

**TOWN OF SCITUATE  
SPECIAL TOWN MEETING  
APRIL 9, 2013  
WARRANT**

**COMMONWEALTH OF MASSACHUSETTS, PLYMOUTH SS**

To either of the constables of the Town of Scituate, in said County

**GREETINGS:** In the name of the Commonwealth of Massachusetts, you are hereby required to notify and warn the inhabitants of said Town qualified to vote in Elections and Town Affairs therein, to meet at the Scituate High School Gymnasium, 606 Chief Justice Cushing Highway on

**TUESDAY, THE NINTH DAY OF APRIL 2013 NEXT**

**At seven o'clock in the evening, then and there to act on the following articles:**

**ARTICLE 1.**

To see if the Town will vote to transfer from available funds in the Treasury the sum of \$15,400.00, or a greater or lesser sum, for the purpose of paying for the Special Election for United States Senator, or take any other action relative thereto.

*Sponsored by: Board of Selectmen*

**ARTICLE 2.**

To see if the Town will vote to transfer from available funds in the Treasury the sum of \$100,000.00, or a greater or lesser sum, for the purpose of paying increased costs of fire and police overtime for Fiscal Year 2013, or take any other action relative thereto.

*Sponsored: by Board of Selectmen*

**ARTICLE 3.**

To see if the Town will vote to transfer from available funds in the Treasury, the sum of \$245,000.00, or a great or lesser sum, for the purpose of completing security measures in the Scituate Public Schools pursuant to Article 3B of the 2011 annual town meeting warrant, or take any other action relative thereto.

*Sponsored by: Board of Selectmen*

**ARTICLE 4.**

To see if the Town will vote to transfer from Retained Earnings in the Golf Enterprise Fund the sum of \$35,100.00, or a greater or lesser sum, for the purpose of acquiring a mower for Widow's Walk Golf Course, or take any other action relative thereto

*Sponsored by: Board of Selectmen*

**ARTICLE 5.**

To see if the Town will vote to transfer to the care, custody, management and control of the Board Selectmen, from the School Committee , a parcel of land consisting of six acres more or less being a portion of Lot 1A on Assessor’s Map 19 shown on a plan entitled “Division of Ellis Property December 1969” on file in the Town Hall at the Department of Public Works office, being a portion of the premises conveyed to the Town of Scituate by Henry W. Keyes, Trustee, under the will of J. Bailey Ellis, by deed dated June 12, 1969 and recorded at the Plymouth Registry of Deeds Book 3528, Page 768, for the purpose of constructing a public safety complex, provided however, that should such complex not commence within three years from the effective date of the transfer, said portion will revert to the care, custody and management of the School Committee, or take any other action relative thereto.

*Sponsored by: Board of Selectmen*

**ARTICLE 6.**

To see if the Town will vote to approve a sum of money to cover costs associated with unprecedented weather events in the Town during Fiscal Year 2013, including but not limited to Hurricane Sandy, the October 2012 Nor’Easter, Storm Nemo and Storm Saturn, or take any other action relative thereto.

*Sponsored by: Board of Selectmen*

And you are further directed to serve this warrant by posting up attested copies thereof, one at each of the Post Offices in said Town and one at the Town Hall, thirty days at least before the time of holding said meeting.

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

Given under our hands this 12th day of March, in the year two thousand and thirteen.

\_\_\_\_\_  
Joseph P. Norton, Chairman

\_\_\_\_\_  
Anthony V. Vegnani, Vice-Chairman

\_\_\_\_\_  
Shawn Harris, Clerk

\_\_\_\_\_  
Richard W. Murray, Member

\_\_\_\_\_  
John F. Danehey, Member  
**BOARD OF SELECTMEN**



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**TUESDAY, THE NINTH DAY OF APRIL 2013 NEXT**

**At seven o'clock in the evening, then and there to act on the following articles:**

**ARTICLE 1. Compensation of Elected Officials**

To see if the Town will vote to establish the salaries and compensation of all elected Town officials as follows for a sum totaling \$68,177.00, or a greater or lesser sum, or take any other action relative thereto:

SELECTMEN:	Chairman & Legitimate Expenses	\$ 1,500.00
SELECTMEN:	Members & Legitimate Expenses	\$ 2,000.00
	(4 @ \$500)	
ASSESSORS:	Chairman & Legitimate Expenses	\$ 1,200.00
ASSESSORS:	Members & Legitimate Expenses	\$ 800.00
	(2 @ \$400)	
TOWN CLERK:	Personal Services	\$62,677.00

*Sponsored by: Board of Selectmen*

**ARTICLE 2. Revolving Funds**

To see if the Town will vote to reauthorize the following revolving accounts pursuant to Massachusetts General Laws, Chapter 44, Section 53E ½, which shall be kept separate and apart from other monies by the Treasurer, and in which shall be deposited receipts received that may be spent only from those sources identified below under "Source of Funds" without further appropriation during Fiscal Year 2014 and as identified below under "Use of Funds," and shall be expended under the direction of those so indicated. Said annual amount expended from each revolving account shall not exceed the amount indicated below under "Annual Expenditure."

Source of Funds	Use of Funds	Expended Under Direction of:	Annual Expenditure
Senior Center Programming Fees	Senior programs and trips	Director, COA	\$ 35,000
Planning Board Application Fees	Postage, advertising and other administrative expenses	Planning Director	\$ 50,000
Food Establishment Inspection Fees	Inspection of food establishments	Director of the Board of Health	\$ 18,000
School Bus Transportation Fees	Transportation of Students	School Superintendent	\$ 300,000
Beach Sticker Fees	Beach operations maintenance & capital	Recreation Director	\$ 290,000
Flu Clinic Fees	Flu Vaccine	Town Nurse	\$ 1,000
Wind Turbine Revenues	Subsidizing of Town electricity costs	DPW Supt.	\$ 250,000
Maintenance of Private Ways	Private Way Maintenance	Highway/Grounds Superintendent	\$ 15,000
Solar Array Revenues	Subsidizing of Town electricity costs	Town Administrator	\$ 250,000

or take any other action relative thereto.

*Sponsored by: Board of Selectmen*

### **ARTICLE 3. Capital Improvement Plan**

To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds in the Treasury, the following sums of money totaling \$2,144,750.00, or any greater or lesser sums as may be necessary, for the purpose of funding the costs of the Fiscal Year 2014 Capital Improvement Plan submitted in accordance with Section 6-6 of the Scituate Town Charter and outlined as follows, or take any other action relative thereto:

Item	Department	Amount
A. Fire Apparatus	Capital Stabilization	\$375,000
B. School Wide Security	School Department	\$150,000

C. Replacement of Doors	Facilities/School Department s	\$ 60,000
D. School Technology	School Department	\$150,000
E. Voting Machines	Town Clerk	\$ 35,000
F. GIS Conversion	Information Technology	\$ 58,750
G. Foreshore Protection	Capital Stabilization	\$129,000
H. MS4 Compliance	DPW-Engineering	\$ 50,000
I. Road Improvement Program	DPW-Highway	\$400,000
J. Rebuild International Truck #17	DPW	\$ 45,000
K. Capital Stabilization	Capital Stabilization	\$100,000
L. Cleaning/Lining of Pipes & Hydrant Replacement Program	Water Department	\$400,000
M. Shelter for Jet Vac Truck	Sewer	\$ 25,000
N. Cole Parkway Marina/Pile Sys.	Waterways	\$ 50,000
O. Harbor Wireless	Waterways	\$ 50,000
P. Video Surveillance	Waterways	\$ 32,000
Q. Harbormaster Bldg. Repairs	Waterways	\$ 35,000

*Sponsored by: Board of Selectmen  
Capital Planning Committee*

#### **ARTICLE 4. Fiscal Year 2014 Operating Budget**

To see if the Town will vote to raise and appropriate, and/or transfer from available funds in the Treasury, the sum of \$60,128,992.00, or a greater or lesser sum, for the purpose of funding personal services and expenses for Town operations as may be necessary for the ensuing Fiscal Year commencing July 1, 2013, or take any other action relative thereto.

#### **Article 4 Fiscal Year 2014 Operating Budget**

Account	FY 2013 Appropriated	FY2014 Selectmen	FY2014 Advisory	% to Total
<b>122 Board of Selectmen</b>				
510 Personal Services	72,221	72,274	72,274	
520 Purchase of Services	11,285	10,985	10,985	
530 Town Counsel	130,000	147,000	147,000	
540 Materials & Supplies	1,560	1,575	1,575	
	<b>\$ 215,066</b>	<b>\$ 231,834</b>	<b>\$ 231,834</b>	<b>0.39%</b>
<b>123 Town Administrator</b>				
510 Personal Services	211,252	225,806	225,806	
520 Purchase of Services	37,550	53,480	53,480	
532 Labor Counsel	160,000	172,500	172,500	
540 Materials & Supplies	1,200	1,000	1,000	
599 Salary Adjustments	10,000	10,000	10,000	
	<b>\$ 420,002</b>	<b>\$ 462,786</b>	<b>\$ 462,786</b>	<b>0.77%</b>
<b>131 Advisory Committee</b>				

510	Personal Services	1,650	1,925	1,925	
520	Purchase of Services	350	250	250	
540	Materials & Supplies	3,800	4,700	4,700	
		<b>\$ 5,800</b>	<b>\$ 6,875</b>	<b>\$ 6,875</b>	<b>0.01%</b>
<b>132</b>	<b>Reserve Fund</b>				
570	Transfers	<b>\$ 90,000</b>	<b>\$ 90,000</b>	<b>\$ 90,000</b>	<b>0.15%</b>
<b>135</b>	<b>Town Accountant</b>				
510	Personal Services	172,234	172,304	172,304	
520	Purchase of Services	55,415	53,215	53,215	
540	Materials & Supplies	1,800	1,600	1,600	
580	Capital Outlay	-	-	-	
		<b>\$ 229,449</b>	<b>\$ 227,119</b>	<b>\$ 227,119</b>	<b>0.38%</b>
<b>141</b>	<b>Assessors</b>				
510	Personal Services	185,315	183,416	183,416	
520	Purchase of Services	2,955	2,955	2,955	
540	Materials & Supplies	850	600	600	
		<b>\$ 189,120</b>	<b>\$ 186,971</b>	<b>\$ 186,971</b>	<b>0.31%</b>
<b>145</b>	<b>Treasurer/Collector</b>				
510	Personal Services	253,017	244,614	244,614	
520	Purchase of Services	39,075	38,175	38,175	
540	Materials & Supplies	2,800	2,300	2,300	
580	Capital Outlay	500	2,000	2,000	
		<b>\$ 295,392</b>	<b>\$ 287,089</b>	<b>\$ 287,089</b>	<b>0.48%</b>
<b>149</b>	<b>Administration</b>				
510	Personal Services	15,871	5,833	5,833	
520	Purchase of Services	68,750	90,500	90,500	
540	Materials & Supplies	4,400	4,000	4,000	
		<b>\$ 89,021</b>	<b>\$ 100,333</b>	<b>\$ 100,333</b>	<b>0.17%</b>
<b>155</b>	<b>Information Technology</b>				
510	Personal Services	86,562	86,561	86,561	
520	Purchase of Services	130,820	170,025	170,025	
540	Materials & Supplies	1,200	800	800	
510	Capital Outlay	23,100	11,300	11,300	
		<b>\$ 241,682</b>	<b>\$ 268,686</b>	<b>\$ 268,686</b>	<b>0.45%</b>
<b>158</b>	<b>Tax Foreclosures</b>				
521	Tax Foreclosures	<b>\$ 39,000</b>	<b>\$ 39,000</b>	<b>\$ 39,000</b>	<b>0.06%</b>
<b>159</b>	<b>Cable TV</b>				
510	Personal Services		79,000	79,000	
520	Purchase of Services	74,322	5,800	5,800	
540	Materials & Supplies		2,850	2,850	
580	Capital Outlay		9,500	9,500	
		<b>\$ 74,322</b>	<b>\$ 97,150</b>	<b>\$ 97,150</b>	<b>0.16%</b>
<b>161</b>	<b>Town Clerk</b>				
510	Personal Services	145,552	136,700	136,700	
520	Purchase of Services	30,070	25,650	25,650	

540	Materials & Supplies	3,875	3,100	3,100	
		<b>\$ 179,497</b>	<b>\$ 165,450</b>	<b>\$ 165,450</b>	<b>0.28%</b>
<b>171</b>	<b>Conservation</b>				
510	Personal Services	85,814	103,252	103,252	
520	Purchase of Services	29,523	12,010	12,010	
540	Materials & Supplies	950	950	950	
		<b>\$ 116,287</b>	<b>\$ 116,212</b>	<b>\$ 116,212</b>	<b>0.19%</b>
<b>175</b>	<b>Planning Board</b>				
510	Personal Services	113,986	114,938	114,938	
520	Purchase of Services	4,565	7,630	7,630	
540	Materials & Supplies	700	700	700	
580	Capital Outlay	-			
		<b>\$ 119,251</b>	<b>\$ 123,268</b>	<b>\$ 123,268</b>	<b>0.21%</b>
<b>176</b>	<b>Zoning Board of Appeals</b>				
510	Personal Services	23,341	24,712	24,712	
520	Purchase of Services	1,425	1,500	1,500	
540	Materials & Supplies	525	500	500	
		<b>\$ 25,291</b>	<b>\$ 26,712</b>	<b>\$ 26,712</b>	<b>0.04%</b>
<b>182</b>	<b>Economic Development Commission</b>				
520	Purchase of Services	\$ -	\$ 20,750	\$ 20,750	0.03%
<b>192</b>	<b>Property/Liability Insurance</b>				
570	Other Charges & Expenses	\$ 495,000	\$ 430,000	\$ 430,000	0.72%
	<b>Total General Government</b>	<b>\$ 2,824,180</b>	<b>\$ 2,880,235</b>	<b>\$ 2,880,235</b>	<b>4.79%</b>
<b>210</b>	<b>Police</b>				
510	Personal Services	3,116,520	3,140,287	3,140,287	
520	Purchase of Services	130,450	115,140	115,140	
540	Materials & Supplies	115,738	138,025	138,025	
580	Capital Outlay	75,000	120,000	120,000	
		<b>\$ 3,437,708</b>	<b>\$ 3,513,452</b>	<b>\$ 3,513,452</b>	<b>5.84%</b>
<b>220</b>	<b>Fire</b>				
510	Personal Services	3,712,782	3,955,966	3,955,966	
520	Purchase of Services	98,850	96,400	96,400	
540	Materials & Supplies	213,300	215,750	215,750	
580	Capital Outlay	14,500	5,000	5,000	
		<b>\$ 4,039,432</b>	<b>\$ 4,273,116</b>	<b>\$ 4,273,116</b>	<b>7.11%</b>
<b>241</b>	<b>Inspections</b>				
510	Personal Services	204,718	216,689	216,689	
520	Purchase of Services	10,050	9,550	9,550	
540	Materials & Supplies	2,820	3,120	3,120	
		<b>\$ 217,588</b>	<b>\$ 229,359</b>	<b>\$ 229,359</b>	<b>0.38%</b>
<b>295</b>	<b>Shellfish</b>				
510	Personal Services	10,234	10,500	10,500	
520	Purchase of Services	705	705	705	
540	Materials & Supplies	400	400	400	

580	Capital Outlay	450	450	450	
		\$ 11,789	\$ 12,055	\$ 12,055	0.02%
<b>Total Public Safety</b>		<b>\$ 7,706,517</b>	<b>\$ 8,027,982</b>	<b>\$ 8,027,982</b>	<b>13.35%</b>
<b>300</b>	<b>School Committee</b>				
505	Expenses	\$ 30,144,286	\$31,419,352	\$31,419,352	52.25%
<b>310</b>	<b>South Shore Regional School</b>				
560	Intergovernmental	\$ 510,381	\$ 468,127	\$ 468,127	0.78%
<b>Total Schools</b>		<b>\$ 30,654,667</b>	<b>\$31,887,479</b>	<b>\$31,887,479</b>	<b>53.03%</b>
<b>400</b>	<b>Public Works</b>				
510	Personal Services	1,509,959	1,375,736	1,375,736	
520	Purchase of Services	545,250	465,015	465,015	
540	Materials & Supplies	305,340	295,650	295,650	
580	Capital Outlay	557,900	474,600	474,600	
		\$ 2,918,449	\$ 2,611,001	\$ 2,611,001	4.34%
<b>410</b>	<b>Facilities</b>				
510	Personal Services	-	170,422	170,422	
520	Purchase of Services	-	104,000	104,000	
540	Materials & Supplies	-	6,500	6,500	
580	Capital Outlay	-	100,000	100,000	
		\$ -	\$ 380,922	\$ 380,922	0.63%
<b>423</b>	<b>Snow &amp; Ice</b>				
510	Personal Services	70,000	75,000	75,000	
520	Purchase of Services	192,000	202,750	202,750	
540	Materials & Supplies	192,075	190,250	190,250	
580	Capital Outlay	35,925	22,000	22,000	
		\$ 490,000	\$ 490,000	\$ 490,000	0.81%
<b>424</b>	<b>Street Lights &amp; Beacons</b>				
520	Purchase of Services	\$ 180,000	\$ 190,000	\$ 190,000	0.32%
<b>Total Public Works</b>		<b>\$ 3,588,449</b>	<b>\$ 3,671,923</b>	<b>\$ 3,671,923</b>	<b>6.11%</b>
<b>510</b>	<b>Board of Health</b>				
510	Personal Services	138,383	138,533	138,533	
520	Purchase of Services	5,105	6,030	6,030	
540	Materials & Supplies	7,200	2,100	2,100	
580	Capital Outlay	200	1,000	1,000	
		\$ 150,888	\$ 147,663	\$ 147,663	0.25%
<b>541</b>	<b>Council on Aging</b>				
510	Personal Services	198,168	248,429	248,429	
520	Purchase of Services	42,000	40,200	40,200	
540	Materials & Supplies	9,000	9,100	9,100	
580	Capital Outlay	-	-	-	
		\$ 249,168	\$ 297,729	\$ 297,729	0.50%

<b>543</b>	<b>Veterans' Benefits/Services</b>					
510	Personal Services	43,313	65,690	65,690		
520	Purchase of Services	98,257	154,100	154,100		
540	Materials & Supplies	200	1,300	1,300		
		<b>\$ 141,770</b>	<b>\$ 221,090</b>	<b>\$ 221,090</b>	<b>0.37%</b>	
<b>549</b>	<b>Commission on Disabilities</b>					
520	Purchase of Services	2,825	4,750	4,750		
540	Materials & Supplies	2,250	250	250		
		<b>\$ 5,075</b>	<b>\$ 5,000</b>	<b>\$ 5,000</b>	<b>0.01%</b>	
	<b>Total Human Services</b>	<b>\$ 546,901</b>	<b>\$ 671,482</b>	<b>\$ 671,482</b>	<b>1.12%</b>	
<b>610</b>	<b>Library</b>					
510	Personal Services	716,036	724,590	724,590		
520	Purchase of Services	90,343	91,266	91,266		
540	Materials & Supplies	134,911	135,600	135,600		
580	Capital Outlay	5,000	5,000	5,000		
		<b>\$ 946,290</b>	<b>\$ 956,456</b>	<b>\$ 956,456</b>	<b>1.59%</b>	
<b>630</b>	<b>Recreation</b>					
510	Personal Services	122,765	123,571	123,571		
520	Purchase of Services	1,525	1,425	1,425		
540	Materials & Supplies	675	650	650		
580	Capital Outlay	-	-	-		
		<b>\$ 124,965</b>	<b>\$ 125,646</b>	<b>\$ 125,646</b>	<b>0.21%</b>	
<b>650</b>	<b>Beautification</b>					
520	Purchase of Services	9,035	-	-		
540	Materials & Supplies	11,465	19,500	19,500		
		<b>\$ 20,500</b>	<b>\$ 19,500</b>	<b>\$ 19,500</b>	<b>0.03%</b>	
<b>691</b>	<b>Historical Buildings</b>					
520	Purchase of Services	<b>\$ 10,350</b>	<b>\$ 10,350</b>	<b>\$ 10,350</b>	<b>0.02%</b>	
	<b>Total Recreation &amp; Resources</b>	<b>\$ 1,102,105</b>	<b>\$ 1,111,952</b>	<b>\$ 1,111,952</b>	<b>1.85%</b>	
<b>720</b>	<b>Debt &amp; Interest</b>					
590	Debt Service	<b>\$ 2,047,600</b>	<b>\$ 2,362,632</b>	<b>\$ 2,362,632</b>	<b>3.93%</b>	
	<b>Total Debt Services</b>	<b>\$ 2,047,600</b>	<b>\$ 2,362,632</b>	<b>\$ 2,362,632</b>	<b>3.93%</b>	
<b>910</b>	<b>Non-Contributory Pensions</b>					
512	Other Personal Services	<b>\$ 62,979</b>	<b>\$ 62,979</b>	<b>\$ 62,979</b>	<b>0.10%</b>	
<b>911</b>	<b>Plymouth County Retirement</b>					
512	Other Personal Services	<b>\$ 3,444,211</b>	<b>\$ 3,656,599</b>	<b>\$ 3,656,599</b>	<b>6.08%</b>	
<b>912</b>	<b>Workers' Compensation</b>					
515	Employee Benefits	<b>\$ 257,161</b>	<b>\$ 257,000</b>	<b>\$ 257,000</b>	<b>0.43%</b>	
<b>913</b>	<b>Unemployment Insurance</b>					

515	Employee Benefits	\$ 100,000	\$ 64,000	\$ 64,000	0.11%
<b>914</b>	<b>Contributory Group Insurance</b>				
515	Employee Benefits	\$ 5,508,907	\$ 4,900,000	\$ 4,900,000	8.15%
<b>916</b>	<b>Federal Taxes</b>				
515	Employee Benefits	\$ 528,423	\$ 574,729	\$ 574,729	0.96%
	<b>Total Employee Benefits</b>	<b>\$ 9,901,681</b>	<b>\$ 9,515,307</b>	<b>\$ 9,515,307</b>	<b>15.82%</b>
	<b>Total General Fund</b>	<b>\$ 58,372,100</b>	<b>\$60,128,992</b>	<b>\$60,128,992</b>	<b>100.00%</b>

*Sponsored By: Board of Selectmen*

#### **ARTICLE 5. FY 15 Pension Assessment Offset**

To see if the Town will vote to raise and appropriate the sum of \$75,000.00, or a greater or lesser sum, for the purpose of offsetting Fiscal Year 2015 cost increases to the Town's Plymouth County Retirement Assessment, or take any other action relative thereto.

*Sponsored By: Board of Selectmen*

#### **ARTICLE 6. Waterways Enterprise Fund**

To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds in the Treasury, the sum of \$938,069.00, or a greater or lesser sum, for the purpose of funding the Waterways Enterprise Fund for the ensuing fiscal year commencing July 1, 2013, or take any other action relative thereto.

*Sponsored By: Board of Selectmen*

#### **ARTICLE 7. Golf Course Enterprise Fund**

To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds in the Treasury the sum of \$1,230,356.00, or a greater or lesser sum, for the purpose of funding the Widow's Walk Golf Course for the ensuing fiscal year commencing July 1, 2013, or take any other action relative thereto.

*Sponsored By: Board of Selectmen*

#### **ARTICLE 8. Wastewater Enterprise Fund**

To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds in the Treasury the sum of \$ 3,330,610.00, or a greater or lesser sum, for the purpose of funding Wastewater Treatment Plant operations and expenses, for the ensuing fiscal year commencing July 1, 2013, or take any other action relative thereto.

*Sponsored By: Board of Selectmen*

**ARTICLE 9. Transfer Station Enterprise Fund**

To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds in the Treasury the sum of \$1,169,026.00, or a greater or lesser sum, for the purpose of funding the Landfill and Transfer Station operations and expenses for the ensuing fiscal year commencing July 1, 2013, or take any other action relative thereto.

*Sponsored By: Board of Selectmen*

**ARTICLE 10. Water Enterprise Fund**

To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds in the Treasury, the sum of \$2,548,418.00, or a greater or lesser sum, for the purpose of funding Water Division operations and expenses for the ensuing fiscal year commencing July 1, 2013, or take any other action relative thereto.

*Sponsored By: Board of Selectmen*

**ARTICLE 11. Stabilization Fund**

To see if the Town will vote to raise and appropriate the difference between the levy net and the levy limit to the Stabilization Fund, in accordance with Massachusetts General Laws, Chapter 40, Section 5B, or take any other action relative thereto.

*Sponsored By: Board of Selectmen*

**ARTICLE 12. Community Preservation**

To see if the Town will vote to hear and act on recommendations from the Community Preservation Committee (the "CPC") on the Fiscal Year 2014 Community Preservation budget and pursuant to Massachusetts General Laws, Chapter 44B (the "Act") to appropriate and/or reserve the sums of money as indicated below (i) to meet the administrative expenses and all other necessary and proper expenses of the CPC for Fiscal Year 2014; (ii) for the acquisition, creation, and preservation of open space; (iii) for the acquisition, creation, preservation, rehabilitation and restoration of land for recreational use; (iv) for acquisition, preservation, rehabilitation, and restoration of historic resources; and (v) for the creation, acquisition, preservation and support of community housing. Appropriations for the items below are to be expended first from any existing reserves for the purposes of such item, then appropriated from Community Preservation FY 2014 estimated revenues, with any excess to be appropriated from Community Preservation unreserved funds. All such sums appropriated are further to be expended subject to all of the terms and conditions of the applications regarding such projects filed with the CPC and the votes of the CPC regarding approval of such items.

- 1.        \$125,000        from Community Preservation FY 2014 estimated revenues, to be reserved for the creation and support of Community Housing consistent with the Act;
- 2.        \$125,000        from Community Preservation FY 2014 estimated revenues, to be reserved for acquisition and preservation of Historic Resources consistent with the Act;

3. \$125,000 from Community Preservation FY 2014 estimated revenues, to be reserved for acquisition and preservation of Open Space consistent with the Act;
4. \$ 62,500 from Community Preservation FY 2014 estimated revenues, for Administrative Expense of the Community Preservation Committee;
5. \$500,000 for Land for Recreational Use – Country Way Multi-Use Trail;
6. \$ 4,000 for Historic Resources – Preservation of Union Chapel;
7. \$ 4,100 for Historic Resources – Restoration of Gravestones;
8. \$ 16,000 for Historic Resources – Restoration of Lawson Tower;
9. \$ 2,700 for Historic Resources – Restoration of Lighthouse Journal;
10. \$ 31,500 for Historic Resources – Little Red Schoolhouse Roof;
11. \$ 55,000 for Historic Resources – Town Archive Preservation;
12. \$ 12,000 for Preservation of Open Space – Scenic Road Signs;
13. \$360,000 for Land for Recreational Use – Harbor Walk Stage II;
14. \$139,000 for Land for Recreational Use – Central Park Fields;
15. \$350,000 for Land for Recreational Use – SHS Athletic Complex;
16. \$153,000 for Land for Recreational Use – B-ball Court Improvements;
17. \$200,000 for Historic Resources – Seawall Site Preservation;

or take any other action relative thereto.

*Sponsored By: Community Preservation Committee*

### **ARTICLE 13. Community Preservation Act Reconciliations**

To see if the Town will vote to hear and act on recommendations from the Community Preservation Committee to rescind the balance of funds authorized but unexpended totaling \$49,579.00, or a greater or less sum, and to transfer said funds into the Reserve or General Fund Balance from which they were originally appropriated, in accordance with the provisions of the Community Preservation Act, or take any other action relative thereto.

<b>Description</b>	<b>Amount</b>	<b>ATM Date</b>
Marine Park Landscaping	\$ 11,249.29	2005; Article
Historic Survey	\$ 18,000.00	2008; Article
Ellis House Nat'l Register	\$ 50.00	2009; Article
Town Archives Preservation	\$ 2,685.93	2010; Article
Lawson Gates Restoration	\$ 205.00	2011; Article 17.8
Gates School Feasibility	\$ 8,505.00	2011; Article 17.10
Scituate Lighthouse Repairs	\$ 8,884.43	2011; Article 17.13
375 <sup>th</sup> Anniversary Publication	\$ 10,000.00	2011; Article 17.12

*Sponsored By: Community Preservation Committee*

**ARTICLE 14. Acceptance of Massachusetts General Laws Chapter 64L, Section 2(a)  
Local Meals Tax**

To see if the Town will vote to accept Massachusetts General Laws Chapter 64L, Section 2(a) authorizing a local meals tax, or take any other action relative thereto.

*Sponsored by: Board of Selectmen*

**ARTICLE 15. Massachusetts General Laws Chapter 91 Liability**

To see if the Town will vote to assume liability in the manner provided by Massachusetts General Laws, Chapter 91, Section 29, as amended, for all damages that may be incurred by work to be performed by the Massachusetts Department of Environmental Protection for the improvement, development, maintenance and protection of tidal and non-tidal rivers and streams, great ponds, harbors, tidewaters, foreshores and shores along a public beach in accordance with Section 11 of said Chapter 91 and to authorize the Selectmen to execute and deliver a bond on indemnity therefore to the Commonwealth; or take any other action relative thereto.

*Sponsored By: Board of Selectmen*

**ARTICLE 16. Grant of Easement- Glades Road**

To see if the Town will vote to grant an easement to Christian A. Putnam and Kristen E. Putnam and their successors for perpetual, non-exclusive rights and easement to pass and repass by vehicular traffic or otherwise with the land described, and on file with the Department of Public Works, for the purpose of accessing property through the Minot Beach Park Lot on Bailey's Causeway, or take any other action relative thereto.

*Sponsored by: Board of Selectmen*

**ARTICLE 17. Taking of Easement-Verizon**

To see if the Town will vote to authorize the Board of Selectmen to acquire any and all temporary and permanent easements, and any property in fee simple by gift, purchase, eminent domain, or otherwise for the following property located at 358 First Parish Road (as identified by Assessor's Code 38-1-5 through 6) in the Town of Scituate, Plymouth County, Massachusetts; all as further described and shown on a plan entitled "*Country Way and First Parish Road Intersection Improvements Plan, Scituate, MA*" dated February 1, 2012 and prepared by Town of Scituate Engineering Department, copies of which are on file in the office of the Town Clerk and are incorporated herein by reference, for the purpose of constructing and maintaining an improved roadway intersection, sidewalks, cross walks and all other appurtenances thereto; and to see if the Town will transfer from available funds a sum of money to defray all necessary costs, fees, and expenses in connection with the acquisition of such lands and easements and for paying damages which may be awarded as a result of any such takings; or to take any other action relative hereto.

*Sponsored by: Board of Selectmen*

**ARTICLE 18. Zoning Amendment- Required Lot Width Flexible Open Space Development**

To see if the Town will vote to amend the Zoning Bylaw by replacing the language of Section 550.6 A., Minimum Requirements for Flexible Open Space Development, and inserting the following language (underlined in **bold**) or take any other action relative thereto:

A. Lot Area **and Lot Width.**

Each lot shall be at least of a size **and width, in the opinion of the Planning Board,** capable of supporting construction of a single or two-family dwelling, its accessory structures, and an individual sewage disposal system, unless a viable alternative method of sewage disposal is proposed.

*Sponsored by: Planning Board*

**ARTICLE 19. Temporary Moratorium Medical Marijuana Treatment Centers**

To see if the Town will vote to amend the Zoning Bylaw by amending Section 200, Definitions, by adding a definition for medical marijuana treatment centers as follows or take any other action relative thereto:

**MEDICAL MARIJUANA TREATMENT CENTER**

Any medical marijuana treatment center, as defined under state law, as a not-for-profit entity, (as defined by Massachusetts law only), that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers, which is properly licensed and registered by the Massachusetts Department of Public Health pursuant to all applicable state laws and regulations.

This definition shall be placed within this section in alphabetical order with the other definitions.

And by adding the following language as a new subsection 491, Temporary Moratorium for Medical Marijuana Treatment Centers at the end of Section 400, Use Regulations:

**491. TEMPORARY MORATORIUM - MEDICAL MARIJUANA TREATMENT CENTERS**

491.1 **PURPOSE.**

This moratorium is intended to provide restrictions that will allow the Town of Scituate ("Town") adequate time to consider whether to allow facilities associated with the medical use of marijuana (including Medical Marijuana Treatment Centers as defined herein), to the extent that such facilities are permitted under state laws and regulations, and, if so, where and under what conditions. Given that a law permitting the cultivation, distribution, possession and use of marijuana for medical purposes in the Commonwealth of Massachusetts was approved by vote at the state election on November 6, 2012 and has become effective on January 1, 2013, and that the Massachusetts Department of Public Health has yet to promulgate the regulations by

which facilities that produce or dispense medical marijuana shall be registered and administered, a restriction on the establishment of such facilities and other uses related to the regulation of medical marijuana in the Town shall provide the opportunity: to study and consider the potential impacts of such facilities and other related uses on adjacent uses and on general public health, safety and welfare; to study and consider the related novel and complex legal and planning issues; and to develop zoning and other applicable regulations that appropriately address these considerations consistent with statewide regulations and permitting procedures.

**491.2 EXCLUSION OF OTHER MARIJUANA USES.**

Any establishment that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers shall not be permitted if such establishment has not been properly registered and licensed in accordance with applicable state and local laws and regulations, or is not operated as a not-for-profit entity, or otherwise fails to meet the definition of a Medical Marijuana Treatment Center.

**491.3 EXCLUSION OF ACCESSORY USES.**

In no case shall the acquisition, cultivation, possession, processing, transference, transportation, sale, distribution, dispensing, or administration of marijuana, products containing or derived from marijuana, or related products be considered accessory to any use.

**491.4 TEMPORARY MORATORIUM.**

The use of land and/or structures for Medical Marijuana Treatment Centers and related uses shall not be permitted in any zoning district in the Town so long as this Moratorium is effective, as set forth in subsection 491.5 below and notwithstanding any provision in the Zoning Bylaws of the Town to the contrary. Use variances shall be strictly prohibited. During this Moratorium, the Town shall undertake a planning process consistent with the purposes set forth herein.

**491.5 EXPIRATION.**

This Moratorium shall be effective until May 1, 2014, which is one (1) year from the deadline for the Massachusetts Department of Public Health to promulgate regulations pursuant to the Medical Use of Marijuana Law voted at the state election on November 6, 2012, or until such future time that the Scituate Town Meeting enacts superseding zoning bylaw(s) that set forth the allowed locations, dimensional, parking and other requirements applicable to medical marijuana uses (including Medical Marijuana Treatment Centers).

*Sponsored by: Planning Board*

**ARTICLE 20. Zoning Bylaw Amendment – Flexibility in Frontage Requirement, Mixed-Use Developments**

To see if the Town will vote to amend the Zoning Bylaw by replacing the final sentence of Scituate Zoning Bylaw Section 560.4, Requirements for Mixed Use Buildings, with the following language or take any other language relative thereto:

Frontage requirements in the underlying zoning district(s) may be reduced by a vote of four out of five members of the Planning Board as long as the existing frontage is determined to be adequate for traffic circulation within the site, traffic safety, parking and access for the vehicular traffic expected to be generated by the use(s) on the site. The Planning Board may require review by a traffic engineer or similar qualified professional prior to making this determination. In accordance with M.G.L. c. 44, § 53G, the applicant may be required to deposit fees for the employment of such a traffic engineer or similar qualified professional, and any unexpended fees shall be returned to the applicant. In all other cases where dimensional requirements are not specified, construction must meet the requirements of the underlying zoning district.

*Sponsored by: Planning Board*

**ARTICLE 21. Zoning Bylaw Amendment – Accessory Dwellings**

To see if the Town will vote to amend the Zoning Bylaw by amending Section 200, Definitions, by adding definitions for accessory dwelling, net floor area and primary dwelling, as follows or take any other action relative thereto:

**ACCESSORY DWELLING**

An accessory dwelling is a separate housekeeping unit, complete with its own sleeping, cooking, and sanitary facilities, that is substantially contained within the structure of a single-family dwelling, an attached or detached structure accessory thereto, or in a structure containing a business, but functions as a separate unit.

**NET FLOOR AREA**

The area of the interior of a dwelling considered habitable space by the most recent official edition of the Massachusetts Building Code.

**PRIMARY DWELLING**

A legal dwelling with a valid certificate of occupancy which is located or proposed to be located on the same lot as an accessory dwelling.

These definitions shall be placed within this section in alphabetical order with the other definitions.

And by removing Paragraph E. of Subsection 1. *Affordable accessory dwelling, subject to Section 530* from Section 420, Table of Use Regulations, and re-ordering the following paragraphs beginning with the letter E.;

And by substituting the following language for the existing Section 530, Accessory Dwellings:

**530.1 PURPOSE**

- A. To provide an opportunity for homeowners who can no longer physically or financially maintain their single-family home to remain in homes they might otherwise be forced to leave;

- B. To make housing units available to moderate income households and to employees of local businesses who might otherwise have difficulty finding homes within the town;
- C. To provide a variety of types of housing to meet the needs of its residents and workers;
- D. To protect stability, property values and character of the single-family residential neighborhood; and
- E. To legitimize conversions to enable the town to monitor conversions for code compliance.

## **530.2 SPECIAL PERMIT PROCEDURES AND CONDITIONS**

The Planning Board may authorize an Accessory Dwelling by special permit in any residential zoning district, provided that the following standards and criteria are met:

- A. An applicant for an Accessory Dwelling special permit shall be the fee owner or owners or proposed new owner as identified in Section 530.4 A. of a detached single family dwelling and the lot on which it is located, and shall have his/her/their primary residence either in the Accessory Dwelling or in the Primary Dwelling located on this lot.
- B. The Accessory Dwelling must meet the definition of “Accessory Dwelling” as set forth in Section 200 herein.
- C. Only one Accessory Dwelling shall be created within a detached single family dwelling, or on a lot containing a detached single family dwelling, and the Accessory Dwelling shall have no more than two (2) bedrooms.
- D. If the proposed expansion of a nonconforming single family dwelling in connection with construction of an accessory dwelling requires a Section 6 finding or other zoning relief pursuant to Section 800 of this bylaw, this must be obtained prior to application for a special permit for an accessory dwelling.
- E. An Accessory Dwelling must be located within the interior of and under the same roof as the Primary Dwelling, or in a structure attached thereto, or in a detached structure on the same lot.
- F. Both the Accessory Dwelling and the Primary Dwelling must comply with all required setback, building height, and yard requirements for a dwelling (but excluding pre-existing non-conforming structures).
- G. The Accessory Dwelling, if attached to the Primary Dwelling, shall be designed so that the appearance of the Primary Dwelling and the Accessory Dwelling have a consistent exterior design and the combined appearance of a single dwelling. The Accessory Dwelling shall be designed such that it is reasonably subordinate in appearance to the Primary Dwelling. Unless otherwise required by the Massachusetts Building Code, any new exterior stairs needed to provide primary or secondary means of egress for the Accessory Dwelling shall be located on the side or rear of the building.
- H. The net floor area of the Accessory Dwelling shall not exceed the lesser of 40% of the net floor area of the Primary Dwelling or 900 square feet. For purposes of this section, the computation of net floor area shall be limited to the above ground habitable areas within the Primary Dwelling, and shall exclude the floor areas in any attached or detached structure.
- I. At least two private off-street parking spaces shall be available for use by occupants of each Accessory Dwelling. A waiver of this requirement may be granted by the Planning Board if occupancy or other circumstances indicate the need for less parking, but in no case shall there be less than one parking space per bedroom.

- J. The design and size of the Accessory Dwelling shall conform to all applicable standards in the building, plumbing, electrical, mechanical, fire, health and any other applicable codes and other local bylaws.
- K. Adequate provisions shall be made for the disposal of sewage, waste and drainage generated by the occupancy of accessory dwellings in accordance with the requirements of the board of health.
- L. No more than twenty-five (25) new Accessory Dwelling special permits shall be issued by the Planning Board in a single calendar year.

**530.3 APPLICATION PROCEDURE**

- A. An application for approval of a special permit for an Accessory Dwelling shall include a notarized affidavit, certified by the applicant under pains and penalties of perjury, that the applicant is the current fee owner of the Primary Dwelling and the lot on which it is located, and stating that that applicant is currently, or will upon the completion of the Accessory Dwelling, occupy either the Primary Dwelling or the Accessory Dwelling as their primary residence.
- B. The application form and other required submittals for a special permit for an Accessory Dwelling shall be prescribed by the Planning Board.

**530.4 TRANSFER OF OWNERSHIP; ANNUAL CERTIFICATION OF OWNERSHIP AND OCCUPANCY**

- A. The special permit for an Accessory Dwelling shall terminate upon the sale of, or transfer of title of the Primary Dwelling, Accessory Dwelling or lot on which they are located (but excepting leases to tenants, or in connection with a financing transaction, provided such are done in good faith and not in an effort to evade the intent of the requirements herein). Any new owner(s) shall be required to apply for a new approval of a special permit for an Accessory Dwelling for continuing the use of the Accessory Dwelling. In connection with any proposed transfer to a new owner, the proposed new owner may apply for a special permit for the Accessory Dwelling prior to the actual transfer of the ownership, and if granted such special permit shall become effective only after the transfer of ownership is completed and such other conditions are satisfied as are set forth in any such special permit.
- B. Not later than January 31 of each year following issuance of a special permit for an Accessory Dwelling, the current fee owner of the Primary Dwelling, Accessory Dwelling and lot on which it is located shall provide the Planning Board or Town Planner with a notarized affidavit, certified by the owner under pains and penalties of perjury, that the owner is the current fee owner of the Primary Dwelling, Accessory Dwelling and lot on which it is located, and stating that that owner is currently, occupying either the Primary Dwelling or the Accessory Dwelling as their primary residence. Failure to provide the foregoing certification, or in the event the foregoing certification is given but is shown to be false, shall result in the automatic termination of the special permit for the Accessory Dwelling.

And by substituting the following new subsections for existing subsection 560.3, Village Business Overlay District, Uses Permissible by Special Permit and existing subsection 560.9, Village Business Overlay District, Special Permit Review Procedure, and renumbering the existing subsection 560.9 as subsection 560.10, Special Permit Review Procedure, as follows:

**560.3 USES PERMISSIBLE BY SPECIAL PERMIT**

The following uses may be permitted by special permit in the Village Business Overlay District:

- A. Any use permitted by special permit in the underlying zoning district in accordance with the provisions of that district.
- B. A mixed use building provided that a special permit is obtained from the Planning Board in

accordance with the provisions of Section 560.4, 560.5, 560.6, 560.7, 560.8 and 560.10 of this bylaw.

- C. Up to three accessory dwellings per structure provided that a special permit is obtained from the Planning Board in accordance with Section 560.9 and 560.10 of this Bylaw.

#### **560.9 ACCESSORY DWELLINGS**

- A. Accessory dwellings units created within structures used for businesses shall be located above the first floor or street level. No more than three accessory dwellings may be created in any one building. Area requirements of Section 610.1 of 10,000 sq. ft. for each family occupying a dwelling in a Business District shall not apply to accessory dwellings.
- B. The accessory dwelling shall be designed so that the appearance of the building remains unchanged as much as feasibly possible. Unless otherwise required by the Massachusetts Building Code, any new exterior stairs needed to provide primary or secondary means of egress for the accessory dwelling shall be located on the side or rear of the building.
- C. The accessory dwelling shall be clearly a subordinate part of the business use. The net floor area of the Accessory Dwelling shall not exceed 900 square feet.
- D. At least two private off-street parking spaces shall be available for use by occupants of each accessory dwelling. A waiver of this requirement may be granted by the Planning Board if occupancy or other circumstances indicate the need for less parking, but in no case shall there be less than one parking space per bedroom.
- E. The design and size of the accessory dwelling shall conform to all applicable standards in the building, plumbing, electrical, mechanical, fire, health and any other applicable codes and other local bylaws.
- F. Adequate provisions shall be made for the disposal of sewage, waste and drainage generated by the occupancy of accessory dwellings in accordance with the requirements of the board of health.

#### **560.10 SPECIAL PERMIT REVIEW PROCEDURE (Previously Section 560.9)**

- A. Pre-Application Meeting. A pre-application meeting with the Town Planner prior to the submittal of a special permit application is strongly encouraged. A preliminary concept plan should be provided at this meeting. The preliminary concept plans shall be at a scale of 1" = 40', unless the applicant and Town Planner agree on a more appropriate scale.
- B. Review Process. The application requirements, standard of review, project completion requirements and applicability of approval requirements described in Section 770 Site Plan Review shall also apply to this Section.

*Sponsored by: Planning Board*

#### **ARTICLE 22. Acceptance of Massachusetts General Laws Chapter 39, Section 23D "Mullin Rule"**

To see if the Town will vote to accept Massachusetts General Law Chapter 39, Section 23D to allow a member of any municipal board, committee or commission when holding an adjudicatory hearing to not be disqualified from voting in the matter solely due to that member's absence from no more than a single session on f the hearing at which testimony or other evidence is received, or take any other action relative thereto.

*Sponsored by: Board of Selectmen*

**ARTICLE 23. Acceptance of Massachusetts General Laws Chapter 59, Section 5N – Allowance of Veterans to Volunteer**

To see if the Town will vote to accept Massachusetts General Law Chapter 59, Section 5N for the purpose of establishing a program to allow veterans, as defined in Chapter 4, Section 7, Clause 43, to volunteer to provide services in exchange for a reduction in the real property tax obligations of that veteran on the veterans’ tax bills, which reduction shall be in addition to any exempt or abatement to which that person is otherwise entitled, or take any other action relative thereto.

*Sponsored by: Board of Selectmen*

**ARTICLE 24. General Bylaw –Demolition Delay**

To see if the Town will vote to amend the General Bylaws of the Town by adding a new General Bylaw, Part Three, 30300 Building Bylaws, Section 30361, “Demolition Delay,” as follows, or take any other action relative thereto.

Scituate Historical Commission  
Demolition Review By-Law

**I. Intent and purpose.**

The Demolition Review By-Law is enacted for the purpose of preserving and protecting significant historical buildings within the Town of Scituate that constitute or reflect distinctive features of the architectural, cultural, economic, political, or social history of the town and to limit the detrimental effect of demolition on the character of the town.

The intent of this By-Law is not to permanently prevent demolition, but rather to provide an opportunity to develop preservation solutions for properties threatened with demolition.

Through this By-Law, owners of preferably preserved buildings are encouraged to seek out alternative options that will preserve, rehabilitate or restore such buildings, and residents of the town are alerted to impending demolitions of significant buildings.

By preserving and protecting significant buildings, this By -Law promotes the public welfare by making the town a more attractive and desirable place in which to live and work. To achieve these purposes the Scituate Historical Commission is authorized to advise the Building Inspector with respect to the issuance of demolition permits that are regulated as provided by this By Law.

**II. Definitions.**

APPLICANT - Any person or entity who files an application for a demolition permit. If the applicant is not the owner of the premises upon which the building is situated, the owner must indicate on or with the application his/her assent to the filing of the application.

APPLICATION, BUILDING PERMIT for DEMOLITION- An application submitted to the Building Inspector for the demolition of a building.

APPLICATION, DEMOLITION PERMIT REVIEW – An application submitted to the Historical Commission for Demolition Permit Review of a building 100 years of age or older.

BUILDING - Any combination of materials forming a shelter for persons, animals, or property.

**BUILDING INSPECTOR** - The person occupying the office of Building Inspector or otherwise authorized to issue demolition permits.

**COMMISSION** - The Scituate Historical Commission or its designee.

**DEMOLITION** - Any act of pulling down, destroying, removing, dismantling, defacing, removing or razing a building or building or commencing the work of total, substantial demolition with the intent of completing same.

**DEMOLITION PERMIT** - The permit issued by the Building Inspector for a demolition, substantial demolition or removal of a building, excluding a demolition permit issued solely for the demolition of the interior of a building.

**SIGNIFICANT BUILDING** - A building determined by the Commission or its designee to be significant based on any of the following criteria:

A. The Building is listed on the National Register of Historic Places.

B. The Building has been found eligible for the National Register of Historic Places.

C. The Building is importantly associated with one or more historic persons or events, or with the broad architectural, cultural, political, economic or social history of the Town of Scituate or the Commonwealth of Massachusetts or the nation.

**PREFERABLY PRESERVED SIGNIFICANT BUILDING** - Any significant building that the Commission determines, following a public hearing, is in the public interest to be preserved rather than demolished. A preferably preserved building is subject to the twelve-month demolition delay period.

### **III. Procedure.**

A. No demolition permit for a building that is in whole or in part 100 or more years old shall be issued without following the provisions of this chapter. If a building is of unknown age, it shall be assumed that the building is over 100 years old for the purposes of this By Law. Buildings identified by FEMA (Federal Emergency Management Agency) in the FIRM Velocity Zone in the Town of Scituate shall be exempt from this By-Law.

B. After reviewing an application for a Building Permit for demolition, if the Building Inspector determines the building in whole or in part is 100 years of age or older, he shall provide the applicant with a Demolition Review Application.

C. The applicant shall submit the completed Demolition Review Application to the Historical Commission.

D. The Commission shall, within 15 business days after receipt of the application, make a determination of whether the building is significant.

E. Upon determination by the Commission that the building is not significant, the Commission shall so notify the Building Inspector and applicant in writing within seven (7) days. The Building Inspector may then issue the demolition permit.

F. Upon determination by the Commission that the building is significant, the Commission shall so notify the Building Inspector and applicant in writing with reasons for the determination. No demolition permit may be issued at this time. If the Commission does not notify the Building Inspector within the specified time period, the Building Inspector may issue the demolition permit.

G. If within seven days (7) the Commission finds that the building is significant; it shall hold a public hearing within 30 days of the written notification to the Building Inspector. Public notice of the time, place and purpose of the hearing shall be posted in a conspicuous place in town hall

for a period of not less than seven days prior to the date of said hearing, and the applicant and Building Inspector shall be notified in writing of the meeting time and place.

H. The Commission shall decide at the public hearing or within 14 days after the public hearing whether the building should be preferably preserved. If agreed to in writing by the applicant, the determination of the Commission may be postponed. If agreed to in writing by the applicant, the public hearing may be continued at a later date.

I. If the Commission determines that the building should not be preferably preserved, the Commission shall so notify the Building Inspector and applicant in writing within seven (7) days. The Building Inspector may then issue the demolition permit.

J. If the Commission determines that the building should be preferably preserved, the Commission shall notify the Building Inspector and applicant in writing. No demolition permit may be issued for a period of 12 months from the date of the filing unless otherwise agreed to by the Commission. If the Commission does not notify the Building Inspector within 21 days of the public hearing, the Building Inspector may issue the demolition permit.

K. No permit for demolition of a building determined to be preferably preserved shall be granted until all plans for future use and development of the site have been filed with the Building Inspector and have been found to comply with all laws pertaining to the issuance of a building permit a certificate of occupancy for that site. All approvals necessary for the issuance of such building permit or certificate of occupancy including without limitation any necessary zoning variances or special permits, must be granted and all appeals from the granting of such approvals must be concluded, prior to the issuance of a demolition permit under this By Law.

L. The Building Inspector may issue a demolition permit or building permit for a preferably preserved building within 12 months if the Commission notifies the Building Inspector in writing that the commission finds that the intent and purpose of this chapter is served even with the issuance of the demolition permit or the building permit.

M. Following the twelve-month delay period, the Building Inspector may issue the demolition permit.

#### **IV. Administration.**

A. The Commission may adopt procedures necessary to administer the terms of this By-Law.

B. The Commission shall recommend to the Board of Selectmen a schedule of reasonable fees to cover the costs associated with the administration and review of any application that is filed under this By Law.

C. The Commission may delegate authority to one or more members of the Commission and/or may delegate authority to municipal staff, initial determination of preferable preserved, however final determination as to whether the building shall be designated as preferably preserved shall rest with the Commission.

D. The Commission may pro-actively develop a list of significant buildings that will be subject to this chapter. Buildings proposed for the significant building list shall be added following a public hearing.

#### **V. Responsibility of owners.**

A. It shall be the responsibility of the owner of record or his designee to assist in the facilitation of the above process by providing information, allowing access to the property, and securing the premises; to participate in the investigation of preservation options and to actively cooperate in seeking alternatives with the Commission and any interested parties.

## **VI. Emergency demolition.**

A. Nothing in this chapter shall restrict the Building Inspector from immediately ordering the demolition of unsafe structures in accordance with the provisions of Massachusetts General Laws Chapter 143.

B. Whenever the Building Inspector issues an emergency demolition permit under this Section he shall prepare a report describing the condition of said building or structure and the basis of the decision to issue an emergency demolition permit and provide a copy thereof to the Commission.

C. If after an inspection, the Building Commissioner finds that the building subject to this bylaw is found to be unsafe, as provided under Massachusetts State Building Code, the Building Commissioner may issue a demolition permit or take whatever other action deemed necessary to protect the public safety. The Building Commissioner shall inform the Commission forthwith of the issuance of any such emergency demolition permits.

## **VII. Enforcement and remedies.**

A. The Commission and/or the Building Inspector are each specifically authorized to institute any and all actions and proceedings, in law or equity, as they may deem necessary and appropriate to obtain compliance with the requirements of this By Law or to prevent a threatened violation thereof.

B. Any owner of a building demolished without first obtaining a demolition permit in accordance with the provisions of this By-Law shall be subject to a fine of \$300. Each day the violation exists shall constitute a separate offense until a faithful restoration of the demolished building is completed, or unless otherwise agreed to by the Commission.

C. If a building is demolished without first obtaining a demolition permit, no building permit shall be issued for a period of two years from the date of the demolition on the subject parcel of land or any adjoining parcels of land under common ownership and control unless otherwise agreed to by the Commission.

## **VIII. Historic District Act.**

Nothing in this By-Law shall be deemed to conflict with the provisions of the Historic District Act, Massachusetts General Laws Chapter 40C. If any of the provisions of this By Law do so conflict, that act shall prevail.

## **IX. Severability.**

In case any section, paragraph, or part of this By-Law is for any reason declared invalid or unconstitutional by any court, every other section, paragraph, and part shall continue in full force and effect.

## **X. Economic Hardship**

A. Any owner may submit information regarding economic hardship in cases where the application of the By-Law would cause significant economic hardship to the owner. This information will be used in determining the preferably preserved status of a historic structure.

*Sponsored by: Historical Commission*

**ARTICLE 25. Charter Amendment**

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court to amend the Town of Scituate Town Charter by changing all references to Town Administrator to Town Manager, or take any other action relative thereto.

*Sponsored by: Board of Selectmen*

**ARTICLE 26. Seawall Funding Citizens Article – BY PETITION**

To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds in the Treasury the sum of \$300,000, for the purpose of repairing, reconstructing, or maintaining existing foreshore protection in the Town of Scituate.

**ARTICLE 27. Acceptance of Meals Tax – BY PETITION**

To see if the Town will vote to:

- (a) Accept the provisions of M.G.L. Chapter 64L, Section 2(a) authorizing the imposition of a local excise tax in the statutory amount of 0.75 percent on the sale of restaurant meals originating within the Town, with the annual revenues from said tax to be placed into new Economic Development Stabilization Fund, described below; and
- (b) Establish a new stabilization fund pursuant to Massachusetts General Laws, Chapter 40, Section 5B, to be known as the “Economic Development Stabilization Fund”, for the purpose of furthering the goals and mission of the Scituate Economic Development Commission, including but not limited to providing funding for the planning and construction of infrastructure and other improvements benefiting the Town’s business districts, potential expansion of and creation of new business districts, outreach programs and incentives for new business to locate in Scituate or existing businesses to expand in Scituate, funding of market research and planning, outreach and advertising for Scituate businesses and coordinated marketing efforts and events.

**ARTICLE 28. Rescission of Special Permit Grant to Scituate Wind LLC – BY PETITION**

To see if the Town will vote to rescind the Special Permit granted to Scituate Wind LLC

**PURPOSE AND JUSTIFICATION**

This article will allow the appropriate town officials to exercise its authority and responsibility to protect the health and safety of the residents of the Town of Scituate. Areas of concern include excessive noise, shadow flicker and the resulting adverse health impact experience by the residents.

**ARTICLE 29. Petition to contact U.S. Congress to pass and send to the States an amendment to the U.S. Constitution – BY PETITION**

WHEREAS, the United State Supreme Court has compromised democratically enacted local, state, and federal legislation that protects our health, safety, the environment, and the integrity of

our elections on the presumption that corporations have the same constitutional rights as people and that unlimited political spending in elections does not give rise to corruption or the appearance of corruption; and

WHEREAS, the expenditure of unlimited money in elections threatens to overwhelm our individual voices in the democratic process and to facilitate the undue influence of large political donors with elected officials who benefit from them;

NOW, THEREFORE, BE IT RESOLVED that we the citizens of Scituate, Massachusetts, petition the U.S. Congress to pass and send to the States and amendment to the U.S. constitution that would affirm that corporations are not entitled to the constitutional rights of human beings, and that Congress, and state and local governments may place limits on political contributions and expenditures from any source.

And you are further directed to serve this warrant by posting up attested copies thereof, one at each of the Post Offices in said Town and one at the Town Hall, thirty days at least before the time of holding said meeting.

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

Given under our hands this 12<sup>th</sup> day of March, in the year two thousand and thirteen.

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Joseph P. Norton, Chairman

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Anthony V. Vegnani, Vice-Chairman

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Shawn Harris, Clerk

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Richard W. Murray, Member

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John F. Danehey, Member

**BOARD OF SELECTMEN  
TOWN OF SCITUATE**

