

**SCITUATE TOWN WARRANT
WARRANT FOR ANNUAL TOWN MEETING, 2006
To be held on March 4 for the Transaction of Business
COMMONWEALTH OF MASSACHUSETTS, PLYMOUTH SS**



**To either of the constables of the Town of Scituate, in said County GREETINGS:
In the name of the Commonwealth of Massachusetts, you are hereby required to
notify and warn the inhabitants of said Town qualified to vote in Elections and
Town Affairs therein, to meet at the Scituate High School Gymnasium, 606 Chief
Justice Cushing Highway on**

SATURDAY, THE FOURTH DAY OF MARCH 2006 NEXT

At nine o'clock in the morning, then and there to act on the following articles:

**Article 1
Compensation of Certain Elected Officials**

To see if the Town will vote to establish the salaries and compensation of all elected Town officials; or take any other action relative thereto.

SELECTMEN:	Chairman & Legitimate Expenses	\$1,500
SELECTMEN:	Members & Legitimate Expenses	\$2,000 (4 @ \$500)
ASSESSORS:	Chairman & Legitimate Expenses	\$1,200
ASSESSORS:	Members & Legitimate Expenses	\$ 800 (2 @ \$400)

Sponsored by: Board of Selectmen

**Article 2
Compensation of Elected Town Clerk**

To see if the Town will vote to establish the salary and compensation of the following elected Town official; or take any other action relative thereto.

TOWN CLERK:	\$52,503.00
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Sponsored By: Board of Selectmen

Article 3
Free Cash

To see if the Town will vote to transfer \$500,000 from Free Cash to be used by the Assessors to reduce the tax rate; or take any other action relative thereto.

Sponsored By: Board of Selectmen

Article 4
Capital Improvement Plan

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds the following sums of money, or any other sums as may be necessary to defray the costs of the Fiscal Year 2007 Capital Improvement Plan submitted in accordance with Section 6-6 of the Scituate Home Rule Charter and outlined as follows; or take any other action relative thereto.

1. Highway Improvement	343,000
2. Jericho Road Drainage	115,000
3. Old Oaken Bucket Road Drainage	110,000
4. Seawalls	300,000
5. School Building Improvements	1,450,000
6. Vehicles & Equipment (DPW)	157,000
7. School Vehicles	66,000
8. Police Computer System	78,000
9. Fire Vehicles	185,000
10. Replace Windows Hdq. Station	50,000
11. Water Vehicles & Equipment	30,000
12. Sewer Study	500,000
13. Inflow & Infiltration	400,000
14. Water Main Replacement	50,000
15. Cole Parkway Railing	100,000

Sponsored By: Board of Selectmen

Article 5
FY 2007 Operating Budget

To see if the Town will vote to raise and appropriate, or transfer from available funds such sums of money as may be necessary to defray expenses estimated for the ensuing Fiscal Year commencing July 1, 2006; or take any other action relative thereto.

Sponsored By: Board of Selectmen

Article 6
Waterways Enterprise Fund

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds such sums of money as may be necessary to defray expenses of the Waterways estimated for the ensuing fiscal year commencing July 1, 2006; or take any other action relative thereto.

Sponsored By: Board of Selectmen

Article 7
Golf Course Enterprise Fund

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds such sums of money as may be necessary to defray expenses of the Golf Course estimated for the ensuing fiscal year commencing July 1, 2006; or take any other action relative thereto.

Sponsored By: Board of Selectmen

Article 8
Wastewater Enterprise Fund

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds such sums of money as may be necessary to defray expenses of the Wastewater Treatment Plant estimated for the ensuing fiscal year commencing July 1, 2006; or take any other action relative thereto.

Sponsored By: Board of Selectmen

Article 9
Transfer Station Enterprise Fund

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds such sums of money as may be necessary to defray expenses of the Landfill /Transfer Station estimated for the ensuing fiscal year commencing July 1, 2006; or take any other action relative thereto.

Sponsored By: Board of Selectmen

Article 10
Water Enterprise Fund

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds such sums of money as may be necessary to defray expenses of the Water Division estimated for the ensuing fiscal year commencing July 1, 2006; or take any other action relative thereto.

Sponsored By: Board of Selectmen

**Article 11
Stabilization Fund**

To see if the Town will vote to raise and appropriate the difference between the levy net and the levy limit to the Stabilization Fund, in accordance with General Laws, Chapter 40, Section 5B; or take any other action relative thereto.

Sponsored By: Board of Selectmen

**Article 12
MGL Chapter 91 Liability**

To see if the Town will vote to assume liability in the manner provided by General Laws, Chapter 91, Section 29, as amended, for all damages that may be incurred by work to be performed by the Massachusetts Department of Environmental Protection for the improvement, development, maintenance and protection of tidal and non-tidal rivers and streams, great ponds, harbors, tidewaters, foreshores and shores along a public beach in accordance with Section 11 of said Chapter 91 and to authorize the Selectmen to execute and deliver a bond on indemnity therefore to the Commonwealth; or take any other action relative thereto.

Sponsored By: Board of Selectmen

**Article 13
Conservation Fund**

To see if the Town will vote to raise and appropriate \$5,500 to be added to the Conservation Fund established pursuant to General Laws, Chapter 40, Section 5, for the maintenance of the Driftway Park, and an additional sum of money for acquisition of land and rights therein for public use; or take any other action relative thereto.

Sponsored By: Board of Selectmen

**Article 14
Revolving Fund-Council On Aging**

To see if the Town will vote to accept the provisions of Massachusetts General Laws, Chapter 44, Section 53 E 1/2 to establish a revolving fund to which will be credited programming funds to be expended under the direction of the Council on Aging Director with the total amount to be expended in the ensuing fiscal year not to exceed \$35,000; or take any other action relative thereto.

Sponsored By: Board of Selectmen

Article 15
Revolving Fund – Planning Board

To see if the Town will vote to accept the provisions of Massachusetts General Laws, Chapter 44, Section 53 E 1/2 to establish a revolving fund to which shall be credited only administrative application fees received by the Planning Board, which may be expended solely for postage, legal advertising and other administrative expenses connected with specific applications. The Planning Board and Town Planner shall be authorized to initiate expenditures from this fund for these purposes, with the total amount to be expended in the ensuing fiscal year not to exceed \$100,000; or take any other action relative thereto.

Sponsored By: Planning Board

Article 16
Revolving Fund – Board of Health

To see if the Town will vote to accept the provisions of Massachusetts General Laws, Chapter 44, Section 53 E 1/2 to establish a revolving fund to which will be credited food establishment inspection funds to be expended under the direction of the Director of the Health Department with the total amount to be expended in the ensuing fiscal year not to exceed \$7,000; or take any other action relative thereto.

Sponsored By: Board of Selectmen

Article 17
Collective Bargaining Agreements

To see if the Town will vote to raise and appropriate, or transfer from available funds a sum of money to implement the collective bargaining contracts, to be apportioned by the Town Accountant to the applicable line items voted under Article 5; or take any other action relative thereto.

Sponsored By: Board of Selectmen

Article 18
Community Preservation

To see if the Town will vote to hear and act on the report of the Community Preservation Committee on the Fiscal Year 2007 Community Preservation Budget and to appropriate a sum of money to meet the administrative expenses, rehabilitation of historic resources and all other necessary and proper expenses of the Community Preservation Committee for Fiscal Year 2007; and further to reserve for future appropriation the following amounts as recommended by the Community Preservation Committee; a sum of money

for the acquisition, creation and preservation of open space excluding land for recreational use, a sum of money for acquisition and preservation of historic resources, and a sum of money for the creation, preservation and support of community housing:

A. Local Historic Survey	6,000
B. Restoration of Mossing Shed	20,300
C. Burial Site Survey	22,500
D. Cudworth House HVAC	26,500
E. Life Saving Station Restoration	45,500
F. GAR Hall Restoration	132,500
G. Community Housing	100,000
H. Cushing Playground	44,800
I. Community Basketball Courts	120,000
J. Library Grounds	50,000
K. Public Access Plan	60,000
L. Curtis Property Study	50,000
M. Litchfield Proposal	790,000

or take any other action relative thereto.

Sponsored By: Community Preservation Committee

**Article 19
Para-transit**

To see if the Town will vote to raise and appropriate \$18,000 to fund the Para-transit program in the Town of Scituate, or take any other action relative thereto.

Sponsored By: Board of Selectmen

**Article 20
Street Acceptance**

To see if the Town will vote to accept ARROWWOOD DRIVE as a Town Way, or take any other action relative thereto.

Sponsored by: Board of Selectmen

**Article 21
Village Business Overlay District**

To see if the Town will vote to amend the following sections of the Zoning Bylaw: Section 200, Definitions to define a Mixed Use Building and redefine Multi-family Dwelling; also Section 310, Types of Districts; Section 320, Location of Districts and Section 340, Definition of Zoning Districts and create a new Section 560, Village Business Overlay District, to establish the aforementioned Zoning District in the Zoning Bylaw. Section 560 would establish an approval process and criteria for a Special Permit for mixed use buildings in the Village Business Overlay District, including requirements for a percentage of affordable residential units; building and site design; open space; parking; appropriate drainage in the Water Resource Protection District; and landscaping. It also establishes maximum densities for residential dwelling units. This article will establish the location of the Village Business Overlay District on the Zoning Map as an overlay of the Harbor Business Zoning District in Scituate Harbor and the General Business Zoning District in North Scituate and Greenbush; or take any other action relative thereto.

Sponsored By: Planning Board

Article 22
Site Plan Design Guidelines

To see if the Town will vote to amend the Zoning bylaws by creating a new Section 950 as follows:

950. DESIGN REVIEW FOR BUSINESS, COMMERCIAL AND MULTI-FAMILY DEVELOPMENT

A. **Applicability.** In order to preserve and enhance the aesthetic quality of Scituate's built environment and to conserve the value of its land and buildings, this section will establish a process of design review for construction of new buildings or expansion of existing buildings which are required by this Zoning Bylaw to follow the procedures or standards of Section 770, Site Plan Special Permits. This Section shall not apply to approval of the following: Flood Plain Special Permits, Common Driveway Special Permits, or Special Permits for accessory dwellings except where these are proposed above businesses.

Nothing in this section shall be construed to prevent the ordinary maintenance, repair or replacement of any exterior architectural feature which does not involve a change in design, material, color or the outward appearance of a building, or to prevent meeting requirements by a duly authorized public officer to be necessary for public safety because of an unsafe or dangerous condition, nor construed to prevent any construction or alteration under a permit duly issued prior to the adoption of this section. Single and two-

family houses shall be exempt from this Section. The Planning Board may waive this process where, in their opinion, it is not needed because projects are minor, or for other good cause.

B. Design Review Committee. A Design Review Committee shall be appointed by the Planning Board to perform the review under this Section. It shall consist of three members, preferably with training and experience in architecture or related professions. If possible, one member shall have training or experience in historic preservation or shall be knowledgeable with regard to historic architectural styles. Each member shall have a term of three years. Appointments shall be subject to the terms of Section 10310 There shall be no limit on the number of terms a member can serve.

C. Review Process. The Design Review Committee shall, upon written request of the Planning Board, Town Planner or Planning Board secretary, meet with the applicant following receipt of an application by the Planning Board. The Design Review Committee shall provide written findings and recommendations to the Planning Board during the public hearing process..

D. Application Materials. The Design Review Committee requires a site plan showing the existing conditions of a site as well as the proposed changes, floor plans for all floors that will be affected by the construction whether or not they are involved in the principal proposal, a roof plan showing locations of mechanical equipment, and all other exterior equipment and structures mounted on the roof; and four exterior building elevations, whether or not they will be changed. All drawings should have dimensions and notes to indicate specific materials and finishes and be clearly marked as new or existing to remain, whether or not materials are proposed for modification. The Design Review Committee may request additional materials to illustrate exterior materials, finishes or details.

E. Design Guidelines. The Design Review Committee shall review new buildings and substantial improvements with professional judgment, and with reference to general guidelines that the proposed development shall relate harmoniously to the nature and context of existing buildings in the vicinity.

The following list addresses some of the elements by which the suitability of proposed designs are evaluated:

1. **Scale of the Building:** The scale of a building depends on its overall size and mass, its relationship to the open space around it, and the sizes of its doors, windows,

porches and balconies. The scale gives a building “presence”; that is, it makes it seem big or small, awkward or graceful, overpowering or unimportant. The scale of a building should be visually compatible with its site and with its neighborhood.

2. **Height:** A sudden dramatic change in building height can have a jarring effect on the streetscape, i.e., the way the whole street looks. A tall building can shade its neighbors and/or the street and sometimes create a canyon-like effect. The height of buildings should be visually compatible with the heights of the buildings in the neighborhood.
3. **Proportion of Building’s Front Façade:** The “first impression” a building gives is that of its front façade, the side of the building, which faces the most frequently used public way. The relationship of the width to the height of the front façade should be visually compatible with that of its neighbors.
4. **Rhythm of Solids to Voids in Front Facades:** When you look at any façade of a building, you see openings such as doors or windows (voids) in the wall surface (solid). Usually the voids appear as dark areas, almost holes, in the solid and they are quite noticeable, setting up a pattern or rhythm. The pattern of solids and voids in the front façade of a new or altered building should be visually compatible with that of its neighbors.
5. **Proportions of Opening within the Facility:** Windows and doors come in a variety of shapes and sizes; even rectangular window and door opening can appear quite different depending on their dimensions. The relationship of the height of windows and doors to their width should be visually compatible with the architectural style of the building and with that of its neighbors.
6. **Roof Shapes:** A roof can have a dramatic impact on the appearance of a building. The shape and proportion of the roof should be visually compatible with the architectural style of the building and with those of neighboring buildings.
7. **Relationship of Façade Materials:** The facades of a building are what give it character, and the character varies depending on the materials of which the facades are made and their color and texture. Many different materials are used on facades – clapboards, shingles,

patterned siding, brick or other masonry unit – depending on the architectural style of the building. The facades of a building, particularly the front façade, and those facades occurring on corner lots, should be visually compatible with those of other buildings around it.

8. **Historic or traditional architecture.** Historic elements reflect Scituate’s rich architectural traditions. Historic, traditional or significant structures or architectural elements should be preserved to the extent possible.
9. **Site Features:** The size, placement and materials of landscaping, walks, walls, fences, signs, lighting, driveways and parking areas may have a visual impact on a building. These features should be visually compatible with the building and neighboring buildings. Invasive species, as indicated on a list available from the Planning Department, shall not be used in new landscaping. Unique or attractive natural features, which may include rocks, outcroppings, existing vegetation and specimen trees, shall be incorporated in the proposed landscaping.

or take any other action relative thereto.

Sponsored By: Planning Board

Article 23 Maximum Residential Height

To see if the Town will vote to amend Scituate Zoning Bylaw Section 200, Definitions, and Section 620.1, Building Heights, as follows below:

Amend **Section 200, Definitions** by adding the following language at the end of the definition of building height:

except that in Residential Zoning Districts, there shall also be a maximum height measured from the average finished grade to the ridge.

Amend **Section 620.1, Building Heights**, by adding the following new final paragraph:

Notwithstanding the regulation of building height in Section 620.1 and allowed height projections in Section 620.2, no building in the Residential A1, A2 or A3 Districts shall exceed 40’, measured vertically from the average finished grade adjoining such building to the highest point of any roof.

or take any other action relative thereto.

Sponsored By: Planning Board

Article 24
General Bylaw - Storage Trailers

To see if the Town will vote to amend Town of Scituate General Bylaws 30200, Property, by adding a new Section 30260, Temporary Storage Trailers, as follows below:

Section 30260, Temporary Storage Trailers.

A building permit shall be required for all temporary storage trailers. No person shall maintain a temporary storage trailer in the public view on any residential property for more than twelve months. The Building Commissioner shall be charged with the interpretation and enforcement of this bylaw. Anyone found in violation shall be liable for a fine of \$25.00 each day the violation persists.

or take any other action relative thereto.

Sponsored By: Board of Selectmen

Article 25
Water Resource Protection Map

To see if the Town will vote to amend Water Resource Protection District Zoning Protection Bylaw Section 510.3 as follows:

510.3 Water Resources Protection District

The Water Resources Protection District, as shown on a map entitled "Proposed Scituate Water Resources Protection District Map" dated 12/15/05 shall be considered superimposed over any other district established in this Bylaw. The requirements enumerated hereafter for the Water Resource Protection District shall be in addition to, rather than in place of, the requirements for the underlying district. Where the boundary line of the Water Resources Protection District divides any lot existing at the time such line is established, the regulations established hereunder shall not apply to any portion of such lot located within the Water resources Protection District, provided such lot does not extend more than twenty-five feet within the Water Resources Protection District. This provision shall not apply to the Buffer Zone boundaries established in Section 510.5 below; or take any other action relative thereto.

Sponsored By: Board of Selectmen

Article 26
Definition of a Tributary

To see if the Town will vote to amend Section 200, “Definitions” of the Scituate Zoning bylaw by adding the following language:

Tributary

A Tributary is any body of running, or intermittently running, water which moves in a definite channel, naturally or artificially created, in the ground due to a hydraulic gradient, and ultimately flows into Old Oaken Bucket Pond, Tack Factory Pond, or the Reservoir, which is also called Tack Factory Pond Reservoir. Tributaries are shown on the “Proposed Scituate Water Resources Protection District Map” dated 12/15/05 as referenced in the Water Resource Protection District Bylaw Section 510.3 and are protected under state law and the Scituate Water Resource Protection District Bylaw Sections 510.4 and 510.5. A tributary not shown on this map can be verified in the field by a professional hydro geologist and the Scituate Conservation Commission.

or take any other action relative thereto.

Sponsored By: Board of Selectmen

Article 27
Definition of a Tributary

To see if the Town will vote to amend its Zoning Bylaws Section 200 Definitions by adding the following language:

Tributary

A tributary is any body of running or intermittently running water which moves in a definite channel, naturally or artificially created, in the ground due to a hydraulic gradient, and ultimately flows into Old Oaken Bucket Pond, Tack Factory Pond, or the Reservoir, which is also called Tack Factory Pond Reservoir. Tributaries are shown on maps created by the Massachusetts Department of Environmental Protection that are available in the Scituate Water Division Office and are protected by state law and by Scituate Water Resource Protection District Bylaw Sections 510.4 and 510.5. A tributary not shown on a map can be verified in the field by a professional hydrologist and the Scituate Conservation Commission.

Sponsored By: Ten Registered Voters

Article 28
General Bylaw Eminent Domain

To see if the Town will vote to amend its General Bylaws by adding the following new bylaw:

The Private Policy Protection Act of 2006

The authority of the Town of Scituate and its agencies of local government, as reserved to localities under Chapter 79 of the Massachusetts General Law, to seize privately owned parcels against the expressed will of the owner through the use of eminent domain procedures, shall, in light of *Kilo vs. New London*, be specifically further limited as follows:

- a.) To only those proposed taking actions incorporating the transfer of private parcel(s) to the Town of Scituate or any of its authorized agencies of local government and under no circumstances to another private party, and;
- b.) To only those proposed taking actions whose purpose is the creation of a facility for actual public use and ownership and never for the purposes of economic development or the enhancement of the local tax base.

Nothing in the bylaw shall limit the authority of the Town of Scituate or its authorized agencies of local government to seize property that is endangering the health and safety of its residents or which could otherwise be seized or foreclosed upon for tax delinquency in accordance with the provisions of Chapter 60 of the Massachusetts General Laws.

Sponsored By: Ten Registered Voters

Article 29 MGL Chapter 41 Section 19K

To see if the Town will vote to accept the provisions of Chapter 41 Section 19K additional compensation of the Town Clerk who have been awarded the certification of Massachusetts Municipal Clerk and also the provisions of Chapter 41 Section 108P additional compensation of Treasurer/Collectors for certification as Massachusetts Municipal Treasurer/Collector and to raise and appropriate the sum of \$2000 therefore, or take any other action relative thereto.

Sponsored by: Town Clerk/Treasurer/Collector

Article 30 Habitat for Humanity Land Transfer

To see if the Town will vote to transfer to the Board of Selectmen for the purpose of selling, and authorize the Board of Selectmen to sell on such terms and conditions as it deems in the best interests of the Town a portion of Town property, Lot 31-2-11B as

shown on the Scituate Assessors Maps, consisting of 40,000 square feet +/- and further shown on a plan entitled "Compiled Plan of Land in the Town of Scituate, Massachusetts, dated January 18, 2006, prepared by the Engineering Division, Department of Public Works and on file in the Office of the Town Clerk; or take any other action relative thereto.

Sponsored By: Board of Selectmen

Article 31
Revolving Fund School Bus Transportation

To see if the Town will vote to accept the provisions of Massachusetts General Laws, Chapter 44, Section 53E1/2 to establish a revolving fund to which will be credited only school bus transportation fees received by the School Department, which may be expended solely for expenses associated with the transportation of students. The School Department shall be authorized to initiate expenditures from this fund for these purposes, with the total amount to be expended in the ensuing fiscal year not to exceed \$300,000; or take any other action relative thereto.

Sponsored By: School Committee

Article 32
Public Health Mutual Aid Agreement

To see if the Town will vote to authorize the Board of Health, in accordance with G.L. Chapter 40, Section 4A, to enter into an inter-municipal agreement with one or more other governmental units to provide public health services which the Board of Health is authorized to perform, in accordance with an Inter-Municipal Mutual Agreement to be entered into between the Town and various governmental units, or take any other action relative thereto.

Sponsored By: Board of Selectmen

You are further directed to notify and warn said inhabitants to be present at the Scituate High School Gymnasium at some time between the hours of 9:00 A.M. and 6:00 P.M., Saturday, April 1, 2006 to cast their ballots for the following officers:

For One Year

One Moderator

For Three Years

One Selectman Seat #1

One Assessor

One Town Clerk

One Member of the School Committee Seat #1

One Member of the Planning Board Seat #1

Two Members of the Board of Library Trustees
For Five Years
One Member of the Housing Authority

And you are directed to serve this warrant by posting up attested copies thereof, one at each of the Post Offices in said Town and one at the Town Hall, thirty days at least before the time of holding said meeting.

Hereof, fail not, and make due return of this warrant with your doings thereon, to the Town Clerk at the time and place of the meeting as aforesaid.

Given under our hands this twenty-sixth day of January in the year two thousand and six

**James Pollard, Chairman
Shawn Harris
Richard W. Lane
Joseph P. Norton
Paul T. Reidy
BOARD OF SELECTMEN**