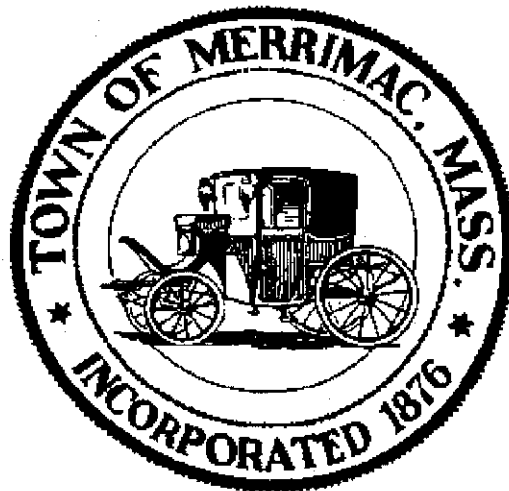


TOWN OF MERRIMAC

SPECIAL TOWN MEETING

October 19, 2020



DISTRIBUTION:

KP Law, Town Counsel
John Santagate, Moderator
Joel Breen, Selectman Chairman
Holly Moran, Selectman
Carol McLeod, Finance Director/Treasurer
Anne Jim, Town Accountant
James Archibald, Finance Chairman
Jennifer Penney, Selectmen's Executive Assistant
Gwen Lay, Town Clerk

Town of Merrimac Warrant Articles
Special Town Meeting, October 19, 2020

Essex, ss.

To one of the Constables of the Town of Merrimac:

GREETINGS,

In the name of the Commonwealth of Massachusetts, you are hereby required to notify and warn the voters of the Town of Merrimac to meet in the Whittier Regional Vocational Technical High School Cafeteria, 115 Amesbury Line Rd., Haverhill, MA 01830 on October 19, 2020 at 7:30 PM to act on the following articles, namely:

Article 1: To see if the Town will vote to reinstate the Town Nurse's hours to 19 ½ hours per week and reinstate her hourly rate to \$31.00 per hour.

Rationale: This is being requested by a citizen's petition. The Finance Committee and the Board of Selectmen recommended reducing the hours of the Town nurse from 19 ½ per week to 5 hours per week at the Annual Town Meeting. Town Meeting approved this recommendation. The hourly rate was not changed; it is \$31.03 per hour.

Article 2: To see if the Town will vote to reduce the amount raised and appropriated in Article 1 of the June 15, 2020 Annual Town Meeting by the sum of **\$35,172** and amend the following lines by the amounts listed below:

Line # 4 – Capital Planning Expense	\$ 184
Line # 32 – Public Building Expense	(\$ 10,000)
Line # 37 – Fire Expense	\$ 1,800
Line # 50 – Whittier Regional Assessment	(\$ 31,745)
Line # 52 – Essex North Tuition	(\$ 5,000)
Line # 60 – Board of Health Salaries	\$ 6,920
Line # 62 – Nurse Salary	\$ 15,568
Line # 68 – Library Expense	\$ 3,101
Line # 74 – Worker's Compensation Insurance Expense	(\$ 2,000)
Line # 75 – Unemployment Expense	(\$ 4,000)
Line # 80 – Property-Liability Insurance Expense	(\$ 10,000)

; or take any other action relative thereto.

Rationale: This article will amend the line items above to account for, adjustments to salary lines, adjustments to town utility charges, adjustment to municipal building expense, adjustments insurance and unemployment lines in order to present a balanced budget. Capital Planning Expense and Library Expense increases are due to errors at the ATM. Nurse Salary is contingent upon Article 1 being approved. Per the request of the Board of Selectmen.

Selectmen Recommendation: 2 – 0, Except N/A on #60 and #62

FinCom Recommendation: 5 – 0, Except N/A on #60 and #62

Article 3: To see if the Town will vote to reduce the amount raised and appropriated in Article 2 of the June 15, 2020 Annual Town Meeting, operate the Wastewater Department Enterprise for FY2021, by the sum of **\$55,000**; or take any other action relative hereto.

Salaries:	(\$ 5,000)
Expenses:	(\$ 50,000)
Total	(\$ 55,000)

Rationale: This article reduces the budget to reflect actual revenue collection in FY2020. FY2020 revenues were less than anticipated due to Covid restrictions on the revenue collection. Per the request of the DPW Director.

Selectmen Recommendation: Yes 2 - 0

FinCom Recommendation: Yes 5 - 0

Article 4: To see if the Town will vote to reduce the amount raised and appropriated in Article 3 of the June 15, 2020 Annual Town Meeting, operate the Water Department Enterprise for FY2021, by the sum of **\$30,000**; or take any other action relative hereto.

Salaries:	(\$ 30,000)
Total	(\$ 30,000)

Rationale: This article reduces the budget to reflect actual revenue collection in FY2020. FY2020 revenues were less than anticipated due to Covid restrictions on the revenue collection. Per the request of the DPW Director.

Selectmen Recommendation:	Yes 2 - 0
FinCom Recommendation:	Yes 5 - 0

Article 5. To see if the Town will vote to increase the amount raise and appropriated in Article 9 of the June 15, 2020 Annual Town Meeting, for Solid Waste Collection and Disposal, Recycling Collection, by the sum of **\$15,000**; or take any other action relative hereto.

Rationale: This article increases the funds necessary for the collection and disposal of solid waste, recycling based upon actual costs in FY2020. The cost of recycling continues to increase due to the unfavorable recycling market.

Selectmen Recommendation:	Yes 2 - 0
FinCom Recommendation:	Yes 5 - 0

Article 6: To see if the Town will vote to appropriate **\$19,878** from the Capital Stabilization Fund for the required town contribution for the Green Communities Grant of \$200,000 for energy repairs to the Fire Station and COA buildings; or take any other action relative thereto.

Rationale: The Town was awarded a \$200,000 grant to make energy repairs to the Fire Department and the COA Buildings. The grant requires a Town match of \$19,878 in order to receive the grant. Per the request of the Board of Selectmen.

Selectmen Recommendation:	Yes 2 - 0
FinCom Recommendation:	Yes 5 - 0
Capital Planning Recommendation:	Yes 5 - 0

2/3 Vote Required

Article 7: To see if the Town will vote to transfer the balance of **\$24,845.60** from Article 1(d) for the Special Town Meeting on April 30, 2018, Engineering on Bear Hill Road Culvert to General Culvert Repairs Town wide; or take any other action relative thereto.

Rationale: The Town has multiple culverts which have failed or are in the process of failing. The initial article has helped us get to the point of a shovel-ready project for Bear Hill, and continues to help us through the grant application process for replacement of such culvert. We have also received grant funding for the Mill Street culvert engineering, and want to ensure the remaining funds in the article can be used to help us reach the goal of repair/replacement town-wide for any and all future culvert needs the Town may face. Per the request of the DPW Director.

Selectmen Recommendation:	Yes 2 - 0
FinCom Recommendation:	Yes 5 - 0

Article 8: To see if the Town will vote to amend the Town of Merrimac General By-laws Section 6.5.11 by adding the following sentence;

A fee of \$150 be imposed for a violation of this section.

; or take any other action relative thereto.

Rationale: This article will allow the town to collect handicapped parking fines in a separate account to be used by the Commission on Disabilities for ADA projects approved by the Board of Selectmen. The current fine is \$10. Massachusetts General Law Chapter 40, Section 22A states that handicapped parking fines shall contain a penalty of not less than \$100 nor more than \$300. The Commission on Disabilities is asking the penalty be set at \$150. Requested by the Merrimac Commission on Disabilities.

Selectmen Recommendation: Yes 2 - 0

Article 9: To see if the Town will vote to authorize the Board of Selectmen to release and discharge the easement granted to the Town by instrument recorded the Essex South District Registry of Deeds in Book 6000, Page 404; or take any other action relative hereto.

Rationale: The homeowners of Merri Hill Tree Farm requested the easement on their property be released. The Board of Selectmen in consultation with the DPW Director agree that the access easement is no longer needed. Per the request of the Board of Selectmen.

Selectmen Recommendation: Yes 2 - 0

Article 10: To see if the Town will vote to transfer from the tax custodian for tax title purposes to the Board of Selectmen for general municipal purposes and for the purpose of conveyance, the care, custody and control of the parcel of land located on Merrimac Avenue, identified by the Assessors as Parcel 98-1-847, and acquired by the Town by low value foreclosure recorded with the Essex South District Registry of Deeds in Book 3393, Page 394, and to authorize the Board of Selectmen to convey said parcel on such terms and conditions and for such consideration as the Board of Selectmen deems appropriate; or take any other action relative hereto.

Rationale: This will allow for the sale of a parcel of land on Merrimac Ave to the abutter. Per the request of the Board of Selectmen.

Selectmen Recommendation: Yes 2 - 0

2/3 Vote Required

Article 11: To see if the Town will vote to amend the Town of Merrimac Zoning By-Laws by adding the following article;

Article 17A: Reuse of Municipal Building or Remediated Hazardous Material Site

- 17A.1. Purpose. The purpose of the Reuse of Municipal Building or Remediated Hazardous Material Site bylaw is to provide for a range of multi-family affordable housing types in the Town of Merrimac through the reuse of existing municipal buildings or redevelopment of former hazardous material sites.
- 17A.2. Applicability. This bylaw shall apply to sites containing municipal buildings (or former municipal buildings) designated for reuse or at remediated sites that have formerly been found to contain hazardous materials as further detailed herein.
- 17A.3. Permit Granting Authority. The Planning Board shall be the special permit granting authority for applications made in accordance with this section and may, subject to the provisions of this section, grant a SPECIAL PERMIT for MULTI-FAMILY DWELLING qualifying as AFFORDABLE HOUSING for LOW- AND MODERATE INCOME HOUSEHOLDS, if at least 25% of the units meet the requirements of 760 CMR 56.00, in existing or former municipal buildings which have been designated for reuse or at remediated sites that have formerly been found to contain hazardous materials subject to EPA Brownfields and Land Revitalization Program or other similar program of the Commonwealth of Massachusetts. DWELLING UNITS may include one-, two-, or three-bedrooms.

- 17A.4 Definitions. Terms used herein shall be as defined in the Zoning Bylaw, unless otherwise defined herein or in the event the context clearly means otherwise.
- MUNICIPAL USE: A building shall be considered in municipal use if substantially all of that building was actively used for municipal purposes for at least ten (10) continuous years, and it is currently owned by the Town. Buildings associated with public parks and municipal cemeteries are excluded for purposes of this bylaw.
- HAZARDOUS MATERIAL: A hazardous material is a waste with properties that make it dangerous or capable of having a harmful effect on human health or the environment. Hazardous waste is generated from many sources, ranging from industrial manufacturing process wastes to batteries and may come in many forms, including liquids, solids gases, and sludges.
- REMIEDIATED HAZARDOUS MATERIAL SITE: A Lot that has been subject to regulated clean up efforts to remove or mitigate the release of Hazardous Materials to a level at which the land can be re-developed for economically viable uses not otherwise prohibited by law.
- 17A.5 Pre-Submission Meeting. All applicants seeking a SPECIAL PERMIT under Section 17A shall schedule a pre-submission meeting with the Planning Board to review the scope of the project and the Lot for which it is proposed. Whenever possible, the Planning Board shall include other Town boards in the pre-submission meeting. Additional pre-submission meetings may be held by mutual agreement of the Planning Board and the applicant.
- 17A.6. Reuse of Municipal Buildings in Municipal Use.
- 17A.6.1. Dimensional Regulations for existing or former Buildings in Municipal Use.
- 17A.6.1.1. There shall be no minimum LOT AREA per DWELLING UNIT requirement for the building for which the SPECIAL PERMIT is issued.
- 17A.6.1.2. The Planning Board may, in issuing a SPECIAL PERMIT hereunder, allow structural extensions and alterations to existing or former nonconforming municipal buildings where the Board finds that: (1) the changes are necessary for purposes of public health and safety, access for disabled persons, utilities, mechanical equipment or code compliance concerns and (2) the extensions and alterations shall not be substantially more detrimental than the existing nonconformity to the neighborhood.
- 17A.6.2. Any portion of the lot on which the municipal building is or formerly was located not dedicated to the development of AFFORDABLE HOUSING, including associated yard areas, parking and circulation must be used in its entirety for other municipal purposes. This requirement shall not prevent the Lot from being divided so as to create separate Lots each containing a multi-family residential use and a municipal purpose.
- 17A.7 Redevelopment of Remediated Hazardous Material Site.
- 17A.7.1. Dimensional Regulations.
- 17A.7.1.1. Maximum number of units: Up to 24 units per acre at the discretion of the Planning Board. Remediation costs and potential net profits, neighborhood, zoning district and other land use factors shall be given consideration. The applicant is not entitled to 24 units per acre and the Planning Board's determination shall be conclusive.
- 17A.7.1.2. Dimensional regulations for LOT AREA, FRONTAGE, LOT COVERAGE, and setbacks shall be as specified for the ZONING DISTRICT in which the LOT is located. As part of a special permit granted under this section, the Planning Board may vary those requirements.
- 17A.7.1.3. Maximum Building Height (Feet): 40 feet
- 17A.7.1.4. Maximum Building Height (Stories): 3 stories
- 17A.7.2. The Planning Board shall have the discretion to require greater setbacks, lesser lot coverage, lower height or more restrictive dimensional conditions.
- 17A.8. New Road Construction.
- Any new roads that serve affordable housing developments under section 17A shall be constructed in accordance with the standards of the Subdivision Rules and Regulations of the Town with the exception of width, which shall be determined by the Planning Board. Inspection of the roads during construction shall be in accordance with the procedures contained in the Subdivision Rules and Regulations and the inspection process shall be administered by the Planning Board. Such procedure shall include the payment of any fees or deposits for the inspections as required by the Subdivision Rules and Regulations at the time of site plan submittal.
- 17A.9. Parking. OFF-STREET PARKING shall be provided in accordance with Article 20 of this bylaw.

17A.10. Signs. SIGNS shall be permitted in accordance with Article 21 of this bylaw.

17A.11. Special Permit Criteria. The Planning Board may grant a SPECIAL PERMIT for reuse of a Building in Municipal Use or Redevelopment of Remediated Hazardous Material Site upon finding that the proposed use is in harmony with the general purpose and intent of this section 17A. In making its decision, the Planning Board shall consider the following criteria:

17A.11.1. Consistency with the Merrimac Master Plan.

17A.11.2. Consistency with special regulations that apply to the proposed use.

17A.11.3. Protection of adjoining Lots against detrimental or offensive uses on the site, including, but not limited to, landscaping, visual buffers, amenities provided for residents or the public.

17A.11.4. The degree to which the proposed use, viewed in its entirety, is of superior design and provides more environmental, social, and/or fiscal benefits to the Town than an alternative use permitted as of right.

17A.11.5. Adequacy of space for vehicular access to the site and off-street parking and loading/unloading on the site.

17A.11.6. Adequacy of water supplies and distribution for domestic use fire protection.

17A.11.7. Adequacy of the methods of:

17A.11.7.1. Disposal of sanitary sewage, as determined by the Board of Health or regulations of the Sewer Commission, where applicable. Connection to the municipal sewer system is required for property located in a designated sewer service area.

17A.11.7.2. Storage and disposal of refuse and solid wastes resulting from the uses permitted on the site.

17A.11.7.3. Drainage and retention of surface water.

17A.12. Site Plan Review. The site plan requirements of Article 19 of this Bylaw shall apply to section. SITE PLAN REVIEW shall be conducted concurrently with the SPECIAL PERMIT application, review, and determination procedures.

; or take any other action relative thereto.

Rationale: This article amends zoning to create a means to develop multi-family affordable housing that can serve as an alternative to the Comprehensive Special Permit process, commonly referred to as 40B. In very special circumstances, a developer will have the option to obtain a Special Permit under this new zoning bylaw rather than through the 40B process. This only applies to development of affordable housing that involves the reuse of municipal buildings or remediated hazardous material sites. By creating this zoning option it will give the Town more control over these developments than is the case with a 40B project while creating affordable housing units that qualify toward the state required 10%. Per the request of the Planning Board.

Selectmen Recommendation: Yes 2 - 0

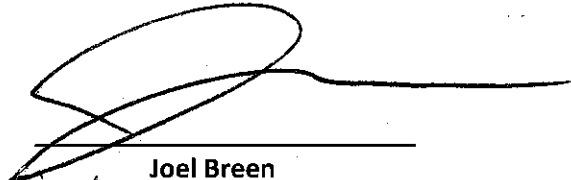
2/3 Vote Required

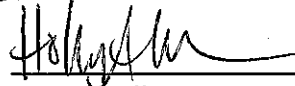
Given under our hands this 28th day of September, 2020

SELECTMEN

OF

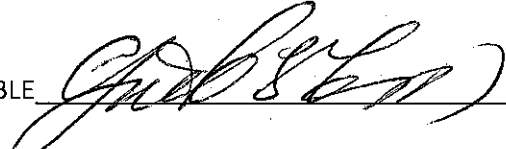
MERRIMAC



Joel Breen


Holly Moran

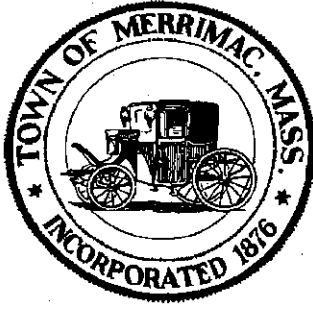
A true copy attest:

CONSTABLE 

By virtue of the above warrant to me directed, I hereby notify and warn the legal voters of the Town of Merrimac, to meet at the time and said place for the purposes therein expressed.

Posted this 1st day of October, 2020 in the following three places:

- Light Department
- Cozy Cleaners
- Town Hall



**TOWN OF MERRIMAC
OFFICE OF THE BOARD OF SELECTMEN**

2-8 School Street, Merrimac, MA 01860

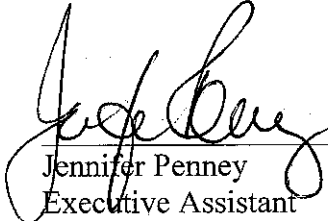
TEL (978) 346-8862

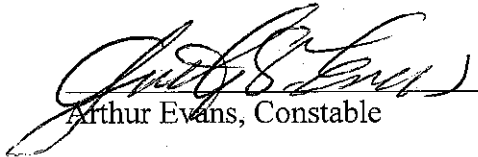
FAX (978) 346-7832

E-MAIL Selectmen@townofmerrimac.com

October 1, 2020

Arthur Evans, Constable has notified the Town of Merrimac through the Board of Selectmen that the warrant for the Special Town Meeting on October 19, 2020 at 7:30 PM at the Whittier Regional Vocational Technical High School, 115 Amesbury Line Rd, Haverhill, MA 01830 has been posted in three conspicuous places in town.


Jennifer Penney
Executive Assistant
Board of Selectmen


Arthur Evans, Constable