



## Special Town Meeting

July 5, 2016

At the close of registration on June 24, 2016 there were 5705 registered voters.

Precinct 1 – 103  
Precinct 2 – 115  
Precinct 3 – 131

### Appointed Tellers:

Left & Center	Maureen L Hickey Donna L Flint	66 Woodbury Street 82 Lake Drive
Right & Front	Phillips B Stearns Warren R Gray Jr	175 Linden Street 935 Bay Road

Moderator declared a quorum present (75) and the Warrant returned showing it had been properly served, opened the Special Town Meeting at 7:05 P.M. with voters checked and present.

Pledge of Allegiance

The Moderator introduced Town officials: Town Counsel Donna Brewer, Planning Board Chairman Jeff Melick, Town Manager Michael Lombardo, Board of Selectmen: Chairman Scott Maddern, Bill Wilson, Shawn Farrell, Jeff Hubbard, Allison Jenkins, Finance and Advisory Committee: Chairman David Wanger, John Kain and John Pruellage, Town Clerk Andrea Carlson. She acknowledged assistant Town Clerk, checkers and tellers as well as Bill Melville and his crew for effort organizing the meeting.

The Moderator read: I have asked non-resident Town officials and those assisting the Selectmen or Finance Committee to be present here so they may be available to answer questions. Members of the press [and the video crew] have also been allowed to be present. I remind those allowed here to do nothing which may influence the counting of a vote.

All other non-registered visitors must be seated in the visitors area located in the back four rows of the left section of the auditorium. The Moderator noted that these proceedings are recorded so as to have an accurate record of the meeting and to help everybody know who is speaking and hear what is said. Therefore please use the microphones provided and, unless I recognize you by name, please give your name and address when you address the moderator and remarks cannot be made to other Town officials or voters.

Other than privileged motions or a point of order such as a voter cannot hear, the Moderator will not recognize anything shouted from the audience. If a voter wants to call the question that person must come to the microphone, identify himself and make the motion. The Moderator will not accept a motion to call the question unless she believes that there has been sufficient debate and someone moves the question.

The article to be addressed by the Town Meeting tonight needs a two-thirds vote to pass. If the Moderator has any doubt whether the motion has received a two-thirds vote she will call for a hand count by the tellers. The procedures the Town Meeting follows reflect provisions of the Mass. Act and General Laws, Town by-law, “Town Meeting Time”, and traditions of the Town. She asked that cell phones and other electronic devices be muted or turned off. The Moderator described process associated with Citizens’ Petition and how she would manage Town Meeting discussion on the article.

## ***SECTION 1: REPORTS AND PROCEDURES***

### **ARTICLE 2016/7 1-1 Planning Board Report**

The Moderator read: To hear the report of the Planning Board with regard to the Citizens’ Petition of Article 3-1. The Town will take action on this report in the vote on the motion under Article 3-1.

The Moderator recognized Jeff Melick, Chairman of the Planning Board. Jeff Melick described how the Planning Board voted unanimously to support the Citizens’ Petition brought forward within two years since inception. He acknowledged professionalism of Zoning Board of Appeals and Planning Board decision based on process. Melick summarized Town’s role in site plan review to make reasonable changes in development proposals as well as an ongoing two-phase

process associated with proposed zoning by-law changes. He spoke to why change in site plan review authority from ZBA to Planning Board supports the Town's Master Plan, and development applicants would only have to go before one versus two boards. Also, 95% of towns in Mass. have site plan review with Planning Board.

## ***SECTION 2: FINANCIAL ACTIONS***

None.

## ***SECTION 3: PLANNING / ZONING ACTIONS***

### **ARTICLE 2016/7 3-1 Citizens' Petition – Transfer Site Plan Review to Planning Board**

The Moderator read: To see if the Town will amend the by-law to change the site plan review responsibility from the ZBA to the Planning Board as delineated in Appendix K attached.

The Moderator recognized Robin Sears. The Moderator recognized William Dery, 356 Chebacco Road. Moved by William Dery, duly seconded, that the Town amend the zoning by-law by adopting language set forth in Appendix K of the 2016 Special Town Meeting warrant book and on file with the Town Clerk.

Robin Sears spoke to Planning Board's role in site plan review with its seven elected members, and majority of towns in Mass. that have site plan review authority with Planning Board. Also, recommendation in 2004 Master Plan, and unanimous votes from the Planning Board and Board of Selectmen to change authority for site plan review from the ZBA to the Planning Board.

The Moderator recognized David Wanger, Chairman of Finance and Advisory Committee. Wanger spoke to his Committee recommending that action on this matter be deferred due to process and troubling precedent that excessive use of citizens' petition has to potentially destabilize government.

The Moderator recognized Bill Bowler, 328 Essex Street resident, and Chairman, Zoning Board of Appeals. He noted that the ZBA was unanimously opposed to the motion. Bowler mentioned that the Town is in a thoughtful process rewriting the zoning by-law. He concurred that the current site plan review system is duplicative which has served the Town well. Bowler noted that in the business district section of the by-law the criteria for a Special Permit will not change and this would still require review by both the Planning Board and Zoning Board of Appeals. He suggested that any changes should be done in a step-by-step manner. Also regarding elected versus appointed officials since 2004 only two Planning Board seats have been contested, and BOS appoints ZBA members with an eye toward direction that the Town wants to take. Bowler recommended on behalf of ZBA that the motion be defeated.

Norman Cramer, 4 Forest Street, expressed his opinion about the impending vote. Rick Mitchell, 36 Rock Maple Avenue, and member of the Planning Board, speaking as an individual noted that he was in favor of the change in authority of site plan review. Also, he stated that the ZBA carried out its statutory responsibilities regarding Cumberland Farms and Institute for Savings

properties. Specifically, the ZBA worked with Cumberland Farms to reduce number of fuel pumps and size of canopy in its site plan review approval. He also described how under Mass. General Law, the Planning Board cannot refuse site plan approval it can condition it so transferring the site plan review authority would not change this process. Also, that the Planning Board has to comply with law not base its decisions on constituent wishes.

Doug McGarrah at 489 Bay Road a land use attorney, spoke in favor of motion. Marc Johnson, 6 Patton Drive, opined that there has been a benefit having two boards review site plans, concurred that Master Plan contains recommendation for site plan review authority to Planning Board, stated his disagreement with and inherent flaws with process for Special Town Meeting on July 5th. Johnson opined that concept of elected versus appointed officials would be better for site plan review was absurd. Bill Shields, 721 Bay Road, spoke in favor of the motion.

The Moderator called for the card vote.

**CARD VOTE: MOTION PASSES**

**Two-thirds requirement was met as declared by the Moderator**

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***SECTION 4: TOWN BY-LAW AMENDMENTS***

None.

***SECTION 5: OTHER APPROPRIATIONS AND ACTIONS***

None.

***SECTION 6: CLOSING FINANCIAL ACTIONS***

None.

**ADJOURNMENT**

The Moderator said: This Special Town Meeting is dissolved at 7:46 p.m.