

TOWN OF SEEKONK

WARRANT/MINUTES



November 19, 2018

Fall Town Meeting

Town Moderator
Peter Hoogerzeil

Board of Selectmen
David J. Andrade, Chairman
Nelson Almeida, Vice Chairman
David F. Viera, Clerk
Michelle A. Hines
Christopher Zorra

Town Administrator
Shawn E. Cadime

Town Clerk
Florice Craig

Finance Committee
Russell Horsman, Chairperson
Justin Sullivan
Derick Medeiros
Jack Horton
Matthew Salisbury
Michael Brady

Town of Seekonk

FALL TOWN MEETING

BRISTOL, SS.

Town Clerk opened meeting with the Pledge of Allegiance:

Town Clerk read the Greeting: 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, November 19, 2018 at 7:00 P. M.** to vote on the following Articles.

The Meeting was called to order by the Town Clerk at 7:00PM with a quorum of 75 registered voters and the meeting was turned over to the Town Moderator, who shall preside at said Meeting.

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; Brittney Faria, Director, Human Services Council; Christine DeFontes, Treasure/Collector; John Aubin, III, Town Planner; Dr. Richard Drolet, School Superintendent; Susan Doe, Special Education Director; Jill Brilhante, School Dept. Finance Administrator, Zachary Waddicor, Asst. Superintendent for Teaching & Learning; Town Counsel, KP LAW; James LaFlame, Veterans Agent; Jennifer Miller, Conservation Agent; Christopher Campbell, Director of Communications; Rob Bernardo, Water Superintendent; Nathaniel Ginsberg, Brewster Thornton Group Architects; Christine Shea from Brewster Thornton Group Architects.

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

A motion was made by the Town Moderator to allow the Town Moderator to proceed with all articles, even those that affect him/her personally.

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

A motion was made by the Town Moderator to allow the Town Moderator to declare a 2/3 vote on articles requiring that vote.

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

ARTICLE 1

To receive the reports of Town Officers, or Committees, if any, and to act thereon, or take any action relative thereto.

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

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

ARTICLE 2

To see if the Town of Seekonk will vote to accept as a public way Ricard Street Extension, as laid out by the Board of Selectmen, copies of which are on file with the Seekonk Town Clerk, and to authorize the Board of Selectmen to acquire by gift, purchase, or eminent domain any necessary easements or other interests in land within said way as so laid out for all purposes for which public ways are used in the Town of Seekonk, or take any other action thereto:

A Motion was made that the Town vote to accept as a public way Ricard Street Extension, as laid out by the Board of Selectmen, and authorize the Board of Selectmen to acquire by gift, purchase or eminent domain any necessary easements or other interests in land within said way as so laid out for all purposes for which public ways are used in the Town of Seekonk.

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

ARTICLE 3

To see if the Town will vote to amend the Town of Seekonk General Bylaws, Category 20C, Stormwater Management; Post Construction New Developments & Redevelopments, by deleting the language shown in bold strikethrough and inserting the language set forth in bold underline as set forth below, or take any other action relative thereto.

CATEGORY 20C – Stormwater Management; Post Construction New Developments & Redevelopments

Section 2 – Definitions

ABUTTER: The owner(s) of land abutting the activity.

ALTERATION OF DRAINAGE CHARACTERISTICS: Any activity on an area of land that changes the water quality, force, direction, timing or location of runoff flowing from the area. Such changes include: change from distributed runoff to confined, discrete discharge; change in the volume of runoff from the area; change in the peak rate of runoff from the area; and change in the recharge to groundwater within the area.

AUTHORIZED ENFORCEMENT AGENCY: The Planning Board, its employees or agents, designated to enforce this bylaw.

BEST MANAGEMENT PRACTICE (BMP): An activity, procedure, restraint, or structural improvement that helps to reduce the quantity or improve the quality of stormwater runoff.

CLEARING: Any activity that removes the vegetative surface cover.

DEVELOPMENT: The modification of land to accommodate a new use or expansion of use, usually involving construction.

DISTURBANCE OF LAND: Any action that causes a change in the position, location, or arrangement of soil, sand, rock, gravel, or similar earth material.

GRADING: Changing the level or shape of the ground surface.

GRUBBING: The act of clearing land surface by digging up roots and stumps.

IMPERVIOUS SURFACE: Any material or structure on or above the ground that prevents water from infiltrating the underlying soil. Impervious surfaces include without limitation: roads, paved parking lots, sidewalks, and rooftops.

LAND DISTURBANCE ACTIVITY: Any activity that changes the volume or peak flow discharge rate of rainfall runoff from the land surface. This may include the grading, digging, cutting, scraping, or excavating of soil, placement of fill materials, paving, construction, substantial removal of vegetation, or any activity which bares soil or rock or involves the diversion or piping of any natural or man-made watercourse.

MASSACHUSETTS STORMWATER MANAGEMENT POLICY: The Policy issued by the Department of Environmental Protection, and as amended, that coordinates the requirements prescribed by state regulations promulgated under the authority of the Massachusetts Wetlands Protection Act G.L. c.131, §40 and Massachusetts Clean Waters Act G.L. c.21, §23-56. The Policy addresses stormwater impacts through implementation of performance standards to reduce or prevent pollutants from reaching water bodies and control the quantity of runoff from a site.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) or MUNICIPAL STORM DRAIN SYSTEM: The system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage

system, street, gutter, curb inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the Town of Seekonk.

OPERATION AND MAINTENANCE PLAN: A plan setting up the functional, financial and organizational mechanisms for the ongoing operation and maintenance of a stormwater management system to ensure that it continues to function as designed.

OUTFALL: The point at which stormwater flows out from a point source or any discernible, confined and discrete conveyance into waters of the Commonwealth.

OUTSTANDING RESOURCE WATERS (ORWs): Waters designated by Massachusetts Department of Environmental Protection as ORWs. These waters have exceptional sociologic, recreational, ecological and/or aesthetic values and are subject to more stringent requirements under both the Massachusetts Water Quality Standards (314 CMR 4.00) and the Massachusetts Stormwater Management Standards. ORWs include vernal pools certified by the Natural Heritage Program of the Massachusetts Department of Fisheries and Wildlife and Environmental Law Enforcement, all Class A designated public water supplies with their bordering vegetated wetlands, and other waters specifically designated.

OWNER: A person with a legal or equitable interest in property.

PERSON: An individual, partnership, association, firm, company, trust, corporation, agency, authority, department ~~or political subdivision of the Commonwealth or federal government~~, to the extent permitted by-law, and any officer, employee, or agent of such person.

POINT SOURCE: Any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, or container from which pollutants are or may be discharged.

REDEVELOPMENT: Development, rehabilitation, expansion, demolition or phased projects that disturb the ground surface or increase the impervious area on previously developed sites.

RUNOFF: Rainfall, snowmelt, or irrigation water flowing over the ground surface.

STORMWATER: Stormwater runoff, snowmelt runoff, and surface water runoff and drainage.

STORMWATER MANAGEMENT PLAN: A plan required as part of the application for a Stormwater Management Permit. See Section 7.

TSS: Total Suspended Solids.

Section 3 – Authority

This bylaw is adopted under authority granted by the Home Rule Amendment of the Massachusetts

Constitution, the Home Rule statutes and pursuant to the regulations of the federal Clean Water Act found at 40 CFR 122.34.

Section 4 – Applicability

- A. No person may undertake a construction activity, including clearing, grading and excavation that results in a land disturbance that will disturb equal to or greater than one acre of land, or will disturb less than one acre of land but is part of a larger common plan of development or sale that will ultimately disturb equal to or greater than one acre of land draining to the Town of Seekonk MS4, without a permit from the Planning Board. Construction activity does not include routine Town of Seekonk
- B. maintenance that is performed to maintain the original line and grade, hydraulic capacity or the original purpose of the site.

C. Exemptions

- a. Normal maintenance and improvement of land in agricultural use as defined by the Wetlands Protection Act regulation 310 CMR 10.04 and or the Seekonk Wetlands Protection By-Law;
- b. Maintenance of existing landscaping, gardens or lawn areas associated with a single family dwelling;
- c. The construction of fencing that will not substantially alter existing terrain or drainage patterns;
- d. Construction of utilities other than drainage (gas, water, electric, telephone, etc.) which will not alter terrain or drainage patterns; and,
- e. As authorized in the Phase II Small MS4 General Permit for Massachusetts, storm water discharges resulting from the activities identified in Section 4A that are wholly subject to jurisdiction under the Wetlands Protection Act and/or the Seekonk Wetlands Protection By-Law and demonstrate compliance with the Massachusetts Storm Water Management Policy as reflected in an Order of Conditions issued by the Conservation Commission are exempt from compliance with this bylaw.

Section 5 – Responsibility for Administration

The Planning Board shall administer, implement and enforce this bylaw. Any powers granted to or duties imposed upon the Planning Board may be delegated in writing to its employees or agents.

Rules and Regulations. The Planning Board may adopt, and periodically amend, rules and regulations relating to the procedures and administration of this bylaw, by majority vote of the Planning Board, after conducting a public hearing to receive comments on any proposed revisions. Such hearing dates shall be advertised in a newspaper of general local circulation, at least seven (7) days prior to the hearing date.

Section 6 – Application Procedures

- A. Filing Application. Stormwater Management Plan and Operation and Maintenance Plan Approval must be obtained prior to any site altering activity. While the applicant can be a representative, the permittee must be the owner of the site. The Stormwater Management Permit Application package shall be filed with the Planning Board. A copy of the application shall be filed with the Town Clerk, and upon receipt, the application shall be marked with the date and time received.

The Planning Board shall incorporate the application and enforcement of this By-law in all site plan, subdivision or other formal reviews of development proposals placed before it. A separate application as described herein shall not be required in such formal proceedings so long as any decision of the Board include appropriate restrictions, conditions, limitations, and safeguards to effectuate the purpose of this By-law.

The application shall include:

1. One original completed Application Form with original signatures of all owners and applicants;
2. Ten (10) copies of the Stormwater Management Plan and project description as specified in Section 7A of this by-law;
3. Ten (10) copies of the Operation and Maintenance Plan as required by Section 8 of this by-law; and,
4. Payment of the application and review fees.

B. **Entry.** Filing an application for a permit grants the Planning Board, or its agent, permission to enter the site to verify the information in the application and to inspect for compliance with the approved Stormwater Management Plan and Operation and Maintenance Plan.

C. **Public Hearing.** The Planning Board shall hold a public hearing within forty (45) days of the receipt of a complete application and shall take final action within ninety (90) days from the close of the hearing unless such time is extended by agreement between the applicant and the Planning Board. Notice of the public hearing shall be given by public hearing notice on the Town of Seekonk cable channel, on the Town of Seekonk website, as well at the Seekonk Town Hall. The Planning Board shall make the application available for inspection by the public during business hours at the Seekonk Town Hall.

D. **Action by the Planning Board.** The Planning Board may:

1. Approve the Stormwater Management Permit Application and issue an approval if it finds that the proposed plan meets the Standards in Section 7 and will adequately protect the water resources of the community and is in compliance with the requirements set forth in this by-law;
2. Approve the Stormwater Management Permit Application and issue an approval with conditions, modifications or restrictions that the Planning Board determines are required to ensure that the project meets the Standards in Section 7 and will adequately protect the water resources of the community, and is in compliance with the requirements set forth in this by-law; and
3. Disapprove the Stormwater Management Permit Application and deny the permit based upon a determination that the proposed plan, as submitted, does not meet the Standards in Section 7B and will not adequately protect water resources of the community and is not in compliance with the requirements of this by-law.

E. Final approval, if granted, shall be endorsed on the Stormwater Management Plan by the signature of the majority of the Planning Board (or by the signature of the person officially authorized by the Planning Board).

F. Failure of the Planning Board to take final action upon an Application within the time specified above shall be deemed to be approval of said Application. Upon certification by the Town Clerk that the allowed time has passed without the Planning Board's action the Stormwater Management Permit shall be issued by the Planning Board.

G. Plan Changes. The permittee, or their agent, must notify the Planning Board in writing of any change or alteration in the system authorized by the Stormwater Management Permit before any change or alteration is made. If the Planning Board determines that the change or alteration is significant, based on the Stormwater Management Standards in Section 7.B. and accepted construction practices, the Planning Board may require that an amended application be filed and a public meeting held.

Section 7 – Stormwater Management Plan

A. The application for a stormwater management permit shall include the submittal of a Stormwater Management Plan to the Planning Board. This Stormwater Management Plan shall contain sufficient information for the Planning Board to evaluate the environmental impact, effectiveness, and acceptability of the measures proposed by the applicant for reducing adverse impacts from stormwater. The Plan shall be designed to meet the Massachusetts Stormwater Management Standards as set forth in Part B of this section and DEP Stormwater Management Handbook Volumes I and II. The Stormwater Management Plan shall fully describe the project in drawings, and narrative. It shall include:

B.

1. A locus map;
2. The existing zoning, and land use at the site;
3. The proposed land use;
4. The location(s) of existing and proposed easements;
5. The location of existing and proposed utilities;
6. The existing and proposed topography of the site with contours at 2-foot intervals;
7. The existing site hydrology;
8. A description and delineation of existing stormwater conveyances, impoundments, and wetlands on or adjacent to the site or into which stormwater flows;
9. A delineation of 100-year flood plains, if applicable;
10. Estimated seasonal high groundwater elevation (March to May) in areas to be used for stormwater retention, detention, or infiltration;
11. The existing and proposed vegetation and ground surfaces with runoff coefficient for each;
12. A drainage area map showing pre and post construction watershed boundaries, drainage area and stormwater flow paths;
13. A description and drawings of all components of the proposed drainage system including:
 - i. existing and proposed locations, cross sections, and profiles of all brooks, streams, drainage swales and their method of stabilization;
 - ii. all measures for the detention, retention or infiltration of stormwater;
 - iii. all measures for the protection of water quality;
 - iv. the structural details for all components of the proposed drainage systems and stormwater management facilities;
 - v. notes on drawings specifying materials to be used and construction specifications; and,
 - vi. expected hydrology with supporting calculations.

14. Proposed improvements including location of buildings or other structures, impervious surfaces, and drainage facilities, if applicable;
15. Timing, schedules, and sequence of development including clearing, stripping, rough grading, construction, final grading, and vegetative stabilization;
16. A maintenance schedule for the period of construction; and,
17. Any other information requested by the Planning Board.

C. Standards

Projects shall meet the Standards of the Massachusetts Stormwater Management Policy, which are summarized as follows:

1. No new stormwater conveyances (e.g. outfalls) may discharge untreated stormwater directly to or cause erosion in wetlands or waters of the Commonwealth.
2. Stormwater management systems must be designed so that post-development peak discharge rates do not exceed pre-development peak discharge rates.
3. Loss of annual recharge to groundwater should be minimized through the use of infiltration measures to the maximum extent practicable. The annual recharge from the post-development site should approximate the annual recharge rate from the pre-development or existing site conditions, based on soil types.
4. For new development, stormwater management systems must be designed to remove 80% of the average annual load (post development conditions) of Total Suspended Solids (TSS). It is presumed that this standard is met when:
 - a. Suitable nonstructural practices for source control and pollution prevention are implemented;
 - b. Stormwater management best management practices (BMPs) are sized to capture the prescribed runoff volume; and
 - c. Stormwater management BMPs are maintained as designed by the responsible party(ies).
5. Stormwater discharges from areas with higher potential pollutant loads require the use of specific stormwater management BMPs (see Stormwater Management Volume I: Stormwater Policy Handbook). The use of infiltration practices without pretreatment is prohibited.
6. Stormwater discharges to critical areas must utilize certain stormwater management BMPs approved for critical areas (see DEP's Stormwater Management Volume I: Stormwater Policy Handbook). Critical areas are Outstanding Resource Waters (ORWs), shellfish beds, swimming beaches, cold water fisheries and recharge areas for public water supplies.
7. Redevelopment of previously developed sites must meet the Stormwater Management Standards to the maximum extent practicable. However, if it is not practicable to meet all the Standards, new (retrofitted or expanded) stormwater management systems must be designed to improve existing conditions.
8. Erosion and sedimentation controls must be implemented to prevent impacts during disturbance and construction activities.
9. All stormwater management systems must have an operation and maintenance plan to ensure that systems function continuously and consistently as designed.
10. All illicit discharges to the stormwater management system are prohibited.

When one or more of the Standards cannot be met, an applicant may demonstrate that an equivalent level of environmental protection will be provided.

A. Where Applicable, projects shall conform to the requirements of the Planning Board regulations, including but not limited to the Rules and Regulations Governing the Subdivision of Land (dated April 27, 2004 or later).

B. Project Completion

Upon completion of the project, the permit shall submit as-built record drawings of all structural stormwater controls and treatment BMPs required for the site. The as-built drawing shall show deviations from the approved plans, if any, and be certified by a Registered Professional Engineer.

Section 8 – Operations and Maintenance Plans

An Operation and Maintenance plan (O&M Plan) is required at the time of application for all projects. The maintenance plan shall be designed to ensure compliance with the Permit, this Bylaw and that the Massachusetts Surface Water Quality Standards, 314, CMR 4.00 are met in all seasons and throughout the life of the system. The Planning Board shall make the final decision of what maintenance option is appropriate in a given situation. The Planning Board will consider natural features, proximity of site to water bodies and wetlands, extent of impervious surfaces, size of the site, the types of stormwater management structures, and potential need for ongoing maintenance activities when making this decision. The Operation and Maintenance Plan shall remain on file with the Planning Board and shall be an ongoing requirement. The O&M Plan shall include:

A. The name(s) of the owner(s) for all components of the system

B. Maintenance agreements that specify:

1. The names and addresses of the person(s) responsible for operation and maintenance
2. The person(s) responsible for financing maintenance and emergency repairs.
3. A Maintenance Schedule for all drainage structures, including swales and ponds.
4. A list of easements with the purpose, location, and limitations (if any) of each.
5. The signature(s) of the owner(s).

C. Stormwater Management Easement(s).

1. Stormwater management easements shall be provided by the property owner(s) as necessary for:
 - i. access for facility inspections and maintenance,
 - ii. preservation of stormwater runoff conveyance, infiltration, and detention areas and facilities, including flood routes for the 100-year storm event.
 - iii. direct maintenance access by heavy equipment to structures requiring regular cleanout.
2. The purpose of each easement shall be specified in the maintenance agreement signed by the property owner.
3. Stormwater management easements are required for all areas used for off-site stormwater control, unless a waiver is granted by the Planning Board.

4. Easements shall be recorded with the Northern Bristol County Registry of Deeds prior to issuance of a Certificate of Completion by the Planning Board.

D. Changes to Operation and Maintenance Plans

1. The owner(s) of the stormwater management system must notify the Planning Board within thirty (30) days of changes in ownership or assignment of financial responsibility.
2. The maintenance schedule in the Maintenance Agreement may be amended to achieve the purposes of this by-law by mutual agreement of the Planning Board and the Responsible Parties. Amendments must be in writing and signed by all Responsible Parties.
3. Responsible Parties shall include owner(s), persons with financial responsibility, and persons with operational responsibility.

E. Future Ownership and Operation & Maintenance of BMPs

In non-residential developments, responsibility for the ownership and Operation & Maintenance of stormwater BMP's shall be that of the owners of property on which the stormwater BMP's are located. For stormwater BMP's that are constructed within a residential subdivision, a homeowner's association shall be established to assume responsibility for the ownership and Operation & Maintenance of stormwater BMP's. Legal documents establishing said association shall be recorded at the time of the recording of the subdivision. Reports shall be submitted to the Public Works Department one year following the date of the completion of construction of said BMP's and every year thereafter. In the event of failure of the owners of property on which the stormwater BMP's are located, the Town may enter upon the subject property to perform such necessary maintenance as may be necessary to achieve compliance with the approved Operation and Maintenance Plan. An easement shall be recorded upon approval of all BMP's allowing the

Town to perform said maintenance and charge the owners of the subject property the cost therefore, inclusive of reasonable attorney's fees in the collection of the said cost.

Section 9 – Surety

The Planning Board may require the applicant to post before the start of land disturbance or construction activity, a surety bond, irrevocable letter of credit, cash, or other acceptable security. The form of the bond shall be approved by the Planning Board and be in an amount deemed sufficient by the Planning Board to ensure that the work will be completed in accordance with the permit. If the project is phased, the Planning Board may release part of the bond as each phase is completed in compliance with the permit.

A minimum of one year following the receipt of the final inspection report as required by Section 10 and issuance of a Certificate of Completion, the applicant may request that the Planning Board release the last \$5,000 or 10% of the security amount, whichever is more, subject to the inspection and approval of the Board upon receiving favorable recommendations from the Town Planner, DPW Superintendent, Building Inspector, or any other Board's Agent designated by the Planning Board.

Section 10 – Inspections

The Planning Board, or its agents, shall inspect the project site at the following stages:

- A. Initial Site Inspection - prior to approval of any plan.

- B. Erosion Control Inspection - to ensure erosion control practices are in accord with the filed plan.
- C. Bury Inspection - prior to backfilling of any underground drainage or stormwater conveyance structures.
- D. Final Inspection - after the stormwater management system has been constructed and before the surety has been released, the applicant must submit a record plan detailing the actual stormwater management system as installed. The Planning Board, or its agents, shall inspect the system to confirm its "as-built" features. This inspector shall also evaluate the effectiveness of the system in an actual storm as defined by the town's standards. If the inspector finds the system to be adequate, the inspector shall recommend that the Planning Board issue a Certificate of Completion.

If the system is found to be inadequate by virtue of physical evidence of operational failure, even though it was built as called for in the Stormwater Management Plan, it shall be corrected by the permittee before the performance guarantee is released. If the permittee fails to act, the Town of Seekonk may use the surety bond to complete the work. Examples of inadequacy shall include but not be limited to: errors in the infiltrative capability, errors in the maximum groundwater elevation, failure to properly define or construct flow paths, or erosive discharges from basins.

Section 11 – Waivers

- A. The Planning Board may waive strict compliance with any requirement of this by-law or the rules and regulations promulgated hereunder, where:
 - 1. such action is allowed by federal, state and local statutes and/or regulations,
 - 2. is in the public interest, and,
 - 3. is not inconsistent with the purpose and intent of this by-law.
- B. Any applicant may submit a written request to be granted such a waiver. Such a request shall be accompanied by an explanation or documentation supporting the waiver request and demonstrating that strict application of the by-law does not further the purposes or objectives of this bylaw.
- C. All waiver requests shall be discussed and voted on at the public hearing for the project.
- D. If in the Planning Board's opinion, additional time or information is required for review of a waiver request, the Planning Board may continue a hearing to a certain date announced at the meeting. In the event the applicant objects to a continuance, or fails to provide requested information, the waiver request shall be denied.

Section 12 – Certificate of Completion

The Planning Board will issue a letter certifying completion upon receipt and approval of the final inspection reports and/or upon otherwise determining that all work of the permit has been satisfactorily completed in conformance with this bylaw.

Section 13 – Enforcement

- A. The Planning Board or an authorized agent of the Planning Board shall enforce this bylaw, regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations.
- B. Orders

1. The Planning Board or an authorized agent of the Planning Board may issue a written order to enforce the provisions of this by-law or the regulations thereunder, which may include requirements to:
 - a) cease and desist from construction or land disturbing activity until there is compliance with the by-law and the stormwater management permit;
 - b) repair, maintain; or replace the stormwater management system or portions thereof in accordance with the operation and maintenance plan.
 - c) perform monitoring, analyses, and reporting;
 - d) remediate adverse impact resulting directly or indirectly from malfunction of the stormwater management system.
2. If the enforcing person determines that abatement or remediation of adverse impacts is required, the order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the Town of Seekonk may, at its option, undertake such work, and the property owner shall reimburse the town's expenses.
3. Within thirty (30) days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner shall be notified of the costs incurred by the Town of Seekonk, including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Planning Board within thirty (30) days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest or within thirty (30) days following a decision of the Planning Board affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, ~~the costs shall become a special assessment against the property owner and shall constitute a lien on the owner's property for the amount of said costs. Pursuant to G.L. Ch. 40, § 58, the Town is hereby authorized to impose and record a municipal charges lien on the property for any costs that have not been paid to the Town by the applicable due date, and unpaid charges shall be added to the tax on the property, in the manner provided in said statute.~~ Interest shall begin to accrue on any unpaid costs at the statutory rate provided in G.L. Ch. 59, § 57, after the thirty-first day at which the costs first become due.

- C. **Criminal Penalty.** Any person, who violates any provision of this bylaw or regulation, order or permit issued thereunder, shall be punished by a fine of not more than \$300. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.
- D. **Non-Criminal Disposition.** Any individual who violates this By-law shall be subject to fines in accordance with Category 39 of the By-law and the fine schedule established in Attachment A.
- E. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.
- F. **Appeals.** The decisions or orders of the Planning Board shall be final. Further relief shall be to a court of competent jurisdiction.

G. Remedies Not Exclusive. The remedies listed in this bylaw are not exclusive of any other remedies available under any applicable federal, state or local law.

Section 14 – Severability

If any provision, paragraph, sentence, or clause of this bylaw shall be held invalid for any reason, all other provisions shall continue in full force and effect.

A Motion was made: that the Town vote to amend the Town of Seekonk General Bylaws, Category 20C, Stormwater Management; Post Construction New Developments & Redevelopments, as presented in this warrant under Article 3.

Action on the motion: Motion passed with a 2/3 majority vote.

ARTICLE 4

To see if the Town will vote to amend the General Bylaws adopted pursuant to the provisions of G.L. c40,s57, which statute allows municipalities to deny licenses or permits, among other things, when the applicant or owner of the property to which the license or permit relates owes municipal taxes or fees, to bring such bylaw into accord with the law as revised by the Municipal Modernization Act, as follows, Category 7 – Licenses and Permits of Delinquent Taxpayers, paragraph one, by making the following revisions: insert, after the words, "shall annually" the following: ", and may periodically"; and, delete the words, "for not less than a twelve month period"; or take any other action relative thereto.

A Motion was made that the Town vote to amend the Town of Seekonk General Bylaws, Category 7 – Licenses and Permits of Delinquent Taxpayers, as presented in this warrant under Article 4.

Action on the motion: Motion passed with a 2/3 majority vote.

ARTICLE 5

To see if the Town will vote to establish a Building Committee of five members, three to be appointed by the Town Moderator and two to be appointed by the Board of Selectmen, to oversee renovations to 540 Arcade Avenue, Phase II, under the direction of the Town Administrator and Board of Selectmen, to include, but not be

A Motion was made that the Town vote to establish a Building Committee of five members, three to be appointed by the Town Moderator and two to be appointed by the Board of Selectmen, to oversee renovations to 540 Arcade Avenue, Phase II, and approve Article 5 as presented in the warrant.

limited to planning and design for the completion of the building and researching and applying for grants that may become available from time to time, or take any other action relative thereto.

Action on the motion: Motion passed – 1 in opposition.

ARTICLE 6

To see if the Town will vote to transfer from free cash the total sum of \$1,000,000 as follows:

- Five hundred thousand (\$500,000) to the Stabilization Fund; and
- Five hundred thousand (\$500,000) to the Other Post-Employment Benefits Trust Fund;

or take any other action relative thereto.

A Motion was made that the Town vote to transfer the total sum of \$1,000,000 as presented in the warrant under Article 6.

Action on the motion: Motion passed with a 2/3 majority vote.

ARTICLE 7

To see if the Town will vote to amend the Zoning Bylaws of the Town as presented below, with text to be deleted shown by strikethrough and text to be inserted shown in bold underline, or take any other action relative thereto:

Amendment 1: Section 1. AUTHORITY, PURPOSE, DEFINITIONS AND GENERAL PROVISIONS

1.4.3 Lot Design/ Layout

Pork chop, rat-tail, or excessively distorted lots shall not be allowed if in the opinion of the Planning Board their shape is caused by the attempt to meet the lot size or frontage requirements of these By-laws while evading the By-laws' intent.

Motion 7(1): A motion was made that the Town vote to amend the Town of Seekonk Zoning Bylaws, Section 1.4.3, Lot Design/Layout, as presented in this warrant under Article 7, Amendment 1.

Action on the motion: Motion passed with a 2/3 majority vote.

Amendment 2: Section 3. ESTABLISHMENT OF ZONING DISTRICTS

3.1 Classification of Districts

For the purpose of this bylaw ordinance, the Town of Seekonk is hereby divided into classes of districts, designated as follows:....

Overlay and Special Districts

1. Planned Unit Development District
2. Wetlands and Floodplain Protection District
3. Mixed Use Zone
4. Groundwater Aquifer Protection District
5. Adult Entertainment Overlay District
6. Multifamily Development Overlay District
7. Telecommunication Facilities Overlay District
8. Solar Photovoltaic Overlay District
9. Economic Development Area Overlay District
10. Medical Marijuana Overlay District
11. Continuing Care Residency Campus Overlay District

Motion 7(2): A Motion was made that the Town vote to amend the Town of Seekonk Zoning Bylaws, Section 3.1, Classification of Districts, as presented in this warrant under Article 7, Amendment 2.

Action on the motion: Motion passed by 2/3 majority vote.

Amendment 3: Section 5**5.1.4 Dimensional Table**

District	Minimum Lot Area (Square Feet) ¹²	Maximum Building Coverage (%) ¹²	Minimum Frontage ¹ (feet)	Minimum Depth of Front Yard/ Corner Side Yard (feet) ²	Minimum Depth of Rear Yard (feet)	Minimum Width of Each Interior Side Yard	Maximum Height (Stories/ Feet)
R-3 ³	14,400 ⁵	--	100	35/35	25	15 feet + 5 feet for each story over one	3/40 ⁴
R-2 ³	22,500 ⁵	--	120	35/35	50	20 feet + 5 feet for each story over one	3/40 ⁴
R-3 ³	40,000 ⁵	--	150	50/50	70	35 feet + 5 feet for each story over one	3/40 ⁴
R-4 ³	62,500 ⁵	--	200	50/50	80	35 feet + 5 feet for each story over one	3/40 ⁴
LBD	10,000	40	50	15/15 ^{6,7}	See note 8	15 feet ^{6,7}	3/40
HBD	10,000	30	50	70/50 ^{6,7}	See note 8	15 feet ^{6,7}	3/40
LCVD	10,000	75	50	0/0 ^{6,7}	See note 8	5 feet ^{6,7}	4/45
I	20,000	50	50	50	20 ^{9,10}	20 ^{9,10}	3/40 ¹¹

(Section 5.1.4 footnotes)

¹In any district, a lot having frontages on two streets that do not intersect shall have two front yards each of a depth as provided in this By-law.

² In any residence district, the required front yard of any residence hereafter erected shall conform to the average alignment of any existing dwellings on the same side of the street within 250 feet except that no residence shall have a front yard of less than 10 feet in depth or need have a front yard of greater depth than 50 feet in an R-4 District or 50 feet in an R-3 District or 35 feet in an R-2 District or 35 feet in an R-1 District.

³Alternate to Standard Minimums in Residential Districts: this alternate is offered to encourage more normally acceptable lot configurations, increased open space, decreased density, reduced lengths of roads, utilities and drains, and to legalize potential nonconforming uses:

- The minimum lot area shall be increased by 250 square feet for each foot, or fraction thereof, of reduction of the minimum frontage measured at the street line.
- The minimum frontage may be reduced to not less than 75% of the standard minimum of the affected zone, but not to less than 100 feet.
- Any lot designed under this alternate shall be prominently identified on plans submitted for approval and/or endorsement.

⁴However, with respect to buildings or structures used for municipal purposes, including water and sewerage, no restrictions relative to height shall apply.

⁵Residential lots being subdivided All new lots for development created pursuant to the Subdivision Control Law, MGL Chapter 41, §§ 81K-81GG in the R-2, R-3, and R-4 zones shall be designed geometrically as to show a 100 foot square resting at the midpoint of the setback line at its perpendicular. Residential lots being subdivided All new lots for development created pursuant to the Subdivision Control Law, MGL Chapter 41, §§ 81K-81GG in the R-1 zone shall be designed geometrically as to show a 60 foot square resting at the midpoint of the setback line at its perpendicular.

⁶When a side yard adjoins a lot in a residence district, the side yard shall be of the same width as the required side yard in the more restrictive district.

⁷The side and rear yard adjoining any district or use shall include a minimum of 15 feet around any buildings. This includes appurtenances extending out from any building, or other items, which in the opinion of the Planning Board unduly constitute an obstruction or which impeded safe vehicular travel by current emergency vehicles.

⁸When a rear yard abuts a lot in a residence district, the rear yard shall be of the same depth as the required more restrictive yard, side or rear. When a rear yard abuts a street, the rear yard shall be of sufficient depth to provide the required off-street loading space.

⁹Except along boundaries abutting railroad tracks.

¹⁰Minimum side and rear yards when adjacent to a residence district shall be 50 feet.

¹¹Whichever is less.

¹²For lots within the Water Resource Protection District see Section 6.4 for additional dimensional requirement

Motion 7(3): A Motion was made that the Town vote to amend the Town of Seekonk Zoning Bylaws, Section 5.1.4, Dimensional Table, "footnote 5" as presented in this warrant under Article 7, Amendment 3.

Action on the motion: Motion passed with a 2/3 majority vote.

Amendment 4: Section 6. OVERLAY AND SPECIAL DISTRICTS

6.10 -Medical Marijuana Overlay District (MMOD)

6.10.1 Establishment

The Medical Marijuana Overlay District ("MMOD") is established as an overlay district. The boundaries of the MMOD are shown on the Zoning Map on file with the Town Clerk. Within the MMOD, all requirements of the underlying district(s) remain in effect, except where this section provides an alternative to such requirements. Land within the MMOD may be used either for:

- (1) a Registered Marijuana Dispensary ("RMD"), in which case the requirements set forth in this section shall apply;
- (2) Marijuana Cultivator, in which case the requirements set forth in this section shall apply;
- (3) Craft Marijuana Cultivator Cooperative, in which case the requirements set forth in this section shall apply;
- (4) Marijuana Product Manufacturer, in which case the requirements set forth in this section shall apply;
- (5) Marijuana Retailer, in which case the requirements set forth in this section shall apply;
- (6) Marijuana Research Facility, in which case the requirements set forth in this section shall apply;
- (7) Independent Testing Laboratory, in which case the requirements set forth in this section shall apply;
- (8) Third Party Transporter, in which case the requirements set forth in this section shall apply;

(9) Marijuana Micro Business, in which case the requirements set forth in this section shall apply; or

(10) A use allowed in the underlying district, in which case the requirements of the underlying district shall apply. The above uses identified in subsections 6.10.2-6.10.10 shall be referred to collectively herein as Recreational Marijuana Facilities (RMF or RMFs). If the provisions of the MMOD are silent on a zoning regulation, the requirements of the underlying district shall apply. If the provisions of the MMOD conflict with the requirements of the underlying district, the requirements of the MMOD shall control. All uses as described above in Section 6.10.1.1 through 6.10.1.9 shall require a special permit in accordance with the procedures described in this section as well as site plan approval as applicable pursuant to Section 2.8 on this Zoning By-law

6.10.2 Purpose

To provide for the placement of RMDs, in accordance with the Humanitarian Medical Use of Marijuana Act, as it may be superseded by G.L. c.94I, G.L. c.94C, App. §1-1, et seq., and RMFs in accordance with G.L. 94G in locations suitable for lawful medical marijuana facilities and to minimize adverse impacts of RMDs and RMFs on adjacent properties, residential neighborhoods, historic districts, schools, playgrounds and other locations where minors congregate by regulating the siting, design, placement, security, and removal of RMDs and RMFs.

6.10.3 Definitions

Where not expressly defined in the Zoning By-laws, terms used in the MMOD By-law shall be interpreted as defined in the Act for Humanitarian use of Medical Use of Marijuana, as it may be superseded by G.L.

~~c.94I, G.L. c.94C, App. §1-1, et seq., and the Department of Public Health Regulations promulgated thereunder, 105 CMR 725.0001, et seq.; the Taxation of Marijuana Act The Regulation of the Use and Distribution of Marijuana Not Medically Prescribed, G.L. c.94G, and the Cannabis Control Commission (CCC) Regulations promulgated thereunder, 935 CMR 500.00;~~ and otherwise by their plain language.

6.10.3.1 Registered Marijuana Dispensary (RMD)

Also known as a Medical Marijuana Treatment Center, means an entity registered under 105 CMR 725.100, to be known as a registered marijuana dispensary (RMD) that acquires, cultivates, possesses, processes (including development of related products such as edible marijuana-infused products ("MIPs"), tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers. Unless otherwise specified, RMD refers to the site(s) of dispensing, cultivation, and preparation of marijuana.

6.10.3.2 The following terms shall be defined and construed in accordance with the definitions provided therefor in General Law 94G, §1, and 935 CMR 500.02 as such statute and regulations may be amended from time to time:

- a. Marijuana Cultivator
- b. Craft Marijuana Cultivator Cooperative
- c. Marijuana Product Manufacturer
- d. Marijuana Retailer
- e. Marijuana Research Facility
- f. Independent Testing Laboratory
- g. Third Party Transporter
- h. Marijuana Micro Business

6.10.4 Location

a.) RMDs and RMFs may be permitted in the AMOD pursuant to a Special Permit.

b.) RMDs may not be located within 1,000 feet of the following:

- (i) School, including a public or private elementary, vocational, or secondary school or a public or private college, junior college, or university;
- (ii) Child Care Facility;
- (iii) Library;
- (iv) Playground;
- (v) Public Park;
- (vi) Youth center;
- (vii) Public swimming pool
- (viii) Video arcade facility; or
- (ix) Similar facility in which minors commonly congregate.

- c.) RMFs may not be located within 500 feet of a pre-existing public or private school providing education in kindergarten or any of grades one through 12.
- d.) The distance under this section is measured in a straight line from the nearest point of the property line of the protected uses identified in Sections 4.b and 4.c. to the nearest point of the property line of the proposed RMD or RMF.
- e.) The distance requirement may be reduced by twenty-five percent or less, but only if:
 - i. The applicant demonstrates that the RMD or RMF would otherwise be effectively prohibited within the municipality;
 - ii. The applicant demonstrates that the RMD or RMF will employ adequate security measures to prevent diversion of medical marijuana to minors who are not qualifying patients pursuant to 105 CMR 725.004 or recreational marijuana to consumers under the age of 21.

6.10.5 Procedure

The Zoning Board of Appeals shall be the Special Permit Granting Authority (SPGA) for a RMD or RMF special permit.

- a.) Application: In addition to the materials required under Section 2.2. Special Permits, the applicant shall include:
 - i. A copy of its registration as an RMD from the Massachusetts Department of Public Health ("DPH") or for RMF's and RMD's after oversight of such entities transfers to the CCC, a copy of all applicable provisional licenses and registrations from the CCC;
 - ii. A detailed floor plan of the premises of the proposed RMD or RMF that identifies the square footage available and describes the functional areas of the RMD or RMF, including areas for any preparation of MIPs;
 - iii. Detailed site plans that include the following information:

- (1) Compliance with the requirements for parking and loading spaces, for lot size, frontage, yards and heights and coverage of buildings, and all other provisions of this By-law;
- (2) Convenience and safety of vehicular and pedestrian movement on the site and for the location of driveway openings in relation to street traffic;
- (3) Convenience and safety of vehicular and pedestrian movement off the site, if vehicular and pedestrian traffic off-site can reasonably be expected to be substantially affected by on-site changes;
- (4) Adequacy as to the arrangement and the number of parking and loading spaces in relation to the proposed use of the premises, including designated parking for home delivery vehicle(s), as applicable;
- (5) Design and appearance of proposed buildings, structures, freestanding signs, screening and landscaping; and
- (6) Adequacy of water supply, surface and subsurface drainage and light.

- iv. A description of the security measures, including employee security policies, approved by DPH or the CCC, as applicable;
- v. A copy of the emergency procedures approved by DPH or the CCC, as applicable;
- vi. A copy of the policies and procedures for patient or personal caregiver home-delivery approved by DPH or the CCC, as applicable, for the RMD;
- vii. A copy of the policies and procedures for the transfer, acquisition, or sale of marijuana between RMDs approved by DPH
- viii. A copy of proposed waste disposal procedures; and
- ix. A description of any waivers from DPH or CCC regulations issued for the RMD or RMF.

- b.) The SPGA shall refer copies of the application to the Building Department, Fire Department, Police Department, Board of Health, the Conservation Commission, the Highway Department, Board of Water Commissioners, and the Planning Board. These boards/departments shall review the application and shall submit their written recommendations. Failure to make recommendations within thirty-five (35) days of referral of the application shall be deemed lack of opposition.
- c.) After notice and public hearing and consideration of application materials, consultant reviews, public comments, and the recommendations of other town boards and departments, the SPGA may act upon such a permit.

6.10.6 Special Permit Conditions on RMDs and RMFs

The SPGA shall impose conditions reasonably appropriate to improve site design, traffic flow, public safety, protect water quality, air quality, and significant environmental resources, preserve the character of the surrounding area and otherwise serve the purpose of this section. In addition to any specific conditions applicable to the applicant's RMD or RMF, the SPGA shall include the following conditions in any special permit granted under this By-law:

- a.) Hours of Operation, including dispatch of home deliveries for RMDs.

- b.) The permit holder shall file a copy of any Incident Report required under 105 CMR 725.110(F), or 935 CMR 500.110(7) for RMFs, with the Zoning Enforcement Officer and the SPGA within 24 hours of creation by the RMD or RMF. Such reports may be redacted as necessary to comply with any applicable state or federal laws and regulations.
- c.) The permit holder shall file a copy of any summary cease and desist order, cease and desist order, quarantine order, summary suspension order, order limiting sales, notice of a hearing, or final action issued by DPH, the CCC or the Division of Administrative Law Appeals, as applicable, regarding the RMD or RMF with the Zoning Enforcement Officer and SPGA within 48 hours of receipt by the RMD or RMF.
- d.) The permit holder shall provide to the Zoning Enforcement Officer, and Chief of the Police Department, and Director of the Department of Communications, the name, telephone number and electronic mail address of a contact person in the event that such person needs to be contacted after regular business hours to address an urgent issue. Such contact information shall be kept updated by the permit holder.
- e.) The special permit shall lapse within two years of its issuance. If the permit holder wishes to renew the special permit, an application to renew the special permit must be submitted at least 120 days prior to the expiration of the special permit.
- f.) The special permit shall be limited to the current applicant and shall lapse if the permit holder ceases operating the RMD or RMF.
- g.) The special permit shall lapse upon the expiration or termination of the applicant's registration by DPH or any approvals, licenses and authorizations of the CCC, as applicable.
- h.) The permit holder shall notify the Zoning Enforcement Officer and SPGA in writing within 48 hours of the cessation of operation of the RMD or RMF; the expiration or termination of the permit holder's registration with DPH; or the expiration any approvals, licenses and authorizations of CCC, as applicable.

~~6.10.3.13 EXEMPTION FROM RMD SPECIAL PERMIT REQUIREMENT~~

~~RMDS THAT DEMONSTRATE THAT THEY ARE PROTECTED PURSUANT TO THE AGRICULTURAL EXEMPTION UNDER G.L. C.40A §3 ARE NOT REQUIRED TO OBTAIN A SPECIAL PERMIT, BUT SHALL APPLY FOR SITE PLAN APPROVAL PURSUANT TO SECTION 2.8 SITE PLAN REVIEW.~~

6.10.7 Prohibition Against Nuisances

No use shall be allowed in the MMOD which creates a nuisance to abutters or to the surrounding area, or which creates any hazard, including but not limited to, fire, explosion, fumes, gas, smoke, odors, obnoxious dust, vapors, offensive noise or vibration, flashes, glare, objectionable effluent or electrical interference, which may impair the normal use and peaceful enjoyment of any property, structure or dwelling in the area.

6.10.8 Severability

The provisions of this By-law are severable. If any provision, paragraph, sentence, or clause of this By-law or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this By-law.

Motion 7(4): A Motion was made that the Town vote to amend the Town of Seekonk Zoning Bylaws, Section 6.10, Medical Marijuana Overlay District, as presented in this warrant under Article 7, Amendment 4; provided, however, that if the amendments to Zoning Bylaw Section 7.1 proposed under Article 7, Amendment 5, pass at this Town Meeting, the amendments approved hereunder shall take effect only if, as of December 31, 2018, the voters of the Town fail to approve a ballot question enacting a complete ban on all RMFs.

Action on the motion: Motion passed with a 2/3 majority vote.

Amendment 5: Section 7. TEMPORARY MORATORIUM ON RECREATIONAL MARIJUANA SALES

~~SECTION 7. Temporary Moratorium on Recreational Marijuana Establishments~~ **PROHIBITION ON RECREATIONAL MARIJUANA ESTABLISHMENTS**

7.1 Consistent with G.L. c.94G, § 3(a)(2), all types of non-medical “marijuana establishments” as defined in G.L. c.94G, §1, including marijuana cultivators, independent testing laboratory, marijuana product manufacturers, marijuana retailers or any other types of licensed marijuana-related businesses, shall be prohibited within the Town of Seekonk.

7.1 Purpose

~~On November 8, 2016, the voters of the Commonwealth approved a law regulating the cultivation, processing, distribution, possession and use of marijuana for recreation purposes (new G.L. c. 94G, Regulation of the Use and Distribution of Marijuana Not Medically Prescribed). The law, which allows certain personal use and possession of marijuana, took effect on December 15, 2016 and (as amended on December 30, 2016, Chapter 351 of the Acts of 2016) requires a Cannabis Control Commission to issue regulations regarding the licensing of commercial activities by March 15, 2018 and to begin accepting applications for licenses on April 1, 2018. Currently under the Zoning Bylaw, a non-medical Marijuana Establishment (hereinafter, a “Recreational Marijuana Establishment”), as defined in G.L. c. 94G, §1, is not specifically addressed in the Zoning Bylaw. Regulations to be~~

~~promulgated by the Cannabis Control Commission may provide guidance on certain aspects of local regulation of Recreation Marijuana Establishments. The regulation of recreation marijuana raises novel legal, planning and public safety issues, and the Town needs time to study and consider the regulation of potential impact of the state regulations on local zoning and to undertake a planning process to consider amending the Zoning Bylaw regarding regulation of Recreational Marijuana~~

~~Establishments. The Town intends to adopt a temporary moratorium on the use of land and structures in the Town of Recreational Marijuana Establishments so as to allow sufficient time to address the effect of such structures and uses in the Town and to enact bylaws in a consistent manner.~~

7.2 Definition

~~“Recreational Marijuana Establishment” shall mean a “marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business as defined in General Laws Chapter 94G”~~

7.3 Expiration

~~For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for a Non-Medical Marijuana Establishment and other uses related to personal use of marijuana. The moratorium shall be in effect through June 30, 2018 or until such time as the Town adopts Zoning Bylaw amendments that regulate Recreational Marijuana Establishments, whichever occurs earlier. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of recreational marijuana in the Town, consider the Cannabis Control Commission regulations regarding Recreational Marijuana Establishments, and shall consider adopting Zoning Bylaw amendments in response to these new issues. This temporary moratorium shall not affect in any way the use of land or structures for Registered Marijuana Dispensaries, (for medical marijuana), which are governed by Section 7.10 of this Zoning Bylaw.”~~

Motion 7(5):

A Motion was made that the Town vote to amend the Town of Seekonk Zoning Bylaws, Section 7, Temporary Moratorium on Recreational Marijuana Establishments, by inserting a new bylaw imposing a complete ban on recreational marijuana establishments in the Town of Seekonk, all as presented in this warrant under Article 7, Amendment 5, noting, further however, that in accordance with G.L.94G, §3 such bylaw must also be approved by the

Action on the motion: Motion failed to pass the 2/3 majority vote.

ARTICLE 8

To see if the Town will raise and appropriate, transfer from Free Cash or available funds in the treasury, or transfer from designated funds that have been reserved for appropriation the sum of \$2,495.00 to amend the following line(s) approved under Article 2 of the June 5, 2018 Town Meeting, for the purpose of funding and

implementing the initial cost items of the 2017-2020 collective bargaining agreements between the Town and the United Steelworkers Clerical and Supervisory Unions, or take any other action relative thereto:

Line	Title	Increase
54	Animal Control Payroll	\$2,495.00
	Total	\$2,495.00

A Motion was made that the Town vote to raise and appropriate the sum of \$2,495.00 to be added to the amount appropriated at the June 5, 2018 Town Meeting for Line 54, Animal Control, to fund and implement the initial cost items of the 2017-2020 collective bargaining agreements between the Town and the United Steelworkers Clerical and Supervisory Unions.

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

ARTICLE 9

To see if the Town will vote to raise and appropriate, transfer from Free Cash or available funds in the treasury, or transfer from designated funds that have been reserved for appropriation the sum of \$47,300.00 to fund and implement the cost items of the 2017-2020 collective bargaining agreement between the Town and the AFSCME Council 93, Local 1701 Public Safety Communications Civilian Dispatchers and Police Department Executive Assistants Union, or take any other action relative thereto:

A Motion was made that the Town vote to appropriate from Free Cash the sum of \$47,300.00 to fund and implement the initial cost items of the 2017-2020 collective bargaining agreement between the Town and the AFSCME Council 93, Local 1701 Public Safety Communications Civilian Dispatchers and Police Department Executive Assistants Union, and to authorize the Town Accountant, in consultation with the Town Administrator, to allocate such funds to appropriate accounts in the FY2019 operating budget.

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

ARTICLE 10

To see if the Town will vote to accept Clause 56 of Massachusetts General Laws, Chapter 59, Section 5, allowing members of the Massachusetts National Guard or military reservist who are on active duty to obtain a reduction of all or part of their real estate and personal property taxes for any fiscal year they are serving in a foreign country, to be effective beginning fiscal year 2019, provided, further, that in accordance with said law, the authority to grant abatements under this section shall expire two years after acceptance unless extended by a vote of Town Meeting, , or take any other action relative thereto.

A Motion was made that the Town vote to accept Clause 56 of Massachusetts General Laws, Chapter 59, Section 5.

Action on the motion: Motion passed with a 2/3 majority vote.

ARTICLE 11

To see if the Town will vote to raise and appropriate, transfer from available funds and/or to authorize the Town Treasurer to borrow up to One Million Dollars (\$1,000,000.00) under provisions of Chapter 44, Section 7 of Massachusetts General Laws or any other enabling authority for the cost of an Owner's Project Manager and Architectural/Engineering Services for design, plans, and specifications for the proposed addition to the Mildred H. Aitken Elementary School, located at 165 Newman Avenue, Seekonk, including all incidental and related expenses, and to create a building committee, to be appointed by the Town Moderator, of approximately 7 to 9 members to oversee this project, or take any other action relative thereto.

A Motion was made That \$1,000,000 is appropriated for the cost of an Owner's Project Manager and Architectural/Engineering Services for design, plans, and specifications for the proposed addition to the Mildred H. Aitken Elementary School building, owned by the Town, including costs incidental or related thereto; that to meet this appropriation the Treasurer with the approval of the Board of Selectmen is authorized to borrow \$1,000,000 under Chapter 44 of the General Laws or any other enabling authority; that the Board of Selectmen is authorized to take any other action necessary or convenient to carry out this project; and that the Moderator is hereby requested to appoint a building committee of approximately 7 to 9 members to oversee the project. Any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs 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

Action on the motion: Motion passed with a 2/3 majority vote.

ARTICLE 12

To see if the Town will vote to raise and appropriate, transfer from Free Cash or available funds in the treasury, or transfer from designated funds that have been reserved for appropriation the sum of \$130,000.00 to fund the purchase and equipping of a backhoe tractor to be utilized by the Public Works Department, or take any other action relative thereto.

A Motion was made that the Town appropriate from Free Cash the sum of \$130,000.00 for the purchase, under the direction of the Board of Selectmen, and equipping of a backhoe to be utilized by the Public Works Department.

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

ARTICLE 13

To see if the Town will raise and appropriate, transfer from Free Cash or available funds in the treasury, transfer from designated funds that have been reserved for appropriation, or borrow, the additional sum of \$460,000.00, to be added that appropriated under Article 4 of the February 27, 2017 Special Town Meeting, for the design and construction of an animal shelter at 100 Peck Street, including all incidental and related costs, or take any other action relative thereto.

A Motion was made that the Town vote to appropriate from Free Cash the additional sum of \$460,000.00, to be added to that appropriated under Article 4 of the February 27, 2017 Special Town Meeting, for the design and construction of an animal shelter at 100 Peck Street, including all incidental and related costs.

Action on the motion: Motion passed with a 2/3 majority vote.

ARTICLE 14

To see if the Town will vote to authorize the Board of Selectmen to acquire by gift, purchase or eminent domain, a parcel or parcels of land and the building(s) located thereon, located at 351 Fall River Avenue, Seekonk, Massachusetts, and described as Assessors' Map, Plat 11, Lot 50, to be used for general municipal purposes, including but not limited to use as a Department of Works Facility, and, as funding therefor, to raise and appropriate, transfer from Free Cash or available funds in the treasury, transfer from designated funds that have been reserved for appropriation, or borrow, the sum of \$155,000.00 for such acquisition and all incidental and related costs, and, further, to authorize the Board of Selectmen to execute instruments and take all other actions needed to carry out the vote taken hereunder, or take any other active relative thereto.

A Motion was made that the Town vote to authorize the Board of Selectmen to acquire by gift, purchase or eminent domain, a parcel or parcels of land and the building(s) located thereon, located at 351 Fall River Avenue, Seekonk, Massachusetts, and described as Assessors' Map, Plat 11, Lot 50, to be used for general municipal purposes, including but not limited to use as a Department of Works Facility, as funding therefor, to transfer from Free Cash the sum of \$155,000.00 for such acquisition and all incidental and related costs, and, further, to authorize the Board of Selectmen to execute instruments and take all other actions needed to carry out this vote.

Action on the motion: Motion passed with a 2/3 majority vote.

A motion was made to dissolve the town meeting at 9:00PM

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