

COMMONWEALTH OF MASSACHUSETTS

TOWN OF BELLINGHAM

WARRANT FOR SPECIAL TOWN MEETING

Norfolk, ss:

To either of the Constables of the Town of Bellingham, in the County of Norfolk;

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of said Town, qualified to vote in elections and in Town affairs to meet at the

HIGH SCHOOL AUDITORIUM

Located at 60 Blackstone Street in said Bellingham, on Wednesday, the thirteenth day of November 2019, at 7:30 p.m., then and there to act on the following articles:

ARTICLE 1. AMEND ARTICLE 1

To see if the Town will vote to amend the vote taken under Article 1 of the May 2019 Annual Town Meeting by reducing, adding to, deleting, amending appropriations or transferring funds from various sources into items within Article 1; or act or do anything in relation thereto.

(By: Board of Selectmen)

ARTICLE 2. AMEND ARTICLE 2 – TRASH ENTERPRISE

To see if the Town will vote to amend the vote taken under Article 2 of the May 2019 Annual Town Meeting by reducing, adding to, deleting, amending appropriations or transferring funds from various sources into Article 2; or act or do anything in relation thereto.

(By: Board of Selectmen)

ARTICLE 3. AMEND ARTICLE 3 – WATER ENTERPRISE

To see if the Town will vote to amend the vote taken under Article 3 of the May 2019 Annual Town Meeting by reducing, adding to, deleting, amending appropriations or transferring funds from various sources into Article 3; or act or do anything in relation thereto.

(By: Board of Selectmen)

ARTICLE 4. AMEND ARTICLE 4 – SEWER ENTERPRISE

To see if the Town will vote to amend the vote taken under Article 4 of the May 2019 Annual Town Meeting by reducing, adding to, deleting, amending appropriations or transferring funds from various sources into Article 4; or act or do anything in relation thereto.

(By: Board of Selectmen)

ARTICLE 5. CAPITAL OUTLAY – (Expenditures \$50,000 & Over)

To see if the Town will vote to raise and appropriate a sum of money and to determine how such appropriation shall be raised, whether by transfer of available funds, by taxation, by borrowing or otherwise, and if by borrowing to authorize the issuance and sale of general obligation bonds or notes of the Town therefore for the purpose of financing the purchase, construction, reconstruction and/or engineering costs associated with various capital outlay items or improvements proposed by Town Departments, Boards or Committees, and, as may be appropriate, to authorize the Board of Selectmen to enter into lease/purchase agreements of up to or exceeding three years; or act or do anything in relation thereto.

(By: Board of Selectmen)

ARTICLE 6. NON-CAPITAL OUTLAY – (Expenditures of Less Than \$50,000)

To see if the Town will vote to raise and appropriate a sum of money and to determine how such appropriation shall be raised, whether by transfer of available funds, by taxation, by borrowing or otherwise, and if by borrowing to authorize the issuance and sale of general obligation bonds or notes of the Town therefore for the purpose of financing the purchase of various non-capital outlay items or improvements proposed by Town Departments, Boards or Committees, and,

as may be appropriate, to authorize the Board of Selectmen to enter into lease/purchase agreements of up to or exceeding three years; or act or do anything in relation thereto.

(By: Board of Selectmen)

ARTICLE 7. MARIJUANA ESTABLISHMENTS

To see if the Town will vote to amend its Zoning Bylaw as follows:

Amend Article V, Section 240-31, Use Regulations Schedule, by deleting the text shown in strikethrough and adding the text in underline:

District	A	S,R	M	B-1, B-2	I
COMMERCIAL USES	No	No	No	No	PB
Marijuana Cultivator					
<u>Marijuana Establishments</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>PB</u>

Further, to amend Article VI, Definitions, Section 240-32 as follows with the provisions to be deleted shown in strikethrough and the provisions to be added shown in underline:

~~**MARIJUANA CULTIVATOR** An entity licensed to cultivate, process and package marijuana, to deliver marijuana to marijuana establishments, and/or medical marijuana treatment centers and to transfer marijuana to other marijuana establishments and/or medical marijuana treatment centers, but not to consumers.~~

~~**MARIJUANA ESTABLISHMENTS** A marijuana independent testing laboratory, marijuana product manufacturer, or marijuana retailer, all as defined in MGL c. § 1, but not including marijuana cultivators.~~

MARIJUANA ESTABLISHMENTS A marijuana cultivator, independent testing laboratory or marijuana product manufacturer as defined in General Laws chapter 94G, §1, or any other type of marijuana-related business licensed by the Cannabis Control Commission pursuant to 935 CMR 500.000 with respect to the regulation of the Adult Use of Marijuana, but not including Marijuana Retailers; or act or do anything in relation thereto.

(By: Planning Board)

ARTICLE 8. MARIJUANA RETAILERS

To see if the town will vote to amend its Zoning Bylaw as follows:

Amend the Zoning Bylaw, Article V, Section 240-31, Use Regulations Schedule, by adding the following:

District	A	S,R	M	B-1, B-2	I
COMMERCIAL USES					
Marijuana Retailer	No	No	No	No	PB

Amend the Zoning Bylaw, Article VI, Definitions, Section 240-32 as follows with the provisions to be deleted shown in strikethrough and the provisions to be added shown in underline:

Marijuana Establishments: A marijuana independent testing laboratory or, marijuana product manufacturer, ~~or marijuana retailer~~, all as defined in General Laws chapter 94G, §1, or any other type of marijuana-related business licensed by the Cannabis Control Commission pursuant to 935 CMR 500.000 with respect to the regulation of the Adult Use of Marijuana but not including Marijuana Cultivators and Marijuana Retailers.

Marijuana Retailer means an entity licensed by the Cannabis Control Commission pursuant to 935 CMR 500.000 with respect to the regulation of the Adult Use of Marijuana to purchase and deliver marijuana and marijuana products from Marijuana Establishments as defined in in General Laws chapter 94G, §1 (including Marijuana Cultivators as defined herein) and to deliver, sell or otherwise transfer marijuana and marijuana products to Marijuana Establishments as defined in in General Laws chapter 94G, §1 and to consumers; or act or do anything in relation thereto.

(By: Petitioner Stephen Mandile
27 Henry Street
Uxbridge, MA 01569)

ARTICLE 9. USED CAR LICENSES

To see if the Town will vote to amend Chapter 216, Vehicles and Traffic of the Bellingham Code of Bylaws by amending to the following:

Article VII. Used Car Licenses

No more than 26 Class II used-car licenses, as contemplated and described under M.G.L. ch. 140, §§ 57-59, may be issued by the Selectmen. If at the time of the effective date of this bylaw more than 26 Class II licenses exist, no new licenses may be issued until the number of issued licenses falls below 26. Notwithstanding the foregoing, each license existing as of the effective date of this bylaw may be renewed, if compliant with laws, rules, regulations and standards applicable to renewal.

§ 216-13. Standards for issuance of used-car licenses.

In addition to any other applicable provision of law, when determining whether to issue a Class II license or renewal thereof, the Selectmen may take into consideration any concerns regarding health, safety and welfare of the residents of Bellingham, as well as any legitimate planning or environmental concern. The Selectmen may impose conditions on the issuance or renewal of any Class II license; or act or do anything in relation thereto.

(By: Petitioner Mark J. Flannery
244 Farm Street
Bellingham, MA)

ARTICLE 10. REZONING OF LAND LOCATED ON HARTFORD AVE FROM RESIDENTIAL TO BUSINESS 2 (B-2).

To see if the Town of Bellingham will vote to amend the Town's Zoning Map by including the following described real estate as part of the Business (B-2) District, to wit:

The land in Bellingham in the County of Norfolk, Commonwealth of Massachusetts, having the following addresses and being further identified by their current Parcel ID designation number all of which can be seen on the Bellingham Assessor's Map and as shown on the attached Exhibit A, which is incorporated herein and made a part hereof as follows:

224 Hartford Ave Bellingham- PARCEL ID: 18-99
222 Hartford Ave Bellingham -PARCEL ID: 18-98
1 Deerfield Lane Bellingham- PARCEL ID: 18-97
5 Deerfield Lane Bellingham- PARCEL ID: 18-96
2 Deerfield Lane Bellingham- PARCEL ID: 18-82
6 Deerfield Lane Bellingham- PARCEL ID: 18-83
216 Hartford Ave Bellingham- PARCEL ID: 18-81
210 Hartford Ave Bellingham- PARCEL ID: 24-9-2500
1 Rawson Road Bellingham- PARCEL ID: 24-9-2400
2 Rawson Road Bellingham- PARCEL ID: 24-9-100
202 Hartford Ave Bellingham- PARCEL ID: 24-9-200
4 Sagamore Road Bellingham- PARCEL ID: 24-9-300

7 Cedar hill Road Bellingham- PARCEL ID: 18-38
186 Hartford Ave Bellingham- PARCEL ID: 24-6
4 Cedar Hill Road Bellingham- PARCEL ID: 18-39
182 Hartford Ave Bellingham- PARCEL ID: 24-5
5 Arrowhead Road Bellingham- PARCEL ID: 18-55
178 Hartford Ave Bellingham- PARCEL ID: 24-4
6 Arrowhead Road Bellingham- PARCEL ID: 18-57
3 Farm Street Bellingham- PARCEL ID: 24-3
7 Farm Street Bellingham- PARCEL ID: 18-80
198 Hartford Ave Bellingham- PARCEL ID: 24-9
194 Hartford Ave Bellingham PARCEL ID; 24-8
190 Hartford Ave Bellingham PARCEL ID; 24-7

(By: Petitioner 217 River Road, LLC
Kevin P. Meehan, Manager)

ARTICLE 11. HARTFORD AVE WELL 7 ZONE I PERMANENT EASEMENTS

To see if the Town will vote to authorize the Board of Selectmen to acquire by gift, purchase, and/or take by eminent domain permanent easement to provide protection for the 400 foot radius Zone I protection area of Well 7 Hartford Ave as shown on plans titled "Permanent Easement Well 7 Zone I, Hartford Ave Bellingham MA" prepared by Land Planning, Inc., latest revision date September 27, 2019, a copy of which will be on file with the Town Clerk's Office before Town Meeting; to authorize the Board of Selectmen to enter into all agreements and execute any and all instruments as may be necessary or convenient to effectuate the foregoing purposes and, further to raise and appropriate, transfer from available funds or borrow a sum of money for such purposes; or act or do anything related thereto.

(By: DPW Director)

ARTICLE 12. CHARLES RIVER GROVE BELLINGHAM DRAINAGE AND ROADWAY EASEMENTS & PARCEL ACQUISITION

To see if the Town will vote to authorize the Board of Selectmen to acquire by gift, purchase, and/or take by eminent domain permanent drainage easements and to accept a deed or deeds to the Town to allow for the improvement to the storm drain system in the First, Second, Third, Fourth, and Middle Avenue as shown on plans titled "Charles River Grove Bellingham Drainage and Roadway Easements" prepared by Borderland Engineering, Inc., dated January 22, 2019, copies of which will be on file with the Town Clerk's Office 14 days before the Town Meeting; and authorize the Board of Selectmen to acquire by gift, purchase, and/or take by eminent domain and to accept a deed or deeds to the Town all of parcels noted on the Tax

Assessor's records as Map 40 Parcels 82, 109, and 110 to allow for improvement to the storm drain system and to establish ownership of traveled ways in First, Second, Third, and Middle Avenue; to authorize the Board of Selectmen to enter into all agreements and execute any and all instruments as may be necessary or convenient to effectuate the foregoing purposes; and to raise and appropriate or transfer from available funds a sum of money for the purposes of this Article including any related expenses; or act or do anything in relation thereto.

(By: DPW Director)

ARTICLE 13. ACCEPTANCE OF UNACCEPTED PUBLIC WAYS

To see if the Town will vote to accept as public ways the following roads as laid out by the Board of Selectmen, as shown on plans on file with the office of the Town Clerk, and further to authorize the Board of Selectmen to purchase, take by eminent domain, or accept as a gift, and to accept a deed or deeds to the Town of easements in such ways, and any associated drainage, utility, snow, slope or other easements appurtenant thereto; to authorize the Board of Selectmen to enter into all agreements and execute any and all instruments as may be necessary or convenient to effectuate the foregoing purposes; and to raise and appropriate or transfer from available funds a sum of money for the purposes of this Article including any related expenses; or act or do anything related thereto.

- Steven Road (All)
- Northeast Drive (All)
- Roger Street (currently improved section)
- Rear Elm Street (All)

(By: DPW Director)

ARTICLE 14. ESTABLISH STORMWATER MANAGEMENT ENTERPRISE FUND

To see if the Town will vote to accept the provisions of General Laws Chapter 44, Section 53F½ to establish a Stormwater Utility Enterprise Fund for fiscal year commencing on July 1, 2019; or act or do anything in relation thereto.

(By: Board of Selectmen)

ARTICLE 15. BERTINE STREET BELLINGHAM RETAINING WALL ROADWAY EASEMENTS & PARCEL ACQUISITION

To see if the Town will vote to authorize the Board of Selectmen to acquire by gift, purchase, and/or take by eminent domain permanent drainage easements and to accept a deed or deeds to the Town to allow for the improvement to the storm drain system in Bertine Street as shown on plans titled "Bertine Street Retaining Wall Easements" prepared by Norfolk County Engineering Department, dated October 4 ,

2019, copies of which will be on file with the Town Clerk's Office 14 days before the Town Meeting; to authorize the Board of Selectmen to enter into all agreements and execute any and all instruments as may be necessary or convenient to effectuate the foregoing purposes; and to raise and appropriate or transfer from available funds a sum of money for the purposes of this Article including any related expenses; or act or do anything in relation thereto.

(By: DPW Director)

ARTICLE 16. WELKER WAY, STREET ACCEPTANCE

To see if the Town will vote to accept as a Public Way a road, together with the easements and improvements appurtenant thereto, and the Deed thereto, identified as WELKER WAY being shown on a Plan entitled, "Strawberry Estates, Definitive Subdivision, 135 & 143 Hartford Avenue, Bellingham, MA 02019. Applicant: Quality Homes, Inc. 1 Stallbrook Road, Milford, MA 01757, Dated September 30, 2014, Scale 1" = 80 feet; Prepared by Andrews Survey & Engineering, Inc., P. O. Box 312, 104 Mendon Street, Uxbridge, Massachusetts 01569-0312" duly recorded with the Norfolk County Registry of Deeds as Plan No. 65 in Plan Book 637 of 2015, and as more particularly described in a deed on file at the Office of the Town Clerk and to authorize the Board of Selectmen to accept the deed thereto; or act or do anything in relation thereto.

(By: Petitioner Country Home Builders, Inc.
Brad Wright, President)

ARTICLE 17. DEDICATION OF CONSERVATION LAND

To see if the Town will vote to dedicate, for conservation purposes in perpetuity and subject to the protections of Article 97, a portion of the Town-owned parcel of land located on Mendon Street and North Street and described in an Order of Taking and a deed recorded with the Norfolk Registry of Deeds in Book 20600, Page 153 and Book 20768, Page 450, respectively, which portion so dedicated contains 30.6 acres, more or less, and is approximately shown as "Prop. Protected Conservation Area (30.6 AC±)" on a plan entitled "Site Development Plans for Kearsarge William Way 'Conservation Area Exhibit'", prepared by Bohler Engineering, dated June 12, 2019, a copy of which is on file with the Town Clerk's office, which portion shall be under the care, custody and control of the Conservation Commission under the provisions of G.L. c.40, §8C; and, further, to amend the vote taken under Article 8 of the October 11, 2017 Special Town Meeting, authorizing the Board of Selectmen to lease the foregoing parcel of land, to correct the property reference to read as set forth above; or act or do anything in relation thereto.

(By: Conservation Commission)

ARTICLE 18. PURCHASE OF LAND

To see if the Town will vote to raise and appropriate, transfer from available funds, and/or borrow a sum of money for the purpose of acquiring a parcel of land located at 12 Mechanic Street, containing 9,183 square feet, more or less, and being the premises described in a deed recorded with the Norfolk Registry of Deeds in Book 11891, Page 293, and costs related or incidental thereto, and to authorize the Board of Selectmen to acquire said land by gift, purchase, and/or eminent domain, for general municipal purposes, on such terms and conditions as the Board of Selectmen deems appropriate, and to enter into all agreements and execute any and all instruments as may be necessary or convenient to effectuate the foregoing purposes; or act or do anything in relation thereto.

(By: Board of Selectmen)

ARTICLE 19. STRETCH ENERGY CODE

To see if the Town will vote to amend the Code of Bylaws Town of Bellingham to adopt a new bylaw entitled "Stretch Energy Code" to regulate the design and construction of buildings for the effective use of energy, pursuant to Appendix 115.AA of the Massachusetts Building Code, 780 CMR, also known as, the Stretch Energy Code, including future editions, amendments or modifications, with an effective date of July 1, 2020; or take any other action related thereto.

Chapter 237

Adoption of Stretch Energy Code

Section 1 - Definitions

The terms below shall have the following meanings for the purposes of this Chapter 237.

International Energy Conservation Code (IECC) – The International Energy Conservation Code (IECC) is a building energy code created by the International Code Council. It is a model code adopted by many state and municipal governments in the United States for the establishment of minimum design and construction requirements for energy efficiency, and is updated on a three-year cycle. The baseline energy conservation requirements of the MA State Building Code are the IECC with Massachusetts amendments, as approved by the Board of Building Regulations and Standards.

Stretch Energy Code – Codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115.AA of the Massachusetts Building Code, the Stretch Energy Code is an appendix to the Massachusetts Building Code, based on further amendments to the IECC to improve the energy efficiency of buildings built to this Code.

Section 2 - Purpose

The purpose of 781 CMR 115.AA, and this bylaw, is to provide a more energy efficient alternative to the Base Energy Code applicable to the relevant sections of the

Building Code for both new construction and existing buildings.

Section 3 - Applicability

The Stretch Energy Code and this bylaw shall apply to residential and commercial buildings. Buildings not included in this scope shall comply with 780 CMR 13, 34, 51, as applicable.

Section 4 – Stretch Energy Code

The Stretch Energy Code, as codified by the Board of Building Regulations and Standards, as 780 CMR Appendix 115.AA, including any future editions, amendments or modifications is herein incorporated by reference into this Town Code, Chapter 237.

Section 5 – Enforcement

The Stretch Energy Code is enforceable by the Building Inspector and effective as of July 1, 2020; or act or do anything in relation thereto.

(By: Building Commissioner)

ARTICLE 20. UNPAID BILLS

To see if the Town will vote to raise, appropriate or transfer a sum of money for the payment of certain unpaid bills of a prior fiscal year; or act or do anything in relation thereto.

(By: Finance Committee)

ARTICLE 21. STABILIZATION FUND

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money for the purpose of funding the Stabilization Fund; or act or do anything in relation thereto.

(By: Finance Committee)

ARTICLE 22. WATER STABILIZATION FUND

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money for the purpose of funding the Water Stabilization Fund; or act or do anything in relation thereto.

(By: DPW Director)

ARTICLE 23. OPEB TRUST FUND

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money for the purpose of funding the OPEB Trust Fund; or act or do anything in relation thereto.

(By: Chief Financial Officer)

ARTICLE 24. CAPITAL IMPROVEMENTS FUND

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money for the purpose of funding the Capital Improvements Fund; or act or do anything in relation thereto.

(By: Chief Financial Officer)

ARTICLE 25. COMPENSATED ABSENCES FUND

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money for the purpose of funding the Compensated Absences Fund; or act or do anything in relation thereto.

(By: Chief Financial Officer)

ARTICLE 26. FUNDING OF CONTRACT SETTLEMENTS

To see if the Town will vote to raise and appropriate a sum of money and to determine how said sum will be raised, whether by taxation or transfer from available funds, for the purpose of approving the cost items of the first fiscal year of contracts with AFSCME, DPW, AFSCME Clerical, and police administration unions for the period beginning July 1, 2018 through June 30, 2019, and, as may be necessary in connection therewith, to amend certain salary line items in Article 1 of the FY2019 budget for such purposes; or act or do anything in relation thereto.

(By: Board of Selectmen)

ARTICLE 27. 186 MAPLE STREET SOLAR TAX AGREEMENT

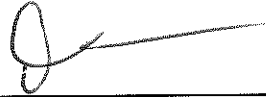
To see if the Town will vote to authorize the Board of Selectmen to negotiate and enter into a tax agreement for payments-in-lieu-of-taxes ("PILOT") pursuant to M.G.L. Ch. 59, § 38H(b), and Ch. 164, § 1, and any other enabling authority, between the Town and Borrego Solar Systems, Inc., its successors and assigns for a term of up to 20 years and upon such other terms and conditions as the Board shall deem in the best interest of the Town, for both real property and personal property associated with construction and operation of a solar renewable energy generation facility to be owned and operated by Borrego Solar Systems, Inc., its affiliate or assignee, on an approximately 13.221 acre parcel of privately-owned land located on 186 Maple Street, as shown on Assessor's Map 32 Lot 7, upon which such facility is to be constructed and operated; and, further, to authorize the Board of Selectmen to take all actions necessary to implement such agreement; said agreement to be on file in the Office of the Town Clerk at least 14 days prior to the Town Meeting; or act or do anything in relation thereto.

(By: Board of Selectmen)

And you are directed to serve this Warrant, by posting attested copies thereof at Town Hall and in other municipal buildings throughout Town forty-five days, at least, before the time and place of meeting as aforesaid.

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

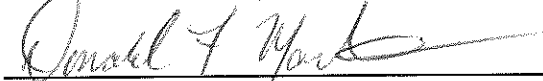
Given under our hands this 16th day of September in the year of Our Lord, Two Thousand Nineteen.



Daniel M. Spencer, Chairman



Michael J. Connor, Vice Chairman



Donald F. Martinis



Cynthia L. McNulty



Robert A. Biagi

BOARD OF SELECTMEN

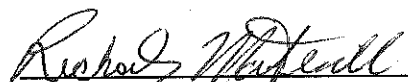
RETURN OF THE WARRANT

Norfolk, ss:

Pursuant to the within Warrant, I have notified and warned the inhabitants of the Town of Bellingham by posting attested copies of the same at Town Hall and in other municipal buildings throughout Town, in accordance with Town By-laws.

9/19/2019

Date


Constable of Bellingham