366 be transferred from the Capital Projects Stabilization Fund; or to take any other action thereon.

*Finance Committee will make recommendation at Town Meeting*

**Article 21.** To see if the Town will vote to appropriate or transfer from available funds in the Treasury the sum of \$42,590 to be expended by the Harbormaster to purchase a new Work Barge to be used by the Marine Dept.; and that to meet this appropriation the sum of \$42,590 be transferred from the Waterways Account; or to take any other action thereon.

*Finance Committee will make recommendation at Town Meeting*

**Article 22.** To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury (Free Cash) the sum of \$325,000 to be expended by the Fire Dept./EMS to purchase a new ambulance to replace the 2008 Ford Ambulance; or take any other action thereon.

*Finance Committee will make recommendation at Town Meeting*

**Article 23.** To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury (Free Cash) the sum of \$30,000 to be expended by the Fire Dept. to replace the water tank on the Department's brush breaker; or take any other action thereon.

*Finance Committee will make recommendation at Town Meeting*

**Article 24.** To see if the Town will vote to appropriate or transfer from available funds in the Treasury the sum of \$102,644 to be expended by the School Dept. for a wired network architecture; and that to meet this appropriation \$102,644 be transferred from the School Stabilization Fund; or take any other action thereon.

*Finance Committee will make recommendation at Town Meeting*

**Article 25.** To see if the Town will vote to appropriate a sum of money to provide for the outsourcing of the curbside collection of solid waste and recycling materials; subject to the voters' approval of an operational override under the provisions of Chapter 59, Section 21C of the General Laws; or take any other action thereon.

*Finance Committee will make recommendation at Town Meeting*

**Article 26.** To see if the Town will vote to raise and appropriate \$582,090 to provide for the purchase of one (1) new front-load rubbish packer and to purchase the related rollout carts necessary for the curbside collection of solid waste and recycling materials; subject to the voters' approval of a capital outlay exclusion under the provisions of Chapter 59, Section 21C of the General Laws; or take any other action thereon.

*Finance Committee will make recommendation at Town Meeting*

**Article 27.** To see if the Town will vote to raise and appropriate and to transfer from available funds in the Treasury (Free Cash) the sum of \$48,000 to be expended by the Facilities Department to purchase a new Department work truck; or take any other action thereon.

*Finance Committee will make recommendation at Town Meeting*

**Article 28.** To see if the Town will vote to raise and appropriate and to transfer from available funds in the Treasury (Free Cash) the sum of \$21,000 to be expended by the Recreation Department to purchase two (2) riding lawn mowers for field maintenance; or take any other action thereon.

*Finance Committee will make recommendation at Town Meeting*

**Article 29.** To see if the Town will vote to raise and appropriate and to transfer from available funds in the Treasury (Free Cash) the sum of \$13,000 to be expended by the Facilities Department to replace five (5) garage doors at the Silvershell Beach House; or take any other action thereon.

*Finance Committee will make recommendation at Town Meeting*

**Article 30.** To see if the Town will vote to raise and appropriate and to transfer from available funds in the Treasury (Free Cash) the sum of \$18,550 for the treatment of invasive species at Planting Island Causeway and Sprague's Cove; or take any other action thereon.

*Finance Committee will make recommendation at Town Meeting*

**Article 31.** To see if the Town will approve the \$2,000,000 borrowing authorized by the Old Rochester Regional School District to pay costs of designing, constructing and equipping a synthetic turf athletic field, track and auditorium renovation project including the payment of all costs incidental or related thereto. The approval of the District's borrowing by this vote shall be subject to and contingent upon an affirmative vote of the Town to exempt its allocable share of the amounts required for the payment of interest and principal on said borrowing from the limitations on taxes imposed by M.G.L. c. 59, §21C (Proposition 2 ½ ); or take any other action thereon.

*Finance Committee will make recommendation at Town Meeting*

**Article 32.** To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury (Free Cash) the sum of \$100,000 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 will make recommendation at Town Meeting*

**Article 33.** 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 School Department Stabilization Fund; or take any other action thereon.

*Finance Committee will make recommendation at Town Meeting*

**Article 34.** 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 Capital Improvement Projects Stabilization Fund; or take any other action thereon.

*Finance Committee will make recommendation at Town Meeting*

**Article 35.** To see if the Town will vote to act upon the recommendation of the Community Preservation Committee to appropriate from Fiscal Year 2020 estimated annual revenues, \$2,000 to the Community Preservation Committee for administrative expenses; or take any other action thereon.

*Finance Committee will make recommendation at Town Meeting*

**Article 36.** To see if the Town will vote to act upon the recommendation of the Community Preservation Committee to appropriate from Fiscal Year 2020 estimated annual revenues, \$84,000 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 Fiscal Year 2020 and \$194,000 to the Community Preservation Act Budgeted Reserves; or take any other action thereon.

*Finance Committee will make recommendation at Town Meeting*

**Article 37.** To see if the Town will vote to act upon the recommendation of the Community Preservation Committee to appropriate \$15,000 from Recreation and Open Space reserves and

\$253,000 from CPA undesignated fund balance for the extension of the Creek Road pathway southward adjacent to Point Road up to Jenna Drive; or take any other action thereon.

*Finance Committee will make recommendation at Town Meeting*

**Article 38.** To see if the Town will vote to act upon the recommendation of the Community Preservation Committee to appropriate \$15,000 from Recreation and Open Space reserves and \$5,000 from CPA undesignated fund balance for the installation of a handicap access lift to the new game management/press box on the multi-purpose main athletic field at Old Rochester Regional school, subject to like funding by the towns of Mattapoisett and Rochester; or take any other action thereon.

*Finance Committee will make recommendation at Town Meeting*

**Article 39.** To see if the Town will vote to act upon the recommendation of the Community Preservation Committee to appropriate \$12,500 from Historic Preservation Funds and \$47,500 from CPA undesignated fund balance to be allocated and reserved for the purpose of cataloguing, organizing and ultimately digitizing the town's records; or take any other action thereon.

*Finance Committee will make recommendation at Town Meeting*

**Article 40.** To see if the Town will vote to act upon the recommendation of the Community Preservation Committee to appropriate \$12,500 from Historic Preservation Funds and \$787,500 from CPA undesignated fund balance to be allocated and reserved for the purpose of restoring the exterior of the portion of the Marion Town House constructed in 1876, subject to a perpetual Preservation Restriction; or take any other action thereon.

*Finance Committee will make recommendation at Town Meeting*

**Article 41.** To see if the Town will vote to transfer the sum of \$2,000 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 will make recommendation at Town Meeting*

**Article 42.** To see if the Town will vote, pursuant to the provisions of MGL Chapter 44, §53E 1/2 , to authorize for Fiscal Year 2020 a revolving fund for the following purposes: Recreation Revolving Fund, to accept fees collected from participants in the various recreation programs. Said funds shall be received by the Treasurer and credited to the said Revolving Fund and said funds to be disbursed by the Town Accountant to offset the costs of these programs, total expenses not to exceed \$150,000; or take any other action thereon.

*Finance Committee will make recommendation at Town Meeting*

**Article 43.** To see if the Town will vote, pursuant to the provisions of MGL Chapter 44, §53E 1/2, to authorize for Fiscal Year 2020 a revolving fund for the following purpose: Board of Health Revolving Fund for all lawful purposes, including but not limited to, purchasing medical supplies and vaccines and the provision of public health and related services within the Town of Marion. Said funds shall be received by the Treasurer and credited to said Revolving Fund and said funds to be disbursed by the Town Accountant to offset the costs of these programs, total expenses not to exceed \$17,500; or take any other action thereon.

*Finance Committee will make recommendation at Town Meeting*

**Article 44.** To see if the Town will vote to amend the Code of the Town of Marion by striking Chapter 210 - Vehicles, Unregistered in its entirety and inserting on place thereof the following:

**§210-1. Limitations on number of vehicles stored.**

No person shall have more than two unregistered cars or trucks stored outside on premises owned by him or under his control. See Table 4.2 item M.

**§210-2. Storage in front yard prohibited.**

Under no circumstances will an unregistered car or truck be permitted to be stored in a front yard.

### **§210-3. Violations and penalties.**

Penalty for a breach hereof shall be in accordance with Chapter 1, Article I, §1-4 of these bylaws, and each day during any portion of which a violation is permitted to exist shall constitute a separate offense.

### **§210-4. Exception.**

This bylaw shall not apply to premises licensed under Chapter 140 of the General Laws.

*Finance Committee has no recommendation, as no financial impact*

**Article 45.** To see if the Town will vote to amend the Code of the Town of Marion by striking Chapter 218 - Water and its Attachment 1 and inserting in place thereof the following new Chapter 218-Water as follows:

### **§ 218-1. Plans and specifications.**

- A. No water main hereafter installed in any public or private way of the Town of Marion shall be connected to the Town water supply system until plans and specifications showing the proposed work are submitted to the Board of Selectmen and the Board of Selectmen has determined from examination of such plans and specifications that they give assurance that the work will conform to the provisions of this bylaw by endorsing thereon its approval in writing.
- B. Said water main shall be installed in accordance with the specifications included as an attachment to this chapter.

### **§ 218-2. Inspection and approval.**

Any water main hereafter installed shall be inspected and approved in writing by the Water Department before it is covered in and before it is connected to the Town's water supply system.

**§ 218-3. Conditions for acceptance.**

- A. No water main hereinafter installed shall be accepted by the Town of Marion unless all of the foregoing requirements are hereafter complied with.
- B. No water main shall be accepted by the Town until the Town has received a grant by deed of the way, or an easement over the way, in which said main is located to perform maintenance.
- C. No water main shall be accepted by the Town of Marion unless the total annual revenue from the users of said main shall be equal to or greater than an amount computed as follows:

Installed Cost of Main x 50% \_\_\_\_\_ Total Annual Revenue = 25 years

- D. The Town of Marion shall not hereafter install or contract for the installation of any water mains on any private property.

**§ 218-4. When effective.**

- A. This bylaw, which regulates the installation and acceptance of water mains, will become effective 60 days after any necessary approval required by law.
- B. On and after the effective date of this bylaw, no main shall be accepted by the Town by means of purchase, and no Town funds are to be appropriated therefor, except this shall not apply to any water mains that were in the ground as of March 3, 1969. This bylaw shall take effect as required under MGL c. 40, § 32.

**ARTICLE II**

**Water Use Restrictions**

**[Adopted 4-22-2002 ATM by Art. 20 (Art. XXVIII of the Bylaws)]**

**§ 218-5. Authority.**

This bylaw is adopted by the Town under its police powers to protect public health and welfare and its powers under MGL c. 40, § 21 et seq., and implements the Town's authority to regulate water use pursuant to MGL c. 41, § 69B. This bylaw also implements the Town's authority under MGL c. 40, § 41A, conditioned upon a declaration of water supply emergency issued by the Department of Environmental Protection.

**§ 218-6. Purpose.**

The purpose of this bylaw is to protect, preserve and maintain the public health, safety and welfare whenever there is in force a State of Water Supply Conservation or State of Water Supply Emergency by providing for enforcement of any duly imposed restrictions, requirements, provisions or conditions imposed by the Town or by the Department of Environmental Protection.

**§ 218-7. Definitions.**

As used in this bylaw, the following terms shall have the meanings indicated:

ENFORCEMENT AUTHORITY — The Board of Water and Sewer Commissioners, the Department of Public Works, or other department or board having responsibility for the operation and maintenance of the water supply, the Health Department, the Town Police, and any other local designated body having police powers.

PERSON — Any individual, corporation, trust, partnership or association, or other entity.

STATE OF WATER SUPPLY CONSERVATION — A State of Water Supply Conservation declared by the Town pursuant to § 218-8 of this bylaw.

STATE OF WATER SUPPLY EMERGENCY — A State of Water Supply Emergency declared by the Department of Environmental Protection under MGL c. 21G, §§ 15 through 17.

WATER USERS or WATER CONSUMERS — All public and private users of the Town's public water system, irrespective of any person's responsibility for billing purposes for water used at any particular facility.

**§ 218-8. Declaration of State of Water Supply Conservation.**

The Town, through its Board of Water and Sewer Commissioners, may declare a State of Water Supply Conservation upon a determination by a majority vote of the Board that a shortage of water exists and conservation measures are appropriate to ensure

an adequate supply of water to all water consumers. Public notice of a State of Water Conservation shall be given under § 218-9 of this bylaw before it may be enforced.

**§ 218-9. Restricted water uses.**

A declaration of a State of Water Supply Conservation shall include one or more of the following restrictions, conditions, or requirements limiting the use of water as necessary to protect the water supply. The applicable restrictions, conditions or requirements shall be included in the public notice required under § 218-10.

- A. Outdoor watering days. Outdoor watering is permitted only on certain days of the week to be specified in the declaration of a State of Water Supply Conservation and public notice thereof. [Amended 11-3-2003 STM by Art. S16]
- B. Outdoor watering ban. Outdoor watering is prohibited.
- C. Outdoor watering hours. Outdoor watering is permitted only during daily periods of low demand, to be specified in the declaration of a State of Water Supply Conservation and public notice thereof.
- D. Filling swimming pools. Filling of swimming pools is prohibited.
- E. Automatic sprinkler use. The use of automatic sprinkler systems is prohibited.

**§ 218-10. Public notification of State of Water Supply Conservation; notification of DEP.**

Notification of any provision, restriction, requirement or condition imposed by the Town as part of a State of Water Supply Conservation shall be published in a newspaper of general circulation within the Town, or by such other means reasonably calculated to reach and inform all users of water of the State of Water Supply Conservation. Any restriction imposed under § 218-9 shall not be effective until such notification is provided. Notification of the State of Water Supply Conservation shall also be simultaneously provided to the Massachusetts Department of Environmental Protection.

**§ 218-11. Termination of State of Water Supply Conservation; notice.**

A State of Water Supply Conservation may be terminated by a majority vote of the Board of Water and Sewer Commissioners upon a determination that the water supply shortage no longer exists. Public notification of the termination of a State of Water Supply Conservation shall be given in the same manner required by § 218-10.

**§ 218-12. State of Water Supply Emergency; compliance with DEP orders.**

Upon notification to the public that a declaration of a State of Water Supply Emergency has been issued by the Department of Environmental Protection, no person shall violate any provision, restriction, requirement, condition of any order approved or issued by the Department intended to bring about an end to the state of emergency.

**§ 218-13. Violations and penalties.**

Any person violating this bylaw shall be liable to the Town in the amount of \$50 for the first violation and \$100 for each subsequent violation. Fines shall be recovered by indictment, or on complaint before the District Court, or by noncriminal disposition in accordance with MGL c. 40, § 21D. Each day of violation shall constitute a separate offense.

**§ 218-14. Right of entry.**

Agents of the enforcement authority may enter upon any property for the purpose of inspecting and investigating any violation of this bylaw or enforcing the same.

**§ 218-15. Severability.**

The invalidity of any portion of provision of this bylaw shall not invalidate any other portion or provision thereof.

## **ARTICLE III USE OF TOWN POTABLE WATER**

### **218-16 Authority**

This bylaw is adopted by the Town under its police powers to protect public health and welfare and its powers under MGL c. 40, § 21 et seq., and implements the Town's authority to regulate water use pursuant to MGL c. 41, § 69B.

### **218-17 Purpose**

The purpose of this bylaw is to protect, preserve, and maintain the public health, safety, and welfare of residents by providing a source of potable public water. The Board of Water and Sewer Commissioners in conjunction with Town Meeting approval has designed, built, and installed wells, water treatment facilities, and a piping system to provide the potable water.

### **218-18 Water Service Area and Expansion Service Area**

- a. The Water Service Area is the geographical area in which public water service is available, as shown on an official map adopted by the Board.
- b. An Expansion Service Area is the portion of the Water Service Area in which the Town plans to provide or has provided water service by the construction of water extensions.

### **218-19 Water Use**

- a. All properties (residential, commercial, industrial) located in a Water Service Area shall connect to the public water system
- b. All properties (residential, commercial, industrial) located in an Expansion Service Area shall connect to the public water system within three months of the service availability

### **218-20 Rules and Regulations**

The Board of Water and Sewer Commissioners shall adopt from time to time such Water Rules and Regulations as deemed necessary for the implementation of this Bylaw.

*Finance Committee has no recommendation, as no financial impact*

**Article 46.** To see if the Town will vote to amend the Code of the Town of Marion in Chapter 230, Section 4-2 – Table of Principal Uses, Sub-Section A (Residential Uses) and Sub-Section B (Institutional or Exempt Uses) as follows:

**230-4.2 Table of Principal Use Regulations**

Principal Uses	Districts						
	R	RE	GB	LB	MB	LI	MSOD
<b>A. Residential Uses</b>							
Dwelling, single-family	Y	Y	Y	Y	Y	BA	N
Conversion to 2 dwelling units	BA	BA	BA	BA	BA	BA	N
Dwelling in same building as principal nonresidential use	N	N	Y	Y	N	N	N
B and B	PB	PB	PB	PB	N	N	N
Association piers	PB	N	N	N	Y	N	N
Piers, accessory	PB	N	N	N	PB	N	N
Conservation subdivision	PB		N	N	N	N	N
Multifamily residence (see § 230-5.3)	<u>N</u>	PB	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
<b>B. Institutional or Exempt Uses</b>							
Use of land or structure for religious purposes	Y	Y	Y	Y	Y	Y	N
Use of land or structure for educational purposes on land owned or leased by the commonwealth or any of its agencies, subdivisions or bodies politic or by a religious sect or denomination, or by a nonprofit educational corporation as allowed by MGL	Y	Y	Y	Y	Y	Y	N
Child-care facility in existing building	Y	Y	Y	Y	Y	Y	N
Child-care facility in new building	PB	PB	PB	PB	PB	PB	N
Use of land for the primary purpose of agriculture, aquaculture, silviculture, horticulture, floriculture, or viticulture that complies with the acreage identified in MGL c. 40A, §3	Y	Y	Y	Y	Y	Y	N
Facilities for the sale of produce, wine and dairy products meeting the criteria specified in MGL c. 40A, §3	Y	Y	Y	Y	Y	Y	N
Hospital	PB	PB	PB	PB	N	PB	N
Municipal facilities	Y	Y	Y	Y	Y	PB	Y
Essential Services	PB	PB	PB	PB	PB	PB	N

*Finance Committee has no recommendation, as no financial impact*

**Article 47.** To see if the Town will vote to amend the Code of the Town of Marion in Chapter 230, Section 5-3 (Multifamily residences) by striking said section in its entirety and inserting in place thereof the following Section 5-3 (Multifamily residential housing) as follows:

**230-5.3 Multifamily residential housing.**

**A. Purpose.**

(1) Regulations covering multifamily housing are enacted to encourage a limited amount of rental or ownership housing in Marion at a relatively low density to facilitate affordable housing and construction needs. Such housing must be served by public sewer and water. In keeping with the community's desire to maintain Marion as a place where single-family detached homes predominate, these regulations will apply only when the Marion Town Meeting decides to designate an area or areas as Residence E, Multifamily Residence.

(2) The intent of these regulations is to encourage low-density multifamily housing designed to be compatible with the neighborhood in which it may be located. Pursuant to Article IX, Site Plan Review and Approval, all development exceeding a minimum threshold will be required to obtain site plan approval.

**B. Dimensional requirements.**

(1) Maximum lot coverage: 40%, the same to include the gross ground floor area of all buildings and all parking areas.

(2) Minimum usable open space. There shall be provided for each lot or building site area a minimum usable open space of not less than 40% of the lot area. Usable open space shall include all the lot area not covered by buildings, accessory buildings and/or structures, or surface parking areas. The area devoted to lawns, landscaping, and other exterior uses provided they are permeable shall be included as usable open space.

**C. Density requirements.**

The maximum allowable density shall be 12 dwelling units per acre in areas served by public water and sewer. In determining whether

the density rate has been complied with, all land in the development lot or parcel not reasonably suited for residential development, such as wetlands, shall be excluded.

#### D. Special Permit

A special permit from the Planning Board, in compliance with the requirements of § 230-7.2, shall be required for all residential developments greater than four dwelling units.

*Finance Committee has no recommendation, as no financial impact*

**Article 48.** To see if the Town will vote to amend the Code of the Town of Marion by striking Chapter 230, Section 6-1 (A) and Section 6-1 (B) in its entirety and inserting in place thereof the following:

#### **230-6.1 Nonconforming uses and structures.**

##### **A. Applicability.**

(1) No provision of this Zoning Bylaw shall apply to structures or uses lawfully in existence or lawfully begun, or to a building or special permit issued before the first publication of notice of the public hearing required by MGL c. 40A, § 5. Such prior, lawfully existing nonconforming uses and structures may continue, provided that no modification of the use or structure is accomplished, unless authorized hereunder.

(2) If real property has been improved by the erection or alteration of one or more structures and the structures or alterations have been in existence for a period of at least 10 years and no notice of action, suit or proceeding as to an alleged violation of this chapter or of a bylaw adopted under this chapter has been recorded in the Registry of Deed for the county or district in which the real estate is located or, in the case of registered land, has been filed in the registry district in which the land is located within a period of 10 years from the date the structures were erected, then the structures shall be deemed, for zoning purposes, to be legally nonconforming structures subject to MGL c. 40A, § 6, and any local bylaw related to nonconforming structures.

**B. Nonconforming uses.** The Board of Appeals shall award a special permit to change a nonconforming use in accordance with this section only if it determines that such change or extension may not be substantially more detrimental than the existing nonconforming use to the neighborhood. The following types of changes to nonconforming uses may be considered by the Board of Appeals:

(1) Demolition and construction of a structure and use

(2) Change or substantial extension of the use;

(3) Change from one nonconforming use to another, less detrimental, nonconforming use.

*Finance Committee has no recommendation, as no financial impact*

**Article 49.** To see if the Town will vote to amend the Code of the Town of Marion in Chapter 230, Section 8-1 (Flood Hazard District) by striking said section in its entirety and inserting in place thereof a new Section 8-1 (Flood Hazard District) as follows:

The intent of this bylaw is to prevent unnecessary loss of life or injury to waterfront residents, to reduce the need for rescue efforts and to prevent destruction of property by ocean water, waves and debris landward by high-wind storms.

The Floodplain/Flood Hazard District is herein established as an overlay district. The District includes all special flood hazard areas within the Town of Marion designated as Zone A, AE, AO, or VE on the Plymouth County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Plymouth County FIRM that are wholly or partially within the Town of Marion are panel numbers 25023C0468J, 25023C0469J, 25023C0556J, 25023C0558J, 25023C0566J, 25023C0586J, and 25023C0587J dated July 17, 2012, and panel numbers 25023C0557K, 25023C0559K, 25023C0567K, 25023C0576K, 25023C0578K, and 25023C0579K dated February 5, 2014. The exact boundaries of the District may be defined by the one-hundred-year base flood elevations shown on the FIRM and further defined by the Plymouth County Flood Insurance Study (FIS) report dated July 17, 2012. The FIRM and FIS report are incorporated herein by reference and are on file with the Marion Town Clerk.

**A.** In Zones A and AE, along watercourses that have not had a regulatory floodway designated, the best available federal, state, local, or other floodway data shall be used to prohibit encroachments in the floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

**B.** All subdivision proposals must be designed to assure that:

- (1) Such proposals minimize flood damage;
- (2) All public utilities and facilities are located and constructed to minimize or eliminate flood damage; and
- (3) Adequate drainage is provided to reduce exposure to flood hazards;
- (4) Base flood elevation data is required for subdivision proposals or other developments greater than 50 lots or 5 acres, whichever is the lesser, within unnumbered A zones.

**C.** The Floodplain District is established as an overlay district to all other districts. All development in the district, including structural and nonstructural activities, whether permitted by right or by special permit must be in compliance with Chapter 131, § 40, of the Massachusetts General Laws and with the following:

- (1) Sections of the Massachusetts State Building Code (780 CMR) which address floodplain and coastal hazard areas;
- (2) Wetlands Protection Regulations, Department of Environmental Protection, DEP (currently 310 CMR 10.00);
- (3) Inland Wetlands Restriction, DEP (currently 310 CMR 13.00);
- (4) Coastal Wetlands Restriction, DEP (currently 310 CMR 12.00);
- (5) Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15.00).

Any variances from the provisions and requirements of the above-referenced state regulations may only be granted in accordance with the required variance procedures of these state regulations.

**D.** Within riverine floodplains, the Building Commissioner or his/her designee shall notify the following of any alteration or relocation of a watercourse: 1) abutting cities and towns; 2) NFIP State Coordinator (c/o Massachusetts Department of Conservation and Recreation, 251 Causeway Street, Suite 600-700, Boston, MA 02114-2104) and the 3) NFIP Program Specialist (c/o Federal Emergency Management Agency, Region I, 5 Post Office Square, Boston, MA 02109)

**E.** Specific Marion requirements:

**(1)** There shall be no new residential construction of any sort on lots completely within the Marion Velocity Zone. The only exceptions are:

**(a)** Seawalls, piers, groins, wharves, weirs and similar structures are not prohibited by this section; and

**(b)** Lots created before the enactment of this bylaw whose areas lie completely within the Velocity Zone may be built upon, providing the structure(s) is located as far landward of mean high water as possible.

**(2)** In the case of lots created before the date of enactment of this bylaw and with areas both in the Velocity Zone and outside the Velocity Zone, all structures built after the enactment of this bylaw shall be located in the area outside the Velocity Zone. If this area is not sufficient to allow for the required zoning setbacks, the applicant may apply for a variance to allow lesser setbacks. The only exceptions are seawalls, piers, groins, wharves, weirs and similar structures.

**(3)** Every buildable lot created after the enactment of this bylaw shall have an adequate building area, plus the required setbacks outside the Velocity Zone, and all structures shall be placed within this area. The only exceptions are: seawalls, piers, groins, wharves, weirs and similar structures.

**(4)** The landward line of the Velocity Zone must be located on the official lot plan by a licensed surveyor and registered with the plan at the Massachusetts Registry of Deeds.

**(5)** Any use otherwise permitted or authorized by special permit in the district underlying the Flood Hazard District shall likewise be

permitted or authorized by special permit in the Flood Hazard District subject to the special provisions of this section.

F. Any use otherwise permitted or authorized by special permit in the district underlying the Flood Hazard District shall likewise be permitted or authorized by special permit in the Flood Hazard District subject to the special provisions of this section.

*Finance Committee has no recommendation, as no financial impact*

**Article 50.** To see if the Town will vote to amend the Code of the Town of Marion in Chapter 230, Section 8-2 (Water Supply Protection District) by striking said section in its entirety and inserting in place thereof a new Section 8-2 (Water Supply Protection District) as follows:

**§ 230-8.2. Water Supply Protection District.**

- A. District area (see Article III). [Amended 6-18-1990 STM by Art. 3]
- (1) There is hereby established within the Town an aquifer protection district which is delineated on the Zoning Map of the Town of Marion, dated May 12, 2014. [Amended 5-12-2014 ATM by Art. 39]
  - (2) Except as specifically provided otherwise, this section applies to the Water Supply and Aquifer Protection Districts hereby established. The Water Supply and Aquifer Protection Districts are superimposed on existing zoning districts. All uses, dimensional requirements, and other provisions of the bylaw applicable to such underlying districts shall remain in force and effect, except where the restrictions and requirements of the overlay district are more restrictive, the latter shall prevail.
  - (3) The purpose of the Water Supply and Aquifer Protection Districts is to promote the health, safety, and general welfare of the Town to protect, preserve, and maintain the existing and potential well sites and groundwater supply and watershed areas for the public health and safety; to preserve and maintain the existing and

potential groundwater supply and ground water recharge areas within the Town for the public health and safety; to preserve and protect the streams, brooks, rills, marshes, swamps, bogs and other water bodies and watercourses in the Town; to protect the community from the detrimental use and development of land and water within the district; to preserve and protect the groundwater and water recharge areas within the Town; and to prevent blight and pollution of the environment.

B. Permitted uses. [Amended 6-18-1990 STM by Art. 3]

- (1) Within the Aquifer Protection District the only uses allowed are as follows:
  - (a) A single-family residence and uses accessory thereto connected to the municipal sewer prior to occupancy, providing all excavation and grading shall maintain a depth of at least four feet of clean fill above the high water table.
  - (b) A single-family residence and uses accessory thereto located on a lot not less than one acre in area, providing all excavation and grading shall maintain a depth of at least four feet of clean fill above the high water table.
- (2) Within the Water Supply Protection District the requirements of the underlying districts continue to apply, except that uses listed in Subsection C are prohibited and all uses other than single-family residences and uses accessory thereto shall require a special permit pursuant to Subsection D.

C. Prohibited uses. The following are prohibited as a principal or an accessory use in a Water Supply Protection District. Where lawfully existing, such uses may be continued but not expanded, added to, or enlarged:

- (1) Outdoor storage of salt, snow-melting chemicals, pesticides, herbicides, hazardous wastes or chemicals, and materials containing or coated with such chemicals susceptible to being carried into the surface or ground waters within the Water Supply Protection District.

- (2) Junkyards, salvage yards, open and landfill dumps, manufacture of pesticides, fertilizers, weed killers and herbicides, and commercial facilities for the storage or treatment of hazardous waste.
- (3) Disposal of hazardous toxic materials (as defined by federal and state regulations), solid waste, or hazardous toxic wastewater through an on-site subsurface disposal system.

D. Uses by special permit. [Amended 6-18-1990 STM by Art. 3]

- (1) All principal or accessory uses, other than those permitted in Subsection B, which are authorized in the underlying district and which are not otherwise prohibited by Subsection C, are permitted in a Water Supply Protection District upon issuance of a special permit by the Board of Selectmen, which shall consider the reports and recommendations of the Board of Health, Planning Board, and Conservation Commission.
- (2) The Board of Selectmen may waive all or part of the submission requirements upon the submission of evidence by the applicant that the surface or groundwater drainage from the applicant's site is not contributory to a municipal well field.
- (3) Submittals. The following information shall be submitted when applying for a special permit within the Water Supply Protection District:
  - (a) A complete list of all chemicals, pesticides, fuels, and other potentially toxic or hazardous material to be used and stored in quantities greater than those associated with normal household use, accompanied by a description of measures proposed to protect them from vandalism, corrosion, and leakage and to provide for spill prevention and countermeasures.
  - (b) A description of potentially toxic or hazardous wastes to be generated, indicating storage and disposal method.

- (c) For underground storage of toxic and hazardous materials, evidence of qualified professional supervision of system design and installation.
- (4) Review and approval considerations.
  - (a) Special permits shall be granted only if the Board of Selectmen determined that at the boundaries of the premises the groundwater quality resulting from the on-site waste disposal, other on-site operations, natural recharge, and background water quality will not fall below the standards established by the DEP in “Drinking Water Standards of Massachusetts” or, for parameters where no standard exists, below standards established by the Board of Health, and wherever existing groundwater is already below those standards, upon determination that the proposed activity will result in no further degradation.
  - (b) A special permit issued by the Board of Selectmen shall be conditioned upon the following additional limitations to protect the water supply:
    - [1] Safeguards. Provisions shall be made to protect against toxic or hazardous materials discharged or lost through corrosion, accidental damage, spillage or vandalism through such measures as provision for spill control in the vicinity of chemical or fuel delivery points, secure storage areas for toxic or hazardous materials, and indoor storage provision for corrodible or dissolvable materials.
    - [2] Location. Where the premises are partially outside the Water Supply Protection District, such potential pollution sources as on-site waste disposal systems shall, to the degree feasible, be located outside the district.
    - [3] Disposal. For any toxic or hazardous wastes to be produced in quantities greater than those associated with normal household use,

the applicant must demonstrate the availability and feasibility of disposal methods which are in conformance with MGL c. 21C.

- [4] Drainage. All runoff from impervious surfaces shall be recharged on the site, diverted towards areas covered with vegetation for surface infiltration to the extent possible. Dry wells shall be used only where other methods are infeasible and shall be preceded by oil, grease, and sediment traps to facilitate removal of contamination.
- [5] Monitor test wells. Where fertilizers, pesticides, herbicides or other potential contaminants are to be applied, utilized or stored, and in the opinion of the Board of Selectmen are a matter of concern, a groundwater monitoring program shall be established before the special permit is granted. Such a program shall adequately monitor the quality of the groundwater leaving the site through the use of monitor wells and/or appropriate groundwater sample analysis.
- [6] Natural vegetation. Not more than 50% of natural vegetation, existing as of the effective date (June 18, 1990) of the adoption of this amendment to the bylaw on any lot, may be disturbed in any underlying district. However, to the extent that there is a finding that surface or groundwater drainage activity from the applicant's proposed use or activity on the site has decreasing, minimal or no impact on the municipal well field, the Board of Selectmen may relax the requirements of the preceding sentence, but in no event to a standard which is less restrictive than that set forth in the "minimum usable open space" paragraph of § 230-5.3B(2).

[7] Technical reference. The Board of Selectmen and applicants shall use the following technical reference in the preparation and review of plans under this section: 310 CMR 22.00

- (5) Additional rules and regulations. The Board of Selectmen may adopt additional rules and regulations relative to the issuance of a special permit under this section. Such rules shall consider, but need not be limited to, requirements to control causes of pollution to underground surface water.

*Finance Committee has no recommendation, as no financial impact*

**Article 51.** To see if the Town will vote to amend the Code of the Town of Marion in Chapter 230, Section 8-5 (Surface Water District) by striking said section in its entirety and inserting in place thereof a new Section 8-5 (Surface Water District) as follows:

#### **230-8.5Surface Water District.**

##### **A. Purpose.**

(1) The purpose of this section is to provide municipal control of the use of coastal water areas which are not within any of the Town's land use zoning districts in order to protect and enhance the natural and man-made environmental qualities of the Town of Marion, encourage water-dependent uses where appropriate, and preclude uses which could evolve because other Town, state or federal laws and regulations do not provide sufficient protection of the public interest.

(2) All areas within the Surface Water District shall also be subject to the rules and regulations as are from time to time issued by the Marine Resources Commission or the Harbormaster in support of the authority granted under MGL c. 91 and further subject to any special bylaws as may be adopted by the Town, and further subject to the granting of licenses and/or permits required by the Town, state or federal boards or agencies exercising authority granted to them by laws other than MGL c. 40A.

**(3)** All traditional uses of the surface waters for recreational and commercial purposes shall be permitted except as otherwise set forth herein.

**B. District boundaries.**

The district defined by these regulations shall cover all water areas within the municipal limits of the Town of Marion seaward of the low water mark as said mark is defined in Chapter 91 Regulations promulgated by the Massachusetts Department of Environmental Protection.

**C. Prohibited uses.**

The following uses shall not be allowed within the Surface Water District:

**(1)** Boatels and similar facilities offering temporary sleeping and /or eating accommodations.

**(2)** Residential uses, except that a vessel equipped with a Type 3 holding tank or other Coast-Guard-approved wastewater device, and anchored or moored in accordance with applicable Town mooring regulations, may be used for human habitation for a period which cumulatively shall not exceed nine months within any calendar year.

**(3)** Floating office, industrial, and commercial uses except as they may be accessory to and allowed by special permit under § 230-8.5D.

**D. Special permit uses.**

**(1)** The Planning Board shall be the special permit granting authority. The following uses may be allowed within the Surface Water District only by special permit from the Planning Board:

**(a)** Boat launching ramps.

**(b)** Landing facilities.

**(c)** Marinas water-dependent, as defined by MGL c. 91, § 1.

**(d)** piers, commercial.

**(e)** Service facilities for the repair or maintenance of vessels.

**(f)** Underwater sewer, water and electrical lines and pipes.

(2) The following uses may be allowed in both the Surface Water District and an adjoining residential land use district by special permit from the Planning Board:

(a) Association piers subject to the provisions of § 230-7.4D.

(b) Accessory use piers subject to the provisions of § 230-7.4C.

E. Special permit review procedure. Special permits shall be granted only after the Planning Board:

(1) Reviews the written recommendations of the Marine Resources Commission, Harbormaster, Selectmen, Board of Health, and Conservation Commission. Upon receipt of the special permit application, the Planning Board shall forward a copy of the application to each of the above-named authorities for comment. Failure of any of the above-named authorities to submit written recommendations to the Planning Board within 35 days of the initial filing of the special permit application shall be deemed a favorable recommendation of said authority. If the Planning Board allows or denies a use which is contrary to the recommendations of the Marine Resources Commission, the Planning Board shall so state its reasons in writing when making the decision.

(2) Determines that the proposed use is consistent with the provisions of the Marine Land Use Plan or Master Plan and the Open Space Plan as they are from time to time adopted and amended.

(3) Determines that the proposed use is consistent with any Town of Marion Harbor Plan.

(4) Determines that the proposed use is a water-dependent use, meaning those uses and facilities which require direct access to or locations in marine or tidal waters and which therefore cannot be located inland (ref. MGL c. 91, Waterways Law).

(5) Determines that the landward facilities, such as parking and access ways, will not constitute an adverse influence on adjoining properties.

*Finance Committee has no recommendation, as no financial impact*

**Article 52.** To see if the Town will vote to amend the Code of the Town of Marion in Chapter 230, Section 9-1 (Applicability; minor

and major site plan review) by striking said section in its entirety and inserting in place thereof a new Section 9-1 (Applicability; minor and major site plan review):

**§ 230-9.1. Applicability; minor and major site plan review.**  
[Amended 6-18-1990 STM by Art. 15; 3-10-1997 STM by Art. S12]

- A. No permit to build, alter or expand any nonresidential building, structure or use of land in any district where such construction shall exceed a total gross floor areas of 500 square feet or require changes or alterations to a parking area shall be issued by the Building Commissioner until he or she shall have received from the Planning Board a written statement of site plan approval by the Planning Board in accordance with the provisions of this section. A building wholly or partially destroyed may be rebuilt without recourse to this section if rebuilt without change to the building footprint or the square footage of usable space.
  - (1) Pursuant to the provisions of § 230-2.1, all new uses and changes of use require a use permit issued by the Building Commissioner.
  - (2) The Building Commissioner shall enforce the fulfillment of any conditions which the Planning Board may impose. This section shall not include signs or normal maintenance.
- B. Minor site plan review. Applications for permits to build, alter or expand any nonresidential building, structure or use in any district where such construction will exceed a total gross floor area of 500 square feet but not exceed a total gross floor area of 2,000 square feet, or will not generate the need for more than 10 parking spaces, shall require minor site plan review. For the purposes of computing the total gross floor area, the Planning Board shall aggregate all such applications made within the five previous calendar years. The following information shall constitute the submittal of a minor site plan for review:
  - (1) All of the information set forth in § 230-9.11A; provided, however, that the scale of the site plan may be one inch equals 80 feet; the plan may depict topographical contours at intervals available on maps provided by the United States Geological Survey, and the plan need not

provide the information set forth in Subsection A(1)(k) of said section.

- (2) All of the information set forth in § 230-9.11B.
- (3) Such additional information as the Board shall require to determine compliance with the standards set forth in § 230-9.4.

C. Major site plan review. Applications for permits to build, alter, or expand any nonresidential building, structure or use in any district where such construction will exceed a total gross floor area of 2,000 square feet, or generate the need for more than 10 parking spaces, shall require major site plan review. For the purposes of computing the total gross floor area, the Planning Board shall aggregate all such applications made within the five previous calendar years. The following information shall constitute the submittal of a major site plan for review: all of the information set forth in §§ 230-9.4 and 230-9.11 in their entirety and §§ 230-9.6 and 230-9.12, if applicable.

*Finance Committee has no recommendation, as no financial impact*

**Article 53.** To see if the Town will vote to amend the Code of the Town of Marion in Chapter 230, Section 16.4 (Roof-mounted systems) by striking said section in its entirety and inserting in place thereof a new Section 16.4 (Roof-mounted systems):

**§ 230-16.4. Roof-mounted systems.**

- A. Roof-mounted systems may be installed in all zoning districts by an applicant, requiring only that a building permit has been issued by the Marion Building Commissioner and that the system conforms to the Marion Zoning Bylaw and to Subsections B, C and D below.
- B. Within, roof-mounted Systems shall conform to existing roof contours, extending not more than 12 inches above roof surfaces. Roof-mounted Systems shall be set back a minimum of eight inches from all roof edges (eaves, gutter line, ridge) of the roof surface and 24 inches from adjacent roof or abutting roof or walls of adjoining property. All residential flat roof systems shall conform to requirements of § 230-16.3E.

- C. Flat roof mounted systems shall have a four-foot setback from the edge of the building perimeter. Screening on the roof is not a requirement.
- D. In nonresidential districts, roof-mounted solar panels as part of the system may be installed at angles of up to 50° from the horizontal on flat roofs (defined as having a roof pitch less than two inches per foot). The topmost points of the solar panels shall not exceed a total height of four feet above the roof surface. On a pitched roof system (roof pitch equal or greater than two inches per foot), the topmost point of the solar panel shall not exceed two feet measured perpendicular to the roof surface. Systems shall be set back from building edge a minimum of four feet. All these systems are considered to be building-mounted mechanical systems and shall meet all requirements thereof. All flat roof systems shall conform to requirements of Subsection C above.

*Finance Committee has no recommendation, as no financial impact*

**Article 54.** To see if the Town will vote to amend the Code of the Town of Marion in Chapter 230, Section 11.2 (Terms defined) by striking the current definition of “HAZARDOUS OR TOXIC MATERIAL” and inserting in place thereof a new definition as follows:

#### **HAZARDOUS OR TOXIC MATERIAL**

A material which is hazardous to human health or to the environment, as defined by 310 CMR 40 (Massachusetts Contingency Plan) subpart P: Massachusetts Oil and Hazardous Material List and 301 CMR 41 (Toxic and Hazardous Substance List).

*Finance Committee has no recommendation, as no financial impact*

**Article 55.** To see if the Town will vote to amend the Code of the Town of Marion by adding a new section entitled “Regulation of Inadequately Maintained Vacant Properties” as follows:

## **Regulation of Inadequately Maintained Vacant Properties**

### **Section 1: Purpose**

The purpose of this Bylaw is to help protect the health, safety and welfare of residents by preventing blight; avoiding the creation and maintenance of nuisances; ensuring the safe and sanitary maintenance of buildings and real property; protecting property values and neighborhood integrity; and protecting the Town's resources. Inadequately maintained vacant buildings and properties are at an increased risk for fire, unlawful entry, and other public health and safety hazards; and create nuisances and blight. This Bylaw will help secure the welfare of the Town's residents and neighborhoods by requiring all building and real property owners, including lenders, trustees, and service companies and alike, to properly maintain vacant buildings and properties.

### **Section 2: Definitions**

Commissioner: The Building Commissioner of the Town of Marion

Owner: Every person, entity, service company, property manager or real estate broker, who alone or severally with others:

- (1) has legal or equitable title to any dwelling, dwelling unit, or parcel of land, vacant or otherwise; or
- (2) has care, charge or control of any dwelling, dwelling unit, parcel of land, vacant or otherwise, in any capacity including but not limited to agent, executor, executrix, administrator, administratrix, trustee or guardian of the estate of the holder of legal title; or
- (3) is a mortgagee in possession of any such property; or
- (4) is an agent trustee or other person appointed by the courts and vested with possession or control; or
- (5) is an officer or trustee of the association of unit owners of a condominium; each such person is bound to comply with the provisions of these minimum standards as if he were the owner; or
- (6) is a trustee who holds, owns or controls mortgage loans for mortgage backed securities transactions and has initiated a foreclosure process.

Property: any real property, or portion thereof, located in the Town of Marion, including buildings or structures situated on the property.

Vacant property: any property that is unoccupied and/or unused for a period greater than one hundred eighty (180) days.

### **Section 3: Maintenance Requirements**

1. Owners of vacant properties, as defined in Section 2, must:
  - (a) Maintain vacant properties subject to this section in accordance with the relevant sanitary, building, and fire codes.
  - (b) Secure vacant properties subject to this section to prevent unauthorized entry and exposure to the elements.
  - (c) Maintain vacant properties subject to this section in accordance with regulations promulgated by the commissioner pertaining to the external/visible maintenance of the property, including but not limited to the maintenance of major systems, the removal of trash and debris, and the upkeep of lawns, shrubbery, and other landscape features.
  - (d) Repair or replace broken windows or doors within thirty (30) days. Boarding up any doors or windows is prohibited except as a temporary measure for no longer than thirty (30) days.
2. Owners of vacant properties are jointly and severally responsible for compliance with the above requirements.
3. Compliance with this subsection shall not relieve the owner of any applicable obligations set forth in any other codes, regulations, covenant conditions or restrictions, and/or homeowner or condominium association rules and regulations.

### **Section 4: Inspections**

The Commissioner or designee shall have the authority to inspect any property within the Town subject to this Bylaw for compliance with the maintenance requirements of Section 3. Such inspections may be conducted with or without notice to the owner(s), as the Commissioner deems necessary to protect public health and safety.

## **Section 5: Notice of Noncompliance**

1. Upon inspection and identification of a vacant property as noncompliant with any of the maintenance requirements of Section 3, the Commissioner shall notify the owner(s) in writing of such deficiencies, by hand delivery or by certified mail to the owner(s)' last known address(es).
2. If any maintenance deficiency is not corrected within 30 days of said notice, or if a maintenance plan is not approved by the Commissioner within 30 days of said notice, the Commissioner may impose penalties as provided in Section 6 of this Bylaw.

## **Section 6: Penalties**

Violations of any section of this Bylaw, including failure to comply with a maintenance plan approved by the Commissioner, shall be punishable by a fine of one hundred dollars (\$100.00) for each day during which the violation continues.

## **Section 7: Enforcement**

The Commissioner or his designee shall enforce all provisions of this Bylaw and shall institute all necessary administrative or legal action to assure compliance.

## **Section 8: Severability:**

If any provision of this Bylaw is held to be invalid by a court of competent jurisdiction then such provision shall be considered separate and apart from the remaining provisions, which shall remain in full force and effect.

*Finance Committee has no recommendation, as no financial impact*

**Article 56.** To see if the Town will vote to convey its fee interest in a parcel of land owned by the Town by and through its Conservation Commission pursuant to its powers under MGL c. 40, §8C, said parcel located on Boat Works Lane and further identified as Parcel 41A on a Plan of Land prepared for "the Trust for Public Land" recorded in Plymouth County Registry of Deeds in Plan Book 39, Page 24, containing 17,487 square feet, and to see if the Town will

vote to accept in return a fee interest in a parcel of land owned or controlled by A&J Boat Corporation said parcel located off Point Road and further identified as Lot 17 on Marion Assessors' Map 7A, containing 4.22 acres (183,823 square feet), more or less. The parcel on Boat Works Lane conveyed by the Town to A&J. Boat Corporation shall be merged into the adjacent lot currently owned by said A&J Boat Corporation, and shall not be a separate buildable lot; or take any other action thereon.

*Finance Committee has no recommendation, as no financial impact*

**Article 57.** To see if the town will accept the gift of Grassy Island from Jeanette V. Speranza, made on February 3, 1999, and recorded at the Plymouth County Registry of Deeds, book 17119, page 57; or take any other action thereon.

*Finance Committee has no recommendation, as no financial impact*

**Article 58.** To see if the Town will vote to have its elected Town Clerk become an appointed Town Clerk of the Town; or take any other action thereon.

*Finance Committee has no recommendation, as no financial impact*

**Article 59.** To see if the Town will vote to prohibit adult use marijuana establishments in the Town of Marion, MA and to prohibit adult use, the sale, distribution, cultivation, processing and packaging of marijuana in any form in the Town of Marion, MA; or to take any other action thereon.

*Presented by the Citizen Petition of Henry Mauro, et al.*

*Finance Committee has no recommendation, as no financial impact*

**Article 60.** 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 will make recommendation at Town Meeting*

**Article 61.** 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 will make recommendation at Town Meeting*

**Article 62.** 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 will make recommendation at Town Meeting*

**Article 63.** 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.

**Article 64.** To consider the reports of the Town officers and committees and act thereon; or take any other action thereon.

**Article 65.** 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; two Planning Board members for three years; one Marion School Committee member for three years; one Old Rochester Regional School Committee member for three years; and two Open Space Acquisition Commission members for three years; and to act on the following ballot questions commencing on Friday, the 17th of May, 2019, at 8:00 o'clock in the morning in the Benjamin D. Cushing Community Center, 465 Mill Street (Route 6), in said Marion:

**Question 1** Shall the Town vote to have its elected Town Clerk become an appointed Town Clerk of the Town?

Yes \_\_\_\_\_ No \_\_\_\_\_

**Question 2** Shall the Town of Marion be allowed to assess an additional \$350,000 in real estate and personal property taxes for the purposes of developing a Comprehensive Wastewater Management Plan to address the future needs of the Town’s sewer system and for the fiscal year beginning July first, two thousand and nineteen?

Yes \_\_\_\_\_ No \_\_\_\_\_

**Question 3** Shall the Town of Marion be allowed to assess an additional \$470,000 in real estate and personal property taxes for the purpose of outsourcing the curbside collection of solid waste and recycling materials for the fiscal year beginning July first, two thousand and nineteen?

Yes \_\_\_\_\_ No \_\_\_\_\_

**Question 4** Shall the Town of Marion be allowed to assess an additional \$582,090 in real estate and personal property taxes for the purchase of one new front-load rubbish packer and to purchase the related rollout containers necessary for the Town to provide curbside collection of solid waste and recyclable materials for the fiscal year beginning July first, two thousand and nineteen?

Yes \_\_\_\_\_ No \_\_\_\_\_

**Question 5** Shall the Town of Marion be allowed to exempt from the provisions of proposition two and one half, so called, the amounts required to pay for the bonds to be issued in order to improve and revitalize the athletic fields and the track and auditorium renovation project including the payment of all costs incidental or related thereto at Old Rochester Regional School, including work incidental and related thereto?

Yes \_\_\_\_\_ No \_\_\_\_\_

Given under our hands this 19<sup>th</sup> day of March in the Year Two Thousand and Nineteen

Norman A. Hills, Chairman  
Randy L. Parker  
John P. Waterman

BOARD OF SELECTMEN

A true copy, ATTEST:

I, John B. Garcia, 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, 2019, said date being fourteen days, at least, before the date of the meeting, in accordance with Chapter 64, Section 3(A) of the Code of the Town of Marion.

John B. Garcia  
CONSTABLE

**TOWN OF MARION  
TOWN MEETING WARRANT  
For the Special Town Meeting to be Held  
May 13, 2019**



*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 13th day of May, 2019, at 7:30 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 the sum of \$63,749 (Free Cash) to supplement the Fiscal Year 2019 budgets of Department of Public Works – Highway - to pay expenses associated with the removal of snow and ice from public ways, including related storm cleanup activities, as well as to cover extraordinary expenses related to equipment failure and/or equipment rental related to the curbside collection of solid waste and recyclable materials during said Fiscal Year; or take any other action thereon.

*Finance Committee will make recommendation at Town Meeting*

Given under our hands this 19<sup>th</sup> day of March in the Year Two Thousand and Nineteen

Norman A. Hills, Chairman  
Randy L. Parker  
John P. Waterman

BOARD OF SELECTMEN

A true copy, ATTEST:

I, John B. Garcia, 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, 2019, said date being fourteen days, at least, before the date of the meeting, in accordance with Chapter 64, Section 3(A) of the Code of the Town of Marion.

John B. Garcia  
CONSTABLE

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

**ECRWSS**

**POSTAL PATRON**  
**Marion, MA 02738**

**PRSRT STD**  
**U. S. Postage**  
**PAID**  
**Rochester, MA**  
**Permit #115**