

SPECIAL TOWN MEETING-JUNE 28, 2011-PROCEEDINGS

The Moderator Jay Byer called the meeting to order at 7:00pm at the Miscoe Hill School. Non Residents were allowed into the meeting:

Jean Berthold, Asst. Assessor
Carrie Grimshaw, Library Director
Andrew Jenrich, Children’s Librarian
Robert Mangiaratti, Town Counsel
Morgan Rousseau, Milford Daily News
Michelle Sanford, Town Crier Reporter
CAterina Manser-MURSD
Nicki Garner, Not registered
Chris Kupstas, Treasurer
Dennis Stein, Milford Daily News
Terry Palmer, BOS Admin. Sec.
Jim Plamer
Claudia Ferrecchia, observer
John Wilson, Grafton Agricultural Commission
Rebecca Wilson, Grafton Agricultural Commission
Zachary Schofield, Scout
Matthew Mills, child

The Moderator went over the rules and procedures of the meeting, he noted that the warrant had been duly posted and properly served.

- ARTICLE 1

Voted to transfer \$20,000 from Finance Committee Reserve (Line Item 131C) to Town Counsel Expenses Line Item (151B).
MAJORITY VOICE VOTE
- ARTICLE 2

Voted to transfer \$3,700 from Finance Committee Reserve (line item 131C) to Town Hall Utilities Line Item (199E).
MAJORITY VOICE VOTE
- ARTICLE 3

Voted to transfer \$3,900 from Unemployment Insurance (line item 913B) to Town Hall Computer Expense Line Item (199F).
MAJORITY VOICE VOTE
- ARTICLE 4

Voted to transfer \$2,000 from Unemployment Insurance (line Item 913B) to Town Selectmen Expense Line Item (122B).
MAJORITY VOICE VOTE
- ARTICLE 5

Voted to transfer \$3,500 from Library Director Salary Line Item (610A2) to Library Expenses Line Item (610B).
MAJORITY VOICE VOTE
- ARTICLE 6

Voted to appropriate and authorize the Treasurer with the approval of the Board of Selectmen under the authority of M.G.L. Chapter 44B, the Community Preservation Act, \$20,000 from Community Preservation Budgeted Reserve Account for the purpose of renovating the tennis courts at Memorial Park, pending passage of The Act to Sustain Community Preservation (HB 765/SB 1841) currently before the Massachusetts State Legislature AND receipt of Parkland Acquisitions and Renovations for Communities (PARC) grant. The Mendon Park and Recreation Commission provides management and control of Memorial Park and the tennis courts therein, the entirety dedicated to recreational activities under M.G.L. Chapter 45, Section 14. Further, to authorize the Parks and Recreation Commission, acting on behalf of the Town of Mendon, to file on any and all applications deemed necessary for grants and/or reimbursements from the Commonwealth of Massachusetts and/or any others in any way connected with the scope of this article, and the Park and Recreation Commission shall be authorized to enter into any and all agreements and execute any and all instruments as may be necessary on behalf of Mendon to affect said renovations.
MAJORITY VOICE VOTE
- ARTICLE 7

Defeated a motion to amend Article 7 by adding the words exclusive of the schools after the words Town of Mendon.
HAND COUNT
YES 71
NO 76
- ARTICLE 7

Voted to raise and appropriate and/or transfer from available sources \$409,646 for the purpose of funding the operational budget of the Town of Mendon for the Fiscal Year starting July 1, 2011; provided that such appropriation shall be contingent upon the passage of a Proposition 2 ½ override ballot vote in accordance with Mass General Laws Chapter 59, Section 21 C (m).
MAJORITY VOICE VOTE

ARTICLE 8 Voted to raise and appropriate and/or transfer from available sources \$272,450 for the purpose of funding the operational budget of the Mendon Upton Regional School District for the Fiscal Year starting July 1, 2011; provided that such appropriation shall be contingent upon the passage of a Proposition 2 ½ override ballot vote in accordance with Mass General Laws Chapter 59, Section 21 C (m).
MAJORITY VOICE VOTE

ARTICLE 9 Vote to amend the Article 9, sec 13.1 to read Individual member shall serve overlapping terms of 3 years .
MAJORITY VOICE VOTE

ARTICLE 9 Voted to amend the Mendon General By-Laws, by adding in Chapter XI, Special Provisions, a new section, Section 13, which will allow the Board of Selectmen to establish an Agricultural Commission.

Agricultural Commission

Section 13. The Board of Selectmen shall appoint five members who demonstrate a strong interest in agricultural initiatives. There shall be a minimum of three members whose primary or secondary income is derived from agricultural based enterprises in Mendon. Said members shall all be residents of Mendon, with the exception of one member, who may be a non-resident but must own agricultural land in Mendon.

Section 13.1 Individual members shall serve overlapping terms of 3 years.

Section 13.2 Furthermore, the Board of Selectmen shall appoint up to two alternates, each for a one year term, who demonstrate a strong interest in agricultural enterprise. These alternate appointments shall be based upon the above stated qualifications and include at least one member who is actively involved in agricultural pursuits.

Section 13.3 Vacancies shall be filled by the Selectmen per recommendation of the Agricultural Commission members.

Section 13.4 Purpose:

- a. Preserve, revitalize, and sustain Mendon Agricultural enterprises;
- b. Serve as facilitators, mediators, and educators to the community;
- c. Strengthen the pursuit of agriculture by promoting agricultural-based economic opportunities and encouraging the protection of farmland; and
- d. Welcome the commitment of any residents who are willing to share their skills to preserve a way of life and a culture that is fast disappearing.

Section 13.5 The Agricultural Commission shall report on its projects and activities on an annual basis within the town report.

UNANIMOUS VOICE VOTE

ARTICLE 10 Voted to amend the Mendon Zoning By-Laws by deleting Section 5.03, Flood Hazard Overlay District in its entirety and replacing it with a revised Section 5.03, Flood Hazard Overlay District as written in the warrant.

Flood Hazard Overlay District

Section 5.03 Flood Hazard Overlay District

PURPOSE

The Flood Hazard Overlay District is herein established as an overlay district to protect human life and property from the hazards of periodic flooding, to facilitate accurate insurance ratings, and to promote awareness and availability of flood insurance. It is also intended to preserve natural flood control characteristics and flood storage capacity of the flood plain and to preserve and maintain the ground water table and water recharge areas within the flood plain.

FLOOD HAZARD OVERLAY DISTRICT DELINEATION

The Flood Hazard Overlay District includes all special flood hazard areas within the Town of Mendon designated as Zones A and AE, on the Worcester County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Worcester County FIRM that are wholly or partially within the Town of Mendon are panel numbers 25027C0864E, 25027C0868E, 25027C1030E, 25027C1031E, 25027C1032E, 25027C1033E, 25027C1034E and 25027C1055E dated July 4, 2011. The exact boundaries of the Flood Plain District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Worcester County Flood Insurance Study (FIS) report dated July 4, 2011. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk and Building Inspector.

DEVELOPMENT REGULATIONS

All development, as well as the permitted uses and requirements of the underlying district, must comply with all requirements and laws relevant to uses allowed in the Flood Hazard Overlay District.

(i) These regulations include the following:

Chapter 131, Section 40 of the Massachusetts General Laws;

Section of the Massachusetts State Building Code which addresses floodplain and coastal high hazard areas;

Wetlands Protection Regulations, Department of Environmental Protection (DEP) 310 CMR 10.00;

- 1) Inland Wetlands Restriction, DEP 310 CMR 13.00; and
- 2) Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP 310 CMR 15, Title 5.

Any variances from the provisions and requirements of the above referenced state regulations may only be granted in accordance with the required variance procedures of these state regulations.

(ii) Floodway Data and Base Flood Elevation

1) Floodway Data

In zones A and AE, along watercourses that have not had a regulatory floodway designation, the best available Federal, State, local or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge. This data must be brought to the attention of the Building Inspector and reviewed for its reasonable utilization toward meeting the elevation or flood-proofing requirements, as appropriate, of the State Building Code.

2) Base Flood Elevation Data

Base Flood elevation data is required for subdivision proposals or other developments greater than 50 lots or 5 acres, whichever is lesser, within unnumbered A zones if said proposals include any work within the Flood Hazard Overlay District.

(d) Use Regulations

(i) The following or similar uses are specifically prohibited and shall not be allowed:

- 1) The storage or disposal of any soil, loam, peat, gravel, rock, refuse, trash, hazardous materials or materials used for snow and ice control including salt and other deicing chemicals and sand;
- 2) Draining, excavation, dredging, removal, relocation or transfer of earth, loam, peat, sand, gravel, or rock except as necessary to work that is permitted as of right or by a Special Permit granted by the Planning Board

(e) Special Permit Criteria

(i) In the Flood Hazard Overlay District, no new buildings shall be erected or constructed, and no existing buildings shall be enlarged or moved, except by Special Permit. The applicant shall forward one copy of the development plan to the Conservation Commission, Planning Board, Board of Health, and Building Inspector for comments, which will be considered by the appropriate permitting board prior to issuing applicable permits. All subdivision proposals must be designed to assure that:

- 1) such proposals minimize flood damage;
- 2) all public utilities and facilities are located and constructed to minimize or eliminate flood damage; and
- 3) adequate drainage is provided to reduce exposure to flood hazards.

(ii) Special Permits hereunder shall be granted only if the Planning Board determines that the proposed use:

- 1) Complies in all respects with the requirements of the underlying zoning district in which the land is located, and
- 2) Will not result in any increase in flood levels during the occurrence of a statistical hundred (100) year storm.

(f) Notification of Watercourse Alteration

(i) In a riverine situation, the Conservation Commission shall notify the following of any alteration or relocation of a watercourse:

- 1) Adjacent Communities
- 2) NFIP State Coordinator
Massachusetts Department of Conservation and Recreation
251 Causeway Street, Suite 600-700
Boston, MA 02114-2104
- 3) NFIP Program Specialist
Federal Emergency Management Agency, Region I
99 High Street, 6th Floor
Boston, MA 02110

Severability

If any provision of these Flood Hazard District regulations is held invalid by a court of competent jurisdiction, the remainder of the Flood Hazard District regulations shall not be affected thereby.

UNANIMOUS VOICE VOTE

The warrant was dissolved at 9:43. Kathryn Rich and Nancy Fleury were the tellers for the meeting. The officer on duty was James Walckner. There were 157 voters in attendance.

A true copy. Attest:

Margaret Bonderenko
Town Clerk