

**TOWN OF LUNENBURG
FISCAL YEAR 2019**



**FINANCE COMMITTEE REPORT
&
SPECIAL TOWN MEETING WARRANT**

**Special Town Meeting
November 13, 2018 - 7:00 PM
Lunenburg Middle/High School Auditorium**

PLEASE BRING THIS WARRANT WITH YOU TO TOWN MEETING

INDEX OF NOVEMBER 13, 2018 SPECIAL TOWN MEETING ARTICLES

Article	Description	Cost	Source
1	FY 2019 Budget Adjustment Article	TBD	Raise & Appropriate and/or Transfer from Available Funds
2	Special Purpose Stabilization Fund	TBD	Raise & Appropriate
3	FY 2019 Lunenburg Laborers' International Union Collective Bargaining Agreement	\$10,687.26	Transfer from Available Funds
4	Appropriation of Premium Bonds from Pavement Management Plan towards cost of project	\$104,659.15	Appropriation from Net Premium paid to Town for sale of Bonds
5	Sewer Reserve Capacity Stabilization Fund	\$6,449.63	Sewer Retained Earnings
6	Interim Report from the Charter Review Committee		
7	Amend Code of Lunenburg, Chapter 70 (Salary Administration Bylaw)		
8	Salary Survey for Salary Administration Plan employees	\$5,000	Transfer from available funds
9	Noise Control Bylaw		
10	Amend Code of Lunenburg, Chapter 12 (Americans with Disabilities Committee)		
11	Amend Code of Lunenburg, Chapter 134 (Demolition Delay)		
12	Amend Code of Lunenburg, Chapter 250 Section 8.3C (Board of Appeals)		
13	Amend Code of Lunenburg, Chapter 250, Section 6.5 E-F (Signs)		
14	Amend Code of Lunenburg, Chapter 250, Section 2.1 (Terms defined)		
15	Amend Code of Lunenburg, Chapter 250, Section 4.1G (Use Table)		
16	Amend Code of Lunenburg, Chapter 250, Section 4.15 C-D (Temporary Moratorium on Recreational Marijuana)		
17	Reduction of Plastic Bags Bylaw-Citizen Petition		
18	Conveyance of 174 Northfield Road Rear- Citizen Petition		

**TOWN OF LUNENBURG
SPECIAL TOWN MEETING WARRANT
NOVEMBER 13, 2018**

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 13th day of November, 2018, 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 2019 Budget, under Article 7 of the May 5, 2018 Town Meeting; or take any other action relative thereto. (Submitted by the Town Manager) (Board of Selectmen and Finance Committee will make a recommendation at Town Meeting)

ARTICLE 2. To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money to the Special Purpose Stabilization Fund; or take any other action relative thereto. (Submitted by the Town Manager) (Board of Selectmen and Finance Committee will make a recommendation at Town Meeting)

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 19, FY 20 and FY 21 Lunenburg Laborers' International Union, Public Employees Local 39 Collective Bargaining Agreement dated July 1, 2018 – June 30, 2021; or take any action relative thereto. (Submitted by the Town Manager) (Board of Selectmen and Finance Committee recommend approval for \$10,687.26 to be transferred from the Salary Reserve Account)

ARTICLE 4. To see if the Town will vote to appropriate all or a portion of the net premium paid to the Town upon the sale of the Town's \$3,685,000 General Obligation Municipal Purpose Loan of 2018 Bonds dated April 25, 2018, to pay costs of the capital projects financed by such bonds and to reduce the amount authorized to be borrowed for such projects by a like amount, and/or to reserve all or a portion of the net premium to be appropriated for future capital projects; or to take any other action relative thereto. (Submitted by the Finance Director) (Board of Selectmen and Finance Committee recommend approval for \$104,659.15 from net premium to pay costs of the Pavement Management Plan)

ARTICLE 5. To see if the Town will vote to transfer from the Sewer Enterprise Retained Earnings the sum of \$6,449.63 into the Reserve Capacity Stabilization Fund; or take any other action relative thereto. (Submitted by the Sewer Commission) (Board of Selectmen and Finance Committee will make a recommendation at Town Meeting)

ARTICLE 6. To see if the Town will vote to hear an interim report from the Charter Review Committee; or take any other action relative thereto. (Submitted by the Charter Review Committee) (Board of Selectmen recommends approval) (Finance Committee voted no financial impact)

ARTICLE 7. To see if the Town will vote to amend the Code of Lunenburg, Chapter 70 entitled "Salary Administration Plan" as follows: to amend §70.17, 70.21, and 70.28, as shown on a document entitled "Amendments to the Salary Administration Plan Bylaw" dated October 22, 2018, with additions to the Bylaw underlined and deletions ~~stricken through~~ therein, the entire text of which is on file at the office of the Town Clerk and Board of Selectmen; or take any other action relative thereto. (Submitted by the Personnel Committee) (Board of Selectmen and Finance Committee will make a recommendation at Town Meeting)

ARTICLE 8. To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds, a sum of money to fund a salary survey for positions within the Salary Administration Plan; or take any other action relative thereto. (Submitted by the Personnel Committee) (Board of Selectmen and Finance Committee will make a recommendation at Town Meeting)

ARTICLE 9. To see if the Town will vote to amend the Code of Lunenburg by adding a new Chapter 174, entitled “Noise Control”, as shown on a document entitled “Noise Control Bylaw” dated October 17, 2018, the entire text of which is on file at the office of the Town Clerk and Board of Selectmen; or take any other action relative thereto. (Submitted by the Police Chief) (Board of Selectmen will make recommendation at Town Meeting) (Finance Committee voted no financial impact)

ARTICLE 10. To see if the Town will vote to amend the Code of Lunenburg, Chapter 12, entitled “Americans with Disabilities Committee”, as shown on a document entitled “Amendments to the Americans with Disabilities Committee” dated October 22, 2018, with additions to the Bylaw underlined and deletions ~~stricken through~~ therein, the entire text of which is on file at the office of the Town Clerk and Board of Selectmen; or take any other action relative thereto. (Submitted by the Town Manager) (Board of Selectmen will make a recommendation at Town Meeting) (Finance Committee voted no financial impact)

ARTICLE 11. To see if the Town will vote to amend the Code of Lunenburg, Chapter 134, entitled “Demolition Delay”, to modify §134-4.D by deleting the number “180” from line 2, i.e. being the length of the demolition delay in days, and inserting the number “540” in its place; or take any other action relative thereto. (Submitted by the Historical Commission) (Board of Selectmen and Finance Committee will make a recommendation at Town Meeting)

ARTICLE 12. To see if the Town will vote to amend the Code of Lunenburg, Chapter 250, entitled “Zoning”, to modify §250-8.3.C(1) by inserting a reference to G.L. c. 40A, § 9 by deleting §250-8.3.C.(3) and (4) in their entirety and by renumbering §250-8.3.C(5) as §250-8.3.C.(3), all regarding the Board of Appeals, with additions to the Bylaw underlined and deletions ~~stricken through~~ below; or take any other action relative thereto. (Submitted by the Planning Board) (Board of Selectmen will make a recommendation at Town Meeting) (Finance Committee voted no financial impact)

C. Procedure.

(1) In exercising the powers granted by Subsection B above, the Board of Appeals shall act in accordance with the provisions of MGL c. 40A, §§ 9, 11, 14, 15 and 16.

~~(3) Where action by the Board of Appeals is required under this bylaw, a written application therefor shall be submitted by delivery or by registered mail (with return receipt requested) to the Clerk of the Board of Appeals or to such other person as the Board may have authorized to receive such applications. If submission is by delivery, the Clerk or other authorized person shall give a written receipt therefor, indicating the date of such submission. The Board of Appeals shall hold a public hearing with regard to any such application within 65 days of the filing.~~

~~(a) In the case of special permits under Subsection B(2), the Board of Appeals shall act thereon within 90 days of the filing of the application.~~

~~(b) In the case of appeals or applications for variances under Subsection B(1) and (3), the Board of Appeals shall act within 75 days of the filing of the application.~~

~~(4) Should the Board of Appeals fail to act within the time limits specified above, the application shall be deemed approved and the Building Commissioner shall, upon receipt of evidence of such submission and failure to act, issue forthwith a permit for the proposed use, provided such use is otherwise in conformity with this bylaw.~~

(5) Any approval granted by the Board of Appeals for a special permit shall lapse within two years from the grant thereof and time for an appeal as provided in MGL c. 40A, § 17, if a substantial use thereof has not sooner commenced or, in the case of a permit for construction, if construction has not begun by that date. A special permit is further limited by the six-month period provided in § 250-8.1.

ARTICLE 13. To see if the Town will vote to amend the Code of Lunenburg, Chapter 250, entitled “Zoning”, to modify §250-6.5.E(1) by inserting the words “a home occupation per §250-4.2.(4) or” and §250-6.5.F by inserting §250-6.5.F(4), both regarding Signs, with additions to the Bylaw underlined below, to allow some signs By-Right in Commercial

Districts; or take any other action relative thereto. (Submitted by the Planning Board) (Board of Selectmen will make a recommendation at Town Meeting) (Finance Committee voted no financial impact)

§ 250-6.5 Signs.

- E. Signs permitted in Residence A, Residence B, Outlying and Limited Business/Residential Districts. (Class A). In addition to signs permitted by Subsection B, the following signs are permitted in all residential districts:
- (1) One nonilluminated or indirectly illuminated identification sign for each separate street line of a home occupation per §250-4.2.(4) or an approved special permit use not to exceed nine square feet nor eight feet in height; and further limited as follows: Said sign shall be subject to the applicable side and rear yard requirements for principal buildings and a minimum of 50% of the applicable front yard requirements for principal buildings; the height of such sign shall not be a greater than the distance it is located from any lot line, but in no case greater than eight feet in height; the square foot area of such sign shall not be greater than 1/2 the linear foot distance it is located from any lot line, but in no case greater than nine square feet.
 - (2) Other signs shall be limited to directional signs necessary for public safety or convenience and shall be designated and approved as an integral part of the development plan and for an allowable special permit use.
- F. Signs permitted in nonresidential districts. In addition to signs permitted by Subsection B, the following signs are permitted in Commercial, Retail/Commercial and Office Park and Industrial Districts:
- (1) One sign for the purpose of advertising the sale or lease of the premises, which shall not exceed 32 square feet in signboard area.
 - (2) One of the signs permitted, per use, in nonresidential districts may be internally illuminated. All internally illuminated signs located within the building but visible from the exterior of the building shall constitute one of the signs permitted.
 - (3) Other signs, limited to directional signs necessary for public safety or convenience, may be designated and approved as an integral part of the development plan as approved by the Planning Board.
 - (4) One free standing sign that meets the following criteria:
 - (a) The square footage will not exceed twelve square feet (12 ft²), with no less than a 1:3 ratio between the perpendicular sides.
 - (b) The sign shall be a minimum of twenty five feet (25) from the front property line and a minimum of twenty (20) feet from the side property line.
 - (c) No sign installed under this provision may be lighted.

ARTICLE 14. To see if the Town will vote to amend the Code of Lunenburg, Chapter 250, entitled “Zoning”, to modify §250-2.1, regarding Definitions, by DELETING the definitions for Assisted Living Residence; Bed and Breakfast or Bed and Breakfast Establishment; Car Wash; Gasoline Station/Service Station or Filling Station; Hotel, Inn, Motel, Tourist Home or Lodging House; Kennel; Office Park; Professional Building; Rooming House or Boarding House; Shopping Center; and Townhouse with deletions to the Bylaw ~~stricken through~~ below; or take any other action relative thereto. (Submitted by the Planning Board) (Board of Selectmen will make a recommendation at Town Meeting) (Finance Committee voted no financial impact)

§ 250-2.1 Terms defined; word usage.

For the purposes of this bylaw, certain terms and words are herein defined as follows. Words used in the present tense include the future; words in the singular number include the plural and words in the plural number include the singular;

the word "shall" is mandatory and not directory; the word "lot" includes the words "plot" and "parcel," and "land" includes the words "marsh" and "water."

~~ASSISTED-LIVING RESIDENCE~~

~~A residential development with support services as defined by Chapter 19D of the General Laws of Massachusetts and which conforms to the requirements of said chapter.~~

~~BED-AND-BREAKFAST or BED-AND-BREAKFAST ESTABLISHMENT~~

~~A private owner occupied dwelling for rent which meets the definition of the Commonwealth of Massachusetts Department of Revenue for "bed and breakfast."~~

~~CAR WASH~~

~~A facility for washing, cleaning and waxing vehicles, including light trucks and vans.~~

~~GASOLINE STATION/SERVICE STATION OR FILLING STATION~~

~~An establishment which provides for the servicing of motor vehicles and operations incidental thereto limited to:~~

- ~~A.—Retail sale of gasoline, oil, tires, batteries and new accessories.~~
- ~~B.—The changing and repairing of tires, but not including recapping.~~
- ~~C.—Battery service, charging and replacement, but not including repair or rebuilding.~~
- ~~D.—Radiator cleaning and flushing, but not including repair or steam cleaning.~~
- ~~E.—Installation of minor accessories.~~
- ~~F.—The following operations, if conducted wholly within an enclosed building:
 - ~~(1)—Lubrication of motor vehicles.~~
 - ~~(2)—Brake adjustment, replacement of brake cylinders and brake fluid lines.~~
 - ~~(3)—Minor repair, including the testing, adjustment and replacement of carburetors, coils, condensers, distributor caps, fan belts, filters, generators, points, rotors, spark plugs, voltage regulators, fuel pumps, motor hoses and wheel balancing.~~~~
- ~~G.—Any area of land, including structures thereon, that is used for the sale of gasoline or any other motor vehicle fuel and oil and other lubricating substances, including any sale of motor vehicle accessories and which may or may not include facilities for lubricating, washing or otherwise servicing motor vehicles, but not including the painting thereof by any means, or major body, engine or transmission work.~~

~~HOTEL, INN, MOTEL, TOURIST HOME OR LODGING HOUSE~~

~~A building, or portion thereof, or a group of buildings on a single lot, intended to be used for the temporary occupancy of three or more persons who are lodged, with or without meals and in which major provisions for cooking may be made in a central kitchen but may not be in individual rooms or suites.~~

~~KENNEL~~

~~One pack or collection of dogs on a single premises, whether maintained for breeding, boarding, sale, training, hunting, or other purposes and including any shop where dogs are on sale, and also including every pack or collection of more than three dogs three months old or over owned or kept by a person on a single premises irrespective of the purpose for which they are maintained (MGL c. 140, § 136A).~~

~~OFFICE PARK~~

~~An area planned for occupancy by more than one office building, with shared common areas and/or parking areas.~~

PROFESSIONAL BUILDING

~~An office or offices of recognized professions such as doctors, dentists, lawyers, architects, engineers and others who are qualified to perform, with or without staff, personal services of a professional nature, provided that the residential character of the exterior is maintained.~~

ROOMING HOUSE OR BOARDINGHOUSE

~~A building or premises, other than a hotel, inn, motel, tourist house or lodging house, where rooms are let and where meals may be regularly served by pre arrangement for compensation; not open to transient guests, in contrast to hotels, restaurants and tourist homes, open to transients.~~

SHOPPING CENTER

~~An area or building planned for occupancy by more than one retail business, with shared common areas and/or parking areas.~~

TOWNHOUSE

~~A single family dwelling attached to another single family dwelling in such a manner that each dwelling has a door at ground level and front and rear access to the outside. Said dwelling may be in separate ownership from the unit(s) to which it is attached~~

ARTICLE 15. To see if the Town will vote to amend the Code of Lunenburg, Chapter 250, entitled “Zoning”, to modify §250-4.1.G by inserting the letter “Z” after “SP” for Single and Two-Family Dwelling Uses and deleting Note 3, both regarding permitted and prohibited uses, as shown on a document entitled “Amendments to the Code of Lunenburg, §250-4.1.G”, dated October 17, 2018, with additions to the Bylaw underlined and deletions ~~stricken through~~ therein, the entire text of which is on file at the office of the Town Clerk, Board of Selectmen, and Planning Board; or take any other action relative thereto. (Submitted by the Planning Board) (Board of Selectmen will make a recommendation at Town Meeting) (Finance Committee voted no financial impact)

ARTICLE 16. To see if the Town will vote to amend the Code of Lunenburg, Chapter 250, entitled “Zoning”, to modify §250-4.15.C by deleting November 30, 2018 and inserting May 31, 2019 and §250-4.15.D by inserting a comma at the end thereof followed by “the remaining portions shall remain in full force and effect” both regarding the temporary moratorium on the sale and distribution of recreational marijuana, with additions to the Bylaw underlined and deletions ~~stricken through~~ below; or take any other action relative thereto. (Submitted by the Planning Board) (Board of Selectmen will make a recommendation at Town Meeting) (Finance Committee voted no financial impact)

§ 250-4.15 Temporary moratorium on sale and distribution of recreational marijuana.
[Added 5-6-2017 ATM by Art. 33]

- C. Temporary moratorium. For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for recreational marijuana establishments and marijuana retailers. The moratorium shall be in effect through ~~November 30~~May 31, 2018~~2019~~. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of recreational marijuana in the Town, consider the Cannabis Control Commission regulations regarding recreational marijuana establishments and marijuana retailers and related uses, determine whether the Town will prohibit on-site consumption at recreational marijuana establishments and marijuana retailers and shall consider adopting new provisions of the Zoning Bylaw to address the impact and operation of recreational marijuana establishments and marijuana retailers and related uses.
- D. Severability. The provisions of this bylaw are severable. If any provision, paragraph, sentence, or clause of this bylaw or the application thereof to any person, establishment, or circumstances shall be held invalid the remaining portions shall remain in full force and effect.

ARTICLE 17. To see if the Town will vote to amend the Town Bylaws by adding a Bylaw for the reduction of plastic bags, as follows:

Section 1. Purpose and Intent

The production and use of thin-film single-use plastic checkout bags have significant impacts on the environment, including, but not limited to: contributing to the potential death of marine animals through ingestion and entanglement; contributing to pollution of the land environment; creating a burden to solid waste collection-and recycling facilities; clogging storm drainage systems; and requiring the use of millions of barrels of crude oil nationally for their manufacture.

The purpose of this bylaw is to eliminate the usage of thin-film single-use plastic bags by all retail and grocery stores in the Town of Lunenburg, by June 1, 2019.

Section 2. Definitions

- 2.1 *Checkout bag:* A carryout bag provided by a store to a consumer at the point of sale. Checkout bags shall not include bags, whether plastic or not, in which loose produce or products are placed by the consumer to deliver such items to the point of sale or checkout area of the store.
- 2.2 *Grocery Store:* A retail establishment where more than fifty percent (50%) of the gross floor area is devoted to the sale of food products for home preparation and consumption, which typically also offers home care and personal care products.
- 2.3 *Retail Store:* An establishment that offers the sale and display of merchandise within a building.
- 2.1 *Reusable checkout bag:* A bag, with handles, that is specifically designed for multiple use and is made of thick plastic, cloth, fabric or other durable materials.
- 2.2 *Thin-film single-use plastic bags:* Typically with plastic handles, these are bags with a thickness of 2.5 mils or less and are intended for single-use transport of purchased products.

Section 3. Use Regulations

- 3.1 Thin-film single-use plastic bags shall not be distributed, used, or sold for checkout or other purposes at any retail or grocery store within the Town of Lunenburg.
- 3.2 Customers are encouraged to bring their own reusable or biodegradable shopping bags to stores. Retail or grocery stores are strongly encouraged to make reusable checkout bags available for sale to costumers at a reasonable price.
- 3.3 Thin-filmed plastic bags used to contain dry cleaning, newspapers, produce, meat, bulk foods, wet items and other similar merchandise, typically without handles, are still permissible.

Section 4. Enforcement Process

Enforcement of this bylaw shall be the responsibility of the Town Manager or his/her designee. The Town Manager shall determine the inspection process to be followed, incorporating the process into other town duties as appropriate. Any retail or grocery store distributing plastic grocery bags in violation of this bylaw shall be subject to a non-criminal disposition fine as specified in Appendix A of the Regulations for Enforcement of Town Bylaws under M.G.L

Chapter 40, 21D and the Bylaw for Non-Criminal Disposition of Violations. Any such fines shall be paid to the Town of Lunenburg.

And to amend Appendix A of the Non-Criminal Disposition Bylaw by adding the following:

Bylaw	Fine Schedule	Fine Allowed	Enforcement Agency
Plastic Bag	1 st Offense	Warning	Town Manager's
Reduction Bylaw	2 nd Offense	\$25.00	Designee
	3 rd & each subsequent Offense	\$50.00	

Or take any other action relative thereto. (Citizen Petition) (Board of Selectmen will make a recommendation at Town Meeting) (Finance Committee voted no financial impact)

ARTICLE 18. To see if the Town will vote to transfer its right, title, and interest to the land at 174 Northfield Road Rear shown on Assessors Map 41, Block 3, Lot D from the Board of Selectmen for which said property is held to convey all of such property to Deborah St. Vrain on such terms and conditions and for such consideration, as the Board of Selectmen deems appropriate; or take any action relative thereto. (Citizen Petition) (Board of Selectmen and Finance Committee will make a recommendation at Town Meeting)

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 Whalom Variety Store 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 16th day of October in the year Two Thousand and Eighteen

LUNENBURG BOARD OF SELECTMEN

A true copy attest:

Kathryn M. Herrick, Town Clerk

James E. Toale, Chairman

Robert E. Ebersole, Vice Chairman

Damon McQuaid, Clerk

Phyllis M. Luck, Member

Kathryn Adams, Member

TOWN OF LUNENBURG
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LUNENBURG, MA 01462- 0135

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RESIDENTIAL CUSTOMER

LUNENBURG, MA 01462

**TOWN OF LUNENBURG SPECIAL TOWN MEETING WARRANT
TUESDAY, NOVEMBER 13, 2018; 7:00 P.M.
LUNENBURG MIDDLE/HIGH SCHOOL AUDITORIUM
1079 Massachusetts Avenue**