

# Town of Shirley

## BOARD OF SELECTMEN



7 KEADY WAY – SHIRLEY, MASSACHUSETTS - 01464-2812

*Kendra J. Dumont, Chair*

*Robert E. Prescott, Vice Chair*

*Enrico C. Cappucci, Clerk*

TEL: (978) 425-2600, x200

Fax: (978) 425-2602

Selectmen@shirley-ma.gov

## BOARD OF SELECTMEN MINUTES July 25th, 2016 7:00 pm TOWN OFFICES

The Board of Selectmen convened its meeting on Monday, July 25th, 2016 at the Town Offices, Meeting Rooms A & B, Chairman Kendra J. Dumont presiding, with Selectmen Robert E. Prescott, Enrico C. Cappucci, and Town Administrator Patrice Garvin in attendance.

### CALL TO ORDER

Chair Dumont called to Order the Board of Selectmen's Meeting at 7:00 pm.

*Selectmen Cappucci announced that he would be recording the meeting on his own personal voice recorder.*

### TOWN ADMINISTRATOR REPORT

The Town Administrator gave her weekly report

1. The Bylaw Review Committee will meet to discuss the Driveway Bylaw and bring it to the Fall Town Meeting.
2. The Selectmen have asked my office to work on a Hiring Policy. I wanted an opportunity, once completed, to run it by the Unions prior to delivery to the Board. Most contracts have hiring language, so to adopt a policy that could conflict with that could be problematic in the future.
3. The Economic Impact Study for Devens has been completed and is currently on line for those who wish to read it. The document is over 140 pages and delves into the Nashoba region statistics. At the end of the report are multiple pages of next steps that will be looked at and developed into Action Items. I have attached those next steps.
4. A Public Hearing has been scheduled for Tuesday, September 6<sup>th</sup> at 7pm. This hearing is for the Draft Master Plan which can also be found online. The Draft plan has been sent to the Chairmen of Shirley's various Boards and Committees for review. This is an opportunity for residents to weigh in before final adoption at Town Meeting.

**TREASURY WARRANTS**

Selectman Cappucci *Motioned to accept the following Treasury Warrants as presented. Selectman Dumont Seconded. Enrico C. Cappucci vote Aye, Kendra J. Dumont vote Aye and Robert E. Prescott, Jr. vote Aye.*

Payroll Warrant	<u>101</u>	<u>7/20/16</u>	<u>\$ 23,079.89</u>
Payroll Warrant	<u>9101</u>	<u>7/20/16</u>	<u>\$ 5,015.71</u>
Payroll Warrant	<u>6101</u>	<u>7/20/16</u>	<u>\$ 86,302.43</u>
Payable Warrant	<u>2016</u>	<u>7/18/16</u>	<u>\$243,446.57</u>
Payable Warrant	<u>2026</u>	<u>7/22/16</u>	<u>\$151,446.75</u>
Payable Warrant	<u>9166</u>	<u>7/22/16</u>	<u>\$ 24,270.31</u>

**APPROVAL OF MINUTES**

**OLD BUSINESS**

- 1. Energy Committee Update
  - a. Review action taken during May 23, 2016, meeting concerning Lease Amendment for solar field project on Groton Road , and discuss Open Meeting Law complaint received and proposed response, Vote May be Taken

Bryan Dumont came up to give his weekly report and address subjects of concern.

Mr. Dumont begins by stating that the gas contract was signed and we have locked in a 6 cent per therm rate that will not go up.

There should be a meeting regarding Municipal Aggregation with DOER in the upcoming weeks and he will know much more in regards to time frame after that.

Last year the Board of Selectmen received a beautification grant for about 8,000 which will be used to put up a gazebo and walkway in front of the municipal complex.

Mr. Dumont states that in regards to the lease it was found by Borego Solar that at one time the land had a lien on it and was taken by the Town. Dumont states that there needs to be a document within the lease stating that this is Town owned property that will also protect the Town from any former owners of the property claiming ownership once the solar field has been developed.

*Selectmen Prescott motions to approve the lease agreement as presented, Selectmen Cappucci seconds. Prescott vote Aye, Dumont votes Aye, Cappucci Votes Aye. Motion Passed.*

**NEW BUSINESS**

2. Village Drive, Intent to Layout as a Public Way

Selectmen Cappucci recuses himself as he lives on Village Drive.

Ruth Perin presented the Selectmen a history of the Condominium complex (attached). She states that she has always had an understanding that the road would eventually be accepted as a public way. She states that there are two single family homes on their road, which could have been placed on Shaker Road. She believes that shows intent on the Towns behalf.

*Selectmen Prescott motions to approve the intent to lay out Village Drive as a public way as presented this evening, Selectmen Dumont seconds. Prescott vote Aye, Dumont votes Aye, Cappucci Abstains. Motion Passed.*

Garvin announced the Planning Board would be hearing this on August 17<sup>th</sup> 2016.

3. Police Officer Appointment

*Selectmen Prescott motions to appoint Olivia Siekman to the position of Police Officer for a term to expire 6/30/2017, Selectmen Cappucci seconds. Prescott vote Aye, Dumont votes Aye, Cappucci Votes Aye. Motion Passed.*

4. Police Appointments

*Selectmen Prescott motions to appoint Jared Richard to the position of Full Time Dispatcher for a term to expire 6/30/2017, Selectmen Cappucci seconds. Prescott vote Aye, Dumont votes Aye, Cappucci Votes Aye. Motion Passed.*

*Selectmen Prescott motions to appoint Eric Salo to the position of Reserve Police Officer for a term to expire 6/30/2017, Selectmen Cappucci seconds. Prescott vote Aye, Dumont votes Aye, Cappucci Votes Aye. Motion Passed.*

*Selectmen Prescott motions to appoint Kyle Dodge to the position of Reserve Police Officer for a term to expire 6/30/2017, Selectmen Cappucci seconds. Prescott vote Aye, Dumont votes Aye, Cappucci Votes Aye. Motion Passed.*

*Selectmen Prescott motions to appoint Shawn Demoura to the position of Police Officer for a term to expire 6/30/2017, Selectmen Cappucci seconds. Prescott vote Aye, Dumont votes Aye, Cappucci Votes Aye. Motion Passed.*

5. Employee Appointments

*Selectmen Prescott motions to appoint William Schold to the position of Back up Mart Driver for a term to expire 6/30/2017, Selectmen Cappucci seconds. Prescott vote Aye, Dumont votes Aye, Cappucci Votes Aye. Motion Passed.*

6. Employee Candidate Appointment

TA Garvin states that this is a union part time position that was posted internally.

*Selectmen Prescott motions to appoint Nancy Collins to the position of Treasurer / Collector Part Time Clerk for a term to expire 6/30/2017, Selectmen Cappucci seconds. Prescott vote Aye, Dumont votes Aye, Cappucci Votes Aye. Motion Passed.*

7. Board / Committee Appointments

*Selectmen Prescott motions to appoint Don Reed to the position of Historical Commission Member for a term to expire 6/30/2017, Selectmen Cappucci seconds. Prescott vote Aye, Dumont votes Aye, Cappucci Votes Aye. Motion Passed.*

*Selectmen Prescott motions to appoint Sandra Marcinkewicz to the position of Cemetery Commission Member for a term to expire 6/30/2019, Selectmen Cappucci seconds. Prescott vote Aye, Dumont votes Aye, Cappucci Votes Aye. Motion Passed.*

*Selectmen Prescott motions to appoint Constance Schweitzer to the position of Council on Aging Member for a term to expire 6/30/2019, Selectmen Cappucci seconds. Prescott vote Aye, Dumont votes Aye, Cappucci Votes Aye. Motion Passed.*

*Selectmen Prescott motions to appoint Michael Lance to the position Conservation Commission Member for a term to expire 6/30/2019, Selectmen Cappucci seconds. Prescott vote Aye, Dumont votes Aye, Cappucci Votes Aye. Motion Passed.*

8. Select Fall Town Meeting Date

Chair Dumont states that there was a survey done via Survey Monkey held in regards to when Town Meeting would be (Survey Results Attached).

TA Garvin states that she promised Clerk MacDougall that she would not hold Town Meeting prior to the Election. The two options at this point would be the 12<sup>th</sup> or the 19<sup>th</sup> of November.

Janet Tice asked how this survey was publicized. Chair Dumont responded that it was shared on the Towns Facebook page. Tice asked about the survey that was held after the Spring Special Town Meeting. Selectmen Cappucci said he believes out of about 135 people 95% of people at that meeting cast their vote for non-Saturday meetings. Janet Tice states she believes this survey was sketchy and that a more publicized survey should be held. It was pointed out that this was not a valid vote/poll since it was held after Town Meeting had adjourned and was not recorded in the minutes of the meeting.

Selectmen Cappucci states he believes Saturday meetings eliminate a large percentage of people that would usually attend Town Meeting.

Selectmen Prescott states that this could be stated about any day of the week. Prescott states that based on pure attendance the Saturday meetings have worked better.

Chair Dumont states that when meetings are held on Saturday they can stay for a longer period of time then on a Monday night, which usually results in a two night affair where attendance drops on night two.

9. Open Fall Town Meeting Warrant, Vote may be taken

*Selectmen Prescott motions to open the Town Meeting Warrant for the November 19th Town Meeting to be closed on August 31st at the end of the business day, Selectmen Cappucci seconds. Prescott vote Aye, Dumont votes Aye, Cappucci Votes No. Motion Passed.*

10. Chapter 61A, Right of First Refusal, 133 Hazen Road, Vote may be taken

*Chair asks for more time.*

11. Chapter 61A, Right of First Refusal, Lawton Road and Great Road, Vote may be taken

TA Garvin states that this is potentially being used as a solar field, but some of it is chapter land, thus needing the first refusal. The Board may refuse or

Attorney Tom Gibbons states that he believes that the portions of the property that abut any conservation land do not abut the actual solar project.

Ann Gagnon of Mass Conservation states that she is under the belief that all of the land was going to be used as a solar farm.

Attorney Gibbons state that the project is really broken up by easement projects and he believes that since it is so broken up refusal would be the wrong action for this part of the process.

Chair Dumont states that all permits and hearings have gone successfully up to this point. Obviously the Town is not in a position to be purchasing land and she believes in the long run this will bring in revenue for the Town.

Conservation Chair Bortel states that there was a meeting on Friday where the commission was in favor of using this as a corridor connecting conservation areas, but would need state assistance in purchasing the property.

The owner of this property states that he believes this is a great use of this land as it brings in tax dollars, green energy, and is not a burden to the school.

Attorney Gibbons states that without a quorum the Conservation Commission votes cannot make official votes.

Ann Gagnon urged the board to look at the bigger picture.

Marie Elwyn on behalf of the trees believes there is a bigger picture. She states they are waiving a few dollars and clearing acre after acre and tree after tree.

Chair Dumont states that all of the Solar Development done has not cut down a substantial amount of trees. She again states that she is looking at the best interest of the homeowner, and she does not believe it is her place to tell someone what to do with their land.

Selectmen Prescott states it unfortunate that DCR is so large that one side has already approved a project while another finds an issue.

Selectmen Cappucci states that the Town does not have the money and that is a fact. He asked the developer if they would be open to having a public hearing. To which he replies that is the eleventh hour and it is getting to a point where they could potentially lose out. There will be 45-50 acres left untouched once this project is complete.

*Selectmen Prescott motions to release the right of first refusal on Lawton road. Prescott vote Aye, Dumont votes Aye, Cappucci Votes Aye. Motion Passed.*

12. Board of Selectman Handbook, Discussion

Chair Dumont states that there was a discussion on hiring and how it went through the department heads and Board of Selectmen. Dumont believes that there are things they could add to the handbook. One of the things she would like to see added is a provision about how to reach out to Town Counsel. She believes we are being charged for repetitive questions.

Selectmen Cappucci believes this was originally set to not let a department head call counsel without approval to save money. He believes that there is a need for a conversation regarding going through the Board of Selectmen's office when contacting Town Counsel. He believes this should potentially go through the Administrator.

13. One-Day Liquor License, St. Anthony's Church, August 5th and 6th, Vote may be taken

*Selectmen Prescott motions to approve the One Day Liquor license for St. Anthony's Church. Selectmen Cappucci, Seconds. Prescott vote Aye, Dumont votes Aye, Cappucci Votes Aye. Motion Passed.*

14. Economic Development Committee, Update

Sarah Widing and Bryan Dumont from the Economic Development Committee came forward to provide an update. Sarah Widing states that good economic health is important to the community as a whole. The committee has been looking at what needs to change to strengthen our economic health. She was delighted to find that Shirley has over 250 businesses and beginning to put together a business directory. A letter was sent to all business owners asking them to complete a business survey, and request them to get together for a business summit. This could potentially be held at the legion to discuss business and future growth.

15. Driveway Permits

*Selectman Prescott Motions to approve the Driveway Permit for 1 Garrison Road. Selectmen Cappucci, Seconds. Enrico C. Cappucci vote Aye, Kendra J. Dumont vote Aye, Robert E. Prescott votes Aye. Motion Passes.*

*Selectman Prescott Motions to approve the Driveway Permit for 22 Longley Road. Selectmen Cappucci, Seconds. Enrico C. Cappucci vote Aye, Kendra J. Dumont vote Aye, Robert E. Prescott votes Aye. Motion Passes.*

*Selectman Prescott Motions to approve the Driveway Permit for 118 Groton Road. Selectmen Cappucci, Seconds. Enrico C. Cappucci vote Aye, Kendra J. Dumont vote Aye, Robert E. Prescott votes Aye. Motion Passes.*

*Selectman Prescott Motions to approve the Driveway Permit for 114 Hazen Road. Selectmen Cappucci, Seconds. Enrico C. Cappucci vote Aye, Kendra J. Dumont vote Aye, Robert E. Prescott votes Aye. Motion Passes.*

*Selectman Prescott Motions to approve the Driveway Permit for 25 Harvard Road. Selectmen Cappucci, Seconds. Enrico C. Cappucci vote Aye, Kendra J. Dumont vote Aye, Robert E. Prescott votes Aye. Motion Passes.*

16. Sign Warrants for State Primary, September 8, 2016

*Selectman Prescott Motions to sign the warrants for the State Primary on September 8<sup>th</sup> as presented this evening. Selectmen Cappucci, Seconds. Enrico C. Cappucci vote Aye, Kendra J. Dumont vote Aye, Robert E. Prescott votes Aye. Motion Passes.*

**PUBLIC COMMENTS**

**ANNOUNCEMENTS**

1. Next Meeting: Monday 8 /8/16 at 7:00 p.m.

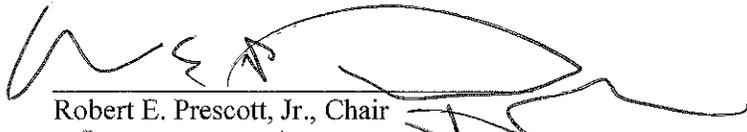
**ADJOURNMENT**

With no further business to discuss, *Selectmen Prescott motioned to go into executive session at 9:15p.m. to only return to adjourn and Selectmen Cappucci Seconded ., Robert E. Prescott vote Aye, Kendra J. Dumont vote Aye, and Enrico C. Cappucci, vote Aye.*

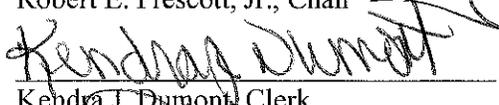
Respectfully submitted,  
Nathan Boudreau, Executive Assistant

Date Accepted: \_\_\_\_\_

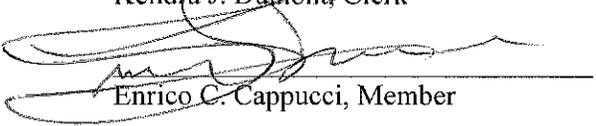
Board of Selectmen



Robert E. Prescott, Jr., Chair



Kendra J. Dumont, Clerk



Enrico C. Cappucci, Member

*Pursuant to the 'Open Meeting Law,' G.L. 39, § 23B, the approval of these minutes by the Board constitutes a certification of the date, time and place of the meeting, the members present and absent, and the actions taken at the meeting. Any other description of statements made by any person, or the summary of the discussion of any matter, is included for the purpose of context only, and no certification, express or implied, is made by the Board as to the completeness or accuracy of such statements.*

## **TIMELINE OF IMPORTANT EVENTS: Village at Phoenix Pond Condominium Trust**

(All recording references refer to Middlesex Southern District Registry of Deeds)

- 06/17/2002:** Order of Conditions written by Shirley Dept. of Public Works Director Albert Chevrette. The Order states under Section 4.9 – Other Improvements [which pertains to sidewalk requirements] that: ***“These roads are to be accepted by the Town as Town Roads. They Must meet all Town Specifications.”***
- 10/17/2002:** Town of Shirley gives preliminary approval of the subdivision plan for condo development proposed by SPL Development to build 50 condo units – recorded at Book 37847, Pg 50 (subdivision approval) and Book 37847, Page 54 (approval of Clustered Residential Development). Both the Notice of Subdivision Approval and Notice of Approval: Clustered Residential Development say on page 2, item #9: ***“...roadways to be constructed in accordance with current specifications for acceptance as a Town roadway.”***
- 12/13/2002:** Regarding single-family home at **43 Shaker Road**: This is the recording date of a deed recorded at Book 37365, Page 488 conveying the newly built home at **43 Shaker Road** from D'Boss & Son Builders, Inc. to Michael & Lana Ouellette.
- Note: D'Boss derived title to this and two other vacant lots by deed from SPL recorded 7/1/2002 at Book 35803, Page 88. That deed contains language saying the premises were conveyed with the benefit of a Temporary Access and Utility Easement as shown on an attached plan of the land, and that the easement would ***“automatically terminate upon the acceptance by the Town of Shirley of the roadway to be constructed in the Temporary Access and Utility Easement area”*** – indicating SPL believed the roadway was going to be accepted.
- 04/01/2003:** SPL Development conveys the subdivision property to the Fossile's d/b/a Phoenix Pond Realty Trust. Deed recorded at Book 38652, Page 35
- 08/11/2004:** Regarding single-family home at **45 Shaker Road**: This is the recording date of a deed recorded at Book 43499, Page 371 conveying the newly built home at **45 Shaker Road** from D'Boss & Son Builders, Inc. to Brian & Elizabeth Johnson.
- Note: D'Boss derived title to this and one other vacant lot by deed from SPL recorded 1/24/2003 at Book 37781, Page 547. That deed contains language saying the premises were conveyed with the benefit of a Temporary Access and Utility Easement as shown on an attached plan of the land, and that the easement would ***“automatically terminate upon the acceptance by the Town of Shirley of the roadway to be constructed in the Temporary Access and Utility Easement area”*** – indicating SPL believed the roadway was going to be accepted.
- 03/02/2006:** Phoenix Pond Realty Trust conveys the subdivision property to its company Phoenix Pond LLC. Deed at Book 47057, Page 564.
- 08/07/2006:** Village at Phoenix Pond Condominium Trust is created via Master Deed recorded at Book 47943, Page 344 and Declaration of Trust recorded at Book 47943, Page 374 – prepared by Declarant Phoenix Pond LLC. The Master Deed called for construction of twenty-five buildings containing fifty age-restricted condo units. Two units (one building) existed at this time.
- 08/08/2006:** First deed/sale of condo – unit #3, recorded at Book 47952, Pg 319.

# Town of Shirley PLANNING BOARD



Bk: 37847 Pg: 050

Recorded: 01/30/2003

Document: 00001150 Page: 1 of 4



4-

POST OFFICE BOX 692 — SHIRLEY, MASSACHUSETTS 01464

Tel. (978) 425-2625

Fax (978) 425-2627

## FORM D: NOTICE OF SUBDIVISION DECISION

At its meeting of September 30, 2002 the Shirley Planning Board voted to **APPROVE** the application of SPL Development Group, Inc., 10 Northern Boulevard, Amherst, New Hampshire 03031 under the "Town of Shirley, Planning Board, Subdivision Rules & Regulations, Revision 1.13", as amended, and Massachusetts General Laws, Chapter 41, the Subdivision Control Law to develop a clustered residential development, consisting of twenty-five (25) duplex units, with a total of fifty (50) dwellings, in the R-2 and R-3 residential zoning districts, off Shaker Road, Assessors Parcel 12E/17.

A Preliminary Application was submitted January 24, 2002 with no decision filed by the Board. A Definitive Application was received by the Town Clerk on May 29, 2002. Legal notice was given to parties of interest, including abutters, and advertised in "The Shirley Oracle" on Wednesdays July 3 and 10, 2002.

The Public Hearing was opened on July 25, 2002 and immediately continued to August 8, August 22, September 5, September 19, September 26, and September 30, 2002, when it was closed.

The Decision is based on the Application, which consisted of:

\*Letter of Application dated May 29, 2002 from David E. Ross Associates, Inc.;

\*Form C dated May 29, 2002;

\*Letter requesting waivers dated May 29, 2002 from David E. Ross Associates, Inc.;

\*Plans entitled: "The Village at Phoenix Pond; Definitive Subdivision of land in Shirley, Mass.; Prepared for SPL Development Group, LLC; Record Owner/Applicant: SPL Development Group, LLC, 10 Northern Boulevard, Amherst, NH 03031; Engineer/Surveyor: David E. Ross Associates, Inc., P.O. Box 234, 111 Fitchburg Road, Ayer, Mass. 01432; Job No. 16502; Plan No. L7663", 12 sheets;

\*Certified List of Abutters;

\*Documentation and narrative included in "The Village at Phoenix Pond' Shirley, Massachusetts; Combined Application for Definitive Subdivision and Special Permit-Cluster Housing Development: Project no. 16502; May 2002; Submitted by David E. Ross Associates, Inc., 111 Fitchburg Road P. O. Box 368, Ayer, MA 01432; On behalf of: SPL Development Group, LLC, 10 Northern Blvd., Unit 13, Amherst, NH 03031";

OFF SHAKER RD, SHIRLEY

SEE PLAN IN RECORD BOOK PAGE

\*Stormwater Analysis for "Village at Phoenix Pond" in Shirley, Mass.; Submitted: David E. Ross Associates, Inc.; On behalf of: SPL Development Group, LLC; Date: May 30, 2002.

Comments were received from the Shirley Public Works Department, Fire Chief, Chief of Police, Conservation Commission, Building Inspector, Sewer Commission, Water District, and an individual Conservation Commissioner.

**Testimony:**

1. Revised plans dated September 30, 2002, titled Interior Lot Lines Removed were accepted by the Board at the Hearing of September 30, 2002.
2. Twenty-five (25) duplex buildings are to be built, totaling fifty (50) dwellings.
3. All utilities are to be underground.
4. Approximately 16.5 acres will be dedicated open space. Parcel A will be deeded to the Town for public use. The remaining dedicated open space is to be restricted to passive use by the residents and homeowners of the development.
5. Ownership of each Unit is to be deed-restricted for age fifty-five and over.
6. Each Unit within the development is to be serviced by public water and sewage systems.
7. Each dwelling will range in size from approximately 1,200 to 1,400 square feet, and will have available outside, dedicated parking.
8. Additional community parking will be available on the roadways.
9. The development will consist of two (2) roadways, Pond View Circle and Village Drive. Both roadways to be constructed in accordance with current specifications for acceptance as a Town roadway.
10. The cluster development is a method to ensure greater preservation of open space and the Town's rural character.

**Conditions:**

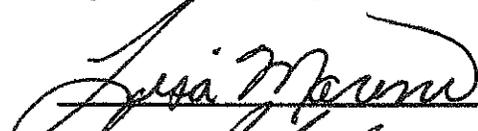
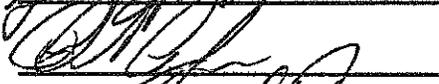
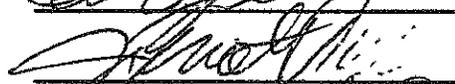
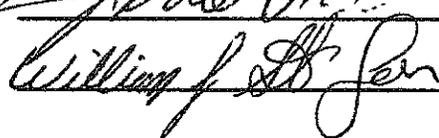
1. Ownership of the units shall be deed restricted to persons fifty-five (55) and older. The Town shall have standing and authority to enforce the provisions of the deed restriction.
2. All sections and subsections of the Subdivision Rules and Regulations shall be met, except as otherwise indicated and/or referenced in this Approval.

3. The Applicant withdrew waiver from Section 4.8.3 to not install fire alarm boxes within the development.
4. Waiver from Section 3.1.2 to allow scale of 1/80 on some plans, rather than 1/40, was allowed and executed by the Applicant.
5. Waiver from Section 4.9.1.1 to construct sidewalks only on one side of the roadways is not granted. Sidewalks shall be constructed, to standards, on both sides of the roadways, including to the intersection at Shaker Road, and on the outer circumference of any cul-de-sac.
6. Any dedication of land to be associated with a unit/building will be at the discretion of the Applicant and subsequently of the Homeowners Association.
7. All utilities are to be underground. Units will be serviced by public water and sewage systems.
8. A minimum of two (2) fire alarm boxes are to be placed within the development. These alarm boxes are to be wired to a specified alarm box provided by the Fire Department in the vicinity of Shaker Road. Hydrants are to be located every 400 to 600 feet along the roadway.
9. Stop signs are to be installed at each intersection with Shaker Road and on Village Drive where it intersects with Pond View Circle.
10. Dedicated open space shall be reserved in perpetuity. Parcel A will be deeded to the Town for public use. The remaining dedicated open space is to be restricted to passive use by the residents and homeowners of the development.
11. Landscaping of the development is to be in accordance with proposed typical landscaping as shown on Sheet 8, Plan L-7663.
12. No dumping or disposal of stumps, construction debris, or refuse will be allowed on-site during construction and development of the Site.
13. The Shirley Water District shall have final approval of all new water service prior to commencement of any water service related work.
14. The Shirley Sewer Commission shall have final approval of all new sewer service prior to commencement of any sewer service related work.
15. No building permit shall be granted for any building in the cluster development until all documents required, including prepared deeds, easements, covenants, and/or restrictions of designated perpetual open space have been submitted to and approved by the Planning Board and further, that all documents, including the Special Permit, Subdivision Approval, and Definitive Plans, have been recorded in the Registry of Deeds and proof of recording furnished to the Planning Board, thereupon the Planning Board shall provide written authorization for issuance of

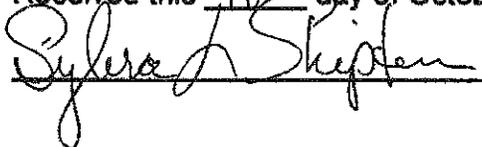
building permits. The Board shall allow the issuance of not more than ten (10) building permits prior to the receipt of the recorded Conservation Restriction.

16. No construction is to begin until all required permits have been issued.
17. The Applicant, his successors and assigns, shall comply with the terms and conditions made part of this Approval. Compliance shall extend, but not be limited to, any Order of Conditions or Determinations made by the Shirley Conservation Commission, decisions of the Board of Health, any terms, agreements, conditions, decision of any and all applicable authority/agency of the Town, Commonwealth of Massachusetts, or federal entities.
18. Final plan to be endorsed and registered shall contain the following note: "No further subdivision on Site".

Signed this 17<sup>th</sup> day of October 2002:

	_____	Lisa Marino, Chairman
	_____	Lewis I Nathan, Vice-Chairman
	_____	Charles A. Colburn, Jr., Clerk
	_____	J. Timothy Bresnahan
	_____	William St. Coeur

Received this 18<sup>th</sup> day of October, 2002:

	_____	Sylvia L. Shipton, Town Clerk
---	-------	-------------------------------

No Notice of appeal has been filed within twenty (20) days of the filing of this Approval.

Attested this 13<sup>th</sup> day of January, 2002-2003

	_____	Sylvia L. Shipton, Town Clerk
---	-------	-------------------------------



BK 35803 PG 088

5M

Bk: 35803 Pg: 088

QUITCLAIM DEED

Recorded: 07/01/2002

Document: 00000075 Page: 1 of 5

SPL Development Group, LLC, a New Hampshire Limited Liability Company

with a principal place of business at 10 Northeastern Boulevard, Amherst, Hillsborough County, New Hampshire, for consideration paid in the amount of Three Hundred

✓ Thousand & 00/100ths (\$300,000.00) Dollars, grant to D' Boss & Son Builders, Inc., a

Massachusetts corporation, with a principal place of business at 20 Peterson Street,

Leominster, Worcester County, Massachusetts, 01453, with QUITCLAIM

COVENANTS:

The following three parcels of land:

Parcel One:

A certain tract or parcel of land situated on the northwesterly side of Shaker Road (a/k/a Phoenix Street), Shirley, Middlesex County, Massachusetts, being shown as Lot A-3 on a plan of land entitled "Plan of Land in Shirley, Mass, prepared for SPL Development Group, LLC, Scale 1" = 40' dated May, 2002," and recorded in the Middlesex South District Registry of Deeds herewith as Plan Book \_\_\_\_, Page \_\_\_\_, said lot being bounded and described as follows:

Beginning at a point which is the most southwesterly corner of the within described premises; thence

N 57° 05' 23" W, for a distance of 204.16 feet, as bounded by land of Michelle Fitch as shown on said plan, to a point;

N 33° 03' 52" E, for a distance of 154.97 feet, as bounded by said Fitch land, to a point; thence

S 57° 12' 38" E, for a distance of 201.88 feet, as bounded by Lot A-4 as shown on said plan, to a point; thence

S 32° 13' 26" W, for a distance of 155.40 feet, as bounded by Shaker Road to the point of beginning.

PROPERTY: Lot A-3, A-4 & A-5 Shaker Rd. Shirley, MASS. MUNCISE TAX: 1368.00 \*\*\*

MSD 07/01/02 08:25:23 75 45.00

SEE PLAN IN RECORD BOOK 35803 PAGE 87

#674

Containing 31,505 square feet, according to said plan.

Parcel Two:

A certain tract or parcel of land situated on the northwesterly side of Shaker Road (a/k/a Phoenix Street), Shirley, Middlesex County, Massachusetts, being shown as Lot A-4 on a plan of land entitled "Plan of Land in Shirley, Mass, prepared for SPL Development Group, LLC, Scale 1" = 40' dated May, 2002," and recorded in the Middlesex South District Registry of Deeds herewith as Plan Book \_\_\_\_\_, Page \_\_\_\_\_, said lot being bounded and described as follows:

Beginning at a point which is the most southwesterly corner of the within described premises; thence

N 57° 12' 38" W, for a distance of 201.88 feet, as bounded by Lot A-3 as shown on said plan, to a point; thence turning and running

N 33° 03' 52" E, for a distance of 155.03 feet, as bounded by land of Michelle Fitch as shown on said plan, to a point; thence turning and running

S 57° 05' 23" E, for a distance of 199.61 feet, as bounded by said Fitch land, to a point; thence turning and running

S 32° 13' 26" W, for a distance of 154.62 feet, as bounded by Shaker Road to the point of beginning.

Containing 31,080 square feet, according to said plan.

Parcel Three:

A certain tract or parcel of land situated on the northwesterly side of Shaker Road (a/k/a Phoenix Street), Shirley, Middlesex County, Massachusetts, being shown as Lot A-5 on a plan of land entitled "Plan of Land in Shirley, Mass, prepared for SPL Development Group, LLC, Scale 1" = 40' dated May, 2002," and recorded in the Middlesex South District Registry of Deeds herewith as Plan Book \_\_\_\_\_, Page \_\_\_\_\_, said lot being bounded and described as follows:

Beginning at a point which is the most southwesterly corner of the within described premises; thence

N 57° 05' 23" W, for a distance of 199.01 feet, as bounded by land of Michelle Fitch as shown on said plan, to a point; thence turning and running

N 32° 54' 37" E, for a distance of 155.00 feet, as bounded by said Fitch land, to a point; thence turning and running

S 57° 05' 23" E, for a distance of 197.15 feet, as bounded by said Fitch land, to a point; thence turning and running

S 32° 13' 26" W, for a distance of 155.01 feet, as bounded by Shaker Road to the point of beginning.

Containing 30,702 square feet, according to said plan.

The premises are conveyed subject to a 10 foot wide Temporary Construction Easement as shown on said plan in favor of the Grantor, their successors, and or assigns. Said right and easement is for the purpose bringing and placing on said strip all personnel, tools, equipment, vehicles and appliances necessary to construct roadway, drainage, and slopes, including any necessary landscaping and other improvements related thereto in connection with the construction of a roadway and utilities on that portion of the Grantors remaining property which abuts the Temporary Construction Easement, and the right and easement to cut, trim, and remove trees, bushes, overhanging branches, and other obstructions to the extent the grantor deems necessary; and the right to enter said strip for access thereto for all the aforementioned purposes. The Temporary Construction Easement shall automatically terminate upon the acceptance of the constructed roadway by the Town of Shirley.

The premises are conveyed with the benefit of a Temporary Access and Utility Easement over a portion of the remaining land of the Grantor, said portion being the area shown on the attached Exhibit A as Temporary Access and Utility Easement Area. Said right and easement over Temporary Access and Utility Easement Area shall include access on foot and in motor vehicles and installing, maintaining, replacing, removing, and using underground and above ground utility lines, including without limitation sewers, drains, water lines, gas pipes, electrical lines, telephone lines, and cable television lines therein and thereunder. The Grantee and their successors, and or assigns shall have the right to use and enjoy the forgoing right and easement in common with the Grantor and their successors, and or assigns. If in connection with the exercise of said right and easement either party shall make any excavations, the party so excavating shall as soon as possible restore the excavated areas to there prior condition. The Grantor for itself and for its successors, and or assigns reserves the right to relocate any of said utilities if so required by the Town of Shirley or by necessity. The Temporary Access and Utility Easement shall automatically terminate upon the acceptance by the Town of Shirley of the roadway to be constructed in the Temporary Access and Utility Easement area.

There is specifically excluded here from any fee interest in any portion of the remaining land of the Grantor.

Being a portion of the premises conveyed to the Grantor herein by deed of Michelle V. Fitch, Executrix of the Will of Vincesa V. Carbo dated June 28, 2002 and recorded in the Middlesex South District Registry of Deeds herewith as Instrument # 37 of July 1, 2002; and by deed of Michelle V. Fitch, individually, dated June 28, 2002 and recorded in the Middlesex South District Registry of Deeds herewith as Instrument # 38 of July 1, 2002.

In witness whereof, the undersigned has set his hand hereto this 28<sup>TH</sup> day of June, 2002.

SPL DEVELOPMENT GROUP, LLC

*Peter R. Lee* MANAGER + CEO

By: Peter R. Lee, ~~Manager~~ CEO *PL*  
Manager and

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

June 28, 2002

Then personally appeared the above-named Peter R. Lee as Manager and acknowledged the foregoing to be the free act and deed of SPL Development Group, LLC, before me,

*Thomas A. Gibbons*

Notary Public

My commission expires:

\\Server\shared direc\LOTAG\Real Estate\SPL#01-0133\Deeds\LotA-3.wpd

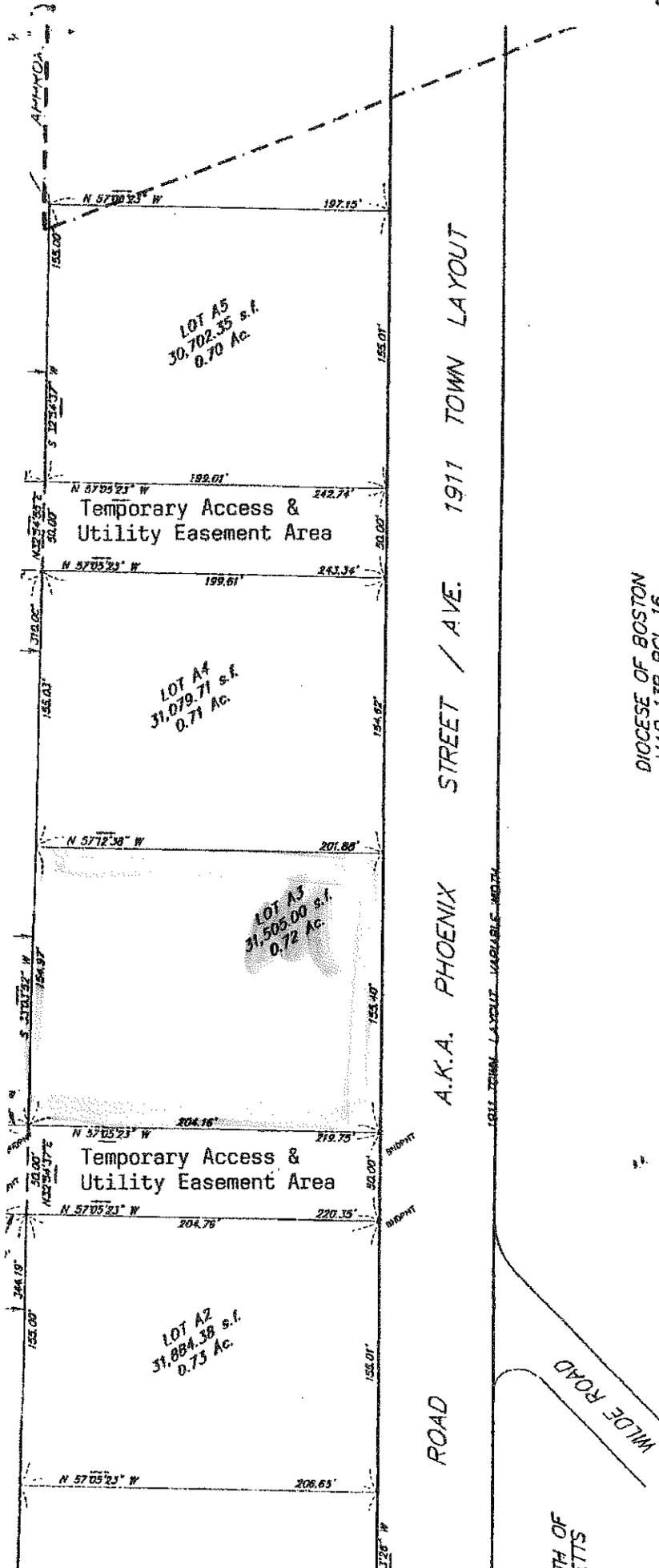
THOMAS A. GIBBONS

Notary Public

My Commission Expires February 21, 2003

07/01/02 10:22AM 01  
000000 #3177  
FEE \$1368.00  
CASH \$1368.00  
CANCELLED  
CAMBRIDGE DEEDS REGIS  
MIDDLE SOUTH  
CANCELLED

*Seal*



LOT A5  
30,702.35 s.f.  
0.70 Ac.

Temporary Access &  
Utility Easement Area

LOT A4  
31,079.71 s.f.  
0.71 Ac.

LOT A3  
31,508.00 s.f.  
0.72 Ac.

Temporary Access &  
Utility Easement Area

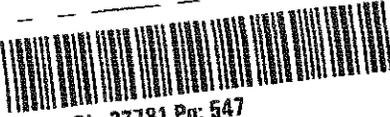
LOT A2  
31,884.38 s.f.  
0.73 Ac.

DIocese OF BOSTON  
MAP 13B PCL 16  
ST. ANTHONY'S CEMETERY

ROAD  
A.K.A. PHOENIX STREET / AVE. 1911 TOWN LAYOUT

WIDE ROAD

TH OF  
TTTS



Bk: 37781 Pg: 547

Recorded: 01/24/2003

Document: 00001267 Page: 1 of 4

QUITCLAIM DEED

4/ -

SPL Development Group, LLC, a New Hampshire Limited Liability Company with a principal place of business at 10 Northeastern Boulevard, Amherst, Hillsborough County, New Hampshire for consideration of Two Hundred Thousand and 0/100ths (\$200,000.00) Dollars grant to D'Boss & Son Builders, Inc., a Massachusetts corporation, with a principal place of business at 20 Peterson Street, Leominster, Worcester County, Massachusetts, 01453,

with QUITCLAIM COVENANTS:

The following two parcels of land:

Parcel One:

A certain tract or parcel of land situated on the northwesterly side of Shaker Road (a/k/a Phoenix Street), Shirley, Middlesex County, Massachusetts, being shown as Lot A-1 on a plan of land entitled "Plan of Land in Shirley, Mass, prepared for SPL Development Group, LLC, Scale 1" = 40' dated May, 2002," and recorded in the Middlesex South District Registry of Deeds as Plan Number 674 of 2002, said lot being bounded and described as follows:

Beginning at a point which is the most southeasterly corner of the within described premises; thence

N 65° 27' 42" W, for a distance of 210.84 feet, as bounded by land now or formerly of Carol A. Glover as shown on said plan, to a point; thence

N 32° 55' 24" E, for a distance of 189.19 feet, as bounded by land now or formerly of Michelle Fitch, as shown on said plan, to a point; thence

S 57° 05' 23" E, for a distance of 206.65 feet, as bounded by Lot A-2 as shown on said plan, to a point; thence

S 32° 13' 26" W, for a distance of 158.51 feet, as bounded by Shaker Road to the point of beginning.

Containing 36,108 square feet of land, according to said plan.

MASS. EXCISE TAX: 912.00 \*\*\*  
Address: Lots A-1 & A-2 Shaker Road, Shirley, MA  
45-80 Property  
1267  
MSD 01/24/03 01:17:20

**Parcel Two:**

A certain tract or parcel of land situated on the northwesterly side of Shaker Road (a/k/a Phoenix Street), Shirley, Middlesex County, Massachusetts, being shown as Lot A-2 on a plan of land entitled "Plan of Land in Shirley, Mass, prepared for SPL Development Group, LLC, Scale 1" = 40' dated May, 2002," and recorded in the Middlesex South District Registry of Deeds as Plan Number 674 of 2002, said lot being bounded and described as follows:

Beginning at a point which is the most southeasterly corner of the within described premises; thence

N 57° 05' 23" W, for a distance of 206.65 feet, as bounded by Lot A-1 on said plan, to a point; thence turning and running

N 32° 55' 24" E, for a distance of 155.00 feet, as bounded by land now or formerly of Michelle Fitch as shown on said plan, to a point; thence turning and running

S 57° 05' 23" E, for a distance of 204.76 feet, as bounded by land now or formerly of Michelle Fitch as shown on said plan, to a point; thence turning and running

S 32° 13' 26" W, for a distance of 155.01 feet, as bounded by Shaker Road to the point of beginning.

Containing 31,884 square feet of land, according to said plan.

The premises are conveyed subject to a 10 foot wide Temporary Construction Easement as shown on said plan in favor of the Grantor, their successors, and or assigns. Said right and easement is for the purpose bringing and placing on said strip all personnel, tools, equipment, vehicles and appliances necessary to construct roadway, drainage, and slopes, including any necessary landscaping and other improvements related thereto in connection with the construction of a roadway and utilities on that portion of the Grantors remaining property which abuts the Temporary Construction Easement, and the right and easement to cut, trim, and remove trees, bushes, overhanging branches, and other obstructions to the extent the grantor deems necessary; and the right to enter said strip for access thereto for all the aforementioned purposes. The Temporary Construction Easement shall automatically terminate upon the acceptance of the constructed roadway by the Town of Shirley.

The premises are conveyed with the benefit of a Temporary Access and Utility Easement over a portion of the remaining land of the Grantor, said portion being the area shown on the attached Exhibit A as Temporary Access and Utility Easement Area. Said right and easement over Temporary Access and Utility Easement Area shall include access on foot and in motor vehicles and installing, maintaining, replacing, removing, and using underground and above ground utility lines, including without limitation sewers, drains, water lines, gas pipes, electrical

lines, telephone lines, and cable television lines therein and thereunder. The Grantee and their successors, and or assigns shall have the right to use and enjoy the forgoing right and easement in common with the Grantor and their successors, and or assigns. If in connection with with the exercise of said right and easement either party shall make any excavations, the party so excavating shall as soon as possible restore the excavated areas to there prior condition. The Grantor for itself and for its successors, and or assigns reserves the right to relocate any of said utilities if so required by the Town of Shirley or by necessity. The Temporary Access and Utility Easement shall automatically terminate upon the acceptance by the Town of Shirley of the roadway to be constructed in the Temporary Access and Utility Easement area.

There is specifically excluded here from any fee interest in any portion of the remaining land of the Grantor.

Being a portion of the premises conveyed to the Grantor herein by deed of Michelle V. Fitch, Executrix of the Will of Vincesa v. Carbo dated June 28, 2002 and recorded in the Middlesex South District Registry of Deeds on July 7, 2002 as Instrument Number 37; and by deed of Michelle V. Fitch, individually, dated June 28, 2002 and recorded in the Middlesex South Registry of Deeds on July 7, 2002 as Instrument Number 38.

In witness whereof, the undersigned has set his hand hereto this 23<sup>rd</sup> day of January, 2003

SPL DEVELOPMENT GROUP, LLC

By: Peter R. Lee, Manager

01/24/03 3:06PM 01  
000000 #5198  
FEE \$912.00  
CASH \$912.00

CAMBRIDGE  
DEEDS REG15  
MIDDLE SOUTH

COMMONWEALTH OF MASSACHUSETTS

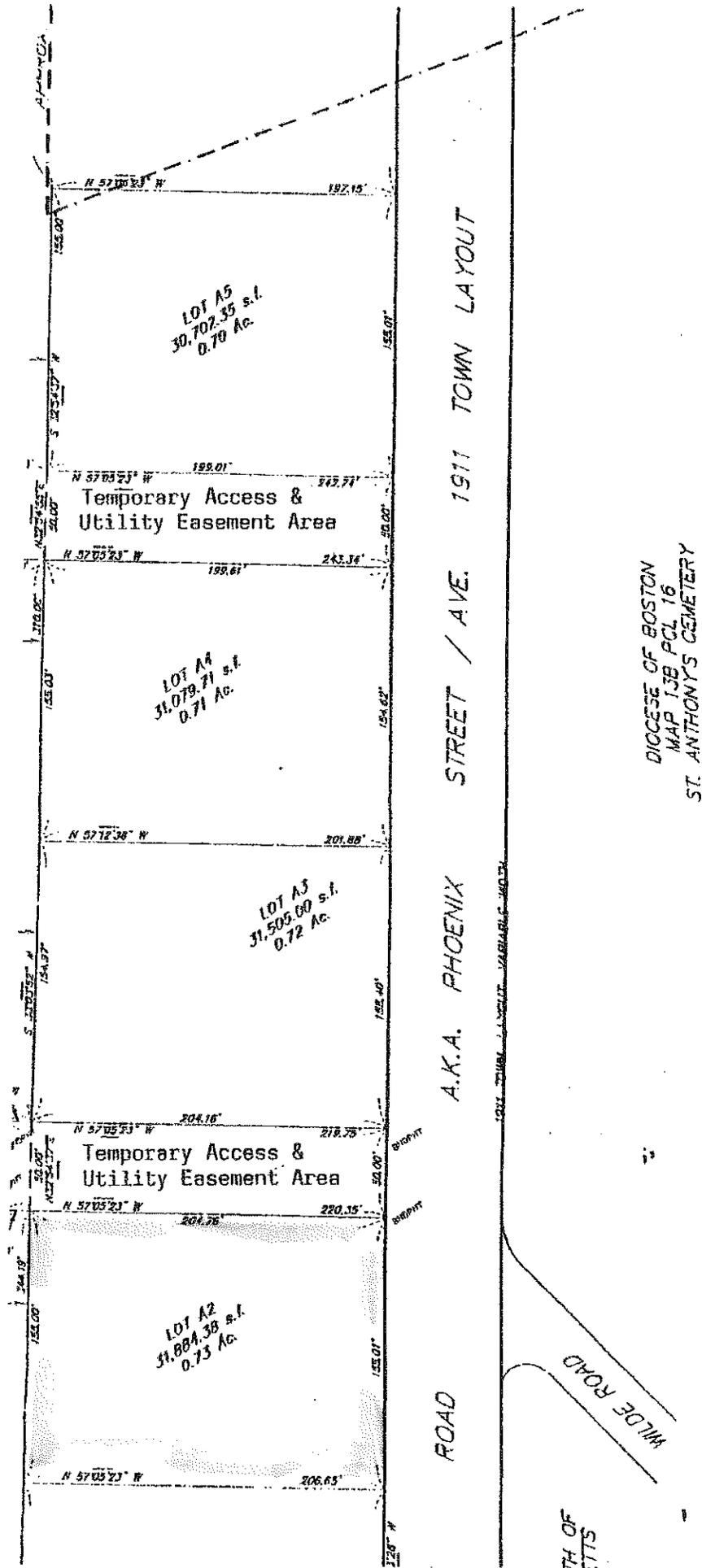
Worcester, ss.

January 23<sup>rd</sup>, 2003

Then personally appeared the above-named Peter R. Lee as Manager and acknowledged the foregoing to be the free act and deed of SPL Development Group, LLC, before me,

Thomas A. Gibbons  
Notary Public Thomas A. Gibbons  
My commission expires: 2/21/03

Exhibit A



DIOCESE OF BOSTON  
MAP 13B PCL 16  
ST. ANTHONY'S CEMETERY

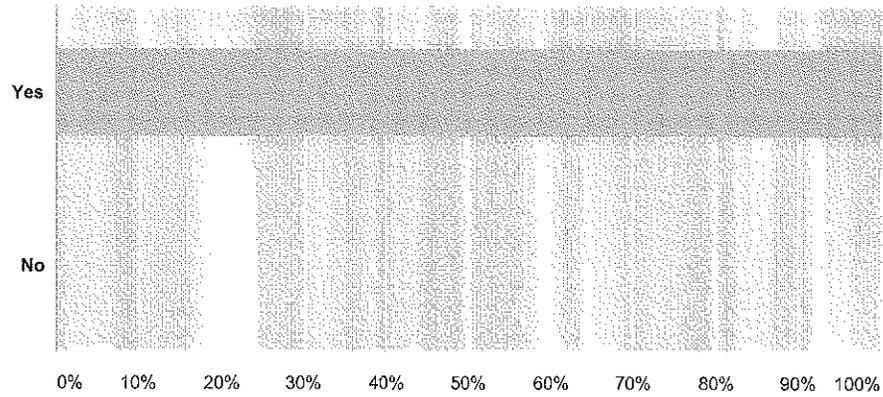
## **Town Meeting Date Survey**

- 1. Survey ran for 30 days 6/11/16 through 7/11/16**
- 2. Survey was on Towns Facebook page, currently 1057 (as of 7/2016) Shirley residents with access to Facebook account, Survey was shared via Facebook 17 times**
- 3. Total respondents to survey 113 (one hundred and thirteen)**
- 4. Over 25% of the respondents attend ALL Annual/Special Town Meetings. The largest amount (over 39%) have attended between 0-5 Annual/Special Town Meetings (Page 3 of the attached)**
- 5. Over 54% of the respondents prefer at Saturday Annual/Special Town Meeting (Page 5 of the attached)**

Town of Shirley - Dates of Special Town Meetings	Attendance		Town of Shirley - Dates of Annual Town Meetings	Attendance
Saturday, November 14, 2015	135			
Saturday, September 12, 2015	347	Recall article	Saturday, April 23, 2016	139
Monday, June 08, 2015	227		Monday, April 27, 2015	199
Monday, February 23, 2015	115		Monday, June 02, 2014	162
Tuesday, December 16, 2014	172		Monday, May 20, 2013	104
Monday, November 10, 2014	95		Monday, May 21, 2012	92
Monday, November 18, 2013	44		Monday, June 06, 2011	384
Monday, August 05, 2013	134		Monday, June 07, 2010	115
Wednesday, June 26, 2013	74			
Monday, September 24, 2012	129			
Wednesday, March 28, 2012	157			
Monday, November 07, 2011	119			
Thursday, June 30, 2011	152			
Monday, December 13, 2010	62			
Saturday, March 06, 2010	706	Regionalization		
Saturday, November 14, 2009	101			
Monday, September 29, 2008	221			
Monday, April 07, 2008	189			
Tuesday, November 13, 2007	59			
Monday, March 26, 2007	78			
Tuesday, October 24, 2006	172			
Tuesday, November 01, 2005	93			
Monday, March 21, 2005	238			
Monday, November 08, 2004	110			
Monday, October 20, 2003	120			
Monday, April 28, 2003	54			
Monday, March 10, 2003	110			
Tuesday, February 25, 2025	167			
Saturday, April 02, 2011	117			
Monday, February 12, 2001	172			
Monday, October 23, 2000	238			
Sunday, October 01, 2000	122			
Monday, September 11, 2000	136			
Monday, April 03, 2000	99			
Monday, January 24, 2000	466			
total number of meetings	35		total number of meetings	6
average attendance	138 (without two highest #'s)		average attendance	176
lowest attendance	44		lowest attendance	92
highest attendance	706		highest attendance	384
# of mtgs <100 attendees	9		# of mtgs <100 attendees	1
# of mtgs 100-149 attendees	12		# of mtgs 100-149 attendees	2
# of mtgs 150-199 attendees	8		# of mtgs 150-199 attendees	2
# of mtgs 200+ attendees	7		# of mtgs 200+ attendees	1

### Q1 Are you a registered voter In Shirley

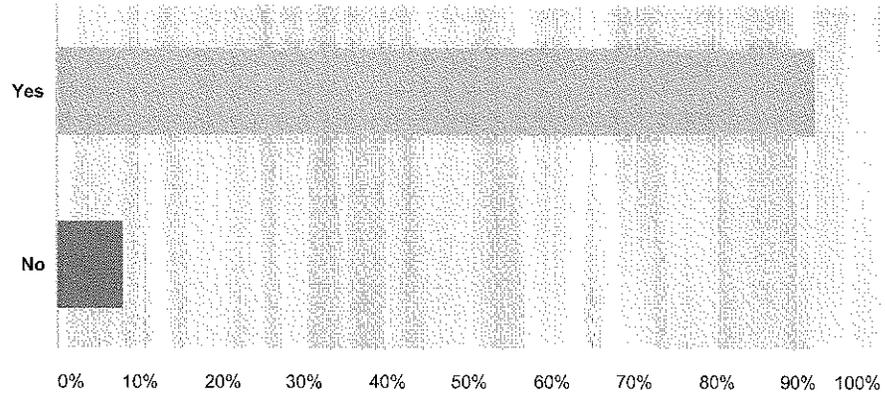
Answered: 113 Skipped: 0



Answer Choices	Responses
Yes	100.00% 113
No	0.00% 0
Total	113

### Q2 Do you attend Town Meetings?

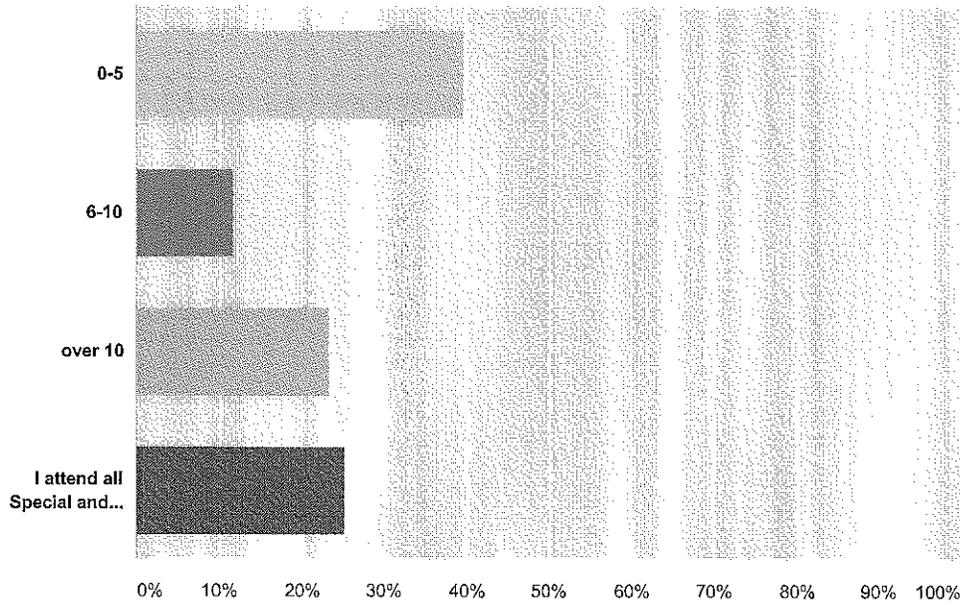
Answered: 113 Skipped: 0



Answer Choices	Responses
Yes	92.04% 104
No	7.96% 9
Total	113

### Q3 If you have attended Town Meetings, How Many?

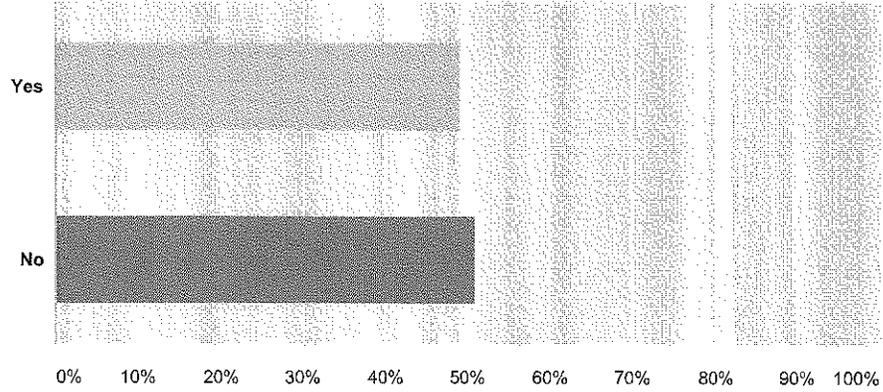
Answered: 111 Skipped: 2



Answer Choices	Responses	Count
0-5	39.64%	44
6-10	11.71%	13
over 10	23.42%	26
I attend all Special and Annual Town Meetings	25.23%	28
<b>Total</b>		<b>111</b>

### Q4 Do you/Would you prefer weeknight Annual/Special Town Meetings Starting at 7pm?

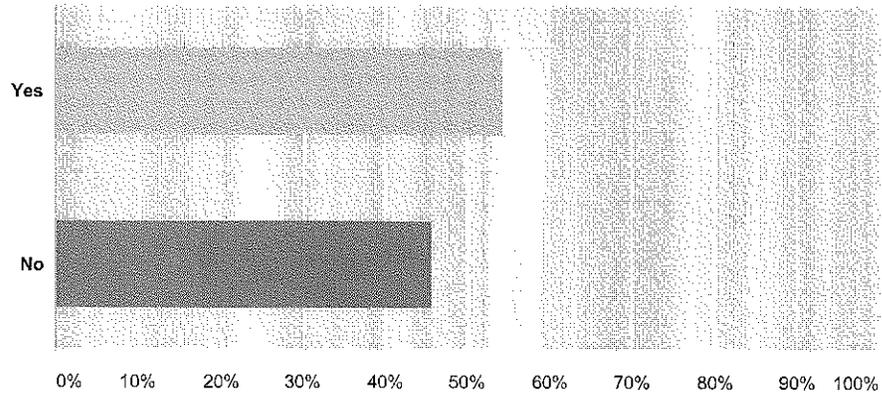
Answered: 106 Skipped: 7



Answer Choices	Responses	
Yes	49.06%	52
No	50.94%	54
<b>Total</b>		<b>106</b>

### Q5 Do you/Would you prefer Saturday Annual/Special Town Meetings starting at 9am?

Answered: 107 Skipped: 6



Answer Choices	Responses	
Yes	54.21%	58
No	45.79%	49
<b>Total</b>		<b>107</b>

## BOARD OF SELECTMEN

### HANDBOOK

#### AUTHORITY:

The Board of Selectmen is an elected Board and derives its authority and responsibilities from the statutes of the Commonwealth of Massachusetts and the By-Laws of the Town of Shirley.

#### ELECTION AND QUALIFICATION:

In accordance with the Town Meeting vote, the Board consists of three duly elected members. Before assuming official duties, each newly elected member shall be duly sworn in by the Town Clerk.

#### VACANCIES ON THE BOARD:

When a vacancy occurs in the membership of the Board of Selectmen, the Board or its remaining members shall call a special town election to fill the unexpired term, provided that the Annual Town Elections are more than six (6) months away. If less than six (6) months remain on the unexpired term the selectmen may call a special election, in accordance with the Massachusetts General Laws.

#### ROLE OF THE BOARD OF SELECTMEN:

The Board is responsible for policy development, and review for compliance. Therefore, the Board is responsible for supervising the departments of the general government that are not supervised by the other elected officials. Authority to supervise these departments is delegated to the Town Administrator.

#### ROLE OF THE TOWN ADMINISTRATOR:

The Board appoints the position who functions as the Town Administrator. The primary duties of the Administrator shall be the day-to-day administration of the general

government as outlined in the position's job description. The Administrator will also assist and work under the direction of the Selectmen in the formulation of policy.

The Town Administrator will maintain a close working relationship with all members of the Board. He/she shall regularly brief the Board on all important issues.

In order to provide the Town with continuity of management, the Selectmen are committed to maintaining an employment agreement with the Administrator that delineates his/her responsibilities and condition of employment as permitted by statute.

#### BOARD POLICIES AND STANDARDS OF CONDUCT:

1. A member of the Board of Selectmen, in relation to his or her community should:

A. Realize that his or her basic function is to carry out its mandated responsibilities and develop Town policy related thereto, with administration delegated to the Town Administrator.

B. Be well informed concerning the duties of a board member on both local and state levels.

C. Remember that he or she represents the entire community at all times.

D. Accept the office of Selectman as a means of unselfish service, not benefit personally or politically from his or her board activities.

E. In all appointments, avoid political patronage by judging all candidates on merit, experience, and qualifications only.

F. Abide by the ethics established by the State and not use the position to obtain inside information on matters which may benefit someone personally.

2. A member of the Board of Selectmen, in his or her relations with administrative officers of the Town, should:

A. Endeavor to establish sound clearly defined policies that will direct and support the administration for the benefit of the people of the community, within the chain of command.

B. Recognize and support the administrative chain of command and act on complaints as

received outside the administration.

C. Provide the Town Administrator appropriate responsibility for discharging his or her disposition and solution.

3. A member of the Board of Selectmen, in her or her relations with fellow board members, should:

A. Recognize that action at official legal meetings is binding and that he or she alone cannot bind the board outside of such meetings.

B. Not make statements or promises of how he or she will vote on matters that will come before the board until he or she has had an opportunity to hear the pros and cons of the issue.

C. Uphold the intent of executive session and respect the privileged communication that exists in executive session. Also to uphold the intent of all confidential information received at all times.

D. Make decisions only after all facts on a question have been presented and discussed.

E. Treat with respect the rights of all members of the board despite differences of opinion.

#### ORGANIZATION OF THE BOARD:

The Chairman shall be elected annually at the first regular meeting following the Annual Town Election. The Chairman shall not serve two consecutive years in any given term. A majority vote shall constitute an election. Nominations require no second. If a vacancy occurs in the office of Chairman, the Board shall elect a successor. The Board shall further appoint a Vice-Chairman and Clerk under the same provisions stated for the Chairman.

#### RESPONSIBILITIES OF THE CHAIRMAN:

The Chairman of the Board shall:

1) Preside at all meetings of the Board. In doing so, he/she shall maintain order in the

meeting room, recognize speakers, call for votes and preside over the discussion of agenda items.

- 2) Sign official documents that require the signature of the Chairman.
- 3) Call special meetings in accordance with the Open Meeting Law.
- 4) Prepare agendas with the Town Administrator.
- 5) Arrange orientation for new members.
- 6) Represent the Board at meetings, conferences and other gatherings unless otherwise determined by the Board or delegated by the Chairman.
- 7) Serve as spokesman of the Board at Town Meetings and present the Board's position unless otherwise determined by the Board or delegated by the Chairman.
- 8) Make liaison assignments and assign overview responsibilities for project and tasks to Board members unless otherwise determined by the Board.

The Chairman shall have the same rights as other members to offer motions and resolutions, to discuss questions and to vote thereon.

#### RESPONSIBILITIES OF THE VICE-CHAIRMAN:

The Vice-Chairman of the Board shall act in the place of the Chairman during his/her absence at meetings. Should the chairman leave office, the Vice-Chairman shall assume the duties of Chairman until the Board elects a new Chairman.

#### REGULAR BOARD MEETINGS:

Regular Board Meetings are held as is required. The Board shall not meet on days designated legal holidays.

#### SPECIAL MEETINGS:

A meeting called for any time other than the regular meetings shall be known as a "Special Meeting". The same rules as those established for regular meetings will apply. Special meetings may be called provided that a majority of the members agree to meet

and all Board members are notified. And compliance with OML In reference to posting requirements are met.

### MEETING PROCEDURES:

Meetings are to be conducted in accordance with generally accepted rules of parliamentary procedure and the Open Meeting Law. It is the practice that application of such procedure is on a relatively informal basis, due to the size of the group and the desirability of flexibility in the expression of opinion. Robert's Rule of Order is used as a guide in matters requiring clarification of definition.

A quorum shall consist of two members of the Board. As a practical courtesy, action on critical or controversial matters, the adoption of policy or appointments shall be taken, whenever practicable, with the full Board in attendance. Actions and decisions shall be by motion, second and vote. Split votes will be identified by name.

The Town Administrator is expected to be in attendance at all meetings of the Board. The administrator shall attend in order to keep the Board informed and advised and recommend in all matters that fall within the jurisdiction of his/her office. He/she shall carry out the actions of the Board as they relate to the conduct and administration of Town affairs under his/her jurisdiction. The Town Administrator maybe excused from meeting with prior permission of the Chairman.

### EXECUTIVE SESSION:

If practicable, Executive Sessions will be scheduled at the end of the open meeting. Only items clearly allowed under the Open Meeting Law shall be included in Executive Session. The mover must specify in the motion to enter Executive Session the reason the session sought. A majority of the members present must vote to enter Executive Session by roll call vote. The Chairman must state whether or not the Board will reconvene into open session.

### AGENDA PROCEDURES:

The responsibility for coordinating and planning the weekly agenda is that of the Town Administrator and the Chair. Each of the Board Members and the Administrator may place items on the agenda, with the approval of the Chair. The Administrator, in

consultation with the Chairman, shall schedule a realistic time period for each appointment, interview, conference or other scheduled item of business.

All items for the agenda must be submitted to the Administrator by 4:00 p.m. on the Wednesday preceding the meeting. Items of emergency that develop after closing of the agenda may be considered by the Chair/Administrator.

Agenda items normally include:

1. Call Meeting to Order
2. Accept Warrants
3. Accept Minutes
3. Public Communication & Selectmen Reports
4. Scheduled Appointments
5. Administrators Report
6. Action Items
7. Issues and Discussion Items
8. Old/New Business & Information
9. Adjournment

Members of the Board, staff, Administrator or others who prepare background material for the meeting should make an effort to have such material available for Thursday afternoon. If background information is insufficient or complicated or if complex memos or motions are presented at the meeting which were not in the Board's meeting packet, any member should feel free to request the tabling of the item to allow careful study of the material presented or the motion proposed.

The agenda shall be available to the public and the press at the Selectmen's office the Monday morning of the meeting date and shall be posted at the Town Web Site and Office bulletin board that same morning. Copies of the minutes of the previous meeting

and all important correspondence, reports and other pertinent background materials shall be forwarded with the agenda to Board members.

The Board shall not begin discussion of or act on an agenda item after 10:00 P.M. of a regularly scheduled meeting. This rule may be waived by a unanimous vote of the BOS.

#### MINUTES:

The Town Administrator shall record open meetings of the Board by tape recorder in the event the administrative assistant is not present. The Administrative Assistant shall draft minutes from for the meeting.

Minutes circulated to members of the Board on or before any Friday shall be in order for approval at the next regular meeting of the Board. By unanimous consent, minor corrections may be made to the minutes without advance circulation of such corrections.

Minutes shall contain a full statement of all actions taken by the Board and of the disposition of all proposals for action. Approved minutes shall be recorded in a Minutes Book which shall be bound when filled to capacity. Minutes of Executive Sessions shall be separately kept and recorded in accordance with the above procedures. Minutes (other than of executive sessions who's purpose is not yet resolved) are open for public inspection.

#### APPOINTMENTS:

The Board makes numerous appointments each year. Appointments are generally made for one or three years in length. In no case, may appointments be made for more than three years unless specifically allowed by State Law. Appointments generally are made May 1st of each year.

Whenever possible the Board will seek variety in backgrounds, interests, ages, sex and geographic areas of residents, so that a true cross section of the community will be reflected. In order to attract qualified and interested persons, vacancies will be made

public as far in advance of appointment as practicable. Vacancies could be advertised in the local paper as well as on Cable TV. Appointments should be based on merit and qualifications rather than political merit.

The Executive Assistant will:

- a. Provide by March 1 a list of the appointment vacancies to be filled by the Board.
- b. Notify the chairman of the appropriate board or committee requesting recommendations regarding reappointment or the filling of vacancies.
- c. Notify incumbents and request their statements of availability regarding reappointment.

All candidates seeking appointment for the first time to a position shall submit a short written statement or resume. This statement/resume shall be included in the Board agenda packet mailed in advance of the meeting. The Board may consider reappointments to positions at their pleasure. A statement/resume will only be requested from a candidate seeking reappointment by specific request of a member of the Board.

Notice of candidates being interviewed shall be included in the agenda mailed to the Board. The Board may request that candidates for a position not listed above be interviewed. Those candidates not being interviewed will be considered upon receipt of the resume/statement.

Appointments will normally be made only when all members of the Board are present. Appointments will be made by a majority vote of the Selectmen.

#### RELATIONS WITH OTHER TOWN BOARDS, COMMITTEES AND COMMISSIONS

The Board of Selectmen is aware that coordination and cooperation is needed among the town's major boards, committees and commissions not only in the day to day operations of government but also to:

1. Set town wide goals and priorities,
2. Identify and anticipate major problems and working together towards their resolution, and

### 3. Develop a process for dealing with state government.

Therefore, as the executive board historically responsible for the overall leadership and coordination of town affairs, the Selectmen will:

1. Quarterly schedule meetings with the chairmen of major boards and committees to carry out functions 1-3 listed above or designate an appointee to attend.
2. The Town Administrator is responsible for inter-board communication in the day to day operations of government. The Administrator will develop a process for exchange of information and the provision for advice and recommendations among the boards, committees and departments with common interest. Additionally the Administrator will prepare a daily briefing and distribute to each member of the BOS, so that all parties will be aware of the towns daily events. This daily briefing is exactly that and is not to initiate a debate or discussions among the BOS, merely to keep all apprised of daily activities within the town.

### 4. RELATIONS WITH CITIZENS:

The Board recognizes that it both represents and is accountable to all the citizens of the town. It is the Board's policy to make every effort to strengthen communications with citizens. Measures will be instituted to increase citizen participation, encourage citizen input into governmental decisions and to keep citizens informed of all actions contemplated or taken by the Board and the town meeting which will affect them. To this end the following steps will be taken:

1. An individual citizen or group of citizens may request an appointment before the Board by contacting the Town Administrator, stating precisely the reason for the appearance and the action desired and naming a spokesman for the group. Participants shall be given the opportunity to make a reasonable presentation through the spokesman and to express opinions and ask for pertinent information. Background data shall be prepared by the boards and departments concerned prior to the appointment insofar as possible, so that all parties involved can have a reasonable understanding of the subject matter. Citizens are encouraged to have written materials submitted for the Board's meeting packet on the Thursday before the meeting.
2. Persons who will be directly affected by proposed Board discussion and/or action will be notified by the Executive Assistant of the date and time of meeting at which the matter

will be discussed or acted upon by the Board.

3. If the Board in considering matters of citizen concern at a regular meeting, the public will be allowed to ask questions or make statements relative to the matter under consideration at the discretion of the Chairman or upon request of any member of the Board.

4. All citizen questions and complaints are to be answered promptly. Questions and concerns relating solely to the Office of Selectmen will be answered promptly by the Chairman, after consulting with the Board, or at the discretion of the Chairman, the Town Administrator. Those needing prompt attention by the Board should be referred to the Chairman for inclusion in the next meeting agenda.

5. All other questions and all complaints are to be referred to the Selectmen's Office for action or recommendations. In those instances where common sense dictates that the Board member receiving the complaint deal directly with a department head, the Board member shall inform the Town Administrator of the issue and its disposition.

#### EMPLOYEE GRIEVANCES:

These are to be handled as delineated in the Town's Personnel By-Law and Policies and Procedures. Under the Personnel By-Law, the personnel practices are formulated by the Personnel Board with the approval of the Selectmen. If employee grievances are brought to the attention of a Board member it shall be Board policy to proceed as follows:

Selectmen will not intercede or interfere with the process. The employee will be shown the administrative process to be followed. A meeting with the Board may be requested by any employee; the Board may defer such meeting until other remedies have been exhausted.

#### TOWN MEETINGS:

Town Meeting serves as the legislative branch for local government. The Board of Selectmen is responsible for providing leadership by presenting requests to Town Meeting and making presentations on those requests. It is the responsibility of each Board member to assure prior to each presentation that the Board has taken a position, by vote, on the intent of the article and promises that will be made. The Board shall be in

session during Town Meeting and will be consulted when an issue or question arises which dictates a response on the floor.

### 1. Annual Town Meetings

The Town Meeting warrant is the Selectmen's warrant by Statute. The Selectmen may insert articles in the warrant on their own initiative or by written petition signed by ten (10) registered voters for the Annual Town Meeting. The Selectmen may call the Annual Town Meeting for any time allowed by the Massachusetts General Laws.

### 2. Special Town Meetings

The Selectmen will call a Special Town Meeting when needed. The Selectmen must call a Special Town Meeting if they receive a written request, signed by two hundred (200) registered voters

## Garvin, Patrice

---

**From:** Jonathan D. Eichman <JEichman@k-plaw.com>  
**Sent:** Tuesday, July 19, 2016 11:26 AM  
**To:** Garvin, Patrice  
**Cc:** Lauren F. Goldberg  
**Subject:** RE: ANother Chapter 61  
**Attachments:** 20160719092142365.pdf

Patrice:

In my opinion the attached notice appears to comply on its face with all the requirements of G.L. c.61, s.8 relative to providing the Town with notice of an intent to convert forest land to residential, commercial or industrial use. I can't tell if the plan provided is drawn at the same scale as the Town's assessors maps, as is required, but the plan is certainly clear as to exactly what portion of the classified property will be converted and thus would satisfy the intent of the scale requirement, in my opinion. As to your conservation commission's concern, it is permissible to convert less than the whole of a piece of property classified as forest land under G.L. c.61, provided the portion to be converted is adequately identified, as it is here.

As stated in the letter, if the Town is interested in exercising its right to purchase the property being converted, it must, within 30 days from the date of receipt of the notice, obtain and provide to the landowner an impartial appraisal of the full and fair market value of the property. This is a fairly short period of time in which to obtain an appraisal, and I advise that the Town secure the services of an appraiser immediately if it has any interest in exercising its option. Once the value of the property is established by appraisal(s), as set forth in G.L. c.61, s.8, the Town will then have 120 days in which to exercise or decline its option to purchase the property at that price. The Selectmen may, if they wish, choose to expressly decline to exercise the Town's option at any time by their vote at a duly-noticed public meeting.

Please contact if you have questions or want to discuss further.

Sincerely,

Jon

***Kopelman and Paige is now KP | LAW***

Jonathan D. Eichman, Esq.  
**KP | LAW**  
101 Arch Street, 12th Floor  
Boston, MA 02110  
O: (617) 654 1727  
F: (617) 654 1735  
[jeichman@k-plaw.com](mailto:jeichman@k-plaw.com)  
[www.k-plaw.com](http://www.k-plaw.com)

This message and the documents attached to it, if any, are intended only for the use of the addressee and may contain information that is **PRIVILEGED** and **CONFIDENTIAL** and/or may contain **ATTORNEY WORK PRODUCT**. If you are not the intended recipient, you are hereby notified that any dissemination of this communication is strictly prohibited. If you have received this communication in error, please delete all electronic copies of this message and attachments thereto, if any, and destroy any hard copies you may have created and notify me immediately.

---

**From:** Garvin, Patrice [mailto:[pgarvin@shirley-ma.gov](mailto:pgarvin@shirley-ma.gov)]  
**Sent:** Tuesday, July 19, 2016 9:36 AM

**To:** Jonathan D. Eichman  
**Subject:** ANother Chapter 61

Hi Jon,

This was sent, but my CC agent thinks its missing a piece because it's a portion of the property.

Patrice Garvin  
Town Administrator  
7 Keady Way  
Shirley, MA 01464  
978-425-2600 Ext. 121  
[pgarvin@shirley-ma.gov](mailto:pgarvin@shirley-ma.gov)

*Law Office of Thomas A. Gibbons, P.C.*

Thomas A. Gibbons, Esq.  
[tgibbons@tgibbonslaw.com](mailto:tgibbons@tgibbonslaw.com)  
Licensed to practice in MA & NH

[www.tgibbonslaw.com](http://www.tgibbonslaw.com)  
21 Park Street  
Ayer, MA 01432  
Telephone: 978-772-2284  
Facsimile: 978-77-0802

Tracey B. Harding, Esq.  
[tharding@tgibbonslaw.com](mailto:tharding@tgibbonslaw.com)

July 14, 2016



**VIA IN HAND**

Board of Selectmen  
Town of Shirley  
7 Keady Way  
Shirley, MA 01464

**VIA IN HAND**

Board of Assessors  
Town of Shirley  
7 Keady Way  
Shirley, MA 01464

**VIA IN HAND**

Conservation Commission  
Town of Shirley  
7 Keady Way  
Shirley, MA 01464

**VIA IN HAND**

Planning Board  
Town of Shirley  
7 Keady Way  
Shirley, MA 01464

**VIA CERTIFIED MAIL  
9414 7118 9956 3065 8180 70**

Department of Conservation and Recreation  
Leo Roy, Commissioner  
Attn: State Forester  
251 Causeway Street, Suite 90  
Boston, MA 02114

**NOTICE OF INTENT TO CONVERT TO SOLAR ENERGY FACILITY USE  
PURSUANT TO MASSACHUSETTS GENERAL LAWS, CHAPTER 61A**

Dear Honorable Board Members:

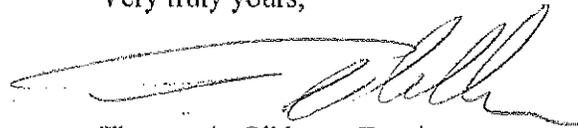
Please be advised that this office represents Calvin Moore, Trustee of the Rock Pile Realty Trust, under a declaration of trust dated October 16, 2005, said trust being recorded with the Middlesex South Registry of Deeds at Book 46287, Page 440. This letter is to serve as Notice that Calvin Moore, Trustee of the Rock Pile Realty Trust, of 39 Main Street, Suite 204, Ayer, Massachusetts and who can be reached through the care of the Law Office of Thomas A. Gibbons, P.C. at (978) 772-2284, intends to convert for solar energy facility use a parcel of 10.12 acres being a portion of Town of Shirley Assessor's Map 82 Parcel A 2.12, which is a portion of

the property described in a deed to Calvin Moore, Trustee of Rock Pile Realty Trust w/d/t dated October 16, 2005, which deed is recorded with the Middlesex South District Registry of Deeds in Book 46489, Page 539. Attached hereto as Exhibit A is a copy of said lease plan, which shows the location of the 10.12 acres.

Pursuant to Massachusetts General Laws, Chapter 61, Section 8, the Town of Shirley has the option of purchasing "the land at full and fair market value to be determined by an impartial appraisal performed by a certified appraiser hired at the expense of the municipality or its assignee, the original appraisal to be completed and delivered to the landowner within 30 days" from the date of the mailing of this Notice. Calvin Moore, Trustee, respectfully requests that if the Town of Shirley, acting by and through its Board of Selectmen, decides that it will not exercise its option, and that decision is made prior to the expiration of the thirty (30) day appraisal period, that it please notify Attorney Thomas A. Gibbons of said decision so that the Trust may complete the conversion in a more expeditious fashion.

If you have any questions or concerns regarding this matter, please do not hesitate to contact me at the above address and phone number.

Very truly yours,

A handwritten signature in black ink, appearing to read 'T. Gibbons', written over a horizontal line.

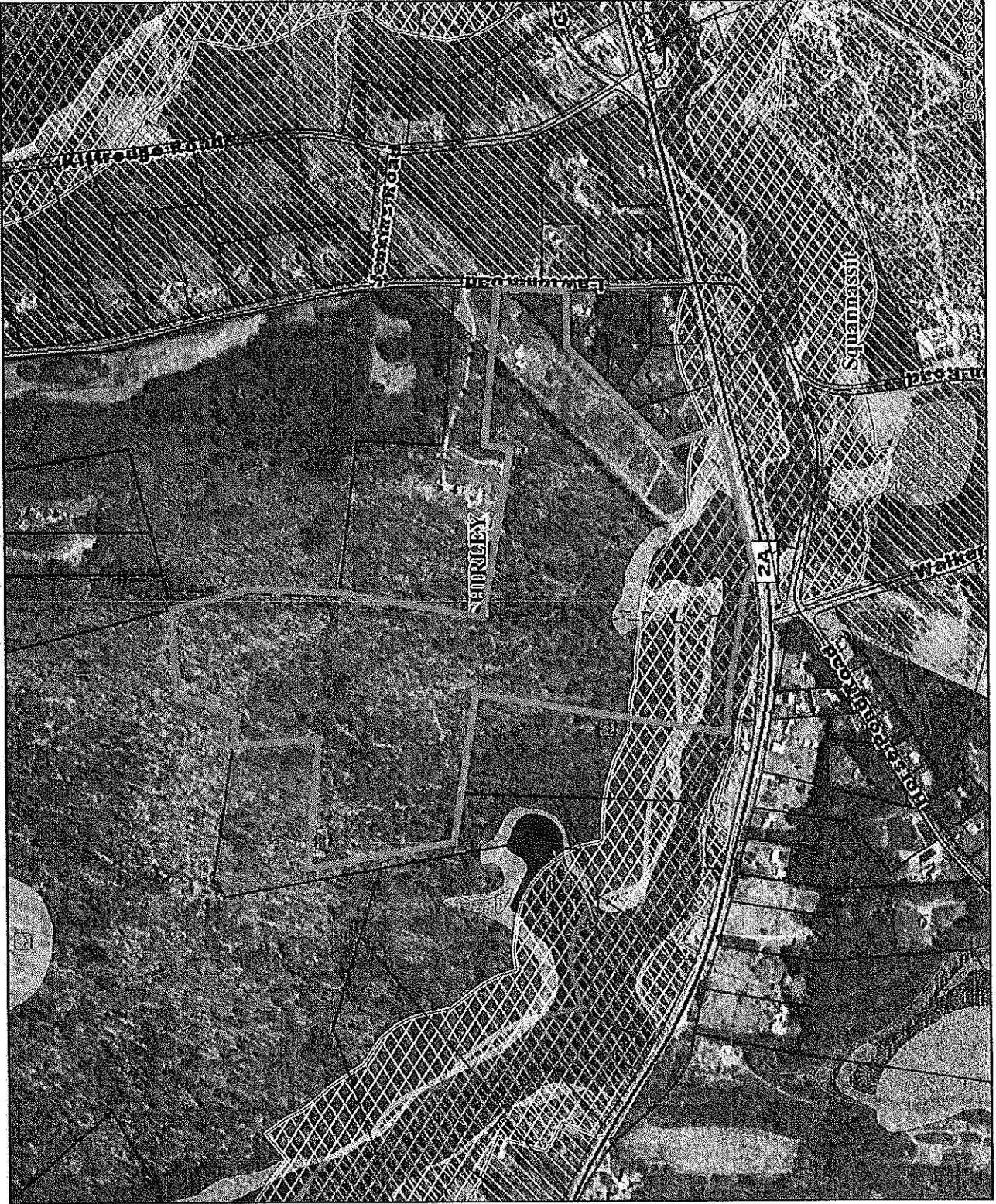
Thomas A. Gibbons, Esquire

TAG/tbh  
Enclosure

# Lawton Road & Great Road CH61A / ROFR / 82-A-2.12 / 53.47 ac



- MRPC Communities
- Surrounding Communities
- Tax Parcels
- Other Legal Features**
- Other Fee Parcels
- Easements
- Rights-Of-Way
- Interstate Routes**
- Interstate Routes
- US & State Routes**
- US & State Routes
- Other Roadways**
- Other Roadways
- Wetlands- Lines**
- Hydrologic Connection
- Wetlands- Polygons**
- Marsh/Bog
- Wooded marsh
- FEMA Flood Hazard Areas**
- 100 Year Flood Zone
- 500 Year Flood Zone



**MRMapper**

**DISCLAIMER:** The information depicted on this map is for planning purposes only. All data are representational and are not adequate for boundary definition, regulatory interpretation, or parcel-based analysis.





# Town of Shirley

## Town Administrator

7 KEADY WAY – SHIRLEY, MASSACHUSETTS - 01464-2812

*Patrice Garvin, Town Administrator*

TEL: (978) 425-2600, x200

Fax: (978) 425-2602

[pgarvin@shirley-ma.gov](mailto:pgarvin@shirley-ma.gov)

July 12, 2016

Dear Shirley Business Owner,

This spring, the Economic Development Committee (EDC) and the Town Administration partnered to review the businesses hosted in the Town of Shirley. We were pleased, proud, and even surprised to discover so many diverse ventures within our humble borders.

As part of our work to showcase the business hosted within our community, we are creating an on-line Business Directory. We are contacting **you** to ask if you'd like to participate. The directory will be distributed via the Town of Shirley web site and the Town of Shirley Facebook page. There will be no cost to you.

For now, we intend to create simple listings that include basic information such as: your business name, address, phone number and website and/or email contact information.

Stay tuned for more news on a Shirley Business Summit tentatively planned for late summer/early fall. The Town is working to assemble state and local resources to listen to and address local concerns including the benefits and challenges of hosting a business in Shirley.

In preparation for the business directory and Business Summit, we've prepared an online survey to help us gather information.

Please go to our online survey at <https://www.surveymonkey.com/r/BHW22KS> to:

- indicate whether you'd like to participate in the Business Directory,
- confirm that the information we have gathered for your listing is correct, and
- answer questions about the benefits and challenges of hosting a business in Shirley.

We are happy you're here and we want to keep you.

Alternatively, you can fill out and return the attached form to:

Town of Shirley  
Attn: Town Administrator  
7 Keady Way  
Shirley, MA 01464

We look forward to hearing from you soon!

Sincerely,

The Economic Development Committee  
Bryan Dumont  
Sarah Widing  
Brian Hildebrant

This survey is also online at: <https://www.surveymonkey.com/r/BHW22KS>

1. Would you like to participate in our On-line Shirley Business Directory? (circle one)
  - Yes
  - No
  
2. Would you consider your business to be classified as a home business?
  - Yes
  - No
  
3. Please confirm the business name you'd like for your listing.
  
  
4. Please confirm the address and telephone number you'd like for your listing (#, Street Name, Town, State, Zip, and 9-digit Telephone Number)
  
  
5. If you have a web/email address and would like it/them to be included, please add them here.
  
  
6. Why did you choose to locate your business in Shirley?
  
  
7. From your perspective, what are the benefits of operating in Shirley?
  
  
8. From your perspective, what are the challenges to operating in Shirley?
  
  
9. Would you be interested in joining a Shirley Business Association? (circle one)
  - Yes
  - No
  - Maybe
  
10. The Town of Shirley is currently planning a Business Summit in the late summer/early autumn. The purpose of the Summit would be to connect local business owners to State and local resources. Is this something that interests you? Would you attend? (circle one)
  - Yes
  - No
  - I'd need to know more about it.

Return to the Shirley Town Hall  
Attn: Economic Development Committee  
7 Keady Way, Shirley, MA 01464