

# **TOWN OF LUNENRG FISCAL YEAR 2024**



## **SPECIAL TOWN MEETING WARRANT**

**Special Town Meeting  
November 14, 2023- 7:00 P.M.  
Lunenburg Middle/High School Auditorium**

**PLEASE BRING THIS WARRANT WITH YOU TO TOWN MEETING**



## FINANCIAL TERMS

**CHERRY SHEET/STATE AID** – Revenue allocated by the Commonwealth to cities, towns, and regional school districts. Estimates of local aid are transmitted to cities, towns, and districts annually by the “Cherry Sheets”. Most Cherry Sheet aid programs are considered general fund revenues and may be spent for any purpose, subject to appropriation.

**DEBT EXCLUSION** - An action taken by a community through a referendum vote to raise the funds necessary to pay debt service costs for a particular project from the property tax levy but outside of the limits under Proposition 2 ½. By approving a debt exclusion, a community calculates its annual levy limit under Proposition 2 ½, then adds the excluded debt service cost. The amount is added to the levy limit for the life of the debt only and may increase the levy above the levy ceiling.

**EXCESS LEVY CAPACITY** - The difference between the levy limit and the amount of real and personal property taxes actually levied in a given year. Annually, the Selectmen must be informed of excess levy capacity at the Tax Rate Hearing and this is submitted to DLS when setting the tax rate.

**FREE CASH** – Remaining, unrestricted funds from operations of the previous fiscal year including unexpended free cash from the previous year, actual receipts in excess of revenue estimates shown on the tax recapitulation sheet, and unspent amounts in budget line-items. Unpaid property taxes and certain deficits reduce the amount that can be certified as free cash. The calculation of free cash is based on the balance sheet as of June 30, which is submitted by the Town Accountant. Free Cash is not available for appropriation until certified by the Director of Accounts.

**OVERLAY** – (Allowance for Abatements and Exemptions) An account established annually to fund anticipated property tax abatements, exemptions and uncollected taxes in that year. It need not be funded by the normal appropriation process, but rather is raised on the tax rate recapitulation sheet.

**RETAINED EARNINGS** - An equity account reflecting the accumulated earnings of an enterprise fund, which may be used to fund capital improvements, reimburse the general fund for prior year subsidies, reduce user charges, or provide for enterprise revenue deficits (operating losses).

**STABILIZATION FUND** – A fund designed to accumulate amounts for capital and other future spending purposes, although it may be appropriated for any lawful purpose. Communities may establish one or more stabilization funds for different purposes and may appropriate any amounts into them. A two-thirds vote of town meeting is required to establish, amend the purpose of, or appropriate money from a stabilization fund. A majority vote of town meeting is required to appropriate money into a stabilization fund.

## DEFINITIONS OF RECOMMENDATIONS UNDER EACH ARTICLE

**RECOMMEND APPROVAL:** The board voted to recommend passage by Town Meeting.

**NOT RECOMMENDED:** The board voted to not recommend passage by Town Meeting.

**NO RECOMMENDATION:** The board voted to make no specific recommendation to Town Meeting.

**NO DIRECT FINANCIAL IMPACT:** The Finance Committee voted there is no direct financial impact.

**DEFERRED:** A recommendation will be announced by this board when the article is considered at Town Meeting.

## **INDEX OF NOVEMBER 14, 2023 SPECIAL TOWN MEETING ARTICLES**

<b>Article</b>	<b>Description</b>	<b>Cost</b>	<b>Source</b>
1	FY 2024 Budget Adjustment Article	TBD	Raise & Appropriate and/or Transfer from Available Funds
2	Payment of Prior Year Expenses	TBD	Raise & Appropriate and/or Transfer from Available Funds
3	FY 2024- FY 2026 Clerical Union Collective Bargaining Agreement	TBD	Transfer from Available Funds
4	Special Purpose Stabilization Funds for Ambulance and Two Large DPW Trucks	\$986,000	Transfer from Special Purpose Stabilization Account
5	Opioid Stabilization Funds for Mental Health Co-Response Program	\$40,000	Transfer from Opioid Stabilization Account
6	Primary School Ductless Split Climate Control System	\$232,800	Transfer from Available Funds
7	Sewer Reserve Capacity Stabilization Fund	\$1,851.30	Transfer from Retained Earnings
8	Sewer Inflow/Infiltration Stabilization Fund	\$5,340	Transfer from Retained Earnings
9	Amend Code of Lunenburg, Section 250-4.9, (Water Supply Protection District) by deleting its entirety and by substituting a new Section 250-4.9		
10	Report from the Municipal Building Design Committee		
11	Repair to Portion of the TC Passios Roof	\$300,000	Transfer from Available Funds
12	Amend Code of Lunenburg, Section 250-4.9 (Water Supply Protection District)		
13	Vote Required for \$500,000 PARC Grant for Marshall Park Project	N/A	
14	Amend Code of Lunenburg, Section 250-6.4, (Driveways and entrances), Subsection C (Off-street parking design standards; general parking and loading provisions), by deleting Subsection (5)(k) and substituting new Subsection 7		

15	Amend Code of Lunenburg, Sections 250-4.5 and 250-4.6, (Commercial District and “Office Park/Industrial District), adding new Sections 250-4.5A(6) and 250-4.6A(4)		
16	Amend Code of Lunenburg, Section 250-4.13, (Solar energy systems), Subsection B (Definitions), by modifying the definition of Large-Scale Ground-Mounted Photovoltaic Installation		

# **TOWN OF LUNENBURG**

## **SPECIAL TOWN MEETING WARRANT**

**November 14, 2023**

**Worcester, ss:**

**To: Constable of the Town of Lunenburg, in the County of Worcester, Greetings:**

**In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of the Town of Lunenburg, qualified to vote in elections and town affairs, to meet in the Lunenburg Middle/High School Auditorium in said Lunenburg on Tuesday, the 14th day of November, 2023, at 7:00 o'clock in the evening (7:00 P.M.), for the purpose of taking action on the Special Town Meeting Warrant, and then and there to act on the following articles, viz:**

### **SPECIAL TOWN MEETING ARTICLES**

**ARTICLE 1.** To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds, all sums of money necessary to amend the amounts voted for the Town's FY 2024 Budget, under Article 7 of the May 6, 2023 Town Meeting; or take any other action relative thereto. (Submitted by the Town Manager)

FINANCE COMMITTEE RECOMMENDATION: Recommend Approval 4-1

SELECT BOARD RECOMMENDATION: Deferred

**ARTICLE 2.** To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money for payment of prior year expenses; or take any other action relative thereto. (Submitted by the Town Manager)

FINANCE COMMITTEE RECOMMENDATION: Deferred

SELECT BOARD RECOMMENDATION: Deferred

**ARTICLE 3.** To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money to fund the first year of the FY 24, FY 25, and FY 26 Lunenburg Municipal Employees Collective Bargaining Agreement dated July 1, 2023 – June 30, 2026 with AFSCME, Council 93; or take any other action relative thereto. (Submitted by the Town Manager)

FINANCE COMMITTEE RECOMMENDATION: Deferred

SELECT BOARD RECOMMENDATION: Deferred

**ARTICLE 4.** To see if the Town will vote to transfer a sum of money from the Special Purpose Stabilization Fund to pay for a new ambulance to replace Rescue 1 and two new dump trucks to replace two de-commissioned dump trucks; or take any other action relative thereto. (Submitted by the Town Manager)

FINANCE COMMITTEE RECOMMENDATION: Not Recommended 3-2

SELECT BOARD RECOMMENDATION: Recommend Approval

**ARTICLE 5.** To see if the Town will vote to transfer \$80,000 from the Opioid Settlement Stabilization Fund to be used to fund the Police Department's Mental Health Co-Response program, contingent upon the Town of Lancaster's approval of 50% of the program cost; or take any other action relative thereto. (Submitted by the Police Chief)

FINANCE COMMITTEE RECOMMENDATION: Recommend Approval

SELECT BOARD RECOMMENDATION: Recommend Approval

**ARTICLE 6.** To see if the Town will vote to transfer \$232,800 from the FY23 Capital Plan, as voted under Article 6 of the May 7, 2022 Annual Town Meeting, to the Lunenburg School District for the purpose of installing ductless split climate control systems at the Lunenburg Primary School; or take any other action relative thereto. (Submitted by the Lunenburg School Department)

FINANCE COMMITTEE RECOMMENDATION: Recommend Approval 4-1

SELECT BOARD RECOMMENDATION: Recommend Approval 3-1

**ARTICLE 7.** To see if the Town will vote to transfer from available funds \$1,851.30 into the Sewer Reserve Capacity Stabilization Fund; or take any other action relative thereto. (Submitted by the Sewer Commission)

FINANCE COMMITTEE RECOMMENDATION: Recommend Approval

SELECT BOARD RECOMMENDATION: Recommend Approval

**ARTICLE 8.** To see if the Town will vote to transfer from available funds \$5,340.00 into the Sewer Inflow/Infiltration Stabilization Fund; or take any other action relative thereto. (Submitted by the Sewer Commission)

FINANCE COMMITTEE RECOMMENDATION: Recommend Approval

SELECT BOARD RECOMMENDATION: Recommend Approval

**ARTICLE 9.** To see if the Town will vote to amend the Code of Lunenburg, Section 250-4.9, which is a Section of the Protective Bylaw entitled “Water Supply Protection District,” by deleting the same in its entirety and by substituting therefor a new Section 250-4.9, as follows:

### **250-4.9 WATER SUPPLY PROTECTION DISTRICT**

#### **A. PURPOSE OF DISTRICT**

The purpose of this Water Supply Protection District is to:

- (1). promote the health, safety, and general welfare of the community by ensuring an adequate quality and quantity of drinking water for the Town of Lunenburg.
- (2). preserve and protect existing and potential sources of drinking water;
- (3). conserve natural resources in the Town of Lunenburg; and
- (4). prevent temporary and permanent contamination of the environment.

#### **B. SCOPE OF AUTHORITY**

The Water Supply Protection District is an overlay district superimposed on the zoning districts. This overlay district shall apply to all new construction, reconstruction, or expansion of existing buildings and new or expanded uses. Applicable activities and uses in a portion of one of the underlying zoning districts that fall within the Water Supply Protection District must additionally comply with the requirements of this bylaw. Uses prohibited in the underlying zoning districts shall not be permitted in the Water Supply Protection District.

#### **C. DEFINITIONS**

**Automobile Graveyard:** An establishment that is maintained, used, or operated for storing, keeping, buying, or selling wrecked, scrapped, ruined, or motor vehicle parts as defined in MGL c.140B, s.1.

**Aquifer:** A geologic formation composed of rock, sand or gravel that contains significant amounts of potentially

recoverable water.

CMR: Code of Massachusetts Regulations.

Commercial Fertilizer: Any substance containing one or more recognized plant nutrients which is used for its plant nutrient content and which is designed for use, or claimed to have value in promoting plant growth, except un-manipulated animal and vegetable manures, marl, lime, limestone, wood ashes, and gypsum, and other products exempted by state regulations.

Discharge: The accidental or intentional disposal, deposit, injection, dumping, spilling, leaking, pouring, or placing of toxic or hazardous material or hazardous waste upon or into any land or water such that it may enter the surface or ground waters.

Dry Well: A subsurface pit with open-jointed lining or holes through which storm-water drainage from roofs, basement floors, foundations or other areas seep into the surrounding soil.

Water Supply Protection District: The land area consisting of aquifers, Zone II recharge areas, and Zone III areas, all as approved by MassDEP and identified on a map and adopted pursuant to this bylaw.

Hazardous Material: Any substance in any form which because of its quantity, concentration, or its chemical, corrosive, flammable, reactive, toxic, infectious or radioactive characteristics, either separately or in combination with one or more substances, constitutes a present or potential threat to human health, safety, welfare, or to the environment, when improperly stored, treated, transported, disposed of, used, or otherwise managed. Hazardous material includes, without limitation, synthetic organic chemicals, petroleum products, heavy metals, radioactive or infectious materials, and all substances defined as toxic or hazardous under MGL c. 21E. This term shall not include hazardous waste or oil.

Historical High Groundwater Table Elevation: A groundwater elevation determined from monitoring wells and historical water table fluctuation data compiled by the United States Geological Survey.

Hazardous Waste: A substance or combination of substances, which because of quantity, concentration, or physical, chemical or infectious characteristics may cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness or pose a substantial present or potential hazard to human health, safety, or welfare or to the environment when improperly treated, stored, transported, used or disposed of, or otherwise managed. This term shall include all substances identified as hazardous pursuant to the Hazardous Waste Regulations, 310 CMR 30.000.

Impervious Surface: Material or structure on, above, or below the ground that does not allow precipitation or surface water runoff to penetrate into the soil.

Interim Wellhead Protection Area (IWPA): The MassDEP designated protection radius around a public water well that lacks a Zone II.

Junkyard: An establishment that is maintained, operated, or used for storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard, as defined in MGL c.140B, s.1.

Landfill: A facility established in accordance with a valid site assignment for the purposes of disposing solid waste into or on the land, pursuant to the Solid Waste Regulations, 310 CMR 19.006.

MassDEP: Massachusetts Department of Environmental Protection.

MGL: Massachusetts General Law.

Petroleum Product: Includes, but not limited to, fuel oil; gasoline; diesel; kerosene; aviation jet fuel; aviation gasoline;

lubricating oils; oily sludge; oil refuse; oil mixed with other wastes; crude oils; or other liquid hydrocarbons regardless of specific gravity. Petroleum product shall not include liquefied petroleum gas including, but not limited to, liquefied natural gas, propane or butane.

Non-Sanitary Wastewater: Wastewater discharges from industrial and commercial facilities containing wastes from any activity other than collection of sanitary sewage including, but not limited to, activities specified in 310 CMR 15.004(6).

Open Dump: A facility operated or maintained in violation of the Resource Conservation and Recovery Act 42 U.S.C. 4004(a)(b), or state regulations and criteria for solid waste disposal.

Recharge Areas: Land areas, such as a Zone II or an Interim Wellhead Protection Area, where precipitation and surface water infiltrates into the ground to replenish groundwater and aquifers used for public drinking water supplies.

Septage: The liquid, solid, and semi-solid contents of privies, chemical toilets, cesspools, holding tanks, or other sewage waste receptacles. This term shall not include any material that is a hazardous waste, as defined by 310 CMR 30.000.

Sludge: The solid, semi-solid, and liquid residue that results from a process of wastewater treatment or drinking water treatment including wastewater residuals. This term shall not include grit, screening, or grease and oil which are removed at the headworks of a facility.

Treatment Works: Any and all devices, processes and properties, real or personal, used in the collection, pumping, transmission, storage, treatment, disposal, recycling, reclamation, or reuse of waterborne pollutants, but not including any works receiving a hazardous waste from off the site of the works for the purpose of treatment, storage, or disposal.

Utility Works: Regulated activities providing for public services, including roads, water, sewer, electricity, gas, telephone, transportation and their associated maintenance activities. This term shall include the installation of detention and retention basins for the purpose of controlling storm water.

Very Small Quantity Generator: Any public or private entity, other than residential, which produces less than 27 gallons (100 kilograms) a month of hazardous waste or waste oil, but not including any acutely hazardous waste as defined in 310 CMR 30.136.

Waste Oil Retention Facility: A waste oil collection facility for automobile service stations, retail outlets, and marinas which is sheltered and has adequate protection to contain a spill, seepage, or discharge of petroleum waste products in accordance with MGL c.21. s.52A. .

Zone II: The delineated recharge area to a public drinking water well as approved by MassDEP and defined under the Massachusetts Drinking Water Regulations 310 CMR 22.00.

Zone III: An area beyond a Zone II recharge area, as approved by MassDEP and defined under the Massachusetts Drinking Water Regulations 310 CMR 22.00.

## **D. ESTABLISHMENT AND DELINEATION OF WATER SUPPLY PROTECTION DISTRICT**

For the purposes of this bylaw, there are hereby established within the Town of Lunenburg certain water supply protection areas consisting of aquifers or recharge areas (Zone II) and certain protected areas beyond those Zone II areas (Zone III). These areas are delineated on a map entitled *Lunenburg Water District Aquifer Protection Zones* dated July 2021 which is hereby made part of the Water Supply Protection District Bylaw and is on file in the office of the Town Clerk.

## **E. DISTRICT BOUNDARY DISPUTES**

(1). If the location of the Water Supply Protection District in relation to a particular parcel is in doubt, resolution of the boundary dispute shall be through a Special Permit application to the Special Permit Granting Authority. Any application for a special permit for this purpose shall be accompanied by adequate documentation.

(2). Burden of proof shall be upon the land owner to demonstrate that the location of the Water Supply Protection District with respect to a particular parcel(s) of land is uncertain. At the request of the land owner, the Town may engage a professional engineer, hydrologist, geologist, or soil scientist to determine more accurately the boundaries of the Water Supply Protection District with respect to a particular parcel(s) of land, and may charge the owner for the cost of the investigation. Changes to the Water Supply Protection District require town meeting approval. Changes to the Zone II boundary requires approval from the MassDEP.

(3). Where the Zone II boundary line of the Water Supply Protection District divides a lot or parcel, the requirements established by this bylaw shall apply to the land 20 feet beyond the Zone II boundary.

## **F. PERMITTED USES**

(1). The following uses are permitted within the Water Supply Protection District, provided that all necessary permits, orders, or approvals required by local, state, or federal law are also obtained:

- (a) conservation of soil, water, plants, and wildlife;
- (b) outdoor recreation, nature study, boating, fishing, and hunting where otherwise legally permitted;
- (c) foot, bicycle and/or horse paths, and bridges;
- (d) normal operation and maintenance of existing water bodies and dams, splash boards, and other water control, supply and conservation devices;
- (e) maintenance, repair, and enlargement of any existing structure, subject to Section 7 and Section 8 of this bylaw;
- (f) residential development, subject to Sections 7 and 8 of this bylaw;
- (g) farming, gardening, nursery, conservation, forestry, harvesting, and grazing, subject to Section 7 and Section 8 of this bylaw;
- (h) construction, maintenance, repair, and enlargement of drinking water supply related facilities such as, but not limited to, wells, pipelines, aqueducts, and tunnels; and
- (i) any use permitted in the underlying zoning by-right or by special permit, except for those uses specifically prohibited in Sections 7 and 8 of this bylaw.

## **G. PROHIBITED USES**

(1). The following land uses and activities are prohibited in Zone II unless designed in accordance with the specified performance standards:

- (a) landfills and open dumps;
- (b) automobile graveyards and junkyards;
- (c) landfills receiving only wastewater residuals and/or septic, including those approved by MassDEP pursuant to MGL c. 21 s.26 through s.53, MGL c.111 s.17, and MGL c.83 s.6 and s.7;
- (d) facilities that generate, treat, store, or dispose of hazardous waste that are subject to MGL c.21C and 310 CMR 30.000, except for:
  - [1] very small quantity generators as defined under 310 CMR 30.000;
  - [2] household hazardous waste centers and events under 310 CMR 30.390;
  - [3] waste oil retention facilities required by MGL c. 21, s.52A; and
  - [4] water remediation treatment works approved by MassDEP for the treatment of contaminated waters.

- (e) petroleum, fuel oil, and heating oil bulk stations and terminals including, but not limited to, those listed under North American Industry Classification System (NAICS) Codes 424710 and 454311, except for liquefied petroleum gas.
- (f) storage of liquid hazardous materials and/or liquid petroleum products unless such storage is above ground level and on an impervious surface and either:
  - [1] in container(s) or above ground tank(s) within a building; or
  - [2] outdoors in covered container(s) or above ground tank(s) in an area that has a containment system designed and operated to hold either; 10% of the total possible storage capacity of all containers or 110% of the largest container's storage capacity, whichever is greater.however, these storage requirements shall not apply to the replacement of existing tanks or systems for the keeping, dispensing or storing of gasoline provided the replacement is performed in a manner consistent with state and local requirements;
- (g) storage of sludge and septage, unless such storage is in compliance with 310 CMR 32.30 and 310 CMR 32.31;
- (h) storage of deicing chemicals, with the exception of small quantities stored in containers and ready for application, unless such storage, is within a structure designed to prevent the generation and escape of contaminated runoff or leachate;
- (i) storage of animal manure, with the exception of small quantities stored in containers and ready for application, unless contained within a structure designed to prevent the generation and escape of contaminated runoff or leachate;
- (j) storage of commercial fertilizers, with the exception of small quantities stored in containers and ready for application, unless such storage is within a structure designed to prevent the generation and escape of contaminated runoff or leachate;
- (k) stockpiling and disposal of snow and ice containing deicing chemicals brought in from outside the Water Supply Protection District;
- (l) earth removal, consisting of the removal of soil, loam, sand, gravel, or any other earth material to within 4 feet of historical high Water Supply as determined from monitoring wells and historical water table fluctuation data compiled by the United States Geological Survey, except for excavations for building foundations, roads, utility works or wetland restoration work conducted in accordance with a valid Order of Condition issued pursuant to MGL c. 131, s.40; and
- (m) treatment or disposal works subject to 314 CMR 5.00, for non-sanitary wastewater, including those activities listed under 310 CMR 15.004(6), except for:
  - [1] treatment works approved by MassDEP designed for the treatment of contaminated ground or surface water and operating in compliance with 314 CMR 5.05(3) or 5.05(13); and
  - [2] publicly owned treatment works.

## **H. USES AND ACTIVITIES REQUIRING A SPECIAL PERMIT**

- (1). In Zone II the following uses and activities are permitted only upon the issuance of a Special Permit by the Special Permit Granting Authority (SPGA) under such conditions as they may require:
  - (a) enlargement or alteration of existing uses that do not conform to the Water Supply Protection District;
  - (b) except as prohibited under Section 7 of this bylaw, activities that involve the handling of toxic or hazardous materials in quantities greater than those associated with normal household use and which are permitted in the underlying zoning district;
  - (c) rendering impervious any lot or parcel more than 15% or 2,500 square feet, whichever is greater; unless artificial recharge, that will not degrade water quality, is provided using methods demonstrated to be capable of removing contaminants from storm water and which are consistent with methods described in MassDEP's

Stormwater Handbook, Vol. I, II and III, as amended.

(2). In Zone III, the aforementioned uses and activities are permitted only upon the issuance of Site Plan Approval by the Planning Board under such conditions as they may reasonably require. Site Plan Approval will be granted, with the input of the Building Commissioner, Board of Health, Conservation Commission, and Department of Public Works, that the intent of the Bylaw, as well as its specific criteria, are met. The submitted Site Plan Approval application will comply with the requirements of Section 9.5 of this Bylaw. If there are material changes to the categories of potentially hazardous materials to be used or stored on the premises in quantities greater than those associated with normal household use after Site Plan Approval is granted, the owner/operator will file updated information on those categories of hazardous materials with the Fire Department, Board of Health, and the Planning Board.

## **I. PROCEDURES FOR ISSUANCE OF SPECIAL PERMIT**

(1). The Special Permit Granting Authority (SPGA) under this bylaw shall be the Planning Board. A special permit shall be granted if the SPGA determines, with advisement from the Lunenburg Water District, Building Commissioner, Conservation Commission, Department of Public Works, and Board of Health, that the intent of this bylaw, as well as its specific criteria, are met. The SPGA shall not grant a special permit under this section unless the petitioner's application materials include, in the SPGA's opinion, sufficiently detailed, definite, and credible information to support positive findings in relation to the standards given in this section. The SPGA shall document the basis for any departures from the recommendations of the other municipal boards, departments or commissions in its decision.

(2). Upon receipt of the special permit application, the SPGA shall transmit one copy to the Lunenburg Water District, Building Commissioner, Conservation Commission, Department of Public Works, and Board of Health. Failure to respond in writing within 35 days of receipt shall be considered as no desire to comment. The necessary number of copies of the application shall be furnished by the applicant.

(3). The SPGA may grant the required special permit upon finding that the proposed use meets the following standards, those specified in Section 7 of this bylaw, and any regulations or guidelines adopted by the SPGA. The proposed use must:

- (a) in no way, during construction or thereafter, materially adversely affect the quality or quantity of the water supplies protected by the Water Supply Protection District; and
- (b) be designed to avoid substantial disturbance of the soils, topography, drainage, vegetation, and other water-related natural characteristics of the site to be developed, except as depicted on an approved site plan.

(4). The SPGA may adopt controls to govern design features of projects. Such controls shall be consistent with the Town's subdivision regulations, Site Plan Approval, and Stormwater Bylaws.

(5). The applicant shall file 10 copies of a site plan and attachments. The site plan shall be drawn at a proper scale as determined by the SPGA and be stamped by a professional engineer. All additional submittals shall be prepared by qualified professionals. The site plan and all supporting materials must meet the requirements outlined in the Planning Board Rules & Regulations for Site Plan Approval and Special Permit and at a minimum include the following information where pertinent:

- (a) a complete list of the categories of chemicals, pesticides, herbicides, fertilizers, fuels, and other potentially hazardous materials to be used or stored on the premises in quantities greater than those associated with normal household use; and
- (b) for activities using or storing hazardous materials or wastes, a management plan shall be prepared and filed with the Fire Chief and the Board of Health. The plan will be consistent with the requirements of Section 7 and shall include:
  - [1] provisions to protect against the discharge of hazardous materials or wastes to the environment due to spillage, accidental damage, corrosion, leakage, or vandalism, including

- spill containment and clean-up procedures;
- [2] provisions for indoor, secured storage of hazardous materials or wastes with impervious floor surfaces;
- [3] evidence of compliance with the Massachusetts Hazardous Waste Regulations 310 CMR 30.000; and
- [4] proposed down-gradient location(s) for groundwater monitoring well(s), should the SPGA deem the activity a potential groundwater threat.

(6). The SPGA shall hold a hearing, in conformity with the provision of MGL c.40A s. 9, within 65 days after the filing of the application. Notice of the public hearing shall be given by publication and posting and by first-class mailings to "parties of interest" as defined in MGL c.40A s.11. The decision of the SPGA and any extension, modification, or renewal thereof shall be filed with the SPGA and Town Clerk within 90 days following the closing of the public hearing. Failure of the SPGA to act within 90 days shall be deemed as a granting of the permit.

(7). If there are material changes to the categories of potentially hazardous materials to be used or stored on the premises in quantities greater than those associated with normal household use after the Special Permit has been granted, the owner/operator will file updated information on those categories of hazardous materials with the Fire Department, the Board of Health, and the Planning Board.

## **J. ENFORCEMENT**

- (1). Written notice of any violations of this bylaw shall be given by the Building Commissioner to the responsible person as soon as possible after detection of a violation or a continuing violation. Notice to the assessed owner of the property shall be deemed notice to the responsible person. Such notice shall specify the requirement or restriction violated and the nature of the violation, and may also identify the actions necessary to remove or remedy the violations and preventive measures required for avoiding future violations and a schedule of compliance.
- (2). A copy of such notice shall be submitted to the Land Use Director, Building Commissioner, Conservation Commission, Department of Public Works, and Board of Health. The cost of containment, clean-up, or other action of compliance shall be borne by the owner/operator of the premises.
- (3). The Building Commissioner may use any portion of Section 250-8.2 of these Zoning Bylaws to assist in the enforcement of the requirements of this Bylaw.

## **K. SEVERABILITY**

- (1). If any provision of this bylaw is held invalid by a court of competent jurisdiction, the remainder of the bylaw shall not be affected thereby. The invalidity of any section or sections or parts of any section or sections of this bylaw shall not affect the validity of the remainder of this bylaw.

and, further, by adopting same boundaries of the Water Supply Protection District as presently shown on the Town's official zoning map; or take any other action relative thereto. (Submitted by the Planning Board)

FINANCE COMMITTEE RECOMMENDATION: No Direct Financial Impact

SELECT BOARD RECOMMENDATION: Deferred

**ARTICLE 10** To see if the Town will vote to hear an interim report from the Municipal Building Design Committee; or take any other action relative thereto. (Submitted by the Municipal Building Design Committee)

FINANCE COMMITTEE RECOMMENDATION: No Direct Financial Impact

SELECT BOARD RECOMMENDATION: Recommend Approval

**ARTICLE 11.** To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds, a sum of money for repairs to a portion of the TC Passios Building roof, located at 1025 Massachusetts Avenue; or take any other action relative thereto. (Submitted by the Town Manager)

FINANCE COMMITTEE RECOMMENDATION: Recommend Approval 4-1

SELECT BOARD RECOMMENDATION: Recommend Approval

**ARTICLE 12.** To see if the Town will vote: (i) to reauthorize raising and appropriating of the sum of \$184,000 for final engineering and design services for certain recreation and open space areas at the property known as Marshall Park, located at 100 Chestnut Street, as shown on Assessor's Map 060, Lot 018, as previously voted under Article 4 of the November 15, 2022 Special Town Meeting warrant, which would be in addition to the sum of \$1,000,000 being already committed by the Select Board from available American Rescue Plan Act (ARPA) funds for associated improvements to said Marshall Park, specifically including the construction of a playground, multi-sport courts and pavilion, for a total amount of \$1,184,000 committed to the aforesaid project, representing one hundred percent of the total cost thereof; (ii) to dedicate the aforementioned 100 Chestnut Street property to active recreation purposes pursuant to G.L. c. 45, § 3, consistent with said property's present restriction to park and playground purposes forever per the deed to the Town dated March 18, 1913 and recorded with the Worcester Northern District Registry of Deeds at Book 291, Page 497; and (iii) to authorize the Parks Commission and/or the Select Board, on behalf of the Town, to apply for and accept any and all grants deemed necessary under the Urban Self-Help Act, 301 CMR 5.00, *et seq.*, as reimbursement for project costs and expenses, and to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town to effectuate the same; or take any other action relative thereto. (Submitted by the Park Commission)

FINANCE COMMITTEE RECOMMENDATION: Recommend Approval

SELECT BOARD RECOMMENDATION: Recommend Approval

**ARTICLE 13.** To see if the Town will vote to amend the Code of Lunenburg, Chapter 250, being the Protective Bylaw, also entitled "Zoning," by:

(i) amending the definition of "Farm" in Article II, entitled "Definitions," Section 2.1, entitled "Terms defined; word usage," as follows, with additions underlined and deletions stricken-through:

**"Farm"**

A parcel of land of five acres or more at least five acres or two acres qualified under MGL c. 40A, § 3, used primarily for gain in the commercial raising or production of agricultural products, livestock, poultry, dairy products, viticulture, horticulture and floriculture. It includes necessary farm structures and the storage of equipment used."

(ii) amending the provisions of Article IV, entitled "Use Regulations," Section 4.1, entitled "Permitted and prohibited uses," Subsection C(2), as follows, with additions underlined and deletions stricken-through:

"C. Nothing in this bylaw shall prohibit, regulate or restrict the use of land or structures in any district for the following uses:

...

(2) Agriculture, horticulture, floriculture and viticulture as their primary purpose, provided that such uses shall be limited to parcels of land containing at least five acres or at least two acres qualified under MGL c. 40A, § 3."

and

(iii) amending the provisions of Article V, entitled "Dimensional Regulations," Section 5.1, entitled "Lot area," Subsection B(5), as follows, with additions underlined and deletions stricken-through:

"B. ...

(5) In case of a farm exempted from the provisions of the zoning by statute, the minimum lot area, width and frontage requirements shall be in addition to the five acres as or two qualified acres required under MGL c. 40A, § 3 ~~and MGL c. 61A.~~"

or take any other action relative thereto. (Submitted by the Agricultural Commission)

FINANCE COMMITTEE RECOMMENDATION: No Direct Financial Impact

SELECT BOARD RECOMMENDATION: Recommend Approval

**ARTICLE 14.** To see if the Town will vote to amend the Code of Lunenburg, Section 250-6.4, which is a Section of the Protective Bylaw entitled "Driveways and entrances," Subsection C, entitled "Off-street parking design standards; general parking and loading provisions," by deleting further Subsection (5)(k) thereof in its entirety and by and substituting therefor the following new further Subsection 7:

(7) Common Driveways

A common driveway is an access drive to be used for vehicular access to two or more primary dwellings or places of business. No person will develop or construct a driveway serving two or more lots or properties without first obtaining a Special Permit from the Planning Board in accordance with this Section 250-6.4C(7).

(a) The Planning Board may issue a Special Permit to allow a common driveway upon finding that the driveway will:

- Promote efficient traffic flow,
- Reduce traffic hazards from numerous individual driveways,
- In the judgment of the Planning Board, such an arrangement will be more advantageous to the neighborhood than individual driveways,
- Consolidate access to lots across/near wetland resources, and
- Provide sufficient access to emergency vehicles and responders.

(b) Special Permit Requirements

- i. The driveway will be located entirely within the lots being served.
- ii. A common driveway will be considered satisfactory only if:
  - It has been constructed in accordance with the provisions of the Special Permit
  - There is a recorded access easement outlining the right of access and including clear provision for maintenance and snow removal; running with the land.
- iii. A common driveway will not be used to provide lot frontage required by this Bylaw or by the Subdivision Control Law.
- iv. Where the access to structures or uses provided by the driveway is substantially different from that which would be provided through the required lot frontages, the Special Permit will not be issued unless the Planning Board finds that the proposed shared driveway and its location are in the public interest.

- v. Each lot that shares a common driveway will meet the minimum dimensional requirements for the Zoning District in which it is located as outlined in this Bylaw. Specifically, each lot will have the required amount of frontage located on the street which connects to the common driveway.
- vi. The Planning Board will submit a copy of the Special Permit and approved plans to the Building Commissioner. No building permit will be issued until receipt of the Special Permit and plan.
- vii. No occupancy permit shall be issued for any uses or structures utilizing the common driveway until evidence of recording of the required utility, access and maintenance easement has been filed with the Building Commissioner and Planning Board.

(c) Design Criteria

- i. Residential
  - Minimum pavement width 18 feet
  - Minimum easement width 24 feet
  - Max grade 10%
  - Curb Cut no closer than 100 feet from centerline on intersection
  - Max number of lots 4
  - Max length 1200 feet
- ii. Commercial
  - Minimum pavement width 24 feet
  - Minimum easement width 40 feet
  - Max grade 10%
  - Curb Cut no closer than 100 feet from centerline on intersection
  - Max number of lots 6 with public water available, 4 without public water available
  - Max length 1800 feet with public water available, 1200 feet without public water available
- iii. No grade will exceed 2% within 75 feet of the street right -of-way lines.
- iv. All common driveways will be rounded at street intersection or cutback to provide a curb radius of not less than 30 feet.
- v. The address of all buildings accessed off the common driveway shall be posted on a sign at the entrance of the driveway that is visible for residents, employees, visitors, and public safety
- vi. The common driveway will be constructed of materials resistant to erosion and frost heaving and sufficient to support an axle load of 34,000 pounds under all weather conditions. The common driveway will be paved with a 3 inch minimum thickness layer of bituminous concrete.
- vii. Turnouts will be provided along the common driveways at intervals of 300 feet. The turnouts will be 8 feet wide and 25 feet long.
- viii. All shared driveways will be provided with a provisions for drainage sufficient to prevent deterioration of the driveway and to prevent any erosion, flooding, or other problems on any property beyond that of the owners of the driveway including the street which it intersects.
- viii. All curves will be designed with a twenty-five foot minimum inside turning radius.
- ix. The common driveway shall be clear of vegetation and overhead obstructions allowing for a vertical clearance of not less than 13ft, 6in.
- x. The SPGA will require that utilities (if any) to the lots be located directly adjacent to or within the common driveway.

- xi. Each branch of the common driveway will be designed such that a twenty-one-foot wheelbase fire truck or other emergency vehicle can safely enter and exit the branch.
- xii. A common driveway must originate on approved frontage and must observe a twenty-five-foot setback from the side line between the lot of origin and a lot not served by the common driveway.
- xiii. Entrance to driveway shall have a sign indicating the addresses located on the common driveway, to include a diagram map showing their locations. Additionally, each branch of the Common Driveway will have a sign at the intersection with the main driveway noting the address of the property.

or take any other action relative thereto. (Submitted by the Planning Board)

FINANCE COMMITTEE RECOMMENDATION: No Direct Financial Impact

SELECT BOARD RECOMMENDATION: Recommend Approval

**ARTICLE 15.** To see if the Town will vote to amend the Code of Lunenburg, Sections 250-4.5 and 250-4.6, which are Sections of the Protective Bylaw entitled “Commercial District” and “Office Park/Industrial District,” respectively, by adding thereto new Sections 250-4.5A(6) and 250-4.6A(4), respectively, both as follows:

**Solar Parking Canopy:** a special application of a ground-mounted solar energy system that is installed on top of a functional parking surface that maintains the function of the area beneath the canopy.

A Solar Parking Canopy may be allowed by Special Permit from the Planning Board in the Commercial and Office/Industrial Park Districts. In approving a Special Permit the Planning Board must find the following:

- a. Equipment associated with the solar canopy system is adequately screened from the parking area and neighboring properties. Required screening must be met using natural planted materials in conjunction with a secure fence.
- b. Security lighting for parking areas is in place and adequate.
- c. The installation of the solar canopy system does not reduce the number of parking spaces below the minimum required for the uses present or intended.
- d. A minimum of five percent (5%) of parking spaces in the parking lot will have universal charging facilities for EVs. Brand specific charging facilities are allowed only when they are in addition to the minimum number of universal chargers. A minimum of ten percent (10%) of each type of EV charging spaces must be accessible and comply with the Massachusetts Architectural Access Board Regulations (521 CMR).
- e. The maximum height for solar canopies is twenty feet (20').
- f. Solar canopies and all appurtenant structures to a solar canopy system shall meet the requirements of the Zoning Bylaw concerning setbacks and other dimensional requirements.
- g. All appurtenant structures, including but not limited to equipment shelters, storage facilities, transformers, and substations, must be architecturally compatible with each other and the existing building(s) on-site.
- h. The installation of the racking system for the solar canopy system considers and provides provisions for changes in grade and how drainage is addressed to prevent flooding and icing below the canopy system.
- i. The applicant will provide a form of surety, either through an escrow account, bond or otherwise, to cover the cost of removal in the event the Town must remove the installation and remediate the landscape, in an amount and form determined to be reasonable by the development plan review authority, but in no event to exceed more than 125% of the cost of removal and compliance with the additional requirements set forth herein, as determined by the project proponent. Such surety will not be required for municipally or state-owned facilities. The project owner/operator shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal cost due to inflation.

or take any other action relative thereto. (Submitted by the Planning Board)

FINANCE COMMITTEE RECOMMENDATION: No Direct Financial Impact  
SELECT BOARD RECOMMENDATION: Deferred

**ARTICLE 16.** To see if the Town will vote to amend the Code of Lunenburg, Section 250-4.13, which is a Section of the Protective Bylaw entitled “Solar energy systems,” Subsection B, entitled “Definitions,” by modifying the definition of “Large-Scale Ground-Mounted Photovoltaic Installation” as shown below, with additions underlined and deletions stricken-through, or take any other action relative thereto. (Submitted by the Planning Board)

#### LARGE-SCALE GROUND-MOUNTED PHOTOVOLTAIC INSTALLATION

A solar photovoltaic system that is structurally mounted on the ground and has a nameplate capacity of 10 kW or greater, specifically excluding a Solar Parking Canopy as defined in Section 250-4.5A(6) and 250-4.6A(4).

FINANCE COMMITTEE RECOMMENDATION: No Direct Financial Impact  
SELECT BOARD RECOMMENDATION: Recommend Approval

**And you are directed to serve this Warrant by posting attested copies thereof in four or more public places in the Town, fourteen (14) days at least before the day appointed for said meeting, one of which places shall be the Town Hall, one at Baker’s Whalom Variety in the Whalom-Bakerville District, one at Powell’s and one at Jaxx Country Variety, and by mailing a copy to each dwelling unit in the Town in which a registered voter resides at least fourteen (14) days prior to such meeting. Hereof, fail not and make due return of this Warrant, with your doings thereon, to the Town Clerk at the time and place aforesaid.**

Given under our hands this 17th day of October in the year Two Thousand and Twenty-Three.

**A true copy, Attest:**  
**Kathryn M. Herrick, Town Clerk**

**LUNENBURG SELECT BOARD**

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**Michael-Ray Jeffreys, Chairman**

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**Louis J. Franco, Vice Chairman**

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**Caesar Nuzzolo, Clerk**

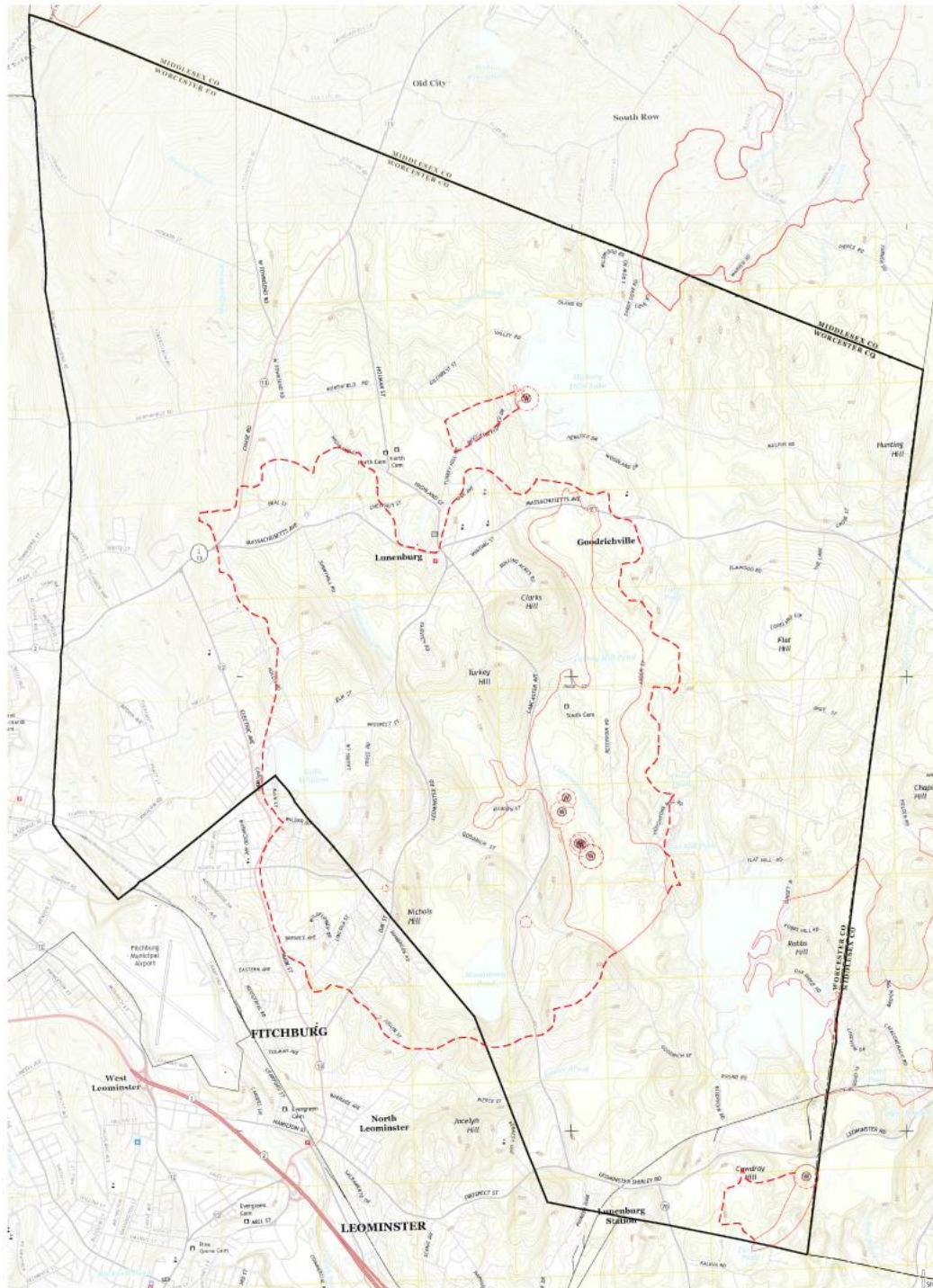
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**Tom Alonzo, Member**

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**Renee Emkey, Member**

## ARTICLE 9: WATER PROTECTION SUPPLY DISTRICT MAP



LUNENBURG WATER DISTRICT  
AQUIFER PROTECTION ZONES

JULY 2021

LEGEND  
● District Boundary  
— Water Protection Supply District  
— Aquifer Protection Zone  
— Zone Boundary

NOTES:  
1. THE RIVER AND STREAM ARE OWNED BY THE MASSACHUSETTS DEPARTMENT OF ENVIRONMENT AND ARE NOT INCLUDED IN THE AQUIFER PROTECTION ZONE.



# BE A LEAF HERO

HELP KEEP OUR WATERWAYS CLEAN

## TIP #1

### KEEP FALLEN LEAVES OUT OF STREETS.

Leaf litter leaches nutrients into stormwater runoff and contributes to pollution in our waters.

Visit [stormwater.capecodcommission.org](http://stormwater.capecodcommission.org) for more tips.

# BE A LEAF HERO

HELP KEEP OUR WATERWAYS CLEAN

## TIP #2

### CLEAR STORM DRAINS OF DEBRIS.

Leaf litter and yard debris plug storm drains and increase flooding issues.

Visit [stormwater.capecodcommission.org](http://stormwater.capecodcommission.org) for more tips.

# BE A LEAF HERO

HELP KEEP OUR WATERWAYS CLEAN

## TIP #3

### DON'T DUMP IN DITCHES OR STREAMS.

Decaying leaf litter releases excess nutrients causing eutrophication and algal blooms.

Visit [stormwater.capecodcommission.org](http://stormwater.capecodcommission.org) for more tips.

# BE A LEAF HERO

HELP KEEP OUR WATERWAYS CLEAN

## TIP #4

### COMPOST LEAVES & YARD CLIPPINGS.

Reduce added chemicals in your yard and garden by creating a natural fertilizer with composted leaves.

Visit [stormwater.capecodcommission.org](http://stormwater.capecodcommission.org) for more tips.

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**TOWN OF LUNENBURG SPECIAL TOWN MEETING, NOVEMBER 14, 2023: 7:00 PM**  
**LUNENBURG MIDDLE/HIGH SCHOOL AUDITORIUM**  
**1079 Massachusetts Avenue**