

MARSHFIELD TOWN CLERK
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TOWN OF MARSHFIELD
COMMONWEALTH OF MASSACHUSETTS
SPECIAL TOWN MEETING WARRANT

Special Town Meeting, Monday, October 27, 2014

At 7:00 o'clock in the evening at the Marshfield High School

Plymouth, SS: To either of the constables in the Town of Marshfield in the County of Plymouth.

Greetings: In the name of the Commonwealth of Massachusetts you are required to notify and warn the inhabitants of the Town of Marshfield qualified to vote in Town affairs to meet in the Marshfield High School Auditorium on Monday, the 27th day of October 2014, at seven o'clock in the evening then and there to act on the following articles:

ARTICLE 1 Will the Town vote to transfer from available funds a sum of money for payment of unpaid bills incurred during the previous fiscal year as set forth on the below listing of unpaid bills, or take any other action relative thereto.

UNPAID BILLS

DEPARTMENT	VENDOR	DATE	AMOUNT
DPW	AUTO ZONE	4/23/2013	33.98
DPW	TAYLOR LUMBER	3/1/14-6/30/2014	303.24
SCHOOL	JUSTICE RESOURCE INSTITUTE	06/2-06/27/14	1,004.52
SCHOOL	JUSTICE RESOURCE INSTITUTE	06/2-06/27/14	412.28
SCHOOL	FHC EDUCATION & CLIENT SERVICES	6/30/2014	168.75
SCHOOL	DEREK SAVAGE	6/24/2014	444.78
LEGAL	HORSLEY WITTEN GROUP	5/5/2014	10,129.90
TREASURER/COLLECTOR	CINTAS	6/24/2014	78.00
BUILDING	JOHN LOUGHRAN	06/26-06/27/14	260.00
		Sub Total	12,835.45
WATER	RALCO ELECTRIC	3/11/2013	313.86
WATER	RALCO ELECTRIC	3/21/2013	4,187.20
WATER	G/L LOPES	6/27/2014	1,407.00
WATER	JONATHAN P. FRASCA	4/22/2014	105.00
		Sub Total	6,013.06
		Total	18,848.51

Board of Selectmen

Advisory Board Recommendation: At Town Meeting.

Article 1 Explanation: These are invoices from previous fiscal years that need to be paid.

ARTICLE 2 Will the Town vote to transfer from available funds a sum of money to fund collective bargaining agreements or other employee contracts with any one or more of the following organizations with respect to the fiscal year beginning July 1, 2014, or take any other action relative thereto.

- Marshfield Firefighters, Local 2568, International Associations of Firefighters AFL – CIO
- The Association of Marshfield Police
- American Federation of State County and Municipal Employees AFL – CIO State Council 93 Local 1700 (Clerical Employees Unit)
- American Federation of State County and Municipal Employees AFL – CIO State Council 93 Local 1700 (Department of Public Works Employees)
- American Federation of State County and Municipal Employees AFL – CIO State Council 93 Local 1700 (Supervisory Employees)
- Ventress Library Professional Staff Association

Board of Selectmen

Advisory Board Recommendation: At Town Meeting.

Article 2 Explanation: The Town is currently negotiating collective bargaining agreements with several unions above noted. Settlements are presented under MGL Chapter 150E for funding the first year of the settlement.

ARTICLE 3 Will the Town vote to make the following amendments to the Personnel Bylaws, or take any other action relative thereto:

1. By deleting SECTION 9, CLASSIFICATION AND COMPENSATION PLAN, Paragraph (D) Salary Adjustments, Subpart 1. Starting Salary: New Employee, and inserting the following new Paragraph 9(D) Salary Adjustments, Subpart 1A, Starting Salary and Subpart 1B. Salary Ranges, as follows:

Section 9: Classification and Compensation Plan

(D) Salary Adjustments

1. A) Starting Salary: It is the policy of the Town of Marshfield to hire new employees between the minimum and mid-point "hiring range" of a salary range in each classification level as described in Section 11, Schedule A of the Personnel Bylaw. All employees are to be paid within the salary range in each classification level.

It is understood that the Town reserves the right to hire a new employee above the "hiring range" based on the qualifications of an employee as well as the market conditions.

Employees are eligible for annual step increases within the hiring range within each grade level subject to the appropriation of funds. An employee's progression above the 4th step in each grade level is not automatic, but is based on both an employee's performance and years of service in a position.

1. B) Salary Ranges: It is the policy of the Town of Marshfield to establish and maintain salary ranges that are competitive with the market place on a position by position basis. Each salary range is developed in a defined, consistent manner as follows:

Salary Range Mid-point: the average mid-point of survey data collected for all positions within each grade level.

Salary Range Minimum: a fixed % of the salary range mid-point

Salary Range Maximum: a fixed differential greater than the salary range minimum

2. By adding the following definitions to the existing definitions set forth in SECTION 25. – DEFINITIONS in the appropriate alphabetical order as follows:

“Market Rate of Pay”: The competitiveness of a salary range or an employee’s salary in comparison to the market place based on operational and demographic criteria.

“Performance Evaluation”: The evaluation of an employee’s performance based on:

1. Job Duties: essential functions that are on-going
2. Objectives: job duties that are specific, measureable, agreeable, realistic and time bound
3. Competencies: skills required to accomplish job duties and objectives
4. Development Plan: specific, measurable and time bound actions to improve performance

3. By adding the position of Assistant Facilities Manager to SECTION 11, POSITION CLASSES AND COMPENSATION SCHEDULES under Schedule A, General Governmental Positions with a Grade of 12.

4. By adding the position of Energy Manager to SECTION 11, POSITION CLASSES AND COMPENSATION SCHEDULES under Schedule A, General Governmental Positions with a Grade of 10.

5. By adding a new paragraph to the end of existing SECTION 9, CLASSIFICATION AND COMPENSATION PLAN, Paragraph (D) Salary Adjustments, Subpart 6. Merit Compensation as follows:

Notwithstanding anything contained herein, employees at STEP 4 at their respective Grades shall be eligible for additional compensation subject to appropriation with 50% of increase based on merit and 50% based on years of service.

6. By adding a new Schedule A – Compensation Plan to Section 11, POSITION CLASSES AND COMPENSATION SCHEDULES in place of the FY2014 Schedule A – Compensation Plan as follows

**TOWN OF
MARSHFIELD
SALARY SCHEDULE
PERSONNEL BYLAW**

FY2015- 2% -

Annual

<u>GRADE</u>	<u>STEP 1</u>	<u>STEP 2</u>	<u>STEP 3</u>	<u>STEP 4</u>
4	\$28,390	\$29,525	\$30,703	\$31,930
5	\$31,317	\$32,567	\$33,872	\$35,216
6	\$34,547	\$35,926	\$37,366	\$38,861
7	\$38,107	\$39,624	\$41,216	\$42,861
8	\$42,024	\$43,712	\$45,456	\$47,273
9	\$47,273	\$48,211	\$50,136	\$52,150
10	\$51,145	\$53,184	\$55,315	\$57,522
11	\$56,413	\$58,668	\$61,004	\$63,448
12	\$62,228	\$64,710	\$67,294	\$69,995
13	\$68,454	\$71,177	\$74,026	\$76,996
14	\$75,016	\$78,015	\$81,128	\$84,369
15	\$82,513	\$85,812	\$89,241	\$92,808

Board of Selectmen

Advisory Board Recommendation: At Town Meeting.

Article Explanation: This article provides 6 amendments to the Personnel Bylaw as follows:

- 1. Amends Bylaw to allow increases above 4th step in compensation plan based on merit.*
- 2. Amends Bylaw by adding two definitions.*
- 3. Adds the Assistant Facilities Manager to the Bylaw..*
- 4. Adds the Energy Manager position to the Bylaw.*
- 5. Provides Bylaw employees at Step 4 in their Grade the ability to earn wage increases by merit and performance.*
- 6. Adds the FY15 Salary Schedule for Bylaw employees*

ARTICLE 4 Will the Town vote to amend the Town of Marshfield General Bylaws, Article One – Town Meeting, amending Section 8 by adding an additional sentence to the end of the current Section 8 as follows:

The Board of Selectmen shall approve prior to their inclusion on any Annual or Special Town Meeting warrant as to form and content of all proposed Annual or Special Town Meeting Articles involving spending outside the capital or operating budgets submitted by any departments of the Town of Marshfield, or take any other action relative thereto.

Board of Selectmen

Advisory Board Recommendation: At Town Meeting.

Article 4 Explanation: The purpose of this article is to provide for fiscal control that currently does not exist. Currently departments present spending articles independent from the traditional capital budget or operational budget process before budget impacts are known. This article would provide fiscal scrutiny by the Board of Selectmen.

ARTICLE 5 Will the Town vote to gift, transfer and/or or convey a certain parcel of land owned by the Town located off of Maryland Street physically located in the Town of Pembroke to be held under the care and custody of the Town of Pembroke Conservation Commission for open space and conservation purposes which said parcel of land is shown on Town of Pembroke Assessors' Map as Parcel F16-06 and is shown on a plan on file with the Town Clerk's Office, or take any other action relative thereto.

Board of Selectmen

Advisory Board Recommendation: At Town Meeting.

Article 5 Explanation: The Town of Marshfield acquired a certain parcel of land off Maryland Street for conservation purposes. A portion of the land is situated in the Town of Pembroke resulting in a real estate tax bill being issued to the Town of Marshfield. The land has already

been declared surplus by the Selectmen at the request of the Conservation Commission and the Pembroke Conservation Commission has agreed to accept the gift of land for the same purposes extinguishing an annual real estate bill and expense to the Town.

ARTICLE 6 Will the Town vote to amend ARTICLE SIXTEEN – Selling Surplus Property of the General Bylaws of the Town of Marshfield by striking the sum of “\$1000.00” and inserting the words “less than \$10,000.00” in place thereof, or take any other action relative thereto.

Board of Selectmen

Advisory Board Recommendation: At Town Meeting.

Article 6 Explanation: This amendment to the provisions of Article Sixteen is intended to update the Bylaw and bring permissible surplus property thresholds in line with (Mass. Gen. L c. 30B) the state procurement law.

ARTICLE 7 Will the Town vote to accept, pursuant to Mass. Gen. L. c. 4 §4, the provisions of Mass. Gen. L. c. 64L, §2 authorizing the imposition of a local sales tax upon the sale of restaurant meals in the statutory amount of .75% on meals originating within the Town or take any other action relative thereto.

Fiscal Team, including Town Administrator, DPW Business Manager, Superintendent of Schools, Schools Business Manager, Chief Assessor, Town Finance Director – Treasurer/Collector, Town Accountant.

Advisory Board Recommendation: At Town Meeting.

Article 7 Explanation: This article as proposed will increase the Town’s revenues by adding .75% to the state’s meals tax. The current meals tax is 6.25%. That amount translates to \$0.75 on a \$100.00 restaurant bill. This legislation has been adopted by 146 cities and towns and provided \$70.5 million dollars in revenue. The estimated amount projected for the Town of Marshfield is \$365,000.

ARTICLE 8 Will the Town vote to adopt “Stretch Energy Code” set forth in the State Building Code at 780 CMR 120.AA (i.e., Appendix 120.AA), as may be amended from time to time, and to amend the Town of Marshfield’s General By-laws by inserting a new Article Ninety-Two, entitled “Stretch Energy Code” as set forth below:

ARTICLE NINETY-TWO - Stretch Energy Code

Section 1. Acceptance/Adoption.

The Town of Marshfield has accepted and adopted the provisions of 780 CMR 120.AA (i.e., Appendix 120.AA of the State Building Code or the “Stretch Energy Code”), as may be amended from time to time, in place of the provisions set forth under 780 CMR 13.00, 34.00, 61.00 and 93.00.

Section 2. Purpose. The purpose of the Stretch Energy Code shall be to provide the Town with a more energy efficient alternative to the base energy code otherwise set forth under the State Building Code.

or take any other action relative thereto.

Building Inspector/Zoning Officer and Board of Selectmen

Advisory Board Recommendation: At Town Meeting.

Article 8 Explanation: In order to be eligible for designation by the Commonwealth of Massachusetts as a “Green Community,” the Town of Marshfield must adopt the Stretch Energy Code. The “stretch code” is an optional appendix to the Massachusetts building energy code that allows cities and towns to choose a more energy efficient option. This option increases the efficiency requirements in residential and many commercial buildings to minimize, to the extent feasible, the life-cycle cost of the facility by utilizing energy efficiency, water conservation and other renewable or alternative energy technologies.

ARTICLE 9 Will the Town vote to authorize the Board of Selectmen to enter into a lease agreement pursuant to the applicable provisions of Mass. Gen. L. c. 30B, for a portion of the Pratt Property at 172 South River Street owned by the Town of Marshfield including the residence and a portion of the land around the residence for a term of years with such person or persons and offer in exchange, in whole or in part for rent or such other and related considerations, the right to perform repairs and/or renovations to the existing residence consistent with such terms, conditions and specifications as the Selectmen may establish or take any other action relative thereto.

Board of Selectmen

Advisory Board Recommendation: At Town Meeting.

Article 9 Explanation: The Selectmen have received proposals and/or inquiries from persons interested in leasing for a term of years the residence and immediately surrounding grounds on

the Pratt Property in exchange for repair/renovation and/or caretaking services. The Selectmen intend consistent with the prior Town Meeting vote to use the entirety of the property for the purposes for which the property was acquired and have determined that the residence thereon can be renovated and repaired in a manner consistent with its existing appearance and provide a valuable housing resource without adversely impacting the other areas of the property intended for historic and/or open space and/or recreational use. The Selectmen intend to prepare a Request for Proposals which would include a lease in exchange for services in order to improve, repair and maintain the residence on the property.

ARTICLE 10 Will the Town vote to transfer from the Waterways Improvement Account, the sum of \$15,664.00 for the purpose of purchasing a new outboard engine for a 21 foot center console boat and further, to authorize the Selectmen to sell, convey or trade-in the current outboard engine to offset the cost of the purchase, or take any other action relative thereto.

Harbormaster/Waterways Committee

Advisory Board Recommendation: At Town Meeting.

Article 10 Explanation: The Harbormaster is asking the Town vote to appropriate \$15,664.00 by transferring available funds from the Waterways Improvement account for the purpose of procuring a new outboard engine for a 21 foot center console Harbormaster's boat. The current outboard motor is in need of upgrade and is be traded in to offset the costs of acquiring a new engine. The gauges, wiring and steering systems are compatible with the new engine and will not need replacement..

ARTICLE 11 Will the Town vote to authorize the Town Finance Director-Treasurer/Collector to borrow, with the approval of the Board of Selectmen, the sum of \$200,000 under Mass. Gen. L. c. 44 or any other applicable law, for the purpose of dredging the South River within the 50 foot wide channel south of the Sea Street Bridge for a distance of approximately 1550 linear feet and, further, to authorize the placement of the sediment from said dredging on the adjoining beach or in such other and further areas as may be approved by the Marshfield Conservation Commission said work and funds shall be expended under the direction of the Harbormaster and Department of Public Works, or take any other action relative thereto.

Harbormaster/Waterways Committee

Advisory Board Recommendation: At Town Meeting.

Article 11 Explanation: The Town recently completed dredging and removing remnant piles within the channel under the Sea Street Bridge utilizing grant funds from the State DOT and funding for South River Dredging from Article 3 ATM 2012. There were insufficient funds to include dredging the 1550 linear feet to the south of Sea Street Bridge. It is the Town's intention to utilize the Barnstable County hydraulic dredge to dredge the channel and to pump approximately 10,000 cubic yards of the beach compatible sediment on to the Rexhame Beach for beach nourishment.

ARTICLE 12 Will the Town vote to authorize the Town Finance Director-Treasurer/Collector borrow, with the approval of the Board of Selectmen, pursuant to Mass. Gen. L. c. 44 or any other applicable law, a **sum of money** in the form of low interest loan from State Executive Office of Energy and Environmental Affairs Dam and Seawall Loan Fund, authorize the Board of Selectmen to accept a grant of a **sum of money** from the State Executive Office of Energy and Environmental Affairs Dam and Seawall Loan Fund, and authorize the use of unexpended funds from Article 14 STM April 2013 Seawalls and Rip Rap as a contributing match, to fund the replacement of a portion of the Foster Avenue Seawall approximately 1000 linear feet in length located south of Old Beach Road. The costs for said borrowing defrayed by the General Fund, or take any action relative thereto.

Board of Public Works

Advisory Board Recommendation: At Town Meeting.

Article 12 Explanation: The Town applied for and received a loan/ grant for Foster Avenue – Phase I in the amount of sum of money from the state to replace approximately 1000 linear feet of existing seawall constructed in 1931 along Foster Avenue from Old Beach Road to 9th Road. The new Seawall will be approximately 2 feet higher and constructed with a footing and protective toe revetment. The permitting will take approximately 9 months to complete. Construction is anticipated to start in fall of 2015 and completed in spring of 2017.

ARTICLE 13 Will the Town vote to raise and appropriate, transfer from available funds or borrow a sum of money to acquire by purchase, gift, eminent domain or otherwise, on such terms as the Selectmen and Board of Public Works may determine, for surface water drainage, open space, passive recreational purposes and conservation purposes the fee, easement, conservation restriction and/or other property interests in, on, over, across, under and along all or any portion of the property identified as **Assessor's Parcel H12-01-9B** containing approximately five (5) acres, more or less, in furtherance of a Settlement Agreement and Purchase and Sale Agreement with the owner of said land, or take any other action relative thereto.

Board of Public Works

Advisory Board Recommendation: At Town Meeting.

Article 13 Explanation: The Town's drainage system from Ferry Street outfalls within an area on Town owned parcel G12-29-07 designated for drainage; however, a portion of the system was constructed onto an abutting property not owned by the Town. After some protracted litigation, the Town and the property owner have settled their claims pursuant to a Settlement Agreement and Purchase and Sale Agreement to acquire the property needed for the system. The Town acquires the legal right to complete the basin in its current location at the time of the payment of an initial \$25,000.00 and then has agreed to purchase the remainder of the five acres for the sum of \$50,000 if, as and when, environmental mitigation including mitigation for the town's stormwater basin, is completed and the property is restricted with an open space and conservation restriction. Said parcel abuts other town-owned conservation lands and DPW property.

ARTICLE 14 Will the Town vote to authorize the Board of Selectmen to execute declarations of restriction and/or a permanent historic, open space and/or conservation restrictions and related documents in a form acceptable to Town Counsel on certain parcels of town-owned land acquired in whole or in part with Community Preservation Funds pursuant to Mass. Gen. L. c. 44B Section 12 and/or Mass. Gen. L. c. 184 Sections 31-33, described below, the cost of any stewardship funds and preparation of the conservation restrictions to be paid from the articles authorizing the acquisition of the lands or take any action relative thereto.

- a. 8.3 acres of land, more or less, also known as the Salvetti Property, 175R Pleasant Street (Fall 2012 STM, Art. 15);
- b. 45.67 acres of land, more or less, off of Holly Road, (Fall 2013 STM, Art. 3);
- c. 37.00 acres of land, more or less, also known as the Pratt Property, 172 South River Street, (Fall 2012 STM, Art. 15)

Open Space Committee

Advisory Board Recommendation: At Town Meeting.

Article 14 Explanation: Prior Town Meeting votes acquired the three parcels using in whole or in part CPA Funds. The prior articles contemplated future delineation of protected portions of the property. The Town is in the process of completing the delineation of what portions of the property will be protected and is now seeking authorization to restrict in perpetuity the areas of these properties which could not be done at the time of the original acquisition.

ARTICLE 15 Will the Town vote to authorize the Board of Public Works on behalf of the Town to repurchase certain unused and unwanted burial plots and graves, for a sum of money by transferring a sum of money from available funds to fund said purchase, or take any other action relative thereto.

Board of Public Works

Advisory Board Recommendation: At Town Meeting.

Article 15 Explanation: The Board of Public Works as a part of its efforts to identify available space in its cemeteries located unused or unwanted burial plots and graves at reasonable rates. The Board believes repurchasing the graves for resale is a good policy and will create additional space for burials.

ARTICLE 16 Will the Town will vote to amend the Marshfield Zoning Bylaws as follows:

1. Amend Article II Definitions by inserting the following new definitions in the appropriate alphabetical order.

Dwelling, Mixed-use - A building in the PMUD overlay district that has a commercial use(s) on the first floor and 2 stories of residential above.

Research Offices/Laboratory - Any office and/or laboratory engaged exclusively in the pursuit of scientific research and development, including the research and development of manufactured, processed or compounded products and classified as either Biosafety Levels 1 or 2.

Planning Board

Advisory Board Recommendation: At Town Meeting.

Article 16 Explanation: This article adds two new definitions to the definition section of the Zoning Bylaw. The new definitions address the creation of a mixed use building with commercial on the ground floor and two floors of residential units above, similar (but lower density) to what was passed in the Brant Rock Overlay District at the last town meeting. The second change is to define and limit research offices and labs to Bio-Safety Levels 1 and 2. Bio-Safety levels 1 and 2 cover common tests and experiments related to doctor offices and visits. More information on Biosafety levels 1 and 2 are provided below.

Biosafety Level 1

Biosafety Level 1 is suitable for work involving well-characterized agents not known to consistently cause disease in immunocompetent adult humans, and present minimal potential hazard to laboratory personnel and the environment. BSL-1 laboratories are not necessarily separated from the general traffic patterns in the building. Work is typically conducted on open bench tops using standard microbiological practices. Special containment equipment or facility design is not required, but may be used as determined by appropriate risk assessment. Laboratory personnel must have specific training in the procedures conducted in the laboratory and must be supervised by a scientist with training in microbiology or a related science.

Biosafety Level 2

Biosafety Level 2 builds upon BSL-1. BSL-2 is suitable for work involving agents that pose moderate hazards to personnel and the environment. It differs from BSL-1 in that: 1) laboratory personnel have specific training in handling pathogenic agents and are supervised by scientists competent in handling infectious agents and associated procedures; 2) access to the laboratory is restricted when work is being conducted; and 3) all procedures in which infectious aerosols or splashes may be created are conducted in BSCs or other physical containment equipment.

ARTICLE 17 Will the Town will vote to amend the Marshfield Zoning Bylaws as follows:

2. Amend Article V. Table of Use Regulations by inserting a new (Residential #6 Dwelling, Mixed-use) and a new (Wholesale, Transportation and Industrial # 22 Micro-brewery) and changing the following Uses (Retail and Service #2a, #4, #10, #20 and Wholesale, Transportation and Industrial #11a) .

Principal Uses	Residential				Business					Industrial		Overlay	
	R-1	R-2	R-3	RB	B-1	B-2	B-3	B-4	OP	I-1	A	PMUD	WRPD
Residential													
6. Dwelling, Mixed-use	-	-	-	-	-	-	-	-	-	-	-	S	-
Retail and Service													
2. Retail establishment selling general merchandise, including but not limited to dry goods, apparel and accessories, furniture and home furniture and home furnishings, home equipment, small wares and hardware and including discount and limited price variety store													
a. with a maximum floor area limitation of 8,000 sq. ft. for any single establishment	-	-	-	-	P	S	S	S	-	-	-	S	S
4. Drive-in eating Establishment	-	-	-	-	S	S	-	S	-	-	-	S	S
10. Bank	-	-	-	P	P	P	P	P	-	-	-	S	S
20. Motion picture establishment indoor	-	-	-	-	S	S	-	S	-	-	-	S	S

Wholesale Transportation and Industrial														
6. Motor freight terminal and warehousing	-	-	-	-	-	-	-	-	-	-	S	-	S	-
11. Research offices or establishments devoted to research and development activities limited to Biosafety levels 1 and 2														
a. with a maximum floor area limitation of 8,000 sq. ft. for any single establishment	-	-	-	-	-	P	-	-	P	P	P	P	S	S
22. Micro-Brewery/Processing	-	-	-	-	S	-	-	-	-	P	-	P	S	S

Planning Board

Advisory Board Recommendation: At Town Meeting.

Article 17 Explanation: This article adds two new uses; Dwelling Mixed Use and Micro-Brewery in the Table of Use and modifies five existing uses to allow them in the PMUD by special permit. The Dwelling, Mixed-use is only allowed in the PMUD by special permit. The Micro-Brewery is allowed in the B1 and WRPD by special permit and allowed by right in the PMUD and Industrial districts. The following categories in the PMUD are to be allowed by special permit: Retail (limited to 8,000 sq. ft.), Drive-in Eating and Bank. Motor freight is to be changed in the PMUD from By-right to Special Permit and Research Office/Lab is to be changed from a special permit in the RB district to a prohibited use and added to the PMUD as a Special Permit use.

ARTICLE 18 Will the Town vote to amend the Marshfield Zoning Bylaws as follows:

3. Amend Article 11, Section 05 Planned Mixed-Use Development by replacing the current language with the following.

Section Planned Mixed-Use Development – This section of the Zoning Bylaw is to allow a 11.05 Planned Mixed-Use Development (PMUD) overlay district within a portion of the Industrial District as shown on the Zoning Map.

1. Purpose: The purpose of this planned mixed-use development section is as follows:
 - To provide an opportunity to comprehensively plan large tracts of land in a pedestrian friendly, campus-like setting, around a public green.
 - To ensure high quality site planning, architecture and landscape design to create a distinct visual character and identity for the development that provides the town with a mixed-use environment with convenience and amenities.
 - To ensure any potential traffic impacts of the planned mixed-use development are properly mitigated and in keeping with the character of the Town of Marshfield.

- To generate positive tax revenue, while providing the opportunity for new business growth and additional local jobs.
2. Process: The applicant files a Special Permit Application with the Planning Board serving as the Special Permit Granting Authority (SPGA), for an element (or combination of elements) within the Plan Mixed-Used District. A new element is a tract in single or consolidated ownership at the time of application and shall be a minimum of seven (7) acres in size and contain at least 150 feet of frontage. An element can be planned for and developed in phases. Existing elements shall not require a minimum tract size. An element may be a single use or group of uses and may be broken into phases. Each element shall contain or provide for the overall road network, roadway drainage, a public green, park, and/or playground, bike and pedestrian ways, lots and proposed uses. A proposed element may, with the written approval of the Planning Board based on an express finding that off-site public improvements are in the public interest, provide financial support to off-site public improvements in lieu of on-site improvements as part of the application. When site plan approval is required for the proposed uses in the PMUD, the Site Plan Approval Authority shall be the Planning Board.
 3. Applicability and Uses:
 In addition to the uses allowed in the I-1 zone that are not specifically prohibited in the PMUD, the following uses may be allowed by special permit: Retail and Service; Eating and drinking places; Banks; Membership club; Hotel; Educational campus; Medical facility or Offices, General offices; Research facilities; Other amusement / recreation service; Mixed-use buildings with commercial on first floor and residential units above with a base density of 6 units per acre (subject to affordability requirements under Section 11.05.6 below); Age Restricted Adult Village residential units with a base density of 4 units per acre (subject to affordability requirements under Section 11.05.6 below); Attached Nursing, rest or convalescent home not to exceed 24 beds per acre.
 4. Required Performance Standards:
 - 4.1 Uses shall be grouped together to maximize pedestrian access by connecting sidewalks and pathways. Buildings, when abutting a public green, shall be oriented around a public green and not Route 139 (Plain Street).
 - 4.2 Access to Route 139 (Plain Street) from a proposed development or elements within the PMUD shall be through a secondary street as defined in the Planning Board Subdivision Rules and Regulations at a signalized intersection.
 - 4.3 Maximum percentage of land area allowed by use within the Planned Mixed-Use Development overlay district.

Use	Maximum percentage allowed within the PMUD	Maximum in acres allowed within the PMUD
Major Retail and Service (including Grocery Store)	8%	17.3
Retail and Service Mixed-use (including but not limited to residential units above)	22% or a maximum of 75 residential units above whichever is more restrictive	48
Office/ Research/ Medical	35%	75.6
Age-Restricted Adult Village	5%	10.8
Nursing Home/ Assisted Living	10%	21.6
Hotel/ Motel (with conference center)	5%	10.8
Educational Campus (including residential units above)	5%	10.8
Profit Recreation	10%	21.6
Total	100%	216.5 Acres

4.4 Development of the future elements within the PMUD shall be required to balance commercial and other non-residential developments with residential elements. Future elements that are all residential (Age-Restricted Adult Village) shall be preceded by a minimum of 10,000 sq. ft. of commercial development.

- 4.5 The base number of dwelling units in the PMUD shall be determined by the following formula:
- Total area of land subject to the application minus (-) wetlands/water-bodies multiplied (*) by applicable base density add (+) affordable housing and density bonus (see Section 11.05.6) equals (=) Total number of dwelling units.*
- 4.6 Mixed-use residential units within the PMUD shall provide a minimum of 1.25 parking spaces for each bedroom. Age Restriction Adult Village/Attached residential units within the PMUD shall provide a minimum of two parking spaces per unit. Enclosed or covered parking may be allowed as an accessory use in the rear of the first floor of a Mixed-use building.
- 4.7 The majority of the parking shall be located to the rear or sides of buildings. All parking and loading areas shall be completely screened from Route 139 (Plain Street) by a minimum 50-foot wide raised and landscaped buffer. Parking lots and loading areas shall be appropriately screened from roadways within the overlay district by a minimum 20-foot wide raised and landscaped buffer. Appropriately designed view corridors of buildings from the roadways within the overlay district shall be allowed.
- 4.8 Reduction in parking space requirements may be permitted by written request in the application as part of the granting of the special permit where by design and use it is shown to the Planning Board's satisfaction that the parking is compatibly shared by multiple uses. However, in no case shall a parking requirement reduction exceed twenty (20) percent of those parking spaces required under normal application of requirements for the non-residential uses proposed.
- 4.9 Individual retail establishments shall be limited to a maximum gross floor area of 55,000 square feet. An individual retail establishment may be increased to 65,000 square feet where the Planning Board finds that individual sections of the retail establishment front a public green with access and windows or where the additional space is used as small retail uses lining the wall facing the public green of the large retail establishment.
- 4.10 All elements that create mixed-use residential or attached residential units are required to provide affordable housing in compliance with Section 11.05.6. All affordable housing created by this Bylaw shall be Local Initiative Program (LIP) dwelling units in compliance with the requirements of the Massachusetts Department of Housing and Community Development LIP Program. Affordable housing units will count toward the Town's Subsidized Housing Inventory, in accordance with M.G.L. CH. 40B.
- 4.11 All residential development which occurs as a result of this Bylaw shall meet the Affordable housing requirements and shall be entitled to a Density Bonus as follows: The number of Affordable units and Density Bonus units shall equal the number of base density units multiplied by twenty-five (25 %) percent and rounded up to the next even number divided by two. (Example: A base density of 9 units will result in 9

base density units plus 4 units (.25 x 9 units = 2.25 units rounded up to 4 units, 2 Affordable units and 2 Density Bonus units) or 13 units in total. A base density of 31 units will result in 31 base density units plus 8 units (.25 x 31 units = 7.5 units rounded up to 8 units, 4 Affordable units and 4 Density Bonus units) or 39 total units.

- 4.12 The development site design shall be integrated into the existing terrain and surrounding landscape to provide the least amount of site disturbance, and shall be designed, including with appropriate noise, light and open space buffering and screening to protect abutting properties, neighborhood and community amenities. Building sites shall, to the extent deemed feasible by the Planning Board;
- a. Preserve unique natural or historical features.
 - b. Minimize grade changes, removal of trees, vegetation and soil.
 - c. Maximize buffers to wetlands and water bodies.
 - d. Screen objectionable features from neighboring properties and roadways.
- 4.13 All elements of the PMUD shall provide for access on roads and driveways that in the opinion of the Planning Board have sufficient width, suitable grades, and adequate construction to provide for the needs of vehicular traffic generated by the proposed development. The development shall maximize the convenience and safety of vehicular, bike and pedestrian movement within the site and in relation to adjacent ways through proper layout, location and design.
- 4.14 All dead end roads and driveways shall terminate in a cul-de-sac or provide if approved by the Planning Board as part of the special permit, other accommodations for vehicles to reverse direction when it is deemed in the public interest to do so. Turn around areas shall be designed to accommodate the largest emergency vehicles of the Town of Marshfield. Dead end streets and connecting driveways shall not exceed 800' in length, measured from the intersection of the road that provides access.
- 4.15 The mass, proportion and scale of the building, roof shape, roof pitch, and proportions and relationships between doors and windows should be harmonious among themselves. Plans shall provide information and elevations to show massing of buildings, height and spacing between buildings. Plans shall provide a table with properties, entity, use, area (in acres) and area (in percentage) for both the proposed element and total for the overlay district.
- 4.16 Architectural details, including elevation plans of all sides, shall be submitted of new buildings and additions, and textures of walls and roof materials, should be harmonious with the building's overall architectural style and should preserve and enhance the historic character of Marshfield.
- 4.17 The building's location shall be oriented parallel or perpendicular to the public green(s) and/or street. Where the minimum setback cannot be maintained, the applicant shall provide adequate spatial definitions through the use of walls, fences and/or other elements, which will maintain the street line.

- 4.18 The buildings' main entrance may be placed to the side of the front facade to facilitate access to parking.
- 4.19 Mixed-use and residential building façades in excess of forty (40) feet shall incorporate recesses and projections, of a minimum of two (2) feet in depth or otherwise be designed, to break up the building's mass and scale.
- 4.20 A minimum of 60% of the building's public green(s) and/or street side façade shall contain windows and other appropriate architectural elements, excluding the façade facing Route 139 (Plain Street) where the landscaped buffer is determined by the Planning Board to be adequate. The windows should be divided by muntins and framed with a casing trim; awnings should be designed as an integral part of the building façade; metal awnings are discouraged.
- 4.21 All utility connections to buildings and structures shall be located underground.
- 4.22 All building rooftop utilities such as air conditioners shall be appropriately screened from public view and from the view of abutting properties.
- 4.23 All ground mounted utilities such as transformers, switching units, and ventilation pipes shall be appropriately screened from view.
- 4.24 All loading docks and service entrances where equipment, furniture, goods and materials are loaded into buildings shall be appropriately screened from view.
- 4.25 All dumpsters and other waste refuse containers shall be covered and appropriately fenced and screened from view. Collection times for dumpsters and other waste refuse containers located in the Mixed-use and residential parcels of the PMUD overlay district shall be scheduled for normal daytime (7AM to 5 PM) residential collection hours.
- 4.26 Individual special permit applications shall comply with Section 11.10 (Traffic Impact Study).
- 4.27 The large retail establishment shall either provide an entrance to the public green or it should be designed so that the façade facing the public green is lined with accessory shops or uses to enhance pedestrian activities.
- 4.28 A public green, playground, recreation field or other recreational amenities (trails/paths/bikeways) shall be required for each element of development within the PMUD. The public green(s) shall be a minimum of one-half (½) acre in size per every seven (7) acres within an element and shall be designed as a bike and pedestrian friendly park. The public green(s) shall contain some combination of benches, tables, playground equipment, sidewalks, lighting and landscaping. Each green shall be used solely for active and passive recreation purposes and shall be open to the public. The total acreage of the green in each element may be used toward the land area calculations to determine allowable density within that element. The Planning Board

may allow for an off-site location for the public green, playground, recreation field or other recreational improvement if determined to be in the best interest of Town. The public green, playground, recreation field or other recreational improvement requirement may (with Planning Board's approval) be met by adding to an existing public green, playground or recreation field or facility.

4.29 Setbacks for the overlay district shall be as follows:

Minimum Yards	
Building setbacks	Minimum (ft.)
Public Green (where applicable)	5
Front	20
Front (Mixed-use)	5
Side	10
Rear	30

4.30 Front setbacks for buildings facing the public green(s) may vary. All other standards for I-1 zoning districts contained in the Sec. 6.10 Table of Dimensional and Density Regulations shall apply.

4.31 In cases where the proposed traffic mitigation is deemed by the Planning Board to be out of character for the town, the applicant may propose additional open space from within the PMUD district or adjacent districts, or may donate an amount equal to the cost of the proposed mitigation to the Town for the purpose of open space acquisition. Where permanently protected open space is provided in lieu of traffic mitigation, said open space shall be at least equal in area to the total acreage of land of said proposed use.

5. Ownership of Public Green

5.1 Subject to approval by the Planning Board, all areas designated as public greens shall be either placed under a permanent conservation restriction or deeded to the Town as a condition of special permit and site plan approval. If placed under a conservation restriction, said restriction shall be in a form approved by Town Counsel and

enforceable by the Town, conforming to the standards of the Massachusetts Executive Office of Environmental Affairs, Division of Conservation Services, that shall be recorded to ensure that such land shall be kept in an open state. Such restriction shall be submitted to the Planning Board prior to approval of the project and recorded at the Registry of Deeds/Land Court with the issuance of the building permit.

- 5.2 Maintenance of Public Green: The Town shall be granted an easement over such public green sufficient to ensure its perpetual maintenance as recreation land. Such easement shall provide that in the event the owner fails to maintain the public green in reasonable condition, the Town may, after notice to the lot owners and public hearing, enter upon such land to maintain it in order to prevent or abate a nuisance. The cost of such maintenance by the Town shall be assessed against the properties within the development and/or to the owner of the open space. The Town may file a lien against the undeveloped lots within the corresponding phase of the PMUD to ensure payment of such maintenance expenses.
- 5.3 Monumentation: Where the boundaries of the public green are not readily observable in the field, the Planning Board shall require placement of permanent surveyed bounds sufficient to identify the location of the public green.

6. Affordable Housing Provisions

6.1 The requirement for Affordable units shall be met by one or a combination of the following methods:

- A. On-Site Development: Constructed or rehabilitated on the locus subject to the special permit; (Preferred) or
- B. Fees-in-Lieu of Construction: The applicant may offer, and the Planning Board, upon receiving a favorable recommendation from the Housing Partnership, may approve fees-in-lieu-of construction of Affordable housing units as satisfying the requirements of Sub-Section 4.0 above. The applicant shall make the payment of the fee-in-lieu of construction to the Marshfield Housing Authority for the sole purpose of creating affordable housing units in the Town of Marshfield that meet the state's LIP and adds to the town's subsidized Housing inventory as determined by the Housing Partnership. Fees-in-lieu of construction are more fully addressed below.

The applicant may offer, and the Planning Board may accept, a combination of the On-Site and Fees-in Lieu of construction; provided that in no event shall the total number of Affordable units provided on site and the number of Affordable units for which a fee-in-lieu of construction is paid be less than the equivalent number or value of Affordable units required for the applicable development by this Bylaw. Note: If affordable units are for rent, the provisions below Fees- in Lieu of construction are not applicable.

6.2 Provisions of Affordable Housing Units On-Site:

- A. Location of Affordable Units: All Affordable units shall be situated within and dispersed throughout the development so as not to be in less desirable locations than market-rate units in the development and shall, on average, be no less accessible to public amenities, such as open space, than the market-rate units.
- B. Minimum Design and Construction Standards for Affordable Units: Affordable housing units within market-rate developments shall be integrated with the rest of the development and shall be identical to the market-rate units in size, design, appearance, construction, building systems such as HVAC, electrical and plumbing, and quality and types of materials used in all interior space including bedrooms, kitchen, bathrooms, living rooms, studies, hallways, closets, garages and basements and provided with identical amenities and appliances such as, but not limited to, decks, central vacuum cleaning systems, stoves, refrigerators, compactors, disposals, dishwashers and landscape fencing, walls and plantings unless otherwise approved in the special permit by the Planning Board. No changes to these standards may be made by the Planning Board without the approval of the Housing Partnership.
- C. Marketing Plan for Affordable Units: Applicants shall submit a marketing plan which describes the number of Affordable housing units, their approximate sales price or rent level, the means for selecting buyers or tenants of the Affordable units, how the applicant will accommodate Local Preference requirements and the method of affirmatively marketing the Affordable units (including the marketing of such units) to minority households, in a manner that complies with the LIP Guidelines. This requirement is further addressed in Section 11.14.9 of this Bylaw.
- D. The marketing plan shall be developed by the applicant with the assistance of the Lottery Agent and submitted to the Housing Partnership. The Housing Partnership shall review the marketing plan to determine its appropriateness in addressing the Affordable housing needs within the community and its compliance with applicable federal and state statutes and regulations, the LIP Guidelines and this Bylaw. The Housing Partnership may require modifications of the marketing plan or, if it determines the plan to be satisfactory, may forward it to DHCD with a favorable recommendation. Following the approval of the marketing plan by DHCD, the Housing Partnership shall notify the Planning Board and the Lottery Agent. The special permit and building permits may be granted prior to receiving DHCD approval so as to facilitate the construction of the development; however, occupancy permits, whether for Affordable or market-rate units, shall not be issued until such time as the Marketing Plan has been approved by DHCD.
- E. Applicants shall comply with the requirements of the Lottery Agent and certify their acceptance and willingness to comply with the lottery process or other

requirements of the Lottery Agent for the selection of qualified housing buyers or renters for the Affordable units. The lottery system and requirements are further addressed in Section 11.14.9 of this Bylaw. Applicants may use a lottery agent from a list of DHCD approved lottery agents or may use the Marshfield Housing Authority as its lottery agent. The recommended lottery agent shall be approved by the Housing Partnership.

6.3. Provision for Fees-in-Lieu-of Construction of Affordable Housing Units

- A. Fees-in-Lieu of Construction of Affordable Housing Units: An applicant may propose to pay a fee-in-lieu of construction of affordable housing units to the Marshfield Housing Authority. A fee-in-lieu of construction shall be for the sole purpose of creating affordable housing in the Town of Marshfield that meet the State's LIP and adds to the Town's Subsidized Housing Inventory as determined by the Housing Partnership. The fee-in-lieu of construction shall be held in trust and in separate interest bearing accounts by the Marshfield Housing Authority for such purpose.
- B. For each Affordable unit for which a fee-in-lieu of construction is paid, the cash payment per unit shall be equal to sixty-five percent (65%) of the average price being asked for the market-rate units in the applicable development.
- C. The fee-in-lieu of construction shall not result in an increase in the total number of units contained in the application for the special permit approved by the Planning Board.
- D. The Marshfield Housing Authority shall submit to the Housing Partnership annually and upon request, reports and other documentation of the use of its financial accounting for the fees-in-lieu of construction.
- E. The Marshfield Housing Authority shall hold all fees-in-lieu of construction of Affordable housing units paid to it and all investment income and profit thereon received by it separately from all other moneys of the Marshfield Housing Authority. It shall cause such fees, income and profit to be audited at least once a year by an independent, Certified Public Accountant or independent firm of Certified Public Accountants experienced in auditing accounts of governmental entities (which may be its regular auditor if such regular auditor meets the foregoing criteria); such audit to be completed no later than the general audit of the Marshfield Housing Authority's financial statements for the applicable fiscal year. A copy of such audit shall be promptly submitted to the Town Accountant, the Town Treasurer, the Town Administrator, the Board of Selectmen, the Housing Partnership, and the Planning Board. Such audit may be combined with the general audit of the Marshfield Housing Authority as long as all matters relating to such fees, income and profit are set forth separately from all other accounts of the Marshfield Housing Authority.

- F. Schedule of Fees in Lieu of Payments: Fees-in-lieu of construction payments shall be made prior to application for the first residential occupancy permit of the element.

7. Criteria for Review and Approval

The Planning Board shall review all applications for Planned Mixed-Use Development to determine compliance of the proposal with the following criteria:

- 7.1 Section 11.05 (1) purpose;
- 7.2 Section 11.05 (4) required performance standards;
- 7.3 That the proposed element provides the proper fiscal balance for the Town, ensuring that additional non-residential growth (within the PMUD) occurs prior to or at the same time as additional residential development;
- 7.4 That any proposed residential units provide the Town with the type of affordable housing as called for in the Housing Production Plan.
- 7.5 That the projected traffic increase of the proposed uses to the local road(s) and Route 139 is within the capacity of the existing road network, or that the applicant's proposed traffic mitigation measures will adequately address actual and proposed traffic impacts from the proposed element and all other projected development in accordance with standard traffic impact assessment practices and traffic flow.
- 7.6 That the proposed streets have been aligned to provide vehicular access to lots and/ or buildings in a reasonable and economical manner. Lots, buildings, parks, playgrounds and streets have been located to avoid or minimize adverse impacts on wetlands and water-bodies;
- 7.7 That the proposed development improves pedestrian and bicycle access and safety;
- 7.8 That suitable public green(s) and facilities have been provided;
- 7.9 Acceptability of building and site design;
- 7.10 That the proposal conforms with the goals of the Marshfield Master Plan and Housing Production Plan as amended.

The Board's findings, including the basis of such findings, shall be stated in the written decision of approval, conditional approval or denial of the special permit. The Board shall impose conditions in its decision as needed to ensure compliance with the Bylaw.

8. Severability

If any provision or provisions of this Bylaw is or are declared unconstitutional or inoperative by a final judgment, order or decree of the Supreme Judicial Court of the Commonwealth, the remaining parts of said chapter shall not be affected thereby.

9. Exemption

The Marshfield Planning Board shall have the right to waive strict compliance with the provisions of this Bylaw for nonprofit recreational uses proposed on any municipally owned land within the PMUD.

Planning Board

Advisory Board Recommendation: At Town Meeting.

Article 18 Explanation: This article adds two new uses; Dwelling Mixed Use and Micro-Brewery in the Table of Use and modifies five existing uses to allow them in the PMUD by special permit. The Dwelling, Mixed-use is only allowed in the PMUD by special permit. The Micro-Brewery is allowed in the B1 and WRPD by special permit and allowed by right in the PMUD and Industrial districts. The following categories in the PMUD are to be allowed by special permit: Retail (limited to 8,000 sq. ft.), Drive-in Eating and Bank. Motor freight is to be changed in the PMUD from By-right to Special Permit and Research Office/Lab is to be changed from a special permit in the RB district to a prohibited use and added to the PMUD as a Special Permit use.

ARTICLE 19 Will the Town will vote to amend the Marshfield Zoning Bylaws as follows:

4. Amend Article 11, Section 10 Traffic Impact Study by replacing the first paragraph with the following.

Section Traffic Impact Study – A detailed traffic impact analysis shall be submitted for any
11.10 application for a development which requires a) a special permit for a principal use within the B-1, B-2 or I-1 zoning districts, or b) which would have an anticipated average peak hour trip generation in excess of 80 vehicle trip ends or an average weekday generation in excess of 800 vehicle trip ends; except that the requirement for traffic impact analysis may be waived where it is found by the Board that a traffic study for the area impacted by the proposed project has been completed in the past 12 months and is acceptable to assess the impacts of the proposed project; or where it is determined by the Board that the primary traffic impacts of the proposed development affect Route 139 and where the Town and/or MassHighway has engineered plans for traffic mitigation that are in the planning or implementation stage, and where the applicant is willing to contribute funds to a traffic mitigation fund in an amount at least equal to the cost of a traffic impact analysis, as determined by the Board upon consultation with at least the Building Inspector, Board of Public Works, the Planning Board and the applicant. Calculation of anticipated average peak hour trip generation and average weekday generation shall be determined as follows:

Planning Board

Advisory Board Recommendation: At Town Meeting.

Article 19 Explanation: This article raises the maximum trip generation numbers for a traffic impact study from 30 to 80 for the Average Peak Hour and from 400 to 800 for the Average

Weekday. The original traffic generation numbers were created before the Route 139 improvements were planned. These new trip generation numbers will still require large developments or high trip generators (fast food establishments) to file a traffic study.

ARTICLE 20 Will the Town vote to amend the Marshfield Zoning Bylaws as follows:

Amend Article 2, Definitions, by deleting the existing definition of “ Building Height ” and replacing it with the following definition of “Building Height” as follows: .

Building Height: The vertical distance from the average finished grade, measured 6’ horizontally from the foundation of the adjacent ground to the top of the structure of the highest roof beams of a flat roof, or the mean level of the highest gable or slope of a hip, pitch or sloped roof.

In connection with flood proofing a structure above the Base Flood Elevation as determined by the National Flood Insurance Rate Maps, the maximum building height listed in section 6.10 Table of Dimensional and Density Regulations may increased by the difference between the Base Flood Elevation as determined by the July 17, 2012 Flood Insurance Rate Maps and the current Flood Insurance Rate Maps as adopted by the town.

Building Commissioner/Zoning Officer

Advisory Board Recommendation: At Town Meeting.

Article 20 Explanation: This is a revision draft of a prior article which is intended to ameliorate the effect of a prior change and lessen the maximum height of a building in flood prone areas which should improve public safety and balance the rights of property owners.

ARTICLE 21 Will the Town vote to raise and appropriate, transfer from available funds, and/or borrow a sum of money, including all closing costs and subsequent conservation restriction costs, to acquire a certain parcel of land off Webster Street further described in a deed dated May 7, 2008 and recorded with Plymouth Registry of Deeds at Book 35954, Page 125-126 and also shown on the Town of Marshfield Assessors’ Maps as Parcel J04-03-54D and containing 10.22 acres of land, more or less, for water resource protection and/or open space and conservation purposes, and to authorize the Board of Selectmen to grant a conservation restriction in a form acceptable to Town Counsel pursuant to Mass. Gen .L. c. 44B Section 12 and/or Mass. Gen. L. c. 184 Sections 31-33 or take any other action relative thereto.

Open Space Committee

Advisory Board Recommendation: At Town Meeting.

Article 21 Explanation: This is a 10.22-acre parcel on Pilgrim Trail off Webster Street. Acquisition of this property fulfills multiple open space goals but is most valuable and is being considered for drinking water protection. It is located between two wells and within the Water Resource Protection District (Zone 2). Groundwater pumped from the Webster Street wells in this area has a higher concentration of nitrogen, predominantly caused by septic systems.

ARTICLE 22 Will the Town vote to transfer from available funds a sum of money to the FY2015 operating budget of the Ventress Memorial Library for the purpose being able to meet expenditure requirements, or take any other action relative thereto.

Library Board of Trustees

Advisory Board Recommendation: At Town Meeting.

Article 22 Explanation: If the Ventress Memorial Library was not certified by the Massachusetts Board of Library Commissioners we would not receive any State Aid to Public Libraries. Libraries in certified municipalities are not required to lend library materials to Marshfield residents. Libraries in certified municipalities are not required to extend reciprocal library services, beyond in-library use of their materials, to residents of the noncertified municipality (605 CMR 4.01 (6b)). The library will not receive support through the Small Libraries in Networks Program. The municipality is not eligible to apply for funds under the Public Library Construction Program (605 CMR 6.05 (1)(c)), and any existing grant will be invalidated because the library must maintain eligibility throughout the construction process in order to receive grant funds (605 CMR 6.09(7)(b)). The library will not be eligible to apply for grants under the Library Services and Technology Act (LSTA) program.

ARTICLE 23 Will the Town vote to transfer from available funds the sum of \$2,000 to be added to the FY2015 operating budget of the Veterans' Graves Officer to cover the increased cost of purchasing grave marker/flag holders and/or flags for veterans' graves and flags for poles at five Marshfield cemeteries, including the Veterans Memorial Park, or take any other action relative thereto.

Marshfield Veterans' Graves Officer

Advisory Board Recommendation: At Town Meeting.

Article 23 Explanation: The number of veterans' graves have increased over the last 13 years with no increase in funding. There are now over 1,700 flags/marker/holders in five cemeteries for both Memorial Day and Veterans Day as well as the need for new flags for the poles at each cemetery.

ARTICLE 24 Will the Town vote to transfer from available funds or authorize the Town Finance Director – Treasurer/Collector to borrow, with the approval of the Board of Selectmen, a **sum of money** for the design and/or construction of a new Fueling Facility, located at the Highway Garage at 35 Parsonage Street, or take any other action relative thereto.

Board of Public Works

Advisory Board Recommendation at Town Meeting.

Article 24 Explanation: \$525K was approved at the April 2013 Annual Town Meeting for design and construction of a new fueling facility. Continuing concerns about the integrity and reliability of the existing USTs, piping, alarms and pumps led to this action.

Since then, DPW and the Design Engineer have determined that this amount is insufficient to complete the required work, which includes code-required removal of the existing USTs. Recent volatility in the prices of the equipment, and uncertainty as to underground conditions, are contributing factors.

Bids are due on September 18, 2014 and the sum of money reflects the responsible low bid and contingency. Approval of this Article will allow the Board of Public Works to award the contract and move ahead with this work.

ARTICLE 25 Will the Town vote to increase the FY 2015 Solid Waste Budget Appropriation by the sum of \$150,000 from \$2,951,196 to \$3,101,196 for additional Solid Waste Disposal and Transportation expenses anticipated, and to meet said appropriation, transfer the sum of \$150,000 from Solid Waste Enterprise Account retained earnings or take any other action relative thereto.

Board of Public Works

Advisory Board Recommendation at Town Meeting.

Article 25 Explanation: The current Solid Waste Disposal contract and estimated amount of trash collection requires authorization of additional funding.

ARTICLE 26 Will the Town vote to transfer from available funds or authorize the Town Finance Director-Treasurer/Collector to borrow with the approval of the Board of Selectmen, a **sum of money** for a new Front End loader to replace the existing Front End Loader at the Transfer Station or take any other action relative thereto.

Board of Public Works

Advisory Board Recommendation at Town Meeting.

Article 26 Explanation: The Front End Loader is over 10 years old and experiencing mechanical problems rendering it unavailable for extended periods of time. The piece of equipment is required on a daily basis to handle trash, brush, compost and wood chips being collected and generated at the Transfer Station.

ARTICLE 27 Will the Town vote to rezone the portion of a parcel of land owned by the Doku Commercial Trust, assessor's reference number H08-03-01, from a B-2 to a B-1 designation, thereby consolidating the zoning designation with the adjoining parcel, identified by assessor's reference number H07-01-01, under the same ownership, in order to facilitate future site development.

Petition of Peter Poulos, et.al.

Advisory Board Recommendation: At Town Meeting.

ARTICLE 28 To see if the Town will vote to amend the Marshfield Zoning Map dated April 24, 2012 so as to include within the B-4: Business Waterfront District (B4) the following parcel(s): E20-01-03

Petition of Erich Roht, et.al.

Advisory Board Recommendation: At Town Meeting.

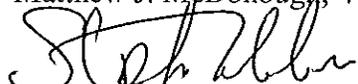
You are directed to serve this warrant by posting attested copies thereof at ten public places in different parts of the Town not less than fourteen days before the holding of said meeting. Hereof fail not to make the due return of this Warrant with our doings thereon to the Town Clerk at the time and place of the meeting aforesaid:

Given under our hands this 25th day of September 2014.

BOARD OF SELECTMEN


John E. Hall, Chairman


Matthew J. McDonough, Vice Chair


Stephen G. Robbins, Clerk

A true copy, ATTEST:
Constable