

**TOWN OF MATTAPOISETT  
TOWN MEETING MINUTES  
ANNUAL TOWN MEETING**

**MAY 11, 2015**

**6:30 P.M.**

**OLD ROCHESTER REGIONAL  
HIGH SCHOOL AUDITORIUM**

**TOWN OF MATTAPOISETT  
ANNUAL TOWN MEETING  
MAY 11-12, 2015**

The Annual Town Meeting was called to order at Old Rochester Regional High School Auditorium at 6:30 PM on May 11, 2015 by the Moderator, John A. Eklund. The moderator declared that a quorum was present. After the Pledge of Allegiance and a moment of silence, Town Clerk, Catherine L. Heuberger read the return of service. A motion was made by Selectman R. Tyler Macallister to waive the reading of the warrant articles. The motion was seconded and passed.

**ARTICLE 1: ELECTED OFFICERS' COMPENSATION: (No funding required)**

Voted for the Town to fix the salaries of elected officers of the Town for Fiscal Year 2016 as follows:

	<u>CURRENT</u>	<u>PROPOSED</u>
Moderator	\$ 215.00	\$ 230.00
Board of Selectmen, Chairman	\$ 3,990.00	\$ 4,284.00
Board of Selectmen, Members – each	\$ 3,570.00	\$ 3,840.00
Assessor – each	\$ 3,570.00	\$ 3,840.00
Town Clerk	\$53,658.00	\$55,731.00
Board of Health – each	\$ 435.00	\$ 470.00
Highway Surveyor	\$72,629.00	\$76,252.00
Mattapoisett School Committee – each	\$ 435.00	\$ 470.00
Water/Sewer Commissioner – each	\$ 435.00	\$ 470.00
Tree Warden	\$ 7,915.00	\$ 8,073.00
Herring Inspector	\$ 805.00	\$ 821.00

YES 196                      NO 0

Motion to recess to Special Town Meeting @ 7:03 pm.  
Reconvened Annual Town Meeting @ 7:17 pm.

ARTICLE 2: GENERAL OPERATING BUDGET

Voted for the Town appropriate the sum of \$23,352,119 to defray the charges and expenses of the Town for FY16, for the purposes and amounts set forth in the General Operating Budget, as presented at this meeting within the Attachment A, entitled Mattapoisett FY16 Budget, Annual Town Meeting Warrant, and to meet the appropriation the sum of \$22,686,097 be raised within the Levy Limit, the sum of \$215,000 be transferred from Ambulance receipts reserved for appropriation, the sum of \$ 59,482 be transferred from revenues of the Sanitary Landfill Enterprise Fund, the sum of \$142,527 to be transferred from revenues of the Sewer Enterprise Fund, the sum of \$203,175 to be transferred from the revenues of the Water Enterprise Fund, and the sum of \$45,838 to be transferred from the revenues of the Waterfront Enterprise Fund. And further for Enterprise Funds, move that the Town vote to appropriate the following sums of money as presented at this meeting for the following:

- (1) Appropriate the sum of \$141,014 to defray the expenses of operating the Sanitary Landfill/Transfer Station Enterprise for FY16, the sum of \$90,000 to be provided from revenues of the Sanitary Landfill/Transfer Station Enterprise Fund, the sum of \$22,325 from the Sanitary Landfill/Transfer Station Retained Earnings, and the sum of \$ 28,689 to be raised within the Levy Limit; and
- (2) Appropriate the sum of \$1,823,556 to defray the expenses of the Water Department, the sum of \$1,794,556 to be provided from revenues of the Water Enterprise Fund, the sum of \$29,000 from Water Retained Earnings; and
- (3) Appropriate the sum of \$ 2,225,688 to defray the expenses of the Sewer Department, the sum of \$ 1,800,000 to be provided from revenues of the Sewer Enterprise Fund, the sum of \$ 425,688 from Sewer Retained Earnings; and
- (4) Appropriate the sum of \$183,348 to defray the expenses of the Waterfront Department, the sum of \$ 87,000 to be provided from revenues of the Waterfront Enterprise Fund, the sum of \$78,001 to be provided from the Municipal Waterways Fund, and the sum of \$18,347 from Waterfront Unreserved Retained Earnings.

Amounts are shown in Attachment "A".

YES

208

NO 2

ARTICLE 3: SEWER RESERVE ACCOUNT

Voted for the Town to appropriate the sum of \$10,000 from Sewer Retained Earnings for the purpose of establishing a Reserve for unforeseen expenses of the Department in FY2016.

YES 210 NO 0

ARTICLE 4: WATER RESERVE ACCOUNT

Voted for the Town to appropriate the sum of \$10,000 from Water Retained Earnings for the purpose of establishing a Reserve for unforeseen expenses of the Department in FY2016.

YES 210 NO 0

ARTICLE 5: APPROPRIATE FOR OPEB LIABILITIES

Voted for the Town to appropriate the total sum of \$343,736 to meet the Town's obligations under the Government Accounting Standards Board (GASB) Statement 45 to fund the Town's future obligations for the cost of other post employment benefits (OPEB) identified by the GASB 45 Report; and as funding therefor, to raise \$325,000 from the Tax Levy, and transfer \$3,080 from Sewer Retained Earnings and \$15,656 from Water Retained Earnings.

YES 209 NO 1

ARTICLE 6: DEPARTMENTAL REVOLVING FUND AUTHORIZATION

Voted for the Town to authorize Revolving Funds for certain departments and reauthorize existing Town revolving funds that require annual reauthorization, under and pursuant to MGL c. 44 § 53 E½ for the Fiscal 2016 year. Amounts to be voted are shown in Attachment "C"

YES 210 NO 0

ARTICLE 7: APPROPRIATION TO CAPITAL IMPROVEMENT STABLIZATION FUND

Voted for the Town to appropriate the sum of \$180,000 from Free Cash to the Capital Improvement Stabilization Fund.

YES 210 NO 0

ARTICLE 8: CAPITAL IMPROVEMENT PLAN REPORT: (No Funding Required)

Voted for the Town to receive the Five Year Capital Improvement Plan Report to be presented by the Capital Planning Committee.

The recommended Five Year Capital Improvement Plan is shown in Attachment "B".

YES 210 NO 0

ARTICLE 9: CAPITAL PLAN FUNDING

Voted for the Town to appropriate the sum of \$ 393,396; with \$63,396 to come from the Tax Levy, \$330,000 from the Capital Improvement Stabilization Fund for the purpose of purchasing and equipping capital equipment or furnishings or undertaking capital projects as described below:

Fire Department new Helmets and Safety Equipment	\$ 15,000
Highway Department, Equipment and Decom Wash	\$ 50,000
Town Hall and Offices Equipment	\$ 35,396
Highway Department, Truck and Plow Unit	\$ 51,000
Public Safety, Route 6 Pedestrian Crossing Signals	\$ 32,000
Local School Building, Flooring Replacement	\$ 25,000
Fire Department, Replacement of Vehicle	\$ 40,000
Highway Department Building Repairs	\$ 40,000
Local School Building, OHT Playground Resurfacing	\$ 35,000
Police Department, Cruiser Replacement	\$ 40,000
Police Station HVAC System	\$ 30,000

YES 210 NO 0

ARTICLE 10: PHASE V TOWN ROAD IMPROVEMENT PLAN FUNDING

Voted for the Town to appropriate the sum of \$650,000 to carry out road improvement work identified as Phase V within the Town of Mattapoisett Five Year Road Improvement Plan, including all work associated and incidental thereto; and as funding therefor, to authorize the Treasurer, with the approval of the Board of Selectmen to borrow said sum pursuant to G.L. c.44, §7(6) or any other enabling authority, and to issue bonds and notes therefor; provided, however, that the appropriation authorized hereunder shall be expressly contingent upon approval by the voters of the Town of a so-called Proposition 2 1/2 debt exclusion question to be placed on the ballot of the next Annual Town Election.

YES 206 NO 0

ARTICLE 11: CYCLICAL ANNUAL PROPERTY REVALUATION AND TOWN MAPPING

Voted for the Town to appropriate the sum of \$30,000.00 from the Tax Levy for the purpose of funding the Department of Revenue mandated tri-annual cyclical evaluation of property in Mattapoisett and mapping updates.

YES 206 NO 0

ARTICLE 12: STORM HAZARD MITIGATION GRANT MATCH

Voted for the Town to appropriate the sum of \$15,000 from the Tax Levy for a storm hazard mitigation analysis, such funds to serve as the Town's share for a matching funding for such purposes.

YES 206 NO 0

ARTICLE 13: WATERFRONT IMPROVEMENT GRANT

Voted for the Town to appropriate the sum of \$8,000 from the Tax Levy for the purpose of engaging services to assist the Town in obtaining funds to improve town wharves.

YES 204 NO 2

ARTICLE 14: FUNDING FOR DEVELOPMENT OF A HARBOR PLAN

Voted for the Town to appropriate the sum of \$15,000 from the Tax Levy for the purpose of engaging the services of a consultant to work with the Marine Advisory Board and Town Officials to develop a comprehensive plan for the uses, areas, and future plans of the Town as it relates to its various harbor embayment.

YES 204 NO 0

ARTICLE 15: REPAIRS TO TOWN WHARVES

Voted for the Town to appropriate \$27,658.96 by transferring from Waterfront Enterprise Available Funds, the repair and maintenance of the pilings, wood supports and other appendences of the town wharf systems.

YES 204 NO 0

ARTICLE 16: GEOGRAPHIC INFORMATION SYSTEMS AND MS4 PERMITTING

Voted for the Town to appropriate the sum of \$20,000 from the Tax Levy for the purpose of continuing the work on implementing the use of a Geographic Information System data base for Mattapoisett, to be used for equipment, software, programs and labor associated with this system development.

YES 202 NO 0

ARTICLE 17: ADOPTION OF PERSONNEL SCHEDULES

Voted for the Town to approve amendments to various Personnel Schedules and Classifications within the Mattapoisett Personnel Bylaws, attached as Schedule D.

YES 202 NO 0

ARTICLE 18: AMENDMENT TO PERSONNEL BYLAW

Voted for the Town to amend the Mattapoisett Personnel Bylaws to include the following under the Schedule of Classification Plan Section 12 to include the following:

Hourly Positions

Skilled Laborer Non Union Grade 12

Unskilled Laborer Non Union Grade 6

CDL or Hoisting Licensed Laborer Non Union Grade 16

YES 202 NO 0



ARTICLE 19: FUNDING ADDITIONAL BRISTOL COUNTY AGRICULTURAL HIGH SCHOOL STUDENTS

Voted for the Town to appropriate \$72,000 from the Tax Levy for the purpose of paying tuition of Mattapoisett students attending Bristol County Agricultural School.

YES 202 NO 0

ARTICLE 20: ALLOCATION OF REVENUES COMMUNITY PRESERVATION ACT (From Community Preservation Funds)

Voted for the Town to hear and act on the report of the Community Preservation Committee on the Fiscal Year 2016 Community Preservation budget, and to appropriate or reserve from the Community Preservation Act Fiscal Year 2016 estimated annual revenues a sum of money to meet the administrative expenses and all other necessary and proper expenses of the Committee for Fiscal Year 2016 and reserve for future appropriation from said annual revenues a sum of money for open space, historic resources and community housing purposes, as well as a sum of money to be placed in the FY2016 budgeted reserve all as recommended by the Community Preservation Committee as follows;

Appropriate FY 2016 Estimated Annual Revenues

Administrative Expenses \$ 1,000

Debt Service Expense \$ 21,250

Transfer from FY 2016 Estimated Annual Revenues for the Following Reserve Accounts.

Housing \$ 17,299

Historical Preservation \$ 17,299

Open Space \$ 17,299

Budgeted Reserve \$ 98,841

Motion to amend FY 2015 in article replace with 2016 (Transfer from FY 2015 Estimated Annual Revenues)

Motion carries 202-0

YES 202 NO 0

ARTICLE 21: CPA FUNDING - BIKE PATH ENGINEERING

Voted for the Town to appropriate the sum of \$15,000 from CPA FY 2016 Budgeted Reserves; for the design and engineering of the proposed Bike Path from Mattapoisett Neck Road to Depot Street, known as Phase 1B, and shown on a plan entitled, "Mattapoisett Multi-Use Path Phase 1B" and dated December 10, 2013, on file with the Town Clerk.

YES 199 NO 2

ARTICLE 22: CPA FUNDING – PRESERVATION, RESTORATION AND REHABILITATION TO QUAKER MEETING HOUSE

Voted for the Town to appropriate from the Community Preservation Fund the total sum of \$80,000, with \$53,273 from the Historical Reserve, and \$26,727 from FY16 Budgeted Reserves as a grant to the historic Mattapoisett Friends Meeting for the purpose of preserving, and restoring, and rehabilitating the Quaker Meeting House on Marion Road including all costs incidental and related thereto, and to authorize the Board of Selectmen in consultation with the Community Preservation Committee to enter into a grant agreement with said Mattapoisett Friends Meeting setting forth the terms and conditions of said grant, and further authorize the Board of Selectmen to accept an historic preservation restriction or other interest in said property meeting the requirements of MGL. Ch. 184 sections 31-33.

YES 197 NO 4

ARTICLE 23: CPA FUNDING - PRESERVATION, RESTORATION AND REHABILITATION TO THE TOWN WHARVES

Voted for the Town to appropriate from the Community Preservation Fund the total sum of \$80,000, \$41,245 from FY16 Budgeted Reserves, \$38,755 from Undesignated Funds for the purpose of preserving, restoring and rehabilitating the Town Wharves, including all costs incidental and related thereto.

YES 200 NO 0

ARTICLE 24: CPA FUNDING – CATALOGING HISTORIC MUSEUM ARTIFACTS PROJECT

Voted for the Town to appropriate from the Community Preservation Fund, the sum of \$10,000 from Historic Reserves, as a grant for the purpose of cataloging historic materials of the Museum, including all costs incidental and related thereto, and to authorize the Board of Selectmen, in consultation with the Community Preservation Committee, to enter into a grant agreement setting forth the terms and conditions of such a grant.

YES 200 NO 0

ARTICLE 25: CENTER SCHOOL CLOCK MAINTENANCE COMMITTEE

Voted for the Town to establish a Center School Clock Committee to oversee the perpetual care and maintenance of Mattapoissett’s 1898 Seth Thomas Weight Driven Pendulum Clock located in Mattapoissett Center School, and to authorize the Committee to expend funds to be used for the care, maintenance, upkeep and repair of the clock works and all associated parts including the clock dial and dial face, and to be comprised of one member of the Board of Selectmen, or their representative, one member of the Mattapoissett Historical Commission, one member of the Mattapoissett School Committee, and the clock keeper who will make recommendations to the Center School Clock Committee for the expenditures of such funds.

YES 200 NO 0

ARTICLE 26: ACUSHNET ROAD LAYOUT TAKING ON CURVE AT BOG AREA

Voted for the Town to authorize the Board of Selectmen to acquire for roadway purposes the fee or lesser interest, including a road easement by gift, purchase, license, temporary easement or eminent domain all as shown and described within a Description of Takings and as shown on a Roadway Layout Plan entitled “Town of Mattapoissett Board of Selectmen – Acushnet Road Layout in Mattapoissett, Massachusetts” dated March 19, 2015, and on file at the Mattapoissett Town Clerk’s Office, 16 Main Street, Mattapoissett.

YES 199 NO 1

ARTICLE 27: ROAD EASEMENT TAKING – ACUSHNET RD- TINKHAM POND AREA

Voted for the Town to authorize the Board of Selectmen to acquire for roadway purposes the fee or lesser interest, including a road easement by gift, purchase, license, temporary easement or eminent domain all as described on a plan entitled “ Acushnet Road Layout dated March 19, 2015, and as described in an Easement Right of Way Description, 2015 Town Layout Acushnet Road 40ft wide Right of Way. All documents on file with the Mattapoisett Town Clerk’s Office, Town Hall, 16 Main Street, Mattapoisett.

YES 198 NO 1

ARTICLE 28: PILOT AGREEMENT - TINKHAM HILL SOLAR

Voted for the Town pursuant to MGL Chapter 59, section 38H and Chapter 164 section 1 or other enabling authority to authorize the Board in consultation with the Board of Assessors to negotiate an agreement with Sun E Solar XV of Sun Edison of Beltsville, Maryland its successors and assigns for a payment in lieu of taxes for the personal property associated with the privately owned and operated solar photovoltaic facility, installed on property located on the north side of Tinkham Hill Road all as shown on the Assessors Maps as Map 20, Lot 18 and Map 19, Lot 17, for a term of up to 25 years, on such terms and conditions as the Board of Selectmen and Assessors deem in the best interest of the Town, and take all action necessary to implement and administer such agreement.

YES 199 NO 0

ARTICLE 29: ACCEPTANCE OF A PARCEL OF LAND

Voted for the Town to authorize the Board of Water and Sewer Commissioners and Board of Selectmen to acquire by gift, donation or otherwise under the provisions of GL. Chapter 40 section 41 or other applicable law, for passive recreation, conservation and water supply protection purposes, a deed for the fee simple interest in 18 acres of land, more or less, located on the east side of Wolf Island Road and shown as Lot 4 on Assessor’s Map 20, and that the Water and Sewer Commissioners shall hold such land for water protection purposes, pursuant to the provisions of Massachusetts General Laws Chapter 40, Section 41 but such land shall be made available to the public for passive recreational use that is consistent with protection of the water supply and the provisions of 310 Code of Massachusetts Regulations 22.00, and shall expressly be considered conservation land protected by Article 97 of the Amendments of the Constitution of the Commonwealth, and that the Water and Sewer Commissioners and/or the Board of Selectmen, and each of them be, and hereby are, authorized to enter into any and all agreements and execution of such instruments in the name of the Town as may be necessary to effect such purpose, subject to there being clear title to said parcel and all real estate taxes thereon having been paid and such other terms and conditions as said Boards shall deem appropriate.

YES 199 NO 0

ARTICLE 30: VEHICLE REPLACEMENT WATER & SEWER

Voted for the Town to transfer \$ 60,000 for purchasing and equipping a Water/Sewer Department utility truck as follows: \$ 27,000 from Article 26 of the ATM of May 2013, Sewer Vacuum System, \$ 17,045 from Sewer Enterprise Retained Earnings, \$ 521.19 from Water Enterprise Retained Earnings from Article 8 of the ATM of May 2010, and \$ 15,433.81 from Water Enterprise Retained Earnings.

YES 199                      NO 0

ARTICLE 31: WELL #2 REFURBISHMENT PHASE 3

Voted for the Town to appropriate the sum of \$1,500,000 for the purpose of Phase 3 of the refurbishment of Well #2, and to authorize the Treasurer, with the approval of the Board of Selectmen to borrow said sum pursuant to M.G.L. Ch.44, §8(7C), or any other enabling authority, and to issue bonds and notes therefor.

YES 199                      NO 0

ARTICLE 32: DESIGN AND COSTING NEW FORCED MAIN AT EEL POND

Voted for the Town to appropriate the sum of \$40,000 by transferring \$ 9,857.80 from Article 23 of May 1998 Fuel Tank Replacement; and \$ 30,142.20 from Article 3 of the STM of October 2010, Eel Pond Sewer Lift Station Upgrading, for the purpose of engineering, designing and costing a new forced main sewer pipe to replace the current forced sewer main on Goodspeed Island, to a location that is better protected from storm damage including all costs incidental and related thereto.

YES 199                      NO 0

Motion made for reconsideration. Replacing "Eel Pond Sewer Pumping Station Design" with "Fuel Tank Replacement" 199-0.

ARTICLE 33: ENGINEERING DESIGN OF WATER MAIN REPLACEMENTS

Voted for the Town to transfer \$30,000 from Article 21 of the ATM of May 2000, Architectural Plans – Water Department Building, for the purpose of engineering design of water mains and appurtenances on portions of Barstow Street, Cannon Street and Baptist Street.

YES 199                      NO 0

## ARTICLE 34: MUNICIPAL AGGREGATION OF ELECTRICITY AND NATURAL GAS

Voted for the Town to authorize the Mattapoisett Board of Selectmen authority to initiate, research, develop and participate in a contract, or contracts , to aggregate electricity and natural gas load of the residents and businesses in the Town, and for other related services, independently, or in joint action with other municipalities, retaining the right of individual residents and businesses to opt-out of the aggregation, and to authorize the Board of Selectmen to execute such instruments.

YES 182 NO 0

A motion was made to recess, seconded and passed at 9:44 pm. Town Meeting will reconvene at 6:30 pm on May 12, 2015. The second night of the meeting was called to order at 6:35 pm on May 12, 2015 by Moderator John Eklund. A quorum was noted to be present.

## ARTICLE 35: ADOPTION OF RIGHT TO FARM BYLAW

Voted for the Town to amend the General Bylaws by adopting a new bylaw entitled Right to Farm General Bylaw as follows:

### 25.1 Purpose

The purpose of this Bylaw is to restate the so-called “right to farm” accorded to all residents of the Commonwealth under Article 97 of the Constitution and all applicable state statutes and regulations including but not limited to: G.L. c.40A, §3, Paragraph 1; G.L. c. 90, §9; G.L. c.111, §125A, and G.L. c.128, §1A. This bylaw is adopted in accordance with the provisions of G.L. c.40, §21A and Art. 89 of the Amendments to the Massachusetts Constitution, the “Home Rule Amendment”.

This bylaw is intended to enhance awareness of farming in the Town of Mattapoisett, and, in connection therewith, to protect and preserve the character of our small community and its existing agricultural lands and businesses while promoting agricultural ventures. The Town, within the framework established by law, encourages pursuit of agriculture, promotes agriculture-based economic opportunities, and protects farmlands by allowing agricultural uses to function with minimal conflict with abutters and Town agencies, and supports farmers.

### 25.2 Farms and Farming

25.2.1 The word “farm” shall include any parcel or contiguous parcels of land used for the primary purpose of agriculture as defined by the Commonwealth of Massachusetts Chapter 61A.

The words “farm” or “agriculture” or their derivatives shall include but not be limited to:

- (1) Farming in all its branches and the cultivation and tillage of the soil;
- (2) Dairying;
- (3) The production, cultivation, growing, and harvesting of any and all agricultural, aquacultural, floricultural, viticultural, or horticultural commodities;
- (4) Growing and harvesting of forest products upon forest land;
- (5) Raising of livestock including horses;
- (6) Keeping of horses as a commercial enterprise;
- (7) Keeping and raising of poultry, swine, cattle, raticies (e.g. emu) and camelids (e.g. llama) and other domesticated animals for food and other agricultural purposes, bees, fur-bearing animals; and
- (8) Other forestry or lumbering operations.

25.2.2 Farming shall encompass activities including, but not limited to:

- (1) Operation and transportation of large, slow-moving equipment over roads within the Town;
- (2) Control of pests, including, but not limited to; insects and weeds, predators and diseases of plants and animals;
- (3) Application of manure, fertilizers and pesticides;
- (4) Agriculture-related educational and farm-based recreational activities provided that the activities are related to marketing the agricultural output or services of the farm;
- (5) Processing and packaging of the agricultural output of the farm and the operation of a farmer’s market or farm stand;
- (6) On-farm relocation of earth and the clearing of ground for farming operations, provided that the movement of soils that are rated as “prime” by the Natural Resources Conservation Service shall not adversely affect agriculture in the Commonwealth.

## 25.2 Right to Farm Declaration

25.3.1 The right to farm is hereby recognized to exist within the Town of Mattapoisett. The foregoing agricultural activities may, to the extent permitted by law, occur on holidays, weekdays, and weekends by night or day and shall include the attendant incidental noise, odors, dust and fumes associated with normally accepted practices. It is hereby determined that, to the extent permitted by law, whatever impact may be caused to others through the normal practice of agriculture is offset by the benefits of farming to the neighborhood, community and society.

25.3.2 The foregoing agricultural activities must be in conformance with applicable Federal, State and local laws, as well as any regulations promulgated thereunder.

25.3.3 The provisions of this bylaw shall not authorize, ratify or validate impacts resulting from willful negligence or reckless misconduct in the operation of any such agricultural or farming operation, place, establishment or facility, or any of its appurtenances.

#### **25.4 Notice**

Following the effective date of this bylaw, the Board of Selectmen shall cause notice to be posted, in a form substantially similar to the below, on the official bulletin board of the Town, and at any other location at the Board's sole discretion, and make such notice available for distribution upon request in the offices of the Board of Assessors and the Town Clerk:

### **NOTICE RIGHT TO FARM BYLAW**

The Town of Mattapoisett has adopted a bylaw codifying its policy in favor of conserving, protecting and encouraging maintenance and improvement of agricultural land for the production of food and other agricultural products and for its natural and ecological value. This notice is to inform all persons, including those involved in real estate transactions in the Town, that farming activities occur in this Town, including but not limited to activities that cause noise, dust, and odors. Thus, property within the Town may be impacted by commercial agricultural operations.

#### **25.5 Dispute Resolution**

The following procedure is hereby established to provide an optional mechanism for resolution of farm-related issues. Any person having a complaint about a farm or farming activity or practice is encouraged to seek an amicable solution get rid of space through resolution directly with the owner or operator of the farm at issue. Such person may also, notwithstanding the pursuit of other available remedies, file such complaint with the Board of Selectmen. The Board of Selectmen may, at its sole discretion and to the extent the Board believes resolution of the matter may be facilitated by involvement of the Town, forward the complaint to the Agricultural Commission created under Section 2.17 of these bylaws, or other appropriate board or officer, and request that recommendations for resolution be provided within an agreed upon timeframe. Notwithstanding any other provision of this section, however, recognizing that generally such disputes occur between private property owners, the Board of Selectmen shall not be required to forward a complaint filed under this section or to take any other action whatsoever with regard thereto.

YES 241

NO 9



ARTICLE 36: ZONING BYLAW AMENDMENT

Voted for the Town to amend Article 3, Subsection 3.8.4 of the Town of Mattapoisett Zoning Bylaw regarding dimensional requirements of Cluster Subdivisions (single family detached) by inserting a new Subsection 3.8.4.4 as follows:

3.8.4.4 Zero-Lot Line Lots  
3.8.4.4.1

Up to Twenty (20) percent of the lots in a Cluster Subdivision may be designed as Zero Lot Line Lots, provided that the entire Cluster Subdivision is served by a public sewer system. A Zero Lot Line Lot is Single-Family Residential Lot created with a No Side Yard Setback on one side of the lot, thereby creating a Shared Building Envelope between two adjoining lots. This Shared Building Envelope shall only be used to build a duplex where the common wall between the two units is the common boundary line separating the two adjoining residential lots. No lot can have more than one side yard with a zero setback.

3.8.4.4.2

The following minimum dimensional regulations shall apply to Zero Lot –Line Lots in lieu of those identified in Article 6, for conventional Single-Family Developments:

Minimum Lot Area	10,000 square feet
Minimum Lot Frontage	45 feet
Minimum Front Yard Setback	25 feet
Minimum Side Yard Setback 0 Feet (shared side)/20 feet (unshared side)	
Minimum Rear Yard Setback	10 feet
Maximum Lot Coverage	25%
Maximum Building Height	35 feet

Motion was made to replace due to a typographical error in the motion the words “25 feet” with “25 percent” for maximum lot coverage.

YES 203 NO 44

ARTICLE 37: ZONING BYLAW AMENDMENT

Voted for the Town to amend Article 3, Subsection 3.8.9 of the Town of Mattapoisett Zoning Bylaw regarding Cluster Subdivisions (Single Family Detached) Common Space, by inserting Subsection 3.8.9.5 the bolded underlined following text; Such Open Space may be in one (1) or more parcels of a size and shape appropriate for its intended use as determined by the Planning Board. Such Open Space may include lands located in the Limited Industrial (LI) District, as well as lands located in Districts within which Cluster Housing is permitted.

YES 182 NO 43

## ARTICLE 38: ZONING BYLAW AMENDMENT

Voted for the Town to amend Article 3, Subsection 3.8 of the Town of Mattapoisett Zoning Bylaw regarding Cluster Subdivisions (Single Family Detached), by inserting the bold underlined text as follows:

In order to permit maximum flexibility for developing land for single family housing, and to encourage the preservation of Open Space and promote the more efficient use of the land in harmony with its natural features, tracts of land consisting of eight (8) acres or more in the following districts R 80, RR45, R 40, R 30, RR 30, and **GB** shall be made available for Cluster Housing subject to the requirements of this Section.

To afford the Town of Mattapoisett ample assurance that such developments will enhance the amenities of the neighborhoods in which they occur, and the Town as a whole, Cluster Subdivision may be constructed by filing a Cluster Subdivision Plan under the Subdivision Control Law, MGL Ch.41, Sec.81-K-\*1GG with the Planning Board as hereafter defined.

YES 198 NO 24

A motion was made to amend the Article and underline the words GB in the motion. Motion passed.

## ARTICLE 39: LOCAL WETLAND BYLAW ADOPTION

To see if the Town will vote to amend the Mattapoisett General Bylaws by adopting a new bylaw to be entitled, "Local Wetland Bylaw" to provide as follows:

### **22.2.1 Purpose**

The purpose of this bylaw is to protect the wetlands, water resources and adjoining land areas in the Town of Mattapoisett by controlling activities deemed by the Conservation Commission likely to have a significant or cumulative effect upon the following resource area values, including but not limited to the following: public or private water supply, groundwater, flood control, erosion and sedimentation control, storm damage prevention including coastal storm flowage, water quality, water pollution control and prevention, fisheries, land containing shellfish, wildlife habitat including rare plant species, agriculture, aquaculture, and recreation values (collectively, the "resource area values protected by this bylaw"). This bylaw is intended to utilize the Home Rule authority of this municipality to protect additional resource areas, for additional values, with additional standards and procedures stricter than those of the Wetlands Protection Act (G.L. Ch. 131 s40) and Regulations thereunder (310 CMR 10.00), subject, however, to review and approval by Town Meeting vote and to the rights and benefits accorded to agricultural uses and structures of all kinds under the laws of the Commonwealth.

### **22.2.2 Jurisdiction**

Except as permitted by the Conservation Commission or as provided in this bylaw, no person shall commence to remove, fill, dredge, build upon, degrade, discharge into, or otherwise alter the following resource areas (collectively the resource areas protected by this bylaw):

- 1) The following resource areas, and lands within one hundred feet (100') of any of these resource areas:

Freshwater or coastal wetlands; marshes; wet meadows; bogs; swamps; vernal pools; banks; reservoirs; lakes; flats; ponds of any size; rivers; streams; creeks; beaches; dunes; estuaries; the ocean; land under water bodies; lands subject to flooding or inundation by groundwater or surface water; lands subject to tidal action, coastal storm flowage, or flooding: and

- 2) Lands abutting any of the aforesaid resource areas where the activity or alteration thereon results or is likely to result in impact to any of the areas set forth above, or
- 3) Within 200 feet of any perennial river or stream

Said resource areas shall be protected whether or not they border surface waters.

### **22.2.3 Regulations**

The Commission has the authority to adopt rules and regulations for the use of conservation land (G.L. Ch. 40 sec. 8C). Additionally, after public notice and a public hearing, the Conservation Commission shall promulgate rules and regulations to effectuate the purpose of this bylaw, effective when voted and filed with the Town Clerk. Regulations adopted by the Commission hereunder shall be limited to procedural matters only. Failure by the Commission to promulgate such rules and regulations or a legal declaration of their invalidity by a court of law shall not act to suspend or invalidate the effect of this bylaw. At a minimum these regulations shall impose filing and consultant fees. Unless otherwise stated in this bylaw or in the rules and regulations, the definitions, procedures, and performance standards of the Wetlands Protection Act (G.L.Ch. 131, sec.40) and the Wetlands Regulations (310CMR10.00).

### **22.2.4 Administration**

The Conservation Commission, its agents, officers, and employees shall have the authority to enforce this bylaw. The regulatory procedures and paperwork system employed by the Commission to administer this bylaw shall be consistent with those employed under the Wetlands Protection Act (G.L. Ch. 131, sec. 40) and the Wetlands Regulations (310 CMR 10.00).

### **22.2.5 Filing and Consultant Fees**

At the time of an application, the applicant shall pay a filing fee specified in the regulations of the Commission. The fee is in addition to that required by the Wetlands Protection Act and Regulations.

Pursuant to G. L. Ch. 44 sec. 53G and the regulations promulgated by the Commission, the Commission may impose reasonable fees upon applicants for the purpose of securing outside consultants including engineers, wetland scientists, wildlife biologists, or other experts in order to aid in the review of proposed projects. Such funds shall be deposited with the Town Treasurer, who shall create an account specifically for this purpose. Additional consultant fees may be requested where the requisite review is more expensive than originally calculated or where new information requires additional consultant services.

Only costs relating to consultant work done in connection with the project for which a consultant fee has been collected shall be paid from this account, and expenditures may be made at the sole discretion of the Commission. Any consultant hired under the provisions this provision shall be selected by, and report exclusively to, the Commission. The Commission shall provide applicants with written notice of the selection of a consultant, identifying the consultant, the amount of the fee to be charged to the applicant, and a request for payment of that fee. Notice shall be deemed to have been given on the date it is mailed or delivered. The applicant may withdraw the application or request within 5 business days of the date of the notice is given without incurring any costs or expenses.

The entire fee must be received before the initiation of consulting services. Failure by the applicant to pay the requested consultant fee within ten (10) business days of the request for payment shall be cause for the Commission to declare the application administratively incomplete and deny the permit without prejudice, except in the case of an appeal. The Commission shall inform the applicant and the Department of Environmental Protection (DEP) of such decision in writing.

The applicant may appeal the selection of an outside consultant to the Board of Selectmen, who may disqualify the consultant only on the grounds that the consultant has a conflict of interest or is not properly qualified. The minimum qualifications shall consist of either an educational degree or three or more years of practice in the field at issue, or a related field. The applicant shall make such an appeal in writing, and must be received within (10) business days of the date that request for consultant fees was made by the Commission. Such appeal shall extend the applicable time limits for action upon the application.

Motion was made to indefinitely postpone Article.  
Motion carried 140 to 22.

ARTICLE 40: CITIZEN PETITION AMENDMENT OF GENERAL BYLAWS

To see if the Town will vote to amend the Mattapoisett General Bylaws by the following: The Town in accordance with Section 1.8 of the General Bylaws of the Town, hereby amends it's General Bylaws by adding the following provisions:

Section 21.1.4 Any attempt to create any rule, regulation, or power which would enlarge any authority of the Conservation Commission beyond what is granted under the General Laws of the Commonwealth must be approved by a 2/3 majority vote of duly convened Annual Town Meeting.

This Article was withdrawn by the petitioners prior to Town Meeting.

ARTICLE 41: CITIZEN PETITION AMENDMENT OF GENERAL BYLAWS

To see if the Town will vote to amend its General Bylaws in accordance with Section 1.8 of the Town of Mattapoisett, hereby amends its General Bylaws by adding the following provisions:

Section 21.1.5 Any attempt to amend, alter or repeal the provisions of Section 21.1.4 shall require a 2/3 majority vote at a duly convened Annual Town Meeting. This article must be passed by a 2/3 majority vote at Town Meeting, and can only be repealed by a 2/3 majority vote at any future Town Meeting.

This Article was withdrawn by the petitioners prior to Town Meeting.

ARTICLE 42: DISCONTINUANCE OF A PAPER STREET – CECELIA ROAD

Voted for the Town to authorize the Board of Selectmen to discontinue a section of Road known as Cecelia Road, all as shown on a Plan of Cecelia Road on file with the Town Clerk's Office which is unimproved and undeveloped.

YES 135                      NO 0

ARTICLE 43: ACCEPTANCE OF ROADS – NORTHWOODS LANE AND DEER RUN

Voted for the Town to authorize the Board of Selectmen to enter into the necessary agreements to accept the layouts of Northwoods Lane and Deer Run all as shown on the Definitive Subdivision Plan on file with the Mattapoisett Planning Board.

YES 135                      NO 0

ARTICLE 44: PETITION FOR SUBMITTAL TO CONGRESSIONAL DELEGATION

To see if the Town will vote to support HD 1988, An Act for a U.S. Constitutional Amendment and Amendments Convention, submitted to the Massachusetts General Court calling on Congress to propose a Constitutional Amendment stating that: (a) U.S. Constitutional rights are the rights of natural persons only, and (b) Congress and the states shall place limits on political contributions and expenditures to ensure that all citizens have access to the political process, and recognize that the spending of money to influence elections is not protected free speech under the First Amendment; and provide further that if Congress does not propose this Constitutional Amendment within six months of the passage of this bill, then this bill constitutes a Petition of the Commonwealth to the Congress to call a Convention for the purpose of proposing Amendments to the U.S. Constitution as soon as two-thirds of the states have applied for a Convention; and to ask that our Board of Selectmen transmit copies of this Warrant Article and its vote and HD 1988 to our State and Federal elected officials, or take any other action relative thereto.

YES 50 NO 61

ARTICLE 45: MATTAPOISETT NECK SEWER EXTENSION – ADDITIONAL CONNECTION

Notwithstanding the provisions of Article 3.5.4.6 and Article 3.5.7 (of the General Bylaws) hereof, the Water and Sewer Commissioners shall be authorized to allow the following property to connect to the Mattapoisett Neck Road Sewer Project and shall have the ability, the sole discretion to allocate sufficient capacity to said lot to service and connection.

The lot is located on Antassawamock Road and is shown on the Mattapoisett Assessors Map as Map15A, Lot 27. The Mattapoisett Water/Sewer Commission shall be able to postpone such additional connection if in their sole discretion due to financial, engineering, permitting and capacity restraints. Such connection shall be subject to the Department of Environmental Protection and other permitting approvals. Such additional connection shall not impair the ability of any connection already assigned to the project. This additional connection will be assigned upon the following priority (i) after those lots so voted in Article 5 of the November 15<sup>th</sup>, 2011 Special Town Meeting, (ii) Lot is in existing Service Area, (iii) Lot contains an existing house.

YES 68 NO 32

A motion was made, seconded and passed to adjourn at 10:25 pm.

CERTIFIED TO BE A TRUE RECORD:

ATTEST:

Catherine L. Heuberger, Town Clerk

