

TOWN OF SEEKONK



February 27, 2017

Special Town Meeting

Town Moderator

Peter Hoogerzeil

Board of Selectmen

David J. Andrade, Chairman

David S. Parker

David F. Viera, Clerk

Nelson Almeida, Vice
Chairperson

Michelle A. Hines

Town Administrator

Shawn E. Cadime

Town Clerk

Jan Parker

Finance Committee

Justin Sullivan, Chair

Russell Horsman

Karen Perkins

David Saad

Doreen Taylor

Matthew Salisbury

Town of Seekonk

SPECIAL TOWN MEETING

BRISTOL, SS.

Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby requested to notify the inhabitants of the Town who are qualified to vote in Town affairs, to meet at Seekonk High School, 261 Arcade Avenue, Seekonk, Massachusetts on:

Monday, February 27, 2017 at 7:00 P. M.

To vote on the following Articles. The Meeting was called to order with a quorum of 100 registered voters at 7:05 PM by the Town Clerk. The meeting was turned over to the Town Moderator.

A motion was made to allow the following non-residents to speak at the meeting:

Shawn Cadime, Town Administrator, Peter Fuller, Library Director, Theodora Gabriel, Town Assessor, Bruce Alexander, Director of Finance, Bernadette Huck, Director, Human Services Council, Christine DeFontes, Treasurer/Collector, John Aubin, III, Town Planner, Arlene Bosco, Superintendent, Town Counsel: Pannone, Lopes, Devereaux, & West, LLC, James LaFlame, Veterans Agent, Jennifer Miller, Conservation Agent, Rob Bernardo, Water Superintendent.

Action on the motion; motion passes with a unanimous vote.

ARTICLE 1

A motion was made that the Town vote to receive the reports of Town Officers, or Committees, and to place them on file with the Town Clerk

A report was given by the Library Facilities Committee.

Action on the motion: Motion passes with a unanimous vote.

**Submitted by: Board of Selectmen
Board of Selectmen: Recommend Approval
Finance Committee:**

ARTICLE 2

A motion was made to see if the Town will vote to amend the program guidelines for the Seekonk Economic Incentive Program, adopted by this Town Meeting, May 16, 2016, as presented below, or take any other action relative thereto.

Seekonk Economic Development Incentive Program Guidelines

I. Purpose and Intent

A. Introduction and Statutory Authority

1. The guidelines of the **Seekonk Economic Development Incentive Program** set forth the application, review, and authorization criteria for economic development incentive agreements for qualifying development projects within the Town of Seekonk.
2. These guideline are promulgated and adopted pursuant to Chapters 23a, 40, and 50 of the Massachusetts General Laws and ~~the applicable provisions~~ Section 22 of Chapter 760 of the Code of Massachusetts Regulations and the Economic Development Incentive Program of the Massachusetts Office of Business Development.

B. Definitions

For the purpose of these guidelines the following terms shall be defined as follows:

Applicant: A property owner or their duly authorized agent or representative proposing a project seeking to enter into an Economic Development Incentive Agreement with the Town of Seekonk pursuant to these guidelines

Application: A complete submission in accordance with Section IV below by an applicant seeking to enter into an Economic Development Incentive Agreement with the Town of Seekonk pursuant to these guidelines

Economic Development Incentive Agreement: An agreement by and between an applicant and Town of Seekonk authorizing a specific economic incentive (generally a reduction in future anticipated tax increases) in recognition of or in order to facilitate general and specific public benefits, improvements resulting from an economic development project that would otherwise be infeasible without an incentive.

Economic Incentive Committee: Seekonk Board of Selectmen

Eligible Project: An economic development project subject of an application under these guidelines determined by the Economic Incentive Committee to be eligible under Section III below.

C. Goals:

The goals of the Seekonk Economic Development Incentive Program are to:

1. Stimulate capital investments that result in a 50% increase in net taxable property value;
2. Attract new businesses that are compatible with the land use and growth pattern of the town of Seekonk as set forth in the Seekonk Master Plan and Zoning By-laws;

3. Foster renovation or reconstruction of blighted, vacant, or underutilized commercial or industrial properties;
4. Support new construction for businesses in locations compatible with local plans and goals.
5. Expand existing businesses;
6. Support new development in the Economic Development Overlay District, Solar Photovoltaic Overlay District, Highway Business, and Industrial zoning Districts;
7. Support desirable projects that are otherwise financially infeasible; and
8. Add to or enhance the firm's employment levels with salaries that compare to or exceed the Area Median Income.

II. Seekonk Economic Incentive Committee

- A. The Board of Selectmen shall be the Seekonk Economic Incentive Committee and shall be the Town body responsible for negotiation of the terms and conditions of any agreement proposed for Town Meeting authorization under these guidelines. In review of any application submitted under this program the Board of Selectmen shall request advisory review as set forth below.

III. Project Eligibility

The **Economic Incentive Committee** shall determine whether applications for projects submitted under these guidelines are eligible for an economic development incentive agreement based on:

- A. Anticipated job creation or retention;
- B. Total project investment;
- C. Proposed infrastructure or other public improvements;
- D. Anticipated increase in Tax revenue for the site of the project;
- E. Anticipated secondary economic benefits of a project;
- F. Conformance of an proposed project with the Seekonk Master Plan and Zoning By-Laws;
- G. Local scale and overall conceptual design of a proposed project;
- H. Period of time a project site has been vacant or underutilized;
- I. Presence of a brownfield or other real or perceived impediments to development on a site and /or;
- J. Employment goals and preferences for residents of the Town of Seekonk.

IV. Application

A complete application shall be comprised of the following materials submitted to the Office of the Town Administrator. The Economic Incentive Committee may adopt such forms and procedures as they deem necessary to facilitate the application process.

- A. Letter of intent to the Massachusetts Office of Business Development Regional Director and the Town Administrator of the Town of Seekonk.
- B. ~~Completed Commonwealth of Massachusetts EDIP Application including the Local Incentive Valuation information.~~ A project statement included location, developer, owner, preliminary site development details, proposed uses, required local approvals, special permits, or variances and

anticipated operational information as well as any proposed infrastructure improvements or other public benefits expected result from the project.

- C. Demonstration that project financing requires tax relief with an operating pro-forma
- D. Demonstration that the Economic Development Incentive Agreement is essential to the applicant's decision to establish a new business or expand an existing business.
- E. Demonstration that the Economic Development Incentive Agreement request does not equal the entire new revenue amount calculated over the term of the agreement.
- F. Financial information such as business tax returns, year-to-date financial statements, banking and credit references as requested during the pre-application review.
- G. Number of current and projected jobs including comparison of new job salaries with Seekonk's Area Median Income.
- H. Draft Economic Development Incentive Agreement

V. Review

A. Pre-application meeting

Potential applicants are strongly encouraged to request a pre-application meeting with the Town Administrator and Town staff in order to review the overall project, local regulatory permitting procedures, and project eligibility under these guidelines prior to submission an application.

- B. Upon receipt of an application the Board of Selectmen shall forward copies of the application and supporting documents to the Board of Assessor's, Finance Committee, and Economic Development Committee. The Board of Selectmen may also forward the application to any other Town Board, Committee, or Department as recommended by staff after a pre-application meeting, or the initial review by the Board of Selectmen; for the purpose of obtaining the opinion of those Boards or Committees with regard to an aspect of an application that is or may be under their purview or area of expertise. Any Board, Committee, or Department shall forward any opinion, comment or recommendation they may have no more than thirty (30) days from the referral of the application to the Board, Committee, or department.
- C. After receipt of all advisory reviews or expiration of the thirty (30) day advisory review period the Board of Selectmen may consider the application and proposed agreement in open or properly convened executive session as appropriate and permitted by the Laws of the Commonwealth of Massachusetts.
- D. The Board of Selectmen, by majority vote, shall either reject an application or vote to authorize a warrant article at the next Town Meeting to approve the Economic Development Incentive Agreement for the application.

VI. Approval by Town Meeting

No agreement under these guidelines shall be executed and recorded until it has been authorized and approved by a duly convened Town Meeting by a two thirds vote of those present to approve a warrant article specifically authorizing such agreement between the Town of Seekonk and an applicant.

A motion was made that the Town vote to amend the Seekonk Economic Incentive Program as presented in this warrant.

Action on the motion: Motion passes with a unanimous vote.

**Submitted by: Board of Selectmen
Board of Selectmen: Recommend Approval
Finance Committee:**

ARTICLE 3

A motion was made that the Town vote to dissolve the Health Insurance Trust Fund established when the Town operated a self-insurance program, ending in 2004 and transfer the assets of the Health Insurance Trust Fund to the Other Post Employment (OPEB) Liability Trust Fund established by this Town Meeting on November 29, 2010 pursuant to Massachusetts General Laws, Chapter 32B, Section 20.

Action on the motion: Motion passes with a unanimous vote.

**Submitted by: Board of Selectmen
Board of Selectmen: Recommend Approval
Finance Committee:**

ARTICLE 4

To see if the Town will vote to raise and appropriate, transfer from available funds, or authorize the Town Treasurer to borrow, subject to the approval of the Board of Selectmen, under provisions of Massachusetts General Law, the sum of \$950,000 or sums of money to design, renovate or construct and furnish the Seekonk Animal Shelter, or any incidental costs related thereto. This authorization shall be contingent upon the successful passage of a ballot question, in accordance with Massachusetts General Laws, Chapter 59, section 21C, to exempt from provisions of Proposition 2 1/2, so called, the amounts necessary to pay the principal and interest on any debt authorized under this vote, or take any action relative thereto.

A motion was made that the Town vote to authorize the Town Treasurer to borrow, subject to the approval of the Board of Selectmen, under provisions of Massachusetts General Law, the sum of \$950,000 to design, renovate, construct and furnish the Seekonk Animal Shelter, including any incidental costs or related costs related thereto. This authorization shall be contingent upon the successful passage of a ballot question, in accordance with Massachusetts General Law, Chapter 59, Section 21C, to exempt from provisions of Proposition 2 1/2, so called, the amounts necessary to pay the principal and interest on any debt authorized under this vote. Said sum to be expended under the direction of the Board of Selectmen. Any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the cost of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

Action on the motion: Town Moderator declared the motion passed in excess of 2/3 with 86 approving and 14 disapproving.

**Submitted by: Board of Selectmen
Board of Selectmen: Recommend Approval
Finance Committee:**

ARTICLE 5

A motion was made that the Town vote to appropriate from the Municipal Capital Stabilization Fund the following monies in the amounts and for the purposes designated, and further to authorize appropriate Town officials to enter into contracts for more than three years for such purposes, applicable:

- 1. Year One (1) of a three (3) year lease/purchase of an Elgin Pelican Street Sweeper the Department of Public Works to be expended under the direction of the Board of Selectmen
\$73,970.54*

Action on the motion: Motion passes with 97 approving and 3 disapproving.

**Submitted by: Board of Selectmen
Board of Selectmen: Recommend Approval
Finance Committee:**

ARTICLE 6

To see if the Town will vote to amend the Zoning By-Laws of the Town of Seekonk as presented below, or take any other action relative thereto.

Please note: Each amendment is presented below with existing language to be deleted indicated by ~~strikethrough~~ and proposed new language indicated by underline. Where a portion of a section or subsection is proposed for amendment it is denoted by “parentheses” and ... before and/ or after ... to indicate the language not quoted.

A. §1.2 Purpose

These Zoning By-laws are intended to be and shall be interpreted and construed as ~~permissive~~ prohibitive.

Comment: The proposal amend “permissive” to “prohibitive” is for consistency with the use table and an expression of intent of the Zoning By-law.

B. §1.3 Definitions

LOT LINE: A line of record, bounding a lot, which divides one lot from another lot or from another lot or from a public or private street or any other public or private space and shall include:

- b) **Rear:** the lot line opposite and most distant from the front lot line, or in the case of triangular or otherwise irregularly shaped lots, and assumed line at least ten (10) ~~free feet~~ in length entirely within the lot, parallel to and at a maximum distance from the front lot line; and
- c) **Side:** any lot line other than a front or rear lot line. On a corner lot, or irregularly shaped lot, there may be more than one front lot line, and consequently, more than one rear lot line.

Comment: The proposed amendment is a typographical correction of free to feet in subsection b) and add “front” to subsection c) for clarification.

C. §4 USE REGULATIONS (add the following language to Table 4.2.4)

4.2.4 Business and Commercial Uses

Principal Uses (unless specified otherwise)	Residence Districts			
	<u>R-1</u>	<u>R-2</u>	<u>R-1</u>	<u>R-2</u>
Business and Commercial Uses				
1. Offices ¹				
a. Under 2,000 square feet	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
b. Equal to or over 2,000 square feet, but less than 25,000 square feet	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
c. Equal to or over 25,000 square feet	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>

Principal Uses (unless specified otherwise)	Residence Districts			
	<u>R-1</u>	<u>R-2</u>	<u>R-1</u>	<u>R-2</u>
2. Retail stores and service establishments (other than restaurants, mini-storage facilities and Adult Uses defined in MGL Ch40A Sec. 9A)				
a. Under 2,000 square feet	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
b. Equal to or over 2,000 square feet	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
3. Restaurants (not including bakeries, cafes or fast food restaurants)	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
4. Bakery/café (not including drive-through)	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
5. Fast food establishments				
6. Banks	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
7. Funeral homes	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
8. Wholesale establishments ⁵	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
9. Hotels or motels	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
10. Establishments processing for direct consumption ⁶	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
11. Auto service stations ⁷	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
a. Gas or Fueling Station	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
12. Carpentry, plumbing and electrical workshops	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
13. Medical or Health Related Laboratory				
a. Under 2,000 square feet	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
b. Equal to or over 2,000 square feet, but less than 25,000 square feet	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
c. Equal to or over 25,000 square feet	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
14. Newspaper or job printing establishment	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
15. Nursing homes	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
16. Non-residential mixed use development	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
17. Any allowed business use that incorporates a drive-through facility	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>

Comment: The proposed amendment adds the residential district to the land use table for clarity.

D. §4 USE REGULATIONS (add the following language to Table 4.2.5)

4.2.5 Industrial Uses

Principal Uses (unless specified otherwise)	Residence Districts			
	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>R-4</u>
H. Industrial Uses¹				
1. Administration	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
2. Research	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
3. Manufacturing	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
4. Processing	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
5. Fabrication	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
6. Assembly	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
7. Storage	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>

Principal Uses (unless specified otherwise)	Residence Districts			
	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>R-4</u>
8. Mini-storage	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
9. Freight handling	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>

Comment: The proposed amendment adds the residential district to the land use table for clarity.

E. §6.4.7 PERFORMANCE and DESIGN STANDARDS FOR SPECIAL PERMIT APPLICATIONS

6.4.7 PERFORMANCE and DESIGN STANDARDS FOR SPECIAL PERMIT APPLICATIONS

In addition to those performance and design standards listed in Section 9.4.6 6.4.6, the following performance and design standards shall apply to any activity that may be allowed through a Special Permit in the WRPD as applicable.

Comment: The proposed amendment corrects a citation error resulting from the reorganization of the Zoning By-laws.

F. §6.7. Telecommunications Facility Overlay District add the following language to Sections 6.7.6.2 and 6.7.6.5

6.7.6.2 Tower height shall not exceed 100 feet above the mean finished grade of the tower base. Variance applications to exceed this height limit cannot be requested except as provided for in Section 6.7.6.5 below.

6.7.6.5 Telecommunication facilities shall be designed to allow for up to three separate telecommunication carriers, as defined in the Telecommunications Act of 1996, and the original telecommunication facility owner shall allow co-location by these said additional carriers. In addition to the above, at the time of application for any communications tower, a minimum of 10' of antennae location space shall be made available on the tower for town police, fire, rescue or public works communications needs related to public safety, health, and welfare. The communications tower owner and wireless service carriers shall assist the town, when deemed necessary, in the enhancement of existing public safety communication systems by providing for the acquisition and installation of related equipment. Any such space allotted for public safety use shall remain available to the Town for the life of the facility regardless of any change in ownership of the telecommunications facility. A developer of a telecommunications facility may exceed the 100' height limitation set forth in Section 6.7.6.2 provided that such additional height is utilized for police, fire, rescue or public works communications needs of the Town of Seekonk.

Comment: The proposed amendment provides for an additional ten feet of tower height if such additional height is utilized for town communications purposes.

G. §6.8. Solar Photovoltaic Overlay District add the following language to Section 6.8.5.1

6.8.5.1 Purpose and definition of terms

...
In the application of this section the following terms shall be defined as follows:

As-of-Right Siting: As-of-Right Siting shall mean that development may proceed without the need for a special permit, variance, amendment, waiver, or other discretionary approval. As-of-right development of large-scale ground-mounted SPF's within the SPF District shall be subject to Site Plan Review to determine conformance with this Zoning By-law.

Building Permit: A construction permit issued by the Building Official; the building permit evidences that the project is consistent with the state and federal building codes as well as local Zoning By-laws, including those governing ground-mounted large-scale SPF's.

Large-Scale Ground-Mounted Solar Photovoltaic Facility: A solar photovoltaic system that is structurally mounted on the ground and is not roof-mounted, and has a minimum rated nameplate capacity of 250 kW DC.

Rated Nameplate Capacity: The maximum rated output of electric power production of the Photovoltaic system in Direct Current (DC).

Comment: The proposed amendment corrects an omission resulting from the reorganized Zoning By-laws in 2014.

- H. **§6.8. Solar Photovoltaic Overlay District** add the following language to Section 6.8.5.4 Procedure after the first paragraph

6.8.5.4 Procedure (proposed para. 2)

Notice of the Planning Board's review of the SPF shall be provided by the applicant via certified mail, return receipt requested, to all abutters within a 300' radius of the property upon which the SPF is proposed to be sited not less than 14 days prior to the Planning Board meeting at which the Site Plan for the SPF is to be considered. The applicant shall submit documentation of compliance with this notice requirement to the Planning Board.

Comment: The proposed amendment requires notice of the Planning Board's review of a Solar Photovoltaic Facility (SPF) to abutters within 300' of a site proposed for such a facility in the Solar Photovoltaic Overlay District.

- I. **§6.11 Continuing Care Residency Campus Overlay District** add the following language to Section 6.11.10

6.11.10 DECISION

The Planning Board shall render its decision regarding the site plan within ~~sixty (60)~~ 120 one hundred and twenty days of the date of the application, as may be extended by agreement in writing. Such decision shall be filed with the office of the Town Clerk. Site plan approval for a Continuing Care Residency Campus shall be granted upon determination by the Planning Board that new building construction or other site alteration satisfies all of the following objectives. **Comment:** The proposed amendment makes the time frame for review consistent with the other review timeframes provided for in the other overlay districts and in consideration of the scale of the project anticipated within the CCRCOD

A motion was made that the Town vote to amend the Zoning By-Laws of the Town of Seekonk as presented in this warrant.

Action on the motion: Motion passes unanimously with the amendment in sec b) to read "Rear: the lot line opposite and most distant from the front lot line".

Submitted by: Selectmen
Board of Selectmen: No Recommendation
Finance Committee:

ARTICLE 7

To see if the Town will vote to replace the By-Laws of the Town of Seekonk, as amended, in the entirety, and replace with By-laws as presented in the document provided at this town meeting, or take any other action relative thereto.

The following Amendments were made on Town Meeting floor:

- 1) Category 2, paragraph 2 remove the second paragraph. Vote on the amendment to strike the paragraph was 40 approving and 26 disapproving.
- 2) Category 24, Section 11 The first sentence was amended to say "Except as hereinafter provided, no more than two unregistered motor vehicles may be stored, kept or maintained on private and commercial property within the Town unless stored, kept or maintained in fully enclosed garages or other inside storage facilities". Vote on the amendment was unanimous.
- 3) Category 25, First Paragraph first sentence. "It shall be unlawful for the owner or occupant of any residential property to have more than one unregistered motor vehicle unless the same is kept in a fully enclosed primary structure. Vote on this amendment was unanimous.

A motion was made to replace the By-Laws of the Town of Seekonk, as amended, in the entirety, and replace the By-Laws as amended at Town Meeting.

Action on the motion: Motion passes with a unanimous vote

Submitted by: Selectmen
Board of Selectmen: No Recommendation
Finance Committee:

ARTICLE 8

A motion was made that the Town transfer from Free Cash the sum of \$96,016.00 to fund the contract between the Town of Seekonk and Massachusetts Coalition of Police, Local 215 for Fiscal Year 2017 and increase line 40 for Article 2 for the Town meeting of May 16, 2016 by \$96,016 to \$3,537,361.

Action on the motion: Motion passes with unanimous vote.

**Submitted by: Selectmen
Board of Selectmen: Recommend Approval
Finance Committee:**

A motion was made to dissolve the meeting at 10:05PM

Action on the motion: To dissolve the meeting passes with a unanimous vote.

Town of Seekonk

SPECIAL TOWN MEETING

And you are hereby directed to serve this Warrant by posting attested copies as required by law and vote of the Town.

Hereof fail not and make return of the Warrant with your doings thereon to the Town Clerk at or before the time of said Meeting.

GIVEN UNDER OUR HANDS ON THIS 8th DAY OF FEBRUARY, 2017.


Seekonk Board of Selectmen



David J. Andrade, Chairman



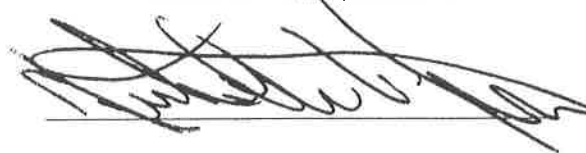
Nelson Almeida, Vice Chairman



David F. Viera, Clerk

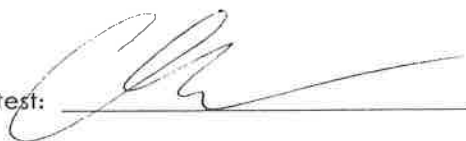


David S. Parker, Member



Michelle A. Hines, Member

A True Copy Attest:



Constable

Date:

2/13/17