

**TOWN OF MARION
TOWN MEETING WARRANT**



**ANNUAL TOWN MEETING
at Sippican School Auditorium
Spring Street
May 10, 2021
6:45 p.m.**

and to elect Officers on

**May 14, 2021
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 10, 2021**



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 10th day of May, 2021, 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, 2021

	FY21 Approp	FY22 Recommend	% chg
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%
Moderator, for Annual Meeting	\$ 245	\$ 245	0.0%
per Special Town Meeting	\$ 81	\$ 81	0.0%

or take any other action thereon.

Finance Committee recommends

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

		FY21	FY22 FinCom	21 to 22 % chg
GENERAL GOVERNMENT		Appropriation	Recommend.	Differ
113	Election and Town Meetings	\$11,350	\$11,350	0.00%
122	Selectmen	\$49,578	\$50,118	1.09%
122	Negotiations – Selectmen	\$32,576	\$55,000	68.84%
123	Town Administrator	\$130,000	\$132,600	2.00%
131	Finance Committee	\$37,700	\$37,700	0.00%
132	Reserve Fund	\$63,457	\$65,000	2.43%
135	Finance Director / Town Acct	\$131,150	\$133,800	2.02%
141	Assessors	\$121,329	\$125,112	3.12%
145	Treasurer	\$57,575	\$58,348	1.34%
146	Collector	\$50,957	\$55,480	8.88%
151	Legal	\$184,500	\$152,000	-17.62%
155	Computer	\$150,535	\$162,192	7.74%
159	Administrative Services	\$808,310	\$832,529	3.00%
161	Town Clerk	\$68,311	\$69,660	1.97%
163	Registrar of Voters	\$12,750	\$13,000	1.96%
171	Conservation	\$2,950	\$2,950	0.00%
175	Planning Board	\$59,784	\$61,120	2.23%
176	Zoning Board	\$2,119	\$2,119	0.00%
191	Town Facilities	\$368,248	\$376,888	2.35%
195	Town Report	\$6,600	\$6,600	0.00%
199	Unclassified	\$1,800	\$1,800	0.00%
<i>Total General Government</i>		\$2,351,579	\$2,405,366	2.29%

PUBLIC SAFETY

210	Police Department	\$1,940,280	\$1,982,461	2.17%
210	Police Cruiser	\$58,756	\$63,006	7.23%
220	Fire/EMS Department	\$1,180,349	\$1,204,424	2.04%
241	Building Department	\$125,916	\$127,315	1.11%
292	Animal Control	\$61,631	\$63,532	3.08%
295	Marine Resources	\$261,623	\$267,550	2.27%
299	Tree Warden	\$30,700	\$30,700	0.00%
<i>Total Public Safety</i>		\$3,659,255	\$3,738,988	2.18%

SCHOOLS

300	Sippican School	\$6,471,479	\$6,480,734	0.14%
301	ORR Operating	\$4,743,800	\$4,901,695	3.33%
302	ORR Debt	\$212,223	\$209,860	-1.11%
302	Upper Cape Cod Oper.	\$250,027	\$305,004	21.99%
302	Upper Cape Cod Debt	\$24,515	\$25,887	5.60%
<i>Total Education</i>		\$11,702,044	\$11,923,180	1.89%

PUBLIC WORKS ADMIN.

420	Public Works	\$1,532,725	\$1,624,143	5.96%
490	Utilities & Fuel	\$452,825	\$426,570	-5.80%
<i>Total Public Works</i>		\$1,985,550	\$2,050,713	3.28%

HUMAN SERVICES

511	Board of Health	\$152,002	\$138,244	-9.05%
541	Council on Aging	\$214,705	\$218,294	1.67%
543	Veterans	\$97,370	\$97,500	0.13%
<i>Total Human Services</i>		\$464,077	\$454,038	-2.16%

CULTURE & RECREATION

610	Library	\$208,460	\$213,672	2.50%
630	Recreation	\$158,501	\$161,647	1.98%
670	Natural History Museum	\$10,000	\$10,000	0.00%
692	Celebrations-Parades & Band Concerts	\$19,200	\$19,200	0.00%
<i>Total Culture & Recreation</i>		\$396,161	\$404,519	2.11%

DEBT SERVICE

710	Principal Payments	\$455,300	\$447,700	-1.67%
711	Interest Payments	\$117,542	\$101,162	-13.94%
<i>Total Debt Services</i>		\$572,842	\$548,862	-4.19%

PENSION & INSURANCE

911	Pension Assessment	\$1,198,637	\$1,289,828	7.61%
914	Group insurance	\$1,753,833	\$1,775,217	1.22%
940	Town Insurance	\$688,550	\$710,350	3.17%
<i>Total Pension & Insurances</i>		\$3,641,020	\$3,775,395	3.69%

TOTAL OPERATING

	BUDGET	\$24,772,528	\$25,301,061	2.13%
	<i>Less Transfers</i>	\$294,471	\$337,870	
	<i>Less Indirect Costs</i>	\$790,617	\$861,190	
	<i>Less Transfer from Free Cash</i>	\$370,139	\$300,000	
	Raise and Appropriate	\$23,317,301	\$23,802,001	

Finance Committee recommends

Article 3. To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of \$2,463,476 to be used to operate the water enterprise fund, the following sums to be appropriated to salaries and expenses, \$1,052,935; reserve fund, \$60,000; debt, \$939,948; and indirect costs, \$410,593; and the funds be raised from department receipts, \$2,163,476 and \$300,000 from water retained earnings; or take any other action thereon.

WATER ENTERPRISE FUND	FY21 Appropriation	FY22 Recommend.	% chg Differ
Salaries and Expenses	\$1,036,758	\$1,052,935	1.56%
Reserve Fund	\$60,000	\$60,000	0.0%
Debt (principal, interest and charges)	\$965,178	\$939,948	-2.61%
Subtotal	\$2,061,936	\$2,052,883	-0.44%
Indirect Costs	\$410,706	\$410,593	-0.03%
TOTAL WATER ENTERPRISE BUDGET	\$2,472,642	\$2,463,476	-0.37%
<i>Less Water Retained Earnings</i>	\$300,000	\$300,000	
Water Revenues	\$2,172,642	\$2,163,476	

Finance Committee recommends

Article 4. To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of \$3,392,767 to be used to operate the sewer enterprise fund, the following sums to be appropriated to salaries and expenses, \$1,090,625; reserve fund, \$60,000; debt, \$1,791,545; and indirect costs, \$450,597; and the funds be raised from departmental receipts, \$3,022,767 and \$220,000 from Free Cash, and \$150,000 from sewer retained earnings; or take any other action thereon.

	FY21	FY22	% chg
SEWER ENTERPRISE FUND	Appropriation	Recommend.	Differ
Salaries and Expenses	\$1,166,776	\$1,090,625	2.24%
Reserve Fund	\$60,000	\$60,000	0.00%
Debt (principal, interest and charges)	\$1,557,603	\$1,791,545	15.02%
Subtotal	\$2,684,379	\$2,942,170	9.60%
Indirect Costs	\$454,695	\$450,597	-0.90%
TOTAL SEWER ENTERPRISE			
BUDGET	\$3,139,074	\$3,392,767	8.08%
<i>Less Sewer Retained Earnings</i>	\$200,000	\$150,000	
<i>Less Free Cash</i>		\$220,000	
<i>Sewer Revenues</i>	\$2,939,074	\$3,022,767	

Finance Committee recommends

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 recommends this article

Article 6. To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury (Free Cash) the sum of \$50,000 to the compensated absence account for the purpose of funding accrued benefits for retiring employees; or take any other action thereon.

Finance Committee recommends this article

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 \$50,000 to be expended by the Facilities Department to complete building maintenance projects; or take any other action thereon.

Finance Committee recommends this article

Article 8. To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury (Water Retained Earnings) the sum of \$50,000 to fund the necessary engineering, design and replacement of damaged Fire Hydrants; or take any other action thereon.

Finance Committee recommends this article

Article 9. To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury (Free Cash) the sum of \$25,000 to supplement the remaining balance from Article 10 of the Annual Town Meeting of 2008 for purposes of instituting tax foreclosure procedures on delinquent real estate parcels in the Town in accordance with the provisions of Massachusetts General Laws, Chapter 60, Section 53; or take any action thereon.

Finance Committee recommends this article

Article 10. To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury (Free Cash) the sum of \$115,900 and to be expended by the Department of Public Works for the design, engineering and construction of Community Center and Fire Station Sewer Improvements; or take any other action thereon.

Finance Committee recommends this article

Article 11. To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury the sum of \$113,100 to supplement article 15 of the 2018 Annual Town Meeting to fund the necessary engineering, design and construction of Mill St and Hiller St sewer improvements, and that to meet this appropriation, the sum of \$113,100 be transferred from Sewer Enterprise Retained Earnings; or take any other action thereon.

Finance Committee recommends this article

Article 12. To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury the sum of \$190,000 to fund the design, engineering and construction associated with the Town's Inflow and Infiltration Mitigation Plan, and that to meet this appropriation, the sum of \$190,000 to be raised from Sewer Enterprise Retained Earning; or take any other action thereon.

Finance Committee recommends this article

Article 13. To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury (Free Cash) the sum of \$24,000 to be expended by the Police Department to purchase new Ballistic Vests; or take any other action thereon.

Finance Committee recommends this article

Article 14. To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury (Free Cash) the sum of \$10,000 to be expended by the Facilities Department for the design and construction of bathroom improvements at Fire Station one; or to take any other action thereon.

Finance Committee recommends this article

Article 15. To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury (Free Cash) the sum of \$170,000 to be expended by the Department of Public Works to purchase two new 1-Ton trucks with new plows, to replace two public works trucks; or take any other action thereon.

Finance Committee recommends this article

Article 16. To see if the Town will vote to transfer from available funds in the Treasury (Free Cash and Prior Year Appropriation-Article #11 of the Annual Town Meeting 6/2020) the sum of \$123,500 to be expended by the Facilities Department for siding, trim and a new generator for the Marion Town House and Annex; or to take any other action thereon.

Finance Committee recommends this article

Article 17. To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury (Waterways) the sum of \$16,000 to be expended by the Harbormaster to purchase equipment for the pump out boat; or to take any other action thereon.

Finance Committee recommends this article

Article 18. To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury (Free Cash) the sum of \$81,000 to be expended by the Council on Aging for a new garage addition to the community center; or take any other action thereon.

Finance Committee recommends this article

Article 19. To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury (Free Cash) the sum of \$36,000 to be expended by the School Department to replace the playground surface at the Sippican School playground; or take any other action thereon.

Finance Committee recommends this article

Article 20. 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 \$2,740,000 under the provisions of M.G.L. c. 44, or other appropriate enabling authority; or take any other action thereon.

Finance Committee recommends this article

Article 21. To see if the Town will vote to transfer from available funds in the Treasury (Free Cash) the sum of \$100,949 to the Other Post-Employment Benefit Liability Trust Fund as established at the Annual Town Meeting of 2010 under Article 14; or take any other action thereon.

Finance Committee recommends this article

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

Finance Committee will make its recommendation at town meeting

Article 23. To see if the Town will vote to act upon the recommendation of the Community Preservation Committee to appropriate from Fiscal Year 2022 estimated annual revenues, \$2,000 to the Community Preservation Committee for administrative expenses; or take any other action thereon.

Finance Committee has no recommendation, as no financial impact

Article 24. To see if the Town will vote to act upon the recommendation of the Community Preservation Committee to appropriate from Fiscal Year 2022 estimated annual revenues, \$90,000 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 Preservation, for Fiscal Year 2022 and \$208,000 to the Community Preservation Act Budgeted Reserves; or take any other action thereon.

Finance Committee has no recommendation, as no financial impact

Article 25. To see if the Town will vote to act upon the recommendation of the Community Preservation Committee to appropriate \$33,440 from Historic Preservation reserves, and \$56,560 from CPA undesignated fund balance to be allocated and reserved for the purpose of restoring the exterior of the Marion Town House Annex subject to the approval by the Marion Historical Commission; or take any other action thereon.

Finance Committee has no recommendation, as no financial impact

Article 26. To see if the Town will vote to act upon the recommendation of the Community Preservation Committee to appropriate \$90,000 from CPA undesignated fund balance to be allocated and reserved for the purpose of designing a historically appropriate entry, replacing the entry doors and windows, and restoring the Main Street façade of the Marion Town House Annex subject to the approval by the Marion Historical Commission; or take any other action thereon.

Finance Committee has no recommendation, as no financial impact

Article 27. To see if the Town will vote to act upon the recommendation of the Community Preservation Committee to appropriate \$5,675 from CPA undesignated fund balance to be allocated and reserved for the purpose of purchasing 250 cast aluminum grave markers to be placed on veterans' graves at town cemeteries; or take any other action thereon.

Finance Committee has no recommendation, as no financial impact

Article 28. To see if the Town will vote to act upon the recommendation of the Community Preservation Committee to appropriate \$10,000 from Open Space and Recreation reserves to be allocated and reserved for the purpose of purchasing and installing approximately 1,100 feet of split post and rail fence at Silvershell Beach; or take any other action thereon.

Finance Committee has no recommendation, as no financial impact

Article 29. To see if the Town will vote to act upon the recommendation of the Community Preservation Committee to appropriate \$30,000 from CPA undesignated fund balance to be allocated and reserved for the purpose of updating and expanding the Marion Historic and Cultural Inventory; or take any other action thereon.

Finance Committee has no recommendation, as no financial impact

Article 30. To see if the Town will vote to act upon the recommendation of the Community Preservation Committee to appropriate \$25,000 from CPA undesignated fund balance to be allocated and reserved for the purpose of continuing the archiving of the collection of the Sippican Historical Society; or take any other action thereon.

Finance Committee has no recommendation, as no financial impact

Article 31. To see if the Town will vote to act upon the recommendation of the Community Preservation Committee to appropriate \$4,867 from CPA undesignated fund balance to be allocated and reserved for the purpose of purchasing and installing 4 stone books at the Elizabeth Taber Library Reading Circle; or take any other action thereon.

Finance Committee has no recommendation, as no financial impact

Article 32. To see if the Town will vote to act upon the recommendation of the Community Preservation Committee to appropriate \$4,200 from CPA undesignated fund balance to be allocated and reserved for the purpose of restoring the front and rear entry doors of the Sippican Woman's Club subject to the approval by the Marion Historical Commission and to a perpetual Preservation Restriction; or take any other action thereon; or take any other action thereon.

Finance Committee has no recommendation, as no financial impact

Article 33. To see if the Town will vote to act upon the recommendation of the Community Preservation Committee to appropriate \$20,000 from Open Space and Recreation reserves, and \$10,000 from CPA undesignated fund balance to be allocated and reserved for the purpose of constructing a multiuse path at the Cushing Community Park; or take any other action thereon.

Finance Committee has no recommendation, as no financial impact

Article 34. To see if the Town will vote to act upon the recommendation of the Community Preservation Committee and appropriate \$307,760 from unspent Community Preservation Fund monies as previously approved by Article #40 of the Annual Town Meeting 2020 to be allocated and reserved for the purpose of waterproofing the entire basement of the Marion Town House; or take any other action thereon.

Finance Committee has no recommendation, as no financial impact

Article 35. 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 recommends this article

Article 36. To see if the Town will vote, pursuant to the provisions of MGL Chapter 44, §53E ½, to establish and authorize for FY2022 a revolving fund for the following purposes: Recreation Revolving Fund, for the purpose of accepting receipts from fees collected from participants in the various recreation programs. Said funds to be received by the Treasurer and credited to the said revolving fund and said funds to be dispersed by the Town Accountant to offset the costs of these programs, total expense not to exceed \$150,000; or take any other action thereon.

Finance Committee recommends this article

Article 37. To see if the Town will vote, pursuant to the provisions of MGL Chapter 44, §53E ½, to establish and authorize for FY2022 a revolving fund for the lawful collection of monies by the Town Treasurer and the expenditure by the Marion Board of Health 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, and the total expenditures shall not exceed \$17,500; or take any other action thereon.

Finance Committee recommends this article

Article 38. To see if the Town will vote to amend the Code of the Town of Marion Chapter 7, section 7 – 16 Duties by revising the same by adding the paragraph as follows:

Chapter 7 Boards, Commissions, Committees

Article IV Community Preservation Committee

7-16 Duties

E. Within every funding request made pursuant to Section 7-16 (b) or (c), the Community Preservation Committee shall include the period of time within which the requested funds shall be expended. If, after that time period as recommended by the Community has passed said funds shall be automatically returned to the Community Preservation Fund category from which said funding originated.

Finance Committee will make its recommendation at Town Meeting

Article 39. To see if the Town will vote to amend the Code of the Town of Marion Chapter 109 – Animal Control by revising the same as follows:

Article I Dog Control

§ 109-1 Definitions.

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

ANIMAL CONTROL OFFICER

The person or persons employed by the Town authorized to enforce MGL c. 140, § 137 through 174F.

COMMERCIAL BREEDER KENNEL

A single premises, other than a personal kennel, engaged in the business of breeding animals for sale or exchange to wholesalers, brokers, or pet shops in return for consideration.

COMMERCIAL KENNEL

A single premises for boarding, grooming, training, holding, day care, or overnight stays of animals that are not the property of the owner of the establishment, at which services are rendered in exchange for consideration and in the absence of the animal's owner.

DOG POUND

Any premises designated by action of the Town for the purpose of impounding dogs and caring for all dogs found running at large in violation of this bylaw.

~~FIERCE, VICIOUS OR~~ DANGEROUS DOG

A dog that either:

- A. Without justification, attacks a person or domestic animal, causing physical injury or death; or
- B. Behaves in a manner that a reasonable person would believe poses an unjustified imminent threat of physical injury or death to a person or to a domestic or owned animal.

~~KENNEL, COMMERCIAL~~

~~A single premises, with a collection of 11 or more dogs, three months or older, that are maintained for any purpose, or where four or more litters per year are raised, or where the boarding or grooming of dogs is performed as a business.~~

~~KENNEL, HOBBY~~

~~A single premises with a collection of four to 10 dogs, three months or older, that are housed, groomed, bred, boarded, trained, or sold, or where fewer than four litters per year are raised.~~

KEEPER

A person, business, corporation, entity of society, other than the owner, having possession of a dog

LICENSE PERIOD

The time between January 1 through December 31, both dates inclusive.

OWNER

Any person, group of persons or corporation owning or keeping or harboring a dog or dogs.

PERSONAL KENNEL

A collection of more than four dogs, 3 months old or older, owned or kept under a single ownership for private personal use, providing that selling, trading, bartering or distributing shall be to other breeders or individuals by private sale and not to brokers, wholesalers, or pet shops and limited to animals bred from personally owned dogs

RESTRAINT

A dog is under restraint within the meaning of this bylaw if it is leashed, or under the control and beside a competent person and at heel and obedient to that person's the command of a competent person, or within the property limits of its owner or keeper, or within a vehicle and incapable of escaping from the vehicle.

§ 109-2 Enforcement.

The Animal Control Officer or Animal Control Officers shall enforce the provisions of this bylaw.

§ 109-3 Restraint required.

The owner shall keep his/her dog under restraint at all times.

§ 109-4 Impoundment fees.

Any dog impounded hereunder may be reclaimed as herein provided upon payment by the owner to the Animal Control Officer ~~of the sum of \$100~~ for each day such dog is kept. The Town Clerk maintains the current list of fees and fines.

§ 109-5 ~~(Reserved)~~ Nuisance or Dangerous dogs.

A. MGL c.140, §157 provides that any person can file a complaint to the Board of Selectmen identifying a potentially nuisance or dangerous dog. The Board of Selectmen shall investigate each complaint and hold a public hearing, see §109-12.D. Based on the evidence provided, three decisions are possible:

(1) Dismiss the complaint – no further action required

(2) Deem the dog a nuisance – order the owner or keeper of the dog to take remedial actions to ameliorate the cause of the behavior

(3) Deem the dog dangerous – order one or more:

a. The dog be humanely restrained in accordance with MGL c. 140, §157

b. The dog be confined in accordance with MGL c. 140, §157

c. If removed from the premises, the dog be securely and humanely muzzled in accordance with MGL c. 140, §157

d. That the owner or keeper provide proof of insurance not less than \$100,000 in accordance with MGL c. 140, §157

e. That the owner or keeper provide identification of the dog in accordance with MGL c. 140, §157

f. That the owner or keeper have the dog altered to prevent reproduction in accordance with MGL c. 140, §157

g. That the dog be humanely euthanized.

B. Appeal

Within ten (10) days after the order is issued, the owner or keeper can petition the district court for a review of the order. The decision of the court shall be final. Pending an appeal, the Board of Selectmen may file a petition in district court to request an order of impoundment for a dog complained of being dangerous.

C. Inspection

Fourteen (14) days after the Selectmen issue an order for a nuisance or dangerous dog, the Animal Control Officer or the Chief of Police or other persons authorized under the General Laws shall inspect the owner's residence to verify compliance with the conditions of the order.

D. Violation

If the owner or keeper of dog is found in violation of an order issued by the Selectmen under this Article and MGL c. 140, §157, the dog is subject to seizure and impoundment by law enforcement or the Animal Control Officer. The owner is subject to fines and non-criminal proceedings under Section of the Bylaw and M.G.L. c.40, §21D.

§ 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. It is the owner's responsibility to provide a "pooper scooper" or some other device capable of removing dog waste from the beach property.~~ The owner/keeper of every dog shall be responsible for the removal of any fecal matter deposited by the owner's/keeper's dog when the dog is on Town owned beach, public walks, or recreation areas. Failure of the owner to remove dog waste shall be subject to the penalties described in § 109-7.

§ 109-7 Violations and penalties.

Penalties for the violation of § 109-6 shall be assessed and collected in accordance with the procedure established under MGL c. 140, § 173A (noncriminal disposition of complaints for violation of dog control laws). The fines, ~~beginning at the second~~ first offense, ~~are \$50, thereafter to \$60 for the third offense, and \$100 for the fourth~~ and shall increase for each subsequent offense within the calendar year. The Town Clerk maintains the current list of fees and fines.

Article II Licensing

§ 109-8 Dog licenses.

Pursuant to the terms of MGL c. 140, §§ 137A, 139(a), 173 and 173A, this Article II, Licensing, including § 109-9, Kennel licenses, supplements the provisions of MGL c. 140, §§ 137 through 174E, and certain provisions of the Marion Zoning Bylaw. Those statutes and regulations should be reviewed in order to obtain a complete understanding of the licensing provisions for dogs within the Town.

§ 109-9 License required; tags; fees.

- A. The owner or keeper of a dog in the Town of Marion is subject to these regulations when the dog reaches the age of three months. This section shall not apply to a person having a kennel license.
- B. There shall be a fee that is paid by the owner for each license and tag and any replacement tag issued by the Town Clerk. All fees under this section shall be determined by the Board of Selectmen and may be changed from time to time as it deems appropriate. No fee shall be charged for a license for a dog owned by a person aged 70 years or over.
- C. The Town Clerk shall record each license issued, the name of the owner or keeper of each dog so licensed, and the name, registered number and description of each dog. The owner or keeper of any dog so licensed shall state upon the license form the breed, color, weight and special markings of the dog. Such books shall be open to the public for inspection during the usual office hours of the Town Clerk.

- D. The owner or keeper shall cause said dog to wear around its neck or body a collar or harness to which the tag shall be securely attached. In the event that any tag is lost, defaced, or destroyed, the owner or keeper shall obtain substitute tags from the Town Clerk.
- E. The licensing period shall be for one year. The ~~deadline for procurement~~ expiration date of a dog license is established as December 31 of each year, failure to obtain a license shall result in a fine. License renewal may be applied for within 30 days prior to the expiration date. New residents must apply for a license within 30 days of establishing residence. No fee shall be charged for a dog specially trained to lead or serve a blind or deaf person.
- F. A license fee shall not be refunded because of a subsequent death, loss, spaying or neutering, or removal from the Town of such dog, nor because a license fee has been mistakenly paid to the Town.
- G. No dog license shall be issued to any person who has been convicted of cruelty to animals as defined in MGL c. 272, § 77, § 80A, § 94 or § 95.
- H. The provisions of this section shall not apply to institutions licensed under MGL c. 140, § 174D, to shops licensed under MGL c. 129, § 39A, to any person operating a licensed kennel or where otherwise provided by law.

§ 109-10 Kennel licenses.

- A. Any owner or keeper of a ~~hobby~~ commercial kennel, ~~or commercial breeder kennel, or personal kennel~~ shall obtain a kennel license; provided, however, that before the Town Clerk issues such license, the owner or keeper provides the Town Clerk a completed application with:
 - (1) ~~An opinion, in writing, by the Building Commissioner that the proposed kennel application meets the kennel definitions described in § 109-1.~~

(2 1) An opinion, in writing, by the Animal Control Officer based on the fact that the maintenance of a kennel will not result in a health hazard ~~he/she~~ has investigated the property of the proposed kennel with respect to the following items:

- a. The location, construction, and soundproofing of the kennel area
- b. The sanitary conditions of the kennel and the property in general
- c. The adequacy of the kennel and property in general for the number and type of dogs and the type of kennel for which the kennel license would be issued
- d. The concerns of the neighbors
- e. The Animal Control Officer may require the need for a structure to be constructed or an existing structure to be utilized for the purposes of housing the dogs. The ACO shall request an opinion, in writing from the Building Commissioner that the proposed or existing structure/structures and the use comply with both state and local regulations.
- F. Any other pertinent issues that come within the expertise and discretion of the Animal Control Officer.

The issuance of a ~~hobby~~ commercial kennel, ~~or commercial breeder~~ kennel, or personal kennel license shall be contingent upon an inspection by the Animal Control Officer to ensure that the basic standards of cleanliness and proper care and confinement of said dogs exists on the premises, and the maintenance of a kennel will not result in a health hazard or be injurious to the health of the neighbors by reason of prospective noise or otherwise.

- B. A special permit for a ~~hobby~~ commercial kennel or commercial breeder kennel must meet the provisions and requirements of the Marion Zoning Bylaw pursuant to §§ **230-7.2, 230-7.4, and 230-7.6.**
- C. The kennel license shall be issued by the Town Clerk and there shall be a fee for such kennel license, to be paid by the owner. All fees under this section shall be determined by the Board of Selectmen and may be changed from time to time as it deems appropriate.

- D. A kennel license shall be in lieu of any other license required for a dog, for the period of time the dog is kept in such kennel per MGL c. 140, § 137A. The owner or keeper of such kennel shall renew the license prior to the commencement of each succeeding license period.
- E. While at large, each dog in a kennel shall wear a collar or harness with a tag securely attached. The tag shall have the number of the kennel license, the name of the town that issued the kennel license, and the year that the license was issued. Such tag shall be in the form prescribed and furnished by the Town Clerk and shall be issued by the Town Clerk.
- F. If a kennel owner desires to increase the capacity of his/her kennel during a license period, or its use, he/she shall apply to the Town Clerk with a new kennel application.
- G. The Town Clerk shall issue, without charge, upon written application and written approval of the Board of Appeals, a kennel license to any domestic charitable corporation, incorporated in the commonwealth, exclusively for the purpose of protecting animals from cruelty, neglect, or abuse or for the relief of suffering except for commercial kennels which shall require compliance with § 230-7.4 of the Zoning Bylaw, provided that there is compliance with the terms and conditions of this chapter.
- H. A veterinary clinic, office, or hospital shall not be considered a kennel unless it contains an area for the grooming or selling of dogs, or for the boarding of dogs for other than medical or surgical purposes. If it is considered a kennel, the owner or keeper shall, before the Town Clerk issues such license, provide the Town Clerk with the written approval of the Board of Appeals or special permitting authority.
- I. All holders of kennel licenses shall notify the Town Clerk, in writing, of the sale of any dog or puppy, which includes the description of the animal, the age, color, breed, identifying marks, sex, and whether the dog has been spayed or neutered. The kennel owner shall forward a copy of such notice to the Clerk of the city or town in which the new owner of the dog resides.

§ 109-11 Violations and penalties.

- A. Whoever violates any provision of § 109-9 or § 109-10 of these rules and regulations shall be punished by a fine ~~of not less than \$25~~, which shall be paid to the Town. The Town Clerk maintains the current list of fees and fines.
- B. If any person refuses to answer, or answers falsely, questions of a police officer or an Animal Control Officer, pertaining to his/her ownership of a dog, he/she shall be punished by a fine ~~of not less than \$25~~, which shall be paid to the Town. The Town Clerk maintains the current list of fees and fines.
- C. If the dog as to which any violation occurs was unlicensed at the time of such violation, a fine ~~of not less than \$25 nor more than \$50~~ shall be paid by the owner to the Town, and the owner or keeper of such dog will be required to immediately procure all delinquent licenses and tags, as well as the current license and tag. The Town Clerk maintains the current list of fees and fines.
- D. Violations of any order of the Selectmen under this Article and M.G.L. c.140, §157, subject the owner to fines and non-criminal proceedings under this Section of the Bylaw and M.G.L. c.40, §21D.

§ 109-12 Issuance and revocation of licenses; kennel inspections; complaints.

- A. Violation of any substantive provisions of this chapter shall be grounds for the revocation of a license issued for a kennel pursuant to this chapter. The Town Clerk may revoke or suspend any license upon receiving a written directive from the Board of Selectmen that was based on information concluding a kennel is operating in violation of this chapter from the Animal Control Officer or the Chief of Police or his/her designee. Prior to such revocation, the Board of Selectmen shall hold a public hearing during which the kennel licensee shall have been offered, in writing, an opportunity to be heard. In such case of suspension of said license, the Board of Selectmen may reinstate such kennel license and impose conditions and regulations upon the operation of the kennel.

- B. If an applicant is shown to have withheld or falsified any material information on the application, the Town Clerk may refuse to issue or may revoke a license.
- C. The Animal Control Officer or the Chief of Police of the Town of Marion or other persons authorized under the General Laws may at any time inspect or cause to be inspected any kennel, and if, in his or her judgment, the same is not being maintained in a sanitary and humane manner, or if records are not properly kept as required by law, the Board of Selectmen shall by order revoke or suspend such license. In the case of suspension, the Board of Selectmen may reinstate such license and impose conditions and regulations upon the operation of said kennel.
- D. Upon the petition of 25 or more citizens filed with the Board of Selectmen setting forth they are aggrieved or annoyed to an unreasonable extent by one or more dogs at a kennel located in Town, because of excessive barking, vicious disposition or vicious actions or any other conditions connected with the kennel that constitute a public nuisance, the Board of Selectmen shall within seven (7) days of the filing of such petition, give notice to all parties concerned of a public hearing to be held within fourteen (14) days after the date of such notice. The Board of Selectmen shall within seven (7) days, after the public hearing, investigate or cause to be investigated the subject matter of the petition and shall, by order, either suspend or revoke the kennel license, otherwise regulate the kennel, or dismiss the petition. Written notice of any order under this section revoking, suspending or reinstating a license shall be mailed forthwith to the office issuing such license and to the holder of the license.
- E. Any person maintaining a kennel after the license has been so revoked, or while such license is so suspended, shall be charged a fee of \$50 per day up to \$250 (MGL c. 140, § 137C).

Finance Committee will make its recommendation at Town Meeting

Article 40. To see if the Town will vote to amend the Code of the Town of Marion Chapter 218 Water by revising the same as follows:

218 Water

Article I
WATER MAIN INSTALLATION

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~~ Water and Sewer Commissioners and they have 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.~~ Water Division Rules and Regulations.

218-16 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

218-17 Authority

This bylaw is adopted by the Town under its police powers to protect public, safety, 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.

218-18 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.

218-19 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.

218-20 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. It is the policy of the Board of Water and Sewer Commissioners that the source of potable water shall be from the Department of Public Works Water Division unless the applicant can demonstrate to the Commissioners that the location of the land or structure is unique such that connection would involve substantial hardship, financial or otherwise to the appellant and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of this bylaw.

218-21 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.

Delete the INSTALLATION AND ACCEPTANCE OF WATER MAINS section in its entirety (12 pages)

Finance Committee will make its recommendation at Town Meeting

Article 41. To see if the Town will vote to amend the Code of the Town of Marion Chapter 230-11.2– Terms Defined by revising the same as follows:

230-11.2 Terms defined.

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

DEVELOPMENT means any man-made change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials. [US Code of Federal Regulations, Title 44, Part 59]

FLOOD BOUNDARY AND FLOODWAY MAP means an official map of a community issued by FEMA that depicts, based on detailed analyses, the boundaries of the 100-year and 500-year floods and the 100-year floodway. (For maps done in 1987 and later, the floodway designation is included on the FIRM.)

FLOOD HAZARD BOUNDARY MAP (FHBM.) An official map of a community issued by the Federal Insurance Administrator, where the boundaries of the flood and related erosion areas having special hazards have been designated as Zone A or E. [US Code of Federal Regulations, Title 44, Part 59]

FLOODWAY. The channel of the river, creek or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. [Base Code, Chapter 2, Section 202]

FUNCTIONALLY DEPENDENT USE means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities. [US Code of Federal Regulations, Title 44, Part 59] Also [Referenced Standard ASCE 24-14]

HIGHEST ADJACENT GRADE means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure. [US Code of Federal Regulations, Title 44, Part 59]

HISTORIC STRUCTURE means any structure that is:

(a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

(d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

(1) By an approved state program as determined by the Secretary of the Interior or

(2) Directly by the Secretary of the Interior in states without approved programs.

[US Code of Federal Regulations, Title 44, Part 59]

NEW CONSTRUCTION. Structures for which the start of construction commenced on or after the effective date of the first floodplain management code, regulation, ordinance, or standard adopted by the authority having jurisdiction, including any subsequent improvements to such structures. *New construction includes work determined to be substantial improvement.* [Referenced Standard ASCE 24-14]

RECREATIONAL VEHICLE means a vehicle which is:

- (a) Built on a single chassis;
- (b) 400 square feet or less when measured at the largest horizontal projection;
- (c) Designed to be self-propelled or permanently towable by a light duty truck; and
- (d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

[US Code of Federal Regulations, Title 44, Part 59]

REGULATORY FLOODWAY - see FLOODWAY.

SPECIAL FLOOD HAZARD AREA. The land area subject to flood hazards and shown on a Flood Insurance Rate Map or other flood hazard map as Zone A, AE, A1-30, A99, AR, AO, AH, V, VO, VE or V1-30. [Base Code, Chapter 2, Section 202]

START OF CONSTRUCTION. The date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns.

Permanent construction does not include land preparation (such as clearing, excavation, grading or filling), the installation of streets or walkways, excavation for a basement, footings, piers or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Base Code, Chapter 2, Section 202]

STRUCTURE. (1) A combination of materials to form a construction, including, among others, buildings, stadiums, tents, reviewing stands, platforms, stagings, observation towers, water tanks, play towers, swimming pools, trestles, sheds, shelters, fences over six feet high, display signs, flagpoles, masts for radio antennas, courts for tennis or similar games, backstops, backboards. A vessel shall not be considered to be a structure; (2) for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. [US Code of Federal Regulations, Title 44, Part 59]

SUBSTANTIAL REPAIR OF A FOUNDATION. When work to repair or replace a foundation results in the repair or replacement of a portion of the foundation with a perimeter along the base of the foundation that equals or exceeds 50% of the perimeter of the base of the foundation measured in linear feet, or repair or replacement of 50% of the piles, columns or piers of a pile, column or pier supported foundation, the building official shall determine it to be substantial repair of a foundation. Applications determined by the building official to constitute substantial repair of a foundation shall require all existing portions of the entire building or structure to meet the requirements of 780 CMR. [As amended by MA in 9th Edition BC]

Variance. (1) Such departure from the terms of this bylaw which the Zoning Board of Appeals, upon appeal in specific cases, is empowered to authorize under the terms of Article II, § 230-2.3D, of these bylaws, (2) for floodplain management purposes, a grant of relief by a community from the terms of a flood plain management regulation [US Code of Federal Regulations, Title 44, Part 59]

VIOLATION means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in §60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided. [US Code of Federal Regulations, Title 44, Part 59]

Finance Committee will make its recommendation at Town Meeting

Article 42. To see if the Town will vote to amend the Code of the Town of Marion Chapter 230-8.1 – Flood Hazard District by deleting the current wording for 230-8.1 in its entirety, replace with the following:

230-8.1 Flood Hazard District

A. The purpose of the Floodplain Overlay District is to:

- (1) Ensure public safety by reducing the threats to life and personal injury
- (2) Eliminate new hazards to emergency response officials
- (3) Prevent the occurrence of public emergencies resulting from water quality, contamination, and pollution due to flooding
- (4) Avoid the loss of utility services that if damaged by flooding would disrupt or shut down the utility network and impact regions of the community beyond the site of flooding
- (5) Eliminate costs associated with the response and cleanup of flooding conditions
- (6) Reduce damage to public and private property resulting from flooding waters

B. The Floodplain 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, AH, AO, A99, V, or VE on the Plymouth County Flood Insurance Rate Map (FIRM) dated July 6, 2021 issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The exact boundaries of the District shall be defined by the 1%-chance base flood elevations shown on the FIRM and further defined by the Plymouth County Flood Insurance Study (FIS) report dated July 6, 2021. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Department, and Conservation Commission.

C. The Building Commissioner is designated as the official floodplain administrator for the Town of Marion.

D. If the Town of Marion acquires data that changes the base flood elevation in the FEMA mapped Special Flood Hazard Areas, the Town/City will, within 6 months, notify FEMA of these changes by submitting the technical or scientific data that supports the change(s.) Notification shall be submitted to:

FEMA Region I Risk Analysis Branch Chief
99 High St., 6th floor, Boston, MA 02110

And copy of notification to:

Massachusetts NFIP State Coordinator
MA Dept. of Conservation & Recreation, 251 Causeway Street,
Boston, MA 02114.

E. Marion requires a permit for all proposed construction or other development in the floodplain overlay district, including new construction or changes to existing buildings, placement of manufactured homes, placement of agricultural facilities, fences, sheds, storage facilities or drilling, mining, paving and any other development that might increase flooding or adversely impact flood risks to other properties.

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 re-

quired 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. Marion's permit review process includes the use of a checklist of all local, state and federal permits that will be necessary in order to carry out the proposed development in the floodplain overlay district. The proponenet must acquire all necessary permits, and must submit the completed checklist demonstrating that all necessary permits have been acquired.

G. 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.

H. For variance to building code floodplain standards, Marion will request from the State Building Code Appeals Board a written and /or audible copy of the portion of the hearing related to the variance, and will maintain this record in the community's files.

Marion shall also issue a letter to the property owner regarding potential impacts to the annual premiums for the flood insurance policy covering that property, in writing over the signature of a community official that (1) the issuance of a variance to construct a

structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (2) such construction below the base flood level increases risks to life and property.

Such notification shall be maintained with the record of all variance actions for the referenced development in the floodplain overlay district.

I. A variance from local floodplain bylaws must meet the requirements set out by State law, and may only be granted if: (1) Good and sufficient cause and exceptional non-financial hardship exist; (2) the variance will not result in additional threats to public safety, extraordinary public expense, or fraud or victimization of the public; and (3) the variance is the minimum action necessary to afford relief.

J. All subdivision proposals and development proposals in the floodplain overlay district shall be reviewed to assure that:

(1) Such proposals minimize flood damage.

(2) Public utilities and facilities are located & constructed so as to minimize flood damage.

(3) Adequate drainage is provided.

K. When proposing subdivisions or other developments greater than 50 lots or 5 acres (whichever is less), the proponent must provide technical data to determine base flood elevations for each developable parcel shown on the design plans.

L. In A Zones, in the absence of FEMA BFE data and floodway data, the building department will obtain, review and reasonably utilize base flood elevation and floodway data available from a Federal, State, or other source as criteria for requiring new construction, substantial improvements, or other development in Zone A as the basis for elevating residential structures to or above base flood level, for flood proofing or elevating nonresidential structures to or above base flood level, and for prohibiting encroachments in floodways.

M. Within Zones AO and AH on the FIRM, adequate drainage paths must be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

N. In Zones A, A1-30, 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 floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

In Zones A1-30 and AE, along watercourses that have a regulatory floodway designated on the Plymouth County Flood Insurance Rate Map (FIRM) dated July 6, 2021 encroachments are prohibited in the regulatory floodway that would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

O. In a riverine situation, the Building Commissioner shall notify the following of any alteration or relocation of a watercourse:

- Adjacent Communities, especially upstream and downstream
- Bordering States, if affected
- NFIP State Coordinator
Massachusetts Department of Conservation and Recreation
251 Causeway Street, 8th floor
Boston, MA 02114
- NFIP Program Specialist
Federal Emergency Management Agency, Region I
99 High Street, 6th Floor
Boston, MA 02110

P. In A1-30, AH, AE Zones, V1-30, VE, and V Zones, all recreational vehicles to be placed on a site must be elevated and anchored in accordance with the zone's regulations for foundation and elevation requirements or be on the site for less than 180 consecutive days or be fully licensed and highway ready.

Q. Alteration of sand dunes is prohibited when the alteration would increase potential flood damage.

R. The floodplain management regulations found in this Floodplain Overlay District section shall take precedence over any less restrictive conflicting local laws, ordinances or codes.

S. The degree of flood protection required by this bylaw is considered reasonable but does not imply total flood protection.

T. If any section, provision or portion of this bylaw [ordinance] is deemed to be unconstitutional or invalid by a court, the remainder of the ordinance shall be effective.

Finance Committee will make its recommendation at Town Meeting

Article 43. To see if the Town will vote to amend the Code of the Town of Marion Chapter 230-5.3 – Multi Family Residential Housing by revising the same as follows:

§ 230-5.3 Multifamily Residential Housing.

A. Purpose.

To encourage a limited amount of low-density affordable multi-family rental or ownership housing designed to be compatible with the neighborhood in which it is located. 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.

~~(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. The maximum allowable density shall be 12 6 dwelling units per acre, wetlands and flood zone areas shall be excluded when determining developable project area for dwelling density.~~
- (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. All dwelling units shall be served by public water and sewer.~~
- (3) The gross ground floor area of all buildings and all parking areas impervious surfaces shall not exceed 40% of the developable lot or lots.
- (4) 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. The area devoted to lawns, landscaping, and other exterior uses provided they are permeable shall be included as usable open space.
- (5) 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.

- 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. Pursuant to Article IX, Site Plan Review and Approval, all development exceeding a minimum threshold will be required to obtain site plan approval~~
- D. ~~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 will make its recommendation at Town Meeting

Article 44. To see if the Town will vote to change the name of Board of Selectman to the Select Board, or do or take any other action in this matter.

Finance Committee has no recommendation, as no financial impact

Article 45. To see if the Town will vote at the Annual Town Meeting, pursuant to Article V, Section 230-5.3 of the Zoning Bylaws, Town of Marion, Massachusetts, to re-classify the following lots, located on Wareham Street, as Zoning District Residence E:

Map 7 Lot 24
Map 7 Lot 25
Map 7 Lot 27
Map 7 Lot 28C
Map 7 Lot 29;

said lots are further shown as **lots 2 and 3** on a plan entitled "Approval Not Required Plan of Land known as Lots 24, 25, 26 & 27 on Assessor's Map 7 Situated on Bournhurst Rd & Wareham Street in the Town of Marion, County of Plymouth, MA Prepared for Henry & Judith DeJesus, Scale: 1" = 80' Date: Nov. 1, 2017", revised Nov. 2, 2017 and recorded on 6/28/2018 in the Plymouth County Registry of Deeds in Plan Book 62 Page 544; and **lots 4A, 4B and 4C** on a plan entitled "Division of Land Plan Lots 28, 29, & a Portion of Lots 24 & 27 on Assessors Map 7, Situated on Wareham Street in the Town of Marion, County of Plymouth, MA Prepared for Henry & Judith De-

Jesus, Scale: 1" = 80' Date: March 14, 2019", revised April 1, 2019" and recorded on 7/8/2019 in the Plymouth County Registry of Deeds in Plan Book 63 Page 687.

or take any other action thereon.

Presented by the Citizens Petition

Article 46. 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 has no recommendation, as no financial impact

Article 47. 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 has no recommendation, as no financial impact

Article 48. 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 has no recommendation, as no financial impact

Article 49. To see if the Town will vote to authorize the Board of Selectmen to sell or transfer any taxation possession property held by the Town, pursuant to General Laws, Chapter 60, Section 77, after the Board of Selectmen has notified the Planning Board, Open Space Acquisition Commission, Conservation Commission, and the Affordable Housing Trust of the availability of such land and said agencies may report in writing within twenty (20) days to the Board of Selectmen any recommendations that they may have with regard to the disposition of said land; or take any other action thereon.

Finance Committee has no recommendation, as no financial impact

Article 50. To see if the Town will vote to consider the reports of the Town officers and committees and act thereon.

Finance Committee has no recommendation, as no financial impact

Article 51. To choose by ballot all necessary officers for the ensuing year; 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; three Marion School Committee members for three years; and one Open Space Acquisition Commission members for three years; and to act on the following ballot questions commencing on Friday, the 14th of May, 2021, at 8:00 o'clock in the morning in the Benjamin D. Cushing Community Center, 465 Mill Street (Route 6), in said Marion:

Finance Committee has no recommendation, as no financial impact

Given under our hands this 6th day of April in the Year Two Thousand and Twenty One.

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

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 April 8, 2021, 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.

Richard B. Nighelli
CONSTABLE

**TOWN OF MARION
TOWN MEETING WARRANT
For the Special Town Meeting to be Held
May 10, 2021**



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 tenth day of May, 2021, 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 \$25,000 (Free Cash) to supplement the Fiscal Year 2021 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 and expenses; or take any other action thereon.

Finance Committee recommends

Article S2. To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury (Free Cash) the sum of \$255,000 to be expended by the Facilities Department to install a new HVAC air conditioning system at the Marion Townhouse; or take any other action thereon.

Finance Committee recommends

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

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

Given under our hands this 6th day of April in the Year Two Thousand and Twenty One

Randy L. Parker, Chairman

John P. Waterman

Norman A. Hills

BOARD OF SELECTMEN

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 April 8, 2021, 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.

Richard B. Nighelli

CONSTABLE

MARION TOWN HOUSE
Two Spring Street
Marion, MA 02738

ECRWSS

POSTAL PATRON
Marion, MA 02738

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