

# **TOWN OF MERRIMAC**

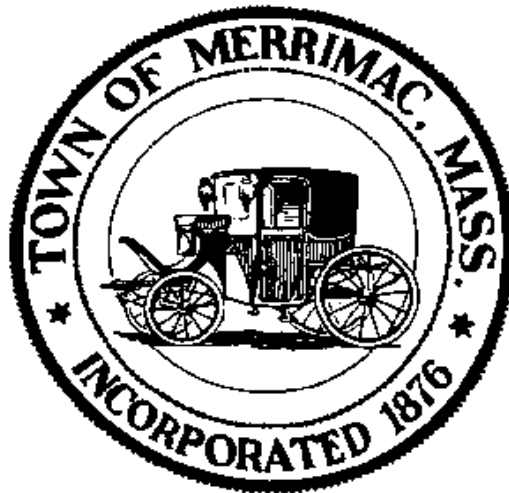
## **SPECIAL TOWN MEETING**

**October 21, 2024**

**7:30 PM**

**Sweetsir School**

**102 Church St.**



**Town of Merrimac**  
**October 21, 2024 - Special Town Meeting**  
**Articles for Consideration**

Town Vote	Art. #	Recommendations			Description
		Selectmen	Finance Committee	Capital Planning	
	1	Yes 3-0-1	Yes 5-0	N/A	To vote the following FY2025 budget adjustments:
	-	-	-	-	Increase Finance Department Salaries for longevity stipend. \$ 100.00
	-	-	-	-	Reduce Highway Department Salaries, based on new employees rates. (\$10,000.00)
	-	-	-	-	Reduce Health and Dental Insurance, based upon actuals. (\$10,000.00)
	-	-	-	-	Reduce Worker's Compensation Insurance, based upon actuals. (\$10,000.00)
	-	-	-	-	Increase Property and Liability Insurance, based upon actuals. \$12,000.00
	2	Yes 4-0	Yes 5-0	N/A	To reduce the amount raised & appropriated in Article 18 of the Annual Town Meeting by (\$10,000.00), for Solid Waste, Recycling and Disposal.
	3	Yes 4-0	N/A	N/A	To amend the Zoning By-law, amending Articles 2,4,5,6,7 and 17, for changes to the Assessor's Dwelling Units. (2/3 Vote Required)
	4	Yes 4-0	N/A	N/A	To amend the Zoning By-law by adding a Battery Energy Storage Systems. (2/3 Vote Required)
	5	Yes 4-0	N/A	N/A	To amend the Town of Merrimac General By-Laws, Article XVIII, Water Use, by adding a paragraph to Section 18.5.16 - Efficient Use of Water Systems.
	6	Yes 4-0	N/A	N/A	To vote to affirm the acquisition of and transfer the care, custody and control of the land located at 0 Town Forest Rd to the Conservation Commission for the exclusive purpose of conservation as the Town Forest. (2/3 Vote Required)
	7	Yes 4-0	N/A	N/A	To vote to affirm the acceptance/acquisition of and transfer the care, custody, and control of the land located at 0 Red Oak Hill Rd to the Conservation Commission for the exclusive purpose of conservation as the Town Forest. (2/3 Vote Required)
	8	Yes 4-0	N/A	N/A	To vote to affirm the acquisition of and transfer the care, custody, and control of the land located at 0 Red Oak Hill Rd to the Conservation Commission for the exclusive purpose of conservation as the Town Forest. (2/3 Vote Required)
	9	Yes 4-0	N/A	N/A	To vote to transfer the care, custody, and control of the land located at 0 Huse Rd to the Conservation Commission for the exclusive purpose of conservation as the Merrimac Town Forest. (2/3 Vote Required)
	10	Yes 4-0	N/A	N/A	To vote to affirm the acquisition of the land located at 0 Red Oak Hill Road. (2/3 Vote Required)
	11	*	N/A	N/A	To vote to authorize the Select Board or Sewer Commission to sell an easement along Federal Way. (2/3 Vote Required)

\* Select Board will vote on a recommendation on 10/7/2024

TOWN OF MERRIMAC BUDGET SUMMARY

REVENUE ESTIMATES

	Adopted	Departmental Requested Budget	Request ATM Budget	Request FTM Budget	EXPENDITURE ESTIMATES		% of Budget
					FY2024	FY2025	
<b>PROPERTY TAXES</b>							
Tax Base	\$ 14,950,957	\$ 16,340,808	\$ 16,340,808	\$ 16,340,808	\$ 16,340,808	\$ 16,340,808	6.82%
2 1/2 % Increase	\$ 373,774	\$ 408,520	\$ 408,520	\$ 408,520	\$ 408,520	\$ 408,520	13.07%
Est New Growth	\$ 156,077	\$ 125,000	\$ 150,000	\$ 180,000	\$ 180,000	\$ 180,000	60.54%
General Override	\$ 860,000	\$ -	\$ -	\$ -	\$ -	\$ -	0.33%
Unused Levy Capacity	\$ (265,335)	\$ -	\$ -	\$ -	\$ -	\$ -	0.33%
<b>PROPERTY TAXES</b>	<b>\$ 16,075,473</b>	<b>\$ 16,874,329</b>	<b>\$ 16,899,329</b>	<b>\$ 16,929,329</b>	<b>\$ 16,929,329</b>	<b>\$ 16,929,329</b>	<b>3.28%</b>
<b>STATE PROVIDED FUNDS</b>							
Cherry Sheer/State Aid	\$ 1,164,467	\$ 1,195,873	\$ 1,195,873	\$ 1,196,624	\$ 1,196,624	\$ 1,196,624	0.68%
MSBA	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	0.22%
<b>SUBTOTAL: STATE FUNDS</b>	<b>\$ 1,164,467</b>	<b>\$ 1,195,873</b>	<b>\$ 1,195,873</b>	<b>\$ 1,196,624</b>	<b>\$ 1,196,624</b>	<b>\$ 1,196,624</b>	<b>1.69%</b>
<b>DEBT EXCLUSIONS</b>							
New Library Construction	\$ 106,575	\$ -	\$ -	\$ -	\$ -	\$ -	0.05%
Police Station	\$ 361,028	\$ 357,153	\$ 357,153	\$ 357,153	\$ 357,153	\$ 357,153	0.00%
PRSD Middle/High School	\$ 1,576,867	\$ 1,582,734	\$ 1,582,734	\$ 1,582,734	\$ 1,582,734	\$ 1,582,734	0.00%
<b>SUBTOTAL</b>	<b>\$ 2,044,470</b>	<b>\$ 1,939,887</b>	<b>\$ 1,939,887</b>	<b>\$ 1,939,887</b>	<b>\$ 1,939,887</b>	<b>\$ 1,939,887</b>	<b>8.08%</b>

PROJECTED LOCAL RECEIPTS

Motor Vehicle Excise	\$ 1,066,000	\$ 1,066,000	\$ 1,100,000	\$ 1,100,000
Penalties & Interest	\$ 44,700	\$ 44,700	\$ 32,000	\$ 29,000
Other Excise (Marijuanna)	\$ -	\$ -	\$ 32,000	\$ 40,000
In Lieu of Tax	\$ 1,289	\$ 1,289	\$ 1,289	\$ 1,289
Trash	\$ 143,000	\$ 143,000	\$ 150,000	\$ 157,000
Ambulance	\$ 464,000	\$ 464,000	\$ 435,000	\$ 419,000
Fees	\$ 46,000	\$ 46,000	\$ 47,000	\$ 50,000
Rentals	\$ 145,500	\$ 145,500	\$ 140,000	\$ 126,000
Cemetery	\$ 16,000	\$ 16,000	\$ 20,000	\$ 15,000
Licenses & Permits	\$ 67,800	\$ 67,800	\$ 80,000	\$ 77,500
Fines & Forfeitures	\$ 25,700	\$ 25,700	\$ 25,700	\$ 25,717
Investment Income	\$ 164,800	\$ 164,800	\$ 200,000	\$ 225,000
Misc Non Recurring	\$ 48,000	\$ 48,000	\$ 48,000	\$ 60,000
Misc Recurring	\$ 41,300	\$ 41,300	\$ 60,000	\$ 100,000
<b>SUBTOTAL</b>	<b>\$ 2,274,089</b>	<b>\$ 2,274,089</b>	<b>\$ 2,370,989</b>	<b>\$ 2,425,506</b>

OTHER REVENUE

Free Cash Approp	\$ 848,750	\$ 630,442	\$ 630,442	\$ 630,442
Water Retained Earnings	\$ 150,000	\$ 92,000	\$ 92,000	\$ 92,000
Other Revenue	\$ 185,098	\$ 177,110	\$ 177,110	\$ 177,110
Wastewater Retained Earnings	\$ 85,000	\$ 317,000	\$ 317,000	\$ 317,000
Wastewater I & I	\$ 55,000	\$ 125,000	\$ 125,000	\$ 125,000
Bonded Capital	\$ -	\$ -	\$ -	\$ -
Water Enterprise	\$ 1,280,869	\$ 1,240,670	\$ 1,240,670	\$ 1,240,670
Wastewater Enterprise	\$ 1,397,989	\$ 1,317,023	\$ 1,317,023	\$ 1,317,023
Revenue to Reduce Tax Rate	\$ 38,000	\$ 38,000	\$ 38,000	\$ 38,000
<b>SUBTOTAL</b>	<b>\$ 4,040,706</b>	<b>\$ 3,937,245</b>	<b>\$ 3,937,245</b>	<b>\$ 3,937,245</b>
<b>TOTAL REVENUE</b>	<b>\$ 25,599,205</b>	<b>\$ 26,221,422</b>	<b>\$ 26,343,322</b>	<b>\$ 26,428,590</b>

EXPENDITURE ESTIMATES

	Adopted	Departmental Requested Budget	Request ATM Budget	Request FTM Budget	EXPENDITURE ESTIMATES		% of Budget
					FY2024	FY2025	
<b>ARTICLE 1 OMNIBUS</b>							
General Government	\$ 1,322,545	\$ 1,539,508	\$ 1,519,575	\$ 1,519,575	\$ 1,519,675	\$ 1,519,675	14.91%
Public Safety	\$ 2,721,650	\$ 3,076,014	\$ 2,869,810	\$ 2,869,810	\$ 2,869,810	\$ 2,869,810	5.44%
Education	\$ 11,988,839	\$ 13,297,142	\$ 13,297,142	\$ 13,297,142	\$ 13,297,142	\$ 13,297,142	10.91%
Highway	\$ 677,512	\$ 689,777	\$ 689,777	\$ 689,777	\$ 679,777	\$ 679,777	0.33%
Cemetery	\$ 70,207	\$ 76,513	\$ 72,513	\$ 72,513	\$ 72,513	\$ 72,513	0.33%
Health & Sanitation	\$ 146,292	\$ 150,862	\$ 149,862	\$ 149,862	\$ 149,862	\$ 149,862	2.44%
Public Assistance	\$ 429,183	\$ 454,491	\$ 430,139	\$ 430,139	\$ 430,139	\$ 430,139	0.22%
Library	\$ 354,691	\$ 370,147	\$ 370,147	\$ 370,147	\$ 370,147	\$ 370,147	1.69%
Parks & Rec	\$ 11,520	\$ 11,520	\$ 11,520	\$ 11,520	\$ 11,520	\$ 11,520	0.05%
Town Gardens	\$ 600	\$ 600	\$ 600	\$ 600	\$ 600	\$ 600	0.00%
Long Term Principal	\$ 609,802	\$ 492,899	\$ 492,899	\$ 492,899	\$ 492,899	\$ 492,899	2.24%
Long Term Interest	\$ 313,319	\$ 296,919	\$ 296,919	\$ 296,919	\$ 296,919	\$ 296,919	-18.17%
Gen Govt Unclassified	\$ 1,558,060	\$ 1,763,485	\$ 1,782,485	\$ 1,782,485	\$ 1,774,485	\$ 1,774,485	13.89%
<b>SUBTOTAL</b>	<b>\$ 20,204,220</b>	<b>\$ 22,219,877</b>	<b>\$ 21,983,388</b>	<b>\$ 21,983,388</b>	<b>\$ 21,965,488</b>	<b>\$ 21,965,488</b>	<b>8.72%</b>

CHARGES/ABATEMENTS/OTHER AMOUNTS TO BE RAISED

State & County	\$ 117,469	\$ 120,022	\$ 120,022	\$ 121,294
Tax Abatements	\$ 70,979	\$ 87,500	\$ 87,500	\$ 87,500
Library Offset	\$ 16,529	\$ 16,649	\$ 16,649	\$ 18,973
Overlay Deficit	\$ -	\$ -	\$ -	\$ -
Snow & Ice Deficit	\$ -	\$ -	\$ -	\$ -
Other Deficits	\$ -	\$ -	\$ -	\$ -
<b>SUBTOTAL</b>	<b>\$ 204,977</b>	<b>\$ 224,171</b>	<b>\$ 224,171</b>	<b>\$ 227,767</b>
<b>CURRENT YEAR SPECIAL ARTICLES</b>				
Special Articles	\$ 5,180,008	\$ 4,245,335	\$ 4,245,335	\$ 4,235,335
Transfer Articles	\$ 10,000	\$ -	\$ -	\$ -
<b>SUBTOTAL</b>	<b>\$ 5,190,008</b>	<b>\$ 4,245,335</b>	<b>\$ 4,245,335</b>	<b>\$ 4,235,335</b>
<b>BONDED ARTICLES</b>				
Prior Year Bond Issues	\$ -	\$ -	\$ -	\$ -
Bond Authorization	\$ -	\$ -	\$ -	\$ -
<b>SUBTOTAL</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>
<b>TOTAL EXPENSE</b>	<b>\$ 25,599,205</b>	<b>\$ 26,689,383</b>	<b>\$ 26,452,894</b>	<b>\$ 26,428,590</b>
<b>SURPLUS/(DEFICIT)</b>	<b>\$ 0</b>	<b>\$ (467,961)</b>	<b>\$ (109,572)</b>	<b>\$ 0</b>

**Town of Merrimac Warrant Articles  
Special Town Meeting, October 21, 2024**

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 Sweetsir School Cafeteria, 102 Church St. Merrimac, on October 21, 2024 at 7:30 PM.

**Article 1:** To see if the Town will vote to make the following FY2025 budget adjustments:

Increase Finance Department Salaries	<b>\$ 100</b>
Reduce Highway Department Salaries	<b>\$10,000</b>
Reduce Health Insurance	<b>\$10,000</b>
Reduce Worker’s Compensation Insurance	<b>\$10,000</b>
Increase Property & Liability Insurance	<b>\$12,000</b>

; or take any other action relative thereto.

**Rationale:** The reductions are a result of the actual expenditures being reduced following the Annual Town Meeting based upon actual expenditures. The increases are a result of costs that were originally estimated, are now actual and need to be increased in order to balance the budget for FY2025. Per the request of the Town Administrator.

**Select Board Recommendation:      Yes 3-0-1**  
**Fin Com Recommendation:            Yes 5-0**

**Article 2.** To see if the Town will reduce the amount raised and appropriated by **\$10,000**, or other sum of money for Solid Waste Collection and Disposal, Recycling Collection; or take any other action relative hereto.

**Rationale:** This article allows the Town to reduce the amount raised for the collection and disposal of solid waste, recycling and offset the costs with the funds collected through the sale of Trash Bags. This will reduce the amount from \$330,000 to \$320,000, based on the actual expenses for FY2024. Per the request of the Town Administrator.

**Select Board Recommendation:      Yes 4-0**  
**Fin Com Recommendation:            Yes 5-0**

**Article 3.** To see if the Town will vote to amend the Merrimac Zoning By-Laws with amendments and additions to the indicated Articles as written below:

## **ARTICLE 2: DEFINITIONS**

~~ACCESSORY DWELLING UNIT: A dwelling unit contained within or being an extension of a single-family STRUCTURE. An accessory dwelling unit shall contain no more than 900 square feet in total floor area.~~ **A self-contained housing unit, inclusive of sleeping, cooking and sanitary facilities on the same lot as a principal dwelling, subject to otherwise applicable dimensional and parking requirements, that: (i) maintains a separate entrance, either directly from the outside or through an entry hall or corridor shared with the principal dwelling sufficient to meet the requirements of the state building code for safe egress; (ii) is not larger in gross floor area than 1/2 the gross floor area of the principal dwelling or 900 square feet, whichever is smaller; and (iii) is subject to such additional restrictions as may be imposed by a municipality, including, but not limited to, additional size restrictions and restrictions or prohibitions on short term rental, as defined in section 1 of chapter 64G; provided, however, that the Town shall unreasonably not restrict the creation or rental of an accessory dwelling unit that is not a short-term rental."**

## **ARTICLE 4: VILLAGE RESIDENTIAL DISTRICT (VR)**

*Permitted By-Right*

4.2.6. One ~~a~~ **Accessory eD** Dwelling unit **either attached to a single family dwelling or detached on in a single-family dwelling lot in existence for at least five years prior to the application for a building permit,** provided that ~~(a)~~ **the accessory dwelling unit contains no more than 900 square feet of total floor area or not more than ½ the square gross floor area of the principal dwelling whichever is less,** ~~(b)~~ **and the LOT contains sufficient area to accommodate parking for the occupants of the single-family dwelling in accordance with the requirements of the bylaw and one parking space for the accessory dwelling, in the opinion of the BUILDING COMMISSIONER,** and ~~(c) there is no change to the exterior of the single-family dwelling except where required to comply with the State Building Code.~~

## **ARTICLE 5: SUBURBAN RESIDENTIAL DISTRICT (SR)**

*Delete:*

~~5.4.4 One accessory dwelling unit in a single-family dwelling in existence for at least five years to the application for a building permit, subject to the regulations for "Accessory Dwelling Units and Conversion of Existing Single-Family Dwellings" in Article 17 of this Bylaw.~~

*Add:*

**5.2.9. One accessory dwelling unit in a single-family dwelling either attached to a single family dwelling or detached on a single-family dwelling lot provided that the accessory dwelling unit contains no more than 900 square feet of total floor area or not more than ½**

the square gross floor area of the principal dwelling whichever is less and the LOT contains sufficient area to accommodate parking for the occupants of the single-family dwelling in accordance with the requirements of the bylaw and one parking space for the accessory dwelling unit.

## ARTICLE 6: AGRICULTURAL RESIDENTIAL DISTRICT (AR)

*Delete*

~~6.4.2 One accessory dwelling unit in a single family dwelling in existence for at least five years to the application for a building permit, subject to the regulations for “Accessory Dwelling Units and Conversion of Existing Single Family Dwellings” in Article 17 of this Bylaw.~~

*Add:*

**6.2.10. One accessory dwelling unit in a single-family dwelling either attached to a single family dwelling or detached on a single-family dwelling lot provided that the accessory dwelling unit contains no more than 900 square feet of total floor area or not more than ½ the square gross floor area of the principal dwelling whichever is less and the LOT contains sufficient area to accommodate parking for the occupants of the single-family dwelling in accordance with the requirements of the bylaw and one parking space for the accessory dwelling unit.**

## ARTICLE 7: LAKE ATTITASH DISTRICT (LA)

*Add:*

**7.2.6 One accessory dwelling unit in a single-family dwelling either attached to a single family dwelling or detached on a single-family dwelling lot provided that the accessory dwelling unit contains no more than 900 square feet of total floor area or not more than ½ the square gross floor area of the principal dwelling whichever is less and the LOT contains sufficient area to accommodate parking for the occupants of the single-family dwelling in accordance with the requirements of the bylaw and one parking space for the accessory dwelling unit.**

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

### 17.1. Purpose.

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 **and** 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 ~~a~~**Accessory dDwelling Unit is permitted by right. Where** ~~or~~ a conversion of a single-family dwelling to not more than four dwelling units is permitted by ~~only~~ **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 ~~a~~**Accessory dDwelling** ~~u~~**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. **An Accessory Dwelling Unit that maintains a separate entrance, either directly from the outside or through an entry hall or corridor shared with the principal dwelling sufficient to meet the requirements of the state building code for safe is permitted by right.**~~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 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 occupancy of the primary dwelling~~

~~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~~ **17.3.3** 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 as part of the building permit application, and evidence of same shall be included with such application.~~

~~17.3.5~~ **17.3.4** 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~~ **17.3.4.1** 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~~ **17.3.5** DESIGN – DETACHED ACCESSORY DWELLING UNIT. A detached **Accessory 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.

~~17.6.1~~ **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. Both the primary and ~~a~~**Accessory Dwelling Units** shall access the lot from the same driveway.

**17.3.5.2 All utilities servicing the Detached Accessory Dwelling Unit shall be new municipal services independent and separate from the utilities servicing the primary dwelling unit.**

~~17.3.7~~ **17.3.6** Area limitation. Such accessory unit shall ~~be limited to~~ **not be larger in gross floor area than 1/2 the gross floor area of the principal dwelling or 900**



square feet, whichever is smaller ~~a maximum of 900 square feet in floor area.~~

~~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.~~

~~17.3.9~~ **17.3.7** 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. **A minimum of one (1) off street parking space shall be provided for the Accessory Dwelling Unit, in addition to the two (2) parking spaces required for the SINGLE FAMILY DWELLING. Parking may be in a driveway or a garage.**

**17.3.8 Lot: There shall be no further subdivision of the lot containing the single family dwelling and the Accessory Dwelling Unit.**

**17.3.9 Accessory Dwelling Unit Site Plan Approval: All Accessory Dwelling Units are required to obtain Site Plan Approval from the Planning Board pursuant to the procedures below:**

**17.3.9.1 The application for plan approval shall be accompanied by seven (7) copies of a site plan.**

**17.3.9.2 All site plans shall show the following:**

**17.3.9.2.1 The perimeter dimensions of the lot; Assessor's Map, lot and block numbers.**

**17.3.9.2.2 All existing and proposed buildings, structures, building setbacks, parking spaces, driveway openings, distance between buildings, plan view exterior measurements of individual buildings, driveways, service areas and open areas. All setback requirements shall be met for the detached accessory dwelling unit and shall be shown on the plan.**

**17.3.9.2.3 Elevations of all buildings on the lot.**

**17.3.9.2.4 Floor plans of the accessory unit and principal residence**

**17.3.9.2.5 All proposed landscaping features, such as fences, walls, planting areas and walks on the lot and tract.**

- 17.3.9.2.6 Existing major natural features, including streams, wetlands and all trees six inches or larger in caliper. (Caliper is girth of the tree at approximately waist height.)
- 17.3.9.2.7 Scale and North arrow (minimum scale of one inch equals 40 feet).
- 17.3.9.2.8 Developer's (or his representative's) name, address and phone number.

**17.3.9.3 Site Plan Review Criteria: Site Plan Review criteria shall be limited to the following:**

- 17.3.9.3.1 The Accessory Dwelling Unit should minimize tree, vegetation and soil removal and grade changes.
- 17.3.9.3.2 Architectural style should be compatible with the existing principal dwelling on the subject property.
- 17.3.9.3.3 The Accessory Dwelling Unit shall be serviced with adequate water supply and sewer or septic service.
- 17.3.9.3.4 The Plan shall demonstrate adequate parking, as required hereunder and shall maximize convenience and safety for vehicular and pedestrian movement within the property and in relation to adjacent ways.
- 17.3.9.3.5 All Accessory Dwelling Units, either attached or detached, shall meet the required setbacks as set forth in the Zoning District.

**17.3.9.4 Accessory Dwelling Unit Site Plan Approval Application Process**

**An applicant for shall file the application and all required submittals with the Planning Board. The review for an ADU Site Plan shall be conducted at a regular meeting of the Planning Board. An application for an ADU site plan approval shall be reviewed for consistency with the purpose and intent of this Article 17, and such plan review shall be construed as an as-of-right review and approval process. After review, the Planning Board shall issue to the applicant a copy of the decision for an ADU site plan approval containing the name and address of the owner, identifying the land affected, and the plans that were the subject of the decision.**

17.3.10 Occupancy permit; control. No occupancy of the additional dwelling unit

shall take place without an occupancy permit issued by the BUILDING COMMISSIONER.

~~17.3.10. 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.~~

~~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.~~

**17.3.11 Rental: Accessory Dwelling Units may not be used as Short-Term Rentals, as such term is defined in G.L. c. 64G, §1 or otherwise rented for a period shorter than thirty-one (31) days.**

; or take any other action relative thereto.

**Rationale:** Legislation was enacted as part of the Affordable Homes Act that required cities and towns to permit Accessory Dwelling Units as a matter of right in all zoning districts permitting single family homes. These revisions to Merrimac's Accessory Dwelling Unit By-Law are required to address the new legislation and allow the Town's Accessory Dwelling Unit By-Law to meet the requirements as set forth by the Commonwealth

**Select Board Recommendation: Yes 4-0**

**2/3 Vote Required**

**Article 4.** To see if the Town will vote to amend the Merrimac Zoning By-Laws with the additions to the indicated Articles as written below:

## **ARTICLE 2: DEFINITIONS**

**Battery(ies):** A single cell or a group of cells connected together electrically in series, in parallel, or a combination of both, which can charge, discharge, and store energy electrochemically. For the purposes of this bylaw, batteries utilized in consumer products are excluded from these requirements.

**Battery Energy Storage Management System:** An electronic system that protects energy storage systems from operating outside their safe operating parameters and disconnects electrical power to the energy storage system or places it in a safe condition if potentially hazardous temperatures or other conditions are detected.

**Battery Energy Storage System (BESS):** One or more devices, assembled together, capable of storing energy in order to supply electrical energy at a future time, not to include a stand-alone 12-volt car battery or an electric motor vehicle. A Battery Energy Storage System is classified a Tier 1, Tier 2, or Tier 3 BESS as follows:

1. Tier 1 Battery Energy Storage Systems have an aggregate energy capacity equal to 250kW or less and, whose primary purpose is to store energy from residential solar energy systems if in a room or enclosed structure, and which 51% or more of its stored energy is derived from solar energy systems.
2. Tier 2 Battery Energy Storage Systems have an aggregate energy capacity equal to 250kW or less and, whose primary purpose is to store energy from commercial solar energy systems if in a room or enclosed structure, and which 51% or more of its stored energy is derived from solar energy systems.
3. Tier 3 Battery Energy Storage Systems are defined as those that are interconnected to high voltage transmission lines and have an aggregate energy capacity greater 250 kW but less than or equal to 3 MW.

**Cell:** The basic electrochemical unit, characterized by an anode and a cathode, used to receive, store, and deliver electrical energy.

**Commissioning:** A systematic process that provides documented confirmation that a battery energy storage system functions according to the intended design criteria and complies with applicable code requirements.

**Dedicated-Use Building:** A building that is built for the primary intention of housing battery energy storage system equipment, is classified as Group F-1 occupancy as defined in the International Building Code, and complies with the following:

1. The building's only use is battery energy storage, energy generation, and other electrical grid-related operations.
2. No other occupancy types are permitted in the building.
3. Occupants in the rooms and areas containing battery energy storage systems are limited to personnel that operate, maintain, service, test, and repair the battery energy storage system and other energy systems.

4. Administrative and support personnel are permitted in areas within the buildings that do not contain battery energy storage system, provided the following:
  - a. The areas do not occupy more than 10 percent of the building area of the story in which they are located.
  - b. A means of egress is provided from the administrative and support use areas to the public way that does not require occupants to traverse through areas containing battery energy storage systems or other energy system equipment.

## **ARTICLE 23: SUPPLEMENTAL REGULATIONS**

### **SECTION 23.8: BATTERY ENERGY STORAGE SYSTEMS (BESS) BY-LAW**

#### 23.8.1 Purpose

The purpose of this bylaw is to provide for the construction and operation of Battery Energy Storage Systems (BESS) and to provide standards for the placement, design, construction, monitoring, modification and removal of energy storage systems that address public safety, protection of the Town and private drinking water supply, minimize impacts on scenic, natural and historic resources of the Town of Merrimac, and provide adequate financial assurance for decommissioning. The provisions set forth in this section shall take precedence over all other sections when considering applications related to the construction, operation, and/or repair of Battery Energy Storage Systems.

#### 23.8.2 Applicability

##### 23.8.2.1 Building-integrated Battery Energy Storage Systems

23.8.2.1.1 Battery Energy Storage Systems that are building-integrated, whether a residential or commercial building, energy storage systems shall not be erected, constructed, installed, or modified as provided in this section without first obtaining a building permit from the Building Inspector.

23.8.2.1.2 Building-integrated energy storage systems may be coupled with rooftop solar or behind the meter applications for peak shaving.

##### 23.8.2.2 Co-located Battery Energy Storage Systems

23.8.2.2.1 Battery Energy Storage Facilities are encouraged to co-locate with solar photovoltaic installations, energy, power generation stations, and electrical sub-stations.

- 23.8.2.2.2 If co-located with a solar photovoltaic installation, the BESS shall not exceed the necessary capacity and size generated by the output of the co-located solar photovoltaic installation.
- 23.8.2.2.3 Tier 3 Battery Energy Storage systems not primarily associated with on-site solar generation, which generate less than 51% of their stored energy from solar energy systems shall only be permitted in the Office Light Industrial District and shall require a Special Permit and Site Plan Review from the Planning Board. No Battery Energy Storage Systems are permitted in the Water Resource Protection Overlay District
- 23.8.2.2.4 The nameplate capacity of an Energy Storage system shall not exceed the total kw of renewable energy being produced on the 3-phase distribution line that the energy storage system will be interconnected to.
- 23.8.2.2.5 Modifications to, retrofits or replacements of an existing battery energy storage system that increase the total battery energy storage system designed discharge duration or power rating shall be subject to this bylaw.

**23.8.3 USE TABLE**

	VR	SR	AR	BMO	LA	VC	RH	HS	OI	RAPO
Tier 1 Residential Battery Energy Storage Systems	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Tier 2 Battery Energy Storage Systems	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Tier 3 Battery Energy Storage Systems	N	N	N	N	N	N	N	N	SP	N

**23.8.4 General Requirements**

- 23.8.4.1 In accordance with Section C above, all Tier 3 battery energy storage systems shall require a special permit and site plan approval by the Planning Board prior to construction, installation, or modification as provided in this bylaw.
- 23.8.4.2 All Tier 1 and Tier 2 battery energy storage systems shall require site plan review.
- 23.8.4.3 The construction, operation, and decommissioning of all battery storage energy storage systems shall be consistent with all applicable local, state, and federal requirements, including but not limited to all applicable environmental, safety, construction, fire, and electrical requirements.

23.8.4.4 A building permit and an electrical permit shall be required for installation of all battery energy storage systems.

#### 23.8.5 Application Materials

In addition to requirements of Article 19 Site Plan Review, the application for a Special Permit under this Section shall include the following:

- 23.8.5.1 An existing condition plan with property lines and physical features, including topography and roads, characteristics of vegetation (trees mature, old growth, shrubs, open field, etc.), wetlands, streams, ledge, for the project site;
- 23.8.5.2 A site plan prepared, stamped and signed by a Professional Engineer licensed to practice in Massachusetts, that shows the following:
  - 23.8.5.2.1 Proposed changes to the landscape of the site, including grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures, driveways, snow storage, and storm water management systems; including total acreage of disturbed area, total vegetation cleared, not including mowed fields;
  - 23.8.5.2.2 Trees with a DBH of 20" or greater within project parcel(s) shall be identified to determine tree loss, along with inventorying of diseased or hazard trees slated to be removed due to proposed development;
  - 23.8.5.2.3 Property lines and physical dimensions of the subject property with contour intervals of no more than 10 feet;
  - 23.8.5.2.4 Property lines of adjacent parcels within 300 feet.
  - 23.8.5.2.5 Location, dimensions, and types of existing major structures on the property;
  - 23.8.5.2.6 Location of the proposed battery energy storage structures, foundations, and associated equipment;
  - 23.8.5.2.7 The right-of-way of any public road that is contiguous with the property;
  - 23.8.5.2.8 Any overhead or underground utilities;
  - 23.8.5.2.9 At least one color photograph of the existing site, measuring eight (8) inches by ten (10) inches;

- 23.8.5.2.10 Locations of active farmland and prime farmland soils, wetlands, permanently protected open space, Priority Habitat Areas and BioMap 2 Critical Natural Landscape Core Habitat mapped by the Natural Heritage & Endangered Species Program (NHESP) and “Important Wildlife Habitat” mapped by the DEP;
  - 23.8.5.2.11 Locations of floodplains or inundation areas for moderate or high hazard dams;
  - 23.8.5.2.12 Locations of local or National Historic Districts; and
  - 23.8.5.2.13 Stormwater management and erosion and sediment control.
- 23.8.5.3 A preliminary equipment specification sheet that documents the proposed battery energy storage system components, inverters and associated electrical equipment that are to be installed, including manufacturer and model. A final equipment specification sheet shall be submitted prior to the issuance of building permit.
  - 23.8.5.4 One- or three-line electrical diagram showing associated components, and electrical interconnection methods, with all NEC compliant disconnects and overcurrent devices.
  - 23.8.5.5 Contact information and signature of the project proponent, as well as all co-proponents, if any, and all property owners.
  - 23.8.5.6 Contact information and signature of agents representing the project proponent, if any;
  - 23.8.5.7 Contact information for the person(s) responsible for public inquiries throughout the life of the system.
  - 23.8.5.8 An operations and maintenance plan for Battery Energy Storage System. Such plan shall describe continuing battery energy storage system maintenance and property upkeep, as well as design, construction, installation, testing and commissioning information. It shall also include Energy Storage System technical specifications, including manufacturer and model.
  - 23.8.5.9 Electrical schematic.
  - 23.8.5.10 Documentation that shows the owner of the Energy Storage System has site control, which shall include easements and access roads.
  - 23.8.5.11 Documentation that shows the owner of the Energy Storage System has notified the electric utility of this installation.



23.8.5.12 Emergency Operations Plan. A copy of the approved Emergency Operations Plan shall be given to the system owner, the local police department, local fire department, and local building official. A permanent copy shall also be placed in an approved location to be accessible to facility personnel, building officials, and emergency responders. The emergency operations plan shall include the following information:

23.8.5.12.1 Procedures for safe shutdown, de-energizing, or isolation of equipment and systems under emergency conditions to reduce the risk of fire, electric shock, and personal injuries, and for safe startup following cessation of emergency conditions.

23.8.5.12.2 Procedures for inspection and testing of associated alarms, interlocks, and controls. This includes hazmat appliances for conducting atmospheric monitoring with a scientific officer to support.

23.8.5.12.3 Procedures to be followed in response to notifications from the Battery Energy Storage Management System, when provided, that could signify potentially dangerous conditions, including shutting down equipment, summoning service and repair personnel, and providing agreed upon notification to fire department personnel for potentially hazardous conditions in the event of a system failure.

23.8.5.12.4 Emergency procedures to be followed in case of fire, explosion, release of liquids or vapors, damage to critical moving parts, or other potentially dangerous conditions. Procedures can include sounding the alarm, notifying the fire department, evacuating personnel, de-energizing equipment, and controlling and extinguishing the fire.

23.8.5.12.5 Response considerations similar to a safety data sheet (SDS) that will address response safety concerns and extinguishment when an SDS is not required.

23.8.5.12.6 Procedures for dealing with battery energy storage system equipment damaged in a fire or other emergency event, including maintaining contact information for personnel qualified to safely remove damaged battery energy storage system equipment from the facility.

23.8.5.12.7 Other procedures as determined necessary by the Town to provide for the safety of occupants, neighboring properties, and emergency responders.

- 23.8.5.12.8 Procedures and schedules for conducting drills of these procedures and for training local first responders on the contents of the plan and appropriate response procedures. Trainings must be provided and organized by the applicant.
- 23.8.5.13 Proof of liability insurance: The applicant shall be required to provide evidence of liability insurance in an amount and for a duration sufficient to cover loss or damage to persons and property caused by the failure of the system.
- 23.8.5.14 A noise study, prepared by a qualified individual with experience in environmental acoustics, to assess the impact of all noise sources generated from the project to abutting properties, and determine the appropriate layout, design, and control measures. The report should include details of assessment methods, summarize the results, and recommend the required outdoor as well as any indoor control measures.

#### 23.8.6 Design and Site Standards

In addition to the standards for Special Permit and Site Plan Review in the Zoning Bylaw, the applicant shall adhere to the following standards and provide such information on the site plan:

- 23.8.6.1 Utility Lines. All on-site utility lines shall be placed underground to the extent feasible and as permitted by the serving utility.
- 23.8.6.2 Signage. The signage shall include the type of technology associated with the systems, any special hazards associated, the type of suppression system installed, and 24-hour emergency contact information. All information shall be clearly displayed on a light reflective surface. Clearly visible warning signs concerning voltage shall be placed at the base of all pad-mounted transformers and substations.
- 23.8.6.3 Lighting. Lighting of the systems shall be limited to that minimally required for safety and operational purposes and shall be reasonably shielded and downcast from abutting properties.
- 23.8.6.4 Setbacks. Battery Energy Storage Systems not co-located with solar photovoltaic installations shall adhere to a fifty (50) foot setback from the front, side, and rear property lines and shall adhere to a one hundred fifty (150) foot setback from any residential buildings. BESS's shall also adhere to a one hundred (100) foot setback from water wells (both private and public) located either on-site or on abutting properties.

- 23.8.6.5 Fire protection. Battery Energy Storage Systems not co-located with solar photovoltaic installations shall be located on properties serviced by the public water system or by a water supply acceptable to the Planning Board and Merrimac Fire Department.
- 23.8.6.6 Vegetation and Tree-Cutting. Areas within 5 (five) feet on each side of a Tier 1 system or within ten (10) feet on each side of a Tier 2 or Tier 3 system shall be cleared of combustible vegetation and other combustible growth. Single specimens of trees or shrubbery and cultivated ground covers such as green grass, ivy, succulents, or similar plants shall be exempt provided that they do not form a means of readily transmitting fire. Clearing of natural vegetation shall be limited to that which is necessary for the construction, operation and maintenance of the system and that which is otherwise prescribed by applicable bylaws and regulations.
- 23.8.6.7 Noise. The 1-hour average noise generated from the systems, components, and associated ancillary equipment shall not exceed a noise level of 60 dBA as measured at the property line.

#### 23.8.7 Safety System Certification.

Battery energy storage systems and equipment shall be listed by a Nationally Recognized Testing Laboratory to UL 9540 (Standard for battery energy storage systems and Equipment) or approved equivalent, with subcomponents meeting each of the following standards as applicable:

23.8.7.1 UL 1973 (Standard for Batteries for Use in Stationary, Vehicle Auxiliary Power and Light Electric Rail Applications),

23.8.7.2 UL 1642 (Standard for Lithium Batteries),

23.8.7.3 UL 1741 or UL 62109 (Inverters and Power Converters),

23.8.7.4 Certified under the applicable electrical, building, and fire prevention codes as required.

23.8.7.5 Alternatively, field evaluation by an approved testing laboratory for compliance with UL 9540 (or approved equivalent) and applicable codes, regulations and safety standards may be used to meet system certification requirements.

#### 23.8.8 Special Permit Criteria

The Planning Board may approve an application if the Board finds that the system complies with the Site Plan Review and Approval criteria and with the conditions for granting Special Permits. Battery energy storage systems shall also satisfy the following additional criteria:

- 23.8.8.1 Environmental features of the site are protected, and surface runoff will not cause damage to surrounding properties or increase soil erosion and sedimentation of nearby streams and ponds.
- 23.8.8.2 The Planning Board may also impose conditions as it finds reasonably appropriate to safeguard the town or neighborhood including, but not limited to, screening, lighting, noise, fences, modification of the exterior appearance of electrical cabinets, battery storage systems, or other structures, limitation upon system size, and means of vehicular access or traffic features.
- 23.8.8.3 No occupancy permit shall be granted by the Building Commissioner, nor shall the site be energized or interconnected to the utility until the Planning Board has received, reviewed, and approved an as-built plan that demonstrates that the work proposed on the approved site plan, including all stormwater management components and associated offsite improvements, have been completed in accordance with the approved plan and certified same to the Building Commissioner.
- 23.8.8.4 The Planning Board may, in its discretion, approve an as-built plan upon provision of a type of surety as determined by the Planning Board, to secure incomplete work where such work is not immediately necessary for lawful operation of the system without negative effect on public health and safety and surrounding properties.
- 23.8.8.5 The applicant shall make every effort to coordinate necessary surveying and finalization of the as-built plans and submission of required construction control documents prior to the conclusion of construction. Notwithstanding the above, a temporary occupancy permit may be granted with the approval of the Planning Board subject to conditions for completion of work imposed by the Board.

#### 23.8.9 Decommissioning

23.8.9.1 As part of the applicant's submission to the Planning Board, the applicant shall submit a decommissioning plan, to be implemented upon abandonment or in conjunction with removal from property. The plan shall include:

- 23.8.9.1.1 A narrative description of the activities to be accomplished, including who will perform that activity and at what point in time, for complete physical removal of all battery energy storage system components, structures, equipment, security barriers, and transmission lines from the property.
- 23.8.9.1.2 Disposal of all solid and hazardous waste in accordance with local, state, and federal regulations.

23.8.9.1.3 The anticipated life of the battery energy storage systems.

23.8.9.1.4 The estimated decommissioning costs and how said estimate was determined.

23.8.9.1.4 The method of ensuring that funds will be available for decommissioning and restoration.

23.8.9.1.5 The method by which the decommissioning cost will be kept current.

23.8.9.1.6 The manner in which the site will be restored, including a description of how any changes to the surrounding areas and other systems adjacent to the battery energy storage system, such as, but not limited to, structural elements, building penetrations, means of egress, and required fire detection suppression systems, will be protected during decommissioning and confirmed as being acceptable after the system is removed.

23.8.9.1.7 A listing of any contingencies for removing an intact operational battery energy storage system from service, and for removing an energy storage system from service that has been damaged by a fire or other event.

28.8.9.2 Decommissioning Fund.

28.9.2.1 The owner and/or operator of the energy storage system, shall continuously maintain a fund or bond payable to the Town, in an approved form for the removal of the battery energy storage system, in an amount to be determined by the Planning Board for the period of the life of the facility.

23.8.9.2.2 All costs of the financial security shall be borne by the applicant. The amount shall include a mechanism for calculating increased removal costs due to inflation.

23.8.9.2.3 An inspection of the completed decommissioned area shall be reviewed by a consultant hired by the Planning Board before approving the decommissioning work in accordance with the Decommissioning Plan.

23.8.9.2.4 The owner and/or operator shall pay for the cost of this review with such payment being provided by the owner and/or operator prior to the consultant undertaking said review, in accordance with MGL Chapter 44, Section 53G.

23.8.10 Abandonment.

The battery energy storage system shall be considered abandoned when it ceases to operate consistently for more than twelve (12) months. The system shall be presumed abandoned if the owner and/or operator fails to respond affirmatively within thirty (30) days to a written inquiry from the Building Inspector as to the continued validity and operation of the system. If the owner or operator fails to comply with decommissioning upon any abandonment, the Town, may, at its discretion, remove the system and restore the site in accordance with the decommissioning plan.

23.8.11 Severability.

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

; or take any other action relative hereto.

**Rationale:** This By-Law is being introduced to advance the protection of the public health, safety, welfare and quality of life. In addition, to provide for the construction and operation of Battery Energy Storage Systems (BESS) and to provide standards for the placement, design, construction, monitoring, modification and removal of energy storage systems that address public safety. Per the request of the Building Commissioner.

**Select Board Recommendation: Yes 4-0**

**2/3 Vote Required**

**Article 5.** To see if the Town will vote to amend the Town's General By-Laws, Article XVIII, Water Use, by adding a paragraph to section 18.5.16 as amended as follows (Bold is new):

18.5.16 Efficient Use of Water is encouraged – the water supplied, treated, stored, and conveyed by the Public Water System is provided for the health, safety, and enjoyment of the customers of the Merrimac Water Department. The customers are reminded that the supply is not unlimited and are encouraged to avoid practices that result in the unnecessary use of water.

At paragraph 18.5.16 add

**Any person with a privately-owned well should be aware that it is likely the well has the same or a similar water source as the Public Water System. This means that it is important for persons with privately-owned wells to also be efficient and mindful when it comes to water use. Any water conservation measures recommend for the customers to follow would be extra beneficial to the water supply, if persons who have privately-owned wells considered following the recommendations as well. This is extra important during times of drought.**

; or take any other action relative hereto.

**Rationale:** In the By-Laws section “Efficient Use of Water is Encouraged” information on water uses for private well owners has been added. It references the value of being mindful and efficient when it comes to water use since, even though they are not in the Town’s public water system, the water in their well is most likely drawing from the same water source as the Town system or at least a similar source. This means both the public water system and private wells are affected during times of drought. Per the request of the DPW Director.

**Select Board Recommendation: Yes 4-0**

**Article 6:** To see if the Town will vote to affirm the acquisition of and transfer the care, custody, and control of the land located at 0 Town Forest Road, Merrimac, Massachusetts and as shown on the Town of Merrimac Assessor’s Map 70, Block 1, Lot 1, including 281 acres, more or less, whose deed is recorded at Book 2794, Page 503, Book 2981, Pages 432 and 435, Book 3129, Page 510, and Book 3143, Page 459 of the Southern Essex District Registry of Deeds, but excluding the former landfill area so marked and depicted on the survey titled “BATTIS LANDFILL PERIMETER PLAN IN MERRIMAC, MASSACHUSETTS ESSEX COUNTY,” prepared by Hancock Associates, One Harris Street, Suite 3, Newburyport, MA , 01950, dated December 30, 2021, and recorded herewith, to the Conservation Commission for the exclusive purpose of conservation as the Town Forest in accordance with Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts; or take any other action relative hereto.

**Rationale:** The action requested for Article 6 through Article 10 is to affirm the land that comprises the Merrimac Town Forest was acquired for conservation purposes. The language of these articles invokes conservation protection under Article 97 of the state Constitution. This protection can only be removed at a future date by a two-thirds vote at Town Meeting and a two-thirds vote of the state legislature. The Town began acquiring land for the Town Forest in 1924 with the most recent parcel being added in 2001. The Town Meeting votes for these acquisitions indicated the land was to be included in the Town Forest but did not explicitly state the purpose. Therefore, it is necessary to take action to ensure this conservation protection. (In Article 6 there is language to exclude the former landfill from that cited parcel as it does not qualify as a conservation use.) Recommended by the Open Space Committee.

**Select Board Recommendation: Yes 4-0**

**2/3 Vote Required**

**Article 7.** To see if the Town will vote to transfer the care, custody, and control of the land located at 0 Red Oak Hill Road, Merrimac, Massachusetts and as shown on the Town of Merrimac Assessor's Map 70, Block 1, Lot 7, including 7 acres, more or less, whose deed is recorded at Book 3322, Page 175 of the Southern Essex District Registry of Deeds, to the Conservation Commission for the exclusive purpose of conservation as the Town Forest in accordance with Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts; or take any other action relative hereto.

**Rationale:** Same as for Article 6. (Town Counsel has advised that each parcel that is included in what is known as the Merrimac Town Forest be voted separately.) Recommended by the Open Space Committee.

**Select Board Recommendation: Yes 4-0**

**2/3 Vote Required**

**Article 8.** To see if the Town will vote to affirm the acquisition of and transfer the care, custody, and control of the land located at 0 Red Oak Hill Road, Merrimac, Massachusetts and as shown on the Town of Merrimac Assessor's Map 70, Block 1, Lot 6, including 11.8 acres, more or less, whose deed is recorded at Book 17402, Page 396 of the Southern Essex District Registry of Deeds, to the Conservation Commission for the exclusive purpose of conservation as the Town Forest in accordance with Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts; or take any other action relative hereto.

**Rationale:** Same as for Article 6. (Town Counsel has advised that each parcel that is included in what is known as the Merrimac Town Forest be voted separately.) Recommended by the Open Space Committee.

**Select Board Recommendation: Yes 4-0**

**2/3 Vote Required**

**Article 9.** To see if the Town will vote to transfer the care, custody, and control of the land located at 0 Huse Road, Merrimac, Massachusetts and as shown on the Town of Merrimac Assessor's Map 70, Block 1, Lot 5, including 2.8 acres, more or less, whose deed is recorded at Book 6703, Page 373 of the Southern Essex District Registry of Deeds, to the Conservation Commission for the exclusive purpose of conservation as the Merrimac Town Forest in accordance with Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts; or take any other action relative hereto.

**Rationale:** Same as for Article 6. (Town Counsel has advised that each parcel that is included in what is known as the Merrimac Town Forest be voted separately.) Recommended by the Open Space Committee.

**Select Board Recommendation: Yes 4-0**

**2/3 Vote Required**



**Article 10.** To see if the Town will vote to affirm the acquisition of the land located at 0 Red Oak Hill Road, Merrimac, Massachusetts and as shown on the Town of Merrimac Assessor's Map 70, Block 1, Lot 3, including 8 acres, more or less, whose deed is recorded at Book 6334, Page 556 of the Southern Essex District Registry of Deeds; or take any other action relative hereto.

**Rationale:** The original vote at Town Meeting in 1977 gave care, custody and control to the Conservation Commission so that does not need to be repeated in this article. It only needs to affirm the purpose of the acquisition. Recommended by the Open Space Committee.

**Select Board Recommendation: Yes 4-0**

**2/3 Vote Required**

**Article 11.** To see if the Town will authorize the Select Board /or Sewer Commission to sell an easement in the properties along Federal Way, formerly known as Lots P-100 and P-101, as shown on a plan dated February 28, 1977, and recorded on September 14, 1979, in the Essex South Registry of Deeds in Plan Book 155, Plan 1, which is on file with the Town Clerk, for the purpose of vehicular access to and from an existing cell tower site, and further to authorize the Select Board and/or Sewer Commission to enter into any agreements in order to effectuate same; or take any other action related thereto.

**Rationale:** This land was acquired in the seventies for constructing of the towns Wastewater facility, however, the town has an opportunity to sell the right to pass and repass over this property to the cell towers owners to access their cell tower at the end of Federal Way. This sale or easement would help offset some of the cost towards the upcoming upgrade and construction of the new Wastewater Treatment Facility. Requested by the DPW Director.

**Select Board Recommendation: \***

**2/3 Vote Required**

\* Select Board will vote on recommendation on 10/7/2024

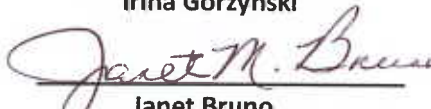
Given under our hands this 23<sup>rd</sup> day of September 2024

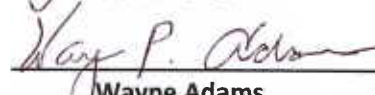
**SELECT BOARD**

  
Chris Manni

  
Irina Gorzynski

**TOWN OF**

  
Janet Bruno

  
Wayne Adams

**MERRIMAC**

  
Robert Gustison

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 26<sup>th</sup> day of September, 2024 in the following three places:

Light Department  
Cozy Cleaners  
Town Hall



**TOWN OF MERRIMAC**  
**OFFICE OF THE SELECT BOARD**  
2-8 School Street, Merrimac, MA 01860  
TEL (978) 346-8862  
FAX (978) 346-7832  
E-MAIL [Selectmen@townofmerrimac.com](mailto:Selectmen@townofmerrimac.com)

September 26, 2024

David Vance, Constable has notified the Town of Merrimac through the Select Board that the warrant for the Special Town Meeting on October 21, 2024 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



---

David Vance, Constable