

**TOWN OF SCITUATE
SPECIAL TOWN MEETING
NOVEMBER 5, 2019
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 Gymnasium at Scituate High School, 606 Chief Justice Cushing Highway on

TUESDAY, NOVEMBER 5, 2019 NEXT

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

WARRANT

Plymouth ss.

TO: Either of the Constables of the Town of Scituate

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the Inhabitants of the Town of Scituate qualified to vote in elections and Town affairs that a SPECIAL TOWN MEETING will be held in the Scituate High School Gymnasium, 606 Chief Justice Cushing Highway on Tuesday, the 5th day of November, 2019, at 7:00 p.m. or as soon thereafter as the subject matter of this warrant can then and there be reached, and the Town Clerk is required to notify and warn the Town Meeting members then and there to meet and act on the following Articles:

ARTICLE 1. Unpaid Bills/Amounts Due Town

To see if the Town will vote to transfer the sum of \$20,308.50, or a greater or lesser sum, for the purpose of paying prior year unpaid bills and resolving amounts due to the Town which will not be received for grants and escrow accounts; or take any other action relative thereto.

Sponsored by: Board of Selectmen

ARTICLE 2. Fiscal Year 2020 Budget Reconciliations

To see if the Town will vote to transfer from available funds in the Treasury the sum of **\$810,229.50**, or a greater or lesser sum, for the purpose of balancing the Fiscal Year 2020

Operating Budget pursuant to Articles 4, 6, 7 and 8 of the April 8, 2019 Annual Town Meeting warrant; or take any other action relative thereto:

TO	AMOUNT	REASON
DPW Highway 1422540.543300 Roadway Maintenance	\$859.50	Town's share of ride share fees from Commonwealth.
Inspections Department 1241510.518000 PT Salaries	\$28,127.00	To cover costs for increase in inspector rates and an increased number of expected inspections.
BOS/Town Administration 1123532.530400 Contractual Bargaining	\$75,000.00	To set-aside funds for anticipated and unanticipated retirements.
Information Technology 1155520.530900 Technical Services	\$46,300.00	Software licensing costs.
School Department Budget Department 300	\$242,943.00	Additional state aid funds for School Department expenses.
Sewer Enterprise 64440520.521100 Electricity	\$45,000.00	Additional funding based on FY19 actual expense
64440520.524200 Repair & Maintenance	\$16,000.00	Additional funding based on FY19 actual expense
64440540.550100 Chemicals	\$21,000.00	Additional funding based on FY19 actual expense
Transfer Station Enterprise 63433520.527100 Hauling Costs	\$114,000.00	Increased hauling costs based on FY19 actual expense
Widows Walk (Golf) Enterprise 61661520.524200 Repair & Maintenance	\$21,000.00	Additional repair & maintenance costs with maintenance building
Town Marina Pilings Project – Town Share 66298580. Capital Outlay	\$200,000.00	Additional funding need to complete this project which is predominantly funded by a Seaport Economic Advisory Council grant.

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, in accordance with M.G.L. c. 44, §§ 7 and 8 and any other enabling authority, the following sums of money totaling \$3,988,955.00 or any greater or lesser sums as may be necessary, for the purpose of funding the following capital project costs; or take any other action relative thereto:

- | | |
|--|-----------|
| 1. Humarock Fire Station Apparatus Bay | \$98,875 |
| 2. Information Technology Upgrades & Licensing | \$192,585 |
| 3. Security Upgrades to Town Facilities | \$314,270 |

- | | |
|---|-------------|
| 4. Facilities Study & Maintenance Plan for Town Buildings | \$208,225 |
| 5. Water Meter Replacement | \$175,000 |
| 6. Design, Engineering & Replacement of Water Mains | \$3,000,000 |

Sponsored by: Board of Selectmen

ARTICLE 4. Acceptance of Loan – Third Cliff FEMA Subsidized Storm Repairs

To see if the Town will vote to authorize the Treasurer to borrow, with the approval of the Board of Selectmen, pursuant to Massachusetts General Laws Chapter 44, or any other applicable law, \$3,000,000.00, or a greater or lesser sum, in the form of a low interest loan from the Commonwealth's Executive Office of Energy and Environmental Affairs Dam and Seawall Loan Fund, to fund the storm damage foreshore repairs to the Third Cliff area; or take any other action relative thereto.

Sponsored by: Board of Selectmen

ARTICLE 5. Community Preservation Act

To see if the Town will vote to hear and act on recommendations from the Community Preservation Committee (CPC) to appropriate the sums of money as indicated below. Appropriations for the items below are to be expended first from any existing reserves for the purposes of such item, with any excess to be appropriated from Community Preservation FY 2020 Estimated Receipts, Reserves or Undesignated Funds. All such sums appropriated are further to be expended subject to all 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. \$5,000 Stone Mile Markers from Historic Resources
2. \$85,000 North Scituate Train Canopy

Or take any other action relative thereto.

Sponsored by: Community Preservation Committee

ARTICLE 6. Zoning Bylaw Amendment – Signs (Section 710)

To see if the Town will vote to amend Section 710 of the Zoning Bylaws to include new definition(s) and allowed uses of Temporary Signs. The text of the current Zoning Bylaw and the complete text of the proposed amendments to the Zoning Bylaw are on file with the Town Clerk's Office; or take any other action relative thereto.

Sponsored by: Planning Board

ARTICLE 7. Zoning Bylaw Amendment – Greenbush/Driftway

To see if the Town will vote to amend the Scituate Zoning Bylaw as described below. All references below to Sections refer to sections of the Zoning Bylaw.

1. Zoning for Humarock Village Residential Overlay District – Amend Zoning Map
 - A. Amend the Zoning Map by amending the Zoning District shown as the Humarock Village Residential Overlay Zoning District to include all of the parcel shown on the plan entitled “Proposed Extension of Humarock Village Residential Overlay District Scituate, Massachusetts” prepared by Morse Engineering, Inc. dated August 31, 2018 and identified on the Town of Scituate Assessor’s Maps as Parcel ID: 72-19-5.
2. Zoning for Greenbush/Driftway Area – Amend Zoning Map and Zoning Bylaw. Proposed changes include:
 - A. Amend Section 200, Definitions by adding definitions previously under section 580.3B Table 1: Civic and Community Building, Cottage and Cottage Court, Flex Space/Fabrication Building, Gas Backwards Building, General Commercial Building, Live/Work Building, and Single-Family Attached Dwelling.
 - B. Amend Section 200, Definitions by removing Planned Development District.
 - C. Amend Section 200, Definitions by updating Single-Family Dwelling to Single-Family Detached Dwelling.
 - D. Amend Section 320, Location of Districts to include the Business District & Village Business Overlay District and the Village Center & Neighborhood District and Greenbush-Driftway Gateway Subdistricts.
 - E. Amend section 420, Table of Use Regulations adding language ““SP” for all districts except the VCN where the Planning Board shall be the Special Permit Granting Authority” and amend “Single Family Dwelling” to “Single Family Detached Dwelling”. Add to the Table of Use “Single Family Attached Dwelling”, “Cottage and Cottage Court”, “Live Work building”, and “Mixed Use Building”. Change Single Family Detached Dwelling in GVC from “N” to “Y”. Change Two-family dwelling in GVC from “N” to “Y”. Change Child care facility in NRCR and DCR from “N” to “Y”. Change 4.D. Boat storage yard in NDTV from “N” to “Y”.
 - F. Amend Section 430.1 Residential Use by adding on any lot “except where provided for single-family attached dwellings and cottage courts in Section 580 and Accessory Dwelling in Section 530.” and adding “district except where provided for under Section 580”.
 - G. Amend Section 560.3, by adding letter “B”
 - H. Amend Section 560.8.B.2, by deleting the last sentence
 - I. Amend Section 580.1 A, by adding “a”
 - J. Amend Section 580.2 A, by changing “Zone” to “Zoning” and eliminate word “are” in second line
 - K. Amend Section 580.2 B, by adding “Overlay”
 - L. Amend Section 580.2 C, by adding “Standards”
 - M. Amend Section 580.2 D, by adding “Overlay”
 - N. Amend Section 580.2 E, by adding “Overlay”
 - O. Amend Section 580.3 B, by removing “supersede uses” and changing to “below. Uses” and adding language “must be located in allowed building types and” and adding “and those under Section 750 as applicable.”
 - P. Amend Section 580.3, by deleting Table 1 and updating it with Table 1 – Allowed Building Types In The VCN District by adding Two-family Dwelling and deleting Paired

House and adding density criteria

- Q. Amend Section 580.3 C 1, by changing wording to be "Single Family Attached Dwelling"
- R. Amend Section 580.4, by updating Table 2 –VCN Residential Density By Building Type & District
- S. Amend Section 580.4 B, by removing 1.c, 3.a, and 3.b
- T. Amend Section 580.4 C 1, by updating reference Table and adding language for Public Realm improvements under section 754.1.B.3.
- U. Amend Section 580.4 C 2 a, by changing "Civic Zone" to "Civic Overlay Zone"
- V. Amend Section 580.9, by relocating the sentence "The following districts are included in the Village Center & Neighborhood (VCN) zoning district. Where there is a conflict between the design and development standards in Section 580 or 750 the standard below shall apply." to the beginning of the section and removing from Section 580.9 A paragraph 3.
- W. Amend Section 580.9, by removing all Tables under the Gateway Business, Greenbush Village Center, New Driftway Transit Village, Driftway Business Park, North River Residential Neighborhood, Driftway Conservation & Recreation District, and North River Conservation & Recreation District.
- X. Amend Section 750.5, to General Design Standards and adding to the provision the Planning Board can opine that deviations maybe allowable.
- Y. Amend Section 750.5 E 3, Guidelines for Rhythm of Solids to Voids on Front Facades
- Z. Amend Section 750.5 E 4b, by updating language "No street-facing building elevation shall be wider than 100 feet without a Special Permit from the Planning Board."
- AA. Amend Section 750.5 E 7a, by updating the language to read "Unless specified in Section 580 or 750, commercial and mixed use buildings shall have" and removing "facing public ways shall be".
- BB. Amend Section 750.6 Tables, by removing the definitions in Tables 1.A, 1.B, 1.C and relocating them to Section 200 Definitions.
- CC. Amend Section 750.7 B, by adding Table 2 – Building Activation Encroachments and adding language "Table 2 below indicated the zoning districts in which different building activation encroachments are permitted."
- DD. Amend section 750.8.D.3, by removing Greenbush.
- EE. Amend section 751.2 thru 751.3, by providing clarifying language
- FF. Amend Section 752.1 B, by changing language to read "for commercial, mixed use, and multi-family each building types in Section 750.6 Table 1. For all other building types the minimum outdoor amenity space is 20 percent."
- GG. Amend 752.2 Table 1, by adding to #3 Forecourt(POPS, PS) design standards "enclosed on three sides."
- HH. Amend 752.2 Table 1, by updating "Design Standards: Courtyards shall be a minimum of 3,000 S.F. in area and 30 feet in width" and removing the "The maximum ratio of building height to forecourt width shall be 2:1; Forecourt shall be enclosed by walls on 3 sides."
- II. Amend Section 753.1 A, by adding "VCN" and removing "Form-based District."
- JJ. Amend section 753.3 A, by updating "Street Design. Table 1 below provides design standards for new streets or improvements to existing streets in the Commercial and VCN Districts." and amend Table 1 to provide Street Type and updated dimensions.

KK. Amend Section 753.3.D, by updating Bike Lanes adding MassDOT Standards.

LL. Amend Section 753.3.K.4, by adding "least"

MM. Amend Section 760.8, by adding "Multi-Family" to Table 2.

NN. Amend Section 760.8 E thru F, adding clarifying language.

The text of the current Zoning Bylaw, the current Zoning Map, the complete text of the proposed amendments to the Zoning Bylaw and map showing the proposed changes to the Zoning Map are on file with the Town Clerk's Office; or take any other action relative thereto.

Sponsored by: Planning Board

ARTICLE 8. Amend Zoning Map to Extend Humarock Village Residential Overlay Zoning District

To see if the Town will vote to amend the Zoning Map by amending the Zoning District shown as the Humarock Village Residential Overlay Zoning District to include all of the parcel shown on the plan entitled "Proposed Extension of Humarock Village Residential Overlay District Scituate, Massachusetts" prepared by Morse Engineering, Inc. dated August 31, 2018, and identified on the Town of Scituate Assessor's Maps as Parcel ID: 72-19-5, on file with the Town Clerk's Office; or take any other action relative thereto.

Sponsored by: Planning Board

ARTICLE 9. Amend General Bylaws – Section 20510 - Council on Aging

To see if the Town will vote to delete the current language in Section 20510 - Council on Aging of the General Bylaws in its entirety and replace it with the following Section 20510 – Council on Aging language;

- A. There shall be a council on aging consisting of at least seven to nine members and up to three non-voting associate members to be appointed by the selectmen for three-year overlapping terms ("Council"). Preference shall be given to persons with training or experience in nursing, gerontology, social work, education, psychology, or business administration and people with wide contacts in the community and among the older adult population. Appointments shall be made in accordance with State regulations.
- B. The Council may assist the Director of the Council on Aging in the preparation of budgets and formulation of overall policy for the Council. They may, in conjunction with the Board of Selectmen, Town Administrator or Director, apply for grants and they may receive and may only expend funds with the approval of the Board of Selectmen. They shall explore and define the needs of the community's elder population. They shall inform the community and enlist support in filling these needs. They may help to design, promote, and implement services for the older adult population, or advise in coordinating existing services or state and federal services.

And further to amend Section 20440 – Overlapping Terms to read as follows;

Council on Aging (7 to 9 members and 1 to 3 associate members);

Or take any other action relative thereto.

Sponsored by: Council on Aging

ARTICLE 10. Amend General Bylaws – Section 32070 - Plastic Bag Reduction Bylaw

To see if the Town will vote to amend Section 32070 – Plastic Bag Reduction Bylaw of the General Bylaws by deleting the following language as indicated in Section 2 Definitions;

~~“Compostable Plastic Bag” is a plastic bag that conforms to the current ASTM D6400 for compostability. as well as ASTM D7081 for biodegradability in the marine environment (2) is certified as meeting the ASTM D6400 and ASTM D7081 standard specification by a recognized verification entity or (3) conforms to any other standards deemed acceptable by this section.~~

~~“ASTM D7081” means ASTM International “Standard Specification for Biodegradable Plastics in the Marine Environment.”~~

Or take any other action relative thereto.

Sponsored by: Board of Selectmen

ARTICLE 11. Local Option Acceptance – Property Tax Exemptions Gold Star Parents

To see if the Town will vote to accept General Laws Chapter 59, Section 5, Clause 22H, which authorizes a full exemption for surviving parents and/or guardians of soldiers and sailors, members of the National Guard and veterans who: (i) during active duty service, suffered an injury or illness documented by the United States Department of Veterans Affairs or a branch of the armed forces that was a proximate cause of their death; or (ii) are missing in action with a presumptive finding of death as a result of active duty service as members of the armed forces of the United States, to be effective for exemptions granted for any fiscal year beginning on or after July 1, 2019, or take any other action relative thereto.

Sponsored by: Board of Selectmen

ARTICLE 12. New General Bylaw – Section 32060 Water Moratorium

To see if the Town will vote to amend the Town Bylaws by adding a new Section 32060 Water Moratorium as follows or take any other action thereto:

Section 1. Purpose

WHEREAS, the purposes of this Bylaw are to protect public health, safety and the environment and to protect the integrity of the Town of Scituate’s public water supply systems by prohibiting new connections, system expansions and increases in flow for a temporary period of time to allow the Town to study system-wide capacity issues and to determine whether and upon what terms and conditions such increases in flow may be permitted in the future. This includes but is not limited to the following reason set forth in this Section 2.

WHEREAS, the residents of Scituate have suffered from "brown water" on a consistent and unremitting basis;

WHEREAS, both the water systems require infrastructure upgrades.

WHEREAS, time is needed to rectify the deficiencies in the quality and quantity of the public water supply;

NOW, therefore, the Town adopts this bylaw.

Section 2. Water System Connection and Extension Moratorium

For a period of one year from the effective date of this bylaw, the Town shall not approve any application for any new connection to the Town's Public Water Supply System, for extension of the Town's Public Water Supply System, or for increases in flow from existing public water supply connections or extensions. Notwithstanding the foregoing sentence, and subject to compliance with the requirements of the Town's water connection regulations and other applicable laws; the Board of Selectmen or its designee may approve water connection applications for properties the building permits for which were issued approved prior to the effective date of this bylaw, providing that such building permits have not lapsed; and for properties with on-site wells, if the Board of Health orders the property owner to abandon the well and connect to the public water supply. Requests for water connections pursuant to this paragraph will be evaluated on a case-by-case basis and may be denied if it is determined that there is insufficient system availability to accommodate the requested connection or for any other reason set forth in the Town's water connection regulations or any other applicable law.

Section 3. Severability

The validity of any section, provision, paragraph, sentence, or clause of this bylaw shall not invalidate any other section, provision, paragraph, sentence, or clause thereof.

By petition

ARTICLE 13. Petition Legislature for Moratorium

To see if the Town will vote to petition the Legislature for special legislation in substantially a similar form as follows, with authorization granted to the Legislature to make changes necessary to accomplish the intent of this article; or take any other action thereto:

Section 1. Statement of Petition Purpose

WHEREAS, the purposes of this petition for legislation ("petition") to protect public health, safety and the environment and to protect the integrity of the Town of Scituate's public water supply systems by prohibiting new connections, system expansions and increases in flow for a temporary period of time to allow the Town to study system-wide capacity issues and to determine whether and upon what terms and conditions such increases in flow may be permitted in the future. This includes but is not limited to the following reasons set forth in this Section 2.

WHEREAS, the residents of Scituate have suffered from "brown water" on a consistent and unremitting basis;

WHEREAS, the water system requires infrastructure upgrades.

WHEREAS, time is needed to rectify the deficiencies in the quality and quantity of the public water supply;

NOW therefore the Town petitions the Great and General Court for a special act.

Section 2. Water System Connection and Extension Moratorium

For a period of one year from the effective date of the petitioned for Legislation, the Town shall not approve any application for any new connection to the Town's Public Water Supply System, for extension of the Town's Public Water Supply System, or for increases in flow from existing public water supply system connections or extensions. Notwithstanding the foregoing sentence, and subject to compliance with the requirements of the Town's water connection regulations and other applicable laws, the Board of Selectmen or its designee may approve water connection applications for properties the building permits for which were issued approved prior to the effective date of this legislation, providing that such building permits have not lapsed; and for properties with on-site wells, if the Board of Health orders the property owner to abandon the well and connect to the public water supply. Requests for water connections pursuant to this paragraph will be evaluated on a case-by-case basis and may be denied if it is determined that there is insufficient system availability to accommodate the requested connection or for any other reason set forth in the Town's water connection regulations or any other applicable law.

Section 3. Severability

The invalidity of any section, provision, paragraph, sentence, or clause of this act shall not invalidate any other section, provision, paragraph, sentence, or clause thereof.

By petition

ARTICLE 14. **Petition Legislature for Scituate Water Commission**

To see if the Town will vote to petition the legislature for special legislation in substantially a similar form as follows, with the Legislature being authorized to make revisions as necessary to achieve the intention of this article to transfer the current authority of the Board of Selectmen regarding water supply to a new Scituate Water Commission, or take any other action relative thereto:

Water Commission

(A) Composition, Term of Office - The Scituate Water Commission shall consist of three (3) members elected for three-year over lapping terms so arranged that one term expires each year. They shall receive for their services such compensation as may annually be provided for that purpose by appropriation by Town Meeting. As a transitional provision, at the first annual town election following the effective date of this act, one member shall be elected for a one year term, one member for a two year term and one member for a three year term.

(B) Powers and Duties in General - The board of water commissioners elected hereunder shall assume all of the powers currently enjoyed by the Board of Selectmen with respect to water supply, including but not limited to planning, policy creation, and rate setting and such other water related works and related functions as may from time to time be vested in it through the General Laws, the Scituate Town Charter, by-laws or vote of the town meeting.

(C) The water commission shall, following each annual town election: (a) select from its membership a chairman, a vice-chairman, and a clerk for the ensuing year.

(D) The Town Administrator shall carry out the Water Commissioners' policy direction and shall continue to have day to day supervision over Water Division employees.

By petition

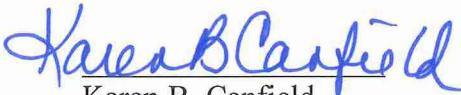
And you are directed to serve this Warrant by posting attested copies thereof, one at each of the Post Offices in Town and one at Town Hall fourteen (14) days at least before holding said meeting.


HEREOF fail not and make due return of the Warrant with your doings thereon, to the Town Clerk, on or before the time of holding said meeting.

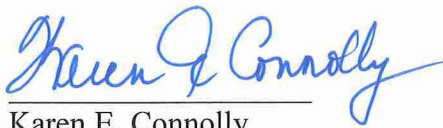
Given under our hands this 15th day of October 2019.


Anthony V. Veghni
Chairman


Shawn Harris
Vice Chairman


Karen B. Canfield
Clerk


Maura C. Curran
Member


Karen E. Connolly
Member

**BOARD OF SELECTMEN
TOWN OF SCITUATE**

