

**Minutes of the Special Town Meeting
February 23, 2015**

Moderator Enrico Cappucci opened the Special Town Meeting on Monday, February 23, at 7:15 pm at the Ayer Shirley Middle School Auditorium, 1 Hospital Road. Charles Church led the meeting in the Pledge of Allegiance. The Town Clerk had sworn the following people to serve as tellers: Mike Detillion, Richard Dill, Thadee Landry, and James Thibault. Election workers Kathie Bradley and Bill Oelfke checked in voters to the meeting. 115 voters had checked in by the end of the evening.

Carolyn Murray, Town Counsel from Kopelman and Paige was in attendance and seated at the table on the stage with the Selectmen.

Moderator Cappucci advised the audience that due to the complexity of the articles, no amendments would be accepted. The articles were presented as a package by the Board of Selectment, Economic Development and Planning Board.

Article 1: Amend Article 1.4 “Zoning Districts” of the Zoning Bylaw

David Swain moved that the Town vote to approve Article 1 as printed in the Warrant. Motion seconded.

Mr. Swain explained that for a number of years, the town has been working to address a structural deficit. It has done this through cutting services, bringing in revenue through agreements with Solar Energy companies to build on town-owned land, and establishing an Economic Development Committee. The committee is charged with working to increase the tax base of commercial and industrial development in town.

Chairman of the Economic Development Committee, Jackie Eselionis gave an overview of the efforts of the Committee. The Committee is working on a 20-year plan to increase the commercial and industrial portion of the tax base to 20 to 25%. Montachusett Regional Planning Commission and other experts in the field have assisted them in determining the most appropriate areas for this type of development, which are Lancaster Road and Great Rd. Each acre of commercial and industrial land cost the town 1/4 of the cost an acre of residentially developed land costs the town.

Jonathan Greeno of the Planning Board read the Board’s report and letter of recommendation to the meeting.

Dear Residents:

At the Planning Board hearing on February 4, 2015, regarding the proposed zoning changes being considered at the February 23, 2015 ,Special Town Meeting, the Board voted recommend at the Town adopt the amendments.

- Article 1 – Amend Article 1.4 “Zoning Districts” of the Zoning Bylaw
- Article 2 – Amend Sections 3.7 and 3.8 District Regulations
- Article 3 – Amend Section 13 “Description of District Boundaries”
- Article 4 – Amend Zoning Map November 11

We believe these amendments which standardize and expand our Mixed Use District will benefit the town in its work toward targeted and controlled Economic Development.

Sincerely,

Jonathan Greeno, Chair
Shirley Planning Board

Bryan Dumont, also of the Economic Development Committee spoke in greater detail about the proposed amendments themselves.

15 parcels were being proposed to be changed from Residential to Mixed Use along Great Rd. About ½ of the acreage was not developable due to various restrictions, such as wetlands, Areas of Critical Environmental Concern and wellhead protections. Of the 89 acre parcel off of Lancaster Rd proposed to be changed to Industrial, only 35-40 acres were developable due to these same restrictions.

Owners of the properties that were proposed to be changed had all been approached and were willing to have their properties rezoned.

Protections had been put in place for abutting home owners that were more restrictive than those in the current mixed use regulations. For example, access to parcels on Great Rd would have been accessed from Great Rd, not one of the side roads.

Joe Przyjemski of Horse Pond Road spoke as a representative of concerned citizens from that area. He cited that there was a lack of evidence that the previous re-zoning on the western portion of Great Rd had resulted in increased economic development and that traffic flow had not increased significantly. He also raised a concern that the mixed use regulations did not eliminate the potential for residential uses. He was also concerned whether the values of homes in this area would be negatively impacted due to the presence of commercial areas next to their homes. His final concern was that the water supply in the eastern portion of Great Rd would not be sufficiently protected from potential hazards of commercial operations in the area.

Mary Krycka of Little Turnpike raised the concern that some parcels off of Little Turnpike did not have frontage on Great Rd and could only be accessed by Little Turnpike.

Jackie Esielionis asked to respond to some of the concerns raised. We have been in a recession for a number of years, which would have come into play in redeveloping the western portion of Great Rd. Once we put this plan in place, we can go courting businesses to come to town. Regarding wetlands and protection of other sensitive areas, the developers will need to map out the wetlands and wellhead areas and bring the findings to the various boards – Conservation, Planning Board, Board of Health with a plan that does not impact the areas.

Barbara Yocum of Lawton Rd raised a concern that protections from resulting noise levels were not addressed anywhere. Noise levels would increase due to landscaping operations after hours, operation of HVAC equipment and truck deliveries.

Planning Board member Jonathan Greeno advised the meeting that any of the open tracts of land proposed to be rezoned could be sold at any time to build affordable housing under MGL 40B. That is dense residential development that must meet less restrictive state laws rather than a

town's zoning bylaws and conservation regulations. Until we reach the state mandated 10% level of affordable housing in our residential areas, this will be a concern. Rezoning the parcels would help address this.

Mr. Greeno also advised the meeting that making changes on town meeting floor to the descriptions of the boundaries of the different mixed use areas would be too complex to accomplish correctly, based on experience with a previous town meeting a few years ago when re-zoning was done.

Town Administrator Patrice Garvin further explained that the boards wanted to present a vision of the proposal as a whole to the meeting, which is one reason why the amendments were not presented to be voted on by separate locations.

Hand Counted Vote: Yes 42; No 62 Moderator declared motion failed.

ARTICLE 2: Amend Section(s) 3.7-3.8 District Regulations

David Swain moved to withdraw the article. Motion seconded

Voice Vote: Moderator declared motion to withdraw passed by majority vote.

ARTICLE 3: Amend Section 13 "Description of District Boundaries"

David Swain moved to withdraw the article. Motion seconded

Voice Vote: Moderator declared motion to withdraw passed by majority vote.

ARTICLE 4: AMEND ZONING MAP November 2011

David Swain moved to withdraw the article. Motion seconded

Voice Vote: Moderator declared motion to withdraw passed by majority vote.

ARTICLE 5: National Grid Easement

David Swain moved that the Town approve Article 5 as printed in the warrant. Motion seconded.

Article 5 as printed in the warrant follows:

To see if the Town will vote to authorize the Board of Selectmen to grant to Massachusetts Electric Company, also known as National Grid, on such terms and conditions as the Board of Selectmen deems appropriate, a permanent utility easement on a portion or portions of the Town-owned property located on Walker Road and described in a deed recorded with the Middlesex South District Registry of Deeds in Book 31107, Page 90, which portion is approximately shown on the sketch plan entitled "Walker Road -National Grid Easement" on file with the Town Clerk, or take any action relative thereto.

Mr. Swain explained that as part of the solar development, National Grid needed to run a connection underneath Walker Rd. The Selectmen had granted them a license to do so, but a permanent easement was required, which needed to be approved by Town Meeting.

A copy of the 6-page document on file with the Town Clerk is attached to these minutes.

Voice Vote: Moderator declared passed unanimously.

ARTICLE 6: SOLAR TAX AGREEMENT

David Swain moved that the Town vote to authorize the Board of Selectmen and Board of Assessors to negotiate and enter into a “payment in lieu of tax” agreement(s) pursuant to Massachusetts General Laws Chapter 59 Section 38H(b), or any other enabling authority, with the owner of a renewable energy facility for personal property and/or real property taxes in connection with a renewable energy facility installed or to be installed on land shown on Assessor’s Map/Parcel ID’s 43-a A-10, and located off Walker Road, a copy of which agreement is on file with the Board of Assessors, and to take any and all actions necessary and appropriate to implement and administer such agreement. Motion seconded.

Voice Vote: Moderator declared passed by majority vote.

ARTICLE 7: Supplemental Appropriation of the Board of Health/Trash Collection FY 15 Budget

David Swain moved that the Town vote to transfer the sum of \$50,000.00 from the General Stabilization Fund to line 433 Board of Heath/Trash Collection of the FY15 operating budget for the purpose of supplementing said line item. Motion seconded.

Voice Vote: Moderator declared passed by 2/3 majority.

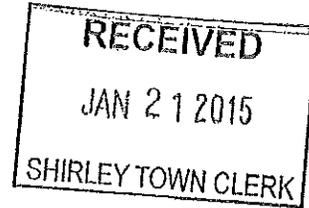
Motion made and seconded to adjourn the meeting. Voice vote. Moderator declared that the motion passed. The meeting was dissolved at 8:40 pm.

Respectfully submitted,

Amy R. McDougall
Shirley Town Clerk

Attachment: 6-page Grant of License to Massachusetts Electric as referenced in Article 5.

COPY



Town of Shirley
BOARD OF SELECTMEN

7 KEADY WAY – SHIRLEY, MASSACHUSETTS - 01464-2812

David N. Swain, Chair

Kendra J. Dumont, Vice Chair

Robert E. Prescott, Jr., Clerk

TEL: (978) 425-2600, x200
Fax: (978) 425-2602

December 17, 2014

National Grid
Attn: Carol Childress
939 Southbridge Street
Worcester, MA 01610

Re: Grant of License
Walker Road, Shirley, MA

Dear Ms Childress:

Enclosed please find the Grant of License for the above-referenced, signed by the Board of Selectmen on December 16, 2014.

Should you have any questions or concerns, please contact Town Administrator Garvin at 978-425-2600 x121.

Thank you.

Sincerely,

Kathleen Rocco
Executive Assistant

Enc.

Property Address: Walker Road, Shirley, MA (Middlesex County South)

GRANT OF LICENSE

The TOWN OF SHIRLEY, a municipal corporation duly organized and existing under the laws of the Commonwealth of Massachusetts (hereinafter referred to as the Licensor), for consideration of One (\$1.00) Dollar, grants to Massachusetts Electric Company, a Massachusetts corporation with its usual place of business at 40 Sylvan Road, Waltham, Massachusetts 02451 (hereinafter referred to as the Licensee) a License to install, construct, reconstruct, repair, replace, add to, maintain and operate for the transmission of high and low voltage electric current and for the transmission of intelligence, lines to consist of, but not limited to, one (1) pole, (which may be erected at different times) with wires and cables strung upon and from the same and all necessary anchors, guys, and appurtenances (hereinafter referred to as the "OVERHEAD SYSTEM") and "UNDERGROUND ELECTRIC DISTRIBUTION SYSTEM" (hereinafter referred to as the "UNDERGROUND SYSTEM") located in Shirley, Middlesex County, Massachusetts, consisting of lines of buried wires and cables and lines of wires and cables installed in underground conduits, together with all equipment and appurtenances thereto for the transmission of intelligence and for the furnishing of electric service to the herein described premises and others, and without limiting the generality of the foregoing, but specifically including the following equipment, namely: manholes, manhole openings, bollards, handholes, junction boxes, transformers, transformer vaults, padmounts, padmount transformers and all housings, connectors, switches, conduits, cables and wires all located within the License area of the hereinafter described property.

Said "OVERHEAD SYSTEM" and "UNDERGROUND SYSTEM" are to be located in, through, under, over, across and upon a parcel of land situated on the northerly side of Walker Road, being more particularly shown as Section A, Lot 2.12, on the Town of Shirley's Assessor's Map 28.

Said "OVERHEAD SYSTEM" is to be installed on Grantor's property, which is located on the northwesterly side of Walker Road, to consist of new Pole P48-1, which is located over and upon the southeasterly side of Grantor's property, to become established by and upon the installation and erection thereof by the Grantee.

WR #15954787

Address of Grantee:
Mass El. - 40 Sylvan Road, Waltham, MA 02451-1120

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And further, said "OVERHEAD SYSTEM" and "UNDERGROUND SYSTEM" (locations of the electrical equipment and other facilities on the hereinbefore referred to premises of the Licensor) are approximately shown on a sketch entitled: "MASSACHUSETTS ELECTRIC COMPANY, A NATIONAL GRID COMPANY, "Massachusetts Electric, Central District, Worcester; Feeder: 201W1; District Engineer: M. Roberts/D.CHASE; Work Location: P48-2 Walker Rd, Shirley, MA 01464; Date: 11/14/14 REV1; EASEMENT DRAWING: 15954787; EXHIBIT 'A' NOT TO SCALE," a reduced copy of said sketch is attached hereto as "Exhibit A," copies of which are in the possession of the Licensor and Licensee herein, but the final definitive locations of said "OVERHEAD SYSTEM" and "UNDERGROUND SYSTEM" shall become established by and upon the installation and erection thereof by the Licensee.

Also with the further right from time to time to pass and repass over, across and upon said land of the Licensor as is reasonable and necessary in order to renew, replace, repair, remove, add to, maintain, operate, patrol and otherwise change said "OVERHEAD SYSTEM" and "UNDERGROUND SYSTEM" and each and every part thereof, but not the general location thereof, and to make such other excavation or excavations as may be reasonably necessary in the opinion and judgment of the Licensee, its successors and assigns, and to clear and keep cleared the portions and areas of the premises wherein the "OVERHEAD SYSTEM" and "UNDERGROUND SYSTEM" is located as shown on the sketch herein referred to, of such trees, shrubs, bushes, structures, objects and surfaces, as may in the opinion and judgment of the Licensee interfere with the safe and efficient operation and maintenance of the "OVERHEAD SYSTEM" and "UNDERGROUND SYSTEM" and other related electrical equipment. However, said Licensee, its successors and assigns, will properly backfill said excavation or excavations and restore the surface of the land to as reasonably good condition as said surface was in immediately prior to the excavation or excavations thereof.

It is the intention of the Licensor to grant to the Licensee, its successors and assigns, a License as aforesaid and any and all additional and/or incidental rights needed to install, erect, maintain and operate within the Licensor's land an "OVERHEAD SYSTEM" and "UNDERGROUND SYSTEM" for the transmission of intelligence and for supplying electric service for the building, buildings or proposed buildings shown on the last herein referred to sketch or amended sketch.

It is agreed that said "OVERHEAD SYSTEM" and "UNDERGROUND SYSTEM" and all necessary appurtenances thereto, shall remain the property of the Licensee, its successors and assigns, and that the Licensor, its successors and assigns, shall pay all taxes assessed thereon.

If the herein referred to locations as laid out and shown on the Sketch are unsuitable for the purposes of the Licensee or the Licensor, then the locations may, subject to the prior written consent of Licensor and Licensee, which consent shall not be reasonably withheld, be changed to areas mutually satisfactory to both the Licensor and the Licensee herein; and further the newly agreed to locations shall be indicated and shown on the Sketch by proper amendment or amendments thereto. Any relocation so requested shall be at the sole cost and expense of the requesting party.

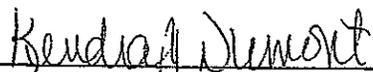
Licensor and Licensee agree that this License shall terminate upon the earlier of (a) ninety days following written notice by either Licensee or Licensor to the other party for any reason, provided that the terminating party pays for the cost of removing any facilities installed on the Premises under this License and the cost associated with cutting off electrical service, and (b) the recording of a permanent easement granted by Licensor to Massachusetts Electric Company for the above noted location as described in this License.

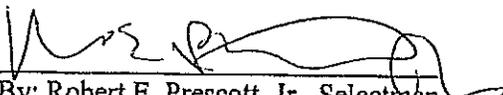
For Licensor's title, see deed dated February 1, 2000, recorded with the Middlesex South Registry of Deeds in Book 31107, Page 90.

IN WITNESS WHEREOF, the Town of Shirley, acting by and through its Board of Selectmen, being duly authorized, have executed this License this 16 day of December, 2014.

TOWN OF SHIRLEY
acting by and through its Board of
Selectmen


By: David N. Swain, Chairman


By: Kendra J. Dumont, Selectman


By: Robert E. Prescott, Jr., Selectman

Massachusetts Electric
Central District, Worcester

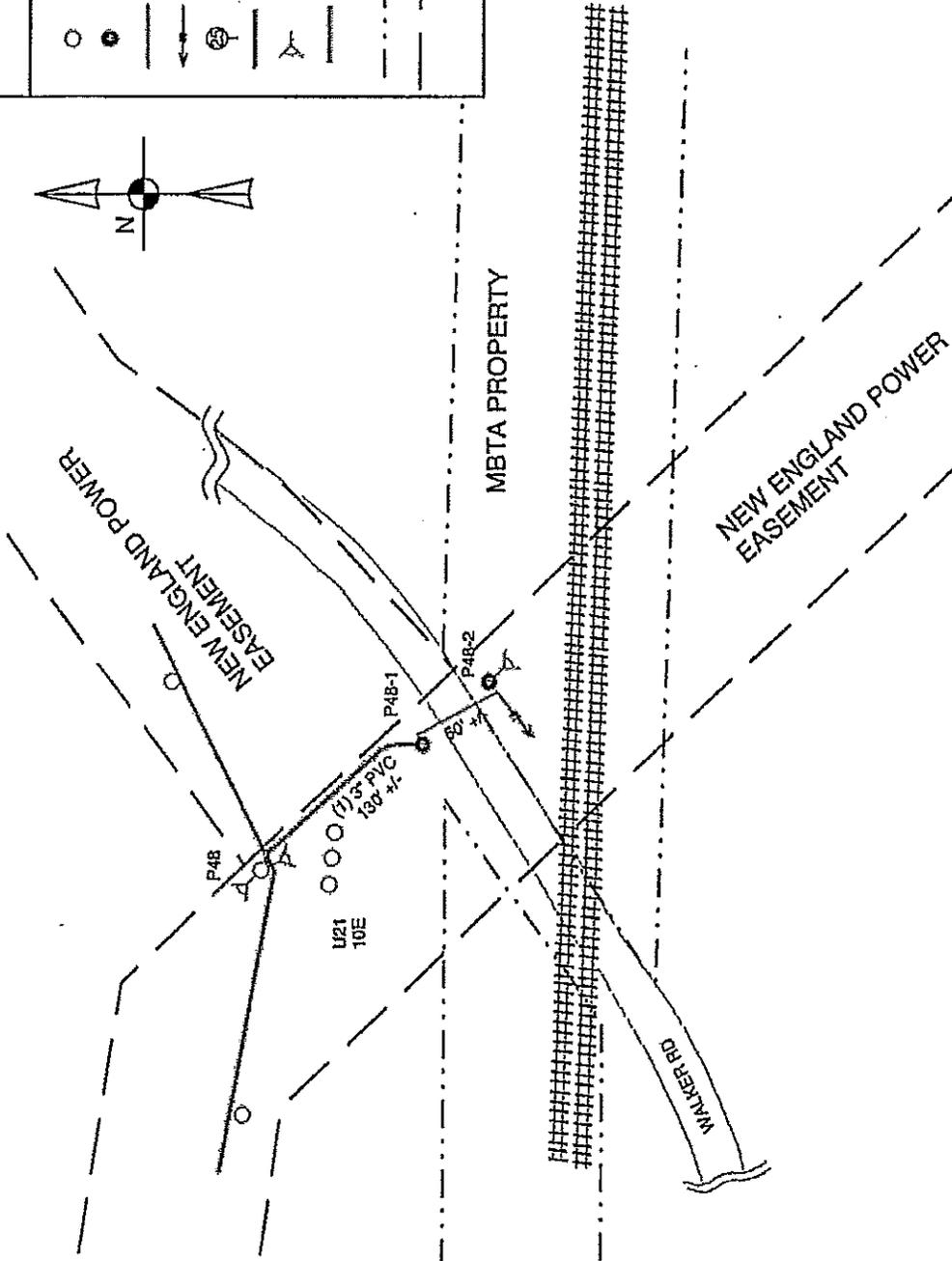
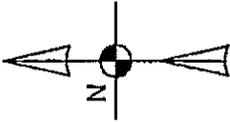
Feeder: 201W1

Work Location: P48-2 WALKER RD, SHIRLEY, MA 01464
DATE: 11/14/14 REV1 EASEMENT DRAWING: 15954787

District Engineer M. Roberts / D. CHASE

LEGEND

- EXISTING SO POLE
- PROPOSED SO POLE
- PROPOSED OH SECONDARY WIRE
- CUSTOMERS SERVICE WIRE
- ⊕ SINGLE PHASE OH TRANSFORMER
- 15 KV OH PRIMARY CIRCUIT
- PROPOSED ANCHOR ROD
- PROPOSED 3" PVC ELECTRICAL CONDUIT
- MBTA PROPERTY LINE
- NEW ENGLAND POWER EASEMENT



NOTES:

CUSTOMER TO INSTALL THE FOLLOWING:
 ONE 200 AMP SINGLE PHASE UNDERGROUND SERVICE OFF P48-2 TO CUSTOMER OWNED METER PEDESTAL METER TO HAVE MANUAL BY-PASS.

EXHIBIT 'A'
NOT TO SCALE
 The exact location of said Facilities to be established by and upon the installation and erection of the Facilities thereof.