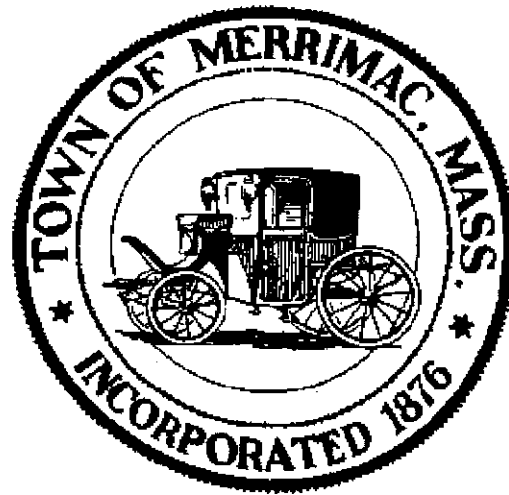


TOWN OF MERRIMAC

SPECIAL TOWN MEETING

October 18, 2021



DISTRIBUTION:

KP Law, Town Counsel
John Santagate, Moderator
Ben Beaulieu, Selectman Chairman
Joel Breen, Selectman
Chris Manni, Selectman
Carol McLeod, Finance Director/Treasurer
Anne Jim, Town Accountant
James Archibald, Finance Chairman
Jennifer Penney, Selectmen's Executive Assistant
Gwen Lay, Town Clerk

**Town Hall Town of Merrimac Warrant Articles
Special Town Meeting, October 18, 2021**

Essex, ss.

To one of the Constables of the Town of Merrimac:

GREETINGS,

In the name of the Commonwealth of Massachusetts, you are hereby required to notify and warn the voters of the Town of Merrimac to meet in the meet in the Frederick N. Sweetsir School Cafeteria in Merrimac on October 18, 2021 at 7:30 PM to act on the following articles, namely:

Article 1: To see if the Town will vote to decrease the amount raised and appropriated in Article 1 of the April 26, 2021 Annual Town Meeting by the sum of **\$35,736** and amend the following lines by the amounts listed below:

Line # 2 – Selectmen Salaries	\$ 570
Line # 9 – Finance Salaries	\$ 1,945
Line # 13 – Town Hall It Salaries	\$ 125
Line # 14 – Town Hall It Expenditures	(\$ 16,170)
Line # 16 – Town Clerk Salaries	\$ 650
Line # 24 – Conservation Commission Salaries	(\$ 13,112)
Line # 25 – Conservation Commission Expense	\$ 13,112
Line # 27 – Planning Board Salaries	(\$ 385)
Line # 33 – Public Building Expense	(\$ 15,000)
Line # 37 – Fire Salaries	\$ 875
Line # 41 – Inspectional Services Salaries	\$ 315
Line # 45 – Emergency Management Salaries	\$ 150
Line # 52 – PRSD Assessment	\$ 8,233
Line # 53 – Essex Tech Assessment	\$ 36,000
Line # 54 – Highway Salaries	\$ 1,646
Line # 60 – Board of Health Salaries	\$ 860
Line # 71 – Debt Service Principal	(\$ 65,000)
Line # 72 – Debt Service Interest	(\$ 12,550)
Line # 73 – Benefit Reimbursement	\$ 2,000
Line # 75 – Worker’s Comp Insurance	(\$ 32,000)
Line # 77 – Health Insurance	\$ 20,000
Line # 80 – Property-Liability Insurance	\$ 32,000

; or take any other action relative thereto.

Rationale: This article will amend the line items above to account for, adjustments to salary lines, adjustments to Conservation Commission, Town Hall IT, Municipal Building Expense, Education, Debt Service and Insurance lines in order to present a balanced budget. See attached revised Omnibus for individual explanations. Per the request of the Board of Selectmen.

Selectmen Recommendation:	Yes	3 - 0
FinCom Recommendation:	Yes	4 - 0

Article 2: To see if the Town will vote to transfer the balance of **\$29,894** from Article 7 of the April 29, 2019 Special Town Meeting, Library Exterior Repairs, to Article 1(c) the April 26, 2021 Annual Town Meeting, Replace HVAC Units at the Merrimac Public Library; or take any other action relative thereto.

Rationale: Both large HVAC Units on the roof of the Merrimac Public Library need replacing, the original scope of work was for 1 large unit and a smaller unit; however, the smaller unit was fixed but the 2nd larger unit has since broken and needs replacement. Per the request of the Library Director.

Selectmen Recommendation:	Yes	3 - 0
FinCom Recommendation:	Yes	4 - 0
Capital Planning Recommendation:	Yes	3 - 0

Article 3. To see if the Town will vote to appropriate **\$ 4,400** or other sum of money from available funds known as "Sale of Cemetery Lots", such sum or part thereof, to be expended under the direction of the Cemetery Trustees for the care, improvement, and embellishment of said cemeteries, in accordance with M.G.L. Chapter 114, Section 15 and Section 25; or take any other action relative hereto.

Rationale: This appropriation authorizes the transfer of funds collected from the previous fiscal year to be used by the Cemetery Trustees for the upkeep of the said cemeteries. Requested by the Cemetery Trustees.

Selectmen Recommendation:	Yes	3 - 0
FinCom Recommendation:	Yes	4 - 0

Article 4. To see if the Town will vote to raise and appropriate **\$ 16,800** for engineering for the Donaghue and Sweetsir School heating upgrades; or take any other action relative hereto.

Rationale: This article will appropriate the funds necessary for the engineering and plans necessary to relocate 2 Boilers and other equipment from the PRSD Middle School to the Donaghue and the Sweetsir Schools. Per the request of the Board of Selectmen.

Selectmen Recommendation:	Yes	3 - 0
FinCom Recommendation:	Yes	4 - 0
Capital Planning Recommendation:	Yes	3 - 0

Article 5. To see if the Town will vote to appropriate **\$149,000** or other sum of money from the Fire and Ambulance Apparatus Stabilization Fund for the purchase of a Quint Ladder or Ladder Truck as well as an Engine/Pumper Truck with all associated equipment, supplies and services; or take any other action relative hereto.

2/3 Vote Required

Rationale: While soliciting proposals for the Quint truck, the Chief saw an opportunity to create a window (approx. 10 years) of future savings and solve every growing issue with our fire vehicles. This opportunity was explored and as a result the Fire Department and the Town are in a position to save approximately \$700,000 with this approval. Also, worth noting, with the new reserve funding plan the funds should be able to grow during this window and position the Town and Fire Department to potentially have all or most of the funds saved to make the next large purchases of an Ambulance and a second Engine/Pumper. With our revenue growth over this time, it is also reasonable to expect that we may be able to contribute at a high rate to the Stabilization Account. Per the request of the Fire Chief.

Selectmen Recommendation:	Yes	3 - 0
FinCom Recommendation:	Yes	4 - 0
Capital Planning Recommendation:	Yes	3 - 0

Article 6: To see if the Town will vote to increase the amount raised and appropriated in Article 2 of the April 26, 2021 Annual Town Meeting, operate the Wastewater Department Enterprise for FY2022, by the sum of **\$53,000**; or take any other action relative hereto.

Salaries:	\$ 3,000
Expenses:	\$ 50,000
Total	\$ 53,000

Rationale: This article increases the budget to reflect additional expenses in FY2022. Per the request of the DPW Director.

Selectmen Recommendation:	Yes	3 - 0
FinCom Recommendation:	Yes	4 - 0

Article 7: To see if the Town will vote to accept Jana Way and all associated infrastructure as a public way in the Town of Merrimac, built to a plan on file at the Office of the Town Clerk; contingent that the developer insure maintenance of the wastewater infrastructure for one year from this date and upon receipt of the Commonwealth of Massachusetts Street Acceptance Form and all departments have signed off; or take any other action relative thereto.

Rationale: The newly constructed road meets all the criteria for roadways in the Merrimac Subdivision Rules and Regulations. Per request of the Planning Board.

Per request of the Planning Board.

Selectmen Recommendation: No Recommendation at time of Posting

Article 8: To see if the Town will vote to amend the Town of Merrimac Zoning By-Laws with additions to the indicated Articles as written below:

ARTICLE 2. DEFINITIONS

SELF-STORAGE SERVICE FACILITY: A building or group of buildings consisting of individual, self-contained units leased to individuals, organizations, or businesses for self-service storage of personal property and other non-hazardous durable goods, excluding vehicles. The use of units for other than dead storage is prohibited.

ARTICLE 8. VILLAGE CENTER DISTRICT (VC)

8.3.15 ***SELF-STORAGE SERVICE FACILITY shall be located in an existing building and shall be accessible only from the interior of the business. Eight parking spaces are required plus two additional spaces for each 10,000 square feet of floor area or fraction thereof over the first 20,000 square feet.***

ARTICLE 11. OFFICE-LIGHT INDUSTRIAL DISTRICT (OI)

11.4.17 ***SELF-STORAGE SERVICE FACILITY. Eight parking spaces are required plus two additional spaces for each 10,000 square feet of floor area or fraction thereof over the first 20,000 square feet.***

; or take any other action relative thereto.

2/3 Vote Required

Rationale: This adds Self-Storage Service Facility to the Use and Structure Permitted by Special Permit from the Planning Board in the indicated Articles of the Zoning By-laws. When the By-laws were voted in 2004 this use was not included as it is was not a common facility at that time. Per request of the Planning Board.

Selectmen Recommendation: No Recommendation at time of Posting

Article 9: To see if the Town will vote to amend Article 17 of the Town of Merrimac Zoning By-Laws as written below:

ARTICLE 17. ACCESSORY DWELLING UNITS AND CONVERSION OF EXISTING SINGLE-FAMILY DWELLINGS

17.1. Purposes.

The purposes of the Accessory Dwelling Units and Conversions of Existing Structures bylaw are to provide for a range of housing types in the Town of Merrimac through the reuse of existing buildings, to encourage the creation of affordable housing units, to enable homeowners to accommodate the needs of elderly family members or family members with disabilities, and to provide suitable housing for caregivers.

17.2. Applicability.

In any zoning district where an accessory dwelling or a conversion of a single-family dwelling to not more than four dwelling units is permitted only by SPECIAL PERMIT, the BOARD OF APPEALS shall be the Special Permit Granting Authority.

17.3. Accessory Dwelling Unit.

17.3.1. The intent and the purpose of this section is to permit accessory dwelling units in residential districts subject to the standards and procedures hereinafter set forth. It is also the intent to assure that the single-family character of the neighborhood will be maintained and that the accessory unit remains subordinate to the principal living quarters.

17.3.2. Restrictions. A SPECIAL PERMIT may be granted by the Zoning BOARD OF APPEALS to accommodate an accessory dwelling by **either the construction of a separate dwelling unit or by** the installation of a common wall or the partitioning of or extension of existing living space. There shall be no other living unit on the LOT upon which such accessory unit is to be located.

17.3.3. Use limitations. Such accessory dwelling unit shall at the discretion of the Zoning BOARD OF APPEALS accommodate up to a maximum of three persons, provided that the owner of record of the ~~STRUCTURE~~ **lot** is a resident of the **primary** STRUCTURE **on the lot** which includes the accessory dwelling unit and occupancy of the **accessory** dwelling unit is limited to:

17.3.3.1. A family related by blood, marriage or adoption to the owner of the premises, or

17.3.3.2. A household with an individual who is 65 years of age or older, or

17.3.3.3. A household with an individual with disabilities.

17.3.3.4 A household with an individual providing care to the occupant of the primary dwelling

~~17.3.3.4.~~ 17.3.3.5 A low- or moderate-income household, provided the unit meets the requirements of the Local Initiative Program, 760 CMR 45.00, for listing on the Chapter 40B SUBSIDIZED HOUSING INVENTORY as provided for by G.L. c.40B, Sections 20-23.

17.3.4. Disposal of sewage. Adequate provision shall be made for the disposal of sewage, waste and drainage generated by the occupancy of such accessory unit in accordance with the requirements of the Board of Health. Connection to the municipal sewer system is required for property located in a designated sewer service area unless such connection imposes an undue economic hardship on the applicant, as determined by the Sewer Commission. Such determination shall be made prior to the application for a SPECIAL PERMIT, and evidence of same shall be included with such application.

17.3.5. DESIGN - **ATTACHED ACCESSORY DWELLING UNIT**. An **attached** ACCESSORY DWELLING UNIT shall be a structurally integral part of the SINGLE-FAMILY DWELLING in which it is contained. Viewed from the exterior it shall preserve the appearance of and

be indistinguishable from such a SINGLE-FAMILY DWELLING. It may be created by the installation of a common wall or the partitioning of or extension of existing habitable area. It shall not be separated from such existing habitable area by unheated or uninhabitable space, such as a garage, but may be separated from such area by common residential space on exceeding 35 square feet in floor area. All stairways to additional stories shall be enclosed within the exterior walls of the STRUCTURE.

17.3.5.1 Ingress, egress, access. Adequate provision, as determined by the BUILDING COMMISSIONER, shall be provided for separate ingress and egress to the outside of each unit. An interior doorway shall be provided between DWELLING UNITS as a means of access for purposes of supervision and emergency response.

17.3.6. DESIGN – DETACHED ACCESSORY DWELLING UNIT. A detached dwelling unit shall be designed and constructed in such a manner that is consistent with the design of the primary dwelling unit. The detached dwelling unit shall be located on the lot to the rear of the frontline of the primary structure.

17.3.6.1 Ingress, egress, access. Adequate provision, as determined by the BUILDING COMMISSIONER, shall be provided for separate ingress and egress to the outside of each unit. Both the primary and accessory units shall access the lot from the same driveway.

~~17.3.6~~ **17.3.7** Area limitation. Such accessory unit shall be limited to a maximum of 900 square feet in floor area.

~~17.3.7~~ **17.3.8** Plans. Floor plans of the accessory unit and principal residence and a certified site plan showing the dwelling unit on the LOT and its relationship to other STRUCTURES and premises within 200 feet of the LOT shall be filed with the application for a SPECIAL PERMIT. **All setback requirements shall be met for the detached accessory dwelling unit and shall be shown on the plan.**

~~17.3.8~~ **17.3.9** Parking. Provisions for off-street parking of residents and guests of both units shall be provided in such a fashion as is consistent with the character of the neighborhood, as determined by the Zoning BOARD OF APPEALS, which shall seek advice from the BUILDING COMMISSIONER.

~~17.3.9~~ **17.3.10** Special Permit. No building permit shall be issued in accordance with the SPECIAL PERMIT issued under this section until the SPECIAL PERMIT has been recorded in the Registry of Deeds by the applicant and evidence of such recording has been submitted to the BUILDING COMMISSIONER.

~~17.3.10~~ **17.3.11** Occupancy permit; control. No occupancy of the additional dwelling unit shall take place without an occupancy permit issued by the BUILDING COMMISSIONER.

~~17.3.11~~ **17.3.12** For an accessory dwelling unit authorized by the BOARD OF APPEALS as affordable housing unit, the BUILDING COMMISSIONER shall not issue an occupancy permit without evidence that an affordable housing USE RESTRICTION or deed rider has been recorded at the Registry of Deeds and the unit has been approved by the Department

of Housing and Community Development for inclusion on the Chapter 40B SUBSIDIZED HOUSING INVENTORY.

~~17.3.12.~~ **17.3.13** Occupancy permits shall not be transferable upon change in ownership or change in occupancy. In such event, an affidavit shall be presented to the BUILDING COMMISSIONER attesting to the fact that the circumstances under which an occupancy permit was granted will in the future continue to exist. The owner of record is responsible for initiating each application to the BUILDING COMMISSIONER. Appropriate fees, as established and recorded, may be assessed for each such renewal review, investigation and processing. All documentation presented hereunder must be in form and content satisfactory to the BUILDING COMMISSIONER.

; or take any other action relative thereto.

2/3 Vote Required

Rationale: This will give more discretion to the Zoning Board of Appeals for granting homeowners the option to create Accessory Dwelling Units under Article 17 of the Zoning By-Law to better respond to the needs of those seeking to provide an accessory dwelling for a relative or under other specified circumstances. Per request of the Building Commissioner.

Selectmen Recommendation: No Recommendation at time of Posting

Article 10: To see if the Town will vote to amend Article 19 of the Town of Merrimac Zoning By-Laws as written below:

ARTICLE 19. RURAL HIGHWAY DISTRICT (RH)

9.3.8 Residential and Accessory Uses

9.3.8.3 SINGLE-FAMILY DWELLING, only when the dwelling is accessory to a business, consisting of no more than 2,000 square feet and is located on the site. The owner of the business on site must reside in the SINGLE-FAMILY DWELLING. The maximum building height for all buildings shall be 35 feet and 2 ½ stories. The Planning Board may waive the maximum front yard setback for the RURAL HIGHWAY DISTRICT to protect significant landscapes and reduce site disturbance.

; or take any other action relative thereto.

2/3 Vote Required

Rationale: This allows building of new Single-Family Dwellings in the Rural Highway District only under these special circumstances with a Special Permit issued from Planning Board. Otherwise, the Zoning By-Laws do not permit new Single-Family Dwellings in this District as its purpose is to foster a wide range of commercial uses to help stabilize the Town's tax base. Per request of the Planning Board.

Selectmen Recommendation: No Recommendation at time of Posting

Article 11: To see if the Town will vote to amend Article 6 of the Town of Merrimac Zoning By-Laws as written below:

ARTICLE 6. AGRICULTURAL RESIDENTIAL DISTRICT (AR)

Add the following language to Section 6.4: Uses and Structures Permitted by Special Permit.

6.4.9 A lot containing a minimum of twenty (20) acres and used for agriculture shall be permitted, by special permit issued by the Planning Board, a maximum of four (4) detached accessory dwelling units to be rented out to employees of the agricultural use. The units shall meet the following requirements:

6.4.9.1 Each unit shall be a maximum of 900 square feet in size

6.4.9.2 Each unit shall be located to the rear of the existing single-family dwelling on site

6.4.9.3 Each unit shall be accessed from an existing curb cut on a public way

6.4.9.4 Each unit shall be accessed from an existing driveway located on the site

6.4.9.5 The owner of the property shall retain ownership of the accessory detached dwelling units. The accessory dwelling units cannot be held under separate ownership as the owner of the property.

; or take any other action relative thereto.

2/3 Vote Required

Rationale: The proposed zoning amendment will allow by special permit a maximum of four (4) detached accessory dwelling units (900 square feet) on a parcel that is used for agriculture in the Agricultural/Residential District. The purpose behind this proposed zoning amendment is to provide an opportunity for the farms in Town that are growing to have the ability to provide housing on site for their employees. In keeping with the Open Space Residential Development permitted in the Agricultural district, this proposed zoning would allow for development on the lot that would preserve open space and not take away from the rural character of the area. By requiring the owner of the lot to retain ownership of the accessory units and by requiring the units to access from one driveway, it creates a small compound that will serve only the farming use on site. Per request of the Planning Board.


Selectmen Recommendation: No Recommendation at time of Posting

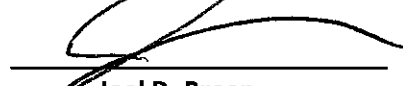
Given under our hands this 20th day of September, 2021

SELECTMEN


Benjamin S. Beaulieu

OF

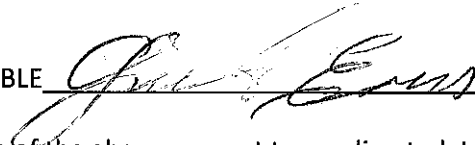

Christopher Manni


Joel D. Breen

MERRIMAC

A true copy attest:

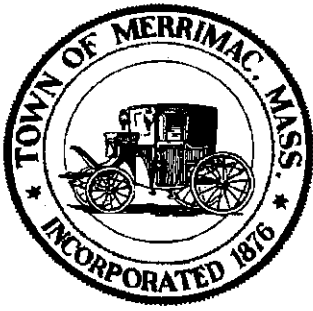
CONSTABLE



By virtue of the above warrant to me directed, I hereby notify and warn the legal voters of the Town of Merrimac, to meet at the time and said place for the purposes therein expressed.

Posted this 30th day of September, 2021 in the following three places:

Light Department
Cozy Cleaners
Town Hall



TOWN OF MERRIMAC
OFFICE OF THE BOARD OF SELECTMEN

2-8 School Street, Merrimac, MA 01860

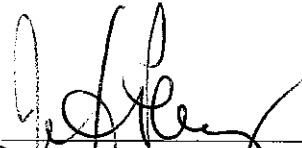
TEL (978) 346-8862

FAX (978) 346-7832

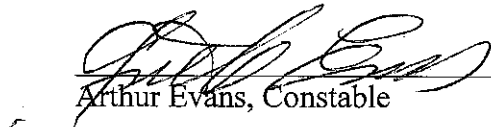
E-MAIL Selectmen@townofmerrimac.com

September 30, 2021

Arthur Evans, Constable has notified the Town of Merrimac through the Board of Selectmen that the warrant for the Special Town Meeting on October 18, 2021 at 7:30 PM at the Frederick N. Sweetsir School Cafeteria in Merrimac has been posted in three conspicuous places in town.



Jennifer Penney
Executive Assistant
Board of Selectmen



Arthur Evans, Constable