



Select Board Regular Session Minutes
Swampscott High School
200 Essex St., B129
March 20, 2024
6:30 PM

SELECT BOARD MEMBERS PRESENT: MARYELLEN FLETCHER, DAVID GRISHMAN, KATIE PHELAN, PETER SPELLIOS, DOUG THOMPSON

OTHER TOWN OFFICIALS PRESENT: SEAN FITZGERALD, TOWN ADMINISTRATOR; PETE KANE, ASSISTANT TOWN ADMINISTRATOR/DIRECTOR OF PLANNING, JOHN PICARIELLO, EARTH REMOVAL ADVISORY COMMITTEE, TONIA BANDROWICZ (VIRTUAL), EARTH REMOVAL ADVISORY COMMITTEE

OTHER: HOLCIM, INC. REPRESENTATIVES: TANYA TAYLOR, ATTY. AARON ROSENBERG, CHRIS DUCAS

MEETING OPENED AT 6:31 PM

A. TOWN ADMINISTRATOR'S REPORT:

- I. THE FY25 BUDGET HAS BEEN PRESENTED TO THE SELECT BOARD. WE ARE WORKING WITH THE FINANCE COMMITTEE TO EVALUATE LINE ITEMS. THE SCHOOL DEPARTMENT BUDGET HAS INCREASED BY OVER 4%, PUTTING THE TOWN BUDGET AT A DISADVANTAGE.
- II. WE WILL BE MAKING A PRESENTATION ON APRIL 3RD FOR THE HAWTHORNE VISION. THIS BOLD VISION COMES AFTER MUCH WORK & FEEDBACK AT PUBLIC MEETINGS. WE HOPE THIS WILL TRANSFORM OUR BEAUTIFUL WATERFRONT INTO SOMETHING THAT WILL PROVIDE THE TOWN & REGION WITH AN EXTRAORDINARY PUBLIC AMENITY.
- III. THE BUILDING DEPARTMENT HAS ISSUED MORE PERMITS THIS YEAR THAN AT THE SAME TIME IN 2023. THEY'RE ALSO BUSY WORKING ON HUMPHREY ST. SIGNAGE ISSUES AND WITH COMMUNITY DEVELOPMENT TO UPDATE ZONING REGARDING NON-CONFORMING HOUSES.
- IV. WE ARE WORKING THROUGH DUE DILIGENCE AND THE LAND DEVELOPMENT AGREEMENT WITH CLEARVIEW AND WILL KEEP THE BOARD UPDATED. PROGRESS CAN ALSO BE TRACKED ON THE TOWN'S WEBSITE.
- V. OUR EFFORTS TO ADVANCE PHASE 2 INVESTIGATIONS UNDER THE EPA'S CONSENT ORDER IS UNDERWAY. WE WILL BE CONDUCTING SEWER & DRAINPIPE CCTV INSPECTIONS IN THIS AREA AS WELL AS UNDERDRAIN SYSTEM SAMPLING AND EVALUATION. WE ANTICIPATE PHASE 2 SEWER IMPROVEMENTS DESIGN TO BE COMPLETED BY DECEMBER 2024. I WILL BE PRESENTING A MORE DETAILED UPDATE FOR OUR NEXT MEETING.
- VI. RECREATION HAS A SLEW OF UPCOMING EVENTS. PLEASE VISIT THEIR WEBSITE FOR INFORMATION.
- VII. ELM PLACE CONSTRUCTION IS MOVING ALONG. UPDATES CAN BE FOUND ON THE TOWN'S WEBSITE. COMMUNITY DEVELOPMENT IS WORKING WITH CTPS REGARDING THE HUMPHREY/FORREST/ATLANTIC/PURITAN INTERSECTION WITH THE POSSIBILITY OF PUTTING A ROUND-A-BOUT IN. DESPITE FAILING, WE ARE COMMITTED TO BRINGING PICKLEBALL TO TOWN AND, LASTLY, THERE WILL BE A PUBLIC FORUM REGARDING PROPOSED ZONING CHANGES ON MBTA 3A, ADU CORRECTION, NONCONFORMING HOMES AND LIQUOR ESTABLISHMENTS ON MARCH 27TH. A PUBLIC HEARING WILL BE HELD ON APRIL 29 AND THEN THESE WILL BE PRESENTED AT THE ANNUAL TOWN MEETING.
- VIII. THE SENIOR CENTER IS HOSTING A HEALTHY AGING PLAN PROGRAM ON MARCH 24TH, FREE OF CHARGE; THE SECOND SESSION OF OPENING MINDS THROUGH ART BEGINS IN APRIL. THE SCHOOL HAS ADOPTED THIS INTO THEIR CURRICULUM; LASTLY, THE SENIOR CENTER HAS ADOPTED A NEW LOGO AS PART OF THEIR AGE & DEMENTIA FRIENDLY INITIATIVE.
- IX. THE TOWN CLERK IS PREPARING FOR THE UPCOMING LOCAL & PRESIDENTIAL ELECTIONS, INCLUDING EARLY VOTING HOURS.
- X. JONATHAN NICHOLS HAS BEEN ELECTED TO NOBLE'S EXECUTIVE BOARD, WHICH WILL HELP WITH NEGOTIATING CONTRACTS; THE NEW LIBRARY WEBSITE SHOULD BE UP & RUNNING SOON; CO DETECTORS HAVE BEEN ADDED TO THE "LIBRARY OF THINGS"; THERE WILL BE AN IMPOV NIGHT AS WELL AS EARTH DAY & PATRON APPRECIATION DAY.
- XI. THERE WAS AN AMAZING TURNOUT OF LOCAL VENDORS FOR THE HEALTH & WELLNESS FAIR BUT NOT AS MANY VISITORS AS WE HAD HOPED. JEFF VAUGHAN IS MEETING WITH POLICE OFFICER REEN REGARDING THE PROCESS THE POLICE DEPARTMENT USES WHEN THEY GET AN OVERDOSE CALL. JEFF IS ALSO REACHING OUT TO SCHOOL STAFF.

XII. HR IS WORKING ON BRINGING A SHORT LIST OF DEI CONSULTANTS TO THE SELECT BOARD FOR FINAL SELECTION; AN OFFER WAS MADE FOR A POTENTIAL ASSISTANT ENGINEER BUT WAS TURNED DOWN. WE WILL BE LOOKING AT OTHER CANDIDATES. AN OFFER WAS MADE FOR A NEW BENEFITS COORDINATOR.

XIII. LASTLY, I HAVE CREATED A PUBLIC SAFETY TASK FORCE TO HEAR REQUESTS FOR TRAFFIC IMPROVEMENTS AND MAKE RECOMMENDATIONS TO THE SELECT BOARD; CHAPTER 61B PASSED THE SPECIAL TOWN MEETING VOTE AND IS NOW GOING BEFORE THE LEGISLATURE. I HAVE BEEN CONTACTED BY OTHER COMMUNITIES INTERESTED IN THIS.

SELECT BOARD:

MS. FLETCHER: ARE WE STILL RUNNING SHORT \$225,000 (AT THIS POINT WE ARE MONITORING MONTHLY EXPENDITURE & REVENUE AND LOOK LIKE WE ARE GOING TO MEET THE BUDGET. WE'RE WORKING WITH BOTH PUBLIC SAFETY DEPARTMENTS TO MANAGE THEIR OVERTIME COSTS). SHE WOULD LIKE TO TALK ABOUT BOTH OF THOSE LINE ITEMS AND SEE HOW WE'RE SETTING THOSE NUMBERS; 2) ARE WE GOING TO TALK ABOUT PUTTING TOGETHER A SMALL COMMITTEE FOR CITIZEN INPUT FOR THE HADLEY SCHOOL HOTEL (WE HAVE TO GET THROUGH THE DUE DILIGENCE PHASE AND THAT WE'RE ABLE TO MOVE FORWARD WITH THEIR PROPOSED PROJECT. WE ARE STILL A FEW WEEKS TO A MONTH AWAY); 3) WHERE ARE WE WITH THE \$2.5M WE ALLOCATED OUT WITH THE STATE ARPA FUNDS AND WHERE ARE WE WITH THE PPA STUDY (THEY'RE DOING A BENCH SCALE TEST TO SEE IF WE CAN ADVANCE. WE'RE WORKING WITH THE EPA & DEP TO DETERMINE IF THIS ACID WOULD BE SUSTAINABLE TO THE MICROBIOME OF MARINE LIFE. HE WILL PRESENT THAT INFORMATION WITH KLEINFELDER); 4) WHAT'S HAPPENING WITH THE DISHWASHER AT THE SENIOR CENTER (TA FITZGERALD MET WITH MAX KASPER AND HEIDI WHEAR TO DISCUSS THE DIFFERENT TYPES OF DISHWASHERS); 5) CAN WE GET THE I&I SUMMARY (WILL PRESENT WITH THE QUARTERLY UPDATE); 6) MISSION SEAWALL UPDATE.

MR. THOMPSON: 1) IS THERE AN UPDATE ON THE SAMPLING & DESIGN PROCESS CAN BE EXPEDITED. ONE YEAR TO DO THE DESIGN IS FRUSTRATING (TA FITZGERALD WILL ASK KLEINFELD TO EXPEDITE THE WORK. DUE DILIGENCE TAKES TIME, WE'RE GETTING EMPIRICAL DATA.). 2) DID THE BOARD OF HEALTH TAKE A VOTE ON HOW TO SPEND THE OPIOID SETTLEMENT FUNDS (MS. FLETCHER: NOT YET)

B. PUBLIC COMMENTS: MR. GRISHMAN STATED THAT ON MONDAY NIGHT, THE BOARD VOTED TO RELEASE THE MCAD COMPLAINT AND THE TOWN'S RESPONSE IN THE INTEREST OF TRANSPARENCY.

KATIE ARRINGTON, PRECINCT 1: IS RUNNING FOR SELECT BOARD, GREW UP IN TOWN, HER PARENTS ARE HERE, SHE HAS SERVED ON VARIOUS BOARDS. SHE HAS A PLAN AND LOOKS FORWARD TO BEING A STRONG VOICE, ENSURING SENIORS HAVE ACCESS TO OUTDOOR RECREATION, VETERANS HOUSING IS COMPLETED, THE NEW SCHOOL'S BUDGET IS FISCALLY SOUND. SHE LOVES THE TOWN AND WANTS TO MAKE IT BETTER.

C. NEW & OLD BUSINESS:

1. USE & OCCUPANCY AGREEMENT FOR ANCHOR PANTRY: THIS IS AN EXTENSION FOR ONE YEAR. IT IS INSPIRING TO SEE THE NUMBER OF VOLUNTEERS ADDRESSING A CHALLENGE IN TOWN. ANOTHER YEAR WILL HELP US CONTINUE THIS OPERATION AND CONTINUE TO FULFILL A CRITICAL NEED IN TOWN.

MR. SPELLIOS DISCUSSED WHETHER THE DATES WERE CORRECT AND LONG ENOUGH. TA FITZGERALD WILL CIRCLE BACK AROUND ON THE DATES. 2) ASKS THAT THE TOWN TREAT ANCHOR AS ONE OF ITS OWN AND KEEPING THEM AS PART OF THE CONVERSATION.

MS. PHELAN: DO WE HAVE TO PROVIDE NOTICE SHOULD WE DECIDE TO TERMINATE THE LEASE (IT'S NOT TA FITZGERALD'S INTENT TO DISRUPT THEIR ACTIVITIES. NOW THAT REACH ARTS IS AVAILABLE, IT IS TIME TO RETHINK WHERE CERTAIN FUNCTIONS ARE).

UPON **MOTION**, DULY MADE BY KATIE PHELAN, SECONDED BY DOUG THOMPSON, IT WAS UNANIMOUSLY **VOTE** TO APPROVE THE USE & OCCUPANCY AGREEMENT FOR THE ANCHOR PANTRY, 86 BURRILL STREET, FOR 2024/2025, EXPIRING MAY 17, 2025, AS ADVISED BY THE TOWN ADMINISTRATOR: ALL IN FAVOR: YES. ANY OPPOSED: NO. MOTION CARRIES.

2. HOLCIM-NER ANNUAL EARTH REMOVAL PERMIT: TA FITZGERALD IS RECOMMENDING THAT THE PERMIT BE EXTENDED THROUGH JUNE 30, 2024 AS WE ARE CONTINUING TO WORK WITH AGGREGATE AND ARE MAKING PROGRESS.

UPON **MOTION**, DULY MADE BY PETER SPELLIOS, SECONDED BY DOUG THOMPSON, IT WAS UNANIMOUSLY **VOTED** TO EXTEND HOLCIM-NER'S ANNUAL EARTH REMOVAL PERMIT TO JUNE 30, 2024: ALL IN FAVOR: YES. ANY OPPOSED: NO. MOTION CARRIES.

3. PURCHASE OF 12-24 PINE ST.: WE HAVE BEEN WORKING OVER THE LAST YEAR TO ACQUIRE THIS PROPERTY FOR THE PURPOSE OF CREATING VETERANS HOUSING. WE'VE NEGOTIATED A SET OF TERMS WITH THE OWNER OF PINE STREET THAT WILL SEE THE BUILDING DEMOLISHED AND PRESENT THE TOWN WITH THE OPPORTUNITY TO HOLD FUNDS IN ESCROW UNTIL THE BUILDING IS DEMOLISHED TO SATISFACTION. THE PURCHASE PRICE IS \$1.7M. IF THE BOARD VOTES TONIGHT, WE'LL WORK WITH THE ATTORNEYS TO WRAP UP AN ESCROW AGREEMENT AS ESTABLISHED BY THE BOARD. THEY HAVE 75 DAYS TO DEMOLISH THE BUILDING WHICH THE OWNERS HAVE ASSURED WILL START NEXT WEEK AND SHOULD BE DONE WITHIN A MONTH.

MR. SPELLIOS: TONIGHT'S VOTE GIVES THE TA THE AUTHORITY TO CLOSE. GIVEN THAT WORK ON THE BUILDING CAN HAPPEN QUICKLY, HE WOULD LIKE TO HAVE THE PINE ST. NEIGHBORS UPDATED. THEY'RE DEALING WITH ISSUES INCLUDING SEWER BACKUPS. THE BUILDING IS BEING DEMOLISHED BECAUSE IT IS SAFER AND MORE APPROPRIATE TO NOT MAINTAIN A VACANT BUILDING IN DISREPAIR, TAKE CARE OF ASBESTOS AND SECURE THE SITE AS WELL AS MAINTAIN IT SO IT DOESN'T BECOME BLIGHT UNTIL THE AFFORDABLE HOUSING CONSTRUCTION, APPROXIMATELY 18 MONTHS OUT, CAN BEGIN. HE ALSO ASKS THAT B'NAI B'RITH BE INCLUDED IN NEIGHBORHOOD MEETINGS AND THAT NEIGHBORS ARE NOTIFIED.

TA FITZGERALD: WE'RE MOVING FORWARD. WE'LL SCHEDULE A NEIGHBORHOOD MEETING AND GET THEIR INPUT FOR HOW TO ADDRESS THEIR CONCERNS WITH BLIGHT IN THEIR NEIGHBORHOOD.

MR. THOMPSON STATED THAT THIS IS A MAJOR MILESTONE IN THIS PROJECT. THERE IS STILL A LOT TO BE DONE INCLUDING MAKING THE TOWN AWARE OF WHAT IS GOING ON. IT IS ALSO IMPORTANT TO ENGAGE WITH ALL OF THE VETERANS GROUPS.

UPON **MOTION**, DULY MADE BY PETER SPELLIOS, SECONDED BY KATIE PHELAN, IT WAS UNANIMOUSLY **VOTED**: THAT THE SELECT BOARD VOTE TO ACCEPT A DEED FOR THE PROPERTY AT 12-24 PINE STREET FROM THE SELLER, PINE STREET DEVELOPMENT LLC, IN THE FORM AS APPROVED BY TOWN COUNSEL, AND TO SIGN THE ACCEPTANCE ATTACHED TO THE DEED, SUBJECT TO ENTRY INTO AN ESCROW AGREEMENT BY AND AMONG THE TOWN, THE SELLER AND ENTERPRISE BANK AND TRUST COMPANY, WHEREBY, INTER ALIA, THE SELLER WILL DEMOLISH THE BUILDING AT THE PROPERTY WITHIN 75 DAYS FROM THE CLOSING, FAILING WHICH THE TOWN WILL BE PAID THE MONIES REMAINING AFTER PAYMENT OF THE OUTSTANDING BALANCE TO ENTERPRISE BANK AND TRUST COMPANY: ALL IN FAVOR: YES. ANY OPPOSED: NO. MOTION CARRIES.

4. COMMUNITY PRESERVATION ACT: MR. THOMPSON GAVE AN OVERVIEW OF CPA INCLUDING WHERE FUNDING COMES FROM (LOCAL CPA PROPERTY TAX AS WELL MATCHING FUNDS FROM THE STATE CPA FUND), THE PROCESS FOR APPROVAL, SETTING UP A COMMITTEE WHICH MAKES RECOMMENDATIONS TO THE SELECT BOARD AND TOWN MEETING ON DISBURSING FUNDS. 10% OF ALL FUNDS HAVE TO BE ALLOCATED TO EACH OF THE FOLLOWING: OPEN SPACE/RECREATION, HISTORICAL PRESERVATION, AFFORDABLE HOUSING. AFTER THE 30% HAS BEEN ALLOCATED, THE COMMUNITY HAS THE ABILITY TO ALLOCATE THE REMAINING 70%.. A MAJORITY VOTE IS NEEDED BY TOWN MEETING. MATCHING FUNDS WILL START IN FY27. THERE IS AN AD HOC GROUP CONSISTING OF THE CHAIRS FROM VARIOUS COMMITTEES AND TOWN DEPARTMENTS AS WELL AS HELP FROM THE NONPROFIT CPA ORGANIZATION, DISCUSSING THE PROS AND CONS. THE CPA PROJECTIONS FOR FY24 WERE DISCUSSED ALONG WITH THE COST TO HOMEOWNERS WITH VARIOUS SCENARIOS. MOST COMMUNITIES ARE CHARGING 1-1.5%.

TA FITZGERALD: WE'VE BUILT UP OVER \$8MM IN RESERVE LEVY CAPACITY, WE'RE NOT LOOKING TO TAX AT THE MAX AT THE LOCAL LEVEL. HAVING A CPA WILL HELP US BE MORE AFFORDABLE BECAUSE WE'LL BE ABLE TO DO PROJECTS WITH SUPPORT FROM THE STATE AND NOT USING 100% OF OUR TAXES. HE WOULD LIKE THE INVOLVED COMMITTEES TO SCHEDULE A DISCUSSION ABOUT THE CPA ON A FUTURE AGENDA. WE'RE IN A DIFFICULT SPOT WITH AFFORDABLE HOUSING, WHAT WOULD A FUTURE LOOK LIKE IF WE HAD 10 YEARS OF CPA FUNDING WHILE KEEPING STEADY ON OUR

MR. GRISHMAN: WE CAN BOND AGAINST THESE FUNDS. THIS IS A RECURRING STREAM OF REVENUE THAT WILL GIVE THE AFFORDABLE HOUSING TRUST FUND THE ABILITY TO DO MORE. IT WILL HELP PRESERVE HISTORICAL PROPERTIES FOR A MINIMAL INVESTMENT.

MS. PHELAN: THERE'S A COMMITTEE THAT MAKES A RECOMMENDATION TO THE SELECT BOARD. THE RECOMMENDATION IS THEN BROUGHT TO THE ANNUAL TOWN MEETING FOR THEIR APPROVAL.

MR. THOMPSON WELCOMES ENGAGEMENT FROM THE PUBLIC. THERE WILL BE ADDITIONAL MEETINGS OF THE AD HOC GROUP, WHICH WE'LL MAKE PUBLIC, THEN WE'LL COME TO A FUTURE SELECT BOARD MEETING WITH OUR RECOMMENDATIONS FOR THE TOWN MEETING WARRANT.

MS. FLETCHER: 1) WOULD LIKE TO SEE THE LAST 5-YEAR STATE MATCHES FOR CPA COMMUNITIES AS WELL AS HOW MUCH THE TOWN HAS SPENT IN EACH CATEGORY; 2) WE'RE NOT TAXING TO THE MAXIMUM YET, IS THERE A POINT WE WILL HAVE TO (WE DEDUCT \$100K FROM THE VALUE THEN APPLY THE TAX TO THE REMAINING VALUE).5. ANNUAL TOWN MEETING WARRANT:

ARTICLES 2-7 INCLUDES ESTABLISHING A RETENTION AND RECRUITMENT STABILIZATION FUND, ARE FOR APPROVING TRANSFERS AS USUAL.

ARTICLE 8 CREATES A REVOLVING FUND FOR ANDREW'S CHAPEL.

ARTICLE 9 CREATES A REVOLVING FUND FOR THE HISTORIC COMMISSION.

ARTICLES 10 – 11 ARE FOR APPROPRIATIONS FOR RECOMMENDED CAPITAL PROJECTS AND CHAPTER 90.

ARTICLES 12 IS A MINOR CORRECTION TO THE ADU BYLAW (REMOVING ONE BULLET POINT).

ARTICLE 13 IS AN AMENDMENT WITH REGARD TO LIQUOR ESTABLISHMENTS THAT CURRENTLY RESTRICTS THEM NEAR PARKS, SCHOOLS, AND CHURCHES. THIS ONLY REMOVES LIQUOR ESTABLISHMENTS FROM THAT BYLAW.

ARTICLE 14 IS AN AMENDMENT WITH REGARD TO NONCONFORMING STRUCTURES – THE CURRENT BYLAW MAKES IT DIFFICULT FOR THE BUILDING COMMISSIONER, IN CONFLICT WITH MASS GENERAL LAW.

ARTICLE 15 IS TO REQUEST THE MBTA 3A MULTI-LAY ZONING. THE PLANNING BOARD WILL BE HOLDING A PUBLIC MEETING TO DISCUSS ARTICLES 13-16 ON MARCH 27, 7PM, B129.

ARTICLE 16 IS TO AMEND A GENERAL BYLAW REQUIRING MANDATORY INSPECTIONS ON SEAWALLS.

ARTICLE 17 IS THE ACCEPTANCE OF EASEMENTS FOR PUBLIC PARKING AND SIDEWALKS AT ELM PLACE.

ARTICLE 18 TO CONSTRUCT TRAILS THROUGH ARCHER ST. WITH A GRANT. THE TOWN HAS TO APPROPRIATE THE FUNDS AS A CONDITION OF THE GRANT.

ONCE THE BOARD OPENS THE WARRANT, WE CAN CONTINUE TO REVIEW THESE AND ADD NEW ONES. THERE ARE NO CITIZENS PETITIONS TO DATE (MR. SPELLIOS: THE DEADLINE HAS PASSED).

MS. FLETCHER 1) WOULD LIKE TO SEE AN ARTICLE REGARDING LEAF BLOWERS (WE ARE LOOKING AT THAT NOW AND WILL DISCUSS AT OUR NEXT MEETING). 2) WHAT IS THE RETENTION & RECRUITMENT FUND (WE'VE TALKED ABOUT WAYS TO STABILIZE THE ANNUAL OPERATING BUDGET. RETIREMENTS CAN HAVE SIGNIFICANT IMPACT ON THE BUDGET. THE USE OF FREE CASH WILL HELP STABILIZE THE OPERATING BUDGET WITH UNEXPECTED CHANGES DUE TO RETIREMENTS. THIS IS TO RECRUIT CANDIDATES).

MR. THOMPSON: THERE WAS A DISCUSSION ABOUT RECRUITING AND POSSIBLY HAVING TO OFFER A NEW EMPLOYEE A HIGHER SALARY THAN THE RETIREE EARNED DUE TO MARKET CONDITIONS.

D. VOTES OF THE BOARD:

1. APPROVAL OF THE CONSENT AGENDA

CONSENT AGENDA ITEMS:

- I. DISCUSSION & POSSIBLE VOTE TO APPOINT JASON HAGAN AS A MEMBER OF THE SOLID WASTE ADVISORY COMMITTEE FOR A TERM OF ONE YEAR, EXPIRING JUNE 2024

II. DISCUSSION & POSSIBLE VOTE TO APPROVE A ONE-DAY LIQUOR LICENSE FOR THE FRIENDS OF THE SWAMPSCOTT LIBRARY FUNDRAISING EVENT ON APRIL 5, 2024, SWAMPSCOTT LIBRARY, 2ND FLOOR

III. VOTE TO APPROVE MINUTES OF THE REGULAR MEETINGS OF 2/7/24, 2/12/24 & 2/28/24

MR. GRISHMAN ASKED TO REMOVE ITEM 3 – MINUTES.

UPON **MOTION**, DULY MADE BY MARYELLEN FLETCHER, SECONDED BY KATIE PHELAN, IT WAS UNANIMOUSLY **VOTED** TO APPROVE THE CONSENT AGENDA ITEMS 1 & 2 AS PRESENTED: ALL IN FAVOR: YES. ANY OPPOSED: NO. **MOTION CARRIES.**

E. SELECT BOARD TIME:

MS. FLETCHER: THANKED SAMI, NATHAN AND JOE FOR THEIR HARD WORK TONIGHT. 2) THE RETIREMENT BOARD IS HOLDING A PRESENTATION. 3) THE HEALTH DEPARTMENT IS CONSIDERING HAVING AN ARTICLE DISCUSSING THE SALE OF CIGARETTES (TA FITZGERALD ASKED TOWN COUNSEL TO SEND THE HEALTH DIRECTOR THE LEGAL PARAMETERS TO ADOPT THAT). THE MEETING IS RECORDED. 4) SWAC IS SETTING UP THEIR GOALS FOR WHAT THEY WANT TO ACHIEVE THIS YEAR. 5) HOW DO WE COMPARE TO OTHER COMMUNITIES WITH FEDERAL GRANTS (NOT AS WELL. TA FITZGERALD WILL REACH OUT TO THE CONGRESSMAN'S STAFF).

MR. GRISHMAN: THE HIGH SCHOOL DRAMA CLUB IS PRESENTING SEUSSICAL THE MUSICAL CONSISTING OF 45 STUDENTS FROM ELEMENTARY SCHOOL THROUGH HIGH SCHOOL. TICKETS CAN BE PURCHASED ONLINE.

MS. PHELAN: IF YOU'RE TRACKING THE HADLEY HOTEL PROGRESS, THE COMMUNITY DEVELOPMENT PAGE HAS THE UPDATES. WE SPOKE A LOT ABOUT COMMUNITY ENGAGEMENT. SHE WILL CONTINUE TO TRY TO MAKE IT EASY FOR THE COMMUNITY TO ENGAGE. IF YOU HAVE ANY QUESTIONS OR CONCERNS, EMAIL THE SELECT BOARD OR TA.

MR. SPELLIOS: NOTHING TO ADD.

MR. THOMPSON: 1) WE VOTED TO PUT IN AN APPLICATION FOR STATE REVOLVING FUNDS BY AUGUST (WE'RE WORKING ON THAT WITH KLEINFELDER NOW. WE DIDN'T DO IT 2 YEARS AGO BECAUSE INTEREST RATES WERE SO LOW, IT DIDN'T MAKE FINANCIAL SENSE THEN); 2) THERE'S A POTENTIAL ARTICLE FROM RENEWABLE ENERGY RE: SOLAR PANELS AND ANOTHER FROM HISTORICAL AND POSSIBLY ONE FROM AFFORDABLY HOUSING (THOSE COMMITTEES SHOULD BE IN TOUCH WITH THE TA'S OFFICE SO WE CAN GET THE ARTICLES TO TOWN COUNSEL); 3) THE \$30,000 THE BOARD PASSED IS BEING PUT TO WORK. STRUCTURES NORTH HAS BEEN IN THERE AND FEELS UP TO 75% OF THE PROPERTY CAN BE SAVED. 4) THERE'S A LOT OF WORK GOING ON WITH REGARD TO RESILIENCY INCLUDING LOOKING FOR AND UNDERSTANDING THE DIFFERENT GRANT OPPORTUNITIES AVAILABLE.

MS. FLETCHER ASKED IF THE DIFFERENT COMMITTEES ARE LOOKING AT GRANTS TOGETHER (MARZIE HAS ALL OF THE COMMITTEES LOOKING TOGETHER).

UPON **MOTION**, DULY MADE BY MARYELLEN FLETCHER, SECONDED BY PETER SPELLIOS, IT WAS UNANIMOUSLY **VOTED** TO ADJOURN AT 8:14 P.M.: ALL IN FAVOR: YES. ANY OPPOSED: NO. **MOTION CARRIES.**

TRUE ATTEST,

Dianne Marchese

DIANNE MARCHESE, ADMINISTRATIVE ASSISTANT TO THE TOWN ADMINISTRATOR & SELECT BOARD

MINUTES APPROVED BY THE SELECT BOARD ON APRIL 3, 2024

ATTACHMENTS:

ANCHOR FOOD PANTRY USE & OCCUPANCY AGREEMENT

HOLCIM, INC. EARTH REMOVAL PERMIT DRAFT

TOWN MEETING WARRANT



Town of Swampscott

Office of the
Town Administrator
Elihu Thomson Administrative Building
22 Monument Avenue
Swampscott, MA 01907



Sean R. Fitzgerald

Tel: (781) 596-8850

Swampscott Select Board
Town Administration Building
22 Monument Avenue
Swampscott, MA 01907

RE: March 20TH REPORT TO THE SELECT BOARD

Dear Select Board:

I am pleased to be able to offer the following report on programs and initiatives that are on-going in the Town of Swampscott, as well as some updates on a variety of things that have happened since my last report.

FY 25 BUDGET

The budget has been presented to the Select Board, we are working with the Finance Committee to evaluate the line items. The School Department budget is up over 4% which puts the Town budget at a disadvantage, requiring us to tighten ours even more. (This has been a pattern for years.)

HAWTHORNE PROPERTY

At our April 3rd meeting, we will be making a presentation on the Hawthorne Vision! After much work and feedback from the public meetings, we have come up with a bold vision that we hope will transform the Town's beautiful waterfront into something that will provide the Town and region with an extraordinary public amenity.

BUILDING DEPARTMENT

The Building Department has issued more permits this year than at the same time last year.

They're busy working on Humphrey St. signage issues and will be sending violation notices out next if businesses don't comply.

They're also working with Community Development to update zoning regarding non-conforming houses.

HADLEY HOTEL RFP

Pete Kane and members of the Select Board are working through due diligence and the land development agreement with Clearview. I will keep the Board updated as things progress. We're tracking the progress here: <https://www.swampscottma.gov/community-and-economic-development/pages/hadley-school-reuse>

KING'S BEACH

The Town's efforts to advance Phase 2 Investigations under the EPA's Consent Order is underway as of March 2024. We will be conducting dry weather stormwater sampling at up to 30 locations (bacteria, ammonia, pharmacological products.)

We will be conducting sewer and drainpipe CCTV inspections in this area looking for the detection and removal of confirmed illicit connections. We will also be looking at the underdrain system sampling and evaluation as we seek to prioritize design of Phase 2 sewer improvements. We anticipate the design for this work to be completed in December of 2024.

I am working on a more detailed update and presentation for the Select Board on King's Beach and Fisherman's Beach for our next meeting.

RECREATION

As usual, the Recreation Department is busy with upcoming events. There are a slew of events happening including the annual Easter Egg hunt on March 30th and in June for both Pride & Juneteenth. Please watch their website and Facebook page for updates.

COMMUNITY & ECONOMIC DEVELOPMENT

Wescott Construction is moving along on Elm Place. Updates can be found on the Town's website: <https://www.swampscottma.gov/community-and-economic-development/pages/elm-place>.

Community Development is working with CTPS regarding the Humphrey/Forest/Atlantic/Puritan intersection. Traffic counters are in place. We are considering a round-about to keep traffic flowing.

Unfortunately, despite Marzie's incredible hard work, the pickleball courts failed to pass the Special Town Meeting by 8 votes. We will continue in our quest to give the town pickleball courts.

There will be a public forum regarding proposed zoning changes on MBTA 3A zoning, ADU correction, nonconforming homes and liquor establishments on March 27th with a public hearing on April 29th. These will then be presented at the Annual Town Meeting on May 20th.

SENIOR CENTER

The Senior Center is hosting a Healthy Aging Plan program on March 23rd. This is free of charge, but an RSVP is required. Please call (781) 596-8866 to register.

The second session of Opening Minds Through Art begins in April. The school has adopted this into their curriculum.

They've adopted a new logo (Forget me Not) as part of their Age & Dementia Friendly initiative. They'll be doing a pilot program with area businesses.

TOWN CLERK

The Town Clerk's office is still hard at work preparing for the upcoming local & presidential elections. Robocalls will be sent with important information, including early voting hours.

Early voting hours at Town Hall for the upcoming April local election are Saturday, 4/20, 11:00a-

5:00p, Town Hall will be open 8:00a-8:00p Monday through Thursday and 8:00a-Noon on Friday, 4/26.

LIBRARY

Jonathan is on the Noble Executive Board, which will help with negotiating contracts for Noble. He is also in the process of finalizing the new website. This should be going live any day now.

They've added carbon monoxide detectors to the "library of things". Jonathan is planning another Improv Night as well as an Earth Day and Patron Appreciation Day. Please visit their website for more information as it becomes available.

The Maker Space is currently being constructed.

HEALTH DEPARTMENT

The Health & Wellness fair at the Senior Center had an amazing turnout of local businesses and vendors doing demonstrations but wasn't as well attended as hoped. Hopefully, next year will bring a larger crowd. Neia was there giving Narcan classes as well as handing out free Narcan kits.

Jeff is meeting with Officer Reen regarding the process of when the Police Department gets an overdose call. He is also reaching out to school staff to coordinate with them.

HUMAN RESOURCES

HR is working on bringing a short list of DEI consultants to the Select Board for a final selection.

An offer was made to a potential Assistant Engineer but was, unfortunately, turned down. We will be looking at other candidates.

An offer is expected to be made for a new Benefits Coordinator.

TA's OFFICE

We have created a Public Safety Task Force that will hear requests for traffic improvements and make recommendations to the Select Board.

Chapter 61B related to Tedesco passed the Special Town Meeting vote and is now going before the state legislature. I've spoken to Representative Jenny Armini & she is in full support of this.

Respectfully Submitted,



Sean R. Fitzgerald
Town Administrator



Town of Swampscott

OFFICE OF THE SELECT BOARD
Elihu Thomson Administration Building
22 Monument Avenue
Swampscott, MA 01907-1940

David Grishman, Chair
Catherine Phelan, Vice Chair
Mary Ellen Fletcher
Peter A. Spellios
Douglas Thompson

Sean R. Fitzgerald
Town Administrator
Tel: (781) 596-8850
Email: sfitzgerald@swampscottma.gov

USE AND OCCUPANCY AGREEMENT

Premises: Approximately 951.5 square feet of space at
86 Burrill Street, Swampscott, MA 01907

The Town of Swampscott (“Owner”) and Anchor Food Pantry (“Anchor”) agree as follows:

1. **Premises:** Consisting of approximately 951.5 square feet of ground floor space and three (3) parking spaces, as designated in Attachment A within the property known as 86 Burrill Street, Swampscott, MA (the “Property”). The premises are delivered vacant, and Anchor accepts the premises in its present and “as is” condition.
2. **Permitted Use:** Anchor shall use the premises for storage and distribution of food and food pantry items.
3. **Occupancy and Term:** Anchor shall have the right to use and occupy the premises starting on May 18, 2024 for a period of not more than twelve (12) months. Anchor understands that this is a temporary occupancy agreement, and the occupancy cannot be extended beyond May 17, 2025 without the Owner’s permission. Anchor is responsible for providing written notification to Owner no less than four (4) months in advance of the termination date of its desire to extend this Agreement, whereupon Owner shall notify Anchor within thirty (30) days whether it elects to extend this Agreement, and the term thereof.
4. **Utilities and Maintenance:** The Owner will pay for utilities associated with the Premises including, but not limited to, electric, water, and sewer service. The Owner will also be responsible for maintenance including exterior care. Anchor will ensure that the premises is organized, clear of debris, and its use will not block any entrance/exit ways. Anchor is responsible for interior cleaning, installing any additional utility services, such as internet. The Owner will clear snow and ice from the driveway and parking spaces in accordance with the Town’s regular snow removal schedule, in its sole discretion. Additional removal and/or treatment will be at the discretion of the Occupant, at Occupants sole cost and expense.
5. **Anchor’s Insurance:** Anchor shall obtain and keep in force at its own expense so long as this Agreement remains in effect a General Liability Insurance policy on an occurrence basis to include broad form comprehensive general liability with a limit of not less than \$1,000,000 per occurrence and \$2,000,000 aggregate. The policy shall name the Owner, and its officers, agents, servants, employees and consultants as additional insured parties. Anchor shall provide certification of liability insurance to the Owner.
6. **Additional Terms:**
 - a. **Property Upgrades:** Anchor acknowledges that ongoing upgrades to the Property may be in progress during the time of occupancy, including but not limited to: roof repairs, electrical work, and interior improvements. The Owner will make every effort to coordinate with Anchor so there is minimal disruption of the Anchor’s operations. Anchor will be responsible for moving supplies, shelving, and the

like as directed by the Inspector of Buildings or Facilities Director in order to allow the work to be conducted.

b. **Parking:** Anchor acknowledges that, when in operation, no staff or client vehicle shall block the ambulance entrance and exit.

7. **Delivery:** Anchor agrees that upon the termination of this Agreement, Anchor shall deliver the premises free of all personal property and debris and free of all occupants. Anchor agrees that Anchor shall be liable for all losses and damages, including reasonable attorney's fees, incurred by the Owner due to Anchor's failure to surrender the premises on the termination date in accordance with this Paragraph including, but not limited to, moving and storage costs, legal fees and court costs associated with the removal of Anchor or its belongings from the premises.

8. **Liability and Indemnification:** Anchor agrees that any personal belongings shall be on the premises at the sole risk and hazard of Anchor, and that the Owner shall not be responsible for any loss or any damage to any or all of Anchor's personal belongings. Anchor agrees to indemnify, defend, and hold the Owner harmless from all claims of any nature, whether for personal injury, property damage, or any other damage, caused to any person or entity, arising out of Anchor's use or occupancy of the premises, including any liability arising out of any injury to the Anchor, and its employees, representatives, contractors, invitees or guests (the "Anchor Parties"). Anchor further agrees that it will not make any claim, under any circumstances whatsoever, for any personal injuries or property damage or any other damages or injuries sustained by the Anchor Parties as a result of their use of the premises, regardless of the cause of said personal injuries, bodily damage, or other damages or injuries to them. Anchor shall be solely responsible for obtaining insurance for the contents of the premises and for Anchor's personal liability in reasonable amounts.

9. **Governing Law:** This Agreement shall be governed by and construed in accordance with the laws of the Commonwealth of Massachusetts.

10. **No Tenancy:** Anchor agrees that no tenancy of any nature has been established by the execution of this Agreement by the Owner. Anchor further understands that the occupancy right granted hereby is personal to Anchor and cannot be assigned or otherwise transferred.

Owner

Date

Anchor

Date

Prepared in Anticipation of Litigation/Attorney-Client Privilege

TOWN OF SWAMPSCOTT, MASSACHUSETTS

EARTH REMOVAL PERMIT
FOR
HOLCIM-NER, INC.

[Dates to be determined].

The Select Board of the Town of Swampscott (“the Town”) pursuant to the Town Earth Removal By-Law, Article XIII, and the recommendations of the Earth Removal Advisory Committee (“ERAC”), and all other applicable powers and authority vested in the Select Board, hereby grant this Earth Removal Permit (“Permit”) to Holcim-NER, Inc. (“Holcim”), formally Aggregate Industries Northeast Region, Inc., for operations occurring at its quarry located in Swampscott, Massachusetts (the “Quarry”), for the period from [Dates to be determined], upon the terms and conditions set forth herein. This Permit incorporates by reference Holcim’s permit application and materials submitted therewith, but only to the extent that such application and materials are consistent with the terms and conditions of this Permit.

All documentation that is required to be submitted to the ERAC shall be forwarded to the Select Board’s Office. All submitted documents shall be posted on the Town Website and shall be available for public viewing at the Swampscott Town Hall by contacting the Town’s Office of Community Development.

1. Excavation Area. The area of proposed excavation shall be limited to the areas designated on the plan submitted by Holcim entitled “2023-2024 Development Plan of Land in Salem & Swampscott, MA,” dated March 30, 2023 and “Quarry Cross-Section Plan in Salem, MA,” dated March 31, 2023, prepared for Holcim by Hancock Survey Associates, 185 Centre Street, Danvers, MA 01923. If the areas designated for excavation are modified during the period of the current permit, Holcim shall provide updated plans to ERAC. After review by ERAC and approval the Select Board, the areas of proposed excavation shall thereafter be limited to the modified areas designated on the updated plans for the remaining period of the permit. If actual excavation exceeds the areas designated on the original or modified plans, Holcim shall notify ERAC as soon as possible but no later than two days after the event. Any excavation outside an area designated shall result in the immediate cessation of work in that outside area and a public hearing before the Select Board.

2. Street Sweeping. In accordance with its October 5, 2021 Dust Management Plan (Attachment No. 1 to this permit), Holcim shall street sweep, clean all dirt and debris from the Danvers Road bridge to the golf driving range, all quarry roadways, the Danvers Road bridge on Essex Street to the Lynn/Swampscott line and the Danvers Road bridge to Alvin Road at least once every week, or more often if needed per request of ERAC or the Swampscott Town Administrator. A light spray of water shall be applied to minimize dust before sweeping. Sidewalks along the above-mentioned roads shall be maintained clean of stones and dirt spillage. Freezing weather will waive this sweeping requirement but shall not relieve Holcim

of its requirement to keep the aforementioned areas cleaned of dirt and debris spillage. Sweeping is expected to be curb to curb unless a parked car is in the way.

3. Dust. Holcim shall operate within local, state and federal standards concerning safe levels of dust and in accordance with its October 5, 2021 Dust Management Plan. Holcim shall use reasonable efforts to reduce dust emanating from the quarry and its roads to a minimum, including but not limited to:
 - a. Holcim shall operate the automated wheelwash at all times, weather and maintenance permitting, and all vehicles (exempting passenger vehicles and pick-up trucks) shall pass through the wheelwash prior to exiting the Quarry. Should maintenance be required on the wheelwash, the Select Board and ERAC shall be notified. If during the periods that the wheelwash is required to be operational it becomes mechanically disabled for an extended period (4 or more hours in any day) Holcim should use its best efforts to provide a substitute spraying of vehicles exiting the Quarry until such time as the wheelwash becomes operational again; and
 - b. Holcim shall investigate and submit to ERAC and the Select Board a plan for improved dust control at entranceway to quarry. Such plan shall be submitted with Holcim's application for the next permit and a requirement to implement such plan shall be included as a requirement of that permit.

4. Particulate (Air) Monitoring. To maintain compliance with any applicable local, state and federal air pollution control requirements, including Massachusetts Air Pollution Control Regulations, 310 CMR 7.00, upon direction of the Town, perimeter particulate monitoring and analytical testing pursuant to established and accepted protocols shall be conducted by an independent, professionally trained air quality consultant to test for concentrations of suspended particulates at a minimum of four appropriate perimeter Quarry locations: one upwind of the quarrying and other sand/gravel operations, one downwind, and two at crosswinds. The consultant shall determine the predominant wind directions at the Quarry on an annual basis and develop a wind rose diagram that is presented in the annual permit application to ERAC, Holcim and the Select Board. The consultant conducting the testing for the term of this Permit shall be chosen by the Town Administrator at their sole discretion with input from ERAC and recommendations from Holcim. ERAC shall provide Holcim the quote for services and all related invoices for which Holcim is responsible.

The Fugitive Dust (PM10) tests shall be conducted three times during this Permit's term (once within 30 days of, but not more than 45 days after, the commissioning of the plant upgrade planned for the summer 2023; once in November, 2023; and once in May, 2024) during peak operational periods between the hours of 6 A.M. and 10 P.M., with prior notice to the Board of Health, Select Board, and ERAC. In permit years thereafter, testing shall be conducted in accordance with that year's permit conditions.

Holcim shall conduct Heavy Metals tests once a year. Testing protocol and frequency for subsequent years will be established by the Board of Health based on the results of the first full year of testing.

The particulate samples shall be sampled for and submitted for analytical testing of the following: (1) Fugitive Dust (PM₁₀) including respirable crystalline silica, and (2) Heavy Metals; including: antimony, arsenic, beryllium, cadmium, chromium, cobalt, copper, lead, mercury, manganese, nickel, selenium and zinc. Testing for both will be in accordance with the 40 CFR 50, Appendix J FRM methodologies. The particulate testing results shall be summarized in a table and compared to National Ambient Air Quality Standard (NAAQS). Test results that have concentrations in excess of the selected occupational or residential exposure standards shall mandate corrective changes by Holcim to reduce such levels below the standards. All corrective changes must be accomplished within 90 days of the receipt of the results, unless a longer period is approved by Select Board with input from ERAC.

All consultant reports of testing and analysis results shall be delivered simultaneously to ERAC and Holcim. Corrective measures taken by Holcim shall be submitted to the Select Board and ERAC in a supplemental report within 30 days of the implementation. All particulate testing records shall be maintained by Holcim, shall be attached to its annual permit application, and shall be available for public viewing at Town Hall and on the Town Website.

Upon receipt of new information, and after review by ERAC and the Select Board, and consultation with Holcim, the Select Board may require reasonable dust sampling and testing in addition to the air monitoring requirements above. Depending on test results, testing frequency can be reviewed.

5. Noise. Holcim shall operate within local, state and federal standards concerning safe levels of noise and shall use reasonable efforts to reduce noise emanating from the Quarry to a minimum. In order to accomplish this, Holcim shall establish and implement the following:

- a. Noise Management Plan. Holcim shall operate in accordance with its February 2022 draft Noise Management Plan (Attachment No. 2 to this Permit). Holcim shall prepare an ongoing noise management plan that includes: (1) the applicable local, state and federal noise standards; (2) the actions Holcim will take if such noise standards are exceeded; and (3) activities that are unacceptable and not allowed because they are expected to exceed the noise levels. The Noise Management Plan shall document the remedial actions taken by Holcim when applicable standards are exceeded as well as establish a plan for further reducing noise levels at neighboring properties. The Noise Management Plan shall also include a process for addressing neighborhood complaints of high noise levels. This Noise Management Plan shall be approved by ERAC.
- b. Noise Testing. To evaluate noise levels produced by quarry operations, an independent, professionally trained consultant will conduct testing three times in the current permit year (once within 30 days of, but not more than 45 days after, the commissioning of the plant upgrade planned for the summer 2023; once in

November, 2023; and once in May, 2024), with each occurring during full operations, and with advance notice to ERAC and the Select Board. In permit years thereafter, testing shall be conducted in accordance with that year's permit conditions. During such testing, noise shall be monitored continuously for a period of at least 24 hours during representative quarry operations. The results of testing may warrant, upon approval by ERAC and the Select Board, less testing in future permits. The consultant conducting the testing for this permit term shall be chosen by the Town Administrator at their sole discretion with input from ERAC and recommendation from Holcim. ERAC shall provide Holcim the quote for services and all related invoices for which Holcim is responsible.

- c. Noise Report. Noise testing data, results, and recommendations shall be delivered simultaneously to Holcim, ERAC and the Select Board.

Upon receipt of documented noise complaints, and after review by ERAC and the Select Board, and consultation with Holcim, the Select Board may, during the term of this Permit, require additional noise testing and abatement to address the specific noise complaints.

6. Fences. Holcim shall maintain a perimeter fence around the exterior of the Quarry to protect the safety of the surrounding neighbors and prevent public access to the rim of the Quarry. Holcim shall maintain the integrity of its perimeter fence and patrol the fence as needed, no less than once every month, and make repairs within 48 hours of identifying or receiving notice that a portion of the fence has been breached. Further, Holcim should maintain the areas such that there shall not be access under any fencing.

7. Indemnity. Holcim agrees to hold the Town harmless for any damages arising from the Earth Removal Operation. In addition, Holcim will provide a Certificate of Insurance for at least one million dollars, single limit, naming the Town as an additional insured. Holcim shall defend, indemnify and hold harmless the Town and its officers, agents, and all employees from and against claims arising directly or indirectly from the Earth Removal Operation. Further, Holcim shall defend, indemnify and hold harmless the Town with respect to any damages, expenses, or claims arising from or in connection with any of the work performed or to be performed under this Permit. This shall not be construed as a limitation of the Holcim's liability under this Permit or as otherwise provided by law.

8. Trucks and Access Routes and Methods.

- a. All vehicles exiting the facilities excluding passenger vehicles and pickup trucks that are hauling material shall be tarped as required by Massachusetts regulations.
- b. All trucks carrying material from the Quarry shall be instructed by Holcim to seek the most expeditious route as practical in avoiding residential streets and neighborhoods to their destination from the Quarry.

9. Hours of Operation. The following hours of operation are conditioned upon the continued commitment of Holcim to institute noise abatement improvements and general overall

improvement in the operation of the business. Said hours of operation shall be strictly adhered to during the term of this Permit.

- a. For subsections b., c., and d., below, during the period from Memorial Day to Labor Day over the term covered by this Permit, the hours of operation shall be limited to 7:00 AM to 6:00 P. M. Monday through Saturday.
- b. Primary Crushing Plant. The primary crushing plant may crush stone between the hours of 7:00 A. M. and 9:00 P. M. Monday through Friday. Saturday crushing hours will be 7:30 A. M. to 4:00 P. M. Loaders, trucks and other motor vehicles associated with this plant shall not operate in the quarry before the 7:00 A. M. and 7:30 A. M. starting times.
- c. Secondary Crushing Plant. The secondary crushing plant may crush stone between the hours of 7:00 A. M. and 9:00 P. M. Monday through Friday. Saturday crushing hours will be between 7:30 A. M. and 4:30 P. M.
- d. Drilling Operations. Drilling operations may be conducted between the hours of 7:00 A. M. and 7:00 P. M. Monday through Friday. Saturday drilling hours will be between 7:30 A. M. and 4:00 P. M.
- e. Blasting Operations. All blasts must be scheduled to be shot between the hours of 10:00 A. M. and 2:00 P. M. Monday through Friday to avoid thermal inversions. Weather and safety considerations may supersede this time frame. Blasting shall not occur on severely overcast days unless early weather forecasts had indicated favorable conditions.
- f. Quarry Stockpiling Operations. The Quarry Stockpiling and moving of materials may be conducted between 6:00 A. M. and 10:00 P. M. Monday through Friday. Saturday hours for stockpiling will be between 7:30 A. M. and 4:30 P. M.
- g. Customer Sales. The sale of materials and loading of trucks that exit the Quarry shall be between the hours of 6:00 A. M. and 10:00 P. M. Monday through Friday. Saturday hours for sales shall be between 7:00 A. M. and 4:30 P. M. Trucks will not proceed beyond the employee entrance prior to 6:00 A. M. on weekdays and 7:00 A. M. on weekends. Holcim shall limit operations after 5:30 P.M. Monday through Friday to service contracts for Governmental Agencies on public projects that require serving those contracts after 5:00 P.M. On such occasions where customer sales will occur after 5:30 P.M., Holcim shall restrict the use of Essex Street by said trucks. Via electronic mail correspondence and phone, Holcim will notify the Town Administrator and the Chairman of the ERAC not less than twenty-four hours in advance of any such occasion and will provide information on which public projects require the sale of materials after 5:00 P.M. and the volume of truck traffic and will maintain logs for these trucks based on an hourly basis. The day-to-day impact of the after 5:00 P.M. sales and trucking operations shall be monitored by the ERAC and reported to the Select Board.

- h. **Manufactured Sand Plant.** The Manufactured Sand Plant (MSP) may operate between the hours of 7:00 A.M., and 10:00 P.M., Monday through Friday, and Saturday operating hours of 7:30 A.M., and 4:30 P.M. However, the MSP may operate longer hours upon request to, and written approval and monitoring by ERAC, provided ERAC is satisfied that such extended operating hours shall not be disruptive to the neighbor's quiet enjoyment of their property. Should ERAC at any time during the approved extended operating hours permitted hereby, determine through the review of neighborhood complaints or based upon ERAC's own observations, that such operating hours are disruptive to the neighbors quiet enjoyment, ERAC in its sole discretion after a meeting, shall order through its Chairman by telephone, facsimile, or in writing that said extended hours are revoked. Holcim shall immediately, upon receipt of notification, cease and desist operating the MSP during the extended hours. In all instances of the request by Holcim for such extended hours, ERAC shall notify the Select Board at least seventy-two (72) hours prior to the granting to any such extension of operating hours.
- i. **Sunday and Holiday Hours.** No Sunday or Holiday hours are permitted except as provided in subparagraph 9.i., or upon written approval from the Select Board or its designee. The term "Holidays" includes the following: New Year's Day, January 1; Martin Luther King Day, (3rd Monday of January); President's Day, (3rd Monday of February); Patriot's Day, (3rd Monday of April); Memorial Day Observed, (4th Monday of May); Independence Day, July 4; Labor Day, (1st Monday in September); Columbus Day, (2nd Monday in October); Veteran's Day, November 11; Thanksgiving Day, (4th Thursday in November); and Christmas Day, December 25. If a Holiday falls on a Saturday or Sunday, then the Holiday will be observed in accordance with Massachusetts law. Holcim may designate the Friday after Thanksgiving as a Holiday in place of a listed Holiday upon written notice to the Select Board prior to working on the listed Holiday.
- j. **Quiet Time.** No trucks or equipment larger than $\frac{3}{4}$ ton are allowed in the Quarry past the bin area from 10:00 P. M. to 6:00 A.M. It is agreed and understood that this is the neighbors' quiet time. All equipment and production plants may undergo warming-up, cooling down, oiling, greasing, preventative maintenance, and general repairs outside of the permitted hours; however, if it is determined that the related noise has become unreasonable, this provision shall be subject to interim revisions.
- k. **Crushing Plants.** The Primary Crushing Plant and/or Secondary Crushing Plant may operate longer hours during the period from Memorial Day to Labor Day upon completion of noise mitigation improvements such as:
 - a. acoustically enclosing the two HP-400 crushers;
 - b. acoustically enclosing the 7-foot crusher and all chute sections above it;
 - c. completing alternative noise mitigation improvements which have been submitted to, and approved by the ERAC, and filed with the Select Board; or

- d. completing a noise study using protocols agreed to by ERAC and Holcim, and filed with the Select Board.

Upon completion of such noise mitigation improvements, the Primary Crushing Plant and/or Secondary Crushing Plant may operate longer hours upon request to, and written approval and monitoring by the ERAC, provided ERAC is satisfied that such extended operating hours shall not be disruptive to the neighbors' quiet enjoyment of their property. Should ERAC at any time during the approved extended operating hours permitted hereby, determine through the review of neighborhood complaints or based upon ERAC's own observations, that such operating hours are disruptive to the neighbors quiet enjoyment, ERAC in its sole discretion after a meeting, shall order through its Chairman by telephone, facsimile, or in writing that said extended hours are revoked. Holcim shall immediately upon receipt of notification cease and desist operating the Primary Crushing Plant, and/or Secondary Crushing Plant, during the extended hours. In all instances of the request by Holcim for such extended hours, ERAC shall notify the Select Board at least seventy-two (72) hours prior to the granting to any such extension of operating hours.

10. Blasting. All Blasting will be performed in accordance with 527 CMR 1.0 Massachusetts Comprehensive Fire Prevention Code, referred to as the Code and adopts and incorporates the provisions of the National Fire Protection Association (NFPA) 495 Explosives Materials Code and all other applicable local, state and federal regulations and requirements. In the event of any conflict, the stricter requirement shall govern. Blasting occurring in Salem but impacting Swampscott shall be subject to this Permit.

- a. Holcim will be limited to 50 blast days per year, and not more than two per week; however, it may submit a request, for ERAC review and Select Board approval, to perform additional blast(s) based upon market demand or site development. Approval of such request shall not be unreasonably withheld;
- b. Holcim will ensure that the blasting company maintains a Blaster's Log that includes all listed requirements 1 thru 18 of 527 CMR 1.0:65.9.14.1.3 for each blast;
- c. Blast hole diameters shall not exceed 4" for blasts;
- d. Blast patterns shall be designed to direct ground vibration energy away from the nearest residential areas, whenever possible;
- e. In consideration of potential human annoyance, ERAC has adopted 527 CMR 1.0:65.9.13 Alternative Allowable Vibration Levels with Holcim to ensure that the ground vibrations limits with a maximum intensity of motion in the vertical, longitudinal and transverse directions, measured in the ground at any building or other structure that shall not exceed 0.5 inches per second of peak particle velocity (ppv). Should a blast have vibration results above 0.5"/s, AI shall alert within ERAC 48 hours, and Holcim shall have the blasting company perform a formal review to identify the reasons for the higher vibration and to recommend improvement actions.

- f. Blast designs shall be engineered to achieve ground vibrations having a dominant frequency of equal to or greater than 30 Hz;
 - g. Holcim will maintain the air-overpressure to not exceed 130 dB at any occupied structure. Air-overpressure monitoring shall take place at the nearest residential or business structures susceptible to damage or claims of annoyance. Measurements of blast-induced air-overpressure shall be done in accordance with ISEE - Field Practice Guidelines for Blasting Seismographs 2015;
 - h. Flyrock Control – Holcim shall implement methods and procedures as required to protect abutting public roadways, residential/commercial properties and the general public from flyrock. Holcim must be prepared to place blast mats and completely cover the blast area to prevent such occurrence. As per 527 CMR 1.0: 65.9.8.4, blasting mats shall be required if the material to be blasted lies within 100 feet of a highway, an inhabited building or structure not under the control of the project;
 - i. In addition to 527 CMR 1.0:65.9.8.4 thru 12, Holcim shall implement the following site safety and security procedures as necessary depending on the location of the blast:
 - 1. Lightening detection;
 - 2. Worker safety meetings prior to each blast;
 - 3. Fire Department, at the expense of the Holcim on site during every blast;
 - 4. Provide designated access points and safe areas and sentry locations around blast area;
 - 5. Charged Hole Area: posted, guarded and barricaded;
 - 6. Warning Signals: three (5 minutes), two (1 minute), one (all clear);
 - 7. Closest Street: closed to vehicle and pedestrian traffic;
 - 8. Shot Cast Control (flyrock): matting and blast rock berms, if necessary; and
 - 9. Handle misfires in accordance with I.M.E. Safety Library Publication 17.
 - j. Blasts that exceed the maximum allowable ground vibration limits or air-blast limit as establish in this permit, or eject flyrock beyond the designated safe zone and or property line shall be immediately reported to ERAC and the Fire Department. If the vibration limits or air overpressure limits are exceeded, Holcim shall, prior to the next blast, forward to ERAC and the Fire Department a written statement describing the cause of the exceedance and present blast design modifications that will prevent an exceedance on future blasts, suspension and/or fines in accordance with G.L. c. 40, § 21(17);
 - k. Size of any blast/area of blast/depth of charges is limited to 60 feet each.
11. Seismograph Monitoring and Reporting. Holcim is required to submit to the Town weekly seismograph report readings which may be posted on the Town's Website. ERAC shall review with Holcim the selection and monitoring of the seismograph reading vendor.

Holcim shall use at least four seismographs to monitor each blast. Placement, set-up and use of seismograph monitoring equipment will be as specified by the manufacturer and delineated in

the ISEE Field Practice Guidelines for Blasting Seismographs, 2015 and also referenced in CMR1.0: 65 NFPA 495 11.1.4. The operator shall describe the precise location of the seismograph relative to the nearest house or structure, the precise distance to the closest blast hole, field conditions, and setup procedures in the monitoring record for each blast. One seismograph shall be placed 50 Nichols Street; a second seismograph shall be placed at 13 Weatherly Drive; a third seismograph shall be placed at 451 Essex Street; and a fourth seismograph shall be placed at 1 Red Jacket Lane. The location of these seismographs may be relocated and/or one additional seismograph may be added if requested by residents or required by the Town, the location to be determined prior to the blast by the appropriate representatives of the Town and Holcim. Any change in seismograph location(s) shall be made upon consultation with the appropriate representatives of the Town.

Independent Consultant - An Independent Blasting Consultant, as approved by ERAC and/or Fire Department personnel shall, on an annual basis, review the seismograph records from the preceding year and make design recommendations to maintain vibration levels below required limits, and to minimize the impact from vibrations and air blasts on the surrounding neighborhood, during the upcoming year based on the locations at which Holcim intends to blast. At the beginning of each calendar year of blasting, representatives of Holcim, the licensed Blaster, and the Independent Consultant shall meet with the Swampscott Fire Department to review the quarry's blasting plans for the upcoming year. The consultant shall be chosen by the Town Administrator at their sole discretion with input from ERAC and recommendation from Holcim. The ERAC shall provide Holcim the quote for services and all related invoices for which Holcim is responsible.

Report- The Independent Blasting Consultant shall prepare a report that will be included in renewal application submitted pursuant to Section 19 of this Permit. The report shall, at a minimum, include a summary table of all pertinent blast design and monitoring data from each blast performed during the previous year. The report shall also include a summary graph of the peak particle velocity versus frequency in a form approved by the Fire Department for all blasts, and include the vibration limits given in these conditions. The report shall describe the blast design factors that were successful and those that were not successful in achieving compliance with ground vibration and air-blast limits. If ground vibrations or air blast levels exceed the applicable limits, the report shall describe the cause of the violation and blast design modifications that were used to prevent violations in future blast events. If flyrock occurred, the report shall describe the design modifications that were used to prevent future incidents. The report shall also evaluate each blast for which a written complaint was filed with Town. For each such blast, the report shall identify the main factors in the blast design that could have caused the complaint, and provide blast design recommendations to reduce the likelihood of similar complaints from future blast events.

12. Suspension of Blasting – Due to imminent public safety concern, blasting operations may be suspended by order of the Fire Department in the event of a flyrock occurrence and by Select Board upon recommendation of ERAC or the Fire Department for any of the following reasons:

- a. Failure of Holcim to comply with air-overpressure or ground vibration limits established under this permit;

- b. Blasting with reasonable certainty caused damage to adjacent structures, slopes, or utilities;
- c. Failure of Holcim to comply with blasting parameters as set out in Section 10 of this permit; or
- d. Any other reasons as determined by the Fire Department.

Blasting operations shall not resume until the ERAC has approved the Holcim's revised blasting plan with modifications correcting the conditions causing the suspension. Additionally, fines may be imposed in accordance with G.L. c 40, §21(17).

13. Federal Test Results. Holcim shall provide ERAC with copies of all test results and reports from the FEDERAL MINE SAFETY and HEALTH ADMINISTRATION that are currently conducted at the Quarry. Copies of all tests are to be forwarded to ERAC and will be posted on the Town website.

14. Water Discharge. Holcim shall provide ERAC and the Board of Health with copies of all results of the monitoring presently being performed pursuant to its current stormwater discharge permit issued by the Federal Environmental Protection Agency (EPA). Copies of the monitoring reports are to be forwarded to ERAC and will be posted on the Town website.

15. Buffer Zone. Attachment No. 3 to this Permit ("Exhibit Plan of Holcim-Ner, Inc. Owned Properties," dated March 22, 2023) shows land owned or occupied by Holcim in Swampscott. For safety purposes and to provide a buffer to noise and dust emanating from the earth removal operations in the Quarry, Holcim will maintain ownership of such properties and, excluding those parts of the land that are part of Quarry operations as currently designated as of this date, shall maintain such properties in an undeveloped state until Quarry closure. Holcim granted an easement to the Town of Swampscott for the purposes of passive and active recreation for a parcel of land within the Buffer Zone.

16. Emergency Contact Personnel. Holcim shall provide ERAC, the Swampscott Fire Department and the Select Board with the names and telephone numbers of two representatives that can be contact in the event of a problem or when otherwise deemed necessary. ERAC shall be promptly notified of any changes to the designated Holcim representatives.

17. Closure Planning. In compliance with the previous permit, Holcim prepared and provided to the Select Board in December 2018 a "Scope of Work" for development of long-term plan to close the quarry ("Closure Plan"). The "Scope of Work" provides for review of the existing site operating conditions and the potential reuse options and fill alternatives every five years until such time as it is determined the life expectancy of the Quarry is such that a Quarry Closure Plan is needed. When it is determined that a Quarry Closure Plan is needed, Community Development and Zoning issues in the two municipalities will need to be assessed and addressed by the parties. This assessment will be reviewed by Holcim and will assist in determining the final Quarry Closure Plan. Holcim will utilize planning and engineering professionals as needed to develop the Quarry Closure Plan, a process that is anticipated to take 12 to 18 months.

Representatives of Holcim, upon reasonable notice, and at times convenient to the parties, shall meet to discuss and revise as necessary the “Scope of Work” and/or the resulting Closure Plan.

Prior to the implementation of the Quarry Closure Plan, and within 120 days after the issuance of this Permit, Holcim shall deliver a surety bond or a Letter of Credit to the Town in the amount of \$ 500,000 to insure that, in any event, the existing operation will be sufficiently and adequately closed with all equipment removed and the area made safe upon the cessation of use. Any closure of the quarry shall be at Holcim’s sole cost and expense, in accordance with all applicable laws, and in a safe and environmentally controlled process to manage long-term safety, security, and maintenance of the Property. This obligation shall survive the termination of this Permit. The Town shall have a right of first refusal should the Quarry be offered for sale.

18. Official Visits. ERAC, as well as other Town representatives shall be allowed access to all parts of the Holcim property for all reasonable or necessary purposes after providing reasonable notice to Holcim, unless immediate access is needed in response to an emergency. All Town representatives will report to the Scale House and/or the Quarry office upon entering the property.

19. Expiration and Renewal. This Permit shall expire at 12:00 midnight on June 30, 2024. If Holcim intends to seek a renewal of this Permit, its application together with the appropriate supporting data must be submitted to ERAC not later than March 31, 2024. Holcim must be in substantial compliance with this Permit before a new permit or an extension or renewal of this Permit will be granted. The Permit application supporting documentation shall include, at a minimum, the following:

- a. A topographic survey plan of the Quarry prepared by a Registered Land Surveyor including the current elevations at the various points of depth in the Quarry;
- b. A proposed plan for the upcoming year which will project the area of the Quarry reasonably anticipated by Holcim to be subject to blasting, drilling, and excavation for the upcoming year;
- c. A map showing property lines, names and addresses of all abutting property owners within three hundred (300) feet of the property line, including those across any streets;
- d. A detailed description of any unresolved complaints made by residents during the previous year and Holcim’s planned response to such complaints, including a list of damage claims made in the previous year, the number of claims granted (with details) and the number of claims denied (with details);
- e. Air Quality Tests and other monitoring required to be performed by the terms of this Permit;
- f. Report of the independent dust and blasting consultants required by Section 5 and 11, respectively, of this Permit;

- g. An updated aerial photograph of the Quarry; and
 - h. A list of company Holidays for the term of the permit to be included as an appendix to the permit.
20. Surety Bond. Holcim shall provide a surety bond or letter of credit in the amount of \$500,000.00, to be replenished by Holcim on a quarterly basis or to insure compliance with the terms, conditions, limitations, and safeguards of this Permit, and to indemnify the Town for any harm to any well, road, wetland, or other resource caused by Holcim's operations including without limitation for the equipment used on the premises and all ancillary activities. The requirement of a surety bond or letter of credit shall not be deemed to be the Town's exclusive remedy in the event of any breach of this Permit by Holcim nor in the event of any intentional wrongdoing or any negligent act or omission by Holcim or by any person or entity for whose conduct Holcim may be held responsible. The surety bond or letter of credit shall be available to pay for damages, in whole or in part, that were denied under the claims process in Section 26, below.
21. Permit Fee. A fee in the amount of \$500.00 shall be paid by Holcim for the administration of this Permit and the Earth Removal By-Law on which it is based. This fee may be reduced at the sole discretion of the Select Board.
22. Landscaping. Holcim is required to maintain and replace, as necessary, any and all landscaping and plantings in all areas where landscaping and plantings are used for screening of the Quarry from public view, including but not limited to the perimeter of the Quarry along Danvers Road.
23. Inspections of Property. Holcim shall conduct quarterly visual surveys of all of Holcim properties, including without limitation the areas in the Buffer Zone as identified in paragraph 15, and will remove any trash, or other dumped materials and maintain the Buffer Zone property in its present condition.
24. Meeting with Residents. At a date to be determined by ERAC and Holcim, Holcim shall meet with residents for the purposes of discussing issues relating to operations at the Quarry.
25. Pre-Blast Surveys. Based on information provided by the Town Assessor's Office to ERAC, Holcim shall send an information packet providing information and an offer for a pre-blast survey (similar to the information packet the company sent on February 5, 2020) to any new residents at the addresses listed in the February 5, 2020 information packet.
26. Damage Claims. Damage claims may be filed with the Fire Department on the Massachusetts Blasting Regulatory Review Form (FP-296). Holcim shall maintain a record of each blast-related claim of property damage that is filed with the Fire Department, or otherwise filed with Holcim, or its subcontractor, and the current status of the claim. The record of each claim shall include a written summary of each visit made to the property to evaluate the claim, all blast vibration measurements made in the vicinity of the property to evaluate the claim, evaluation by the blaster's insurance company or their adjuster, and all correspondence between

the blaster's insurance company (and/or adjuster) and the property owner. Claimants shall have access to Holcim's blasting records and Holcim shall send copies of all damage claim records and related documents to ERAC and the Select Board. The filing of a damage claim under this section shall not preclude a Claimant from filing other claims.

27.

Damage Claim Report. In the event that a claim of damage is filed with the Fire Department, Holcim, or its subcontractor, Holcim shall review the blast design and monitoring records and prepare a summary of findings report (Damage Claim Report). The Damage Claim Report shall contain all relevant information relating to the blast, including but not limited to, a graph sufficient to measure and evaluate a blasting exposure at specific locations for all blasts, in a form approved by the Fire Department, and includes the vibration limits given in these conditions. A separate graph shall be made for each residence that files a written claim of damage. If insufficient data are available at a given residence to make such a graph, Holcim shall prepare graphs of peak particle velocity versus scaled distance and air-blast overpressure versus scaled distance and use them to estimate probable vibration levels and air-blast overpressure level at the residence. Holcim shall provide copies of the Damage Claim Report and supporting materials to the claimant, the Fire Department, ERAC, and the Select Board. Holcim shall also provide all responses to any claim to the Fire Department, ERAC, and the Select Board contemporaneously when sending to the claimant and/or insurance company. As provided in Section 19, Holcim's annual permit application shall include a list of claims made in the previous year, the number of claims granted (with details) and the number of claims denied (with details).

28. Violations. In addition to any specific noted violations and remedies herein, the Select Board, if it concludes that there has been a violation of this Permit, shall send to the permit holder, by hand delivery or email to the recipients listed below, a notice ordering a cessation of the improper activities and providing an opportunity to response to the notice. In the event that the permit holder persists in such violations, the Select Board shall notify the permit holder by mail as stated above, of a hearing to be held not less than five (5) business days thereafter, unless a longer period of time is specified by the Board, with the Board not unreasonably withholding an extension sought under this section to show cause why said permit should not be revoked, and following said hearing, may in its discretion, revoke or amend the permit. Additionally, the Select Board may impose penalties for violations in accordance with G.L. c. 40, § 21(17).

Representatives of Holcim to be notified:

List of Attachments

1. October 5, 2021 Dust Management Plan
2. February 2022 Noise Management Plan
3. Exhibit Plan of Holcim-Ner, Inc. Owned Properties,” dated March 22, 2023

SIGNATURE PAGE TO FOLLOW.

SWAMPSCOTT SELECT BOARD

David Grishman,

Doug Thompson

Peter Spellios

Katie Phelan

Mary Ellen Fletcher

The BOARD OF HEALTH concurs with the terms and conditions of this Permit and will cooperate with the Select Board in its enforcement.

Marianne Speranza-Hartmann, Chairman

Stephanie Goodman

Emily Cilley



DRAFT

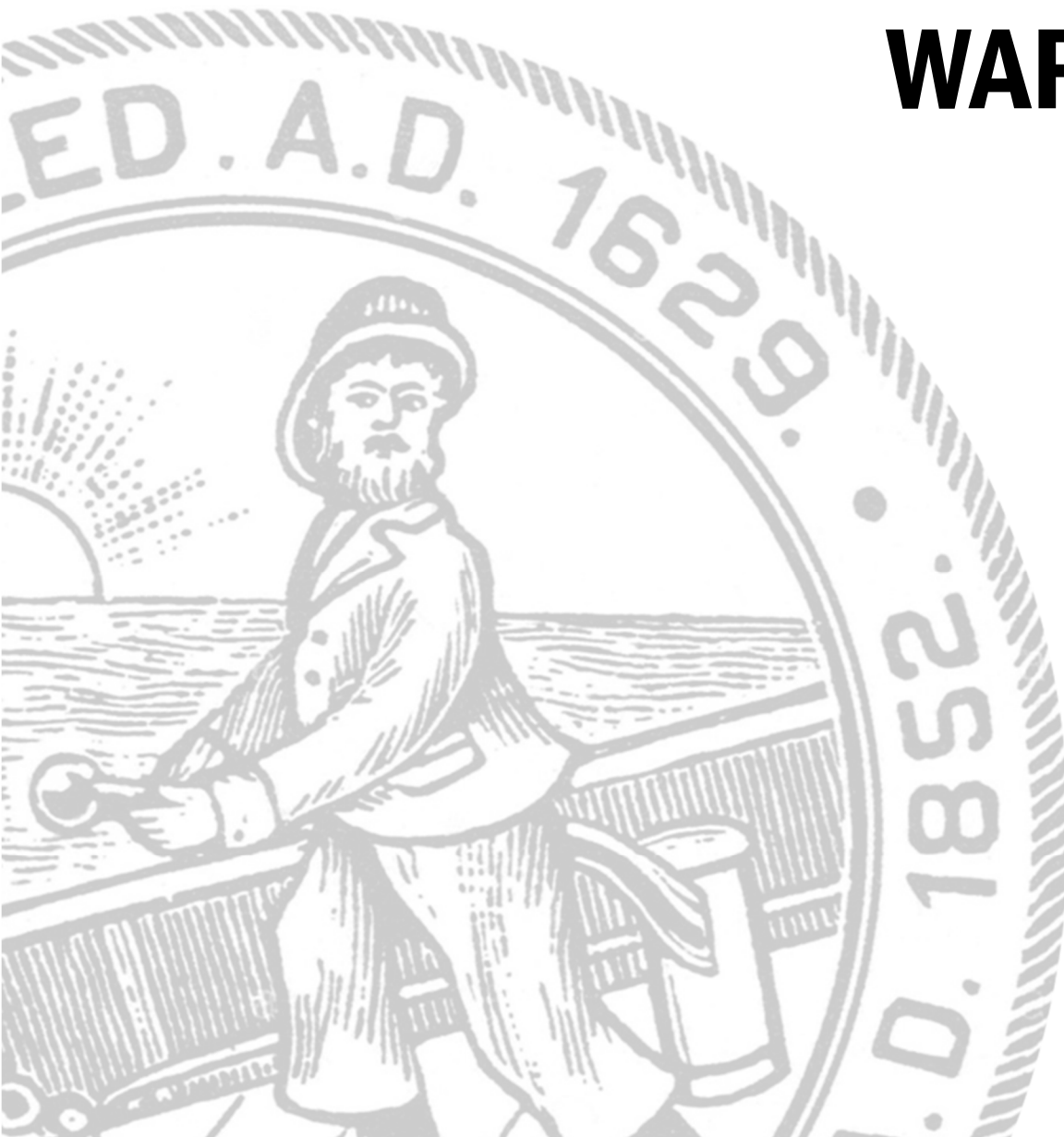
2024 Annual Town Meeting

WARRANT REPORT

Town of Swampscott

The Town of Swampscott

2024 ANNUAL TOWN MEETING WARRANT



April 30, 2024

Election Day

May 20, 2024

Annual Town
Meeting

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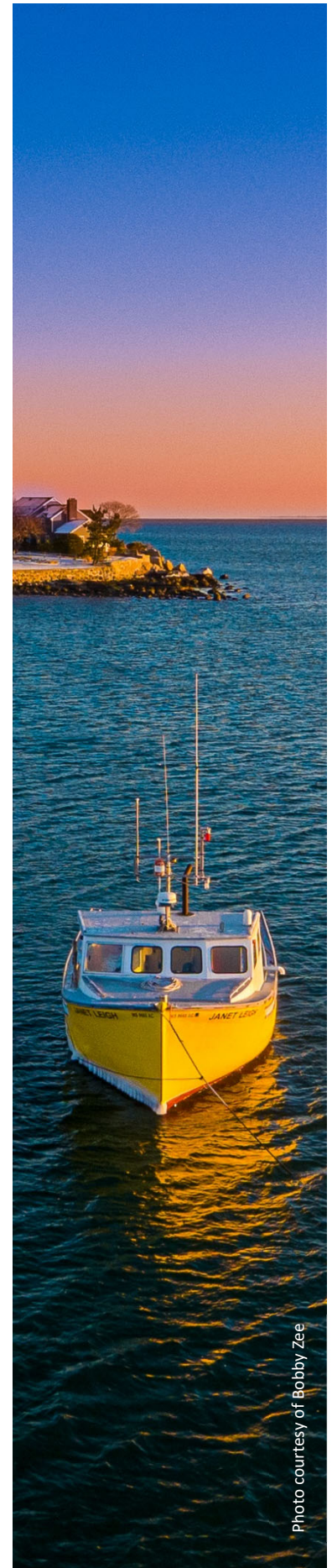


Photo courtesy of Bobby Zee

REPORT OF THE FINANCE COMMITTEE

May 2024 Town Meeting | Fiscal Year 2025 Budget

The Finance Committee is pleased to present the annual budget for Fiscal Year 2025 (FY25). We ...

Respectfully submitted,

Swampscott Finance Committee

Eric Hartmann, Chair

Matt Kirschner, Vice-Chair

Naomi Dreeben

Joan Hilario

Suraj Krishnamurthi

Cinder McNerney

Adrian Rodriguez

Erik Schneider

Sunit Shah

SUMMARY OF REVENUE & EXPENSES

Town of Swampscott

	ACTUAL FY2022	STM ADJUSTED ESTIMATE	ORIGINAL ESTIMATE FY2024	ESTIMATE FY2024	% VARIANCE VS. EST FY23
I. PROJECTED REVENUE					
TAX LEVY LIMIT CALCULATION					
TAX LEVY LIMIT BASE (prior fiscal year limit)	\$53,587,582	\$55,488,682	\$57,642,521	\$57,642,521	
PRIOR YEAR AMENDED NEW GROWTH	\$46,561	\$128,434			
ANNUAL INCREASE TO LEVY LIMIT (2.5%)	\$1,340,854	\$1,390,428	\$1,441,063	\$1,441,063	
NEW GROWTH	\$513,685	\$634,977	\$425,000	\$425,000	
NEW TAX LEVY LIMIT	\$55,488,682	\$57,642,521	\$59,083,584	\$59,083,584	
PLUS: DEBT EXCLUSION	\$1,698,817	\$4,691,134	\$4,671,480	\$4,671,480	
MAXIMUM ALLOWABLE TAX LEVY	\$57,187,499	\$62,333,655	\$63,755,064	\$63,755,064	
CALCULATION OF TAX LEVY					
TOTAL APPROPRIATIONS + CHARGES	\$71,283,627	\$76,758,954	\$79,763,876	\$79,343,099	
LESS: ENTERPRISE FUND OFFSETS	(\$913,296)	(\$963,154)	(\$971,744)	(\$952,882)	
LESS: BUDGETED STATE AID	(\$6,248,753)	(\$6,687,552)	(\$6,754,428)	(\$7,043,567)	
LESS: BUDGETED LOCAL RECEIPTS	(\$4,685,029)	(\$6,028,883)	(\$5,170,065)	(\$5,483,640)	
LESS: BUDGETED ENTERPRISE FUND RECEIPTS	(\$6,952,553)	(\$7,325,201)	(\$7,930,441)	(\$7,828,165)	
LESS: TRANSFERS FROM FREE CASH	(\$1,250,000)	(\$1,250,000)			
LESS: OTHER AVAILABLE FUNDS	\$0	(\$1,320,000)			
PLUS: OVERLAY	\$162,162	\$212,071	\$200,000	\$200,000	
SUBTOTAL (NET TAX LEVY)	\$51,396,158	\$53,396,235	\$59,137,199	\$58,234,845	3.85%
NET TAX LEVY PER POLICY	\$55,734,678	\$58,549,372	\$62,766,759	\$62,766,759	7.20%
EXCESS LEVY CAPACITY	\$5,791,341	\$8,937,420	\$4,617,865	\$5,520,219	
ACTUAL TAX COLLECTIONS	\$50,875,685	\$42,145,648			
TAX COLLECTION RATE	98.99%	78.93%			
STATE AID					
CHAPTER 70 AID	\$4,509,966	\$4,631,706	\$4,678,023	\$5,114,454	10.42%
UNRESTR. LOCAL AID	\$1,422,619	\$1,499,440	\$1,514,434	\$1,529,429	2.00%
CHARTER SCHOOL REIMB	\$221,093	\$467,657	\$472,334	\$341,857	-26.90%
VETERAN'S BENEFITS	\$31,973	\$26,351	\$26,615	\$18,943	-28.11%
VETERAN'S ABATEMENTS	\$20,272	\$20,272	\$20,475	\$0	-100.00%
ELDERLY EXEMPTIONS	\$5,000	\$5,000	\$5,050	\$0	-100.00%
VETERANS/ELDERLY EXEMPTIONS/VETERANS					
BENEFITS	\$57,245	\$51,623	\$52,139	\$18,943	-63.31%
STATE OWNED LAND	\$1,862	\$2,390	\$2,414	\$2,861	19.71%
PUBLIC LIBRARY OFFSET	\$31,100	\$34,736	\$35,083	\$36,023	3.71%
STATE AID	\$6,243,885	\$6,687,552	\$6,754,428	\$7,043,567	5.32%
LOCAL RECEIPTS					
MOTOR VEHICLE EXCISE	\$2,416,860	\$2,422,539	\$2,500,000	\$2,500,000	3.20%
MEALS TAX	\$349,763	\$374,946	\$295,000	\$345,000	-7.99%
ROOMS TAX	\$44,919	\$36,996	\$15,000	\$35,000	-5.40%
MEALS/ROOMS TAX	\$394,682	\$411,942	\$310,000	\$380,000	-7.75%
SHORT TERM RENTAL IMPACT FEE	\$21,444	\$15,332	\$10,000	\$20,000	30.45%
CANNABIS IMPACT FEES	\$0	\$0	\$90,000	\$0	0.00%

	ACTUAL FY2022	STM ADJUSTED ESTIMATE	ORIGINAL ESTIMATE FY2024	ESTIMATE FY2024	% VARIANCE VS. EST FY23
COMMUNITY IMPACT FEES	\$21,444	\$15,332	\$100,000	\$20,000	30.45%
BOAT EXCISE	\$1,035	\$1,035	\$2,500	\$5,000	383.09%
CANNABIS EXCISE	\$80,909	\$80,909	\$90,000	\$120,000	48.31%
PENALTIES/INTEREST ON OVERDUE TAXES	\$301,939	\$240,014	\$200,000	\$220,000	-8.34%
POLICE DETAIL ADMIN FEE	\$57,649	\$57,649	\$40,000	\$55,000	-4.60%
ASSESSORS RECEIPTS	\$20	\$20	\$100	\$100	400.00%
SELECTMENS RECEIPTS	\$8,269	\$8,269	\$5,000	\$7,500	-9.29%
TREASURERS RECEIPTS	\$381	\$381	\$150	\$150	-60.63%
COLLECTOR RECEIPTS	\$11,731	\$11,731	\$17,000	\$25,000	113.11%
CLERKS RECEIPTS	\$27,745	\$27,745	\$30,000	\$30,000	8.13%
TOWING	\$3,675	\$3,675	\$2,500	\$3,600	-2.04%
POOCH PASS	\$645	\$645	\$1,000	\$1,000	55.04%
HEALTH RECEIPTS	\$29,456	\$29,456	\$12,000	\$12,000	-59.26%
PLANNING BOARD RECEIPTS	\$5,422	\$5,422	\$2,000	\$3,500	-35.45%
BOARD OF APPEALS RECEIPTS	\$16,950	\$16,950	\$17,000	\$17,000	0.29%
POLICE RECEIPTS	\$11,696	\$11,696	\$14,000	\$14,000	19.70%
FIRE RECEIPTS	\$26,021	\$26,021	\$25,000	\$25,000	-3.92%
DPW RECEIPTS	\$49,490	\$49,490	\$45,000	\$60,000	21.24%
MOORING FEES	\$15,917	\$15,917	\$12,000	\$18,000	13.09%
SNOW REMOVAL APPLICATION FEES	\$275	\$275	\$250	\$250	-9.09%
FEES	\$0	\$265,342	\$223,000	\$272,100	2.55%
SOLID WASTE BAG FEES	\$158,236	\$0	\$0	\$0	0.00%
RENTALS	\$228,447	\$220,068	\$165,025	\$240,000	9.06%
PAYMENTS IN LIEU OF TAXES	\$12,000	\$18,000	\$18,540	\$18,540	3.00%
DEPT REVENUE - LIBRARY	\$892	\$0	\$1,000	\$1,000	0.00%
DEPT REVENUE - CEMETERY	\$54,230	\$55,173	\$47,000	\$55,000	-0.31%
DEPT REVENUE - RECREATION	\$44,758	\$43,010	\$42,000	\$50,000	16.25%
DEPT REVENUE - OTHER	\$0	\$0	\$2,000	\$2,000	0.00%
LIQUOR LICENSES	\$49,791	\$49,790	\$50,000	\$60,000	20.51%
BUILDING INSP. RECEIPTS	\$592,353	\$887,489	\$550,000	\$565,000	-36.34%
LICENSES & PERMITS	\$642,144	\$937,279	\$600,000	\$625,000	-33.32%
FINES/FORFEITS	\$29,377	\$29,377	\$69,000	\$75,000	155.30%
INVESTMENT INCOME	\$200,210	\$1,200,000	\$800,000	\$900,000	-25.00%
MISC RECURRING**	\$8,591	\$4,481	\$0	\$0	-100.00%
MISC NON-RECURRING**	\$47,376	\$84,382	\$0	\$0	-100.00%
SUBTOTAL CONTINUING LOCAL RECEIPTS	\$4,643,130	\$6,028,883	\$5,170,065	\$5,483,640	-9.04%
DEPT REVENUE - SCHOOL (NAHANT TUITION)	\$0	\$0	\$0	\$0	0.00%
SPED MEDICAID REIMB	\$0	\$0	\$0	\$0	0.00%
SUBTOTAL WITHDRAWN LOCAL RECEIPTS	\$0	\$0	\$0	\$0	0.00%
SUBTOTAL ALL LOCAL RECEIPTS	\$4,643,130	\$6,028,883	\$5,170,065	\$5,483,640	-9.04%
INTER-FUND ADJUSTMENTS					
ENTERPRISE FUND REIMB/INDIRECT COSTS	\$926,048	\$963,154	\$1,148,732	\$952,882	-1.07%
SUBTOTAL INTER-FUND REVENUE	\$926,048	\$963,154	\$1,148,732	\$952,882	-1.07%
ONE TIME REVENUE TO SUPPORT BUDGET					
FREE CASH USED TO REDUCE TAX RATE	\$1,250,000	\$1,250,000	\$0	\$0	-100.00%
OTHER AVAILABLE FUNDS	\$0	\$1,320,000	\$0	\$0	-100.00%
SUBTOTAL FROM ONE TIME REVENUE	\$1,250,000	\$2,570,000	\$0	\$0	-100.00%
NET OUT OVERLAY (NET OUT OF BUDGET ONLY)	(\$162,162)	(\$212,071)	(\$200,000)	(\$200,000)	-5.69%
NET OUT SUBSIDY TO SOLID WASTE ENTERPRISE		(\$1,350,000)	(\$1,400,046)	(\$1,361,184)	
TOTAL GENERAL FUND REVENUE	\$64,297,059	\$68,083,753	\$70,610,377	\$70,153,750	3.04%

	ACTUAL FY2022	STM ADJUSTED ESTIMATE	ORIGINAL ESTIMATE FY2024	ESTIMATE FY2024	% VARIANCE VS. EST FY23
ENTERPRISE FUNDS					
SEWER RECEIPTS	\$2,998,614	\$3,088,949	\$3,034,185	\$3,023,685	-2.11%
WATER RECEIPTS	\$4,162,994	\$4,470,849	\$4,522,368	\$4,430,592	-0.90%
PEG RECEIPTS (Ent. Fund '20-forward)	\$184,119	\$170,487	\$184,997	\$184,997	8.51%
PEG-TRANSFER FROM RETAINED EARNINGS		\$150,560	\$0	\$0	
SOLID WASTE RECEIPTS	\$0	\$173,950	\$188,890	\$188,890	8.59%
SUBTOTAL FROM ENTERPRISE FUNDS	\$7,345,727	\$8,054,795	\$7,930,441	\$7,828,165	-2.81%
TOTAL REVENUE (GENERAL & ENTERPRISE)	\$71,642,786	\$77,488,548	\$79,940,864	\$79,343,099	2.39%

	ACTUAL FY2022	STM ADJUSTED ESTIMATE	ORIGINAL ESTIMATE FY2024	ESTIMATE FY2024	% VARIANCE VS. EST FY23
II. BUDGETED EXPENSES					
LEGISLATIVE/TOWN MEETING					
TOWN MODERATOR	\$0	\$200	\$200	\$200	0.00%
FINANCE COMMITTEE	\$2,691	\$3,010	\$3,010	\$3,010	0.00%
RESERVE FUND	\$0	\$150,000	\$125,000	\$125,000	-16.67%
TOTAL LEGISLATIVE/TOWN MEETING	\$2,691	\$153,210	\$128,210	\$128,210	-16.32%

ADMINISTRATION & FINANCE					
SELECTBOARD	\$12,630	\$29,000	\$16,500	\$16,500	-43.10%
TOWN ADMINISTRATOR	\$282,942	\$305,628	\$299,169	\$299,169	-2.11%
TOWN ACCOUNTANT	\$239,116	\$272,912	\$280,217	\$280,217	2.68%
ASSESSORS	\$129,590	\$156,962	\$131,628	\$131,628	-16.14%
TREASURER/COLLECTOR	\$327,548	\$362,840	\$366,726	\$366,726	1.07%
INFORMATION TECHNOLOGY	\$555,440	\$561,300	\$593,734	\$593,734	5.78%
PARKING ENFORCEMENT	\$2,520	\$4,791	\$3,291	\$3,291	-31.31%
LEGAL/LIABILITY INSURANCE	\$703,268	\$835,000	\$867,500	\$888,500	6.41%
HUMAN RESOURCES	\$141,520	\$248,277	\$241,030	\$241,030	-2.92%
SALARY RESERVES/END OF EMPLOYMENT	\$194,220	\$218,367	\$152,429	\$152,429	-30.20%
TOWN CLERK/ELECTIONS	\$192,109	\$186,450	\$179,850	\$179,850	-3.54%
TOTAL ADMINISTRATION & FINANCE	\$2,780,902	\$3,181,527	\$3,132,075	\$3,153,075	-0.89%

COMMUNITY & ECONOMIC DEVELOPMENT					
CONSERVATION COMMISSION	\$894	\$1,650	\$1,650	\$1,650	0.00%
COMMUNITY DEVELOPMENT	\$234,738	\$223,236	\$231,664	\$231,664	3.78%
BOARD OF APPEALS	\$11,717	\$10,500	\$8,000	\$8,000	-23.81%
BUILDING DEPT.	\$234,752	\$252,665	\$271,819	\$255,819	1.25%
HEALTH DEPT.	\$169,154	\$188,246	\$179,316	\$195,316	3.76%
RECREATION	\$59,798	\$59,689	\$60,000	\$60,000	0.52%
HISTORICAL COMMISSION	\$6,279	\$4,000	\$3,000	\$3,000	-25.00%
TOTAL COMMUNITY DEVELOPMENT	\$717,332	\$739,986	\$755,449	\$755,449	2.09%

PUBLIC SERVICES					
FACILITIES	\$554,342	\$564,869	\$542,627	\$542,627	-3.94%
DPW - CEMETERY	\$211,833	\$194,441	\$188,153	\$197,153	1.39%
DPW - GENERAL	\$1,330,480	\$1,311,615	\$1,249,082	\$1,294,082	-1.34%
SOLID WASTE/RECYCLING	\$1,364,023	\$0	\$0	\$0	0.00%
TOTAL PUBLIC SERVICES	\$3,460,678	\$2,070,925	\$1,979,862	\$2,033,862	-1.79%

	ACTUAL FY2022	STM ADJUSTED ESTIMATE	ORIGINAL ESTIMATE FY2024	ESTIMATE FY2024	% VARIANCE VS. EST FY23
<u>PUBLIC SAFETY</u>					
POLICE	\$4,282,987	\$4,017,634	\$4,131,403	\$4,131,403	2.83%
CONSTABLES	\$0	\$100	\$100	\$100	0.00%
HARBORMASTER	\$25,317	\$26,549	\$25,549	\$25,549	-3.77%
FIRE	\$3,905,702	\$3,779,063	\$4,002,589	\$4,002,589	5.91%
EMERGENCY MANAGEMENT	\$2,173	\$4,695	\$7,500	\$7,500	59.74%
TOTAL PUBLIC SAFETY	\$8,216,179	\$7,828,041	\$8,167,141	\$8,167,141	4.33%
<u>HUMAN SERVICES</u>					
SENIOR CENTER	\$225,286	\$263,925	\$263,656	\$263,656	-0.10%
VETERANS SERVICES	\$90,252	\$83,200	\$83,200	\$93,200	12.02%
LIBRARY	\$732,152	\$826,045	\$843,000	\$843,000	2.05%
TOTAL HUMAN SERVICES	\$1,047,690	\$1,173,170	\$1,189,856	\$1,199,856	2.27%
<u>REGIONAL VOCATIONAL DISTRICT</u>					
REGIONAL VOCATIONAL DISTRICT	\$587,126	\$630,472	\$661,996	\$510,475	-19.03%
TOTAL REGIONAL VOC TECH DISTRICT	\$587,126	\$630,472	\$661,996	\$510,475	-19.03%
<u>SWAMPSCOTT PUBLIC SCHOOLS</u>					
SWAMPSCOTT PUBLIC SCHOOLS	\$29,376,863	\$30,222,917	\$31,008,713	\$31,008,713	2.60%
Nahant Tuition Revolving	\$0	\$0	\$0	\$0	0.00%
Special Education Tuition Revolving	\$0	\$0	\$0	\$0	0.00%
TOTAL PUBLIC SCHOOLS (incl. revolving funds)	\$29,376,863	\$30,222,917	\$31,008,713	\$31,008,713	2.60%
<u>OTHER</u>					
DEBT SERVICE	\$3,392,929	\$6,857,356	\$7,069,844	\$7,069,844	3.10%
EMPLOYEE BENEFITS	\$12,647,455	\$13,349,404	\$13,882,729	\$14,210,225	6.45%
STATE ASSESSMENTS & OFFSETS	\$1,672,962	\$1,863,846	\$1,901,123	\$1,916,900	2.85%
TOTAL OTHER	\$17,713,346	\$22,070,606	\$22,853,696	\$23,196,969	5.10%
TOTAL EXPENSES GENERAL FUND	\$63,902,807	\$68,070,854	\$69,876,998	\$70,153,750	3.06%
<u>ENTERPRISE FUNDS</u>					
SEWER EXPENSES	\$2,873,851	\$3,131,771	\$3,023,685	\$3,023,685	-3.45%
WATER EXPENSES	\$4,332,943	\$4,488,665	\$4,522,368	\$4,430,592	-1.29%
PEG EXPENSES	\$254,839	\$394,005	\$184,997	\$184,997	-53.05%
SOLID WASTE EXPENSES	\$0	\$1,523,950	\$1,550,074	\$1,550,074	1.71%
TOTAL EXPENSES ENTERPRISE FUNDS	\$7,461,633	\$9,538,391	\$9,281,125	\$9,189,349	-3.66%
TOTAL APPROPRIATIONS	\$71,364,440	\$77,609,245	\$79,158,123	\$79,343,099	2.23%

NOTICE OF ANNUAL TOWN MEETING

Monday, May 20, 2024, 7:00 PM

To Town Meeting Members:

Notice is hereby given in accordance with Article II, Section 2 of the General Bylaws of the Town of Swampscott that the Annual Town Meeting will be held on Monday, May 20, 2024, beginning at 7:00 pm in the Swampscott High School Auditorium located at 200 Essex Street, Swampscott.

The required identification badge is to be picked up at the auditorium entrance when you check in.

Town Moderator Michael McClung will preside.

Respectfully,

Jared H. LaLiberte
Town Clerk

NOTICE OF PRECINCT CAUCUS MEETINGS

Caucus meetings for all Swampscott precincts have been scheduled for Monday, May 20, 2024, beginning at 6:45 pm in the Swampscott High School located at 200 Essex Street, Swampscott. Room assignments are as follows:

Precinct 1 – Room XX
Precinct 2 – Room XX

Precinct 3 – Room XX
Precinct 4 – Room XX

Precinct 5 – Room XX
Precinct 6 – Room XX

NOTES: Please remember that it is YOUR responsibility to be recorded as being present with the door checkers prior to entering the auditorium for EACH session. Excessive absences are cause for removal from Town Meeting membership. Also, please remember the following:

1. You must wear (display) your Town Meeting identification badge at all times; and
2. Remember to use the microphones when speaking on any issue so that your comments may be recorded on the official transcript of the meeting and be heard by your fellow members in the hall and residents viewing the live cable telecast.

Respectfully,

Jared H. LaLiberte
Town Clerk

TOWN WARRANT | MAY 20, 2024

Town of Swampscott

ARTICLE 1 REPORTS OF THE TOWN BOARDS AND COMMITTEES

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

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

Sponsored by the
Select Board

ARTICLE 2 APPROVE BILLS OF PRIOR FISCAL YEARS

To see if the Town will vote to authorize payment of bills of prior fiscal years totaling \$XXXX, and as funding therefor, to raise and appropriate or transfer from available funds a sum of money for such purposes; or take any action relative thereto.

Comment: The purpose of this article is to provide a mechanism to pay bills that come in from time to time that are expenses of prior fiscal years. The following table provides the list of bills for which certain Departments are requesting payment.

Sponsored by the
Town Administrator

This Article requires a
4/5 vote per Mass.
General Law.

The Select Board
recommends ...

The Finance
Committee
recommends ...

DESCRIPTION	DEPT	INV. DATE	AMOUNT	ORG-OBJ
JOHN'S SEWER & DRAIN CLEANING	Facilities	05/03/2022	\$270.00	0119202-52026
ESSEX MEDIA GROUP	Legal Ads	02/27/2021	\$841.32	0117302-52048
RYAN MARINE SERVICES	Harbormaster	07/01/2021	\$3,750.00	0129502-52026
WEST MARINE PRO	Harbormaster	09/11/2021	\$113.40	0129502-52026
TOTAL			\$4,974.72	

ARTICLE 3 *APPROPRIATION FOR FISCAL YEAR 2025 OPERATING BUDGET*

To act on the report of the Finance Committee on the Fiscal Year 2025 budget and to raise and appropriate or transfer from available funds money for the operation of the Town's Departments and the payment of debt service and all other necessary and proper expenses for the year, or take any action relative thereto.

Comment: Please see the remarks from the Finance Committee regarding the FY2025 Town Operating Budget. The Finance Committee may alter or change its recommendations on the floor of Town Meeting.

**Sponsored by the
Finance Committee**

The Select Board
recommends...

The Finance
Committee
recommends ...

BUDGET TABLE TO BE ADDED LATER

ARTICLE 4 *ESTABLISH A RETENTION & RECRUITMENT STABILIZATION FUND*

To see if the Town will vote to accept the provisions of G.L. c.40, §13D to establish a retention & recruitment stabilization fund for use of retaining a Town employee and/or recruitment efforts to fill future vacancies and to designate the Town Administrator as the Town official authorized to make payments from said fund; and further, to transfer the sum of \$XXX,XXX from **Free Cash** to the Retention & Recruitment Stabilization Fund established hereunder, or take any action in relation thereto.

Comment: This Article will potentially establish this Stabilization Fund for the purpose of recruiting or retaining Town staff.

**Sponsored by the
Select Board**

The Select Board
recommends...

The Finance
Committee
recommends ...

ARTICLE 5 *APPROVE TRANSFER OF WATER ENTERPRISE FUND RETAINED EARNINGS*

To see if the Town will vote to transfer from the Retained Earnings of the Water Enterprise Fund to the account of Current Revenue the sum of \$28,000 to be used and applied by the Select Board to mitigate increases in the water rate, or take any action relative thereto.

Comment: Surplus revenue is money not set aside for any special purpose. It results from the difference between estimates and actual receipts of water user fees and other revenues plus unexpended funds from the Water Department's budget. This is normally surplus revenue available for Town Meeting to be used to reduce rates for the coming year.

**Sponsored by the
Town Administrator**

The Select Board
recommends ...

The Finance
Committee
recommends ...

ARTICLE 6 *APPROVE TRANSFER OF SEWER ENTERPRISE FUND RETAINED EARNINGS*

To see if the Town will vote to transfer from the Retained Earnings of the Sewer Enterprise Fund to the account of Current Revenue the sum of \$43,000 to be used and applied by the Select Board to mitigate increases in the sewer rate, or take any action relative thereto.

Comment: Surplus revenue is money not set aside for any special purpose. It results from the difference between estimates and actual receipts of sewer user fees and other revenues plus unexpended funds from the Sewer Department's budget. This is normally surplus revenue available for Town Meeting to be used to reduce rates for the coming year.

**Sponsored by the
Town Administrator**

The Select Board
recommends ...

The Finance
Committee
recommends ...

ARTICLE 7 *APPROVE TRANSFER OF FREE CASH – OPIOID SPECIAL PURPOSE FUND*

To see if the Town will vote to transfer \$123,909 from Free Cash to the Opioid Settlement Special Purpose Fund, or take any action relative thereto.

**Sponsored by the
Town Administrator**

Comment: The Opioid Settlement funds were received in FY2023 but could not be appropriated during that time. This would move the funds into the reserve to be utilized for the specified uses.

The Select Board recommends ...

The Finance Committee recommends ...

ARTICLE 8 AMEND GENERAL BYLAWS: REVOLVING FUNDS – ANDREW’S CHAPEL

To see if the Town will vote to amend the Town of Swampscott General Bylaws Article XXI, Section 2 to establish an Andrew’s Chapel Restoration Committee Revolving Fund and set the annual spending limit in accordance with G.L. Chapter 44, §53E 1/2, with such updated expenditure limit, to be applicable for each fiscal year until such time as Town Meeting votes, prior to July 1 in any year, to increase the same for the ensuing fiscal year; provided, however, that at the request of the entity authorized to expend such funds, the Select Board, with the approval of the Finance Committee, may increase such limit, for that fiscal year only, all set forth in the below table, or take any action relative thereto.

Sponsored by the Town Administrator

The Select Board recommends ...

The Finance Committee recommends ...

PROGRAM OR PURPOSE	FISCAL YEAR SPENDING LIMIT
ANDREW’S CHAPEL RESTORATION COMMITTEE	\$XX,XXX

Comment: The intent of this article is to establish a revolving fund for the Andrew’s Chapel Restoration Committee and set their annual spending limit. The Committee supports the maintenance and restoration of the historical chapel located within the Town Cemetery.

ARTICLE 9 AMEND GENERAL BYLAWS: REVOLVING FUNDS – HISTORICAL COMMISSION

To see if the Town will vote to amend the Town of Swampscott General Bylaws Article XXI, Section 2 to establish the annual spending limit for the Historical Commission Revolving Fund in accordance with G.L. Chapter 44, §53E 1/2, with such updated expenditure limit, to be applicable for each fiscal year until such time as Town Meeting votes, prior to July 1 in any year, to increase the same for the ensuing fiscal year; provided, however, that at the request of the entity authorized to expend such funds, the Select Board, with the approval of the Finance Committee, may increase such limit, for that fiscal year only, all set forth in the below table, or take any action relative thereto.

Sponsored by the Town Administrator

The Select Board recommends ...

The Finance Committee recommends ...

PROGRAM OR PURPOSE	FISCAL YEAR SPENDING LIMIT
HISTORICAL COMMISSION	\$X,XXX,000

Comment: The intent of this article is to increase the spending limit for the Town’s Historical Commission Revolving Fund. The Historical Commission seeks to utilize the increased funding to support preservation efforts of historically-significant properties in the community.

ARTICLE 10 APPROPRIATION FOR CHAPTER 90 ROADWAY IMPROVEMENTS

To see if the Town will vote to accept and appropriate the sum of \$300,000 or such other amount as is made available, to repair, construct or reconstruct streets, together with all necessary work incidental thereto, including engineering, in conjunction with the Commonwealth of Massachusetts, under General Laws Chapter 90 or otherwise; and to

Sponsored by the Town Administrator

The Select Board recommends ...

transfer for this purpose any unexpended balance of appropriations voted for this purpose at prior Town Meetings, or take any action relative thereto.

Comment: The purpose of this article is to appropriate monies approved by the Legislature for highway and traffic safety projects as approved by the Massachusetts Department of Transportation. Refer to Appendix A for the complete Capital Improvement Committee report and Project No. 6 for this matter.

The Finance Committee recommends ...

ARTICLE 11 *APPROPRIATION FOR RECOMMENDED CAPITAL PROJECTS*

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow the necessary funds to pay costs of various capital projects, including, as applicable, equipping of capital items to be acquired, and all incidental and related costs for capital projects, all as described in the chart below.

Each numbered item will be considered a separate appropriation; with the budgeted amount to be spent only for the stated purpose; or take any action relative thereto.

(Project Nos. refer to Appendix A; Finance Committee changes highlighted in green)

Comment: The above projects were recommended for funding in FY2025 by the Capital Improvement Committee (CIC). Refer to Appendix A for the complete CIC report.

Sponsored by the Capital Improvements Committee

This Article requires a 2/3 vote for borrowing.

The Select Board recommends...

The Finance Committee recommends ...

CAPITAL PROJECT TABLE TO BE ADDED LATER

ARTICLE 12 *AMEND ZONING BY-LAW: ACCESSORY DWELLING UNITS*

To see if the Town will vote to amend the Swampscott Zoning By-Law Section 5.11.0.0. Accessory Dwelling Units by deleting “5.11.3.8. The Board of Appeals shall have the discretion to review and require additional on-site parking. All parking requirements for the AA shall be provided on the property within existing designated parking areas.”, or take any action relative thereto.

Comment: This language was inadvertently left out of the changes made to Section 5.11.0.0. of the Zoning By-law at the Annual Town Meeting in May 2023. The language references the former classification of Accessory Dwelling Units, which were previously known as Accessory Apartments, and gives the Zoning Board of Appeals the jurisdiction to require additional off-street parking. The changes to the bylaw that were recently passed established a minimum requirement for off-street parking, and have transferred jurisdiction to the Building Commissioner. Therefore, the language in this subsection is no longer applicable, and should thus be stricken.

Sponsored by the Planning Board

This Article requires a 2/3 vote.

The Select Board recommends...

ARTICLE 13 *AMEND ZONING BY-LAW: LIQUOR ESTABLISHMENTS*

To see if the Town will vote to amend the Swampscott Zoning By-Law Section 4.4.1.0. pertaining to regulations for special uses and their proximity to parks, schools, churches, and libraries, with language to be inserted shown in red and language to be deleted shown in red strikethrough, as follows:

Section 4.4.1.0. Garages, and Service Stations, and Liquor Establishments. No permit shall be issued for the erection or enlargement of a garage or other structure for the

Sponsored by the Planning Board

This Article requires a 2/3 vote.

The Select Board recommends...

storage of more than five (5) motor vehicles (each referred to for the purposes of this Section 4.4.1.0. as a “garage”), ~~nor for a motor vehicle service station, or gasoline filling station,~~ nor for a commercial establishment selling or serving liquor, nor for the conversion of any premises not so used to be used for such purposes, if the principal entrance to the premises used for such purpose, or any use accessory thereto, is situated within a radius of two hundred (200) feet from a lot used or reserved to be used for a park, school, church, or library. No existing garage or service or filling station shall be deemed to be a nonconforming use through the subsequent erection of any such park, school, church or library.

Or take any action relative thereto.

Comment: This Article removes liquor establishments from the distance limitation when proposed within a certain distance from any park, school, church, or library. This is an old regulation that no longer is in line with societal standards. Swampscott has many liquor establishments (liquor stores, restaurants/cafes that serve liquor) that do not comply to this limitation due to the small land area of the community. Locating such an establishment in the community is very difficult due to the number and location of so many parks and schools in town.

ARTICLE 14 *AMEND ZONING BY-LAW: NONCONFORMING STRUCTURES*

To see if the Town will vote to amend the Swampscott Zoning By-Law Section 2.2.7.3. pertaining to regulations for nonconforming single and two-family structures, as set forth in Appendix B, or take any action relative thereto.

Comment: This proposed amendment will bring our local bylaw into compliance with G.L. Chapter 40A, §6, which is the State statute that establishes protections for nonconforming single and two-family structures. The current version of our local bylaw supersedes said protections offered by the State, therefore allowing any decision or finding made by the Zoning Board of Appeals, in accordance with our current bylaw, to be overturned on appeal. The proposed amendment further offers the Building Commissioner the discretion to determine whether any dimensionally-conforming additions to nonconforming structures and/or on nonconforming lots may be permitted, as of right.

**Sponsored by the
Planning Board**

**This Article requires a
2/3 vote.**

The Select Board
recommends...

ARTICLE 15 *AMEND ZONING BY-LAW: MBTA 3A ZONING*

To see if the Town will vote to amend the Swampscott Zoning By-law and Zoning Map to add and establish a new Overlay Zone, being the MBTA Communities Multi-family Overlay District, to allow for as-of-right multifamily development in transit-oriented specific locations as set forth in Appendices C and D and to re-number the Table of Contents, Article VI Definitions, and Zoning By-law accordingly, or take any action relative thereto.

Comment: This bylaw is in relation to Section 3A of the Zoning Act of Mass General Law which requires MBTA communities to adopt zoning that will enable as-of-right multifamily development. Section 3A was enacted in order to help deal with the housing crisis in the Commonwealth by encouraging residential development near transit infrastructure. Swampscott, having an MBTA commuter rail stop as well as MBTA bus lines, is required to adopt this zoning. If the community does not comply with Section 3A, the Town will become ineligible for numerous state funding sources.

**Sponsored by the
Planning Board (TBD)**

The Select Board
recommends...

ARTICLE 16 ACCEPTANCE OF EASEMENTS FOR PUBLIC PARKING AND SIDEWALKS AT ELM PLACE

To see if the Town will vote to accept easements for public parking and sidewalks and related purposes, off Elm Street, as shown on a plan of land entitled “Elm Place – Public Sidewalk Easement Exhibit Plan,” dated May 4, 2022, prepared by Hancock Associates, and on file with the Town Clerk and included as Appendix E, as said plan may be amended and/or incorporated into a survey plan, and authorize the Select Board to acquire, by gift, purchase, and/or eminent domain, the aforesaid easements for said purposes, and to execute any and all documents, including deeds and other instruments to acquire said easements, or take any other action relative thereto.

Comment: The comprehensive permit for the Elm Place development requires the developer to convey easements for public parking and sidewalks.

**Sponsored by the
Select Board**

The Select Board
recommends ...

The Finance
Committee
recommends ...

ARTICLE 17 APPROPRIATION FOR LAND AND WATER CONSERVATION FUND GRANT

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow \$225,000 to improve or rehabilitate Town-owned property located at and off Archer Street (Assessor’s Parcels 7-1-0, 7-213 through 7-248, and 7-250 through 7-255), and any buildings and recreational facilities thereon, and to transfer the care, custody and control of said properties from the Select Board with custody thereof for the purposes for which the properties are currently held to the Conservation Commission, for public park, active recreation and playground purposes in accordance with the provisions of G.L. c. 45, §3, and further to dedicate said properties to such purposes; and to authorize the Select Board and/or Conservation Commission, and their designees, to apply for, accept and expend any gifts, grants and/or reimbursements from the Commonwealth of Massachusetts under the Land and Water Conservation Fund Act (P.L. 88-578, 78 Stat 897) or any other state or federal grant program related to the scope of this article, and to enter into any and all agreements and to execute any and all instruments as may be necessary to effectuate the vote taken hereunder, or to take any other action relative thereto.

Comment: The purpose of this article is to accept the LWCF grant and to appropriate funding for design and construction of non-motorized trails on the newly acquired 10 acres of land at Archer Street. When fully constructed, the trails will provide a variety of routes for walkers, hikers, joggers, and nature enthusiasts. This project will be partially funded by the LWCF grant, that requires local appropriation, and funds will be reimbursed upon completion of the project.

**Sponsored by the
Town Administrator**

The Select Board
recommends ...

The Finance
Committee
recommends ...

ARTICLE 18 CITIZENS’ PETITIONED ARTICLE **PLACEHOLDER**
TBD

Sponsored by ...

The Select Board
recommends...

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 Xth day of April, 2024.

SELECT BOARD

David Grishman, Chair

Catherine Phelan, Vice Chair

MaryEllen Fletcher

Douglas Thompson

Peter Spellios

APPENDIX A

Capital Improvement Committee Report

To the Finance Committee, Town Meeting members, and the residents of Swampscott:

APPENDIX B

Proposed Zoning By-law Amendment: Nonconforming Structures

All proposed language changes outlined below with new language in red and text to be removed in ~~red text strikethrough~~.

2.2.7.3. *Nonconforming Single and Two-Family Structures.*

(a) ~~Nonconforming single and two-family residential structures may be extended, altered, reconstructed or structurally changed upon a determination by the Inspector of Buildings that such~~ Any proposed extension, alteration, reconstruction or change to a single- or two-family residential structure, including an accessory structure, that meets one or more of the following criteria shall be deemed not to increase the nonconforming nature of a single- or two-family residential structure and shall be permitted as of right upon the issuance of a building permit by the Building Commissioner ~~does not increase the nonconforming natures of said structure, which determination shall only be made by the Inspector of Building if one or both of the following two (2) circumstances exists:~~

1. Alteration, extension, reconstruction or change to a structure located on a lot with insufficient area which complies with all current setback, yard, building coverage, and building height requirements;
 2. Alteration, extension, reconstruction or change to a structure located on a lot with insufficient frontage which complies with all current setback, yard, building coverage, and building height requirements; and/or
 3. Alteration, extension, reconstruction or change to a structure which encroaches upon one or more required yard or setback areas, where the alteration will comply with all current setback, yard, building coverage and building height requirements.
- ~~1. In the case of a lot that does not comply with the existing minimum lot area and/or minimum lot frontage requirements: (i) there has been no alteration, extension, reconstruction or structural change to the exterior of the structure within the past five (5) years, and (ii) the existing structure complies with all current setback, open space, lot coverage, and building height requirements, and (iii) the proposed alteration, extension, reconstruction or structural change will also comply with all said current setback, open space, lot coverage and height requirements, and (iv) the cost to complete the proposed alteration, extension, reconstruction or structural change does not exceed one-third (1/3) of the assessed cost of the entire existing structure, and (v) such alteration, extension, reconstruction or structural change does not increase the gross floor area of the structure by more than fifteen (15%) percent, or increase the height of the building by more than fifteen (15%) percent, or increase the size of any lateral dimension by more than fifteen (15%) percent of the aggregate lateral dimension, or increase lot coverage by more than fifteen (15%) percent, or decrease the open space by more than fifteen (15%) percent; and/or~~
- ~~2. In the case where the existing structure presently encroaches or otherwise does not comply with one or more setback, open space, lot coverage or building height requirements: (i) there has been no alteration, extension, reconstruction or structural change to the exterior of the structure within the past five (5) years, and (ii) the proposed alteration, extension, reconstruction or structural change will comply with all current setback, open space, lot coverage and building height requirements, and (iii) the cost to complete the proposed alteration, extension, reconstruction or structural change does not exceed one-~~

~~third (1/3) of the assessed cost of the entire existing structure, and (iv) such alteration, extension, reconstruction or structural change does not increase the gross floor area of the structure by more than fifteen (15%) percent, or increase the height of the building by more than fifteen (15%) percent, or increase the size of any lateral dimension by more than fifteen (15%) percent of the aggregate lateral dimension, or increase in lot coverage by more than fifteen (15%) percent, or decrease the open space by more than fifteen (15%) percent.~~

(b) In the event ~~that the proposed alteration, reconstruction, extension, or change does not meet any of the criteria the Inspector of Buildings does not make the determination required~~ in Section 2.2.7.3.(a) above, such extension, alteration, reconstruction or change may ~~only~~ be permitted ~~only~~ by: (1) a determination by the Board of Appeals that such extension, alteration, reconstruction, or change does not increase the nonconforming nature of said structure or (2) if the Board of Appeals determines that such extension, alteration, reconstruction, or change does increase the nonconforming nature of said structure, by a special permit issued by the Board of Appeals pursuant to M.G.L. Chap 40A Section 6 ~~(so-called "Section 6 Special Permit")~~ upon a determination that such extension, alteration, reconstruction or change is not substantially more detrimental than the existing nonconforming structure to the neighborhood. ~~A Section 6 Special Permit shall only permit conforming changes to non-conforming structures and/or conforming changes to non-conforming lots.~~ Extensions, alterations, reconstruction or changes that ~~will not comply with the current setback, open space, lot coverage or building height requirements~~ create or result in a new nonconformity shall ~~only~~ be permitted, if at all, ~~only~~ upon issuance by the Board of Appeals, as applicable, of a Dimensional Special Permit in accordance with Section 2.3.6.0. below or a Dimensional Variance in accordance with Section 5.2.2.2. below.

APPENDIX C

Proposed Zoning By-law Amendment: MBTA 3A Zoning

All proposed language changes outlined below with new language in **red** and text to be removed in ~~red text strikethrough~~.

1. Amend the Table of Contents of the Zoning By-law to add after Section 4.12.0.0.0. with the following:

4.13.0.0. Regulations Pertaining to the MBTA Communities Multi-family Overlay District

2. Amend the Zoning By-law Section 2.1.2.0. “Establishment of Overlay Districts” to add the following:

2.1.2.9. MBTA Communities Multi-family Overlay District

3. Amend the Zoning By-law and Official Zoning Map as referenced in Section 2.1.3.0. to add the new “MBTA Communities Multi-family Overlay District” by applying it to the following parcels (per the Assessor Map) and as shown in the plan included in Appendix Y.

- | | | |
|----------------------|-----------------------|----------------------|
| • Map 6, Parcel 118 | • Map 12, Parcel 102A | • Map 17, Parcel 8 |
| • Map 6, Parcel 243 | • Map 12, Parcel 103 | • Map 17, Parcel 10 |
| • Map 12, Parcel 95 | • Map 12, Parcel 104 | • Map 17, Parcel 10C |
| • Map 12, Parcel 97 | • Map 12, Parcel 105 | • Map 17, Parcel 11 |
| • Map 12, Parcel 102 | • Map 13, Parcel 7 | • Map 34, Parcel 111 |

4. Amend the Zoning By-law to add after Section 4.12.0.0.0. a new section 4.13.0.0. as follows:

4.13.0.0. Regulations Pertaining to the MBTA Communities Multi-family Overlay District

4.13.1.0. Purpose

The purpose of the MBTA Communities Multi-family Overlay District (MCMOD) is to allow multi-family housing as of right in accordance with Section 3A of the Zoning Act (Massachusetts General Laws Chapter 40A). This zoning provides for as-of-right multi-family housing to accomplish the following purposes:

1. Encourage the production of a variety of housing sizes and typologies to provide equal access to new housing throughout the community for people with a variety of needs and income levels;
2. Support vibrant neighborhoods by encouraging an appropriate mix and intensity of uses to support an active public space that provides equal access to housing, jobs, gathering spaces, recreation opportunities, goods, and services within a half-mile of a transit station;
3. Locate housing within walking distance of public transit to promote general public health, reduce the number of vehicular miles travelled, support economic development, and meet community-based environmental goals, including reducing greenhouse gases and improving air quality;
4. Preserve open space in the community by locating new housing within or adjacent to existing developed areas and infrastructure;

5. To meet the goals and objectives of the Master Plan and Housing Production Plan;
6. Support public investment in public transit and pedestrian- and bicycle-friendly infrastructure; and
7. Increase the municipal tax base through private investment in new residential developments.

4.13.2.0. *Establishment and Applicability*

This MCMOD is an overlay district having a land area of approximately 44.6 acres in size that is superimposed over the underlying zoning district(s) and is shown on the Zoning Map.

4.13.2.1. *Applicability of MCMOD.* An applicant may develop multi-family located within a MCMOD in accordance with the provisions of this Section 4.13.0.0.

4.13.2.2. *Underlying Zoning.* The MCMOD is an overlay district superimposed on underlying zoning districts. The regulations for use, dimension, and all other provisions of the Zoning By-law governing the respective underlying zoning district(s) shall remain in full force, except for uses allowed as of right or by special permit in the MCMOD. Uses that are not identified in Section 4.13.0.0. are governed by the requirements of the underlying zoning district(s).

4.13.2.3. *Sub-districts.* The MCMOD contains the following sub-districts, all of which are shown on the MCMOD Boundary Map:

- a. Essex Street Overlay
- b. Vinnin Square Overlay

4.13.3.0. *Definitions*

For purposes of this Section 4.13.0.0., the following definitions shall apply.

Affordable unit: A multi-family housing unit that is subject to a use restriction recorded in its chain of title limiting the sale price or rent or limiting occupancy to an individual or household of a specified income, or both.

Affordable housing: Housing that contains Affordable Units as defined by this Section 4.13.3.0.

Applicant: A person, business, or organization that applies for a building permit, Site Plan Review, or Special Permit.

Area Median Income (AMI): The median family income for the metropolitan statistical region that includes the Town of Swampscott, as defined by the U.S. Department of Housing and Urban Development (HUD).

As of right: Development that may proceed under the Zoning in place at time of application without the need for a special permit, variance, zoning amendment, waiver, or other discretionary zoning approval.

Compliance Guidelines: As defined and set out in *Compliance Guidelines for Multi-Family Zoning Districts Under Section 3A of the Zoning Act* as further revised or amended from time to time.

DHCD: The Massachusetts Department of Housing and Community Development, or any successor agency.

Development guidelines: Provisions of Section 4.13.7.0. Development Guidelines made applicable to projects within the MCMOD.

MBTA: Massachusetts Bay Transportation Authority, or any successor agency.

Mixed-use development: Development containing a mix of residential uses and non-residential uses, including commercial, institutional, industrial, or other uses.

Multi-family housing: A building with three or more residential dwelling units or two or more buildings on the same lot with more than one residential dwelling unit in each building.

Multi-family zoning district: A zoning district, either a base district or an overlay district, in which multi-family housing is allowed as of right.

Parking, structured: A structure in which vehicle parking is accommodated on multiple stories; a vehicle parking area that is underneath all or part of any story of a structure; or a vehicle parking area that is not underneath a structure, but is entirely covered, and has a parking surface at least eight feet below grade. Structured Parking does not include surface parking or carports, including solar carports.

Parking, surface: One or more parking spaces without a built structure above the space. A solar panel designed to be installed above a surface parking space does not count as a built structure for the purposes of this definition.

Section 3A: Section 3A of the Zoning Act of Massachusetts.

Site plan review authority: The Planning Board of the Town of Swampscott.

Special permit granting authority: As defined and designated in Subsection 5.3.1.0. of the Zoning By-laws.

Sub-district: An area within the MCMOD that is geographically smaller than the MCMOD district and differentiated from the rest of the district by use, dimensional standards, or development standards.

Subsidized Housing Inventory (SHI): A list of qualified Affordable Housing Units maintained by DHCD used to measure a community's stock of low- or moderate-income housing for the purposes of M.G.L. Chapter 40B, the Comprehensive Permit Law.

Transit station: An MBTA subway station, commuter rail station, or ferry terminal.

- a. **Commuter rail station:** Any MBTA commuter rail station with year-round, rather than intermittent, seasonal or event-based, service.
- b. **Ferry terminal:** The location where passengers embark and disembark from regular, year-round MBTA ferry service.
- c. **Subway station:** Any of the stops along the MBTA Blue Line, Green Line, Orange Line, or Red Line.

4.13.4.0. *Permitted Uses*

The permitted uses in the underlying zoning districts (Section 2.2.3.0. Table of Principal Uses) are modified by the MCMOD bylaw to achieve the purposes of this bylaw.

The following uses are permitted in the MCMOD in accordance with the "Table of Uses within the MCMOD" below (4.13.4.1). Uses permitted by right in the underlying zoning districts which are not specifically listed in Section 4.13.4.1. are still permitted by right. Uses permitted by a special permit in the underlying zoning districts which are not specifically listed in Section 4.13.4.1. are still permitted by special permit.

The Board of Appeals shall not grant a variance for any use not allowed in the MCMOD or the underlying zoning.

Symbols employed shall mean the following:

Y = A use permitted as of right.

SP = A use permitted by special permit.

N = An excluded or prohibited use.

4.13.4.1. Table of Uses within the MCMOD

PRINCIPAL USE	ALLOWANCE
Residential	
Multi-family housing	Y
Mixed-Use Development – Ground Floor	
Club, lodge, or fraternal organization (profit or not-for-profit)	N
Educational uses (non-exempt)	Y
Motor vehicle sales and rental	N
Motor vehicle general or body repair, or automatic automobile / vehicle washing facility	N
Motor vehicle filling / fueling station	N
Motor vehicle light service	N
Restaurant of coffee shop containing up to 7,500 s.f. of gross floor area (including storage, sales, and accessory space)	Y
Retail containing up to 10,000 s.f. of gross floor area (including storage, sales, and accessory space)	Y
Retail containing more than 10,000 s.f. of gross floor area (including storage, sales, and accessory space)	SP
Theatre; museum; performing, cultural, or arts facility; or hall for public gathering	Y
Drive-Through in connection with any lawfully existing use (See §5.12.0.0.)	N
Funeral home / mortuary	N
Light manufacturing under 10,000 s.f. of gross floor area	N
Warehouse, Distribution Facility, Self-Storage Mini-Warehouse	N
Contractor's Yard	N
Mixed-Use Development – Any Floor	
Residential (required component)	Y
Business, medical, or professional office of any size on any floor other than ground floor	N
Personal service establishment of any size on any floor other than ground floor	N
Bank or financial institution of any size on any floor other than ground floor	N

4.13.4.2. Accessory Uses. The following uses are permitted as of right within the MCMOD.

- a. Parking, including surface parking and parking within a structure such as an above ground or underground parking garage or other building on the same lot as the principal use.
- b. Any accessory uses permitted as of right in the underlying zoning and not explicitly denied as a principal use in Section 4.13.4.1.

4.13.5.0. Dimensional Standards

4.13.5.1. Table of Dimensional Standards. Except as expressly provided below, the dimensional requirements of the underlying zoning district as set forth in Appendix A - Table of Dimensional Requirements is applicable in the MCMOD.

Standard	Sub-district Essex St Overlay	Sub-district Vinnin Square Overlay
Dwelling Units Per Acre (Maximum)	35	25

4.13.5.2. Multi-Building Lots. More than one (1) multi-family or mixed-use building shall be allowed as of right on a lot subject to the requirements of Section 4.12.0.0. provided each building complies with the dimensional requirements applicable within the sub-district.

4.13.5.3. Exceptions.

- a. Height - The limitation on height of buildings shall not apply to chimneys, ventilators, towers, silos, spires, or other ornamental features of buildings, which features are in no way used for living purposes and do not constitute more than 25% of the ground floor area of the building.
- b. Renewable Energy Installations – The Site Plan Review Authority or Special Permit Granting Authority may waive the height and setbacks in Section 4.13.5.0. to accommodate the installation of solar photovoltaic, solar thermal, living, and other eco-roofs, energy storage, and air-source heat pump equipment. Such installations shall not create a significant detriment to abutters in terms of noise or shadow and must be appropriately integrated into the architecture of the building and layout of the site. The installations shall not provide additional habitable space within the development.

4.13.6.0. Off-Street Parking

These parking requirements are applicable to development in the MCMOD.

4.13.6.1. Number of Parking Spaces. The following number of off-street parking spaces shall be permitted by use, either in surface parking or within garages or other structures:

USE	MINIMUM SPACES	MAXIMUM SPACES
Multi-family housing	One (1) space per dwelling unit	One and one-half (1.5) spaces per dwelling unit
Mixed-use (Residential portion)	One (1) space per dwelling unit	One and one-half (1.5) spaces per dwelling unit
Mixed-use (Non-residential / commercial portion)	75% of “Maximum Spaces” requirement	Per Section 2.2.3.0. and related Off-Street

		Parking Use Group (Section 3.1.2.0.)
--	--	---

- 4.13.6.2. Number of Bicycle Parking Spaces.** The following minimum number of covered bicycle storage spaces shall be provided by use:

USE	MINIMUM SPACES
Multi-family housing	One (1) space for every three (3) dwelling units
Mixed-use (Residential portion)	One (1) space for every three (3) dwelling units
Mixed-use (Non-residential / commercial portion)	One (1) space for every ten (10) parking spaces

- 4.13.6.3. Bicycle Storage.** For a multi-family development of twenty-five (25) units or more, or a mixed-use development of twenty-five thousand (25,000) square feet or more, covered bicycle parking spaces shall be integrated into the structure of the building(s).

- 4.13.6.4. Shared Parking within a Mixed-Use Development.** Parking requirements for a mix of uses on a single site may be adjusted through the Site Plan Review process if the applicant can demonstrate that shared spaces will meet parking demands by using accepted methodologies such as the Urban Land Institute Shared Parking Report or the ITE Shared Parking Guidelines.

4.13.7.0. Development Guidelines

Development guidelines are applicable to all developments under this bylaw. The guidelines are set forth in Section 4.12.3.0. The Site Plan Review Authority shall encourage adherence to the guidelines as part of Site Plan Review.

4.13.8.0. Affordability Requirements

All developments within the MCMOD shall fully comply with the provisions of Section 4.8.0.0. Inclusionary Housing Regulations, except for the requirements of Section 4.8.3.0. Developments within the MCMOD are not eligible for the alternative requirements provided in Section 4.8.7.0.

4.13.9.0. Site Plan Review

- 4.13.9.1. Applicability.** Site Plan Review is required for all developments within the MCMOD. An application for Site Plan Review shall be reviewed by the Site Plan Review Authority for consistency with the purpose and intent of Sections 4.13.4.0. to 4.13.8.0.
- 4.13.9.2. Submission Requirements.** Applications for Site Plan Review shall comply with the requirements as set forth in Sections 5.4.3.0. to 5.4.5.8.
- 4.13.9.3. Review Procedures.** The Site Plan Review Authority shall follow the process and procedures for site plan review as outlined and established by the "Site Plan Review & Special Permit Rules & Regulations" as adopted and amended by the Planning Board and Board of Appeals.

4.13.10.0. Severability

If any provision of this Section 4.13.0.0. is found to be invalid by a court of competent jurisdiction, the remainder of Section 4.13.0.0. shall not be affected but shall remain in full force. The invalidity of any provision of this Section 4.13.0.0. shall not affect the validity of the remainder of the Zoning By-laws.

5. Amend the Zoning By-law Article VI Definitions by doing the following:

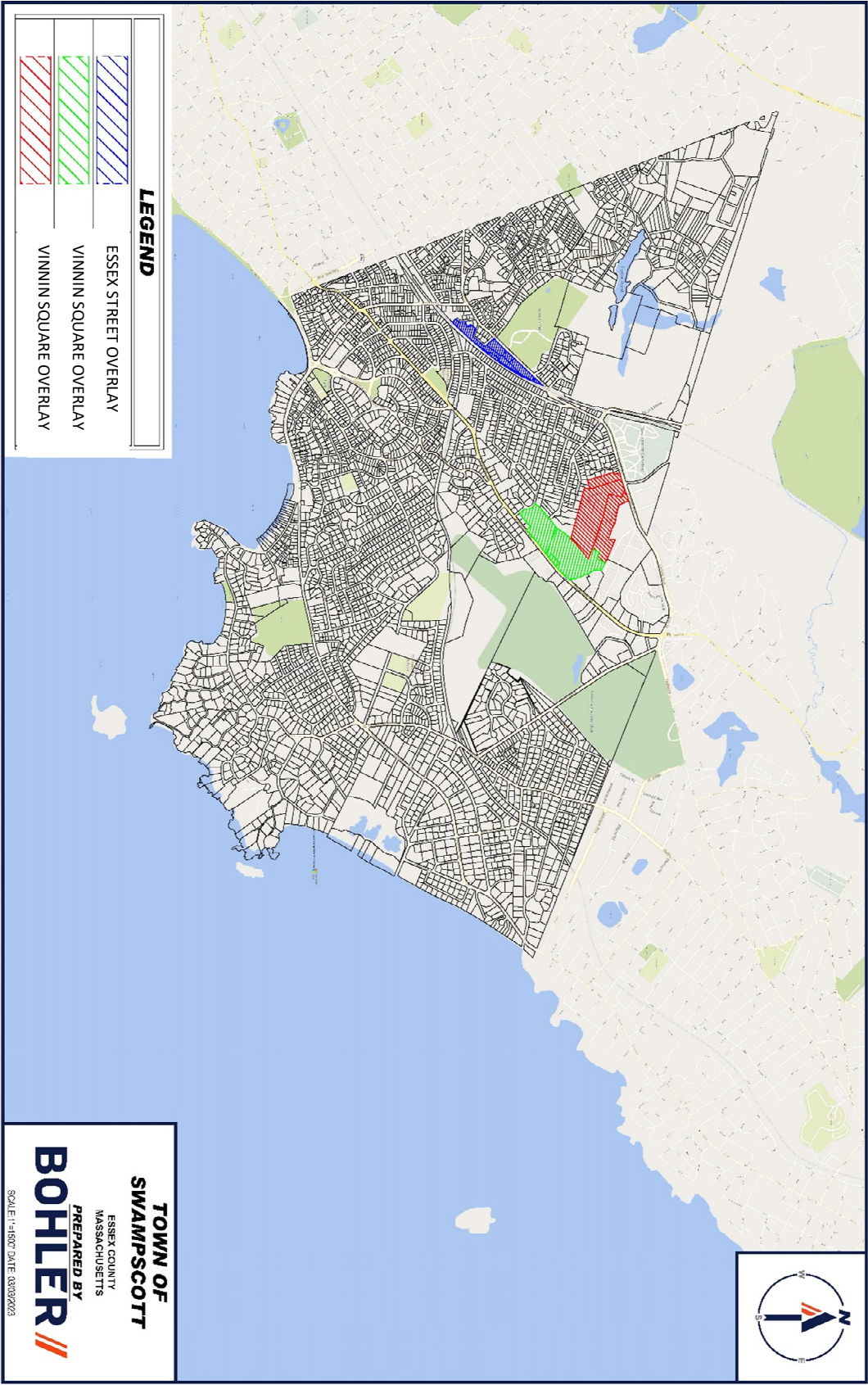
Building coverage: That percentage of the lot or plot area covered by the total footprint of a building or buildings (~~principal and accessory~~). The total footprint is defined as the total area of ground covered by all structures on a lot, including roofed structures and covered porches. ~~Building Coverage does not include surface parking.~~

~~**Lot A:** A continuous parcel of land with legally defined boundaries.~~ An area of land with definite boundaries that is used or available for use as the site of a building or buildings. See Figure 2 in Appendix B.

Dwelling unit: A single unit of residence providing complete, independent living facilities for one or more persons. Each residence shall contain a living area, bathroom and, except in studio units, one (1) or more bedrooms, and may contain a kitchen area or combination kitchen/living area.

APPENDIX D

Proposed Zoning Map Amendment: MBTA 3A Zoning



APPENDIX E

Exhibit Plan: Public Easements at Elm Place



tat

© The Architectural
Firm, Inc.
Charlottesville, VA
02/25
C 6/1/2020 4:32
I 6/1/2020 4:32
draft set of plans - 10/20

Consultant

**HANCOCK
ASSOCIATES**

1000 E. Main Street, Suite 100
Charlottesville, VA 22902
Tel: 804.973.1111
Fax: 804.973.1112
www.hancockva.com

Reviewed:

Engineer of Record

Drawn: JTL

Checked: DJC

Scale: 1"=20'

Key Plan:



Project Name:
ELM PLACE

Comprehensive Permit
Preliminary Site Plan

1 Elm Place, Swampscoot,
MA 01907

Sheet Name:

Public Sidewalk

EASEMENT EXHIBIT
PLAN

Project Number:
23892 (TAT #19171)

Issue Date:

5/04/22

Sheet Number:

EX

APPENDIX F

Definition of Financial Terms Commonly Used at Town Meetings

Appropriation – An authorization by the Town Meeting to make expenditures and incur liabilities for specific purposes. An appropriation is usually limited in amount and as to the time when it may be expended.

Assessed Valuation – A valuation set upon real estate or other property by the Assessors as a basis for levying taxes.

Available Funds – See free cash.

Bond – A written promise to pay a specified sum of money by a fixed date, and carrying with it interest payments at a fixed rate, paid periodically. A Note is similar, but issued for a shorter period.

Cherry Sheet – A State form which shows an estimate of all of the State and County charges and reimbursements to the Town.

Debt and Interest – The amount of money necessary annually to pay the interest and the principal on the Town's outstanding debt. Also known as "Debt Service."

Fiscal Year – The budget period used by the Town running from July 1 of one year to June 30 of the next year. At the end of this period, the Town closes its books in order to determine its financial condition and the results of its operation.

Free Cash – The amount of money left after all prior years' uncollected taxes have been deducted from surplus revenue. This amount may be used as available funds by vote of the Town Meeting.

Overlay – The amount, up to 5% of the tax levy, raised by the Assessors in excess of appropriations and other charges to cover abatements and exemptions.

Overlay Reserve – Unused amount of the overlay for previous years, which the Town may transfer to Surplus Revenue after all abatements for such fiscal year are settled.

Receipts – The cash, which is actually received by the Town.

Reserve Fund – A fund voted by the Annual Town Meeting and controlled by the Finance Committee for extraordinary and unforeseen expenditures incurred by Town departments during the year.

Stabilization Fund – Special Reserve Fund that can be used by a 2/3 vote of the Town Meeting.

Surplus Revenue – The amount by which cash, accounts receivable and other assets exceed the liabilities and reserves. Used in calculating free cash.

Transfer – The movement of funds from one account to another. Transfers between accounts (other than the Reserve Fund) can be made only by vote of the Town Meeting.

Unexpended Balance – That portion of an appropriation or account not yet expended. Any such balances left at the end of the fiscal year are generally used as Surplus Revenue in calculating Free Cash.

APPENDIX G

Table of Motions

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TABLE OF BASIC POINTS OF MOTION

Rank		Second Required	Debatable	Amendable	Vote Required	May Reconsider	May Interrupt
PRIVILEGED MOTIONS							
1	Dissolve or adjourn sine die	Yes	No	No	Maj.	No	No
2	Adjourn to fix time or recess	Yes	Yes	Yes	Maj.	No	No
3	Point of no quorum	No	No	No	None	No	No
4	Fix the time to (or at) which to adjourn	Yes	Yes	Yes	Maj.	Yes	No
5	Question of privilege	No	No	No	None	No	Yes
SUBSIDIARY MOTIONS							
6	Lay on the table	Yes	No	No	2/3	Yes	No
7	The previous question	Yes	No	No	2/3	No	No
8	Limit or extend debate	Yes	No	No	2/3	Yes	No
9	Postpone to a time certain	Yes	Yes	Yes	Maj.	Yes	No
10	Commit or refer	Yes	Yes	Yes	Maj.	Yes	No
11	Amend (or substitute)	Yes	Yes	Yes	Maj.	Yes	No
12	Postpone indefinitely	Yes	Yes	No	Maj.	Yes	No
INCIDENTAL MOTIONS							
*	Point of order	No	No	No	None	No	Yes
*	Appeal	Yes	Yes	No	Maj.	Yes	No
*	Division of a question	Yes	Yes	Yes	Maj.	No	No
*	Separate consideration	Yes	Yes	Yes	Maj.	No	No
*	Fix the method of voting	Yes	Yes	Yes	Maj.	Yes	No
*	Nominations to committees	No	No	No	Plur.	No	No
*	Withdraw or modify a motion	No	No	No	Maj.	No	No
*	Suspension of rules	Yes	No	No	2/3***	No	No
MAIN MOTIONS							
None	Main Motion	Yes	Yes	Yes	Var.	Yes	No
**	Reconsider or rescind	Yes	**	No	Maj.	No	No
None	Take from the table	Yes	No	No	Maj.	No	No
None	Advance an article	Yes	Yes	Yes	Maj.	Yes	No

* Same rank as motion out of which they arise.

** Same rank and debatable to same extent as motion being reconsidered.

*** Unanimous if rule protects minorities; out of order if rule protects absentees.

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NOTES

NOTES

TOWN OF SWAMPSCOTT MASSACHUSETTS 2024 – 2025

<u>SELECT BOARD</u>	<u>TERM EXPIRES</u>
David Grishman, Chair	2026
Catherine Phelan, Vice Chair	2025
MaryEllen Fletcher	2025
Peter Spellios	2024
Doug Thompson	2026

PROFESSIONAL STAFF

Sean Fitzgerald, Town Administrator
S. Peter Kane, Assistant Town Administrator (Administration)
Gino Cresta, Assistant Town Administrator (Operations)
Amy Sarro, Director of Finance & Administration
Patrick Luddy, Treasurer/Collector
Dianne Marchese, Administrative Assistant

<u>FINANCE COMMITTEE</u>	<u>TERM EXPIRES</u>
Eric Hartmann, Chair – At Large	2023
Matthew Kirschner, Vice Chair – Precinct 2	2024
Joan Hilario – Precinct 1	2024
Naomi Dreeben – Precinct 3	2025
Cinder McNerney – Precinct 4	2023
Erik Schneider – Precinct 5	2025
Suraj Krishnamurthi – Precinct 6	2023
Adrian Rodriguez – At Large	2024
Sunit Shah – At Large	2025