

LYNNFIELD TOWN WARRANT
THE COMMONWEALTH OF MASSACHUSETTS
ANNUAL TOWN MEETING – APRIL 30, 2007

Pursuant to the forgoing warrant, the legal voters of the Town of Lynnfield met in the Middle School Auditorium, Cafeteria, Gymnasium, and classrooms in said Town of Lynnfield on Monday, April 30, 2007. A quorum being present (2067 present ---- 175 required) the meeting was called to order by the Moderator, Mr. David Miller, at 7:40 p.m.

Non-registered persons were given permission to attend the meeting as spectators and stood to the right of the stage.

The moderator read the part of the warrant preceding the articles and with consent of the voters, omitted the reading of the article which would be read at the time they were taken up for action. The close of the warrant was read, including the names of the board of Selectmen, as was the Constable's return of service.

Because of the large turnout, Ron Nutter and Leonard Green served as Assistant Town Moderators in the Gymnasium and Cafeteria of the Middle School. A number of classrooms were utilized when the capacity of the Auditorium, Gymnasium, and Cafeteria was reached.

PRELIMINARY MOTION

I move that this Town Meeting be adjourned for the opening of the Special Town Meeting which is scheduled for 8:30 p.m. in the Middle School Auditorium, Gymnasium and Cafeteria, if need be, and I further move that if necessary, the Special Town Meeting be adjourned until the completion and vote on Article 4 of the Annual Town Meeting and if need be, both of these Town Meetings be adjourned to Thursday, May 3, 2007 at 7:30 p.m. in the Middle School Auditorium, Gymnasium and Cafeteria, if need be, should the business of the meetings not be completed.

MOVED BY: Darlene Drutman

ACTION: Voice vote carries by the necessary majority.

ARTICLE 1. To act on Reports of Town officers and special committees, as published.

MOTION ARTICLE 1: I move to accept the Reports of Town officers and special committees, as published.

MOVED BY: Darlene Drutman

ACTION: Voice vote carries by the necessary majority.

ARTICLE 2. To choose all Town officers not required to be chosen by ballot: viz.; three field drivers, one pound keeper and three wood measurers.

MOTION ARTICLE 2: I move that the Town vote to choose all Town officers not required to be chosen by ballot as follows: R. Gabriel Zavala, Jon Procurot and Linda Cardavelli as Field Drivers; Jon Procurot as Pound Keeper; and Kenneth Burnham, and R. Gabriel Zavala, as Wood Measurer.

MOVED BY: Arthur Bourque

A motion to amend Article 2 was made by Harry LeCours as follows: To amend Article 2 by removing "three wood measurers" and replacing it with "two wood measurers".

The motion to amend Article 2. passed.

ACTION: Article 2 was passed as amended.

ARTICLE 3. To see if the Town will vote to FIX THE COMPENSATION of each of the Elective Officers of the Town as required by General Laws, Chapter 41, Section 108, as amended.

MOTION ARTICLE 3: I move that the Town vote to FIX THE COMPENSATION of each of the Elective Officers of the Town as required by General Laws, Chapter 41, Section 108, as amended as follows:

Board of Selectmen

Chairman \$850

Member \$700

Board of Assessors

Chairman \$6,100

Member \$5,550

MOVED BY: Robert MacKendrick

ACTION: Voice vote carries unanimously.

ARTICLE 4: I move that the Town vote to amend the Zoning Bylaws of the Town of Lynnfield in accordance with the motion distributed to all members of the meeting this evening. Please refer to the lengthy handout that was made available to you on the way in this evening. You will note that there have been some changes which downsize the development and which differ in a minor way from the exact language that was presented in the Town Warrant. These

changes are shown on the Summary Change Sheet and are highlighted in the actual text of the motion itself.

**ZONING AMENDMENTS: ADOPTION OF PLANNED VILLAGE DEVELOPMENT
DISTRICT BYLAW**

AND HOUSING FOR THE ELDERLY BYLAW AMENDMENTS

MOTION ARTICLE 4: I move that the Town vote to amend the Zoning Bylaws by adding to Section 9.0, Overlay Districts, a new Section 9.5. entitled Planned Village Development District to read as follows:

“9.5. Planned Village Development District (the “PVDD”)

9.5.1. Purposes. The purposes of the PVDD are:

1. To implement the objectives of the Lynnfield Master Plan (2002), which identified the area within the PVDD for mixed-use development.
2. To promote mixed-use and economic development in a form that is safe, pedestrian friendly and meets the objectives of “smart growth” pursuant to Mass. Gen. Laws Ch. 40R.
3. To preserve significant open space for recreational use as identified in the Lynnfield Master Plan (2002).
4. To ensure high quality site planning, architecture and landscape design that enhances the distinct visual character and identity of Lynnfield and provides an environment with safety, convenience and appropriate amenities.
5. To provide for a diversified housing stock within Lynnfield, including affordable housing and housing types that meet the needs of the Town’s population, all as identified in the Lynnfield Master Plan (2002) and the Lynnfield Affordable Housing Plan (2006).
6. To generate positive tax revenue, and to benefit from the financial incentives provided by Mass. Gen. Laws Ch. 40R, while providing the opportunity for new business growth and additional local jobs.

9.5.2. Authority and applicability. The PVDD is established pursuant to the authority of Mass. Gen. Laws Ch. 40R and 760 CMR 59.00. At the option of the Applicant, development of land within the PVDD may be undertaken by means of a Site Plan Approval pursuant to the zoning controls set forth in this Section 9.5, or by complying with all applicable Underlying Zoning controls set forth in the Zoning Bylaw of the Town of Lynnfield. Notwithstanding anything to the contrary in the Zoning Bylaw, Development Projects proceeding under this Section 9.5 shall be governed solely by the provisions of this Section 9.5 and the standards and/or procedures of the Underlying Zoning shall not apply. Development Projects proposed pursuant to this Section 9.5 shall not be subject to any other provisions of the Zoning Bylaw, including limitations upon the issuance of building permits for residential uses related to a rate of development or phased growth limitation or to a local moratorium on the issuance of such permits, or to other building permit or Dwelling Unit limitations.

9.5.3. Establishment and delineation of PVDD and Sub-Districts. The PVDD is an overlay district that is superimposed over the underlying zoning district. Within the PVDD, there are two Sub-Districts identified as (1) Multi-Family Residential Sub-District, and (2) the Traditional Neighborhood Village Sub-District. The boundaries of the PVDD and the Sub-Districts are delineated as the “Planned Village Development District ‘PVDD’ and Sub-Districts” on the Zoning District Map of the Town of Lynnfield on file in the office of the Town Clerk, said map hereby made a part of the Zoning Bylaw.

9.5.4. Definitions. As used in this Section 9.5, the following terms shall have the meanings set forth below:

ADMINISTERING AGENCY – An organization designated by the Lynnfield Board of Selectmen, which may be the Lynnfield Housing Authority or other qualified housing entity, with the power to monitor and to enforce compliance with the provisions of this Bylaw related to Affordable Units, including but not limited to computation of rental and sales prices; income eligibility of households applying for Affordable Units; administration of an approved housing marketing and resident selection plan; and recording and enforcement of an Affordable Housing Restriction for each Affordable Unit in the PVDD.

AFFORDABLE UNIT - An Affordable Rental Unit or an Affordable Homeownership Unit that is affordable to and occupied by an Eligible Household.

AFFORDABLE HOUSING RESTRICTION – A deed restriction of an Affordable Homeownership Unit meeting statutory requirements in Mass. Gen. Laws Ch.184 § 31 and the requirements of Section 9.5.11 of this Bylaw.

AFFORDABLE RENTAL UNIT – A Dwelling Unit required to be rented to an Eligible Household in accordance with the requirements of Section 9.5.11 of this Bylaw.

AFFORDABLE HOMEOWNERSHIP UNIT – A Dwelling Unit required to be sold to an Eligible Household in accordance with the requirements of Section 9.5.11 of this Bylaw.

APPLICANT – A landowner or other petitioner who files a site plan for a Development Project subject to the provisions of this Bylaw.

APPLICATION – A petition for Site Plan Approval filed with the Approving Authority by an Applicant and inclusive of all required documentation as specified in administrative rules adopted pursuant to Section 9.5.12.

APPROVING AUTHORITY – The Planning Board of the Town of Lynnfield acting as the authority designated to review projects and issue approvals under this Section 9.5.

AS-OF-RIGHT DEVELOPMENT - A Development Project allowable under this Section 9.5 without recourse to a special permit, variance, zoning amendment, or other form of

zoning relief. A Development Project that is subject to the Site Plan Review requirement of this Section 9.5 shall be considered an As-of-Right Development.

BASEMENT - The lowest floor level of a building which is either fully or partially below grade, whether or not fully enclosed.

CINEMA - A theater designed and constructed for the primary intended purpose of showing films or movies for a fee.

CONSERVATION USE - Any woodland, grassland, wetland, agricultural or horticultural use of land, any use of land for the construction and use of ponds or storm water management facilities.

DEPARTMENT – The Massachusetts Department of Housing and Community Development (DHCD) or any successor agency.

DESIGN STANDARDS – The document entitled Lynnfield 40R Planned Village Development District Design Standards, as amended, approved by DHCD on ___ April 19, 2007 pursuant to M.G.L. Chapter 40R, Section 10. The Design Standards are applicable to all Development Projects within the PVDD that are subject to Site Plan Review by the Approving Authority.

DEVELOPABLE LAND – All land within the PVDD that can be feasibly developed into Development Projects. Developable Land shall not include: the rights-of-way of existing public streets and ways; or areas that are: (1) protected wetland resources (including buffer zones) under federal, state, or local laws; (2) land located within the FP Flood Plain Zoning District in the Town of Lynnfield and subject to seasonal or periodic flooding; or (3) rare species habitat designated under federal or state law. The foregoing definition shall be for purposes of calculating density under Section 9.5.7.2 and shall not limit development activities in such excluded areas if otherwise allowed by applicable law.

DEVELOPMENT LOT – One or more lots which are designated as a Development Lot on a site plan for a development proposed within the PVDD and for which Site Plan Approval is required under the provisions of this Section 9.5. The lots comprising a Development Lot need not be in the same ownership. Where the Development Lot consists of more than a single lot, the lots, in combination, shall be treated as the Development Lot, may be contiguous or non-contiguous and shall be considered as one lot for the purpose of calculating parking requirements and Dwelling Units per acre. Any development undertaken on a Development Lot is subject to the Design Standards established under Section 9.5.9 of this Bylaw.

DEVELOPMENT PROJECT – A residential or commercial development undertaken under this Section 9.5. A Development Project shall be identified on the Site Plan which is submitted to the Approving Authority for Site Plan Review.

DWELLING UNIT — One (1) or more rooms with cooking, living, sanitary and sleeping facilities arranged for the use of one (1) or more persons living together as a single housekeeping unit. The following types of Dwelling Units are specifically defined:

MULTI-FAMILY DWELLING UNITS – A residential building containing four or more Dwelling Units designed for occupancy by the same number of families as the number of Dwelling Units; and

TWO-THREE FAMILY UNITS – A residential building containing two or three Dwelling Units and where the individual Dwelling Units are not located on separate lots.

ELIGIBLE HOUSEHOLD – An individual or household whose annual income is at or below eighty percent (80%) of the area-wide median income as determined by the United States Department of Housing and Urban Development (HUD), adjusted for household size, with income computed using HUD's rules for attribution of income to assets.

FAMILY – Any number of persons living and cooking together on the premises as a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging house, or hotel.

GROSS FLOOR AREA – The floor area of space on all floors inclusive of heated basements, hallways, mechanical rooms, storage space and other miscellaneous space not exclusively occupied by a single tenant or occupant, measured from the exterior faces of exterior walls. Gross floor area does not include covered walkways, open roofed-over areas, porches, exterior terraces or steps, chimneys, roof overhangs, parking garages and unheated basements.

GROSS LEASABLE FLOOR AREA – The area of a building exclusive of hallways, mechanical rooms, storage space and other miscellaneous space not exclusively occupied by a single tenant or occupant.

HEIGHT – The distance between average finished grade adjacent to the building (exclusive of basements) and the ceiling of the upper-most heated space in the building in the case of flat roofs and, in the case of buildings with pitched roofs, at the point at which such ceiling intersects with the exterior portion of the building. The calculation of building height shall not apply to roof tanks and their supports, roof decks, ventilating, air conditioning and similar building service equipment, chimneys, railings, skylights and other similar features of buildings which are in no way designed or used for living purposes nor the portion of the pitched roof above the intersection of the ceiling of the upper-most heated space and the exterior of the building.

HOUSEHOLD INCOME, MEDIAN – The median income, adjusted for household size, as reported by the most recent information from, or calculated from regulations promulgated by, the United States Department of Housing and Urban Development (HUD).

INFRASTRUCTURE LETTERS - The letters issued on behalf of the Town in fulfillment of M.G.L. C. 40R, § 6(a)(11) and 760 CMR 59.04(1)(h) identifying infrastructure improvements to be made incident to the construction of one or more Development Projects in the Planned Village Development District.

LOT – A single tract of land held in common ownership throughout and defined by metes, bounds or lot lines in a deed or conveyance on a duly recorded plan.

OFFICE – A place for the regular performance of business transactions and services, generally intended for administrative, professional and clerical activities, including a medical or dental office or health clinic.

PLANNED VILLAGE DEVELOPMENT DISTRICT – An overlay zoning district adopted pursuant to Mass. Gen. Laws Ch. 40R, in accordance with the procedures for zoning adoption and amendment as set forth in Mass. Gen. Laws Ch. 40A and approved by the Department of Housing and Community Development pursuant to Mass. Gen. Laws Ch. 40R and 760 CMR 59.00.

RECREATIONAL ACCESSORY USE – A use subordinate to a Principal Residential Use on the same lot or in the same structure and serving a purpose customarily incidental to the Principal Residential Use, and which does not, in effect, constitute conversion of the Principal Use of the lot, site or structure to a use not otherwise permitted in the PVDD. Recreational Accessory Uses may include, but are not limited to greenhouse, tool shed, clubhouse, swimming pool, tennis court, basketball court, and playground.

RECREATIONAL USE – The principal use or intended principal use of land or structures for relaxation, entertainment, amusement, sports, or the like, whether on a fee or non-fee basis, but not including a cinema.

RESTAURANT – Any business establishment principally engaged in serving food, drink, or refreshments, whether prepared on or off the premises provided, however, that drive through windows are not allowed.

RETAIL USE – Business establishments selling goods and/or services to customers on-site, generally for end use personal, business or household consumption. A reasonable amount of storage of said goods shall also be assumed to be an integral part of retail use.

SHARED PARKING FACILITIES – Parking facilities designed and intended to serve more than a single use as shown on a Site Plan.

SITE PLAN – A plan depicting a proposed Development Project for all or a portion of the PVDD and which is submitted to the Approving Authority for its review and approval in accordance with the provisions of Section 9.5.12 of this Bylaw.

SITE PLAN APPROVAL – The Approving Authority’s authorization for a proposed Development Project based on a finding of compliance with this Section 9.5 of the Bylaw and Design Standards after the conduct of a Site Plan Review.

SITE PLAN REVIEW – The review procedure established by this Section 9.5 and administered by the Planning Board of the Town of Lynnfield as the Approving Authority.

SUB-DISTRICT – A specific and defined area of land within the PVDD that is subject to specific requirements for allowable uses or dimensional requirements that may differ from the requirements for allowable uses or dimensional requirements in other specific and defined areas within the PVDD. The boundaries and the names of the Sub-Districts are referred to in Section 9.5.3 of this Bylaw.

UNDERLYING ZONING – The zoning requirements adopted pursuant to Mass. Gen. Laws Ch. 40A that are otherwise applicable to the geographic area in which the PVDD is located, as said requirements may be amended from time to time.

UNDULY RESTRICT – A provision of a Planned Village Development District or a Design Standard adopted pursuant to Mass. Gen. Laws Ch. 40R and 760 CMR 59.00 that adds unreasonable costs or unreasonably impairs the economic feasibility of a proposed Development Project in a Planned Village Development District.

UNRESTRICTED UNIT – A Dwelling Unit that is not restricted as to rent, price or eligibility of occupants.

USE, ACCESSORY – A use subordinate to the Principal Use on the same lot or in the same structure and serving a purpose customarily incidental to the Principal Use, and which does not, in effect, constitute conversion of the Principal Use of the lot, site or structure to a use not otherwise permitted in the PVDD. Except where otherwise noted, Accessory Uses are permitted or prohibited in the PVDD to the same extent as if such uses were Principal Uses.

USE, PRINCIPAL – The main or primary purpose for which a structure, building, or lot is designed, arranged, licensed, or intended, or for which it may be used, occupied, or maintained under this Section 9.5. More than one Principal Use is permitted as-of-right on a lot or within a Development Project.

9.5.5. Permitted uses.

1. The following principal uses shall be permitted in the following Sub-Districts As-of-Right upon Site Plan Approval pursuant to the provisions of this Section 9.5.:

	Multi-Family Dwelling Unit	Two and Three Family Dwelling Units	Retail and Restaurant	Office	Conservation	Recreational Use, Principal
Multi-Family Residential Sub-District	Yes	Yes	No	No	Yes	No
Traditional Neighborhood Village Sub-District	No	No	Yes	Yes	Yes	Yes

2. Parking accessory to any of the above permitted uses, including surface parking, parking under buildings, and above and below grade structured parking, subject to the dimensional requirements of this Section 9.5.
3. In addition to the foregoing Principal Uses, Recreational Accessory Uses shall be permitted as accessory to the residential uses within the Multi-Family Residential Sub-District.

9.5.6 Prohibited uses or activities in the PVDD. All uses not expressly allowed are prohibited. The following uses are expressly prohibited:

1. Landfills, open dumps, or the disposal of solid wastes, other than brush or stumps.
2. Storage of liquid petroleum products, except for the following:
 - (a) Normal household use, outdoor maintenance and heating of a structure;
 - (b) Waste oil retention facilities required by statute, rule or regulation;
 - (c) Emergency generators; fuel (including ultra low sulfur diesel fuel) stored where feasible;
 - (d) Treatment works approved under 314 CMR 5.00 for treatment of ground or surface waters; provided that storage listed in items (a) through (c) above is in free-standing containers within buildings or above ground with secondary containment adequate to contain a spill the size of the container's total storage capacity; and
 - (e) Sales to consumers in enclosed containers.

3. The construction or operation of a commercial, industrial or business property that involves in any way the burning or use of diesel fuel or involves the regular use and operation of vehicles using or burning diesel fuel ("diesel burning site").
4. The disposal of liquid or leachable wastes, except for normal sanitary wastes for allowed uses and a wastewater treatment plant approved under applicable law.
5. The landfilling or storage of sludge or septage. Except where storage of sludge or septage is incidental to an allowed use, in which case sludge or septage must be contained in water-tight containers at least 4 feet above the historical high groundwater table elevation.
6. The use of septic system cleaners which contain toxic organic chemicals.
7. Commercial or industrial uses which discharge process wastewater on-site which contains contaminants other than normal organic wastes.
8. The mining of land except as incidental to an allowed use.
9. Facilities that generate, treat, store or dispose of hazardous waste subject to G.L., c. 21C and 310 CMR 30.00, except the following:
 - (a) Very small quantity generators as defined under 310CMR 30.00;
 - (b) Household hazardous waste collection centers and events under 310 CMR 30.390;
 - (c) Waste oil retention facilities required by G.L., c. 21, Section 52A;
 - (d) Water remediation treatment works approved under 314 CMR 5.00.
10. Storage of liquid hazardous materials as defined in G.L., c. 21E unless in a free-standing container within a building or above ground with secondary containment adequate to contain a spill the size of the container's total storage capacity.
11. Automotive service and repair shops, automobile graveyards, junk and salvage yards; small engine repair, repair of boats.
12. The storage of animal manure, unless such storage is covered or contained.
13. The storage of commercial fertilizers, soil conditioners, herbicides, or pesticides unless such storage is within a structure designed to prevent the generation and escape of contaminated runoff or leachate.
14. Cinema.

9.5.7 Dimensional and other requirements.

1. Buildings and Development Lots within the PVDD shall be subject to the dimensional and other requirements set forth in this Section 9.5.7.
2. Density. Subject to the limit on Maximum Residential Development in Section 9.5.7.8 below, Residential Uses shall be permitted As-of-Right at the following densities:
 - (a) Multi-family residential uses shall be permitted As-of-Right at a density of at least twenty-five (25) Dwelling Units per acre of Developable Land.
 - (b) Two- and Three-family residential uses shall be permitted As-of-Right at a density of at least twelve (12) Dwelling Units per acre of Developable Land.
3. Minimum area and setbacks. There shall be no minimum lot area or setback requirements within the PVDD except for the Residential Buffer described herein.
4. Height.
 - (a) In the Multi-Family Residential Sub-District, the maximum height for a Development Project shall be four stories or fifty (50) feet, whichever is taller.
 - (b) In the Traditional Neighborhood Village Sub-District, the maximum height of a one story building shall be thirty (30) feet, the maximum height of a two story building shall be forty-five (45) feet, provided further that an architectural feature of a building located at a corner or at the end of a streetscape may be permitted up to sixty (60) feet in height at locations designated in the Design Standards provided that the portion of the architectural feature above forty-five (45) feet is not occupied.
5. Buffer from adjacent existing residential development. Within the Traditional Neighborhood Village Sub-District, the overall site design shall incorporate a Residential Buffer of two hundred (200) feet in width along the easterly boundary of the PVDD, measured from the westerly sideline of the Walnut Street right-of-way or from the westerly property line of adjacent residential lots situated outside the PVDD in existence on the date of adoption of this Section 9.5, whichever is further west. No vertical construction or pavement shall be allowed within the Residential Buffer, provided that the following activities shall be permitted within the Residential Buffer: pedestrian paths and sidewalks provided said paths and sidewalks are limited to a single pedestrian access point to the District through a point of intersection with Walnut Street within fifty (50) linear feet of the primary vehicular access drive; a single vehicular access point to the District through a point of intersection with Walnut Street; cartpaths to serve adjacent recreational uses; such emergency access and egress as may be required by the Town of Lynnfield; drainage facilities; utilities and related easements but not including a wastewater treatment facility; landscaping and plantings; and signage and lighting approved by the Approving Authority pursuant to this Section 9.5.

6. Non-Frontage Development. In the PVDD and on parcels that are contiguous to the PVDD, a lot lacking frontage may be developed and used without regard to the lack of frontage, provided that the Non-Frontage Development has permanent access to a private or public way that is located within the PVDD through easements recorded with the Southern Essex District Registry of Deeds and appropriate provisions are made for parking, drainage and utilities. The development and use of such Non-Frontage Development located entirely within the PVDD shall be consistent with the requirements of this Section 9.5. Such Non-Frontage Development may be subdivided and sold or transferred, provided that each lot so subdivided retains or is granted such cross access, drainage and utility easements to serve such Non-Frontage Development. Should such transfer occur after an approval hereunder, in addition to the easements referenced above, the transferee shall demonstrate to the Approving Authority that the Non-Frontage Development shall remain in compliance with any conditions of Site Plan Approval and, for parcels that are contiguous to the PVDD, with applicable zoning requirements.
7. Number of buildings on a lot. In the PVDD, more than one principal building may be erected on a lot.
8. Maximum Residential Development. The aggregate number of Dwelling Units that may be permitted pursuant to this Section 9.5 shall be one hundred and eighty (180). All Dwelling Units permitted and constructed pursuant to this Section 9.5 shall be located within the Multi-Family Residential Sub-District.
9. Total allowable non-residential uses. The total non-residential uses within the PVDD, including retail, restaurant, office, and recreational uses, but excluding the 55,000 square feet of Gross Leasable Floor Area of the fitness facility in existence on the date of adoption of this Section 9.5, shall not exceed a total of 475,000 square feet of Gross Leasable Floor Area; provided, however, that this total shall include 50,000 square feet of Gross Leasable Floor Area that is located solely on the second floor of a building; and provided further that, for retail portions of a Development Project, the difference between Gross Leasable Floor Area and the Gross Floor Area of all retail spaces shall not exceed five percent (5%). Nothing in this section shall limit the right of the Applicant to propose that greater than 50,000 square feet of Gross Leasable Floor Area be located on the second floor of a building, subject to compliance with the Dimensional Standards in this Section 9.5.7.
10. Projects within the Traditional Neighborhood Village Sub-District shall have a mix of retail uses and sizes of stores in order to create a vibrant and economically strong retail environment. Retail uses shall be restricted as follows:
 - (a) No more than two (2) retail units may be greater than 50,000 square feet of Gross Leasable Floor Area, provided that each such retail unit shall be less than 80,000 square feet of Gross Leasable Floor Area; and

- (b) At least 25% of the total permitted retail building area of the project shall be composed of retail units of 12,500 square feet of Gross Leasable Floor Area or less.

11. Structured parking. Structured parking allowable pursuant to Section 9.5.5(2) shall be governed by this Section 9.5 and by Design Standards as adopted pursuant Section 9.5.9., and subject to the following limitations:

- (a) Structured parking in the Traditional Neighborhood Village Sub-District shall not exceed forty-five (45) feet in height and shall be approved as to capacity and location by the Approving Authority.
- (b) Structured parking in the Multi-Family Residential Sub-District shall only be permitted if located exclusively within a ground level or a sub-grade level of a residential Development Project, and provided further that said structured parking shall not result in a maximum building height in excess of the maximum allowable height in this Section 9.5.7.

9.5.8. Parking.

1. Parking shall be provided in order to meet or exceed the following minimum requirements:

Table 9.5.8-1	
Use	Minimum Required Parking
Retail	1 space per 250 square feet of Gross Leasable Floor Area
Office	1 space per 333 square feet of Gross Leasable Floor Area
Medical or Dental Office or Clinic	3 spaces for each individual office or suite, plus 3 spaces for each additional doctor or dentist within a single office or suite
Restaurant or Recreational	1 space per 200 square feet of Gross Leasable Floor Area
Residential Use	1.5 spaces per Dwelling Unit

When application of the requirements set forth above results in a number that includes a fraction, the fraction shall be rounded up to the next whole number.

2. Reduction in parking requirements. Notwithstanding anything to the contrary herein, any minimum required amount of parking may be reduced by the Approving Authority through the Site Plan Approval process, if the Applicant can demonstrate that the lesser amount of parking will not cause excessive congestion, endanger public safety, or that a lesser amount of parking will provide positive environmental or other benefits, taking into consideration:

- (a) The availability of public or commercial parking facilities in the vicinity of the use being served;
- (b) For uses in the Traditional Neighborhood Village Sub-District only, shared use of parking spaces serving other uses having peak user demands at different times;
- (c) Age or other occupancy restrictions which are likely to result in a lower level of auto usage;
- (d) Impact of the parking requirement on the physical environment of the affected lot or the adjacent lots including reduction in green space, destruction of significant existing trees and other vegetation, or loss of pedestrian amenities along public ways; and
- (e) Such other factors, including the availability of valet parking as may be considered by the Approving Authority.

Where such reduction is authorized, the Approving Authority may impose conditions of use or occupancy appropriate to such reductions.

3. Parking shall be designed and constructed to comply with all applicable disability access requirements including, but not limited to, the Americans with Disabilities Act (ADA).

9.5.9. Design standards. To ensure that new development shall be of high quality, and shall meet the standards envisioned by the Town of Lynnfield in adopting this Bylaw, the Planning Board shall adopt the Design Standards governing the issuance of Site Plan Approvals for Development Projects within the PVDD and shall file a copy with the Town Clerk. In addition to the standards set forth in this Bylaw, the physical character of Development Projects within the PVDD shall comply with such Design Standards. In the event of any conflict between this Bylaw and the Design Standards, this Bylaw shall govern and prevail.

9.5.10. Transportation network.

1. Design and location. The overall site design shall include a cohesive transportation network providing for vehicular and pedestrian circulation to and within the PVDD. Design and construction shall incorporate sound engineering and construction standards including adequate provisions for drainage.
2. Ownership and maintenance. The plans and documentation submitted to the Approving Authority shall include a description of proposed private ownership and maintenance of all traveled ways, including vehicular ways and sidewalks, and all proposed public spaces or facilities. As a condition of Site Plan Approval, the Approving Authority may require provision of an operations and maintenance plan for traveled ways and drainage facilities associated with the traveled ways. If applicable, a homeowners' association, a condominium association or a business association may be established to ensure that all traveled ways and associated drainage facilities shall be properly maintained by a private party, and that the Town of Lynnfield shall incur no expense related to such operations and maintenance.
3. Plans. The plans and any necessary supporting documents submitted with an application for Site Plan Approval within the PVDD shall show the general location, size, character, and general area of traveled ways and public spaces or facilities.

9.5.11. Affordable housing.

1. Number of affordable units. Twenty percent (20%) of all Dwelling Units constructed in a Development Project shall be maintained as Affordable Units. Twenty-five percent (25%) of all rental Dwelling Units in a Development Project shall be Affordable Units. In Development Projects in which all of the Dwelling Units are limited to occupancy by elderly persons and/or by persons with disabilities, twenty-five percent (25%) of the Dwelling Units shall be Affordable Units, whether the Dwelling Units are rental or ownership units.
2. Fractional Units. When the application of the percentages specified above results in a number that includes a fraction, the fraction shall be rounded up to the next whole number.
3. Affordable Units shall comply with the following requirements:
 - (a) The monthly rent payment for an Affordable Rental Unit, including utilities and parking, shall not exceed thirty percent (30%) of the maximum monthly income permissible for an Eligible Household, assuming a Family size equal to the number of bedrooms in the unit plus one, unless other affordable program rent limits approved by DHCD shall apply;

- (b) For an Affordable Homeownership Unit the monthly housing payment, including mortgage principal and interest, private mortgage insurance, property taxes, condominium and/or homeowner's association fees, insurance, and parking, shall not exceed thirty percent (30%) of the maximum monthly income permissible for an Eligible Household, assuming a Family size equal to the number of bedrooms in the unit plus one; and
- (c) Affordable Units required to be offered for rent or sale shall be rented or sold to and occupied only by Eligible Households.

4. Design and construction.

- (a) Design. Affordable Units must be dispersed throughout a Development Project and be comparable in initial construction quality and exterior design to the Unrestricted Units. However, nothing in this section is intended to limit a homebuyer's rights to renovate a Dwelling Unit under applicable law. The Affordable Units must have access to all on-site amenities. Affordable Units shall be finished housing units; and
- (b) Timing. All Affordable Units must be constructed and occupied not later than concurrently with construction and occupancy of Unrestricted Units and, for Development Projects that are constructed in phases, Affordable Units must be constructed and occupied in proportion to the number of units in each phase of the Development Project.

5. Unit mix. The total number of bedrooms in the Affordable Units shall, insofar as practicable, be in the same proportion to the total number of bedrooms in the Unrestricted Units.

6. Affordable housing restriction. Each Affordable Unit shall be subject to an Affordable Housing Restriction which is recorded with the Southern Essex District Registry of Deeds or the Southern Essex Registry District of the Land Court. The Affordable Housing Restriction shall provide for the implementation of the requirements of this Section 9.5. All Affordable Housing Restrictions must include, at minimum, the following:

- (a) Description of the Development Project, including whether the Affordable Unit will be rented or owner-occupied;
- (b) A description of the Affordable Homeownership Unit, if any, by address and number of bedrooms; and a description of the overall quantity and number of bedrooms and number of bedroom types of Affordable Rental Units in a Project or portion of a Project which are rental. Such restriction shall apply individually to the specifically identified Affordable Homeownership Unit and shall apply to a percentage of rental units of a rental Project or the rental portion of a Project without specific unit identification.

- (c) The term of the Affordable Housing Restriction shall be the longest period customarily allowed by law but shall be no less than thirty (30) years.
- (d) The name and address of an Administering Agency with a designation of its power to monitor and enforce the Affordable Housing Restriction;
- (e) Reference to a housing marketing and resident selection plan, to which the Affordable Unit is subject, and which includes an affirmative fair housing marketing program, including public notice and a fair resident selection process. The housing marketing and selection plan shall provide for local preferences in resident selection to the maximum extent permitted under applicable law. The plan shall designate the household size appropriate for a unit with respect to bedroom size and provide that preference for such unit shall be given to a household of the appropriate size;
- (f) A requirement that buyers or tenants will be selected at the initial sale or initial rental and upon all subsequent sales and rentals from a list of Eligible Households compiled in accordance with the housing marketing and selection plan;
- (g) Reference to the formula pursuant to which rent of a rental unit or the maximum resale price of a homeownership unit will be set;
- (h) A requirement that only an Eligible Household may reside in an Affordable Unit and that notice of any lease or sublease of any Affordable Unit to another Eligible Household shall be given to the Administering Agency;
- (i) Provision for effective monitoring and enforcement of the terms and provisions of the Affordable Housing Restriction by the Administering Agency;
- (j) Provision that the restriction on an Affordable Homeownership Unit shall run in favor of the Administering Agency and the Town of Lynnfield, in a form approved by municipal counsel, and shall limit initial sale and re-sale to and occupancy by an Eligible Household;
- (k) Provision that the restriction on Affordable Rental Units in a rental Project or rental portion of a Project shall run with the rental Project or rental portion of a Project and shall run in favor of the Administering Agency and/or the municipality, in a form approved by municipal counsel, and shall limit rental and occupancy to an Eligible Household;
- (l) Provision that the owner(s) or manager(s) of Affordable Rental Unit(s) shall file an annual report to the Administering Agency, in a form specified by that agency, certifying compliance with the provisions of this Bylaw and containing such other information as may be reasonably requested in order to ensure affordability;

- (m) A requirement that residents in Affordable Units provide such information as the Administering Agency may reasonably request in order to ensure affordability; and
- (n) Designation of the priority of the Affordable Housing Restriction over other mortgages and restrictions.

7. Administration.

- (a) Administering Agency. An Administering Agency for Affordable Units, which may be the Lynnfield Housing Authority or other qualified housing entity shall be designated by the Lynnfield Board of Selectmen and shall ensure the following:
 - i. Prices of Affordable Homeownership Units are properly computed; rental amounts of Affordable Rental Units are properly computed;
 - ii. Income eligibility of households applying for Affordable Units is properly and reliably determined;
 - iii. The housing marketing and resident selection plan conforms to all requirements and is properly administered;
 - iv. Sales and rentals are made to Eligible Households chosen in accordance with the housing marketing and resident selection plan with appropriate unit size for each household being properly determined and proper preference being given; and
 - v. Affordable Housing Restrictions meeting the requirements of this section are recorded with the Southern Essex District Registry of Deeds or the Southern Essex Registry District of the Land Court.
- (b) Housing Marketing and Selection Plan. The housing marketing and selection plan may make provision for payment by the Project Applicant of reasonable costs to the Administering Agency to develop, advertise, and maintain the list of Eligible Households and to monitor and enforce compliance with affordability requirements.
- (c) Failure of the Administering Agency. In the case where the Administering Agency cannot adequately carry out its administrative duties, upon certification of this fact by the Board of Selectmen or by the Department of Housing and Community Development, the administrative duties shall devolve to and thereafter be administered by a qualified housing entity designated by the Board of Selectmen or, in the absence of such designation, by an entity designated by the Department of Housing and Community Development.

9.5.12. Site Plan Review. The Planning Board shall be the Approving Authority for Site Plan Approvals in the PVDD, and shall adopt and file with the Town Clerk administrative rules relative to the application requirements and contents for Site Plan Review. Such administrative rules and any amendment thereto must be approved by the Department of Housing and Community Development. The Site Plan Review process encompasses the following:

1. Pre-application review. The Applicant is encouraged to participate in a pre-application review at a regular meeting of the Planning Board. The purpose of the pre-application review is to minimize the Applicant's cost of engineering and other technical experts, and to obtain the advice and direction of the Planning Board prior to filing the application. At the pre-application review, the Applicant shall outline the proposal and seek preliminary feedback from the Planning Board, other municipal review entities, and members of the public. The Applicant is also encouraged to request a site visit by the Planning Board and/or its designee in order to facilitate pre-application review.

2. Application procedures.

(a) The Applicant shall file an original of the application with the Town Clerk for certification of the date and time of filing. Said filing shall include any required forms provided by the Planning Board. A copy of the application, including the date and time of filing certified by the Town Clerk, as well as the required number of copies of the application, shall be filed forthwith by the Applicant with the Planning Board and Building Inspector. As part of any application for Site Plan Approval for a Development Project, the Applicant must submit the following documents to the Approving Authority and the Administering Agency:

- (1) evidence that the Development Project complies with the cost and eligibility requirements of Section 9.5.11;
- (2) Development Project plans that demonstrate compliance with the design and construction standards of Section 9.5.11; and
- (3) a form of Affordable Housing Restriction that satisfies the requirements of Section 9.5.11.

(b) Review fees. The Applicant shall be required to pay for reasonable consulting fees to provide peer review of the application for the benefit of the Planning Board. Such fees shall be held by the Town of Lynnfield in an interest-bearing escrow account, and shall be used only for expenses associated with the use of outside consultants employed by the Planning Board in reviewing the Site Plan application. Any surplus funds remaining after the completion of such review, including any interest accrued, shall be returned to the Applicant forthwith;

(c) Upon receipt by the Planning Board, applications shall be distributed to the Building Inspector, Fire Chief, Police Chief, Board of Health, Conservation Commission, the Board of Selectmen and the Department of Public Works. Any reports from these parties shall be submitted to the Planning Board within sixty (60) days of filing of the application; and

(d) Within thirty (30) days of filing of an application with the Planning Board, the Planning Board or its designee shall evaluate the proposal with regard to its completeness and shall submit an advisory report in writing to the Applicant certifying the completeness of the application. The Planning Board or its designee

shall forward to the Applicant, with its report, copies of all recommendations received to date from other boards, commissions or departments.

3. Public hearing. The Planning Board shall hold a public hearing and review all applications according to the procedure specified in Mass. Gen. Laws Ch. 40R § 11 and 760 CMR 59.04(1)(f).
4. Site Plan Approval decision.
 - (a) The Planning Board shall make a decision on the Site Plan application, and shall file said decision with the Town Clerk, within one hundred twenty (120) days of the date the application was received by the Town Clerk. The time limit for public hearings and taking of action by the Planning Board may be extended by written agreement between the Applicant and the Planning Board. A copy of such agreement shall be filed with the Town Clerk;
 - (b) Failure of the Planning Board to take action within one hundred twenty (120) days or extended time, if applicable, shall be deemed to be an approval of the application;
 - (c) An Applicant who seeks approval because of the Planning Board's failure to act on an application within the one hundred twenty (120) days or extended time, if applicable, must notify the Town Clerk in writing of such approval, within fourteen (14) days from the expiration of said time limit for a decision, and that a copy of that notice has been sent by the Applicant to the parties in interest by mail and that each such notice specifies that appeals, if any, shall be made pursuant to Mass. Gen. Laws Ch. 40R and shall be filed within twenty (20) days after the date the Town Clerk received such written notice from the Applicant that the Planning Board failed to act within the time prescribed;
 - (d) The Planning Board's findings, including the basis of such findings, shall be stated in a written decision of approval, conditional approval or denial of the application for Site Plan Approval. The written decision shall contain the name and address of the Applicant, identification of the land affected and its ownership, and reference by date and title to the plans that were the subject of the decision. The written decision shall certify that a copy of the decision has been filed with the Town Clerk and that all plans referred to in the decision are on file with the Planning Board;
 - (e) The decision of the Planning Board, together with the detailed reasons therefor, shall be filed with the Town Clerk, the Board of Appeals and the Building Inspector. A certified copy of the decision shall be mailed to the owner and to the Applicant, if other than the owner. A notice of the decision shall be sent to the parties in interest and to persons who requested a notice at the public hearing; and

- (f) Effective date. If twenty (20) days have elapsed after the decision has been filed in the office of the Town Clerk without an appeal having been filed or if such appeal, having been filed, is dismissed or denied, the Town Clerk shall so certify on a copy of the decision. If the application is approved by reason of the failure of the Planning Board to timely act, the Town Clerk shall make such certification on a copy of the notice of application. A copy of the decision or notice of application shall be recorded with the title of the land in question in the Southern Essex District Registry of Deeds, and indexed in the grantor index under the name of the owner of record or recorded and noted on the owner's certificate of title. The responsibility and the cost of said recording and transmittal shall be borne by the owner of the land in question or the Applicant.
5. Criteria for approval. The Planning Board shall approve the Development Project upon the following findings:
- (a) The Applicant has submitted the required fees and information as set forth in applicable regulations;
 - (b) The proposed Development Project as described in the application meets all of the requirements and standards set forth in this Section 9.5 and applicable Design Standards, or a waiver has been granted therefrom; and
 - (c) Any extraordinary adverse potential impacts of the Development Project on nearby properties have been adequately mitigated.

For a Development Project subject to the Affordability requirements of Section 9.5.11, compliance with condition (b) above shall include written confirmation by the Approving Authority that all requirements of that Section have been satisfied. Prior to the granting of Plan Approval for a Project, the Applicant must demonstrate, to the satisfaction of the Administering Agency, that the method by which such affordable rents or affordable purchase prices are computed shall be consistent with state or federal guidelines for affordability applicable to the Town of Lynnfield.

6. Criteria for conditional approval. The Planning Board may impose conditions on a Development Project as necessary to ensure compliance with the PVDD requirements of this Section 9.5 and applicable Design Standards, or to mitigate any extraordinary adverse impacts of the Development Project on nearby properties, insofar as such conditions are compliant with the provisions of Mass. Gen. Laws Ch. 40R and applicable regulations and do not Unduly Restrict opportunities for development.
7. Criteria for denial. The Planning Board may deny an application for Site Plan Approval pursuant to this Section 9.5 of the Bylaw only if the Planning Board finds one or more of the following:
- (a) The Development Project does not meet the requirements and standards set forth in this Section 9.5 and applicable Design Standards;

- (b) The Applicant failed to submit information and fees required by this Section 9.5 and necessary for an adequate and timely review of the design of the Development Project or potential Development Project impacts; or
 - (c) It is not possible to adequately mitigate significant adverse Development Project impacts on nearby properties by means of suitable conditions.
8. Time limit. A project approval shall remain valid and shall run with the land indefinitely provided that construction has commenced within two (2) years after the decision issues, which time shall be extended by the time required to adjudicate any appeal from such approval. Said time shall also be extended if the project proponent is actively pursuing other required permits for the project or if there is good cause for the failure to commence construction, or as may be provided in an approval for a multi-phase Development Project.
 9. Appeals. Pursuant to Mass. Gen. Laws Ch. 40R, § 11, any person aggrieved by a decision of the Planning Board may appeal to the Superior Court, the Land Court, or other court of competent jurisdiction within twenty (20) days after the Site Plan decision has been filed in the office of the Town Clerk.

9.5.13. Waivers. The Approving Authority may not waive provisions of this Bylaw. The Approving Authority may waive specific requirements of applicable Design Standards upon a finding that such waiver will allow the Development Project to achieve the density, affordability, mix of uses, and/or physical character allowable under this Section 9.5.

9.5.14. Project Phasing. The Approving Authority, as a condition of any Site Plan Approval, may allow a Development Project to be phased for the purpose of coordinating the Development Project with any mitigation required to address any extraordinary adverse Development Project impacts on nearby properties and with the implementation of the infrastructure improvements by the party designated as responsible under the Infrastructure Letters.

9.5.15. Change in plans after approval by Approving Authority.

1. Minor Change. After Site Plan Approval, an Applicant may apply to make minor changes in a Development Project involving minor utility or building orientation adjustments, or minor adjustments to parking or other site details that do not affect the overall buildout or building envelope of the site, or provision of open space, number of housing units, or housing need or affordability features. Such minor changes must be submitted to the Approving Authority on redlined prints of the approved plan, reflecting the proposed change, and on application forms provided by the Approving Authority. The Approving Authority may authorize such changes at any regularly scheduled meeting, without the need to hold a public hearing. The Approving Authority shall set forth any decision to approve or deny such minor

change by motion and written decision, and provide a copy to the Applicant for filing with the Town Clerk.

2. **Major Change.** Those changes deemed by the Approving Authority to constitute a major change in a Development Project because of the nature of the change in relation to the prior approved plan, or because such change cannot be appropriately characterized as a minor change as described above, shall be processed by the Approving Authority as a new application for Site Plan Approval pursuant to this Section 9.5.

9.5.16. Fair Housing Requirement. All Development Projects within the PVDD shall comply with applicable federal, state and local fair housing laws.

9.5.17. Annual update. On or before July 31 of each year, the Board of Selectmen shall cause to be filed an Annual Update with the Department of Housing and Community Development (DHCD) in a form to be prescribed by DHCD. The Annual Update shall contain all information required in 760 CMR 59.07, as may be amended from time to time, and additional information as may be required pursuant to Mass. Gen. Laws Ch. 40S and accompanying regulations. The Town Clerk of the Town of Lynnfield shall maintain a copy of all updates transmitted to DHCD pursuant to this Bylaw, with said copies to be made available upon request for public review.

9.5.18. Notification of issuance of building permits. Upon issuance of a residential building permit within the PVDD, the Building Inspector of the Town of Lynnfield shall cause to be filed an application to the Department of Housing and Community Development (DHCD), in a form to be prescribed by DHCD, for authorization of payment of a one-time density bonus payment for each residential building permit pursuant to Mass. Gen. Laws Ch. 40R. The application shall contain all information required in 760 CMR 59.06(2), as may be amended from time to time, and additional information as may be required pursuant to Mass. Gen. Laws Ch. 40S and accompanying regulations. The Town Clerk of the Town of Lynnfield shall maintain a copy of all such applications transmitted to DHCD pursuant to this Bylaw, with said copies to be made available upon request for public review.

9.5.19. Date of effect. The effective date of this Bylaw shall be the date on which such adoption is voted upon by Town Meeting pursuant to the requirements of Mass. Gen. Laws Ch. 40A § 5 and Mass. Gen. Laws Ch. 40R; provided, however, that an Applicant may not proceed with construction pursuant to this Bylaw prior to the receipt of final approval of this Bylaw and accompanying Zoning Map by both the Department of Housing and Community Development and the Office of the Massachusetts Attorney General.

9.5.20. Severability. If any provision of this Section 9.5 is found to be invalid by a court of competent jurisdiction, the remainder of Section 9.5 shall not be affected but shall remain in full force. The invalidity of any provision of this Section 9.5 shall not affect the validity of the remainder of the Zoning Bylaws of the Town of Lynnfield.”

And to make the following conforming changes to the Zoning Bylaws:

(1) Amend Section 3.1 of the Zoning Bylaws, Establishment of Districts, to add the following:

“16. Planned Village Development District (PVDD) A.T.M. 4/30/07”

(2) Amend Section 3.2 of the Zoning Bylaws, Location of Districts, to add the following sentence:

“The Planned Village Development District (PVDD) is located as shown on a separate map entitled: “Plan of Land Showing Proposed Zoning Overlay District Entitled: Planned Village Development District ‘PVDD’ and Sub-Districts”, dated March 7, 2007, which is on file in the office of the Town Clerk” and is bounded and described as follows:

A CERTAIN PARCEL OF LAND SITUATED IN THE TOWN OF LYNNFIELD, COUNTY OF ESSEX AND THE COMMONWEALTH OF MASSACHUSETTS SHOWN ON A PLAN ENTITLED: “ PLAN OF LAND SHOWING PROPOSED ZONING OVERLAY DISTRICT ENTITLED: PLANNED VILLAGE DEVELOPMENT DISTRICT ‘PVDD’ AND SUB-DISTRICTS”, DATED MARCH 7, 2007, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHERLY SIDELINE OF INTERSTATE ROUTE 95 AND THE MOST SOUTHEASTERLY CORNER OF THE PREMISES, NOW OR FORMERLY OF PHF-ND COLONIAL LLC, THENCE RUNNING S80°37'30"W, BY SAID NORTHERLY LINE OF INTERSTATE ROUTE 95, A DISTANCE OF 1713.08 FEET TO A POINT;

THENCE N05°17'53"E, BY LAND NOW OR FORMERLY OF THE CITY OF LYNN, A DISTANCE OF 149.23 FEET TO A POINT;

THENCE N84°42'07"W, BY SAID LAND NOW OR FORMERLY OF THE CITY OF LYNN, A DISTANCE OF 607.17 FEET TO A POINT;

THENCE THE FOLLOWING TWENTY COURSES BY OTHER LAND NOW OR FORMERLY OF PHF-ND COLONIAL LLC:

N05°25'12"E, A DISTANCE OF 290.33 FEET TO A POINT;

THENCE N47°55'32"W, A DISTANCE OF 278.60 FEET TO A POINT;

THENCE N14°21'08"E, A DISTANCE OF 554.07 FEET TO A POINT;

THENCE N05°29'10"W, A DISTANCE OF 209.68 FEET TO A POINT;

THENCE N31°23'41"E, A DISTANCE OF 199.25 FEET TO A POINT;

THENCE N49°08'00"W, A DISTANCE OF 275.51 FEET TO A POINT;

THENCE N23°46'01"W, A DISTANCE OF 134.78 FEET TO A POINT;

THENCE N66°13'59"E, A DISTANCE OF 787.46 FEET TO A POINT;
 THENCE S14°08'46"E, A DISTANCE OF 83.60 FEET TO A POINT;
 THENCE S44°03'19"E, A DISTANCE OF 207.91 FEET TO A POINT;
 THENCE S14°03'19"E, A DISTANCE OF 176.45 FEET TO A POINT ON A NON-TANGENT CURVE;
 THENCE BY A CURVE TO THE RIGHT, HAVING A RADIUS OF 313.00 FEET, AN ARC LENGTH OF 202.58 FEET, A CHORD BEARING OF S67°34'27"E, AND A CHORD DISTANCE OF 199.07 FEET TO A POINT OF COMPOUND CURVATURE;
 THENCE BY A COMPOUND CURVE TO THE RIGHT, HAVING A RADIUS OF 121.29 FEET AND AN ARC LENGTH OF 86.74 FEET TO A POINT OF TANGENCY;
 THENCE S09°25'32"E, A DISTANCE OF 30.52 FEET TO A POINT ON A NON-TANGENT CURVE;
 THENCE BY A CURVE TO THE RIGHT, HAVING A RADIUS OF 229.50 FEET, AN ARC LENGTH OF 68.03 FEET, A CHORD BEARING OF S84°35'46"E, AND A CHORD DISTANCE OF 67.79 FEET TO A POINT OF NON-TANGENCY;
 THENCE N25°43'19"E, A DISTANCE OF 84.05 FEET TO A POINT OF CURVATURE;
 THENCE BY A CURVE TO THE LEFT, HAVING A RADIUS OF 200.50 FEET AND AN ARC LENGTH OF 104.51 FEET TO A POINT OF TANGENCY;
 THENCE N04°08'35"W, A DISTANCE OF 183.21 FEET TO A POINT;
 THENCE N85°04'01"E, A DISTANCE OF 122.19 FEET TO A POINT;
 THENCE N85°51'25"E, A DISTANCE OF 127.32 FEET TO A POINT;
 THENCE N85°39'17"E, BY LAND NOW OR FORMERLY OF NUSBLATT, A DISTANCE OF 200.00 FEET TO A POINT ON THE WESTERLY LINE OF WALNUT STREET;
 THENCE S02°07'14"E BY SAID WESTERLY LINE OF WALNUT STREET, A DISTANCE OF 51.41 FEET TO A POINT;
 THENCE S09°47'09"E BY SAID WESTERLY LINE OF WALNUT STREET, A DISTANCE OF 59.63 FEET TO A POINT;
 THENCE S69°39'56"W, BY LAND NOW OR FORMERLY OF ROACH, A DISTANCE OF 214.43 FEET TO A POINT;
 THENCE S10°19'04"E, BY SAID LAND NOW OR FORMERLY OF ROACH, A DISTANCE OF 152.00 FEET TO A POINT;
 THENCE N69°15'20"E, BY SAID LAND NOW OR FORMERLY OF ROACH, A DISTANCE OF 217.19 FEET TO A POINT ON THE WESTERLY LINE OF WALNUT STREET;
 THENCE S32°37'04"E BY SAID WESTERLY LINE OF WALNUT STREET, A DISTANCE OF 133.00 FEET TO A POINT;
 THENCE THE FOLLOWING FIVE COURSES BY LOT A:
 S76°25'24"W, A DISTANCE OF 62.23 FEET TO A POINT;

THENCE S55°15'04"W, A DISTANCE OF 128.98 FEET TO A POINT;

THENCE S34°12'01"E, A DISTANCE OF 165.66 FEET TO A POINT;

THENCE N54°56'17"E, A DISTANCE OF 95.00 FEET TO A POINT;

THENCE N67°30'32"E, A DISTANCE OF 83.75 FEET TO A POINT ON A CURVE ON THE WESTERLY LINE OF WALNUT STREET;

THENCE THE FOLLOWING FOUR COURSES BY SAID WESTERLY LINE OF WALNUT STREET:

BY A CURVE TO THE RIGHT, HAVING A RADIUS OF 780.00 FEET AND AN ARC LENGTH OF 134.29 FEET TO A POINT OF TANGENCY;

THENCE S15°46'29"E, A DISTANCE OF 113.26 FEET TO A POINT OF CURVATURE;

THENCE BY A CURVE TO THE LEFT, HAVING A RADIUS OF 1030.00 FEET AND AN ARC LENGTH OF 174.15 FEET TO A POINT OF TANGENCY;

THENCE S25°24'03"E, A DISTANCE OF 162.21 FEET TO A POINT ON THE NORTHWESTERLY SIDELINE OF INTERSTATE ROUTE 95;

THENCE THE FOLLOWING SIX COURSES BY SAID NORTHWESTERLY SIDELINE OF INTERSTATE ROUTE 95:

S07°42'43"E, A DISTANCE OF 55.66 FEET TO A POINT;

THENCE S19°54'13"E, A DISTANCE OF 143.68 FEET TO POINT;

THENCE S27°03'28"E, A DISTANCE OF 118.25 FEET TO A POINT;

THENCE S45°16'13"E, A DISTANCE OF 141.11 FEET TO A POINT;

THENCE S31°19'43"E, A DISTANCE OF 239.76 FEET TO A POINT;

THENCE S26°06'58"E, A DISTANCE OF 103.88 FEET TO THE POINT OF BEGINNING.

CONTAINING APPROXIMATELY 80.25 ACRES OF LAND.

THENCE S55°15'04"W, A DISTANCE OF 128.98 FEET TO A POINT;

THENCE S34°12'01"E, A DISTANCE OF 165.66 FEET TO A POINT;

THENCE N54°56'17"E, A DISTANCE OF 95.00 FEET TO A POINT;

THENCE N67°30'32"E, A DISTANCE OF 83.75 FEET TO A POINT ON A CURVE ON THE WESTERLY LINE OF WALNUT STREET;

THENCE THE FOLLOWING FOUR COURSES BY SAID WESTERLY LINE OF WALNUT STREET:

BY A CURVE TO THE RIGHT, HAVING A RADIUS OF 780.00 FEET AND AN ARC LENGTH OF 134.29 FEET TO A POINT OF TANGENCY;

THENCE S15°46'29"E, A DISTANCE OF 113.26 FEET TO A POINT OF CURVATURE;

THENCE BY A CURVE TO THE LEFT, HAVING A RADIUS OF 1030.00 FEET AND AN ARC LENGTH OF 174.15 FEET TO A POINT OF TANGENCY;

THENCE S25°24'03"E, A DISTANCE OF 162.21 FEET TO A POINT ON THE NORTHWESTERLY SIDELINE OF INTERSTATE ROUTE 95;

THENCE THE FOLLOWING SIX COURSES BY SAID NORTHWESTERLY SIDELINE OF INTERSTATE ROUTE 95:

S07°42'43"E, A DISTANCE OF 55.66 FEET TO A POINT;

THENCE S19°54'13"E, A DISTANCE OF 143.68 FEET TO POINT;

THENCE S27°03'28"E, A DISTANCE OF 118.25 FEET TO A POINT;

THENCE S45°16'13"E, A DISTANCE OF 141.11 FEET TO A POINT;

THENCE S31°19'43"E, A DISTANCE OF 239.76 FEET TO A POINT;

THENCE S26°06'58"E, A DISTANCE OF 103.88 FEET TO THE POINT OF BEGINNING.

CONTAINING APPROXIMATELY 80.25 ACRES OF LAND.

And to see if the Town will vote to amend the Zoning Bylaws and Zoning District Map of the Town of Lynnfield as follows:

Section 1. To amend the Zoning District Map of the Town of Lynnfield as amended through July 2002 by changing from the Single Residence B District to the Housing for the Elderly District (EH) the parcel of land situated off Walnut Street containing 6.13± acres shown on a plan entitled: "Plan of Land Showing Parcel to be Rezoned to the Housing for the Elderly District", dated March 7, 2007 by Geller Devellis Inc., a copy of which is on file with the Town Clerk and bounded and described as follows:

A CERTAIN PARCEL OF LAND SITUATED IN THE TOWN OF LYNNFIELD, COUNTY OF ESSEX AND THE COMMONWEALTH OF MASSACHUSETTS SHOWN ON A PLAN ENTITLED: "PLAN OF LAND SHOWING PARCEL TO BE REZONED TO THE HOUSING FOR THE ELDERLY DISTRICT", DATED

MARCH 7, 2007, BY GELLER DEVELLIS INC., AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT BEING S85°28'13"W AND 249.51 FEET DISTANT FROM THE MOST SOUTHWESTERLY CORNER OF LAND NOW OR FORMERLY OF NUSBLATT, THENCE RUNNING THE FOLLOWING FIFTEEN COURSES BY OTHER LAND NOW OR FORMERLY OF PHF-ND COLONIAL LLC: S04°08'35"E, A DISTANCE OF 183.21 FEET TO A POINT OF CURVATURE;

THENCE BY A CURVE TO THE RIGHT, HAVING A RADIUS OF 200.50 FEET AND AN ARC LENGTH OF 104.51 FEET TO A POINT OF TANGENCY;

THENCE S25°43'19"W, A DISTANCE OF 84.05 FEET TO A POINT OF NON-TANGENCY;

THENCE BY A CURVE TO THE LEFT, HAVING A RADIUS OF 229.50 FEET, AN ARC LENGTH OF 68.03 FEET, A CHORD BEARING OF N84°35'46"W, AND A CHORD DISTANCE OF 67.79 FEET TO A POINT OF NON-TANGENCY;

THENCE N09°25'32"W, A DISTANCE OF 30.52 FEET TO A POINT OF CURVATURE;

THENCE BY A CURVE TO THE LEFT, HAVING A RADIUS OF 121.29 FEET AND AN ARC LENGTH OF 86.74 FEET TO A POINT OF COMPOUND CURVATURE;

THENCE BY A COMPOUND CURVE TO THE LEFT, HAVING A RADIUS OF 313.00 FEET AND AN ARC LENGTH OF 202.58 FEET TO A POINT;

THENCE N14°03'19"W, A DISTANCE OF 176.45 FEET TO A POINT;

THENCE N44°03'19"W, A DISTANCE OF 207.91 FEET TO A POINT;

THENCE N14°08'46"W, A DISTANCE OF 83.60 FEET TO A POINT;

THENCE N14°01'44"W, A DISTANCE OF 288.12 FEET TO A POINT;

THENCE N55°51'32"E, A DISTANCE OF 201.41 FEET TO A POINT;

THENCE S34°08'28"E, A DISTANCE OF 530.20 FEET TO A POINT;

THENCE S04°08'28"E, A DISTANCE OF 192.58 FEET TO A POINT;

THENCE N85°51'32"E, A DISTANCE OF 140.50 FEET TO THE POINT OF BEGINNING.

CONTAINING APPROXIMATELY 6.132 ACRES OF LAND ACCORDING TO SAID PLAN.

Section 2. To amend the Zoning Bylaws by adding, at the end of Section 10.3, "Lot Area and Frontage", the following:

"In Elderly Housing District, the "Lot Frontage Required" may be met upon a way situated within an adjoining 40R District (i.e. an overlay district adopted by the Town pursuant to General Laws, c. 40R) provided that:

- (a) the lot in the Elderly Housing District has vested rights in said way over the entire frontage and to a public way, for all purposes for

- which ways may be used in the Town of Lynnfield and for the installation of utilities,
- (b) the way has been approved by the Planning Board as part of a Plan Approval for a Development Project within said 40R District, and
 - (c) the way will be privately maintained by the owner of such Development Project within said 40R District.”

Section 3. To amend the Zoning Bylaws by adding, at the end of Section 5.6, “Accessory Uses in Housing for the Elderly Districts,” the following:

“3. Private garage parking space for not more than two (2) vehicles per dwelling unit. Such garage space, if accessory to a townhouse-style unit, shall consist of garages attached to the dwelling units to which they are accessory and, if accessory to apartment-style multifamily dwellings, shall consist of a common garage situated beneath the multi-unit residential building to which it is accessory. The storage of boats, trailers, and motor homes in the Housing for the Elderly District is prohibited.”

If any provision or section of this Article shall, to any extent, be determined by a final judgment of a court of competent jurisdiction to be invalid or inoperative for any reason, the remainder of this Article shall not be affected thereby. Further, the pendency of a judicial challenge to the validity of any provision or section of this Article shall not affect the validity or effectiveness of the remainder of this Article;

or what action it will take thereon.

MOVED BY: Darlene Drutman

A standing vote was taken to grant permission to Ted Tye of National Development to speak and show a short presentation.

Yes: 1501

No: 281

Motion passed by the necessary 2/3rd's vote.

Article 4 Action: Standing vote, motion passes by the necessary 2/3rd vote.

YES: 1592 NO: 391

ARTICLE 5. To see if the Town will vote to raise and appropriate, appropriate by transfer from available funds, or otherwise, a sum of money for the necessary Town charges and expenses, or what action it will take thereon.

MOTION ARTICLE 5: I move that the Town vote to raise and appropriate, appropriate by transfer from available funds, or otherwise, the sum of \$36,710,985 for the necessary Town charges and expenses as presented by the Board of Selectmen and as shown in the Finance Committee Report on page 34 thereof.

MOVED BY: Arthur Bourque

A motion to move the question was passed.

ACTION: Voice vote passes unanimously.

ARTICLE 6. To see if the Town will vote to raise and appropriate, appropriate by transfer from available funds or by borrowing, or from any or all such sources, sums of money for the purchase of various equipment and items in the nature of capital expenditure and to give authority to credit the value of the various old equipment to be turned in toward the purchase price of said items, said sums of money to be expended under the direction of various Town boards, committees, or officers, or what action it will take thereon.

MOTION ARTICLE 6: I move that the town vote to raise and appropriate the sum of \$125,000 to be used to make additional improvements to the South School Building to accommodate the space needs of the Lynnfield School Department, or what action it will take thereon.

MOVED BY: Robert MacKendrick

ACTION: A Motion to indefinitely postpone Article #6 was unanimously passed.

ARTICLE 7. To see if the Town will vote to authorize the establishment of a Revolving Fund under the provisions of Chapter 44, Section 53 E-1/2, to be spent by the Council on Aging, limited to a certain amount, without further appropriation during FY 2008, to pay expenses and contractual services required to operate Senior Center Activities and field trips; said fund to be credited with all fees and charges received during FY 2008 from persons taking part in said activities and field trips, or what action it will take thereon.

MOTION ARTICLE 7: I move that the Town vote to authorize the establishment of a Revolving Fund under the provisions of Chapter 44, Section 53 E-1/2, to be spent by the Council on Aging, and to authorize said Council on Aging to expend no more than \$75,000, without further appropriation during FY2008, to pay expenses and contractual services required to operate Senior Center Activities and field trips; said fund to be credited with all fees and charges received during FY2008 from persons taking part in said activities and field trips.

MOVED BY: Darlene Drutman

ACTION: Voice vote carries unanimously.

ARTICLE 8. To see if the Town will vote to authorize the establishment of a Revolving Fund under the provisions of Chapter 44, Section 53 E-1/2, to be spent by the Board of Health, limited to a certain amount, without further appropriation during FY 2008, to pay expenses and contractual services required to operate the Flu Clinic; said fund to be credited with recovery through third party billing received during FY 2008 from persons taking part in said activities, or what action it will take thereon.

MOTION ARTICLE 8: I move that the Town vote to authorize the establishment of a Revolving Fund under the provisions of Chapter 44, Section 53 E-1/2, to be spent by the Board of Health, and to authorize said Board of Health to expend no more than \$10,000, without further appropriation during FY2008, to pay expenses and contractual services required to operate the Flu Clinic; said fund to be credited with recovery through third party billing received during FY 2008 from persons taking part in said activities.

MOVED BY: Arthur Bourque

ACTION: Voice vote carries unanimously.

ARTICLE 9. To see if the Town will vote to authorize the establishment of a Revolving Fund under the provisions of Chapter 44, Section 53 E-1/2, to be spent by the Board of Library Trustees, limited to a certain amount, without further appropriation during FY 2008, to pay expenses related to book replacement and new book acquisitions, said fund to be credited with all fines collected for the loss of library books received during FY 2008 from persons paying such fines, or what action it will take thereon.

MOTION ARTICLE 9: I move that the Town vote to authorize the establishment of a Revolving Fund under the provisions of Chapter 44, Section 53 E-1/2, to be spent by the Board of Library Trustees, limited to \$10,000, without further appropriation during FY 2008, to pay expenses related to book replacement and new book acquisitions, said fund to be credited with all fines collected for the loss of library books received during FY 2008 from persons paying such fines, or what action it will take thereon.

MOVED BY: Robert MacKendrick

ACTION: Voice vote carries unanimously.

ARTICLE 10. To see if the Town will vote to appropriate a sum of money from Emergency Medical Service Enterprise receipts to defray the cost of providing emergency medical services in the Town of Lynnfield.

MOTION ARTICLE 10: I move that the Town vote to appropriate the sum of \$425,000.00 from the Emergency Medical Service Enterprise receipts to defray the cost of providing emergency medical services in the Town of Lynnfield.

MOVED BY: Darlene Drutman

ACTION: Voice vote passes unanimously.

ARTICLE 11. To see if the Town will vote to appropriate a sum of money from Golf Enterprise receipts to pay expenses and contractual services required to operate the Lynnfield Center Golf Course, and to pay the debt service in connection therewith; said Enterprise Fund to be

credited with all fees and charges received during Fiscal Year 2008 from persons using the golf course; or what action it will take thereon.

MOTION ARTICLE 11: I move that the Town vote to appropriate during Fiscal Year 2008, the sum of \$695,000 in Enterprise receipts to pay expenses and contractual services required to operate the Lynnfield Center Golf Course, and to pay the debt service in connection therewith; said fund to be credited with all fees and charges received during Fiscal Year 2008 from persons using the golf course and all bond premiums generated on account of Golf Course related debt.

MOVED BY: Arthur Bourque

A motion to amend Article 11 was made by Robert MacKendrick as follows: To see if the Town will vote to appropriate a sum of money from Golf Enterprise receipts to pay expenses and contractual services required to operate the Lynnfield Center Golf Course, **also known as Reedy Meadow Golf Course**, and to pay the debt service in connection therewith; said Enterprise Fund to be credited with all fees and charges received during Fiscal Year 2008 from persons using the golf course; or what action it will take thereon.

ACTION: Article 11 passes unanimously as amended.

ARTICLE 12. To see if the Town will vote to authorize the Board of Selectmen to abandon a portion of a certain drainage easement and all rights thereunder, running from Freeman Street to Main Street, by virtue of the Town's ownership of said easement over the premises at 3 Freeman Street, Lynnfield, Massachusetts, shown on Assessors' Map 32 as Lot 2753, and hereinafter more fully described, said abandonment running to Michelle Varano and her successors, assigns and grantees forever, and, in consideration thereof, to acquire a 15 ft. wide perpetual drainage easement in place of said easement from Vivek Yadav and Niru Bhatia-Yadav, owners of the premises at 88 Main Street, Lynnfield, Massachusetts, being shown on Assessors' Map 38, as Parcel 623.

Said perpetual drainage easement to be abandoned is shown on plan entitled "Sketch Plan in Lynnfield, Mass.", dated January 19, 2007, revised March 11, 2007, by Hayes Engineering, Inc., a copy of which plan is on file with the Town Clerk. Said easement is more particularly bounded and described as follows:

- Westerly by land of Varano, 29.37 feet;
- Northeasterly again by land of Varano, 79.07 feet;
- Southeasterly by land of Tammara, 25.08 feet;
- Southwesterly by land of Vivek and Niru Bhatia-Yada, 70.34 feet.

Said 15 ft. wide perpetual drainage easement to be acquired by the Town is shown on plan entitled "Sketch Plan in Lynnfield, Mass.", dated January 19, 2007, revised March 11, 2007, by Hayes Engineering, Inc., a copy of which plan is on file with the Town Clerk. Said easement is more particularly bounded and described as follows:

- Northwesterly by Freeman Street, 15.05 feet;
- Northeasterly by land of Varano, 119.58 feet;

Southeasterly by land of Vivek and Niru Bhatia-Yada, 15.00 feet;
Southwesterly again by land of Vivek and Niru Bhatia-Yada, 103.30 feet.

or what action it will take thereon.

MOTION ARTICLE 12: I move that the Town vote to authorize the Board of Selectmen to abandon a portion of a certain drainage easement and all rights thereunder, running from Freeman Street to Main Street, by virtue of the Town's ownership of said easement over the premises at 3 Freeman Street, Lynnfield, Massachusetts, shown on Assessors' Map 32 as Lot 2753, and hereinafter more fully described, said abandonment running to Michelle Varano and her successors, assigns and grantees forever, and, in consideration thereof, to acquire a 15 ft. wide perpetual drainage easement in place of said easement from Vivek Yadav and Niru Bhatia-Yadav, owners of the premises at 88 Main Street, Lynnfield, Massachusetts, being shown on Assessors' Map 38, as Parcel 623.

Said perpetual drainage easement to be abandoned is shown on plan entitled "Sketch Plan in Lynnfield, Mass.", dated January 19, 2007, revised March 11, 2007, by Hayes Engineering, Inc., a copy of which plan is on file with the Town Clerk. Said easement is more particularly bounded and described as follows:

Westerly by land of Varano, 29.37 feet;
Northeasterly again by land of Varano, 79.07 feet;
Southeasterly by land of Tammaro, 25.08 feet;
Southwesterly by land of Vivek and Niru Bhatia-Yada, 70.34 feet.

Said 15 ft. wide perpetual drainage easement to be acquired by the Town is shown on plan entitled "Sketch Plan in Lynnfield, Mass.", dated January 19, 2007, revised March 11, 2007, by Hayes Engineering, Inc., a copy of which plan is on file with the Town Clerk. Said easement is more particularly bounded and described as follows:

Northwesterly by Freeman Street, 15.05 feet;
Northeasterly by land of Varano, 119.58 feet;
Southeasterly by land of Vivek and Niru Bhatia-Yada, 15.00 feet;
Southwesterly again by land of Vivek and Niru Bhatia-Yada, 103.30 feet.

MOVED BY: Robert MacKendrick

ACTION: Voice vote carries unanimously.

CLOSING MOTION: I move that this meeting be adjourned sine die.

MOVED BY: Darlene Drutman

ACTION: Voice vote carries unanimously.

Town Meeting adjourned at 11:58 p.m.

A TRUE COPY ATTEST: AMY K. SUMMERS, TOWN CLERK

The following is a True Copy Attest of the "Doings" of Article #1 of the April 30, 2007 Special Town Meeting.

The Special Town Meeting was opened at 8:30 p.m. and adjourned to 10:00 p.m.

At 10:00 p.m. a motion was made and passed to adjourn to 10:10 p.m.

At 10:10 p.m. the Special Town Meeting was opened and brought to order.

Article 1. To see if the Town will vote to transfer from available funds, sums of money to supplement certain accounts in the current 2007 Fiscal Year where balances are below projected expenditures for various reasons, or what action it will take thereon.

MOVED BY: Darlene Drutman

MOTION: I move that the town vote to transfer from available funds and free cash, sums of money to supplement certain accounts in the current 2007 Fiscal Year as shown on the attached sheet:

Transfer To:		
0112257-574100	Property & Casualty Insurance	2,588.00
0115152-530001	Town Counsel Professional Services	22,425.00
0115552-531100	Information Systems Expenses Computer Consultant	6,000.00
0121051-514100	Police Chief Salaries	1,825.00
	Patrolmen's Overtime (use 6,450 Community Policing Funds)	70,000.00
0121053-513000		
0124051-511005	Zoning Salary- Plumbing Inspector	10,500.00
0142153-548002	DPW Motor Fuel/OIL	45,531.52
01392531-524016	Bus Repair/Maintenance	15,000.00
01392531-533000	Contractual Buses	10,000.00
01392531-545000	Custodial Supplies	6,000.00
0142351-553002	Snow and Ice Expenses	4,274.97
0191254-517006	Worker's Compensation Insurance	6,431.00
	Homeland Security Assist. To Firefighters Grant (town share)	9,627.00
0122055-585000		
3004-104000	Squad One	12,000.00
		<hr/>
		222,202.49
Transfer From:		
0112256-530007	Selectmen Town Report	4,000.00
0115551-511000	Informations Systems Salary	6,000.00
0121052-511002	Patrolmen's Salary	71,825.00
01192521-511009	Municipal Custodian Salaries	8,000.00
01392511-511008	School Bus Driver Salaries	25,000.00
01392511-511009	School Custodian Salaries	22,578.67
0142251-511010	Equipment Operators Salaries	20,000.00
0154353-515000	Veterans Benefits	4,000.00
0191151-517011	Essex County Retirement	19,798.82
0191356-517009	Unemployment Compensation	12,000.00

0191653-517010	F.I.C.A.- Medicare	25,000.00
0191955-517012	Other Employee Benefits	4,000.00
		<hr/>
		222,202.49
Transfer To:		
6100-585000	EMS Capital Equipment	35,380.00
Transfer From:		
6100-359000	Free Cash-EMS Enterprise	35,380.00
Transfer To:		
90152001-517001	School Health Insurance	39,000.00
Transfer From:		
0100-359000	Free Cash-General Fund	39,000.00
Transfer To:		
6350-497500	Golf Course Enterprise	175,000.00
Transfer From:		
2534-597000	Sale of Real Estate	175,000.00
		<hr/>
	* Reserve Fund Transfer Printing & Postage TM Books	10,000.00
		<hr/>
DPW Deficits		
0142153-548002	DPW Motor Fuel/OIL	45,531.52
01392531-524016	Bus Repair/Maintenance	15,000.00
01392531-533000	Contractual Buses	10,000.00
01392531-545000	Custodial Supplies	6,000.00
0142351-553002	Snow and Ice Expenses	4,274.97
		<hr/>
		80,806.49
		<hr/>
DPW Surpluses		
01192521-511009	Municipal Custodians Salaries	8,000.00
01392511-511008	School Bus Driver Salaries	25,000.00
01392511-511009	School Custodian Salaries	22,578.67
0142251-511010	Equipment Operators Salaries	20,000.00
		<hr/>
		75,578.67

ACTION: Voice vote carries unanimously.

A True Copy Attest:

Amy K. Summers
Town Clerk

LYNNFIELD TOWN WARRANT
THE COMMONWEALTH OF MASSACHUSETTS
SPECIAL TOWN MEETING – OCTOBER 15, 2007

Essex, ss.

To the Constable of the Town of Lynnfield in the County of Essex, GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of said Town, qualified to vote in elections and in Town affairs, to meet in the Middle School Auditorium, and in the Gymnasium, if necessary, on Monday, October 15, 2007 at 7:30 p.m. then and there to act on the following articles:

MOTION SHEET
SPECIAL TOWN MEETING – OCTOBER 15, 2007

ARTICLE 1. To see if the Town will vote to raise and appropriate or appropriate by transfer from available funds, sums of money to pay overdue bills of a prior fiscal year, or what action it will take thereon.

Moved by Darlene E. Drutman

MOTION 1: I move that the Town vote to raise and appropriate the sum of \$500.00 as follows:

Removal of Beavers:	\$	500.00
		<hr/>
<i>Total</i>	\$	500.00

ACTION: Voice vote passes unanimously.

ARTICLE 2. To see if the Town will vote to raise and appropriate or transfer from available funds, sums of money to supplement certain accounts in the current 2008 Fiscal Year where balances are below projected expenditures for various reasons, or what action it will take thereon.

Moved by Arthur J. Bourque III

MOTION 2: I move that the Town vote to raise and appropriate the sum of \$91,098.00, transfer the sum of \$5850.00 from existing appropriations and to appropriate the sum of \$1,350.00 from the Perpetual Care Fund, to supplement certain accounts in the current 2008 Fiscal Year where balances are below projected expenditures and all as shown on the handout entitled FY 08 Supplemental Appropriations.

Account Number	Account Name		Amount
0112252-519700	Town Administrator Car Allowance	\$	3,600.00
0116151-513000	Town Clerk Clerical Overtime	\$	750.00
0124051-513000	Zoning Clerical Overtime	\$	1,500.00
0142252-578000	Highway Other Expense	\$	1,350.00
0112257-574000	General Liability Insurance	\$	11,934.00
0112257-574100	Property & Casualty Insurance	\$	37,429.00
0191254-517006	Worker's Compensation Insurance	\$	27,355.00
116152	Town Clerk Expenses	\$	3,950.00
116153	Town Clerk Registration Expenses	\$	3,550.00
0117151-511200	Conservation Clerical Expenses	\$	6,880.00
<i>Total</i>			\$ 98,298.00

Transfer from:

012258-519100	Selectmen's Expense Car Allowance	\$	3,600.00
0115051-513000	Operations Support Clerical Overtime	\$	2,250.00
8001-597000	Perpetual Care	\$	1,350.00
<i>Total</i>			\$ 7,200.00

Funding Sources

Transfers from Existing Appropriations	\$	5,850.00
Transfers from Perpetual Care	\$	1,350.00
Raise and Appropriate	\$	91,098.00
Total Supplemental Appropriations and Transfers	\$	98,298.00

ACTION: Voice vote carries by the necessary majority.

ARTICLE 3. To see if the Town will vote to appropriate by transfer from receipts reserved for appropriation the sum of \$29,902, said sums of money to be expended under the direction of various Town boards, committees, or officers, or what action it will take thereon.

Moved by Robert P. MacKendrick

MOTION 3: I move that the Town vote to appropriate by transfer from receipts reserved for appropriation the sum of \$29,902.00, said sums of money to be expended on repairs to the Concession Building at the High School Football field.

ACTION: Voice vote carries by the necessary majority.

ARTICLE 4. To see if the Town will vote to raise and appropriate, appropriate by transfer from available funds or by borrowing, or from any or all such sources, sums of money for the purchase of various equipment and items in the nature of capital expenditures and to give authority to credit the value of the various old equipment to be

turned in toward the purchase price of said items, said sums of money to be expended under the direction of various Town boards, committees, or officers, or what action it will take thereon.

Moved by Darlene E. Drutman

MOTION 4: I move that the Town vote to raise and appropriate the sum of \$68,000, appropriate by transfer from FREE CASH the sum of \$605,180 and to appropriate by transfer from the Capital Facilities Maintenance Fund the sum of \$200,000, for the purchase of various equipment and items in the nature of capital expenditures as shown on the handout entitled FY 08 and to give authority to credit the value of the various old equipment to be turned in toward the purchase price of said items, said sums of money to be expended under the direction of various Town boards, committees.

ITEM	APPROPRIATION
TOWN CLERK	
Voting Machines	\$ 25,000.00
TOTAL TOWN CLERK	\$ 25,000.00
 <u>CONSERVATION</u>	
Digital Camera	\$ 250.00
<u>TOTAL CONSERVATION</u>	\$ 250.00
 <u>DPW</u>	
See DPW Capital TA Recommendation (Attached)	\$ 516,800.00
 TOTAL DPW	\$ 516,800.00
 <u>Fire</u>	
EMS Vehicle (Deferred to Spring)	\$ -
TOTAL FIRE	\$ -
 <u>INFORMATION TECHNOLOGY</u>	
Town Hall Telephone System	\$ 50,000.00
SAN Storage Device	\$ 25,000.00
TOTAL INFORMATION TECHNOLOGY	\$ 75,000.00

<u>Library</u>		
Shelving	\$	5,000.00
Materials Security	\$	500.00
Digital Reader / Printer	\$	3,430.00
Feasibility Study	\$	10,000.00
Circulation Desk	\$	25,000.00
TOTAL LIBRARY	\$	43,930.00
<u>Planning</u>		
Copier	\$	5,000.00
TOTAL PLANNING	\$	5,000.00
<u>Police</u>		
Cruisers	\$	60,000.00
Portable and Mobile Radios	\$	83,200.00
TOTAL POLICE	\$	143,200.00
<u>School</u>		
Server	\$	13,000.00
7 Laptops	\$	9,800.00
Server Cabinet	\$	2,000.00
Switches	\$	2,000.00
Lockers	\$	10,000.00
Technology Repairs	\$	20,000.00
Special Ed Office Renovation	\$	5,000.00
Classroom Phones	\$	1,000.00
Auditorium Lighting	\$	1,000.00
Security Cameras	\$	4,500.00
Carpeting/Ceiling and Wall Panels	\$	5,000.00
6 LCD Monitors	\$	1,200.00
Media Center Lighting	\$	7,000.00
Phone System	\$	2,000.00
Voicemail System	\$	1,000.00
Routers	\$	15,000.00
Renovation Project	\$	7,500.00
TOTAL SCHOOL	\$	107,000.00
<u>Selectmen</u>		
Pillings Pond Maintenance	\$	15,000.00
Stabilization Fund	\$	54,000.00
TOTAL SELECTMEN	\$	9,000.00
TOTAL CAPITAL BUDGET	\$	985,180.00
RAISE AND APPROPRIATE	\$	68,000.00
FROM FREE CASH	\$	717,180.00

FROM CAPITAL FACILITIES MAINTENANCE FUND	\$	200,000.00
TOTAL CAPITAL FUNDING	\$	985,180.00
CERTIFIED FREE CASH	\$	1,015,752.00
FREE CASH APPROPRIATION	\$	(717,180.00)
REMAINING FREE CASH AVAILABLE	\$	298,572.00

ACTION: Voice vote carries unanimously.

ARTICLE 5. To see if the Town will vote to appropriate a sum of money for highway design, construction and maintenance and for all other purposes which are authorized by law and to fund such effort with so-called Chapter 90 money approved for said use by the Commonwealth of Massachusetts, or what action it will take thereon.

Moved by Arthur J. Bourque III

MOTION 5: I move that the Town vote to appropriate the sum of \$277,273.00 for highway design, construction and maintenance and for all other purposes which are authorized by law and to fund such effort with so-called Chapter 90 money approved for said use by the Commonwealth of Massachusetts.

ACTION: Voice vote carries unanimously.

ARTICLE 6. To see if the Town will vote to rezone the following parcels of land situated in Lynnfield, Massachusetts, from Office Park (OP) to Elderly Housing (EH) as shown on a plan titled "Plan of Land #525 Salem Street Lynnfield, Mass." by Hayes Engineering, Inc. dated September 24, 2007:

- A. a parcel shown on the Plan as "Access and Utility Easement" and bounded and described as follows:

Beginning at the northeasterly corner of the parcel herein described, thence running
S 53°46'40" W a distance of 40.88 feet; thence turning and running
S 59°57'15" W a distance of 90.67 feet; thence turning and running
S 30°02'45" E a distance of 31.43 feet; thence turning and running
S 26°43'59" W a distance of 216.45 feet; thence turning and running
S 12°23'07" E a distance of 61.49 feet; thence turning and running
N 63°16'01" W a distance of 48.80 feet; thence turning and running
N 33°21'10" W a distance of 193.10 feet; thence turning and running
N 55°34'26" E a distance of 242.04 feet; thence turning and running
N 53°11'10" E a distance of 77.37 feet; thence turning and running

S 76°30'50" E a distance of 69.98 feet to the point of beginning;
Containing an area of 38,909 square feet, 0.893 acres;
and

- B. a parcel shown on the Plan as "Landscape Easement" and bounded and described as follows:
Beginning the northeasterly corner of the parcel herein described, thence running
S 13°37'21" W a distance of 48.22 feet; thence turning and running
S 84°17'52" W a distance of 77.06 feet; thence turning and running
N 06°30'50" W a distance of 78.26 feet; thence turning and running
S 76°30'50" E a distance of 99.66 feet to the point of beginning;
Containing an area of 5,417 square feet, 0.124 acres;

or what action it will take thereon.

Moved by Robert P. MacKendrick

MOTION 6: I move that the Town vote to rezone two parcels of land situated in Lynnfield, Massachusetts, from Office Park (OP) to Elderly Housing (EH) as shown on a plan titled "Plan of Land #525 Salem Street Lynnfield, Mass." by Hayes Engineering, Inc. dated September 24, 2007 and as described in the warrant in Article 6 thereof.

ACTION: Voice vote carries unanimously.

ARTICLE 7. To see if the Town will vote to rezone that certain parcel of land situated in Lynnfield, Massachusetts, from Office Park (OP) to Elderly Housing (EH) as shown on a plan titled "Plan of Land #525 Salem Street Lynnfield, Mass." by Hayes Engineering, Inc. dated September 24, 2007 bounded and described as follows:

Beginning at the northeasterly corner of the premises herein described,
thence running
S 13°37'21" W a distance of 118.60 feet; thence turning and running
S 32°34'16" E a distance of 145.53 feet; thence turning and running
S 34°59'03" W a distance of 159.74 feet; thence turning and running
N 55°00'56" W a distance of 265.64 feet; thence turning and running
S 32°51'44" W a distance of 156.32 feet; thence turning and running
N 63°16'01" W a distance of 205.45 feet; thence turning and running
N 33°21'10" W a distance of 193.10 feet; thence turning and running
N 55°34'26" E a distance of 242.04 feet; thence turning and running
N 53°11'10" E a distance of 77.37 feet; thence turning and running
S 76°30'50" E a distance of 382.23 feet to the point of beginning;
Containing an area of 192,589 square feet, 4.421 acres;

or what action it will take thereon.

Moved by Darlene E. Drutman

MOTION 7: I move that the Town vote to rezone a certain parcel of land situated in Lynnfield, Massachusetts, from Office Park (OP) to Elderly Housing (EH) as shown on a plan titled "Plan of Land #525 Salem Street Lynnfield, Mass." by Hayes Engineering, Inc. dated September 24, 2007 and as described in the warrant in Article 7 thereof.

ACTION: Voice vote carries unanimously.

ARTICLE 8. To see if the Town will vote to authorize the Board of Selectmen to convey, pursuant to G.L. c. 40, § 3 and all other applicable law, for such consideration and upon such terms as the Board of Selectmen shall deem most advantageous for the Town, the following parcels of land situated in Lynnfield, Massachusetts as shown on a plan titled "Plan of Land #525 Salem Street Lynnfield, Mass." by Hayes Engineering, Inc. dated September 24, 2007 (the "Plan"):

- A. a parcel shown on the Plan as "Recreation Easement for Town of Lynnfield" and bounded and described as follows:

Beginning at the northeasterly corner of the parcel herein described, thence running

S34°59'03"W a distance of 210.23 feet; thence turning and running S78°33'32"W a distance of 47.99 feet; thence turning and running N55°00'56"W a distance of 223.48 feet; thence turning and running N32°51'44"E a distance of 245.17 feet; thence turning and running S55°00'56"E a distance of 265.64 feet to the point of beginning; Containing an area of 63,394 Square Feet, or 1.46 Acres; and

- B. a parcel shown on the Plan as "Landscape Easement" and bounded and described as follows:

Beginning the northeasterly corner of the parcel herein described, thence running

S 13°37'21" W a distance of 48.22 feet; thence turning and running S 84°17'52" W a distance of 77.06 feet; thence turning and running N 06°30'50" W a distance of 78.26 feet; thence turning and running S 76°30'50" E a distance of 99.66 feet to the point of beginning; Containing an area of 5,417 square feet, 0.124 acres;

and to authorize such Board to reserve such easements for the use of the Town as such Board shall deem most advantageous for the Town, including without limitation an easement for recreational use of the parcel described in paragraph A, above, and a landscape easement for the parcel described in paragraph B, above; and further to authorize such Board to grant an easement for all purposes for which roads may be used in the Town of Lynnfield and for the installation, construction, reconstruction, maintenance and repair of utilities, pursuant to G.L. c. 40, § 3 and all other applicable

law, for such consideration and upon such terms as such Board shall deem most advantageous for the Town, over the following parcel of land:

- C. a parcel shown on the Plan as "Access and Utility Easement" and bounded and described as follows:

Beginning at the northeasterly corner of the parcel herein described, thence running
S 53°46'40" W a distance of 40.88 feet; thence turning and running
S 59°57'15" W a distance of 90.67 feet; thence turning and running
S 30°02'45" E a distance of 31.43 feet; thence turning and running
S 26°43'59" W a distance of 216.45 feet; thence turning and running
S 12°23'07" E a distance of 61.49 feet; thence turning and running
N 63°16'01" W a distance of 48.80 feet; thence turning and running
N 33°21'10" W a distance of 193.10 feet; thence turning and running
N 55°34'26" E a distance of 242.04 feet; thence turning and running
N 53°11'10" E a distance of 77.37 feet; thence turning and running
S 76°30'50" E a distance of 69.98 feet to the point of beginning;
Containing an area of 38,909 square feet, 0.893 acres;

or what action it will take thereon.

Moved by Arthur J. Bourque III

MOTION 8: I move that the Town vote to authorize the Board of Selectmen to convey, pursuant to G.L. c. 40, § 3 and all other applicable law, for such consideration and upon such terms as the Board of Selectmen shall deem most advantageous for the Town, the parcels of land situated in Lynnfield, Massachusetts and shown on a plan titled "Plan of Land #525 Salem Street Lynnfield, Mass." by Hayes Engineering, Inc. dated September 24, 2007 (the "Plan") as described in the Warrant in Article 8 thereof.

ACTION: Voice vote carries unanimously.

ARTICLE 9. To see if the Town will vote to authorize the Board of Selectmen to accept a deed of the property located in the Town of Lynnfield, on Route 128, shown as Lot 725 on the Town's Assessors' Map 52 as a gift from Betty F. Atkins upon the conditions that Betty F. Atkins is the sole owner and upon any other terms and conditions as may be set by the Board of Selectmen, or what action it will take thereon.

Moved by Robert P. MacKendrick

MOTION: A motion to indefinitely postpone Article #9 was made by Robert MacKendrick.

ACTION: Voice vote carries unanimously.

ARTICLE 10. To see if the Town will vote to authorize the Board of Selectmen to abandon portions of certain drainage easements and all rights thereunder, running from Freeman Street to Main Street, by virtue of the Town's ownership of said easement over the premises at 118 Main Street, Lynnfield, Massachusetts, shown on Assessors' Map 32, Lot 2755, and hereinafter more fully described, said abandonment running to Alexander A. Pekar and his successors, assigns and grantees forever, and in consideration thereof, to acquire a 504 square foot perpetual drainage easement in place of said easement from Alexander A. Pekar, owner of 118 Main Street.

Said perpetual drainage easements to be abandoned are shown on plan entitled "Sketch Plan in Lynnfield, Mass.", dated June 20, 2007, by Hayes Engineering, Inc., a copy of which plan is on file with the Town Clerk. Said easements are more specifically set forth as follows:

"Easement Area to be Abandoned," 485 square feet, more or less according to said Plan.

"Easement Area to be Abandoned," 441 Square feet, more or less according to said Plan.

Said perpetual drainage easement to be acquired by the Town is shown on plan entitled "Sketch Plan in Lynnfield, Mass.", dated June 20, 2007 by Hayes Engineering, Inc., a copy of which plan is on file with the Town Clerk. Said easement is more specifically set forth as follows:

"Additional Drain Easement Area," 504 square feet, more or less according to said Plan.

or what action it will take thereon.

Moved by Darlene E. Drutman

MOTION 10: I move that the Town vote to authorize the Board of Selectmen to abandon portions of certain drainage easements and all rights thereunder, running from Freeman Street to Main Street, by virtue of the Town's ownership of said easement over the premises at 118 Main Street, Lynnfield, Massachusetts, shown on Assessors' Map 32, Lot 2755, and hereinafter more fully described, said abandonment running to Alexander A. Pekar and his successors, assigns and grantees forever, and in consideration thereof, to acquire a 504 square foot perpetual drainage easement in place of said easement from Alexander A. Pekar, owner of 118 Main Street.

Said perpetual drainage easements to be abandoned are shown on plan entitled "Sketch Plan in Lynnfield, Mass.", dated June 20, 2007, by Hayes Engineering, Inc., a copy of which plan is on file with the Town Clerk. Said easements are more specifically set forth as follows:

"Easement Area to be Abandoned," 485 square feet, more or less according to said Plan.

"Easement Area to be Abandoned," 441 Square feet, more or less according to said Plan.

Said perpetual drainage easement to be acquired by the Town is shown on plan entitled "Sketch Plan in Lynnfield, Mass.", dated June 20, 2007 by Hayes Engineering, Inc., a copy of which plan is on file with the Town Clerk. Said easement is more specifically set forth as follows:

"Additional Drain Easement Area," 504 square feet, more or less according to said Plan.

ACTION: Voice vote carries unanimously.

ARTICLE 11. To see if the Town will vote to authorize the Board of Selectmen to abandon Stacey Lane off Sevinor Road in Lynnfield, Essex County, Massachusetts, and all rights therein, which Lane is more particularly shown on a subdivision plan entitled "Definitive Plan Sevinor Road, Lynnfield, Mass.", dated July 28, 2004, by Hayes Engineering, Inc., which plan is recorded in Essex South District Registry of Deeds in Plan Book 382, Plan 100. That portion of land (consisting of the entire length and width of Stacey Lane and the turnaround at the end thereof) to be abandoned is more particularly bounded and described as follows:

Commencing at the northwesterly sideline of Sevinor Road.

Thence running on a curve having an arc length of 39.27 feet and a radius of 25.00 feet;

thence running N 40° 56' 14" E a distance of 82.89 feet;

thence running on a curve having an arc length of 25.32 feet and a radius of 25.00 feet;

thence running on a curve having an arc length of 310.04 feet and a radius of 60.00 feet;

thence running on a curve having an arc length of 25.32 feet and a radius of 25.00 feet;

thence running S 40° 56' 14" W a distance of 82.89 feet;

thence running on a curve having an arc length of 39.27 feet and a radius of 25.00 feet;

thence turning and running N 49° 03' 46" W a distance of 90.00 feet to the point of beginning

Containing an area of 16,497 square feet or 0.379 acres.

or what action it will take thereon.

Moved by Arthur J. Bourque III

MOTION 11: I move that the Town vote to authorize the Board of Selectmen to abandon Stacey Lane off Sevinor Road in Lynnfield, Essex County, Massachusetts, and all rights therein, which Lane is more particularly shown on a subdivision plan entitled "Definitive Plan Sevinor Road, Lynnfield, Mass.", dated July 28, 2004, by Hayes Engineering, Inc., which plan is recorded in Essex South District Registry of Deeds in Plan Book 382, Plan 100. That portion of land (consisting of the entire length and width

of Stacey Lane and the turnaround at the end thereof) to be abandoned is more particularly bounded and described in the warrant in Article 11 thereof.

ACTION: Voice vote carries unanimously.

ARTICLE 12. To see if the Town will vote to authorize the Board of Selectmen to enter into an agreement pursuant to G.L. c. 40, § 4A and any other applicable authority with the Lynn Water & Sewer Commission providing for the collection, treatment and disposal by the said Commission of wastewater generated in the Town for a term not to exceed twenty-five years and including such other terms and provisions as the Board of Selectmen may deem advantageous to the Town, or what action it will take thereon.

Moved by Robert P. MacKendrick

MOTION 12: I move that the Town vote to authorize the Board of Selectmen to enter into an agreement pursuant to G.L. c. 40, § 4A and any other applicable authority with the Lynn Water & Sewer Commission providing for the collection, treatment and disposal by the said Commission of wastewater generated in the Town for a term not to exceed twenty-five years and including such other terms and provisions as the Board of Selectmen may deem advantageous to the Town.

A motion to move the question was passed.

ACTION: Voice vote carries by the necessary majority.

ARTICLE 13. To see if the Town will vote to authorize the Board of Selectmen to enter into an agreement pursuant to G.L. c. 40, § 4A and any other applicable authority with the cities and towns making up the Essex County HOME Consortium providing, among other things, for the allocation among participating communities of funding for the promotion of affordable housing for low and moderate income residents for a term not to exceed twenty-five years and including such other terms and provisions as the Board of Selectmen may deem advantageous to the Town, or what action it will take thereon.

Moved by Darlene E. Drutman

MOTION 13: I move that the Town vote to authorize the Board of Selectmen to enter into an agreement pursuant to G.L. c. 40, § 4A and any other applicable authority with the cities and towns making up the Essex County HOME Consortium providing, among other things, for the allocation among participating communities of funding for the promotion of affordable housing for low and moderate income residents for a term not to exceed twenty-five years and including such other terms and provisions as the Board of Selectmen may deem advantageous to the Town.

ACTION: Voice vote carries by the necessary majority.

ARTICLE 14. To see if the Town will accept the provisions of G.L. c. 39, section 23D, which would permit local board members who miss a single session of an adjudicatory hearing before their board to be able to vote on the matter provided they review the evidence submitted at the missed hearing session and file a certificate to that effect, said provisions to be applicable to all types of local adjudicatory hearings, or what action it will take thereon.

Moved by Arthur J. Bourque III

MOTION 14: I move that the Town accept the provisions of G.L. c. 39, section 23D, which would permit local board members who miss a single session of an adjudicatory hearing before their board to be able to vote on the matter provided they review the evidence submitted at the missed hearing session and file a certificate to that effect, said provisions to be applicable to all types of local adjudicatory hearings.

ACTION: Voice vote carries by the necessary majority.

ARTICLE 15: To see if the Town will vote to accept as a public way, as laid out and reported by the Board of Selectmen, so much of Gianna Drive as lies within the Town of Lynnfield, all as shown on a plan of land entitled "As Built Plan of Land / Gianna Drive / Lynnfield, Mass." by Otte & Dwyer, Inc., which plan is dated December 28, 2006, and bounded and described as follows:

Beginning at a point on the Southwesterly line of Walnut Street at the intersection of the Southeasterly line of Gianna Drive; thence

N 02° 34' 40" W by Walnut Street, one hundred and 00/00 (100.00) feet; thence

S 75°49' 19" W by land now or formerly of Dean, two hundred twenty-nine and 66/100 (229.66) feet; and

S 75° 19' 59" W by Lakeview Terrace, forty and 94/100 (40.94) feet; and

S 75° 20' 19" W by land now or formerly of Poor and South, one hundred eighty-four and 16/100 (184.16) feet; thence

S 79° 07' 10" E by the Saugus Town Line, two hundred twenty-seven and 08/100 (227.08) feet; thence

N 75° 47' 27" E by land now or formerly of Burns, two hundred twenty-eight and 94/100 (228.94) feet to the point of beginning

and to authorize the Board of Selectmen to acquire by gift or eminent domain such interests in land as may be necessary or appropriate to create such public way, no damages being appropriated for such purpose.

Moved by Robert P. MacKendrick

A motion to move the question was passed.

MOTION 15: I move that the Town vote to accept as a public way, as laid out and reported by the Board of Selectmen, so much of Gianna Drive as lies within the Town of Lynnfield, all as shown on a plan of land entitled "As Built Plan of Land / Gianna Drive / Lynnfield, Mass." by Otte & Dwyer, Inc., which plan is dated December 28, 2006, and bounded and described as follows:

Beginning at a point on the Southwesterly line of Walnut Street at the intersection of the Southeasterly line of Gianna Drive; thence

N 02° 34' 40" W by Walnut Street, one hundred and 00/00 (100.00) feet; thence

S 75° 49' 19" W by land now or formerly of Dean, two hundred twenty-nine and 66/100 (229.66) feet; and

S 75° 19' 59" W by Lakeview Terrace, forty and 94/100 (40.94) feet; and

S 75° 20' 19" W by land now or formerly of Poor and South, one hundred eighty-four and 16/100 (184.16) feet; thence

S 79° 07' 10" E by the Saugus Town Line, two hundred twenty-seven and 08/100 (227.08) feet; thence

N 75° 47' 27" E by land now or formerly of Burns, two hundred twenty-eight and 94/100 (228.94) feet to the point of beginning

and to authorize the Board of Selectmen to acquire by gift or eminent domain such interests in land as may be necessary or appropriate to create such public way, no damages being appropriated for such purpose.

ACTION: Voice vote carries by the necessary majority.

CLOSING MOTION: I move to adjourn this meeting sine die.

Moved by Darlene E. Drutman

ACTION: Adjourned sine die at 9:45 p.m.

SPECIAL TOWN MEETING
November 15, 2007

PRELIMINARY MOTION: I move that this Town Meeting be adjourned until 8:45 pm to allow for the completion of the Fall Special Town Meeting.

Moved by: Darlene Drutman

Motion carried by the necessary majority.

A motion to adjourn to 9:15 pm passed unanimously.

A motion to adjourn to 9:30 pm passed unanimously.

A motion to adjourn to 9:35 pm passed unanimously.

A motion to adjourn until the completion of Article 15 passes unanimously.

The Special Town Meeting opened at 9:45 pm to consider Article #1:

Article 1. To see if the Town will vote to propose to amend the Home Rule Charter of the Town of Lynnfield by striking the text of Section 2-1-2 thereof and replacing it with the following:

“There shall be no quorum required for the conduct of business at a Town Meeting.” or to take any other action in relation thereto.

Motion: I move that the Town vote to propose to amend the Home Rule Charter of the Town of Lynnfield by striking the text of Section 2-1-2 thereof and replacing it with the following:

“There shall be no quorum required for the conduct of business at a Town Meeting.”

Moved by Darlene Drutman

A motion was made and passed to count for a quorum. After a count, it was decided there was no quorum with only 160 voters present.

The Special Town Meeting was adjourned at 9:50 pm due to a lack of a quorum.

TOWN TREASURER/TAX COLLECTOR

The Board of Selectmen appoints the Treasurer/Tax Collector.

The Treasurer receives; take charge of, and accounts for all monies belonging to the Town. Custodian of the stabilization funds, pensions, funds and trust funds, maintains breakdown of all receipts, disbursements and cash balances.

Responsibility to make provision for adequate funds to cover current obligations including safekeeping of all funds and issuing of all long term and short term debt. In addition, invests funds to ensure maximum yield on investments while maintaining adequate availability of cash.

Fund and account for all amounts due for salaries and wages.

Receives, accounts and disburses all payroll and personnel deductions amounts for taxes, retirement, insurance and annuities.

Maintains all payroll and personnel records and acts as liaison between employees, retirement board and insurance vendors.

Acts as custodian and administrator of the unemployment compensation program.

Assures compliance with the provisions of local personnel bylaws and union contracts.

Manage funds of the municipality so that all obligations such as payroll, bills, bonds, notes and all other remittances can be paid in a timely manner.

Familiarity with the provisions of various sections of Chapter 60 of the General Laws regarding tax title and tax foreclosures.

Prepare various reports, including a reconciliation of treasurers' cash, monthly report of all receipts and balances, reports of payroll deductions (federal, state, retirement funds, group insurance, credit union dues), annual report, including a statement of debt, trust funds, report to the Bureau of Accounts for reconciliation of treasurers' cash and annual report of cash management achievements.

Supervises preparation of the payroll for all town and school employees, working closely with the School business office to ensure all aspects of the payroll are completed accurately.

The payroll department processed 809 W2's for 2007.

The tax collection of all money concerning taxes as committed by the Board of Assessors, these include real estate, personal property and excise taxes.

Preparation of certificates of municipal liens. These are legal documents that are filled at The Registry of Deeds when a house is sold or refinanced.

Safeguarding the Town's interest for unpaid real estate taxes by tax taking in a timely manner. A tax taking places a lien against the taxpayer's property so that it may no be sold or transferred until the tax obligation is met.

Reconciliation of moneys collected with the Town Accountant.

Coordination of the Senior Volunteers Program.

The Volunteer Program allows the usage of our senior citizen's talents in the everyday going on at the Town Hall. This program was initiated to help our seniors defray the cost of ongoing increases in taxes with the approval of Town Meeting, allows this amount to be abated and thus the number of people who can be chosen to work and receive credit against their taxes may increase. With the abatement procedure the time spent working during the calendar year must be completed before the actual tax bill for the fiscal year has been issued and the abatement will be applied to the third and fourth quarter tax bills evenly. The Senior Volunteer Coordinator is part of the Tax Collector's duties.

The Senior Volunteer Program has been a great success. Congratulation Seniors and keep up the great work.

I would like to thank my staff Maureen Lanpher, Ann Marie Francey, Sue Nugent and Rose Kenney for all their efforts and commitment. Together we look forward to serving the Town of Lynnfield in the upcoming year.

Christine O'Sullivan
Treasurer/Tax Collector

VETERANS' SERVICES

The Veteran's Services office processed 53 inquiries during 2007.

Two cases requesting financial benefits were denied because the income exceeded the budget allowance under Chapter 15, Mass General Laws.

Many requests had to do with the Veterans prescription drug program and other Veteran's benefits.

All returning war veterans are receiving a "Welcome Home Bonus" and a packet explaining Veteran's benefits.

Town Administrator, William Gustus presided for the dedication of the War Memorial Plaques which were stolen in 2006. The Veteran's day program was well attended with more than 100 citizens of the town. As usual our Memorial Day parade and ceremonies were a huge success with many people in attendance.

Darlene Drutman, Chairman of the Board of Selectmen gave the Memorial Day address.

As of January 15, 2008, we have 611 Veteran's living in Lynnfield.

Respectfully submitted,
Neil F. Restani
Veteran's Service Officer