

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 October 11th, 2016 7:00 pm TOWN OFFICES

The Board of Selectmen convened its meeting on Monday, October 11th, 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

TREASURY WARRANTS

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

APPROVAL OF MINUTES

Selectman Prescott Moves to accept the Board of Selectmen Executive Session Minutes of September 12th 2016 as presented. Selectmen Cappucci Seconds. Kendra J. Dumont vote Aye, Enrico C. Cappucci vote Aye and Robert E. Prescott, Jr. vote Aye. Motion Passes.

OLD BUSINESS

1. Energy Committee Update

A. Bids for HVAC Records Storage Vault

Bryan Dumont states that Representative Benson will be putting in an official request with DOER since the Town has been having a hard time getting them to get the Municipal Aggregation Program moving.

Mr. Dumont and Town Clerk Amy McDougall together spoke on a no longer operational HVAC Unit for the Vault that holds all of the Town's permanent records. This is already on the Capital Improvement Plan and is a necessary fix due to Mass General Law. Dumont states they had requested proposals from 9 companies and one company returned a proposal, ABM. ABM would do this job for \$7,488. (Proposal attached)

Clerk McDougall states she had reached out to several other Town Clerks and spoke to some in similar situations involving Vault Conditions. McDougall states she appreciated the work of the Energy Committee and the fact that this issue is front and center.

Mr. Dumont states this may solve all of the issues but if humidification issues arise it can be dealt with in the spring.

NEW BUSINESS

2. Sign State Election Warrant 11/8/2016

Selectmen Prescott motions to sign the 11/8/2016 State Election Warrant, Selectmen Cappucci seconds. Prescott vote Aye, Dumont votes Aye, Cappucci votes Aye. Motion Passed.

3. One day liquor license - Playful Cities

Chair Dumont states that this will be a movie night for moms that is just for fun.

Selectmen Prescott motions to grant the license as presented, Selectmen Cappucci seconds. Prescott vote Aye, Dumont votes Aye, Cappucci Votes No. Motion Passed.

4. Appointment of Per-Diem Firefighters/EMT's

Selectmen Prescott motions to appoint Robert Moody Jr. to the position of Per Diem EMT/Firefighter 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 Zachary Algarin to the position of Per Diem EMT/Firefighter 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 Charles Colburn to the position of Per Diem EMT/Firefighter 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 Benjamin Boudreau to the position of Per Diem EMT/Firefighter for a term to expire 6/30/2017, Selectmen Cappucci seconds. Prescott vote Aye, Dumont votes Aye, Cappucci Votes Aye. Motion Passed.

5. Acknowledgement of response from Attorney General Regarding Open Meeting Law Violation

Chair Dumont acknowledged a letter from the Attorney General's Office (attached) that stated that since Mr. Timothy Hatch had not taken any more actions then it is being considered by their office that the actions taken by the Shirley Board of Selectmen were satisfactory.

6. Special Town Meeting Draft Warrant Discussion

Town Administrator Patrice Garvin went through the Draft Warrant Articles scheduled for 11/19/2016 Town Meeting. (Draft Warrant Attached)

1. Supplemental Appropriation of Funds Fiscal Year 2017
2. Supplemental Appropriation of Funds Fiscal Year 2017
3. Transfer OPEB Liability Trust Fund
4. Prior Year Bills FY 2016
5. SPACO-Fiber Optic Cable Line to Middle School
6. Sewer Department-Retained Earnings
7. Sewer Department Prior Year Bills FY 2016
8. Ambulance Department Budget Retained Earnings
9. Appropriate Capital Item(s) for FY 2017
10. Master Plan Implementation Element
11. Transfer to the General Stabilization Fund
12. Transfer to the Capital Stabilization Fund
13. Amend Section 3.9 "Lancaster Road Commercial District" of the Shirley Protective Zoning By-Law
14. Amend Section 13 "Description of District Boundaries" of the Zoning By-Law – Place parcels in Lancaster Road Mixed-Use District
15. Amend Section 13 "Description of District Boundaries" of the Zoning By-Law – Remove Parcels from R1 (Residential 1); place parcels in I (Industrial) and Mixed-Use
16. Amend Zoning Map November 2015
17. Amend Drive Way By-Law
18. Renewable Energy By-Law
19. Road Acceptance of Village Drive

PUBLIC COMMENTS

Town Clerk reminded the public that the deadline to vote is Wednesday 10/19/2016 at 8:00pm.

ANNOUNCEMENTS

1. Next Meeting: Monday 10/17/16 at 7:00 p.m.

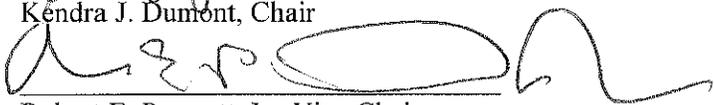
ADJOURNMENT

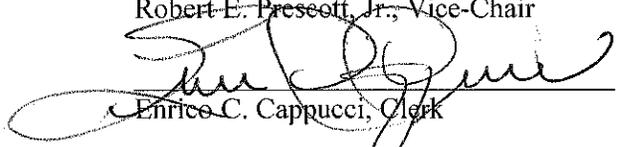
With no further business to discuss, *Selectmen Prescott motioned to adjourn at 7:37p.m. Selectmen Cappucci Seconded ., Robert E. Prescott vote Aye, Kendra J. Dumont vote Aye, and Enrico C. Cappucci, vote Aye.*

Respectfully submitted,
Nathan Boudreau, Executive Assistant

Date Accepted: Oct. 25, 2016


Kendra J. Dumont, Chair


Robert E. Prescott, Jr., Vice-Chair


Enrico C. Cappucci, Clerk

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.

Record Retention Vault Repair

We have records in that vault that exceed Shirley becoming its own Town (1753) and we have been aware of this non-functioning system dating to at least 2004. Ms. McDougall since he election has taken stop gap measures to insure the Town's History has been preserved.

This was already placed in the Capital Improvement Plan for FY 17 with an estimate of \$10,000.00

This repair is critical (and required to be in compliance with the Massachusetts Supervisor of Public Records, Technical Bulletin 1- Performance Standards of Records Vaults; Supported by MGL.) This was also an issue identified in the Government Study Report (published 2011)

Attachment one is the request for proposal

Attachment two is the companies and method of contact

Attachment three-five is the three companies that responded

Attachment six is the only received proposal (ABM) total is \$7,488.00

We followed/EXCEEDED procurement rules (MGL 30B, Section 4 A & C)

Section 4. (a) Except as permitted pursuant to this section and section seven, for the procurement of a supply or service in the amount of \$10,000 or greater, but less than \$35,000, a procurement officer shall seek written or oral quotations from no fewer than three persons customarily providing such supply or service. The procurement officer shall record the names and addresses of all persons from whom

quotations were sought, the names of the persons submitting quotations and the date and amount of each quotation. A governmental body may require that procurements in amounts of less than \$35,000 be based on written quotations or be subject to the provisions of section five.

(b) The procurement officer shall award the contract to the responsible person offering the needed quality of supply or service at the lowest quotation.

(c) A procurement in the amount of less than \$10,000 shall be obtained through the exercise of sound business practices.

The ABM proposal came in at \$7,488.00 which is \$2,512.00 Less than the amount budgeted in the Capital Improvement Plan, ABM will extend the warranty for the item to 5 years.

Unit has a SEER rating of 15.3 (Energy efficiency rating) and will assist in eliminating over humidification issues. If the vault lacks air dampness this will not address that, Ms. McDougall and I discussed, If Selectmen approve expense, this is step one, vault will be monitored, if this solves the issue, we should be good. If not we go to next step.

Request for a Quote

The Town of Shirley is looking to replace our current existing Mitsubishi wall mount air conditioning system, The current one is well past end of life (19 years old) and has several issues preventing repair. We are looking for a proposal/estimate to do the following;

>A new wall mount evaporator that will be located within the vault and a roof mounted condensing unit that will sit on the roof.

>Reclaim and proper disposal of existing R-22 refrigerant

>Removal and disposal of existing components

>Provide and install new evaporator and condensing unit

>Flush existing refrigerant line-set to accommodate new system and refrigerant (410A)

>Connect refrigerant piping to new components

>Reconnect power and control wires

>Reconnect condensate drain piping

>Test, inspect and start up of system

>Existing (old) unit must be removed from roof parapet and will require crane or other such device to get it off of roof

(estimated weight of old unit 400lbs) only access to roof area is a ladder and old unit will not fit in the interior opening leading to parapet

> We would like to continue with a Mitsubishi or other qualified product with a SEER above 15.

Company's Contacted

Lorden Home Climate Company

P.O. Box 669

Ayer, MA 01432

ecare@lorden.com

MA Toll Free: 800.828.3395

DDM Heating & Air Conditioning, Inc.

356 Central Street

Leominster, MA 01453-6143

978-537-5335

Request sent via their online system

<http://www.ddmheating.com/HVAC-Company-Contact-Leominster-MA.html>

Advance Air & Heat Co., Inc.

177 Bullock Road

East Freetown, MA 02717

508-763-3738

Request sent via their online system

<http://www.advanceair.net/contact-us>

Meacham Heating, Cooling & Energy Solutions

253 A Worcester Rd

Charlton, MA 01507

508-434-6110

Request sent via their online system

<http://www.markemeacham.com/free-estimate.html>

Gervais Plumbing, Heating and Air Conditioning

Worcester Mass

800-789-8727

Request sent via their online system

<http://www.gervaisplumbing.com>

Atlantic Refrigeration of Hudson

9 Bonazzoli Ave., Suite 25

Hudson, MA 01749

978-562-7552

Request sent via their online system

<http://www.atlanticrefrigerationofhudson.com/contact-us>

All-Temp Systems Mechanical, Inc.

16 Pond Street

Milford, MA 01757

508-478-0088

Request sent via their online system

<http://www.alltempsystems.com/contact-us>

Peak Heating/Air Conditioning, Inc

Uxbridge Massachusetts

508-476-2651

Request sent via their online system

<http://www.peakhvacr.com/Air-Conditioning-Estimate-Request-Contact-Uxbridge-MA.html>

ABM Building Solutions

1-A Gill St.

Woburn Mass 01801

(781) 939-9100

Done via formal Request for quote with Paul Parker, ABM Project Manager & providing Request for Quote parameters

<http://locations.abm.com/ma/woburn>

From: Deb Valis [scottndeb@verizon.net]
Sent: Thursday, September 15, 2016 2:59 PM
To: 'Bryan Dumont'
Subject: RE: Request for estimate

Good Afternoon Bryan,
Thank You for inquiring.
We do not do work in Shirley MA as it is too far out for us travel wise.
Again Thank You,
Debra Valis
Peak Heating/Air Conditioning, Inc.

From: Bryan Dumont [mailto:bgd123@comcast.net]
Sent: Thursday, September 15, 2016 1:59 PM
To: info@peakhvacr.com
Cc: bgd123@comcast.net
Subject: Request for estimate

Good Afternoon,

My name is Bryan Dumont, I'm chairman of the energy committee in Shirley Mass, we are looking for an estimate for the following scope of work;

The Town Of Shirley is looking to replace our current existing Mitsubishi wall mount air conditioning system, The current one is well past end of life (19 years old) and has several issues preventing repair We are looking for a proposal/estimate to do the following;

- >A new wall mount evaporator that will be located within the vault and a roof mounted condensing unit that will sit on the roof.
- >Reclaim and proper disposal of existing R-22 refrigerant
- >Removal and disposal of existing components
- >Provide and install new evaporator and condensing unit
- >Flush existing refrigerant line-set to accommodate new system and refrigerant (410A)
- >Connect refrigerant piping to new components
- >Reconnect power and control wires
- >Reconnect condensate drain piping
- >Test, inspect and start up of system
- >Existing (old) unit must be removed from roof parapet and will require crane or other such device to get it off of roof (estimated weight of old unit 400lbs) only access to roof area is a ladder and old unit will not fit in the interior opening leading to parapet
- > We would like to continue with a Mitsubishi product with a SEER above 15

Notes; The wall mount will be installed in a records vault in the basement the condensing unit is located on the roof of this building (building equals basement, 2 floors and a roof parapet holding this unit.)

Thank you

From: leadbank@drenergysaver.com on behalf of Meacham Heating, Cooling & Energy Solutions [leadbank@drenergysaver.com]
Sent: Monday, September 19, 2016 3:04 PM
To: bgd123@comcast.net
Subject: Meacham Heating, Cooling & Energy Solutions has received your information

Bryan Dumont,

Thank you for contacting us. We have received your information and will contact you shortly. If you need to speak to us immediately, please feel free to call us at:

**Meacham Heating, Cooling & Energy Solutions
1-508-248-5551**

Our Business Hours

Monday 8:00 AM to 5:00 PM

Tuesday 8:00 AM to 5:00 PM

Wednesday 8:00 AM to 5:00 PM

Thursday 8:00 AM to 5:00 PM

Friday 8:00 AM to 5:00 PM

[Reviews From Customers Near You](#)

[Testimonials From Customers Near You](#)

From: Web Service [WebService@lorden.com]
Sent: Thursday, September 22, 2016 8:03 AM
To: Bryan Dumont
Subject: RE: Request for a quote

Mr. Dumont, I will forward your email to AJ Robichaud our General Manager to put together a quote.

Thank you and have a nice day.
 Kristi

Lorden, the Home Climate Company
 NH Toll Free: 800.252.9543
 MA Toll Free: 800.828.3395
ecare@lorden.com

From: Bryan Dumont [bgd123@comcast.net]
Sent: Wednesday, September 21, 2016 3:28 PM
To: eCare
Cc: bgd123@comcast.net
Subject: Request for a quote

Good afternoon

My name is Bryan Dumont, I'm chairman of the Energy Committee in Shirley Mass, (and also a long time residential Lorden Oil customer) we are looking for an estimate for the following scope of work;

The Town of Shirley is looking to replace our current existing Mitsubishi wall mount air conditioning system, The current one is well past end of life (19 years old) and has several issues preventing repair We are looking for a proposal/estimate to do the following;

- >A new wall mount evaporator that will be located within the vault and a roof mounted condensing unit that will sit on the roof.*
- >Reclaim and proper disposal of existing R-22 refrigerant*
- >Removal and disposal of existing components*
- >Provide and install new evaporator and condensing unit*
- >Flush existing refrigerant line-set to accommodate new system and refrigerant*
- >Connect refrigerant piping to new components*
- >Reconnect power and control wires*
- >Reconnect condensate drain piping*
- >Test, inspect and start up of system*
- >Existing (old) unit must be removed from roof parapet and will require crane or other such device to get it off of roof (estimated weight of old unit 300-400lbs) only access to roof area is a ladder thru the 2nd floor of the Town Offices and old unit will not fit in the interior opening leading to parapet*
- > We would like to continue with a Mitsubishi product or a comparable product with a SEER above 15*

Notes; The wall mount will be installed in a records vault in the basement the condensing unit is located on the roof of this building (building equals basement, 2 floors and a roof parapet holding this unit.)



PROJECT AGREEMENT FOR BUILDING ENVIRONMENTAL SYSTEMS

Proposal Date	Proposal Number	Agreement No.
09/14/2016	160132	

BY AND BETWEEN:

ABM Building Solutions
 1-A Gill Street
 Woburn, MA 01801

AND

Town of Shirley
 7 Keady Way
 Shirley MA 01464

hereinafter CONTRACTOR

hereinafter CUSTOMER

SERVICES WILL BE PROVIDED AT THE FOLLOWING LOCATION(S):

Town Hall - Vault AC Replacement

In compliance with your request ABM Building Solutions is pleased to provide our proposal for the replacement of your existing Mitsubishi wall mount air conditioning system. The new system will consist of a new wall mount evaporator that will be located within the vault and a roof mounted condensing unit that will sit on the roof. The new system will have an energy rating of 15.3 SEER.

Our scope of work shall include the following:

- Reclaim and proper disposal of existing R-22 refrigerant
- Removal and disposal of existing components
- Provide and install new evaporator and condensing unit
- Flush existing refrigerant line-set to accommodate new system and refrigerant (410A)
- Connect refrigerant piping to new components
- Reconnect power and control wires
- Reconnect condensate drain piping
- Test, inspect and start up of system

Our price for the above work is a sum of.....\$7,488.00

We do not include electrical permit or new wiring.

**Town of Shirley
Temporary Liquor License Application**

1. Name of individual or organization applying for license: Sue Heinz
For The Fun of It
2. Address: 9 Brown Rd Shirley MA 01464
3. Telephone Number: Home 9. 425 9447 Work 508 237 4503
4. Date(s) and time(s) license is requested: Sat, 11/18 @ 6pm-9³⁰ish
5. Reason and location at which license will be used: Show movie @ Center town Hall
6. Number of people expected to attend: 40
7. Name of individual(s) managing event: Sue Heinz
8. Address of individual(s) managing event: 9 Brown Rd Shirley MA 01464
9. Telephone number(s): 9 78 425 9447
10. Name that should appear on the license: Sue Heinz

PLEASE NOTE

- A. All Applicants must supply Liquor Liability coverage through their insurance agency, listing the Town as "Additionally Insured", for activities that will be conducted in or on town buildings property. Applicants seeking a license for activities to be held on private property are strongly urged to obtain liquor license liability insurance.
- B. All special liquor licenses are subject to revocation by the Board of Selectmen, without notice, when it is deemed to be in the interest of the Town.
- C. All applicants for a special liquor license must be filed with the Selectmen at least THREE WEEKS prior to the date requested by the applicant to be considered.
- D. All application shall be accompanied by the correct application fee (\$25.00 per day).
- E. The Selectmen reserve the sole right to accept or reject any application when it is deemed to be in the best interest of the Town.
- F. All applicants must be at least 21 years of age when making application for a special liquor license.
- G. All parties that are issued a special liquor license shall understand that they are obligated to observe all relevant Town ordinances and by-law and all applicable state statutes in regard to the use of this license.

Susan DeKhallo Heinz
Signature of applicant

Title (if applicable)

10/6/16
Date

Office Use Only

Application was received by: _____

Date Application was received: _____

Date Police Chief was notified: _____



Date Police Chief responded: _____

10/6/16

Date Application was approved: _____

Date Application was rejected: _____

License number issued: _____

Number
01-03-15

Fee
\$25.00

**THE COMMONWEALTH OF MASSACHUSETTS
TOWN OF SHIRLEY**

This is to Certify that:

Susan Heinz
Name

9 Brown Road, Shirley, MA 01464
Address

**IS HEREBY GRANTED A SPECIAL LICENSE
FOR THE SALE OF WINES AND MALT BEVERAGES ONLY, TO BE DRUNK ON THE PREMISES
Under Chapter 138, Section 14, of the Liquor Control Act.**

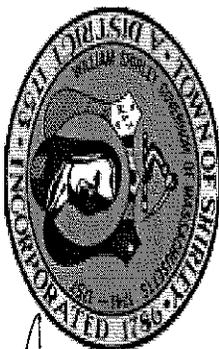
Movie Night at the Center Town Hall on November 18, 2016 from 6:00pm to 9:30pm

This license is granted in conformity with the Statutes and ordinances relating thereto, and
expires 11/18/2016 at 9:31pm Unless sooner suspended or revoked.

THIS LICENSE MUST BE POSTED IN A CONSPICUOUS PLACE ON THE
PREMISES

Robert Prescott
Robert J. Dumont, Chair

October 11, 2016
Date



Robert K. Prescott, Jr.
Robert K. Prescott, Jr., Vice Chair
Barbara C. Capucci
Barbara C. Capucci, Clerk

Town of Shirley

BOARD OF SELECTMEN



7 Keady Way, Shirley, MA 01464

Tele: (978)425-2600 ext. 200

Fax: 978)425-2602

Robert Moody Jr.
Appointment to: Per-Diem EMT / Firefighter

Term to Expire: 6/30/2017

We, the undersigned Board of Selectmen of the Town of Shirley, hereby appoint you to serve in this capacity subject to all applicable state and local laws and regulations until your term has expired.

Given under our hands in Shirley, Massachusetts on 11-OCT-2016

You must take this form to the Town Clerk's Office to be sworn in prior to participating.

Kendra J. Dumont - Chair

Robert E. Prescott - Vice Chair

Enrico E. Cappucci- Clerk

Then personally appeared the within named Robert Moody Jr., who gave oath that he/she would faithfully discharge the duties incumbent on him/her as named above for the Town of Shirley.

Amy R. McDougall, Town Clerk

Shirley, Ma. Date: _____ 2016

I, Robert Moody Jr. received a copy of (Check Applicable):

- Massachusetts Open Meeting Law
 Massachusetts Conflict of Interest Summary & On-Line Training
 Town of Shirley Sexual Harassment Policy
 Town of Shirley Acceptable Use Policy (Technology)

on [date] _____

Initials: _____

Email: _____

Phone: _____

*Upon swearing in of Appointee, the Town Clerk provides copies to BOS, applicable Board/Committee/Commission, & Town Clerk

Town of Shirley

BOARD OF SELECTMEN



7 Keady Way, Shirley, MA 01464

Tele: (978)425-2600 ext. 200

Fax: 978)425-2602

Zachary Algarin Appointment to: Per-Diem EMT / Firefighter

Term to Expire: 6/30/2017

We, the undersigned Board of Selectmen of the Town of Shirley, hereby appoint you to serve in this capacity subject to all applicable state and local laws and regulations until your term has expired.

Given under our hands in Shirley, Massachusetts on 11-OCT-2016

You must take this form to the Town Clerk's Office to be sworn in prior to participating.

Kendra J. Dumont - Chair

Robert E. Prescott - Vice Chair

Enrico E. Cappucci- Clerk

Then personally appeared the within named Zachary Algarin, who gave oath that he/she would faithfully discharge the duties incumbent on him/her as named above for the Town of Shirley.

Amy R. McDougall, Town Clerk
Shirley, Ma. Date: _____ 2016

I, Zachary Algarin received a copy of (Check Applicable:

- Massachusetts Open Meeting Law
 Massachusetts Conflict of Interest Summary & On-Line Training
 Town of Shirley Sexual Harassment Policy
 Town of Shirley Acceptable Use Policy (Technology)

on [date] _____

Initials: _____

Email: _____

Phone: _____

*Upon swearing in of Appointee, the Town Clerk provides copies to BOS, applicable Board/Committee/Commission, & Town Clerk

Town of Shirley

BOARD OF SELECTMEN



7 Keady Way, Shirley, MA 01464

Tele: (978)425-2600 ext. 200

Fax: 978)425-2602

Charles Colburn

Appointment to: Per-Diem EMT / Firefighter

Term to Expire: 6/30/2017

We, the undersigned Board of Selectmen of the Town of Shirley, hereby appoint you to serve in this capacity subject to all applicable state and local laws and regulations until your term has expired.

Given under our hands in Shirley, Massachusetts on 11-OCT-2016

You must take this form to the Town Clerk's Office to be sworn in prior to participating.

Kendra J. Dumont - Chair

Robert E. Prescott - Vice Chair

Enrico E. Cappucci- Clerk

Then personally appeared the within named Charles Colburn, who gave oath that he/she would faithfully discharge the duties incumbent on him/her as named above for the Town of Shirley.

Amy R. McDougall, Town Clerk
Shirley, Ma. Date: _____ 2016

I, Charles Colburn received a copy of (Check Applicable:

- ___ Massachusetts Open Meeting Law
- ___ Massachusetts Conflict of Interest Summary & ___ On-Line Training
- ___ Town of Shirley Sexual Harassment Policy
- ___ Town of Shirley Acceptable Use Policy (Technology)

on [date] _____

Initials: _____

Email: _____

Phone: _____

*Upon swearing in of Appointee, the Town Clerk provides copies to BOS, applicable Board/Committee/Commission, & Town Clerk

Town of Shirley

BOARD OF SELECTMEN



7 Keady Way, Shirley, MA 01464

Tele: (978)425-2600 ext. 200
Fax: 978)425-2602

Benjamin Boudreau Appointment to: Per-Diem EMT / Firefighter

Term to Expire: 6/30/2017

We, the undersigned Board of Selectmen of the Town of Shirley, hereby appoint you to serve in this capacity subject to all applicable state and local laws and regulations until your term has expired.

Given under our hands in Shirley, Massachusetts on 11-OCT-2016

You must take this form to the Town Clerk's Office to be sworn in prior to participating.

Kendra J. Dumont - Chair

Robert E. Prescott - Vice Chair

Enrico E. Cappucci- Clerk

Then personally appeared the within named Benjamin Boudreau, who gave oath that he/she would faithfully discharge the duties incumbent on him/her as named above for the Town of Shirley.

Amy R. McDougall, Town Clerk
Shirley, Ma. Date: _____ 2016

I, Benjamin Boudreau received a copy of (Check Applicable:

- ___ Massachusetts Open Meeting Law
- ___ Massachusetts Conflict of Interest Summary & ___ On-Line Training
- ___ Town of Shirley Sexual Harassment Policy
- ___ Town of Shirley Acceptable Use Policy (Technology)

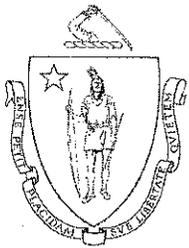
on [date] _____

Initials: _____

Email: _____

Phone: _____

*Upon swearing in of Appointee, the Town Clerk provides copies to BOS, applicable Board/Committee/Commission, & Town Clerk



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL
ONE ASHBURTON PLACE
BOSTON, MASSACHUSETTS 02108

MAURA HEALEY
ATTORNEY GENERAL

(617) 727-2200
(617) 727-4765 TTY
www.mass.gov/ago

September 23, 2016

Timothy Hatch
3 Maple Street
Shirley, MA 01464

Dear Mr. Hatch:

We understand that on June 22, 2016, you filed a complaint with the Shirley Board of Selectmen (the "Board"), alleging a violation of the Open Meeting Law, G.L. c. 30A, §§ 18-25. The Board is required to notify our office of the complaint and any remedial action taken to address the complaint. G.L. c. 30A, § 23(b); 940 CMR 29.05(5). Our office received notification and a response from the Board on July 27, 2016, after an extension was granted.

Under the Open Meeting Law, a complaint is ripe for review by our office when the complainant files a copy of the initial complaint with the Division of Open Government, provided that at least 30 days have passed since that complaint was filed with the public body. G.L. c. 30A, § 23(b); 940 CMR 29.05(6). We sent you a letter on August 2, 2016 stating that if we did not receive the original complaint from you by Friday, September 2, 2016, we would presume the action taken by the Board was sufficient and would close this file. Our office currently has no record of a complaint filed by you in this matter. Therefore, we now consider this matter closed.

Please feel free to contact me if you have any questions or believe anything stated in this letter to be inaccurate.

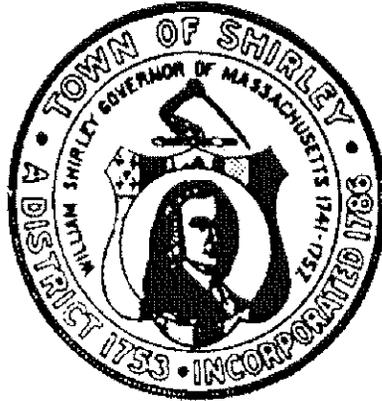
Sincerely,

A handwritten signature in black ink, appearing to read "Jonathan Scarsic".

Jonathan Scarsic
Assistant Attorney General
Director, Division of Open Government

cc: Brian W. Riley, Esq., KP | Law, P.C.
Shirley Board of Selectmen

Town of Shirley
Massachusetts



WARRANT

for the

**2016 SPECIAL
TOWN MEETING**

Ayer-Shirley Regional Middle School
Auditorium, 1 Hospital Road
Beginning Saturday, November 19, 2016 at 9:00AM

**Town of Shirley Warrant, Special Town Meeting,
Saturday, November 19, 2016**

ORDER OF ARTICLES

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NOTICE

If the business of this Warrant for the Special Town Meeting is not concluded on Saturday, November 19, 2016, it is proposed to adjourn as follows, provided that the Meeting so votes: to Monday, November 21, 2016.

**Town of Shirley
Special Town Meeting
November 19, 2016
Warrant**

Middlesex, ss.

Commonwealth of Massachusetts

To any of the Constables of the Town of Shirley in said County,

Greetings:

In the name of the Commonwealth aforesaid, you are hereby required to notify and warn the Inhabitants of said Town, qualified to vote in Town affairs, to assemble in the Auditorium of the Ayer-Shirley Regional Middle School at 1 Hospital Road in Shirley on Saturday, the nineteenth day of November 2016 at 9:00 a.m., to consider the following:

ARTICLE 1: Supplemental Appropriation of Funds for Fiscal Year 2017

To see if the Town will vote to amend the Fiscal Year 2017 budget as voted under Article 5 of the 2016 Annual Town Meeting by transferring certain sums of money within said budget and by appropriating a sum or sums of money to supplement said budget, with said supplemental appropriations to be transferred from available funds or raised by taxation, all for the purposes and in the amounts specified in the chart below; or take any other action relative thereto.

Line Item Number	Department/Account Name	FY2017 Approved	Proposed (Reduction/Increase)	FY2017 Revised Budget
211	Police Department Expenses	\$86,462	\$6,000 \$11,250	\$103,712
211	Police Department Wages Union	\$656,737	\$1,630	\$658,367
155	Computer Operation Expenses	\$75,906	\$4,400	\$80,306
151	Legal Expenses	\$30,000	\$12,000	\$42,000
122	Board of Selectmen Expenses	\$28,770	\$2,000	\$30,770

Summary:

Police Expenses: This supplemental appropriation is needed for training in the Police Department. There is also an additional \$6,000 to outfit new officers that was not included in the budget.

Police Wages: This supplemental appropriation is needed to cover overtime shifts that will be created due to training. This appropriation can be deterred and potentially found at the end of the year in the existing FY17 budget.

Computer Operations: The supplemental appropriation is for a failed server related to the phone system that was not budgeted.

Legal Expenses: This supplemental appropriation is needed to cover the additional legal costs of a recall. The recall was effective through Special Legislation on August 19, 2016 and the Town received a petition on August 22, 2016. Since the petition was received counsel has been advising the Town on multiple legal issues.

Board of Selectmen Expenses: This supplemental appropriation would be to fund the program titled TADS. At the Fall Town Meeting in 2015 this item was placed on the warrant. This item funds Project Interface, a program in Town to assists residents with mental illness find treatment.

NOTE: This is a new item for your consideration to be discussed at the 10/11/16 BOS Meeting.

A majority vote is required for the passage of this article.

**Sponsored by:
BOARD OF SELECTMEN**

**Board of Selectmen:
Finance Committee:**

ARTICLE 2: Supplemental Appropriation of Funds for Fiscal Year 2017

To see if the Town will vote to amend the Fiscal Year 2017 budget as voted under Article 5 of the 2016 Annual Town Meeting by appropriating a sum of sums of money to supplement said budget, said appropriations to be transferred from available funds or raised by taxation, all for the purposes and in the amounts specified in the chart below, or take any other action relative thereto.

Line Item Number	Department/Account Name	FY2017 Approved	Proposed (Reduction/Increase)	FY2017 Revised Budget
611	Library Wages Hourly (Clerical)	\$101,400	\$2,000	\$103,400

Summary:

Line 611-Library We request this appropriation adjustment in order to meet longevity pay obligations created by the signing of the union contract, completed after the FY17 budget was duly submitted by the Trustees, thereby creating a shortfall in the library Wages Hourly (Clerical Union) line.

A majority vote is required for the passage of this article.

**Sponsored by:
LIBRARY TRUSTEES**

Board of Selectmen: *Before the FY2017 Budget was submitted the selectmen met with members of the Finance Committee and Library Trustees. It was agreed that the library would cover longevity, and*

wages, while the Town would pick up their \$8,000 IT bill (which has been paid by the Town) along with any HVAC repairs that occur during the Fiscal Year.

Finance Committee:

ARTICLE 3: Transfer to OPEB Liability Trust Fund

To see if the Town will vote to transfer a sum of monies to the Other Post Employment Benefit (OPEB) Trust Fund by a transfer from Free Cash; or take any other action relative thereto.

Summary: *This article transfers a sum of money to the OPEB Trust Fund. OPEB is an unfunded liability that the state has not mandated funding of, unlike retirement. The Fund was adopted at previous Town Meeting. Last Year the Town appropriated \$00.00 and the Board of Selectmen does not wish to exceed this amount.*

A majority vote is required for passage of this article.

**Sponsored by:
BOARD OF SELECTMEN**

**Board of Selectmen:
Finance Committee:**

ARTICLE 4: Prior Year Bills FY 2016

To see if the Town will vote to transfer \$2,284 to pay bills incurred in a prior fiscal year by a transfer from available funds; or take any other action relative thereto.

The fiscal year ends on June 30th of each year. However, the General Laws provide further that the Town has until July 15th for departments to submit all charges against their budgets to the Town Accountant. This process allows the Town to close its books on a fiscal year and submit financial reports to the Commonwealth on a timely basis. However, on a few occasions, there are invoices that are received well past the July 15th deadline.

This article seeks funding for the following prior year bill(s):

The Sentinel Enterprise \$144.27- Invoice dated 07/01/16-07/31/16

Job postings run through the selectmen's office most of the time. An error occurred when there was confusion over who would pay the bill, the BOS or the hiring department. The invoice did not make it back to the BOS office for payment until after the July 15th deadline.

Mass Development Electric Accountant \$648.81

This bill was short-paid for an unknown reason and a balance moved forward that was not caught until after the July 15th deadline.

Urban Green Technologies (UGT) \$1,470.17

This balance is due to bills being short-paid due to other departments needing to have sign-off from the Sewer and Solid Waste Enterprise. There was confusion with UGT as to what was owed due to their change in billing dates.

Quill \$19.98 Invoice dated 5/25/16

This balance is due to bills being sent to the wrong office, and not discovered until after the July 15th deadline.

A 4/5 vote is required for the passage of this article.

**Sponsored by:
BOARD OF SELECTMEN**

**Board of Selectmen:
Finance Committee:**

ARTICLE 5: SPACO-Fiber Optic Cable Line to Middle School

To see if the Town will vote to transfer the sum of \$9,999.00 from Free Cash to the BOS Expense line 122 for the purchase of a fiber optic cable running to the Middle School; or take any other action relative thereto.

Summary: *This will improve the technology infrastructure in the Town so that all School and Town events, such as School Committee Meetings and Town meetings could be televised live.*

A majority vote is required for passage of this article.

**Sponsored by:
BOARD OF SELECTMEN**

**Board of Selectmen:
Finance Committee:**

ARTICLE 6: Sewer Department-Retained Earnings

To see if the Town will vote to transfer the sum of \$87,500.00 from Retained Earnings to the Contract Services line of the Sewer Commission for the purpose of purchasing and installing two standby generators; or take any other action relative thereto.

Summary: *The FY2016 Sewer Commission Capital Plan included money to purchase and install two standby generators. The Commissioners entered into an agreement to have the generators installed subsequent to the July 1st deadline, and this necessitated the expenditure of money from the Contracted Services line to pay for the generator installation. This transfer is being requested to reimburse the Contracted Services line from which the money was expended. \$87,500.00.*

A majority vote is required for passage of this article.

**Sponsored by:
SEWER COMMISSION**

**Board of Selectmen:
Finance Committee:**

ARTICLE 7: Sewer Department Prior Year Bills FY 2016

To see if the Town will vote to transfer \$13,250.00 to pay bills incurred in a prior fiscal year by a transfer from Retained Earnings; or take any other action relative thereto.

The fiscal year ends on June 30th of each year. However, the General Laws provide further that the Town has until July 15th for departments to submit all charges against their budgets to the Town Accountant. This process allows the Town to close its books on a fiscal year and submit financial reports to the Commonwealth on a timely basis. However, on a few occasions, there are invoices that are received well past the July 15th deadline.

This article seeks funding for the following prior year bill(s):

Weston & Sampson \$13,250.00 Invoice dated 5/06/16

This balance is due the bill not being received, and not requested until after the July 15th deadline.

A 4/5 vote is required for the passage of this article.

**Sponsored by:
SEWER COMMISISON**

**Board of Selectmen:
Finance Committee:**

Article 8: Ambulance Department Budget Retained Earnings

To see if the Town will vote to transfer the sum of \$26,000.00 from Retained Earnings to the Per Diem line of the Ambulance Enterprise for the purpose of improving the Ambulance Response time ; or take any other action relative thereto.

Summary: *The Town seeks to improve its ambulance service in Town. The amount of \$26,000.00 will be used to improve Ambulance service. Currently the on call amount is \$50.00; this transfer will increase the on call amount to \$100.00*

A majority vote is required for the passage of this article.

**Sponsored by:
AMBULANCE DEPARMTENT**

**Board of Selectmen:
Finance Committee:**

ARTICLE 9: Appropriate Capital Item(s) for FY 2017

To see if the Town will vote to raise and appropriate, transfer from available funds, and/ or borrow a sum or sums of money for the purpose of purchasing (and equipping for Items A and B) FY 2017 Capital Budget items, including all related and incidental expenses as follows; or take any other action relative thereto.

Item A	Center Town Hall Roof	Center Town Hall	\$32,000
Item B	Vault in Town Hall Basement	Town Clerk	\$7,488
Item C	Reconfigure Police Parking Lot Security	Police	\$48,140
Item D	Police Motorcycle	Police	\$14,000
Item E	Fire Engine #4	Fire	\$600,000
Item F	Fire Station Roof	Fire	\$30,000

Summary: The total Capital Request is \$00.00, \$00.00 will be borrowed and the remainder \$00.00 will be funded as a one-time expense through the Capital Stabilization Fund.

A 2/3 vote is required for the passage of this article, as it is being funded through the Capital Stabilization Fund and/or borrowing.

ITEM A: This item no borrowing is being requested.

ITEM B: This item no borrowing is being requested.

ITEM C: This item no borrowing is being requested.

ITEM D: This item no borrowing is being requested.

ITEM E: This item is needed for the Fire department vehicle fleet. This item will be bonded for a length of twenty (20) years.

ITEM F: This item no borrowing is being requested.

**Sponsored by:
BOARD OF SELECTMEN**

**Board of Selectmen:
Finance Committee:**

ARTICLE 10: Master Plan Implementation Element

To see if the Town will vote transfer \$13,837 from Free Cash to line 122 Board of Selectmen for the purpose of funding the final element of the Master Plan, titled "Implementation Element "; or take any other action relative thereto.

Summary: *The final element for the Master Plan needs to be funded prior to adoption by the Town at the 2017 Annual Town Meeting. The total amount includes \$4,837.00 for GIS maps and \$9,000.00 for the Implementation Plan.*

A majority vote is required for passage of this article.

**Sponsored by:
PLANNING BOARD**

**Board of Selectmen:
Finance Committee:**

ARTICLE 11: Transfer to the General Stabilization Fund

To see if the Town will vote to transfer a sum of money to the General Stabilization Fund by a transfer from available funds; or take any other action relative thereto.

Summary: *This article transfers to the General Stabilization Fund surplus funds realized as a result of any other actions taken in the previous articles of this warrant. Additionally, should additional revenues be recognized or state aid increase after the signing of this warrant, the Town has the means to "capture" those revenues with this article, and deposit those receipts into the General Stabilization Fund. The balance as of July 31, 2016 is \$657,341.04.*

A two-thirds vote is required for passage of this article.

**Sponsored by:
BOARD OF SELECTMEN**

**Board of Selectmen:
Finance Committee:**

ARTICLE 12: Transfer to the Capital Stabilization Fund

To see if the Town will vote to transfer a sum of money to the Capital Stabilization Fund by a transfer from available funds; or take any other action relative thereto.

Summary: *This article transfers to the Capital Stabilization Fund surplus funds realized as a result of any other actions taken in the previous articles of this warrant. Additionally, should additional revenues be recognized or state aid increase after the signing of this warrant, the Town has the means to "capture" those revenues with this article, and deposit those receipts into the Capital Stabilization Fund. The balance as of July 31, 2016 is \$487,721.26.*

A two-thirds vote is required for passage of this article.

**Sponsored by:
BOARD OF SELECTMEN**

Board of Selectmen:
Finance Committee:

ARTICLE 13: Amend Section 3.9 "Lancaster Road Commercial District" of the Shirley Protective Zoning By-Law

To see if the Town will vote to amend Section 3.9 "Lancaster Road Commercial District" of the Shirley Protective Zoning By-Law, as set forth below, with text to be inserted shown by bold underlining and text to be deleted shown by strikethrough, and vote to authorize the Town Clerk to assign appropriate numbering to the Shirley Protective Zoning By-Law, its index and its subsections, to reflect the amendments made or take any other action relative thereto.

~~3.9 Lancaster Road Commercial District (revised 06/08/2009)~~

~~The purposes of the Lancaster Road Commercial District are to provide for a broad mix of retail, service and light industrial uses in the southern end of town, including businesses that serve highway travelers and commuters.~~

~~3.9.1 Use Regulations~~

~~a. Permitted Commercial Uses:~~

- ~~1. Retail store~~
- ~~2. Professional or business office~~
- ~~3. Restaurant, take-out food service establishment or delicatessen, excluding drive-through service~~
- ~~4. Barber or beauty shop~~
- ~~5. Bank~~
- ~~6. Business service establishment~~
- ~~7. Banking machine, as a stand-alone structure, or where public access is available only via a drive-up window or from outside a building~~
- ~~8. Shop of an electrician, painter, paper hanger, plumber, upholsterer, carpenter, cabinet maker, general appliance repair person, or of a person engaged in a similar occupation~~
- ~~9. Shop for custom work involving the manufacture of articles to be sold on premises; or shop and display area of an upholsterer, cabinet-maker or similar craftsman receiving customers on the premises~~
- ~~10. Accessory uses customarily incidental to a permitted commercial use, in accordance with Section 2.5 of this Bylaw~~
- ~~11. Restaurant for the serving of food or beverages inside the premises or outside but on the premises, such as at tables on an adjoining deck or patio, but not including drive-through service~~
- ~~12. Take-out food establishment or delicatessen where food is prepared and sold at retail but not consumed on the premises, but not including drive-through service~~
- ~~13. Personal service, such as barber and beauty shop, laundry agency, shoe and hat repair, bicycle and household appliance repair, dressmaking, dry cleaning and pressing or tailor shop where no work is done on the premises for retail stores elsewhere~~

~~b. Uses Allowed by Special Permit from the Planning Board~~

- ~~1. Hotel, inn~~

- ~~2. Sale of automobiles and trucks, accessories, farm equipment, aircraft, motorcycles, and camping trailers~~
- ~~3. Veterinary clinic or animal hospital~~
- ~~4. Drive-through for restaurant or food-service establishment~~
- ~~5. Laundromat~~
- ~~6. Commercial parking lot~~
- ~~7. Commercial sports or recreation facility, indoor or outdoor~~
- ~~8. Contractor's yard~~
- ~~9. Accessory uses customarily incidental to a Special Permitted commercial use, in accordance with Section 2.5 of this Bylaw~~
- ~~10. Private and commercial communication towers and antennas for radio, television, and/or wireless telecommunications, subject to Section 4.15~~
- ~~11. Grocery store or supermarket, not exceeding 80,000sf.~~
- ~~12. Dry cleaning and pressing or tailor shop~~
- ~~13. Auto-filling stations, service stations and repair shops (not including junkyards) provided that there shall be no storage of automobiles on the premises other than those in the process of or awaiting repair or awaiting delivery or pickup after repair.~~
- ~~14. Assembly, fabrication, processing, printing, wholesaling and distribution, warehousing and interior storage~~

3.9.2 Density and Dimensional Regulations

- ~~a. Minimum Lot Area (All Uses): 20,000 square feet~~
- ~~b. Minimum Frontage: 100 feet~~
- ~~c. Minimum Yard Setbacks:~~

- ~~1. Front: 20 feet~~
- ~~2. Side: 15 feet~~
- ~~3. Opposite Side: 30 feet~~
- ~~4. Rear: 25 feet~~

- ~~d. Maximum Front Yard Setback: 40 feet~~
- ~~e. Lot Width: 100 feet~~

~~f. Building & Use Intensity~~

- ~~1. Maximum Height: 45 feet~~
- ~~2. Maximum Number of Stories: 3 stories~~
- ~~3. Maximum Lot Coverage: 75%~~
- ~~4. Maximum Building Coverage: 25%~~
- ~~5. Maximum Floor Area Ratio: .60~~
- ~~6. Minimum Open Space % Lot Area: 25%~~

3.9 Lancaster Road Commercial District (revised 06/08/2009)

The purposes of the Lancaster Road Commercial District are to provide for a broad mix of retail, service and light industrial uses in the southern end of town, including businesses that serve highway travelers and commuters.

3.9.1 Use Regulations

a. Permitted Commercial Uses:

1. Retail store

2. Professional or business office

3. Restaurant, take-out food service establishment or delicatessen, excluding drive through service

4 Barber or beauty shop

5. Bank

6. Business service establishment

7. Banking machine, as a stand-alone structure, or where public access is available only via a drive-up windows or from outside a building.

8. Shop of an electrician, painter, paper-hanger, plumber, upholsterer, carpenter, cabinet maker, general appliance repair person, or of a person engaged in a similar occupation.

9. Shop for custom work involving the manufacture of articles to be sold on premises; or shop and display area of an upholsterer, cabinet-maker or similar craftsperson receiving customers on the premises.

10. Accessory uses customarily incidental to a permitted commercial use, in accordance with Section 2.5 of this Bylaw.

11. Restaurant for the serving of food or beverages inside the premises or outside but on the premises, such as at tables on an adjoining deck or patio, but not including drive through service.

12. Take-out food establishment or delicatessen where food is prepared and sold at retail but not consumed on the premises, but not including drive-through service.

13. Personal service, such as barber and beauty shop, laundry agency, shoe and hat repair, bicycle and household appliance repair, dressmaking, dry cleaning and pressing or tailor shop where no work is done on the premises for retail stores elsewhere.

b. Uses Allowed by Special Permit from the Planning Board

1. Hotel, inn

2. Sale of automobiles and trucks, accessories, farm equipment, aircraft, motorcycles, and camping trailers.

3. Veterinary clinic or animal hospital

4. Drive-through for restaurant or food-service establishment

5. Laundromat

6. Commercial parking lot

7. Commercial sports or recreation facility, indoor or outdoor

8. Contractor's yard

Accessory uses customarily incidental to a Special Permitted commercial use, in accordance with Section 2.5 of this Bylaw.

10. Private and commercial communication towers and antennas for radio, television, and/or wireless telecommunications, subject to Section 4.15

11. Grocery store or supermarket, not exceeding 80,000sf.

12. Dry cleaning and pressing or tailor shop

13. Auto filling stations, service stations and repair shops (not including junkyards) provided that there shall be no storage of automobiles on the premises other than those in the process of or awaiting repair or awaiting delivery or pickup after repair.

14. Assembly, fabrication, processing, printing, wholesaling and distribution, warehousing and interior storage.

3.9.2 Density and Dimensional Regulations

a. Minimum Lot Area (All Uses):	20,000 square feet
b. Minimum Frontage:	100 feet
Minimum Yard Setbacks:	
1. Front:	20 feet
2. Side:	15 feet
3. Opposite Side:	30 feet
4. Rear:	25 feet
d. Maximum Front Yard Setback:	40 feet
e. Lot Width:	100 feet

f. Building & Use Intensity

1. Maximum Height:	45 feet
2. Maximum Number of Stories:	3 stories
3. Maximum Lot Coverage:	75%
4. Maximum Building Coverage:	25%
5. Maximum Floor Area Ratio: 60	
6. Minimum Open Space % Lot Area:	25%

3.9.3 Open Space Requirements

For purposes of this Section, open space shall mean a portion of a lot or other area of land associated with a building or group of buildings in relation to which it serves to provide light and air, or scenic, recreational or similar purposes. Such space shall, in general, be available for entry and use by the occupants of the building(s) with which it is associated, and at times to the general public, but may include a limited proportion of space so located and treated as to enhance the amenity of development by providing landscaping features, screening or buffering for the occupants or neighbors or a general appearance of openness. Open space may include parks, plazas, lawns, landscaped areas, decorative plantings, pedestrian ways, and active and passive recreational areas.

Minimum open space requirements will be establish by the Planning Board for each development location during site plan review and with special consideration given to potential residential abutters. Refer to section 3.7.2 f.

3.9.4 Vehicular Access, Parking and Loading

a. Access.

Buildings erected in the Districts need not be located on lots which have frontage on a street. However, provisions for access to all buildings by emergency and service vehicles in lieu of public street access shall be made possible by the layout and design of driveways, interior service roads, or pedestrian and bicycle circulation corridors not normally open to vehicular traffic to the reasonable satisfaction of the Town of Shirley Fire Department and any related entities having jurisdiction.

b. Parking.

Each development shall provide enough parking spaces either on or off the lot within the District to satisfy the requirements as outlined in section 5 of this by-law and Planning Board determination of need.

c. Loading Requirements.

It is the intent of this section that sufficient off-street loading facilities be constructed within the District to meet the needs of users located therein. Loading space(s) should not interfere with

traffic flow. The specific number of loading spaces and requirements shall be determined by section 5 of this by-law and the Planning Board or other entity having jurisdiction, during site plan review.

3.9.5 Landscaping, Buffering, Lighting

a. In Shopping Centers and Office Parks, landscaping shall be provided and maintained in accordance with planting approved by the Planning Board and incorporated as part of the plans on which the Permit is based.

b. Landscaping shall be provided and maintained in front and side yards abutting public ways for aesthetic reasons to break up lines of buildings and for screening accessory facilities under the requirements discussed below. Specifically, landscape screening shall be provided adjacent to

1. Abutting existing residential properties where a side or rear lot line of a development adjoins a residential district or an existing residential use within the same district the following buffer requirements shall apply:

a. A strip of land not less than fifty (50) feet from such side or rear lot lines shall be provided
b. Such strip shall contain a continuous screen of planting of vertical habit in the center of the strip not less than three (3) feet in width and six (6) feet in height at the time of occupancy so as to maintain a dense screen year round.

c. At least 50% of the plantings shall consist of evergreens and shall be evenly spaced along the length of the buffer strip.

d. In lieu of continuous planting, a solid brick, stone or wood fence of a design approved by the Planning Board, or a planted earthen berm of a design approved by the Planning Board may be established and maintained with plantings in an amount no less than 20 % of the amount required above.

2. Abutting limited access highways, in addition to the landscaping in front and side yards mentioned above, the following shall apply:

Landscape screening shall consist of planting, including evergreens, the plantings to be of such height and depth as is needed and as determined by the Planning Board during site plan review to screen adequately from view from abutting area any unshielded light source, either inside or outside.

3. In the designated districts, outdoor lighting including lighting on the exterior of a building or lighting in parking areas, shall be arranged to minimize glare and light spilling over the neighboring properties. Except for low level intensity pedestrian lighting, other lighting shall be designed and located so that:

a. The luminaire (LED) has an angle of cutoff less than 76 degrees;

b. A line drawn from the height of the luminaire (LED) along the angle of cutoff intersects the ground at a point within the development site;

c. The bare light bulb, lamp or light source is completely shielded from direct view at any point five feet above the ground on neighboring properties or streets.

d. Lighting shall be directional to preclude light pollution of neighbors or the night sky. Dark Sky lighting is required. Refer to Town of Shirley Lighting By-law.

4. For any conflict of this section and other sections in the by-law, the more restrictive regulations shall apply.

Summary: *This article amends the use regulations of the Lancaster Road Commercial District.*

A two-thirds vote is required for passage of this article.

**Sponsored by:
PLANNING BOARD
ECONOMIC DEVELOPMENT COMMITTEE**

**Board of Selectmen:
Finance Committee:**

ARTICLE 14: Amend Section 13 “Description of District Boundaries” of the Zoning By-Law – Place parcels in Lancaster Road Mixed-Use District

To see if the Town will vote to amend Section 13 “Description of District Boundaries” of the Shirley Protective Zoning By-Law, as set forth below, and vote to authorize the Town Clerk to assign appropriate numbering to the Shirley Protective Zoning By-Law, its index and its subsections, to reflect the amendments made, or take any other action relative thereto:

In the Mixed-Use district created in a previous article **place parcels in the area identified as the Lancaster Road Mixed-Use District.**

Lancaster Road Mixed-Use District: consists of the following parcels: 2-A-1, 2-A-2 and the eastern portion of 2-A-1.1 up to the westerly bound of the power line easement as shown on the Assessors maps dated January 1, 2014. On the easterly portion of said parcels, the district will run to the centerline of Lancaster Road.

Summary: *This article places parcels in the Lancaster Road Mixed-Use District.*

A two-thirds vote is required for passage of this article.

**Sponsored by:
PLANNING BOARD
ECONOMIC DEVELOPMENT COMMITTEE**

**Board of Selectmen:
Finance Committee:**

ARTICLE 15: Amend Section 13 “Description of District Boundaries” of the Zoning By-Law – Remove parcels from R1 (Residential 1); place parcels in (I) Industrial and Mixed-Use:

To see if the Town will vote to amend Section 13 “Description of District Boundaries” of the Shirley Protective Zoning By-Law, as set forth below, and vote to authorize the Town Clerk to assign appropriate numbering to the Shirley Protective Zoning By-Law, its index and its subsections, to reflect the amendments made, or take any other action relative thereto:

Corresponding with the defining of the Lancaster Road Mixed-Use District as voted in a previous article, and also expanding the Lancaster Road Industrial District, take the following actions to update the bounds of the “Southwest Shirley” R-1 (Residential 1) district Description of Boundaries and “Lancaster Road” I (Industrial) district Description of Boundaries

- a. **insert** at the end of the “Southwest Shirley” R-1 (Residential 1) district Description of Boundaries, the following “; excluding those areas designated as the Lancaster Road Mixed-Use District and Lancaster Road Industrial District.”

and also

- b. **delete** the existing paragraph within the “Lancaster Road” I (Industrial) district Description of Boundaries” which currently states:

“Lancaster Road: starting at Lancaster Road on the Shirley/Lancaster town line; thence northerly along Lancaster Road to the R-1 district boundary; thence westerly along said R-1 district boundary for a distance of 608 ft.; thence northerly along said R-1 district a distance of 202 ft., thence westerly along a property line, and its extension, on a straight line to the Shirley/Lunenburg town lines; thence southerly along said town line to the intersection of the Shirley/Lunenburg/Lancaster town lines, thence easterly along the Shirley/Lancaster town line to the place of beginning.”

and replace it with the following, in which the changed text is underlined:

“Lancaster Road: starting at Lancaster Road on the Shirley/Lancaster town line; thence northerly along Lancaster Road to the Mixed-Used district boundary; thence westerly along said Mixed-Use district boundary for a distance of 608 ft.; thence northerly along said Mixed-Use district boundary a distance of 202 ft., thence westerly along the property line of parcel 2-A-1.1 to the western bound of the powerline easement; thence northerly along the powerline easement to the northern most bound of parcel 1-A-1; thence westerly, southwesterly and westerly along the bounds of said parcel 1-A-1; to the intersection with parcel 9-A-2; thence northerly along the bound of parcel 9-A-2 to the intersection of parcel 10 B 7; thence westerly along the northern most bound of parcel 9-A-2 to the Shirley/Lunenburg town lines; thence southerly along said town line to the intersection of the Shirley/Lunenburg/Lancaster town lines, thence easterly along the Shirley/Lancaster town line to the place of beginning as shown on the Assessors maps dated January 1, 2014.”

Summary: *This article removes parcels from R-1 now Lancaster Road residential and places parcels in the Lancaster Road Industrial and Mixed-Use districts.*

A two-thirds vote is required for passage of this article.

**Sponsored by:
PLANNING BOARD
ECONOMIC DEVELOPMENT COMMITTEE**

**Board of Selectmen:
Finance Committee:**

ARTICLE 16: AMEND ZONING MAP November 2015

To see if the Town will amend the Zoning Map, as most recently amended in November 2015, by adopting the corresponding Zoning Map as presented in Appendix A of this Warrant, which incorporates the changes proposed in Articles 13 through 21, inclusive, of this Warrant, or take any other action relative thereto.

Summary: *The zoning map can be found in the Appendix. A colored copy can be obtained in the Town Clerk's office.*

A two-thirds vote is required for passage of this article.

**Sponsored by:
PLANNING BOARD
ECONOMIC DEVELOPMENT COMMITTEE**

**Board of Selectmen:
Finance Committee:**

Map that incorporates these zoning revisions accompanies this document.

ARTICLE 17: Amend Driveways By-Law

To see if the Town will vote to amend Article X of the Town's General By-Laws, "Driveways" as set forth below, with text to be inserted shown by underlining and text to be deleted shown by strikethrough, or take any other action relative thereto.

Section 1: No driveway or other means of access abutting a Town way or a way maintained by the Town of Shirley shall be installed without a permit from the Board of Selectmen and subject to terms and conditions imposed therein.

Summary:

A majority vote is required for passage of this article.

**Sponsored by:
BOARD OF SELECTMEN**

**Board of Selectmen:
Finance Committee:**

ARTICLE 18: Renewable Energy By-Law

To see if the Town will vote to adopt the Renewable Energy Bylaw, on file in the Town Clerks Office, and vote to authorize the Town Clerk to assign appropriate numbering to the Shirley Protective Zoning By-Law, its index and its subsections, to reflect the amendments made, or take any other action relative thereto:

Summary: This bylaw is on file in the Town Clerks office.

A two-thirds vote is required for passage of this article.

**Sponsored by:
PLANNING BOARD**

**Board of Selectmen:
Finance Committee:**

ARTICLE 19: Road Acceptance of Village Drive

To see if the Town will vote to adopt Village Drive as a public Way; or take any other action relative thereto:

Summary:

A majority vote is required for passage of this article.

**Sponsored by:
Planning Board**

**Board of Selectmen:
Finance Committee:**

* * * *

And you will serve this Warrant by posting true and attested copies of same at the Town Offices and the Hazen Memorial Library in Shirley Village, at the Senior Center in Shirley Center, and a like copy at the United States Post Office in Shirley Village, fourteen days at least before the time appointed for said Meeting.

Hereof fail not and make due return of this Warrant with your doings therein to one of the Selectmen, on or before the date of the Meeting.

Given under our hands at Shirley, this _____ Day of _____, 2016.

BOARD OF SELECTMEN

Robert E. Prescott Jr. Chair

Kendra J. Dumont, Vice Chair

Enrico Cappucci, Clerk

A true copy.
Attest:

*Amy R. McDougall
Town Clerk*

* * * *

* * * *

RETURN OF SERVICE

I certify that on the _____ Day of _____, 2015, I duly posted true and attested copies of the foregoing Warrant at the following places and times:

Town Offices _____ M.

U. S. Post Office _____ M.

Senior Center _____ M.

Hazen Memorial Library _____ M.

Constable, Signature

Constable, Printed Name

* * * *