

BOARD OF SELECTMEN
AGENDA
Tuesday, April 4, 2017

Regular Meeting –7:30 p.m.

Al Merritt Center, 600 Market Street

****NOTE****

This meeting is being recorded and transmitted via cable television.

7:30 p.m.

Pledge of Allegiance

Discussion of proposed cinema at Market Street and related warrant article

Discussion of fields project and related warrant articles

Discussion of plans of Kinder Morgan for vegetation management along existing gas pipeline easements

Use of Town facilities:	None
Minutes:	None
One-day liquor licenses:	None
Proclamations:	None
Administrative matters:	Signing of warrants

LYNNFIELD TOWN WARRANT

THE COMMONWEALTH OF MASSACHUSETTS

ANNUAL TOWN ELECTION - APRIL 10, 2017

ANNUAL TOWN MEETING - APRIL 24, 2017

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 their respective polling places in said Lynnfield, on Monday, April 10, 2017 at 7:00 a.m., then and there to bring in their votes on one ballot for the choice of all necessary Town Officers for the ensuing year, chosen in this manner, viz.: one Board of Selectmen member for three years; one Town Moderator for one year; one Board of Assessors member for three years; one Board of Library Trustee member for three years; one Board of Library Trustees member for one year remaining on an unexpired three-year term; one School Committee member for three years; one Planning Board member for five years; and one Housing Authority member for five years.

The Polls in each precinct will open at 7:00 a.m., and will be closed at 8:00 p.m., on said April 10, 2017. The polling places for voters in Precincts 1, 2, 3 and 4 will be at Lynnfield High School, Essex Street, all in said Lynnfield.

And you are further directed to notify and warn the inhabitants of the Town of Lynnfield qualified to vote in elections and Town affairs, to meet in the Middle School Auditorium, Cafeteria, and the Gymnasium, if necessary, on Monday, April 24, 2017 at 7:30 p.m., then and there to act on the following articles:

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

Submitted by BOARD OF SELECTMEN

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.

Submitted by BOARD OF SELECTMEN

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.

Submitted by BOARD OF SELECTMEN

ARTICLE 4. 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 2017 Fiscal Year where balances are below projected expenditures for various reasons; or to take any other action in connection therewith.

Submitted by BOARD OF SELECTMEN

ARTICLE 5. 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 to take any other action in connection therewith.

Submitted by BOARD OF SELECTMEN

ARTICLE 6. To see if the Town will vote to accept M.G.L. Chapter 44, Section 53F ³/₄, to establish a special revenue fund known as the PEG Access and Cable Related Fund to receive cable franchise fees and other cable-related revenues for appropriation to support PEG access services, oversight, and renewal of the cable franchise agreement, the fund to begin operation for fiscal year 2018, which begins on July 1, 2017, or to take any other action in connection therewith.

Submitted by BOARD OF SELECTMEN

ARTICLE 7. To see if the Town will vote to raise and appropriate, or appropriate by transfer from available funds, or otherwise, a sum of money for the necessary Town charges and expenses; or to take any other action in connection therewith.

Submitted by BOARD OF SELECTMEN

ARTICLE 8. To see if the Town will vote to raise and appropriate, or 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 to take any other action in connection therewith.

Submitted by BOARD OF SELECTMEN

ARTICLE 9. To see if the Town will vote to raise and appropriate and/or appropriate by transfer from available funds a sum of money for the town's Stabilization Fund, or to take any other action in connection therewith.

Submitted by BOARD OF SELECTMEN

ARTICLE 10. To see if the Town will vote to raise and appropriate and/or appropriate by transfer from available funds a sum of money for the town's Capital Facilities Fund, or to take any other action in connection therewith.

Submitted by BOARD OF SELECTMEN

ARTICLE 11. To see if the Town will vote to re-establish the following Revolving Funds as provided for in Massachusetts General Laws, Chapter 44, Section 53E1/2; or to take any other action in connection therewith.

Submitted by BOARD OF SELECTMEN

<u>Revolving Fund</u>	<u>Purpose</u>	<u>Revenue Source</u>	<u>Authorized to Expend Funds</u>	<u>Maximum Expenditure</u>
Council on Aging	To provide programs for Seniors	Fees Collected for Sr. Center Activities and Field trips	Council on Aging	50,000.00
Board of Health	To provide services to operate Flu Clinic	Flu Clinic Fees	Board of Health	15,000.00
Library	To address replacement of lost library books.	Lost Book Fees	Library Trustees	10,000.00
Recreation	To provide recreation activities, field trips and field maintenance.	Fees Collected from programs	Recreation Commission	250,000.00
Public Works	To provide maintenance and upkeep of athletic fields	Athletic Field Maintenance Fees	Director of DPW	60,000.00
Public Works	To provide maintenance and upkeep of Merritt Center	Rental Fees from Merritt Cultural Center	Director of DPW	10,000.00

ARTICLE 12. To see if the Town will vote to appropriate a sum of money from Emergency Medical Service Enterprise receipts to pay expenses and contractual services required to operate the emergency medical service in the Town of Lynnfield, said Enterprise Fund to be credited with all fees and charges received during Fiscal Year 2018 from persons using said service; or to take any other action in connection therewith.

Submitted by BOARD OF SELECTMEN

ARTICLE 13. To see if the Town will vote to appropriate a sum of money from Golf Enterprise receipts and/or Golf Enterprise Retained Earnings to pay expenses and contractual services required to operate the Reedy Meadow Golf Course and King Rail Golf Course, said Enterprise Fund to be credited with all fees and charges received during Fiscal Year 2018 from persons using the golf courses; or to take any other action in connection therewith.

Submitted by BOARD OF SELECTMEN

ARTICLE 14. To see if the Town will vote, pursuant to General Laws Chapter 39, Section 15, to amend the General Bylaws by adding the following:

“Article IV – Two-Thirds Votes

“§ 45-5. If at any town meeting a two-thirds vote is required by statute, the moderator may declare the result on the basis of a voice vote without a count, unless the moderator's declaration is challenged by seven (7) or more voters before the meeting has proceeded to the next article.”;

or to take any other action in connection therewith.

Submitted by BOARD OF SELECTMEN

ARTICLE 15. To see if the Town will vote to raise and appropriate, or appropriate by transfer from available funds or by borrowing, or from any or all such sources, a sum of money for the design, construction, furnishing and equipping of a clubhouse at the King Rail Reserve Golf Course and site work at that location, or to take any other action in connection therewith.

Submitted by BOARD OF SELECTMEN

ARTICLE 16. To see if the Town will vote to supplement each prior vote of the Town that authorizes the borrowing of money to pay costs of capital projects to provide that, in accordance with Chapter 44, Section 20 of the General Laws, the premium received by the Town upon the sale of any bonds or notes thereunder, less any such premium applied to the payment of the costs of issuance of such bond or notes, may be applied to pay project costs and the amount authorized to be borrowed for each such project shall be reduced by the amount of any such premium so applied or to take any other action in connection therewith.

Submitted by BOARD OF SELECTMEN

ARTICLE 17. To see if the Town will vote to re-codify the Zoning Bylaw by taking the following steps:

1. Delete, in their entirety, the following provisions of the existing Zoning Bylaw, sections 1 – 15, but NOT the Zoning Map;
2. Substitute all the provisions in the document entitled “Re-codified Zoning Bylaw” as recommend by the Planning Board;

or to take any other action in connection therewith.

Submitted by PLANNING BOARD

ARTICLE 18. To see if the Town will vote to amend the re-codified Zoning Bylaw by amending the section entitled “Commencement of Construction or Operation” by Changing the words “SIX MONTHS” to “TWLEVE MONTHS”;

or to take any other action in connection therewith.

Submitted by PLANNING BOARD

ARTICLE 19. To see if the Town will vote to amend the re-codified Zoning Bylaw by amending the section regarding the “Lapse” of “Special Permits” by changing the words “TWENTY FOUR MONTHS” to “THIRTY SIX MONTHS”;

or to take any other action in connection therewith.

Submitted by PLANNING BOARD

ARTICLE 20. To see if the Town will vote to amend the Zoning Bylaws by adding as Section 7.7 the following:

“7.7 Marijuana Establishments Forbidden

“The operation of any marijuana establishment, as defined in G.L. c. 94G, § 1, including, without limitation, a marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business, is prohibited in all zoning districts of the Town. This prohibition shall not apply to the sale, distribution or cultivation of marijuana for medical purposes licensed under Chapter 369 of the Acts of 2012.”;

or to take any other action in connection therewith.

Submitted by BOARD OF SELECTMEN

ARTICLE 21. To see if the Town will vote to amend the General Bylaws by adding as Chapter 170, Section 170-1, the following:

“170-1. Marijuana Establishments Forbidden

“The operation of any marijuana establishment, as defined in G.L. c. 94G, § 1, including, without limitation, a marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business, within the Town is prohibited. This prohibition shall not apply to the sale, distribution or cultivation of marijuana for medical purposes licensed under Chapter 369 of the Acts of 2012.”;

or to take any other action in connection therewith.

Submitted by BOARD OF SELECTMEN

ARTICLE 22. To see if the Town will vote to amend the Zoning Bylaws by adding the following:

“7.7 Temporary Moratorium on Marijuana Establishments

“7.7.1. Purpose

“At the Massachusetts election held on November 8, 2016, the voters of the Commonwealth approved a new law which, among other things, established G.L. c. 94G, entitled ‘Regulation of the Use and Distribution of Marijuana Not Medically Prescribed.’ That statute permits ‘marijuana establishments’ to be licensed by a new Cannabis Control Commission (the ‘Commission’) throughout Massachusetts for the cultivation, testing, manufacture and sale of marijuana products. The Commission was initially to promulgate regulations concerning marijuana establishments by September 15, 2017, which date has been extended to March 15, 2018 by Chapter 351 of the Acts of 2016. The regulation of recreational marijuana raises many complex questions concerning law, planning and public safety. The Town cannot adequately address those questions until the Commission issues its regulations. The purpose of this temporary moratorium is to provide the Town time for study, reflection and decision concerning the said regulations and the challenges posed by recreational marijuana.

“7.7.2. Temporary Moratorium

“For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaws to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for a ‘marijuana establishment’ as defined in G.L. c. 94G, § 1. This moratorium shall not apply to the sale, distribution or cultivation of marijuana for medical purposes licensed under Chapter 369 of the Acts of 2012. The moratorium shall be in effect through June 30, 2018. During

the moratorium period, the Town shall undertake a planning process to address the potential impacts of recreational marijuana on the Town, consider the regulations to be issued by the Commission, determine whether the Town should ban any or all types of marijuana establishments within the Town, decide whether to prohibit on-site consumption of marijuana products at marijuana establishments, and otherwise weigh its options in addressing the issues raised by recreational marijuana.

“7.7.3. Severability

“The provisions of this Section are severable. If any provision, paragraph, subsection, sentence or clause hereof, or the application thereof to any person, establishment or circumstance, shall be held invalid or illegal, such invalidity or illegality shall not affect the other provisions hereof, or the application hereof to other persons, establishments or circumstances.”;

or to take any other action in connection therewith.

Submitted by BOARD OF SELECTMEN

ARTICLE 23. To see if the Town will vote to amend the Town of Lynnfield Zoning Bylaws in the following respects:

1. By amending Section 9.5.4 (Definitions) as follows:

By amending the definition of “Recreational Use” by inserting after the words “but not including a cinema” the words “other than a Town Center Theater”, so that said definition, as so amended, would read:

“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 other than a Town Center Theater.”

By inserting at the end of said Section a new definition entitled: “Town Center Theater” as follows:

“Town Center Theater - A theater designed and constructed for the primary purpose of showing films or video which satisfies each of the following criteria:

- (a) no more than eight hundred (800) theater seats;
- (b) no more than eight (8) screens;
- (c) no more than 39,000 square feet of Gross Leasable Floor Area;

- (d) shall include premium seating and state of the art projection and sound and may also include enhanced food and beverage service; and
- (e) the location is limited to that portion of the Traditional Neighborhood Village Sub-District labeled “Proposed Location of Town Center Theater” as shown on the accompanying plan entitled “MarketStreet Lynnfield” dated March 13, 2017, prepared for Market Street Retail South LLC.”

2. By amending Section 9.5.6 (Prohibited Uses or Activities in the PVDD) as follows:

In No. 14, by adding the words “except that a Town Center Theater shall be an allowed use only in the portion of the Traditional Neighborhood Village Sub-District shown on the plan referenced in Section 9.5.4” after the word “Cinema,” so that Subsection 14, as so amended, would read:

“Cinema, except that a Town Center Theater shall be an allowed use only in the portion of the Traditional Neighborhood Village Sub-District shown on the plan referenced in Section 9.5.4.”

3. By amending Section 9.5.7.4(b) (Height in Traditional Neighborhood Village Sub-District) by adding the following sentence at the end:

“The maximum height of a Town Center Theater shall be one (1) story and forty (40) feet.”

So that Section 9.5.7.4(b), as so amended, would read as follows:

“(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. The maximum height of a Town Center Theater shall be one (1) story and forty (40) feet.”

4. By amending Table 9.5.8-1 (Parking) to add the following new line item after the “Residential Use” line item:

Town Center Theater	1 space per 3 seats.
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5. By amending Section 9.5.7.9 (Dimensional and Other Requirements) (Total allowable non-residential uses) by adding the following language:

In the first sentence thereof:

By adding the words “and Town Center Theater” after the word “recreational” and before the word “uses”;

By adding the words “and Town Center Theater” after the word “retail” and before the word “portions”;

By adding the words “and Town Center Theater” after the word “retail” and before the word “spaces”; and

By deleting the figure “50,000” and substituting the words and figure “at least 25,000.”

In the second sentence thereof:

By deleting the figure “50,000” and substituting the figure “25,000”;

So that Section 9.5.7.9, as so amended, would read as follows:

“9. Total allowable non-residential uses. The total non-residential uses within the PVDD, including retail, restaurant, office, recreational and Town Center Theater 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 at least 25,000 square feet of Gross Leasable Floor Area that is located solely on the second floor of a building; and provided further that, for retail and Town Center Theater portions of a Development Project, the difference between Gross Leasable Floor Area and the Gross Floor Area of all retail and Town Center Theater spaces shall not exceed five percent (5%). Nothing in this section shall limit the right of the Applicant to propose that greater than 25,000 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.”

Submitted by PETITION

ARTICLE 24. To determine if the Town will vote to authorize the Board of Selectmen, in the name and behalf of the Town, to execute a lease of up to 99 years with the Massachusetts Bay Transportation Authority (the “MBTA”) for all or any portion of the land, premises, easements, rights-of-way and other rights in Lynnfield comprising the former Newburyport Branch railroad right-of-way acquired by the MBTA by Order of

Taking dated February 16, 1977, and recorded in the Essex South District Registry of Deeds at Book 6333, Page 298, and by Supplementary Order of the District Court of the United States for the District of Massachusetts Regarding First Step of The Trustees' Plan of Reorganization dated November 30, 1976, and recorded with said Deeds at Book 6311, Page 392, and by Indenture dated December 24, 1976 and recorded with said Deeds at Book 6311, Page 396, and by Mortgage Deed dated December 24, 1976 and recorded with said Deeds at Book 6311, Page 506, for the purposes of establishing, constructing, operating and maintaining a multi-use Rail Trail, with related facilities and improvements, for non-motorized transportation, open space and recreation purposes including walking, running, road and mountain bicycling, wheelchairs, accessible cycling equipment, inline skating, scooters, tricycles, rolling backpacks, strollers, cross-country skiing, snow-shoeing, and other forms of active and passive recreation, and for all other purposes for which rail trails are now or hereafter may be used in the Commonwealth, or to take any other action in connection therewith.

Submitted by PETITION

ARTICLE 25. To see if the Town will vote to raise and appropriate, or appropriate by transfer from available funds or by borrowing, or from any or all such sources, a sum of money for engineering, design, construction, site work and other improvements to Town athletic facilities, or to take any other action in connection herewith.

Submitted by BOARD OF SELECTMEN

ARTICLE 26. To see if the Town will vote to raise and appropriate, or appropriate by transfer from available funds or by borrowing, or from any or all such sources, a sum of money for improvements to Jordan Park, or to take any other action in connection herewith.

Submitted by BOARD OF SELECTMEN

ARTICLE 27. To see if the Town will vote to raise and appropriate, or appropriate by transfer from available funds or by borrowing, or from any or all such sources, a sum of money for engineering, design, construction, site work and other improvements to Middle School fields, track and athletic facilities, or to take any other action in connection herewith.

Submitted by BOARD OF SELECTMEN

ARTICLE 28. To see if the Town will vote to amend the General Bylaws by deleting Section 115-3.C, and replacing it with the following::

“§ 115-3.C. No person shall permit a dog or other domesticated animal owned or kept by such person, his or her agent or servant on any artificial turf field or **any other athletic playing surface** within the Town.”

or to take any other action in connection therewith.

Submitted by BOARD OF SELECTMEN

ARTICLE 29. To see if the Town will vote to adopt the following resolution and raise and appropriate or transfer from other available funds the sum of \$500 for the completion of this resolution.

Whereas, this is the 25th anniversary of the line of duty death of Lynnfield Firefighter Alan C. Melanson, who is the only line of duty death ever suffered by the Town's Fire Department; Be it resolved in memory of his sacrifice that the grateful citizens of Lynnfield hereby dedicate the Lynnfield Middle School in his name to hereinafter be forever known as the Alan C. Melanson Middle School.

Or what action it may take thereon.

Submitted by PETITION

And you are further directed to serve this warrant, by posting up attested copies thereof, in at least six public places in said Town of Lynnfield, seven days at least before the time of holding said meeting.

HEREOF FAIL NOT, and make due return of this Warrant, with your doings thereon, to the Town Clerk, at the time and place of meeting, or before hand as aforesaid.

Given under our hands this 20th day of March in the year of our Lord two thousand and seventeen.

Philip B. Crawford, Chairman

Richard P. Dalton, Selectman

Christopher J. Barrett, Selectman

A true copy

ATTEST: _____, Constable