

**BOARD OF SELECTMEN
AGENDA
Tuesday, September 27, 2016**

Regular Meeting – 7:00 p.m.

Merritt Center, 600 Market Street

****NOTE****

This meeting is being recorded and transmitted via cable television.

7:00 p.m.

Pledge of Allegiance

Interview – Cultural Council (Erin Howard)

Resignation from Recreation Commission

Interview – Recreation Commission (Michael Cuddy)

Disclosure of conflict of interest by ZBA member

Golf clubhouse design presentation

Request for additional liquor licenses

Closing of town meeting warrant

Recommendations on warrant articles

Appointment of election officers

Needham Road zoning update

Community Compact application discussion

Public comment period

Request for executive session under Mass. General Laws Chapter 30A, Section 21 (A) (3) to discuss collective bargaining strategy for which an open discussion may adversely affect the Town's negotiating position.

Use of Town facilities:

Common, November 13, private birthday party
Common, November 11, Veterans Day observance

Minutes:

None

One-day liquor licenses:

Knights of Columbus, Nov. 10., 2016, Lynnfield Art Guild event
Knights of Columbus, Nov. 12., 2016, private party

Proclamations:

None

Administrative matters:

Signing of warrants

**DISCLOSURE BY NON-ELECTED MUNICIPAL EMPLOYEE OF FINANCIAL INTEREST
AND DETERMINATION BY APPOINTING AUTHORITY
AS REQUIRED BY G. L. c. 268A, § 19**

MUNICIPAL EMPLOYEE INFORMATION	
Name:	Thomas Aylward
Title or Position:	Chair of the Zoning Board of Appeals for the Town of Lynnfield
Municipal Agency:	Zoning Board of Appeals
Agency Address:	Lynnfield Town Hall 55 Summer Street Lynnfield, MA
Office Phone:	N/A <i>Personal 781-334-2539</i>
Office E-mail:	taylward@town.lynnfield.ma.us
	My duties require me to participate in a particular matter, and I may not participate because of a financial interest that I am disclosing here. I request a determination from my appointing authority about how I should proceed.
PARTICULAR MATTER	
Particular matter E.g., a judicial or other proceeding, application, submission, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, decision, determination, or finding.	My immediate neighbor at 30 Edgemere Road is seeking relief from sideyard setbacks along our common property line. They have built an inground pool with a hot tub that may be in violation of the setback and a deck from the second level that certainly infringes on the setback. This is further complicated by a straight set of stairs extending from the closest point. The change in grade also limits roof drainage with both downspouts dispersing water toward my house. In addition to the deck and stairs, they decided to put various heaters, pumps, etc. in the same rear corner so that drain can no longer flow toward their own back yard and there is constant noise from the machinery. Since previous owners had built on a double lot and later sold the lot we occupy, the proximity of both homes are closer than any others in the neighborhood. Their house is not parallel to the property line so the angle gets closer where they placed the deck. Their lot is flat and there is ample room on the other side of the screen porch for an even larger deck and safer stairs that would not be visible from the street. Other neighbors are not directly impacted.
Your required participation in the particular matter: E.g., approval, disapproval, decision, recommendation, rendering advice, investigation, other.	Please describe the task you are required to perform with respect to the particular matter. Provide testimony on the nature of the infraction and the relativity of factors related to seeking a variance
FINANCIAL INTEREST IN THE PARTICULAR MATTER	
Write an X by all that apply.	<input type="checkbox"/> X I have a financial interest in the matter. <input checked="" type="checkbox"/> My immediate family member has a financial interest in the matter.

	<input type="checkbox"/> My business's partner has a financial interest in the matter. <input type="checkbox"/> I am an officer, director, trustee, partner or employee of a business organization, and the business organization has a financial interest in the matter. <input type="checkbox"/> I am negotiating or have made an arrangement concerning future employment with a person or organization, and the person or organization has a financial interest in the matter.
Financial interest in the matter	Please explain the financial interest and include a dollar amount if you know it. Building closer to the property line than setbacks allow could have a detrimental affect on the market value of my home at 32 Edgemere Road. The last FEMA floodplain revision placed our entire lot in the floodplain without impact to other properties. The net impact of the change in grade and construction drains half the roof area directly toward our house. Without a direct voice, there is low likelihood any mitigation would result to lessen the detriment to our property due to increased flood potential and diminished curb appeal.
Employee signature:	<i>Thomas O'Leary</i>
Date:	9/21/16

DETERMINATION BY APPOINTING OFFICIAL

APPOINTING AUTHORITY INFORMATION	
Name of Appointing Authority:	
Title or Position:	
Agency/Department:	
Agency Address:	
Office Phone:	
Office E-mail:	
DETERMINATION	
Determination by appointing authority:	As appointing official, as required by G.L. c. 268A, § 19, I have reviewed the particular matter and the financial interest identified above by a municipal employee. I have determined that the financial interest is not so substantial as to be deemed likely to affect the integrity of the services which the municipality may expect from the employee.
Appointing Authority signature:	
Date:	
Comment:	

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Attach additional pages if necessary.

The appointing authority shall keep this Disclosure and Determination as a public record.

Form revised February, 2012

LYNNFIELD TOWN WARRANT
THE COMMONWEALTH OF MASSACHUSETTS
TOWN MEETING – OCTOBER 17, 2016

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 Cafeteria and Gymnasium, if necessary, on Monday, October 17, 2017 at 7:30 p.m. then and there to act on the following articles:

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 to take any other action in connection therewith.

Submitted by BOARD OF SELECTMEN

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 2017 Fiscal Year for various purposes; or to take any other action in connection therewith.

Submitted by BOARD OF SELECTMEN

ARTICLE 3. To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to be deposited into the Other Post Employment Benefits Liability Trust Fund; or to take any other action in connection therewith.

Submitted by BOARD OF SELECTMEN

ARTICLE 4. 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 5. To see if the Town will vote, pursuant to G.L. c. 40, § 15A and all other applicable legal authority, to transfer from the Board of Selectmen to the Board of Library Trustees the care, custody, management and control of the land on Summer Street shown on that certain plan of land entitled "Plan of Land 175 Summer Street Lynnfield, MA" and dated July 8, 2016, consisting of 149,146 square feet, more or less, according to such plan, the Board of Selectmen having determined that such land is no longer needed for golf course purposes, provided that the Board of Library Trustees shall hold and use such land for the purpose of constructing and operating a new library building, or to take any other action in connection therewith.

Submitted by BOARD OF LIBRARY TRUSTEES

ARTICLE 6. To see if the Town will vote to appropriate by transfer from receipts reserved for appropriation a sum of money to be expended under the discretion of various town boards, committees, or officers; or to take any other action in connection therewith.

Submitted by BOARD OF SELECTMEN

ARTICLE 7. To see if the Town will vote to amend the Zoning Bylaws by adding the underlined text below to Section 4.1:

“In a Single Residence A, B, C and D District, the following uses are permitted:

- “1. Residential use of a one family detached house, with not more than one such house located on any lot, provided that no such property shall be leased or rented for a period of thirty (30) days or less unless specifically authorized by the Board of Appeals under Section 4.1.1.3, below.”

and by adding the underlined text below to Section 5.1.5:

“In Single Residence A, B, C and D District, the following uses are hereby specifically declared to be customary ‘accessory uses’ within the meaning of this bylaw:

...

- “5. The regular renting of rooms or the furnishing of table board in a dwelling by prearrangement to not more than five (5) persons, provided that no such renting shall be for a period of thirty (30) days or less.”

or to take any other action in connection therewith.

Submitted by BOARD OF SELECTMEN

ARTICLE 8. To see if the Town will vote to amend § 13.6 of the Zoning Bylaws, entitled “Fines,” by repealing the text thereof and replacing it with the following:

“Any violation of these Zoning Bylaws shall be punishable by a fine of Three Hundred Dollars (\$300), and in the sole discretion of the Building Inspector may be made the subject of non-criminal disposition pursuant to G.L. c. 40, § 21D. Each day such violation continues shall constitute a separate offense. Such fines shall be recovered as provided by law and shall enure to the Town of Lynnfield.”

or to take any other action in connection therewith.

Submitted by BOARD OF SELECTMEN

ARTICLE 9. To see if the Town will vote to petition the Legislature to enact legislation to require the Massachusetts Bay Transportation Authority (the “MBTA”) to:

grant a perpetual, non-transferable license to the Town for the purpose of cleaning, enlarging, expanding, removing, replacing, renovating, removing debris and blockages from, and otherwise maintaining and rendering useful, at the sole expense of the Town, the culverts located beneath the railroad bed owned by the MBTA and located in that part of the Town known as “Reedy Meadow,” provided that the Town furnish the MBTA with an environmental insurance policy of the kind described in G.L. c. 23A, § 31(a), such license to be granted at no cost to the Town and without any requirement that the Town furnish any other form of insurance, or any defense, indemnification or hold-harmless agreement with respect to any claims, injuries, costs, damages or other relief arising out of or related to the pre-existing release or threat of release of oil or hazardous materials, as those terms are defined in G.L. c. 21E, at or from the said railroad bed;

provided, that the Legislature may reasonably vary the form or substance of the requested legislation within the scope of the general public objectives of this petition; or to take any other action in connection therewith.

Submitted by BOARD OF SELECTMEN

ARTICLE 10. To see if the town will revise the dog licensing fees as currently listed in Section 115-7 of the Town’s general bylaws by deleting the following:

“D. Any owner or keeper of a dog who shall fail to comply with the provisions of this section by March in any year shall be subject to a penalty of \$10 per dog.”;

or to take any other action in connection therewith.

Submitted by BOARD OF SELECTMEN

ARTICLE 11. To see if the Town will vote to accept the provisions of G. L. c. 90, § 17C, which would allow the Board of Selectmen, in the interests of public safety and without further authority, to establish a speed limit of 25 miles per hour on any roadway inside a thickly settled or business district in the city or town on any way that is not a state highway;

or to take any other action in connection therewith.

Submitted by BOARD OF SELECTMEN

ARTICLE 12. . To see if the Town will vote to accept the provisions of G. L. c. 90, § 18B, which would allow the Board of Selectmen, in the interests of public safety and without further authority, to establish designated safety zones on, at or near any way in the city or town which is not a state highway, and with the approval of the department if the same is a state highway. Such safety zones shall be posted as having a speed limit of 20 miles per hour;

or to take any other action in connection therewith.

Submitted by BOARD OF SELECTMEN

ARTICLE 13. To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation, substantially in the form as set forth below, relating to the Board of Selectmen receiving authority to issue additional on-premises and off-premises alcoholic beverages licenses; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court, and provided further that the Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public's objectives of this petition:

**“AN ACT AUTHORIZING THE TOWN OF LYNNFIELD TO GRANT
ADDITIONAL LICENSES FOR THE SALE OF ALL ALCOHOLIC
BEVERAGES”**

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. (a) Notwithstanding the provisions of sections 17 and 17A of Chapter 138 of the General Laws, the licensing authority of the Town of Lynnfield is hereby granted five additional annual licenses for the sale of all alcoholic beverages to be drunk on the premises pursuant of section 12 of said Chapter 138.

(b) Notwithstanding the provisions of sections 17 and 17A of Chapter 138 of the General Laws, the licensing authority of the Town of Lynnfield is hereby granted five additional annual licenses for the sale of all alcoholic beverages not to be drunk on the premises pursuant of section 15 of said Chapter 138.

SECTION 2. This act shall take effect upon its passage.

or to take any other action in connection therewith.

Submitted by BOARD OF SELECTMEN

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, fourteen 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 27th day of September, 2016.

Philip B. Crawford, Chairman

Christopher J. Barrett, Selectman

Richard P. Dalton., Selectman

A true copy
ATTEST: _____, Constable

Date:

Pursuant to the within Warrant, I have this day notified and warned the inhabitants of the Town of Lynnfield as herein directed by posting eight attested copies of the Warrant in said Lynnfield 14 days before the time and calling of said meeting.

Paul Minsky
Constable

Posted at:
Center Post Office
Center Market
Library
Pump 'n Pantry
Senior Center
Lynnfield Water District
South Post Office
Town Hall