

**TOWN OF MARSHFIELD**

**SPECIAL TOWN MEETING**

**MONDAY, OCTOBER 18, 2021 at 7:00 P.M.**

**At**

**MARSHFIELD HIGH SCHOOL GYMNASIUM**



**Please bring this report to Town Meeting.**

**Moderator's Town Meeting Rules**  
**(Revised February 2019)**

1. The conduct of Marshfield's Town Meeting is governed by Federal and State law, the Town's Charter and By-Laws, local tradition, and the publication entitled "Town Meeting Time: A Handbook of Parliamentary Law."
2. The Moderator shall preside and regulate the proceedings, decide all questions of order, and make public declaration of all votes. (Mass. G.L. c. 39, §15)
3. There will be no quorum required for Marshfield Town Meetings. (*Bylaw Art. 1 §3*)  
*1988ATM.art.15*
4. All Special and Annual Town Meeting articles will be voted by lottery. The exception will be the operating budget articles at the beginning of the Annual Meeting. The Moderator may also propose linkage of similar articles. (*Bylaw Art. 1§6*) *2006ATM.art.18*. **The Moderator may also, with the permission of Town Meeting, utilize a consent agenda to consider and to pass without debate non-controversial warrant articles.**
5. The Moderator may call for a voice vote, standing vote, show of hands, roll-call vote or secret ballot. A motion for any of these voting methods may be made at any time during the discussion phase of an article by a recognized voter. A majority of the voters must approve any motion for a roll call vote or a vote by secret ballot.

If the declared results of voice votes or show of hands votes are questioned by seven (7) voters standing immediately after the declared vote, a standing vote will be taken without debate.

6. All matters shall be decided by a majority vote unless a 2/3 or greater vote is required. If more than a majority vote is required, the Moderator shall announce the required percentage for passage before calling for the vote.
7. No reconsideration of an article or vote will be permitted unless the Moderator determines that there has been a significant procedural error or that there is new information likely to have affected the previous vote. If a motion to reconsider is accepted by the Moderator, it will require a majority vote for passage. There will be no reconsideration after 10:30 p.m. on the evening of the vote in question.
8. No article may be reconsidered on a subsequent evening unless postponed by motion for that purpose, during the same session at which the article was first voted upon. (*Bylaw Art. 1 §4*)
9. To address Town Meeting, a speaker must first be recognized by the Moderator, then give his or her name and address for the record. All questions and comments by a speaker should be addressed to the Moderator and not to any particular town official or other Town Meeting member. No speaker will be recognized while another person is speaking. No person shall address Town Meeting without leave of the Moderator, and all persons shall, at the request of the Moderator, be silent. If a person, after warning from the Moderator, persists in

disorderly behavior, the Moderator may order him/her to withdraw from the meeting. If he/she does not withdraw, the Moderator may order a constable or other person to remove him/her. (Mass. G.L. c.39, §17)

The sole exception to the “only one person talking at a time” rule is a “point of order” which is used to question a procedural point the Moderator may have missed. It is also used to question an action that is contrary to proper procedure or that is misleading to the Town Meeting. Points of order are NOT to address the subject matter being discussed. All points of order are decided by the Moderator alone without debate.

10. The Moderator may set time limits on all presentations. He or she may also set limits on the number of times a voter can speak on an article and for how long. The Moderator may terminate debate on a motion when he or she deems it appropriate.

Debate on a motion may also be terminated by a recognized voter “moving the question” which, if accepted by the Moderator as not being premature, shall be voted on without discussion or debate. A motion to “move the question” requires a 2/3 vote for passage.

11. Articles in the Warrant give notice of the subjects to be discussed at Town Meeting and establish the parameters of matters that can be debated and acted upon. Amendments, motions, and/or debate determined by the Moderator, with the advice of Town Counsel, to be “beyond the scope” of the article, shall not be permitted.
12. Only two (2) amendments to a motion may be on the floor at any particular time. Generally, amendments shall be voted on in the order made and prior to the vote on the motion to be amended. Amendments over ten (10) words must be submitted to the Moderator in writing and, if over fifty (50) words, sufficient copies must be available at the entrance of the hall before the start of that particular session. Before an amendment to a particular article or motion can be accepted by the Moderator, a determination must first be made by the Moderator, with the assistance and upon the advice of Town Counsel, as to (a) whether the proposed amendment is within the scope of the article or motion and (b) whether the form and substance of the proposed amendment complies with the laws of the Commonwealth. For this reason, all proposed amendments should be submitted to the Moderator and to Town Counsel well in advance of the particular Town Meeting at which the proposed amendment will be introduced.
13. Differing dollar amounts to be appropriated shall be voted on in descending order, with the largest sum first, until an amount gains approval.
14. Non-voters will be seated in a special section unless permission is granted by the Town Meeting to be seated elsewhere. Non-voters may be allowed to address the Town Meeting with permission of the Moderator unless a majority of voters choose to deny such a privilege.
15. A resolution is a non-debatable, non-binding motion on any matter calling for a consensus of the Town Meeting. If a resolution is over ten (10) words, it must be submitted to the Moderator in writing and, if over fifty (50) words, sufficient copies must be available at the

entrance of the hall to those attending. Resolutions are typically taken up as the last order of business at Town Meeting.

The Board of Selectmen, within 30 days after a Town Meeting, shall discuss in open session any Resolution passed at such meeting. (*Bylaw Art.51*) *1980ATM.art.35*

16. No new business will be taken up after 10:30 p.m. on any evening.
17. When justice or order requires, the Moderator may make exceptions to those rules as he/she, in his/her discretion, deems it appropriate under the circumstances and with the concurrence of a majority of the Town Meeting members.

**Reminder – State Law prohibits SMOKING on school property.**

### MUNICIPAL FINANCE TERMS

APPROPRIATION – An authorization by the Town Meeting to make obligations and payments from the treasury for a specific purpose.

ASSESSED VALUATION – A valuation set upon real or personal property by the Board of Assessors as a basis for levying taxes.

BETTERMENT – A betterment assessment is a charge for the cost of public improvements, which benefit a limited area, against real estate situated in such.

BAN – “Bond Anticipatory Note”. Short term borrowing done in advance of long term borrowing via issuance of a BOND. BANS are issued to be able to fund a project while waiting to go to formal Bonding.

BOND – A loan, typically over a year in maturity.

BOND AUTHORIZATION – The amount of money the Town Meeting approves for borrowing for a specific purpose.

BOND / BAN PREMIUM – Funds paid to the town by financial institutions as commissions on the sale of the Town’s BONDS or BANS. These premiums are allowed under the Massachusetts Municipal Act of 2016 under Chapter 44, Section 20 to be used to fund similar Capital Projects to the projects funded by the original BOND/BAN.

BOND ISSUE – Generally, the sale of a certain number of bonds at one time by a governmental unit.

CAPITAL BUDGET – A plan of proposed capital outlays and the means of financing them for the current fiscal period.

CAPITAL OUTLAY – An expenditure for the purchase of property or equipment and for the construction or renovation of a facility and infrastructure.

CHERRY SHEET – A form showing all state and county charges and reimbursements to the town as certified by the Massachusetts Department of Revenue.

DEBT SERVICE – Payment of interest and repayment of principal to holders of the town's debt instruments.

ENTERPRISE FUND – Financing of services where all or most of the costs are paid for by users.

ENTERPRISE RETAINED EARNINGS – If during a fiscal year an Enterprise fund produces a surplus, such surplus shall be kept in a separate account called "retained earnings". The Department of Revenue then certifies that surplus as an available fund which can be used for:

1. operating costs to offset the need to increase user charges,
2. to fund capital improvements,
3. to reimburse General Fund to the extent the General Fund has funded a particular service in prior years, or
4. to fund Enterprise Fund revenue deficits.

FISCAL YEAR - A 12 month period, commencing on July 1, to which the annual budget applies (abbreviated as "FY").

FREE CASH - The excess of assets over liabilities, minus uncollected taxes of prior years, also referred to as "available cash". The amount is certified annually by the Massachusetts Department of Revenue. Free Cash may be appropriated by vote of a town meeting.

GENERAL FUND - The major town owned fund which is created with town receipts and which is charged with expenditures payable from such revenues.

GRANT - A contribution of assets by one governmental unit or other organization to another. Typically, these contributions are made to local governments from the state and federal government. Grants are usually made for specific purposes.

LEVY LIMIT - The amount of dollars a town can raise by taxation under Proposition 2 1/2.

LINE-ITEM BUDGET - A format of budgeting which organizes costs by type of expenditure. Such as expenses, equipment, and salaries.

OVERLAY - The overlay is the amount raised by the Assessors to be used for potential abatement of property taxes. The Overlay Surplus is the portion of each year's overlay account no longer required to cover property tax abatements.

PROPERTY TAX LEVY - The amount produced by multiplying the assessed valuation of property by the tax rate. The tax rate is expressed "per thousand dollars" of assessed valuation.

RESERVE FUND - Money set aside by Town Meeting to be allocated by the Advisory Board for extraordinary and unforeseen expenditures.

REVOLVING FUND (Ch.44, Sec. 53E 1/2) - A town may annually authorize the use of a revolving fund by accounting for separately the receipts received from a particular service or program and expend from such fund for providing such service or program without appropriation.

STABILIZATION FUND - A special account which is invested until used and can only be utilized by Town Meeting appropriation.



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<u>Article</u>	<u>Title</u>
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COMMONWEALTH OF MASSACHUSETTS  
SPECIAL TOWN MEETING WARRANT

Special Town Meeting, Monday, October 18, 2021

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 Gymnasium on Monday, the 18<sup>th</sup> day of October 2021, at seven o'clock in the evening then and there to act on the following articles:

Precincts 1,2,3,4,5,6 and 7 in the Marshfield High School Gymnasium

**ARTICLE 1** Will the Town vote to approve an expenditure of \$1,093.59 from the corresponding FY2022 budget or transfer from available funds a sum of money for payment of unpaid bills incurred during the previous fiscal year as set forth on the listing below of unpaid bills, or take any other action relative thereto.

DEPARTMENT	VENDOR	DATE	AMOUNT
DPW	Lucchettis Auto Center	6/29/2021	\$ 107.92
Schools	Step Increase	6/30/2021	\$ 985.67

Board of Selectmen

**Recommendations: At Town Meeting.**

*Article 1 Explanation: This Article is required in order to pay bills from previous fiscal years.*

**ARTICLE 2** Will the Town vote to replace the FY2021 Schedule A Compensation Plan with the following FY2022 Personnel Bylaw Schedule A Compensation Plan and make the following additions and changes to Schedule A, or take any other action relative thereto.

Board of Selectmen

Annual GRADE	FY 2022 Step 1	Step 2	Step 3	Step 4
4	\$32,931.48	\$34,247.37	\$35,613.72	\$37,036.69
5	\$36,326.44	\$37,776.48	\$39,289.31	\$40,848.92
6	\$40,072.20	\$41,672.43	\$43,342.82	\$45,077.22
7	\$44,202.02	\$45,962.26	\$47,808.68	\$49,716.65
8	\$48,745.43	\$50,703.87	\$52,726.31	\$54,833.69
9	\$54,833.69	\$55,921.85	\$58,155.31	\$60,490.71
10	\$59,325.42	\$61,690.06	\$64,163.03	\$66,722.15
11	\$65,435.82	\$68,051.58	\$70,760.89	\$73,595.75
12	\$72,181.41	\$75,060.59	\$78,057.93	\$81,190.69
13	\$79,403.36	\$82,561.97	\$85,865.83	\$89,311.24
14	\$87,014.29	\$90,492.95	\$94,104.54	\$97,863.84
15	\$95,710.93	\$99,537.93	\$103,515.12	\$107,652.32
16	\$104,324.91	\$108,496.35	\$112,831.48	\$117,341.03
17	\$113,714.16	\$118,261.02	\$122,986.31	\$127,901.72

**Recommendations: At Town Meeting.**

*Article 2 Explanation: This Article will increase the compensation for Bylaw employees. The FY 2022 budget was adopted on 4-26-21 and provides adequate funding for this article, no monetary appropriation is needed.*

**ARTICLE 3** Will the Town vote to adopt the Schedule A General Government Personnel Bylaw Positions set forth in the chart below, or take any other action relative thereto.

Board of Selectmen

**Schedule A – General Government Positions**

Assistant Animal Control Officer	6
Confidential Administrative Assistant (MFD and MPD)	11
Assistant Veterans Agent	10
COA Van Driver	5
Officer Manager	13
Benefits Manager	10
Project Coordinator for Volunteers	8
COA Social Services Coordinator	9
Beach Administrator	9

Project Engineer	14
Assessor/Appraiser	15
Council on Aging Director	14
Assistant Director COA	10
Library Director	15
Town Planner	15
Town Engineer	14
Senior Engineer	15
Administrative Assistant	12
Human Resources Director	14
Assistant Facility Manager	13
Deputy Superintendent	15

**Recommendations: At Town Meeting.**

*Article 3 Explanation: This article will replace the Bylaw chart with the current Grade by position in the Town Bylaws.*

**ARTICLE 4** Will the Town vote to ratify the 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, 2021 and ending June 30, 2024 for the collective bargaining units listed below, or take any other action relative thereto.

Board of Selectmen

- 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 (Clerical Employees Unit)
- American Federation of State County and Municipal Employees AFL-CIO  
State Council 93 Local 1700 (Supervisory Employees)
- Ventress Library Professional Staff Association

**Recommendations: At Town Meeting.**

*Article 4 Explanation: This Article will not require any additional funding outside the Omnibus Budget passed for Fiscal Year 2021 on 4-26-21. These collective bargaining agreements will be in effect for three years.*

**ARTICLE 5** Will the Town vote to transfer the sum of \$185,000 of Bond Premiums received from the sale of Bonds and BANs in July of 2020 and July of 2021 to be used for Town Infrastructure repairs, or take any action relative thereto.

Board of Selectmen

**Recommendations: At Town Meeting.**

*Article 5 Explanation: This Article will allow the Town and School to continue their efforts to make infrastructure repairs throughout all Town Divisions.*

**ARTICLE 6** Will the Town vote to transfer the sum of \$2,650,433.32 from Certified Free Cash, \$234,166.00 from Water Retained Earnings, \$238,228.00 from Wastewater Retained Earnings, and \$4,442.00 from Solid Waste Retained Earnings and disburse such funds for the following items detailed in the chart below, or take any other action relative thereto.

Board of Selectmen/Capital Budget Committee

	Description Of Request	Transfer From Free Cash	Transfer From Water Retained Earnings	Transfer From Wastewater Retained Earnings	Transfer From Solid Waste Retained Earnings	Totals	Transfer To
Item 1 (CBC)	Maintenance - Town	250,000.00				250,000.00	02 SPECIAL
Item 2 (CBC)	Maintenance - School	250,000.00				250,000.00	02 SPECIAL
Item 3 (CBC)	Paving of Town Owned Land at Corner of Ocean St. and Webster St.	110,000.00				110,000.00	02 SPECIAL
Item 4	OPEB	80,164.00	9,166.00	6,228.00	4,442.00	100,000.00	TRUST FUND
Item 5	Harbormaster Grant Match	17,569.32				17,569.32	4000 ACCOUNT FEDERAL GRANT MATCH
Item 6	Cable Hose Reel for the ROV - Harbor	7,500.00				7,500.00	02 SPECIAL
Item 7 (CBC)	Fire Dept. Emergency All-Terrain Vehicle	30,000.00				30,000.00	02 SPECIAL
Item 8	Fire Dept. Alert System Station 2	15,000.00				15,000.00	02 SPECIAL

Item 9 (CBC)	Exterior Painting of Town Hall - All of the White Areas and Lettering	75,000.00				75,000.00	02 SPECIAL
Item 10 (CBC)	Shark Buoys	30,000.00				30,000.00	02 SPECIAL
Item 11 (CBC)	Architect for Town Hall Design for Office Space	35,000.00				35,000.00	02 SPECIAL
Item 12	Selectmen Part-time Salary	25,000.00				25,000.00	011225105121
Item 13	Selectmen Expenses	30,000.00				30,000.00	011225205399
Item 14	Accounting Increases for Training and Schools	20,000.00				20,000.00	011355705710
Item 15	Professional Services	135,000.00				135,000.00	011455305301
Item 16	Legal	75,000.00				75,000.00	011515205310
Item 17	School Dept.	400,000.00				400,000.00	TO SCHOOL DEPT TRANSFER NO ARTICLE
Item 18	Utilities	65,000.00				65,000.00	019421305225
Item 19	Facilities Salary	25,000.00				25,000.00	011235105120
Item 20	Animal Control	30,000.00				30,000.00	012925105121
Item 21 (CBC)	Police Dept. Cruisers	185,000.00				185,000.00	012105805860
Item 22 (CBC)	Fire Dept. Ambulance Supplies	185,000.00				185,000.00	012205705340
Item 23	Town Clerk	15,000.00				15,000.00	011615105121
Item 24	Elections/Town Meeting	25,000.00				25,000.00	011625105121
Item 25	IT Salary	75,000.00				75,000.00	011555105120
Item 26	IT Expense	40,000.00				40,000.00	011555205246

Item 27	Human Resources Expense	7,500.00				7,500.00	011525705710
Item 28	Fire Dept. Maintenance Tools and Equipment / Stipend for Mechanics	26,000.00				26,000.00	Fire Dept. Line Items
Item 29 (CBC)	Purchase of New Dump Truck	75,500.00				75,500.00	02 SPECIAL
Item 30 (CBC)	Purchase of New Pick-up Truck	48,500.00				48,500.00	02 SPECIAL
Item 31 (CBC)	Purchase of New Pick-up Truck	48,500.00				48,500.00	02 SPECIAL
Item 32 (CBC)	Preliminary Funding	89,200.00				89,200.00	02 SPECIAL
Item 33 (CBC)	Town Contribution - Grant	55,000.00				55,000.00	4000 - grant match
Item 34 (CBC)	Materials Screening		50,000.00			50,000.00	02 SPECIAL
Item 35 (CBC)	Purchase of Equipment		175,000.00			175,000.00	02 SPECIAL
Item 36 (CBC)	Construction of Canopy			150,000.00		150,000.00	02 SPECIAL
Item 37 (CBC)	Flow Meter Installation			50,000.00		50,000.00	02 SPECIAL
Item 38 (CBC)	Purchase of New Pick-up Truck			32,000.00		32,000.00	02 SPECIAL
Item 39	Senior work-off program	60,000.00				60,000.00	Senior Work Off Program
Item 40	Assessor List Service	10,000.00				10,000.00	011415205330
	<b>TOTAL EXPENSE</b>	<b>2,650,433.32</b>	<b>234,166.00</b>	<b>238,228.00</b>	<b>4,442.00</b>	<b>3,127,269.32</b>	

**Recommendations: At Town Meeting.**

*Article 6 Explanation: This Article serves to disburse much needed funds for a myriad of projects and needs that Town departments have requested from across all divisions, please read descriptions of the items below:*



ITEM NUMBER	Description for Town Meeting
Item 1	This will fund various items under the custody of the Town Administrator and Facility Director
Item 2	This will fund various items under the custody of the Superintendent of Schools and Facility Director
Item 3	The Skate Park area of the Town is in need of paving, this appropriation will complete the project
Item 4	This is the annual OPEB funding distribution for a total of \$100,000
Item 5	We were awarded \$52,706.81 last year from FEMA port security funding. As part of the grant match, we are required to match with 25 percent of matching funds (\$17,569.32) Grand total of \$70,276.13.
Item 6	The hose reel is needed in case we have a failure with the original hose. The original hose is only 500 feet. The ROV can reach depths of 1000 feet. Also this is used for pond/lake searches, the longer cable makes searching easier.
Item 7	Emergency ATV will be utilized to access hard to reach off-road locations, maneuver through narrow passages, beach response, and large events that attract numerous attendees. This specialized vehicle can gain access to locations where standard sized emergency vehicles cannot fit. It will be utilized for medical, fire, disaster, and public service response.
Item 8	Currently, only two of Marshfield's three fire stations are equipped with an emergency alert system. When an emergency call is received from the public, our dedicated Fire Alarm Dispatcher sends an audio alert (alert tone) to Station 1 in Brant Rock, and Station 3 on South River Street. Station 2 in Marshfield Hills is not tied into this essential system and must receive notifications via phone call from the Fire Alarm Dispatcher. This upgrade will ensure that everyone gets the alert every time, especially when every second counts.
Item 9	The exterior parapet and trim of Town Hall is in need of painting. This appropriation will complete work on the envelope of Town's flagship building
Item 10	Marshfield would be the first along our coast to have these buoys. The current buoys only record when sharks swim near the buoys, they pick up the acoustic frequency. The real-time buoys will send immediate alerts to public safety officials, life guards, etc. when a tagged shark swims within 400 feet of the real-time buoys. This will allow for an immediate beach closure. The current buoys are mere after the fact scientific data.
Item 11	Town Hall needs to be remodeled, we are asking for a \$35,000 disbursement to plan a layout of how to modernize our flagship building
Item 12	This will fund internship opportunities and assistance under the Town Administrator
Item 13	This appropriation will go into other services for unexpected costs that may arise during the fiscal year i.e. labor, postage, litigation

Item 14	The Accounting office is requesting these funds to participate in professional development courses for staff members
Item 15	This item will cover a myriad of costs such as Zobrio, GIS services, software programming etc., as well as interim Accountant support
Item 16	This item will fund the increase required for various legal services
Item 17	This Distribution will go into the Schools General Operating funds
Item 18	The Town's utilities have increased due to cost of delivery from Eversource, and this is a required increase
Item 19	This will fund internship opportunities and assistance under the Facility Director
Item 20	This will fund an additional part time employee at the Animal Control Office
Item 21	This item will fund Police cruisers and vehicles on an annual rotation
Item 22	This item will fund much needed ambulance supplies for our first responders
Item 23	This will fund part-time hours in the Town Clerks Office
Item 24	This item will cover the additional cleaning and personnel costs associated with running the Town Elections
Item 25	This will fund the IT Position for DPW, and this has been built into the FY 2023 Budget
Item 26	IT expenses have increased due to the technological needs of the Town to make offices more efficient and have up to date technology
Item 27	This appropriation request will fund training for Town employees
Item 28	The Fire Department is requesting funds for tools and equipment to properly manage the Fire Department fleet apparatus, \$18,000 will cover equipment costs and \$8,000 will go into the Fire Department personnel line
Item 29	CTG Division seeks to replace Vehicle 114, a 2010 HD3500 Dump Truck with Sander and Plow and will return the replaced vehicle to be sold by the Town
Item 30	Highway Division seeks to replace Vehicle 31, a 2012 Pick-up Truck with Plow and will return the replaced vehicle to be sold by the Town
Item 31	Highway Division seeks to replace Vehicle 68, a 2012 Pick-up Truck with Plow and will return the replaced vehicle to be sold by the Town
Item 32	Engineering Division seeks funding for the Preliminary Design of the Brant Rock Esplanade Traffic Reconfiguration and Sidewalk
Item 33	Engineering Division seeks funding for the Mapping of the Town's Stormwater System - Town Contribution
Item 34	Water Division seeks funding for Materials Screening
Item 35	Water Division seeks funding for the purchase of a Mid-Size Excavator and Related Transportation Trailer
Item 36	Wastewater Division seeks funding for Construction of a Canopy for the Ultraviolet Disinfectant Unit

Item 37	Wastewater Division seeks funding for Flow Meters at Various Pump Stations
Item 38	Wastewater Division seeks funding for the Purchase of a 2021 Chevrolet Colorado 4X4 Extended Cab Pick-up for the On-Call Technician and will return the replaced vehicle to be sold by the Town
Item 39	Senior Work-off Program
Item 40	These monies will fund additional support for making assessments Town wide

**ARTICLE 7** Will the Town vote to transfer the sum of \$39,500.00 from the waterways fund during Fiscal Year 2022, with draw down approvals by the Board of Selectmen or it's designee, the Town Administrator, or take any other action relative thereto.

Board of Selectmen

**Recommendations: At Town Meeting.**

*Article 7 Explanation: The Waterways Improvement Fund is utilized for all waterways related activities for the improvement of docks, floats, gangways, commercial fishing booms, Harbormaster departmental staffing, required grant matches and related safety/security equipment for the department. Having these funds available will allow for immediate repairs/purchases of related equipment, infrastructure needs and cost matches.*

**ARTICLE 8** Will the Town vote to accept Section 3A of c. 337 of the Acts of 2018 (Section 3A of Gen. L. c. 64G) authorizing the imposition of a local excise tax upon the transfer of occupancy of a room in a bed and breakfast establishment, hotel, lodging house, short-term rental or motel at a rate of 6% of the total amount of rent for each such occupancy, or to act on anything relative thereto.

Board of Selectmen

**Recommendations: At Town Meeting.**

*Article 8 Explanation: This Article authorizes the imposition of a local excise tax of not more than 6% on a transfer of occupancy of various types of short-term rentals now authorized by c. 337 of the Acts of 2018 effective on July 1, 2019.*

**ARTICLE 9** Will the Town will vote to accept Section 3A of c. 337 of the Acts of 2018 (Section 3D of Gen. L. c. 64G) authorizing the imposition of a local community impact fee upon the transfer of occupancy of a professionally-managed unit and short-term rental units in a two-family or three-family dwelling that includes the operator's primary residence at a rate of 3% of the total amount of rent for each such occupancy, or to act on anything relative thereto.

Board of Selectmen

**Recommendations: At Town Meeting.**

*Article 9 Explanation: This Article authorizes the imposition of a local community impact fee of not more than 3% on a transfer of occupancy of various types of short-term rentals including professionally-managed units and short-term rental units in a two-family or three-family dwelling that includes the operator's primary residence authorized by c. 337 of the Acts of 2018 effective on July 1, 2019.*

**ARTICLE 10** Will the Town vote to amend the Marshfield Town Code, Division 2, General Bylaws, Article III, Water Restrictions, §285-19.1 as follows:

- (1) by adding the phrase "the area of immediate recharge and also in the water resource protection recharge area referred to as Zone 2" to the end of the first sentence after the words "Zone 1";
- (2) by inserting the following new sentences after the first sentence"

Entities performing any activities in zone 1 or zone 2 of the Town aquifers are also required to provide the Superintendent, Water Division Supervisor, Town Engineer and Board of Health a complete list of substances that contain the chemicals or other products containing Polyflouroalkyl Substances aka PFAS (includes PFOA, PFOS, GenX and other such chemicals) to be used. The list shall show the PFAS content as a % by volume or mass. Entities shall show cause as to why products or chemicals without PFAS cannot be used for the work. Entities that perform work where the use of PFAS cannot be avoided shall submit work plans to the Superintendent, Water Division Supervisor, Town Engineer, Planning Board and Board of Health that show how physical barriers, capture methods and/or other actions will be implemented to prevent PFAS from entering the soils and ground water of Zones 1 and 2;

and,

- (3) by deleting the existing second and third sentences and inserting the following new sentences after proposed amendment (2) above:

These activities shall include but are not limited to new construction, pole replacement, relocation, pole pesticide treatment, transformer repair, maintenance of underground services, fuel supply maintenance, construction and maintenance activities of any kind. This bylaw will not apply to Water Division activities including those by the Divisions contractors, or other Town departments performing work for the Water Division, as the above requirements will be stipulated in all bidding and contractual documents.

or take any other action relative thereto.

Board of Public Works

**Recommendations: At Town Meeting.**

*Article 10 Explanation: (formerly By-Law number 94)*

*The United States Environmental Protection Agency (EPA) and the Commonwealth of Massachusetts Department of Environment Protection (DEP) have recently recognized PFAS contamination, chemical compound known as forever chemicals due to the fact they do not break down in the environment, as a health risk and set the maximum allowable limit of 70 parts per trillion (ppt) by the EPA and 20 ppt by the DEP. The Board of Public Works as Water Commissioners is proposing this Marshfield Town Code exclude to the extent possible PFAS contamination from our aquifers, thus keeping such contamination out of or at least below the contamination level specified by the DEP. Exclusion of contaminants prevents having to remove by expensive means. The Town of Ayer, as reported on television news in June, which had significant PFAS contamination well in excess of EPA limits recently spent \$12,000,000 for systems at one drinking water pump site to remove PFAS contamination. Not mentioned in that TV report was that Ayer will also have significant operating costs associated with such systems.*

*This Code was originally initiated when Verizon Corporation, operating under permissions granted under Mass. General Law Chapter 166 Section 22, in August 2019 utilized a contractor, Osmose LLC to apply pesticide to its utility poles in Town. This included poles located in the Zone 1 of several Town well sites. The Town received no notification of the activity before it commenced nor during the pesticide application. The Board of Public Works, as Water Commissioners, working through the DPW Superintendent and Water Supervisor is responsible under Mass. Department of Environmental Protection (DEP) Guidelines for controlling activities in the wells Zone 1s. In the absence of DEP and/or Department of Telecommunication and Cable requirements for notice to be provided to the Town of such activities.*

*This revision to the Marshfield Town Code will require such notice over a broader area of our aquifers for all activities.*

**ARTICLE 11** Will the Town vote to amend the Marshfield Town Code, Division 3, Chapter 305, Zoning Bylaws as follows:

*Amend Article 305-7.05.B. by replacing existing paragraph with a new one as follows.*

B. One **two-sided** standing sign for each lot **with** street frontage, provided it shall **not exceed 40 square feet in surface area on each side and shall** be set back at least 15 feet from any street lot line; it shall not be erected so that any portion of it is over 15 feet above the ground or sidewalk; and if lighted, it shall be illuminated internally or by indirect method with white light only. **Where a single lot is occupied by more than one business, whether in the same structure or not, there shall not be more than one standing sign, or take any other action relative thereto.**

#### **Planning Board**

**Recommendations: At Town Meeting.**

*Article 11 Explanation: This Article is to clarify that pole signs in the industrial district are limited to 40 square feet per side and that said pole signs are limited to two sides.*

**ARTICLE 12** Will the Town vote to amend the Marshfield Zoning Bylaws as follows:

Amend Article 305-7.04.D. by replacing existing paragraph with a new one as follows.

D. One **two-sided** standing sign for each lot **with** street frontage of a business establishment in the Highway Business District, provided it shall not exceed 40 square feet in surface area **on each side**; no portion of it shall be set back at least 10 feet from any street lot line; it shall not rise to more than 12 feet from the ground or sidewalk, and it shall be illuminated internally or by indirect method with white or blue light only. Where a single lot is occupied by more than one business, whether in the same structure or not, there shall not be more than one standing sign, or take any other action relative thereto.

Planning Board

**Recommendations: At Town Meeting.**

*Article 12 Explanation: This Article is to clarify that pole signs in the business district are limited to two sides.*

**ARTICLE 13** Will the Town vote to amend the Marshfield Town Code, Division 3, Chapter 305, Zoning Bylaws as follows:

Amend Article 5.04 Table of Use (Wholesale, Transportation and Industrial) by adding a "S" in the PMUD column and a S\* in the WRPD column for "#21 Large-scale ground-mounted photovoltaic installations producing 250 KW DC or greater" as follows.

Use	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	BRVO
Wholesale, Transportation and Industrial														
21. Large-scale ground-mounted photovoltaic installations producing 250 KW DC or greater *Only in the WRPD within the I-1, A or PMUD.	-	-	-	-	-	-	-	-	-	P*	S	S	S *	-

Or take any other action relative thereto.

Planning Board

**Recommendations: At Town Meeting.**

*Article 13 Explanation: This Article clarifies if a large scale solar farm could be built in the Planned Mixed Use Development and would allow a solar farm in the Water Resource Protection Overlay in limited underlying districts.*

**ARTICLE 14** Will the Town vote to amend the Marshfield Town Code, Division 3, Chapter 305, Zoning Bylaws as follows:

Amend the Zoning Bylaws by moving Article 305-11.05 Planned Mixed Use Development from Article 305-11 to Article 305-13.06 Planned Mixed Use Development and renumber all references to current 305-11.05 Planned Mixed Use Development in the Zoning Bylaws to 305-13.06.  
or take any other action relative thereto.

Planning Board

**Recommendations: At Town Meeting.**

*Article 14 Explanation: The Planned Mixed Use Development (PMUD) is an overlay district that allows a number of additional uses to the Industrial district by means of a special permit process. This article would move the PMUD special permit language to Section 13 Superimposed districts where the special permit language for the other overlay districts are located. There are no changes other than numbering in the PMUD language as part of this article.*

**ARTICLE 15** Will the Town vote to amend the Marshfield Town Code, Division 3, Chapter 305, Zoning Bylaws as follows:

Amend Article 5.04 Table of Use (Residential) by adding a new # 9 Affordable Village as follows.

Use	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	BRVO
9. Affordable Village attached dwellings (see 305-11.05 PMUD) *Affordable Village only in the WRPD within the PMUD.	-	-	-	-	-	-	-	-	-	-	-	S	S *	-

or take any other action relative thereto.

Planning Board

### Recommendations: At Town Meeting.

*Article 15 Explanation: This Article adds a use category for the creation of an Affordable Village in the PMUD overlay district by means of a special permit from the Planning Board. Twenty percent of the total units must meet DHCD guidelines and have resale restrictions to protect affordability. These units would count towards the Town's 10% affordable housing requirement under Chapter 40B.*

**ARTICLE 16** Will the Town vote to amend the Marshfield Town Code, Division 3, Chapter 305, Zoning Bylaws as follows:

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

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

A. Purpose: The purpose of this planned mixed-use development section is as follows:

(1) To provide an opportunity to comprehensively plan large tracts of land in a pedestrian friendly, campus-like setting, around a public green.

(2) 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.

(3) 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.

- (4) To generate positive tax revenue, while providing the opportunity for new business growth and additional local jobs.

B. 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 Planned 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~~ **Completion or modification of approved** elements shall not require the 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~~ **Sub-section F** below); Age Restricted Adult Village residential units with a base density of 4-3 units per acre (subject to affordability requirements under Sub-section F below); **Affordable Village at a density of 3 units per acre (subject to affordability requirements under Sub-section F below)**; Attached Nursing, rest or convalescent home not to exceed 24 beds per acre.

D. Required Performance Standards:

- (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).
- (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.
- (3) **Residential units (including Affordable Village, Age Restricted and Residential above Commercial) shall not exceed a total of 65 units in the PMUD. Residential units permitted through a Chapter 40B process shall not count towards this cap.**

~~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

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) The base number of dwelling units for **“Residential Above and Age Restricted Adult Village proposals”** 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 Sub-section F) equals (=) Total number of dwelling units.*
- (5) Mixed-use residential units within the PMUD shall provide a minimum of 1.25 parking spaces for each bedroom. Age Restriction Adult Village/Attached **and Affordable 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.
- (6) The majority of the parking shall be located to the rear or sides of **commercial** 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 **commercial** buildings from the roadways within the overlay district shall be allowed.
- (7) 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.
- (8) 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.

- (9) All elements that create mixed-use residential or attached **(Age Restricted Adult Village & Affordable Village)** residential units are required to provide affordable housing in compliance with ~~Section 11-05.6~~ **Sub-section F**. 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 **(DHCD)** LIP Program. Affordable housing units will count toward the Town's Subsidized Housing Inventory, in accordance with M.G.L. CH. 40B.
- (10) ~~All residential units~~ **The maximum density in an Affordable Village shall be 3 units per acre. Affordable Village developments shall provide 20% of the total number of units as affordable under DHCD guidelines. The breakdown of the affordable units provided in an Affordable Village shall be as follows: 5% of the units offered at 80% of the Median Income; 10% of the units offered at 75% of the Median Income; 5% of the units offered at 70% of the Median Income.**
- (11) **In a Mixed-Use Residential Above or Age Restricted Adult Village** 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.
- (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;
- Preserve unique natural or historical features.
  - Minimize grade changes, removal of trees, vegetation and soil.
  - Maximize buffers to wetlands and water bodies.
  - Screen objectionable features from neighboring properties and roadways.
- (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.
- (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.

- (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.
- (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.
- (17) ~~The~~ **Commercial and mixed use** 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.
- (18) The ~~buildings'~~ main entrance to **commercial and mixed use buildings** may be placed to the side of the front facade to facilitate access to parking.
- (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.
- (20) A minimum of ~~60~~ **40%** of **a commercial or mixed use** the building's ~~that faces a 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.~~
- (21) All utility connections to buildings and structures shall be located underground.
- (22) All building rooftop utilities such as air conditioners shall be appropriately screened from public view and from the view of abutting properties.
- (23) All ground mounted utilities such as transformers, switching units, and ventilation pipes shall be appropriately screened from view.
- (24) All loading docks and service entrances where equipment, furniture, goods and materials are loaded into buildings shall be appropriately screened from view.
- (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.
- (26) ~~Individual~~ Special Permit applications shall comply with Section **305-11.10** (Traffic Impact Study).
- (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.
- (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.

- (29) Setbacks for **commercial or mixed use buildings within** 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

- (30) Front setbacks for **commercial and mixed use buildings** facing the public green(s) may vary. All other standards for I-1 zoning districts contained in the ~~See 6.10~~ Table of Dimensional and Density Regulations shall apply.

- (31) **Landscaped or existing buffered Setbacks for Affordable Village and ARAV developments within the PMUD overly district** shall be as follows:

Affordable Village and AVAR Setbacks	
Buffered Setback	Minimum (Feet)
Front (Commerce Way)	30
Side	20
Rear	30
Setbacks for Individual Buildings	
From The Interior Way	20
From Adjacent Buildings	30

The purpose of the buffers are to provide a visual screen for the residents from other buildings within the development, as well as surrounding properties and roadways.

An additional benefit is to lessen the visual impact of the higher density to the nearby single family homes. While it is preferred to use existing vegetation wherever possible planting and fencing may be used or added to gain the maximum amount of screen possible.

- (32) The Affordable Village shall include the following lots on the southern side of Commerce Way: E09-01-13, E09-01-14, E09-01-55, E09-01-56, E09-01-57, E09-01-58, E09-01-59, E09-01-60 and E09-01-61.
- (33) The design of the Affordable Village shall have a lower density of townhomes to the eastern side (Duplex) increasing to Triplex and then Fourplex as you head west. The attached duplex structures should be designed to appear as a larger single family home versus a straight side by side attached building.
- ~~(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.~~

#### E. Ownership of Public Green

- (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.
- (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.
- (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.

#### F. Affordable Housing Provisions

- (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; **(required in the Affordable Village, Preferred in residential above**

**commercial and not counted by the State for ARAV developments. In ARAV the applicant will need to provide Fee-in-lieu (see below)) 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.

(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.

(3) Provision for Fees-in-Lieu-of Construction of Affordable Housing Units

- a. Fees-in-Lieu of Construction of Affordable Housing Units: **With the exception of an Affordable Village application** 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~~ **forty** percent (~~65%~~ **40%**) 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. **The market price proposed at the time of application shall be reviewed and adjusted if required at the time of payment. The Planning Board will consult with the Housing Coordinator prior to signing off on building permit.**

G. Criteria for Review and Approval

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

- a. Section A, purpose;
- b. Section D, required performance standards;
- c. 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;
- d. That any proposed residential units provide the Town with the type of Affordable Housing as called for in the Housing Production Plan.
- e. 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.
- f. 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;
- g. That the proposed development improves pedestrian and bicycle access and safety;
- h. That suitable public green(s) and or facilities have been provided;
- i. Acceptability of building and site design;
- j. That the proposal conforms with the goals of the Marshfield Master Plan and Housing Production Plan as amended.

(2) 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.

H. 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.

I. 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, or take any other action relative thereto.

(Section 11.05. 8. Amended 10/19/09 Article 11 STM)

(Section 11.05 Amended 10/27/14 Article 18 STM)



**Recommendations: At Town Meeting**

*Article 16 Explanation: This Article modifies the existing PMUD section by changing the residential cap (decrease of 10 units from the original cap of 75), removing residential units created by the Chapter 40B process from the cap and allowing affordable village development along the south side of Commerce Way with a mix of attached housing with a wider affordable price range through a special permit process at the density of 3 units per acre. A design requirement of the Affordable Village would be for the density to be lower (duplex) in the eastern portion of the property with triplex units and then fourplex units as you head west towards the existing Modera development. The reduction in the fee-in-lieu from 65% to 40% reflects a previous change the Planning Board did in several other sections of the Bylaw.*

**ARTICLE 17** Will the Town vote to amend the Marshfield Town Code, Division 3, Chapter 305, Zoning Bylaws as follows:

Amend Article 2 Definitions by removing the definition Dwelling, Mixed Use and replacing the current definition of Mixed-Use Building with the following:

Mixed-Use Building – A building that includes both commercial and residential **(on the second and third floors)** uses within a single building. **Mixed-Use Buildings are allowed as specified in the 305 – 5.04 Table of Use.** Or take any other action relative thereto,

Planning Board

**Recommendations: At Town Meeting.**

*Article 17 Explanation: This Article is to clarify the districts where mixed use buildings with residential above would be allowed. Currently the Mixed Use Buildings with residential above are allowed in the PMUD and BRVO. There are several other articles that would allow the mixed use building (residential above) in the B-1 district.*

**ARTICLE 18** Will the Town vote to amend the Marshfield Town Code, Division 3, Chapter 305, Zoning Bylaws as follows:

Amend Article 2 Definitions by replacing the current definition of Mixed-Use District with the following:

**Mixed-Use District** - A zoning district where the location of more than one permitted principal use in one building may be allowed by special permit. Mixed Use districts include the B-1 ~~Business-mixed Use Zoning District~~, Planned Mixed Use Development and **Brant Rock Village Overlay districts** or take any other action relative thereto,

Planning Board

**Recommendations: At Town Meeting.**

*Article 18 Explanation: This Article is to clarify the districts where mixed use buildings with residential above would be allowed. Currently the Mixed Use Buildings with residential above are allowed in the PMUD and BRVO. This article would also allow the mixed use building (residential above) in the B-1 district.*

**ARTICLE 19** Will the Town vote to amend the Marshfield Town Code, Division 3, Chapter 305, Zoning Bylaws as follows:

Amend Article 5.04 Table of Use by

Use	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	BRVO
Residential														
7. Mixed - Use Building In the PMUD (see 305-11.05) * also requires a WRPD special permit (see 305-13.03) when located inside the WRPD overlay.	-	-	-	-	-	-	-	-	-	-	-	S	S*	-

or take any other action relative thereto.

Planning Board

**Recommendations: At Town Meeting.**

*Article 19 Explanation: This Article replaces the existing #7 and is to clarify that Mixed Use Buildings are only allowed in the portion the Water Resource Protection District (WRPD) overlay that is within the Planned Mixed Use Development (PMUD) zone.*

**ARTICLE 20** Will the Town vote to amend the Marshfield Town Code, Division 3, Chapter 305, Zoning Bylaws as follows:

Amend Article 5.04 Table of Use (Residential) by adding a new # 8 Mixed-Use Building in the B-1 District as follows.

Use	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	BRVO
Residential														
8. Mixed - Use Building In the B-1 District (see 305-11.16)	-	-	-	-	S	-	-	-	-	-	-	-	-	-

Or take any other action relative thereto.

Planning Board

**Recommendations: At Town Meeting.**

*Article 20 Explanation: This Article adds a use category to allow residential above commercial in the B-1 Business mixed use district by means of a special permit from the Planning Board. The second and third floors could have residential units added and assist with the reinvestment and redevelopment in the downtown.*

**ARTICLE 21** Will the Town vote to amend the Marshfield Town Code, Division 3, Chapter 305, Zoning Bylaws as follows:

Amend Article 11 by adding a new Section 16 Mixed-Use Building in the B-1.

### 305-11.16 Mixed-Use Building in B-1

**A. Purpose.** The purpose of this section is to allow for the reintroduction of mixed use buildings (commercial-residential) in the B-1 District by Special Permit. This Special

Permit process would allow for design review and site planning of mixed use buildings and adding more flexibility in the use of buildings in this district by allowing residential above commercial to assist in the redevelopment of older properties in the downtown.

**B. Process.** The applicant files a Special Permit application with the Planning Board acting as the special permit granting authority.

- (1) For properties that meet the minimum lot and dimensional requirements the Board shall use the following maximum density requirement of 10 units per acre. For units created under this standard the applicant shall provide 20% of the units that meet the State's affordable housing affordability requirements for low-or moderate-income individuals as defined in Article II, Definitions of this Bylaw.
- (2) For older pre-existing non-conforming lots under 10,000 square feet in size with existing buildings the Board may allow by the Special Permit the creation of one residential unit per 4,000 square feet of lot area. If more than 2 residential units are created under this pre-existing non-conforming standard, the applicant shall provide 10% of the units that meet the State's Affordable Housing requirements.
- (3) An applicant may propose to pay a fee-in-lieu of construction of Affordable Housing units to the Marshfield Housing Partnership/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.
- (4) For each affordable unit for which a fee-in-lieu of construction is paid, the cash payment per unit shall be equal to forty percent (40%) of the average price being asked for the market-rate units in the applicable development.
- (5) 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.

**C. Required Performance Standards.**

- (1) Meets existing front, side, rear yard setbacks and maximum height of 35 feet/ 3 stories.
- (2) Mixed Use Buildings would be designed to have a minimum of 40% of the first floor to be commercial use. The upper two floors to become residential units.
- (3) Residential units would gain access on the first floor to the side or rear of the building.
- (4) Residential units shall provide a minimum of 1.25 parking space per bedroom.  
Residential parking spaces can be designed in tandem per unit when providing covered parking.
- (5) Residential parking should be separate from commercial parking areas and should be sited to the sides or rear of the building.
- (6) Residential parking shall be provide on-site.
- (7) Architectural details, including elevation plans of all sides (including textures of siding and roofing) shall be harmonious with the building's overall architectural style and should preserve and enhance the historic coastal character of Marshfield.

- (8) Applicants with historic structures shall work with the Historical Commission on addressing additions or alterations.
- (9) Building facades in excess of 40 feet in length shall incorporate recesses or projections of a minimum of two in depth or otherwise be designed to break up the buildings mass and scale.
- (10) A six (6) foot step-back of the third floor from the lower two floors on the front and rear of the building(s) shall be provided to reduce the visual height appearance.
- (11) The residential units shall be provided with an outdoor common area with seating and other amenities separated from areas open to the general public.
- (12) All building utilities (including but not limited to heating/air conditioning, ventilation, transformers and dumpster) shall appropriately screened from the Public.
- (13) Landscaping shall enhance the shading and buffering of the residential units and common area.
- (14) Signage shall comply with section 305-7.03 of this bylaw.
- (15) Lighting shall comply with Section 305-8.08 of this bylaw.

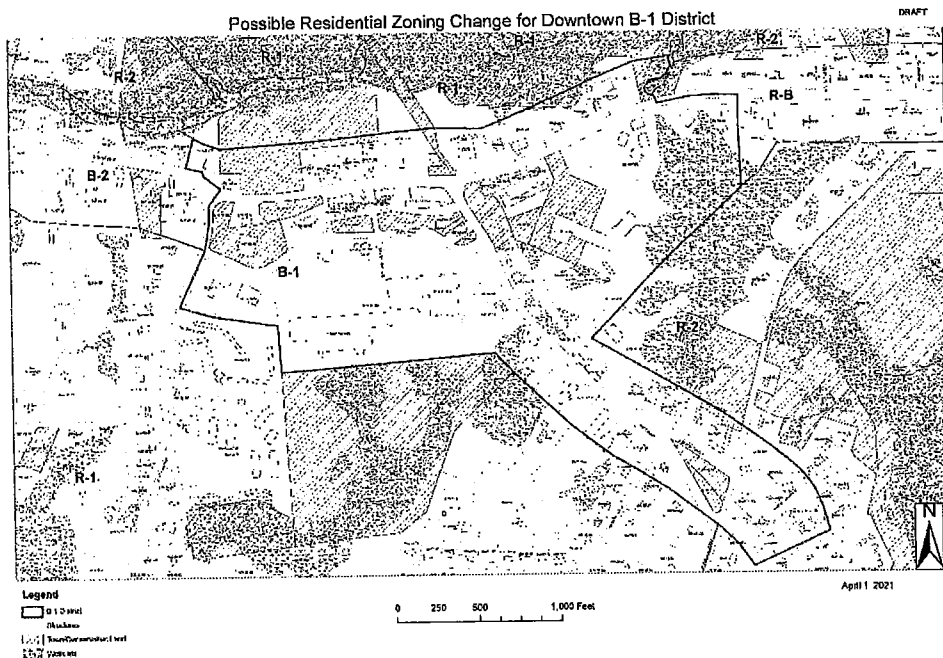
**D. Review and Decision.** The Planning Board shall act on applications according to the time and public hearing requirements specified in MGL C.40A Section 9 and Section 11. The Planning Board shall adopt and from time to time amend rules relative to the issuance of such permit.

**E. Severability.** The provisions of this section are severable, and in the event that any provision of this section is determined to be invalid for any reason, the remaining provisions shall remain in full force and effect, or take any other action relative thereto.

#### Planning Board

**Recommendations:** At Town Meeting.

*Article 21 Explanation: This Article adds a new section (§305-11.16) to the Zoning Bylaw. This new section provided design and review standards to the Special Permit process that would allow residential units above commercial in the B-1 Business mixed use district by means of a special permit from the Planning Board. The second and third floors could have residential units added and assist with the reinvestment and redevelopment in the downtown.*



**ARTICLE 22** Will the Town vote to amend the Marshfield Town Code, Division 3, Chapter 305, Zoning Bylaws as follows:

Amend Article 13 Section 05 Brant Rock Village Overlay District by replacing the current language with the following.

**§ 305-13.05. Brant Rock Village Overlay District.**

- A. Purpose. The purpose of the Brant Rock Village Overlay (BRVO) District is to protect and enhance the public health, safety, environment and general welfare by establishing minimum requirements for new development and redevelopment of existing properties and uses located in the BRVO District. New development and redevelopment within the BRVO District are intended to reduce the impacts from actual and projected coastal flooding. ~~In addition, these regulations are intended to promote certain types of mixed-use buildings, as defined in Article II, Definitions, to provide for commercial uses on the first floor and residential uses on the second floor.~~ The Village of Brant Rock has a historical development pattern that contains both commercial and residential uses within a single building and other geographical areas which are substantially residential. ~~Many of the existing buildings have these preexisting nonconforming uses.~~ The BRVO will authorize certain mixed uses within a single building provided such buildings can be designed and constructed in a manner that preserves and respects the historic New England architecture of the Brant Rock Village and reduces damage caused by chronic flooding that is prevalent in the BRVO District.
- B. Scope of Authority. The Brant Rock Village Overlay District (BRVO) is hereby established as an overlay district and shall be superimposed over the existing Business Waterfront (B-4) Zoning District. All regulations of the Marshfield Zoning Bylaw applicable to the underlying districts shall remain in effect, except that where the Brant Rock Village Overlay District allows for mixed-use buildings, these regulations shall prevail.

- C. District boundaries. The boundaries of the Brant Rock Village Overlay District are delineated on the Official Zoning Map. The overlay district boundaries shall follow the boundaries of the existing Business Waterfront (B-4) Zoning District in the Brant Rock Village area.
- D. Applicability.  
BRVO provides a development alternative for property owners within the overlay district if they are floodproofing a structure at or above the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) one- hundred-year storm event established base flood elevation (BFE).
- (1) Any new building construction, reconstruction or additions to structures within the BRVO that include floodproofing at or above the BFE have the option to build a mixed-use building with commercial uses **and access, storage and parking for the residential uses above are allowed on the first floor. Mixed Use Buildings would be designed to have a minimum of 40% of the first floor to be commercial use. The residential uses are allowed on the second floor and third floors.** Mixed-use buildings shall be subject to the following BRVO regulations.
- E. Allowed uses.
- (1) All uses permitted in the B-4 District.
- (2) **Mixed use buildings with residential above use of 2-1/2 stories** by Special Permit issued by the **Planning Board Board of Appeals** subject to the building height requirements in Subsection G below.
- F. Design requirements.
- (1) Floodproofing. All of the building shall be elevated above the FEMA FIRM base flood elevation (BFE). Providing a BFE higher than the minimum required by FEMA, to plan for projected sea level rise, is encouraged. Moisture- and rot- resistant breakaway panels shall be provided to screen the building's pilings or piers in the area between the natural ground elevation and the first floor. These breakaway elements should be consistent with the rest of the building's design elements.
- (2) Outside boardwalk, **walkway, porch, or deck.** All **new mixed use** buildings shall provide an outdoor boardwalk, farmer's porch or similar structure, elevated above the BFE, set back from the street or sidewalk. The boardwalk or porch on the first floor shall be a minimum of 10 feet wide measured from the inside edge of the top of the stairs to the outermost wall of the commercial first floor building **and exclusive of seating areas. Wherever possible the public access feature should be connected to adjacent buildings.**
- G. Intensity and dimensional regulations. All new buildings, redeveloped buildings, or additions for proposed mixed use shall comply with the following intensity and dimensional regulations:
- (1) Setbacks.
- a. Front. A ten-foot setback is required. No setback from the front property line is required for stairs or ramps leading above the BFE or any boardwalk or porch located above the BFE.
- b. Side. No side line setbacks are required for buildings providing the ability to have a continuous boardwalk to abutting buildings. Adjoining property owners are encouraged to connect boardwalks and porches to create a continuous elevated

pedestrian walkway within the BRVO. For buildings that do not provide the ability to connect to abutting buildings, a five-foot setback is required. Driveways are allowed within the setback.

- c. Rear. A fifteen-foot building setback is required. Parking spaces and maneuvering lanes are allowed within the setback.

(2) Density. Residential dwelling units on the second **and third** story are allowed by special permit at a density of up to three dwelling units per 10,000 square feet of underlying land area.

(3) Lot size. The minimum lot size for a mixed-use building is 10,000 square feet.

(4) Building height. The maximum building height **for a mixed use building under the special permit process** is ~~2-5~~ **3** stories/ 35 feet measured above the FEMA FIRM base flood elevation **plus 1 foot**.

H. Architecture. New buildings, additions and reconstruction where mixed uses are proposed shall be designed to incorporate ~~the design elements in the following design sketch:~~  
**A six (6) foot step-back of the third floor from the lower two floors on the front and rear of the building(s) shall be provided to reduce the visual height appearance.**

I. Mixed use.

- (1) Buildings shall be designed to reflect the traditional New England coastal village architecture found within the region. The mass, proportion, and scale of the building, roof shape, roof pitch, proportions and relationships between doors and windows should be harmonious among themselves.
- (2) Architectural details of new construction and proposed reconstruction as well as any additions to existing buildings should be harmonious with the building's overall architectural style and should preserve and enhance the historic character of Marshfield.
- (3) Wherever possible, the building's location shall be oriented parallel to Ocean Street and Dyke Road, unless there is a compelling reason to do otherwise that will enhance the proposed project. Building facades in excess of ~~30~~ **40** feet wide shall incorporate recesses and projections, of a minimum of two feet in depth, to break up the building's mass. The building roofline should include variations in pitch and height and include dormers, turrets and decks. All building materials shall be moisture and rot resistant in consideration of the coastal weather conditions.

J. Landscaping. Landscape plantings shall be comprised of native plant species that have adapted to coastal site conditions such as wind, salt spray, flooding and burial. Plantings that provide a variation of seasonal colors are encouraged in elevated planters at both the boardwalk and sidewalk levels.

K. Parking. ~~Parking shall be provided as required in Article VIII, Off-Street Parking and Loading and Lighting Regulations.~~ In the BRVO 1.25 parking space for each bedroom in all residential units is required. **Residential parking should be separate from commercial parking areas and should be sited to the sides or rear of the building. Commercial and residential parking shall be provide on-site. It is recommended that residential parking be located above the Base Flood Elevation.** Existing public parking spaces located within 300 feet of the street frontage for the property may be counted toward meeting the minimum parking

requirements for commercial uses, by special permit pursuant to § 305-8.05 of the bylaw.

- L. Signs. All commercial signs shall comply with Article VII, Signs.
- M. Accessibility. All commercial units and boardwalks shall comply with the requirements of the Americans with Disabilities Act (ADA) and the State Architectural Access Board.
- N. Affordable housing. Mixed-use buildings shall provide **a minimum of ten (10%) percent of the total units as Affordable Housing** for low- or moderate-income individuals as defined in Article II, Definitions and sub-section F of the PMUD overlay requirements. ~~The construction of all residential housing shall include affordable housing in compliance with § 305-11.14, Inclusionary zoning for affordable housing. The number of affordable units required shall be in accordance with the requirements of § 305-11.14D, Provision of affordable units; bonuses and incentives. If the residential units are for rent, the provisions of § 305-11.14D(2)(b), Fees in lieu of construction, are not applicable.~~
- O. Review and Decision. **The Planning Board shall act on applications according to the time and public hearing requirements specified in MGL C.40A Section 9 and Section 11. The Planning Board shall adopt and from time to time amend rules relative to the issuance of such permit, or take any other action relative thereto.**

Planning Board

**Recommendations: At Town Meeting.**

*Article 22 Explanation: This Article modifies the existing Brant Rock Village Overlay language with the following changes:*

- *Allowing a full 3 floors for the building,*
- *Allowing a portion of the first floor to be used for access, parking and storage for the residential units,*
- *Requiring a 6 foot setback on the front and rear sides of the 3<sup>rd</sup> floor,*
- *Requiring onsite parking recommending residential parking be located above the base flood elevation,*
- *Simplifying the affordable housing language to a straight 10% of the number of units versus a more complicated formula with a density bonus.*
- *Changing the Special Permit granting Authority to the Planning Board.*

**ARTICLE 23** Will the Town vote to amend the Marshfield Town Code, Division 3, Chapter 305, Zoning Bylaws as follows:

*Amend Article 11.09 Residential Accessory Apartments by replacing the current language with the following.*

Section Residential Accessory Apartments  
305-11.09

A. **Purpose** - The creation of any accessory apartment within an existing owner occupied one-family detached dwelling may be authorized by Special Permit in order to achieve the following objectives:

- (1) To enable home owners who wish to remain in their homes and neighborhoods to do so.



- (2) To promote more efficient use of the existing housing stock by allowing flexibility in response to changing household size.
  - (3) To promote wider price range of ~~affordable~~ rental housing and home ownership for small households.
  - (4) To protect and maintain the character of the surrounding neighborhood.
  - (5) **Not to unduly alter the density of the neighborhood or the population of the Town with its related impacts to water supply, traffic and waste generation.**
- B. Applicability – A Special Permits may be granted within R-1, R-2, R-3, B-1 and B-2 districts by the Board of Appeals, acting as the Special Permit Granting Authority (SPGA), when the plan submitted meets the review criteria contained in Section 3.
- C. Review Criteria - In reviewing and evaluating the plan, and in making a final determination regarding the Special Permit application, the SPGA may grant a Special Permit, provided that the following criteria are met. These criteria are the minimum over and above any other criteria which may be set forward in any portion of this bylaw which is specifically necessary to carry out the stated purposes for owner-occupied accessory apartments.
- (1) Only one accessory apartment shall be allowed per ~~lot. single-family dwelling unit;~~
  - (2) The accessory apartment shall occupy no more than forty percent (40%) of the total living area of the single family dwelling **and shall be limited to one (1) bedroom.**
  - (3) The accessory apartment shall be designed so that the appearance of the building remains that of a one-family residence, must be self-contained, and must have a separate entrance. In general, any new entrance shall be located on the side or rear of the building. Reasonable deviation from this condition shall be allowed in order to facilitate access and mobility for disabled persons;
  - (4) Compliance with Board of Health policies and regulations;
  - (5) Approved water conservation devices shall be required for new installations. This would include low flow shower heads and water efficient toilets;
- ~~The Residential single family home dwelling must be in existence, and not substantially altered, for a period of three years prior to the filing of the Application for Special Permit;~~
- (6) Required minimum lot size for accessory unit shall be for property in zones B1 and R3 - 10,000 square feet; in zone B2 and R2 - 20,000 square feet and in zone R1 – 40,000 square feet;
  - (7) Sufficient parking space shall be provided on the lot, including at least one additional space to serve each bedroom of the accessory apartment. Said additional space shall have access to the driveway serving the principal dwelling;

- (8) The principal dwelling or accessory apartment shall be occupied by the applicant/owner as his or her principal residence;
  - (9) **The unit shall comply with the State Building Code.**
  - (10) **The property with the addition of the accessory unit and parking shall meet the minimum open space requirements of the district it is located in.**
  - (11) **Neither the principal dwelling nor the accessory apartment may be sold or otherwise conveyed or transferred separately from the other.**
- D. Plan Requirements - The applicant shall comply with Section 10.10 Special Permits of this by law.

In addition, the following information shall be furnished:

- (a) The existing and proposed square footage of each dwelling unit;
  - (b) The existing and proposed floor layouts of each dwelling unit;
  - (c) Any proposed changes to the exterior of the existing building;
  - (d) **Proposed site plan showing new and existing buildings setbacks, parking, grading, drainage, wastewater and landscaping;**
  - (e) All plans should be prepared by a registered land surveyor; and
  - ~~f. Requirements for open space should be maintained.~~
  - (f) **The minimum open space area requirement under 305-6.10 Table of Dimensional and Density Regulations shall be maintained.**
- E. Transfer of Ownership of a Dwelling with an Accessory Apartment.
- (1) The Special Permit for an accessory apartment in a single family dwelling shall terminate upon the sale of property or transfer of title of the dwelling.
  - (2) The new owner(s) shall be required to apply for a new approval of a Special Permit for an accessory apartment and shall submit a written request to the SPGA.
- F. Recertification of Owner Occupancy - Not later than January 31 of each year following issuance of a Special Permit for an accessory apartment, the owner of the premises must certify under the pains and penalties of perjury on forms to be available at the office of the Building Inspector that the premises continue to be occupied by the owner as his or her principal residence. Failure to recertify in a timely manner shall result in the automatic termination of the Special Permit, or take any other action relative thereto.

Planning Board

#### **Recommendations: At Town Meeting.**

*Article 23 Explanation: This Article modifies the existing Residential Accessory Apartment Bylaw by removing the waiting period (previously 3 years) for allowing an accessory apartment for new (or substantial) construction.*

**ARTICLE 24** Will the Town vote to amend the Marshfield Town Code, Division 3, Chapter 305, Zoning Bylaws as follows:

Amend Article 15 Floodplain Zoning by replacing the current language of Section 15.19 Special Permits with the following.

**Section 15.19 Special Permits**

The Board of Appeals may grant a special permit modifying the performance standards in §§ 305-15.08 and 305-15.09 for the following:

- a) ~~Nonresidential structures such as boathouses, boat yards, and structures designed for education and research, the nature of which requires their location within the Floodplain District.~~
- b) ~~R~~ restoration and reconstruction of structures listed in the National or State Register of Historic Places.

Special permits shall only be issued upon a determination by the Board of Appeals that:

1. Failure to grant the special permit would result in exceptional hardship to the applicant.
2. The granting of a special permit will not result in increased flood heights, additional threats to public safety, extraordinary public expense, or conflict with existing bylaws.
3. The relief granted is the minimum necessary considering the flood hazard.
4. All subdivision proposals are designed to assure that such proposals minimize flood damage, all public utilities and facilities are located and constructed to minimize or eliminate flood damage, and adequate drainage is provided to reduce exposure to flood hazards.

Any applicant to whom a special permit is granted shall be given written notice that the proposed development may result in increased risk to life and property and increased flood insurance premium rates.

The Board of Appeals, as the special permit granting authority (SPGA), may adopt rules and regulations relative to the issuance of such special permits and file a copy with the Town Clerk. The Board shall follow the procedural requirements for special permits as set forth in MGL c. 40A, § 9, or take any other action relative thereto.

Planning Board

**Recommendations: At Town Meeting.**

*Article 24 Explanation: This Article modifies the existing Floodplain Zoning Bylaw by subtracting language required by the State and FEMA. By approving this change the Town would remain in the FEMA flood insurance program.*

**ARTICLE 25** Will the Town vote to amend the Marshfield Town Code, Division 3, Chapter 305, Zoning Bylaws as follows:

Amend Article 2 Definitions by adding a new Definition as follows:

**Yield Plan:** Means a residential site plan, drawn to an engineering scale, which shows the layout of streets, drainage areas, and the maximum number of lots that can be obtained on the proposed development site by applying the minimum lot dimensional requirements and other applicable provisions of this zoning bylaw for the zoning district in which the property is located. A yield plan approved by the Planning Board shall establish the base density of the subject property, or take any other action relative thereto.

Planning Board

**Recommendations: At Town Meeting.**

*Article 25 Explanation: This Article adds a new definition to clarify what a yield plan is. Yield plans are used in Age Restricted Adult Villages and Open Space Residential developments.*

**ARTICLE 26** Will the Town vote to amend the Marshfield Town Code, Division 3, Chapter 305, Zoning Bylaws as follows:

*Amend Article 11.04 Open Space Residential developments, (2) density/number of dwelling Units by replacing the current section as follows:*

- (2) Density/number of dwelling units.
- (a) The number of dwelling units permitted shall not exceed that which would be permitted under a conventional subdivision that complies with the Marshfield Zoning Bylaw and the Subdivision Rules and Regulations of the Planning Board **without waivers** and other applicable laws and regulations of the Town or the state. ~~The total number of dwelling units shall be determined by the following formula:~~

~~$$\frac{[\text{Total area of land subject to the application}] - [\text{Area of wetlands/water bodies}]}{\text{Applicable land area}}$$~~

~~$$[\text{Applicable land area}] \times [0.90] \text{ divided by minimum lot area} = \text{Total number of dwelling units}$$~~

- (b) ~~A preliminary subdivision plan may~~ **A yield plan shall** be submitted to assist in demonstrating the allowable number of units. If the parcel lies in more than one zoning district, the total for each district shall be calculated separately, or take any other action relative thereto.

Planning Board

**Recommendations: At Town Meeting.**

*Article 26 Explanation: This Article clarifies that a yield plan is used to determine the maximum density on a property when submitting an Open Space Residential development application.*

**ARTICLE 27** Will the Town vote to amend the Marshfield Town Code, Division 3, Chapter 305, Zoning Bylaws as follows:

*Amend Article 5, Section 04, Table of Use of the Zoning Bylaw by replacing the word "Facility" in the title with "Establishment" under the use category Community Facilities # 22, and #23 as follows.*

Use	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	BRVO
Community Facilities														
22. Recreational Marijuana Establishment (see 305-12.06) *only in the WRPD within the I-1 district excluding the PMUD.	-	-	-	-	-	-	-	-	-	S	-	-	S*	-

Use	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	BRVO
Community Facilities														
23. Combined Medical and Recreational Marijuana Establishment (shall meet the requirements of both 305-12.05 and 305-12.06) *only in the WRPD within the I-1 district excluding the PMUD.	-	-	-	-	-	-	-	-	-	S	-	-	S*	-

or take any other action relative thereto.

Planning Board

**Recommendations: At Town Meeting.**

*Article 27 Explanation: This Article modifies the existing table of use for Recreational and combined marijuana facilities by changing the word "Facility" to "Establishment". This change will match the titles for Marijuana uses found in the State Regulations and the Town's General Bylaws with the Zoning By-Law. There is no change to the uses or the Zoning Districts where these uses are allowed as part of this article.*

**ARTICLE 28** Will the Town vote to amend the Marshfield Town Code, Division 3, Chapter 305, Zoning Bylaws as follows:

Amend Article 120, Section 06, Recreational Marijuana Retailer, of the Zoning Bylaw by replacing the current language with the following.

**§ 305-12.06 Recreational marijuana ~~retailer~~ establishment.**  
**[Added 4-23-2018 ATM by Art. 17]**

**A. Purpose.**

- (1) To provide for the placement of recreational marijuana ~~retailers~~ **establishments** in appropriate places under conditions in accordance with the provisions of MGL c. 94G.
- (2) To minimize the adverse impacts of a recreational marijuana ~~retailers~~ **establishment** on adjacent properties, residential neighborhoods, schools, other places where children congregate and other sensitive land uses.
- (3) To regulate the siting, design, placement, security, safety, monitoring, modification and discontinuance of a recreational marijuana ~~retailers~~ **establishment**.

**B. Applicability.**

- (1) No recreational marijuana ~~retailers~~ **establishment** shall be established except in compliance with the provisions of 305 Attachment 1 (Table of Use Regulations) and this § 305-12.056, Recreational marijuana ~~retailers~~ **establishment**.
- (2) Nothing in this section shall be construed to supersede federal or state laws governing the sale and distribution of narcotic drugs.
- (3) If any provision of this section or the application of any such provision to any person or circumstances shall be held invalid, the remainder of this section, to the extent it can be given effect, or the application of those provisions to persons or circumstances other than those held invalid, shall not be affected thereby, and to this end the provisions of this section are severable.

**C. General requirements.**

- (1) All recreational marijuana ~~retailers~~ **establishments** shall be contained within a secure building or structure.
- (2) The hours of operation of the recreational marijuana ~~retailers~~ **establishment** shall be set by the Zoning Board of Appeals.
- (3) No recreational marijuana ~~retailers~~ **establishment** shall be located within 500 feet of a property boundary line of any lot in use as a private or public school, college, licensed day-care facility, library, park, playground, recreational or athletic fields or the Boy's and Girl's Club or similar place where children typically congregate. The distance shall be measured in a straight line from property boundary line to property boundary line.
- (4) No smoking, burning or consumption of any product containing marijuana or marijuana-related products shall be permitted on the premises.
- (5) No recreational marijuana ~~retailers~~ **establishment** shall be located inside a building containing residential units, including transient housing such as motels and dormitories, or inside a movable or mobile structure such as a car, van, truck, trailer cargo container.
- (6) Recreational marijuana ~~retailers~~ **establishments** shall not have drive-through service.
- (7) No signage shall be permitted that contains designs or symbols that depict or display in any way marijuana products, equipment or plants, or other similar materials.
- (8) No outside displays or storage of marijuana, related supplies or promotional materials are allowed.
- (9) All recreational marijuana ~~retailers~~ **establishments** shall be ventilated in such a manner that no:
  - (a) Pesticides, insecticides, or other chemicals or products used in cultivation or processing are dispersed into the outside atmosphere.
  - (b) Odor from marijuana can be detected by a person with a normal sense of smell at the exterior of the building.

D. Special permit requirements.

- (1) A recreational marijuana ~~retailers~~ **establishment** shall only be allowed by Special Permit from the Zoning Board of Appeals in accordance with MGL c. 40A, § 9, the Marshfield Zoning Bylaws and subject to the following regulations, requirements and conditions.
- (2) No Special Permit shall be issued without a site plan approval (§§ 305-3.05 through 305-12.02) by the Zoning Board of Appeals. At a minimum, said site plan shall meet all dimensional, parking, landscaping and signage requirements.
- (3) The Special Permit shall limit the recreational marijuana ~~retailers~~ **establishment** to one or more of the following uses:
  - (a) Marijuana retailer.
  - (b) Marijuana product manufacturer.

- (c) Marijuana transportation or distribution facility as conditioned by the Zoning Board of Appeals with review by the Police Department.
  - (d) **Marijuana cultivator.**
- (4) In addition, an application for a recreational marijuana ~~retailers~~ **establishment** shall include the following:
- (a) Name and address with contact phone number and email of owner/applicant of the facility.
  - (b) Copies of all approved required licenses and permits (to said same owner of the facility) by the Commonwealth of Massachusetts Cannabis Control Commission and any of its other agencies for the facility.
  - (c) Evidence of the applicant's right to use the site as a recreational marijuana ~~retailer facility~~ **establishment** by means of a purchase and sales agreement, deed, owners authorization or lease.
  - (d) Proposed security measures for the recreational marijuana ~~retailer facility establishment~~, including lighting, fencing, gates, alarms, surveillance cameras, etc., to ensure the safety of persons and products from theft. A letter from the Marshfield Police Chief, or designee, acknowledging review and approval of the recreational marijuana ~~retailer facility~~ **establishment** and its security is required. To extent allowed by law, all such documents submitted by the applicant to the Police Chief shall be confidential.
  - (e) All application requirements for site plan approval as specified in §§ 305-3.05 through 305-12.02 unless waived by the Zoning Board of Appeals.
  - (f) Provide the Police Department with the names, phone numbers and email addresses of all management staff and keyholders to whom one can provide notice if there are operating problems associated with the establishment and update that list whenever there is any change in management staff or keyholders.
- E. Findings. The Zoning Board of Appeals shall not issue a Special Permit for a recreational marijuana ~~retailer~~ **establishment** unless it finds the following:
- (1) The establishment is designed to minimize any adverse impacts on abutters and other parties of interest, as defined in MGL c. 40A, § 11.
  - (2) The establishment demonstrates that it will meet all the permitting requirements of all applicable agencies within the Commonwealth of Massachusetts and will comply with all applicable state and local laws and regulations.
  - (3) The applicant has satisfied all of the conditions, findings and requirements set forth herein.
- F. Transfer of Special Permit. A Special Permit granted under this section shall have a term limited to the duration of the applicant's ownership of the recreational marijuana retail facility. A Special Permit may be transferred only by the approval of the special permit granting authority after a public hearing and supported by all updated information required herein.

- G. Abandonment or discontinuance of use. A Special Permit shall lapse if not exercised within one year of issuance. A recreational marijuana ~~retailer facility establishment~~ shall be required to remove all materials, plants, equipment and other paraphernalia within three months of ceasing operations, or take any other action relative thereto.

Planning Board

**Recommendations: At Town Meeting.**

*Article 28 Explanation: This Article would make two changes to the existing section 12.06. The first change is to replace the word "retailer" with the word "establishment". This would allow section 12.06 to match the Zoning By-Law's Table of Use, the State Regulations and the Marshfield General Code. The second change under D.3.(d) would allow a Recreational Marijuana Establishment to have cultivation as one of the related uses.*

**ARTICLE 29** Will the Town vote to act upon the recommendation of the Community Preservation Committee and appropriate the sum of \$83,000 for the land purchase and other acquisition expenses to enable the Town to acquire for open space and conservation and/or passive recreation under Chapter 44B, the Community Preservation Act, a certain parcel of land with the buildings and improvements thereon located off of Field Street, Marshfield, Plymouth County, Massachusetts containing approximately 38± acres of land all as more particularly described in deeds recorded/registered at the Plymouth County Registry of Deeds, Book 573, Pg. 96 and Plymouth Registry District of the Land Court, Document Nos. 114696, 664147 and 715902, and as also shown in the Town of Marshfield's Assessors' Maps as Parcel No. K11-01-54A on file with the Town Clerk, said land to be managed by the Board of Selectmen; and further that the Board of Selectmen be authorized to submit on behalf of the Town any and all applications deemed necessary for grants and/or reimbursements from the Commonwealth of Massachusetts, or the United States and/or any other state or federal programs in any way connected with the scope of this Article; said gifts or grants to be deposited in the Undesignated Community Preservation Fund balance; and further, that the Board of Selectmen be authorized to grant a perpetual open space and conservation deed restriction in a form acceptable to Town Counsel, specifically on parcel K11-01-54A, meeting the requirements of Mass. Gen. L, Chapter 44B, §12 and Mass. Gen. L. Chapter 184, §31-33, and enter into all agreements and execute any and all instruments as may be necessary to affect said purchase, said funds to be expended by the Board of Selectmen, or take any other action relative thereto.

Board of Selectmen & Open Space Committee

**Recommendations: At Town Meeting.**

*Article 29 Explanation: The purpose of this Article is to purchase land for open space and conservation purposes under Chapter 44B, the Community Preservation Act.*

**ARTICLE 30** Will the Town vote to authorize the Board of Selectmen to convey and/or transfer control of a parcel of land, Town Assessors Map Parcel E08-01-1A consisting of 25 acres, currently under the control of the Town of Marshfield's Department of Public Works,



pursuant to Article 97 of the Articles of Amendments to the Massachusetts Constitution, to the care and custody of the Town's Conservation Commission for the purpose of providing priority habitat mitigation as required by Massachusetts Endangered Species Act (MESA) and as approved by the Natural Heritage Endangered Species Program (NHESP) of the Division of Fisheries and Wildlife to offset impact from development of other town owned land, and to provide permanent protection of the open space of said land recorded in the Plymouth County Registry of Deeds, Book 36141, Page 334-335, or take any action relative thereto.

#### Board of Public Works

#### **Recommendations: At Town Meeting.**

*Article 30 Explanation: These 25 acres are required for mitigation for rare species/priority habitat resulting from development of the Rockwood Road Ballfields and Boys and Girls Club combined with 23.5 acres of habitat previously protected with Couch Cemetery land off Union St. in accordance with Article 15 ATM 4-26-2021, accounts for all credit land required for the completion of all phases of development of the Rockwood Road Ballfield and Boys and Girls Club properties. The 25 Acre Old Mount Skirgo land transfer provides NHESP protection that the NHESP deems appropriate for mitigation.*

**ARTICLE 31** Will the Town vote to amend the Marshfield Town Code, Division 3, Chapter 305, Zoning Bylaws as follows:

Amend Section 305-15.08 Areas of Special Flood Hazard Standards by adding the following subsections:

f) A Nonconversion Agreement must be signed by the property owner and recorded with the deed and other property records prior to obtaining a Certificate of Occupancy for new construction and elevated structures in the floodplain. The Nonconversion Agreement certifies that enclosed areas below the Design Flood Elevation (DFE) shall be used solely for parking of vehicles, limited storage, and/or building access; that the owner or future owners will not convert or alter what has been constructed and approved, nor shall any enclosure below the DFE be modified in a way that would make the structure more susceptible to flood damage; that all interior walls, ceilings, and floors below the DFE shall be unfinished or constructed of flood-resistant materials; that mechanical, electrical, or plumbing devices that service the building shall not be installed below the DFE; that the openings in the walls of the enclosed area below the DFE shall not be blocked, obstructed, or otherwise altered to reduce the size of the openings or restrict the automatic entry and exit of floodwater; that any variation in construction beyond what is permitted shall constitute a violation of this bylaw; and that the owner and subsequent owners authorize the Floodplain Administrator to inspect the premises to verify compliance with the bylaw.

PPI and CRS Committees

#### **Recommendations at Town Meeting.**

*Article 31 Explanation: Flood hazards are the number one type of hazard the Town of Marshfield faces (HMP citation). According to work done by the PPI/CRS Committees, approximately 40% of Marshfield structures are in the Special Flood Hazard Area (SFHA), which is any "A" or "V" flood zone. Additionally, about \$700 million out of \$2 Billion of Marshfield's building value is at risk in our SFHA. This article formalizes what is already required under the Town of Marshfield floodplain bylaw and 780 CMR, the MA Building Code. 780 CMR, Section R322.2.2 states that any area that is enclosed, which includes crawlspaces, attached garages, full story areas under elevated buildings and other enclosures, "shall be used solely for parking of vehicles, building access or storage." This article will help ensure the protection of our buildings and property and will increase Marshfield's rating in the NFIP/CRS program, which leads to greater savings for our residents on mandatory flood insurance and consistent administration of our floodplain management regulations.*

**ARTICLE 32** Will the Town will vote to amend the Marshfield Town Code, Division 2, General Bylaws, Chapters 1 to 294 and any applicable provisions of Division 4, Division 5, Division 6 of said Code by deleting the word "selectmen" each time it appears in said provisions of these Code chapters and inserting the term "select board" in place thereof, and further, deleting the words "board of selectmen", each time it appears, and inserting in place thereof the term "select board", and further, the Town Clerk be authorized to make clerical, editorial or other adjustments to effectuate the purposes hereof, or do anything in relation thereto.

Town Clerk

**Recommendations: At Town Meeting.**

*Article 32 Explanation: This Article would amend the Town's General Bylaws and other Code provisions to change the name of the Board of Selectmen to the "Select Board" and refer to the "selectmen" as the "members of the select board."*

**ARTICLE 33** Will the Town vote to amend the Marshfield Town Code, Chapter 305, Zoning, deleting the word "selectmen" each time it appears in said Code and inserting the term "select board" in place thereof, and further, deleting the words "board of selectmen", each time it appears, and inserting in place thereof the term "select board", and further, the Town Clerk be authorized to make clerical, editorial or other adjustments to effectuate the purposes hereof, or do anything in relation thereto.

Town Clerk

**Recommendations: At Town Meeting.**

*Article 33 Explanation: This Article would amend the Town's Zoning Bylaws and other Code provisions to change the name of the Board of Selectmen to the "Select Board" and refer to the "selectmen" as the "members of the select board."*

## SPECIAL ACT WARRANT ARTICLE TO CHANGE CHARTER

**ARTICLE 34** Home Rule Petition - Special Legislation Concerning Change Name of Board of Selectmen to "Select Board": An Act Relative to Changing the Name of the Board of Selectmen in the Town of Marshfield

Will the Town vote to authorize the Board of Selectmen to petition the General Court to enact legislation in substantially the following form, provided that the General Court may reasonably vary the form and substance of the requested legislation within the scope of the general public objectives of this petition:

The further amended as follows:

SECTION 1. Article 2 of said charter of the town of Marshfield is hereby amended by striking out the word "board of selectmen", each time it appears, and inserting in place thereof, in each instance, the following words: "select board."

SECTION 2. Article 3 of said charter of the town of Marshfield is hereby amended by striking out the word "selectmen", each time it appears alone, and inserting in place thereof, in each instance, the following words: members of the select board; and further striking out the words "board of selectmen", each time it appears, and inserting in place thereof, in each instance, the following words: select board.

SECTION 3. Article 4 of said charter of the town of Marshfield is hereby amended by striking out the word "selectmen", each time it appears alone, and inserting in place thereof, in each instance, the following words: members of the select board; and further striking out the words "board of selectmen", each time it appears, and inserting in place thereof, in each instance, the following words: select board.

SECTION 4. Article 5 of said charter of the town of Marshfield is hereby amended by striking out the word "selectmen", each time it appears alone, and inserting in place thereof, in each instance, the following words: members of the select board; and further striking out the words "board of selectmen", each time it appears, and inserting in place thereof, in each instance, the following words: select board.

SECTION 5. Article 8 of said charter of the town of Marshfield is hereby amended by striking out the word "selectmen", each time it appears alone, and inserting in place thereof, in each instance, the following words: members of the select board; and further striking out the words "board of selectmen", each time it appears, and inserting in place thereof, in each instance, the following words: select board.

SECTION 6. This act shall take effect upon its passage.

Or to act in any other manner in relation thereto.

Board of Selectmen

**Recommendations: At Town Meeting.**

*Article 34 Explanation: This Article would amend the Town of Marshfield's current Charter to change the name of the Board of Selectmen to the "Select Board" and refer to the "selectmen" as the "members of the select board."*

**ARTICLE 35** Will the Town vote to appropriate \$1,810,000 for costs related to the DPW Building Project and to meet said appropriation, transfer the sum of \$500,000 from Certified Free Cash, \$589,500 from Water Retained Earnings, \$458,500 from Waste Water Retained Earnings, and \$262,000 from Solid Waste Retained Earnings for additional funding of the DPW Capital Building Project or take any other action relative thereto.

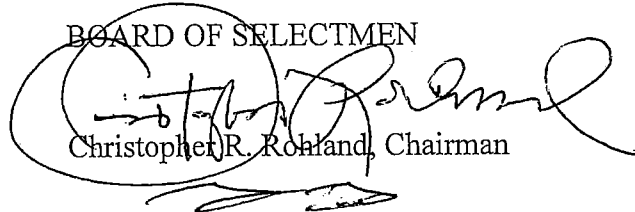
Board of Selectmen

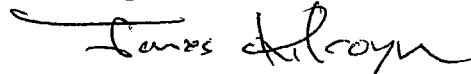
**Recommendations: At Town Meeting.**

*Article 35 Explanation: This Article serves to cover additional costs related to the DPW Capital Building Project. The DPW project was passed at the Special Town meeting in November of 2019, and has since relocated to 965 Plain Street. The time lapse has caused costs to increase relative to the project. Further, the Town has still recognized millions in savings to the tax payer from it's original projection due to the low interest rates the market is currently experiencing, this appropriation will have no impact to the tax rate or utility rates.*

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 2nd day of September 2021.

BOARD OF SELECTMEN  
  
Christopher R. Rohland, Chairman

Stephen R. Darcy, Vice-Chairman  
  
James J. Kilcoyne, Clerk

A true copy, ATTEST:  
Constable