

# **SPECIAL TOWN MEETING**



**Monday, October 6, 2014  
7:00 P.M.**

**Swampscott High School  
Swampscott, Massachusetts**

**Warrant Report**

**The Town of Swampscott  
Town Warrant  
October 2014**

SS.

To either of the Constables of the Town of Swampscott

GREETINGS:

In the name of the Commonwealth, you are hereby required to notify and warn the inhabitants of said town that a Special Town Meeting will be held on **Monday, October 6, 2014**, beginning at 7:00 P.M. at Swampscott High School located at 200 Essex Street, Swampscott, Massachusetts.

**NOTICE OF SPECIAL TOWN MEETING**  
**MONDAY, OCTOBER 6, 2014, 7:00 P.M.**

To the Town Meeting Members:

Notice is hereby given in accordance with Article II, Section 2, of the Bylaws of the Town of Swampscott that a Special Town Meeting will be held on Monday, October 6, 2014, beginning at 7:00 p.m. at Swampscott High School, 200 Essex Street, Swampscott, Massachusetts.

Moderator Joseph Markarian, Esquire, will preside.

ARTICLE 1. To hear and act on the reports of Town Officials, Boards and Committees.

Sponsored by the Board of Selectmen

Comment: This routine Article appears every year to allow Town groups to make reports.

ARTICLE 2. To see if the Town will vote to accept the provisions of Massachusetts General Laws, Chapter 138, Section 12, as amended by Chapter 481 of the Acts of 1993, to authorize the local licensing authority to permit the sale of cordials and liqueurs by common victuallers who also hold a license to sell wine and malt beverages subject to all other licensing provisions of Massachusetts General Laws, Chapter 138, or to take any other action relative thereto.

Sponsored by the Board of Selectmen

Comment: Acceptance of this statute will allow the Board of Selectmen to authorize the sale of Cordials and Liqueurs by common victuallers (restaurant holders) who have a wine and malt beverages license.

**Article 2 requires a majority vote to adopt.**

ARTICLE 3. To see if the Town will vote to amend Zoning By-Law Section 4.6.0.0, Smart Growth Overlay District (SG) by making changes to only those portions as noted below (additions with underline, removals with strikethrough), or take any action related thereto.

Sponsored by the Planning Board

Comment: The edits are recommended to help clarify some items as well as add greater consistency with the current 40R guidelines/policies and amended regulations from the Commonwealth.

**Article 3 requires a 2/3's affirmative vote to adopt.**

**4.6.3.0 Establishment and delineation of Smart Growth Overlay Districts.** The ~~SG~~ Vinnin Square ~~Smart Growth Overlay District~~ SG is an overlay district having a land area of approximately 2.3 acres ~~in~~ that is superimposed over the Underlying Zoning district and is shown on the Town's Zoning Map (located at the end of the By-law) and shall comprise the property identified as assessor map 17 parcel 29, currently in the B1 Zoning District.

4.6.4.0 **Definitions.** All definitions are as they appear in the Zoning By-law. As used in this By-law, the following terms shall have the meanings set forth below. To the extent that there is any conflict between this By-law and MGL c. 40R and/or 760 CMR 59.00 et seq., the latter shall control:

**APPLICANT** — A landowner or other petitioner that files a Plan for a Development Project subject to the provisions of the SG By-law.

**APPROVING AUTHORITY** — The Planning Board of the Town of Swampscott acting as the authority designated to review Development Projects and issue approvals under this By-law.

**AS-OF-RIGHT DEVELOPMENT** — A development project allowable under this By-law without recourse to a special permit, variance, zoning amendment, or other form of zoning relief. A development project that is subject to the Plan Review requirement of this By-law shall be considered an As-of-Right Development.

**DESIGN STANDARDS** — The document entitled Swampscott Smart Growth Overlay District Design Standards, adopted pursuant to MGL c. 40R, § 10. The Design Standards are applicable to all Development Projects within an SG that are subject to Plan Review by the Approving Authority. Design Standards are pursuant subject to the pending approval by of the Department of Housing and Community Development.

**ELIGIBLE HOUSEHOLD** — An individual or household whose annual income is below 80% of the area-wide Median Household Income as determined by the United States Department of Housing and Urban Development (HUD), adjusted for household size, with income computed using HUD's rules for attribution of income to assets.

**MULTIFAMILY DEVELOPMENT PROJECT** — A residential development that contains only a building or building(s) with more than three dwelling units.

**PLAN** — Plans depicting a proposed Development Project for all or a portion of the SG and which is submitted to the Approving Authority for its review and approval in accordance with the provisions of this By-law and the Design Standards.

**SETBACK** — ~~Unless otherwise granted explicit written approval by DHCD,~~ Dimensional Setback requirements as set forth in Appendix A - Table of Dimensional Requirements: Section 2.3.2.0 of the By-law, unless otherwise granted written approval by DHCD.

UNDULY RESTRICT — A provision of the SG or a ~~D~~esign ~~S~~tandard that adds unreasonable costs or unreasonably impairs the economic feasibility of a proposed development project in an SG.

4.6.5.0 **Permitted uses.** The following uses shall be permitted in the following districts as-of-right upon Plan Approval, ~~and at~~ but shall not exceed residential densities specified in the Table of Dimensional and Density Requirements below:

4.6.7.3 Portions of the lot in the SG Vinnin Square District are located in the Town of Marblehead, and in the City of Salem. If a ~~D~~evelopment ~~P~~roject proposed in the SG Vinnin Square District includes development in another municipality, allowable density in the Town of Swampscott will be calculated based on the area of land within the Town of Swampscott.

4.6.7.4 **Fractional units.** When the application of the allowable densities specified in the Table of Dimensional and Density Requirements, results in a number that includes a fraction, the fraction shall be rounded up to the next whole number ~~if the fraction is 0.5 or more. If the result includes a fraction below 0.5, the fraction shall be rounded down to the next whole number.~~

4.6.7.5 **Signage.** Commercial signage proposed within a Mixed-Use Development Project shall be subject to the procedures and requirements of the Sign By-law, Section 3.2.0.0., unless otherwise granted written approval by DHCD.

4.6.7.7 **Stormwater.** Proposed Development Projects shall be subject to Swampscott By-law requirements regarding Stormwater Management and Erosion Control, unless otherwise granted written approval by DHCD, as applicable.

4.6.9.0 **Design ~~S~~tandards.** To ensure that new development shall be of high quality, and shall meet the standards envisioned by the Town in adopting this By-law, the Approving Authority shall adopt the Smart Growth Overlay District Design Standards, to the extent such standards have been approved by DHCD, governing the issuance of Plan Approvals for Development Projects within the SG and shall file a copy with the Town Clerk. In addition to the standards set forth in this By-law, the physical character of Development Projects within the SG shall comply with such Design Standards. In the event of any conflict between this By-law and the Design Standards, this By-law shall govern and prevail.

4.6.10.2 **Fractional units.** When the application of the percentages specified in Subsection ~~J(1)~~ 4.6.10.1 results in a number that includes a fraction, the fraction shall be rounded up to the next whole number ~~if the fraction is 0.5 or more. If the result includes a fraction below 0.5, the fraction shall be rounded down to the next whole number.~~

4.6.10.3 Affordable Housing Units shall comply with the following requirements:

(a) The monthly rent payment for an AFFORDABLE RENTAL UNIT, including utilities and parking, shall not exceed 30% of the maximum monthly income permissible for an Eligible Household, with price determined assuming a household ~~family~~-size equal to the number of bedrooms in the unit plus one unless other affordable program rent limits approved by DHCD shall apply;

(b) For an Affordable Homeownership Unit, the monthly housing payment, including mortgage principal and interest, private mortgage insurance, property taxes, condominium and/or homeowners' association fees, insurance, and parking, shall not exceed 30% of the maximum monthly income permissible for an Eligible Household, assuming a household ~~family~~-size equal to the number of bedrooms in the dwelling unit plus one; and

(c) Affordable Housing Units required to be offered for rent or sale shall be rented or sold to and occupied only by Eligible Households.

4.6.10.4 Design and construction.

(a) Design. Affordable Housing Units must be comparable in initial construction quality and exterior design to the Unrestricted Units. Units of Affordable Housing shall be equitably dispersed throughout the Development Project of which they are part, proportionately across all unit types, and in accordance with a housing marketing and selection plan approved by the Monitoring Agent and DHCD. However, nothing in this section is intended to limit a homebuyer's rights to renovate a dwelling unit under applicable law. The Affordable Housing Units must have access to all on-site amenities. The total number of bedrooms in the Affordable Housing Units shall be at least proportionate to the total number of bedrooms in all units in the Development Project.

(b) Timing. All Affordable Housing Units must be constructed and occupied not later than concurrently with construction and occupancy of unrestricted units. For any Development Project that is approved in phases, the proportion of Affordable Housing Units shall be consistent across all phases.

4.6.11.2 Application ~~p~~Procedures.

(c) As part of any application for Plan Approval, the ~~APPLICANT~~ Applicant may be required to submit one or more of the following technical analyses to the Approving Authority

[3] Geotechnical analysis. If subsurface blasting is proposed, an analysis by a certified geotechnical engineer shall be required in accordance with MGL c. 148 showing whether such blasting will have any extraordinary adverse impacts on nearby property.

[6] Noise. Documentation as necessary to demonstrate that the noise produced ~~Feli~~ by exterior venting air conditioners, ventilators, blowers and similar equipment will not be in excess of 60 decibels at 20 feet in any direction, or the distance to the nearest building having a residential use, whichever is the lesser.

4.6.11.8 Criteria for denial. The Approving Authority may deny an application for Plan Approval pursuant to this By-law if ~~the~~ it finds one or more of the following:

4.6.12.0 **Waivers.** The Approving Authority may at its discretion authorize waivers in the Plan Approval with respect to the dimensional and other standards set forth in this this By-law and in the Design Standards upon a finding that such waiver will allow the Development Project to achieve the density, affordability and/or physical character allowable under this By-law. However, the Approving Authority may not waive any portion of the ~~AFFORDABLE HOUSING~~ Affordable Housing requirements in Section ~~By-law~~ 4.6.10.0 of this By-law, except insofar as such waiver results in the creation of a number of Affordable Housing Units in excess of the minimum number of required Affordable Housing Units and receives prior written approval by DHCD under the 40R program.

**ARTICLE 4.** To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$76,744.83 to the account of unpaid bills for the purpose of settling all bill contracted prior to July 1, 2014, and remaining unpaid at the time of closing the Town's books for the year ending June 30, 2014, according to the Town Accountant, or to take any other action relative thereto.

Public Agency Training Council	\$475.00
Tyco SimplexGrinnell	\$637.80
Lynn Daily Item	\$904.50
Kopelman and Paige, P.C.	\$25,052.40
Commonwealth of Massachusetts	
Dept. of Unemployment Assistance	\$49,702.13

Sponsored by the Board of Selectmen

Comment: This article authorizes the payment of bills from FY14 that were not paid or received prior to June 30, 2014.

**Article 4 requires a 9/10th affirmative vote to adopt.**

**The Finance Committee recommends favorable action on this article.**



ARTICLE 5. To see if the Town will vote to transfer from available funds the sum of \$5,000 for a historical property survey, which appropriation shall make the Town eligible for a matching grant, and to authorize the Historical Commission to apply for, accept and expend, any such grant; or to take any other action relative thereto.

Sponsored by the Board of Selectmen

Comment: This article will allow the Historical Commission to apply for a matching grant from the Massachusetts Historical Commission to fund a Town historical property survey.

**Article 5 requires a majority vote to adopt.**

**The Finance Committee recommends favorable action on this article.**

ARTICLE 6. To see if the Town will vote to amend the FY15 Budget voted under Article 28 of the May 6, 2014 Annual Town Meeting warrant to increase Line No. 24, Assessor's Outside Services from \$30,000 to \$55,000 and further transfer \$25,000 from Assessor's Overlay Surplus Account to fund this increase; or to take any other action relative thereto.

Sponsored by the Town Administrator

Comment: This article increases the appropriation to FY15 Assessor's Outside Services Line to fund a contract in order to meet the State's triennial revaluation of all town property. The increase in appropriation will be paid from the Assessor's Overlay Surplus Account.

**Article 6 requires a majority vote to adopt.**

**The Finance Committee recommends favorable action on this article.**

ARTICLE 7. To see if the Town will vote to raise and appropriate, transfer from available funds or borrow the sum of \$65,000 for the repair and upgrade of the heating systems in the Town Hall, High School and Library; and to authorize the Treasurer, with the approval of the Board of Selectmen to borrow said sum under G.L. c. 44, s. 7 or any other enabling authority and issue bonds and notes thereof; or take any other action relative thereto.

Sponsored by the Town Administrator

Comment: This article authorizes the repair and upgrade to the heating systems in the Town Hall, High School and Library. They have not been properly

upgraded over the years and this project would regulate the climate conditions for our residents and employees as well as saving on utility costs during the year.

**Article 7 requires 2/3's affirmative vote to adopt for bonding.**

**The Finance Committee recommends favorable action on this article.**

ARTICLE 8. To see if the Town will vote to appropriate, borrow or transfer from available funds, the sum of \$52,644,414 to be expended under the direction of the School Building Committee for the design, construction and equipping of a new elementary school, commonly referred to as the Hadley-New Elementary School project, located behind the Swampscott Middle School at 207 Forest Avenue, Swampscott, Massachusetts, which school facility shall have an anticipated useful life as an educational facility for the instruction of school children of at least 50 years, and for which the Town may be eligible for a school construction grant from the Massachusetts School Building Authority ("MSBA"). The Town acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town. Any grant that the Town may receive from the MSBA for the Project shall not exceed the lesser of (1) 47.25 percent (%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA; or take any action related thereto.

Sponsored by the Elementary School Building Committee

Comment: This article would authorize funding to construct a combined K-4 elementary school at the rear of the Middle School and replace the elementary school aspect of the Clarke School and permanently close the Hadley and Stanley Schools. The estimated town's share of this project would be \$35,788,791 and the projected reimbursement from the MSBA would be \$16,855,623. This would also require majority approval by a debt exclusion question at the November 4<sup>th</sup> 2014 elections.

**Article 8 requires 2/3's affirmative vote to adopt for bonding.**

**The Finance Committee will report on this article at Town Meeting.**

ARTICLE 9. To see if the Town will vote to raise and appropriate, transfer from available funds or borrow the sum of \$300,000 for the purchase and installation of an elevator at the Clarke School and any additional incidental or related repairs and upgrades for the purpose of making the school handicapped accessible; and to authorize the Treasurer, with the approval of the Board of Selectmen, to borrow said sum under G.L. c. 44, s. 7 or any other enabling authority and issue bonds and notes therefor; or take any other action relative thereto.

Sponsored by the School Committee

Comment: This article authorizes the installation of an elevator and other repairs for handicapped accessibility at the Clarke School. The Clarke School will remain open as a pre-K school facility if the combined elementary school project is approved, thereby requiring the accessibility.

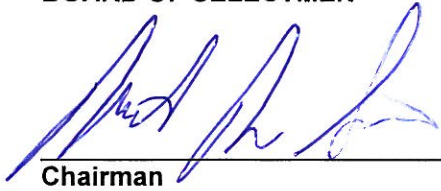
**Article 9 requires 2/3's affirmative vote to adopt for bonding.**

**The Finance Committee will report on this article at Town Meeting.**

Hereof fail not and make return of this Warrant with your doings thereon at the time and place of said meeting.

Given under our hand this 15<sup>th</sup> day of September, 2014

**BOARD OF SELECTMEN**

  
Chairman

  
Vice Chairman





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