

Town of Shirley
Massachusetts



WARRANT

for the

**SPECIAL
TOWN MEETING**

**Monday
November 7, 2011
7:15 PM
Ayer Shirley Regional Middle School
Auditorium
1 Hospital Road**

**Town of Shirley
Warrant
Special Town Meeting
November 7, 2011**

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RECOMMENDATIONS OF BOS AND FINCOM

Article #	Finance Comm. Recommended.	Selectmen Recommended.	Tax Impact
1.	Approved	Approved	N/A
2.	Approved	Approved	None
3.	Approved	Approved	N/A
4.	Approved	Approved	N/A
5.	Approved	Approved	N/A
6.	Approved	Approved	N/A
7.	Approved	Approved	N/A
8.	Approved	Approved	N/A
9.	Approved	Approved	N/A
10.	Approved	Approved	N/A
11.	Approved	Approved	N/A
12.	Deferred until STM	Deferred until STM	N/A
13.	Approved	Approved	N/A

NOTICE

If the business of this Warrant for the Special Town Meeting is not concluded on November 7th, it is proposed to adjourn to Tuesday, November 8th at 7:15 p.m.

**Town of Shirley
Special Town Meeting Warrant
November 7, 2011**

COMMONWEALTH OF MASSACHUSETTS
MIDDLESEX, ss.

To any of the Constables of the Town of Shirley in said County, Greetings:

In the name of the Commonwealth aforesaid, you are hereby required to notify and warn the Inhabitants of said Town, qualified to vote in Town affairs, to assemble in the Auditorium of the Ayer-Shirley Regional Middle School at 1 Hospital Road in Shirley Village on:

Monday, the Seventh Day of November, 2011, at 7:15 p.m.,

then and there to act on the following Articles:

Article 1. Amend Appropriations for the Current Fiscal Year Operating Budget

To see if the Town will vote to amend the amounts appropriated under Article 6 of the Warrant for the June 6, 2011 Annual Town Meeting for the specified lines and accounts of the following departmental budgets for the current Fiscal Year; said amounts to designate funding sources for the Annual Budget as amended; such amounts to be provided by taxation and by transfer from available funds, or take any other action relative thereto.

<i>Town of Shirley – FY12 Budget</i>				
Line #	Department/Account Name	FY12 Approved	Proposed Amendment	FY12 Revised Budget
122	Selectmen-Town Report	\$1,000.00	(\$1,000.00)	\$0.00
155	Computer Operations-Salary, Technology Administrator	\$53,000.00	(\$53,000.00)	\$0.00
155	Computer Operations-Computer Technician-Consulting	\$25,000.00	\$43,000.00	\$68,000.00
155	Computer Operations-Computer Operations Expense	\$45,966.00	\$5,000.00	\$50,966.00
155	Computer Operations-Equipment	\$2,000.00	\$5,000.00	\$7,000.00
159	Office Machines - Expenses	\$4,875.00	\$1,000.00	\$5,875.00
192	Public Buildings-Utilities	\$44,000.00	(\$44,000.00)	\$0.00
192	Public Buildings-Phones	\$4,700.00	(\$4,700.00)	\$0.00
192	Public Buildings-Repairs & Maintenance	\$10,000.00	(\$10,000.00)	\$0.00
192	Public Buildings-Vehicle Maintenance	\$250.00	(\$250.00)	\$0.00
192	Public Buildings-Expenses	\$25,408.00	\$58,950.00	\$84,358.00
611	Library-Salary, Appointed Position	\$42,233.00	(\$796.64)	\$41,436.36
611	Library-Wages Hourly	\$86,000.00	\$2,219.04	\$88,219.04
611	Library-Expenses	\$62,552.00	(\$1,422.40)	\$61,129.60
913	Unemployment Insurance-Expenses	\$50,000.00	(\$6,000.00)	\$44,000.00
914	Group Health/Life Insurance-Actuary Study	\$0.00	\$6,000.00	\$6,000.00

Article 1 - Amend Appropriations for the Current Fiscal Year Explanation:

This Article will amend the amounts appropriated at the June 6, 2011 ATM for the specified Lines and Accounts identified within the Article for the current Fiscal Year. All the line items net to zero.

Proposed reductions/increases:

- *Line 122: Selectmen-Town Report/Line 159: Office Machines-Expenses: It is proposed to transfer \$1,000 from this line item to Line 159: Office Machines-Expenses. The reason for this transfer is that the Town now prints the Town Report in-house so the appropriation is proposed to be used to offset the costs for the leasing of the copier and other related expenses.*
- *Line 155: Computer Operations: This is an internal departmental transfer and does not change the total appropriated for the department. The reason for this transfer is that the Town has now had outside support consulting for four months, and we are happy with the level of service they have provided. Given the economic climate, we propose to continue the level of service with the outside consultants instead of hiring an employee at this time. It is proposed to transfer the \$53,000 that was appropriated at the ATM for the Technology Administrator Salary to the following line items: (1) \$43,000 to Computer Technician Consultant to cover the additional expense for the outside consultants (in lieu of an employee); (2) \$5,000 to Computer Operations Expenses for licenses as well as to enable the Town to upgrade the website to a more user friendly version, both for updating it as well as providing easier use for Town residents; and (3) \$5,000 to Equipment for critical needs that have been identified.*
- *Line 192: Public Buildings: This is an internal departmental transfer and does not change the total appropriated for the department. For the past three years, the Town has appropriated the expenses in this line item as a total grouping to enable more flexibility within the expenses. For budgeting purposes, the amounts are detailed out, but were not combined for the appropriation at the ATM in error. This transfer corrects that.*
- *Line 611: Library: This is an internal departmental transfer and does not change the total appropriated for the department. At the ATM, the Library's appropriation was voted at the requested amount. However, this request did not account for wage increases for hourly employees at the Library. This transfer provides for the wage increases for hourly employees by reducing the surplus amount within the Director's Salary line item and reducing the amount in the Expense line item to cover the difference. This does not change the total appropriation needed to meet the state's required local appropriation for certification.*
- *Line 913: Unemployment Insurance-Expenses/914: Group Health/Life Insurance-Actuary Study: In order to comply with Governmental Accounting Standards Board (GASB) #45, the Town is required to update the Actuary Study for Post Employment Retirement Benefits every three years. This would have been FY11, but the Town felt that it was better to wait until the school was regionalized to get a more accurate figure going forward. This expense was not included in the ATM in error. It is proposed to transfer \$6,000 from Unemployment Insurance-Expenses, where we have a forecasted surplus due to credits received, to cover the expense of this study.*

A majority vote is required for the passage of this article.

Finance Comm. Recommendation	Selectmen Recommendation	Tax Impact
Approve	Approve	N/A

Article 2. Amend Appropriations for the Current Fiscal Year for Curbside Solid Waste/Recycling Enterprise Fund Budget

To see if the Town will vote to amend the amount appropriated under Article 9 of the Warrant for the June 6, 2011 Annual Town Meeting, with said increased amount to be provided from an estimated \$54,464 in User Fees and \$37,000 from Retained Earnings, or take any other action relative thereto.

Town of Shirley – FY12 Curbside Solid Waste/Recycling Enterprise Fund Budget				
Line #	Department/Account Name	FY12 Approved	Proposed Amendment	FY12 Revised Budget
433	Expenses	\$133,000	\$91,464	\$224,464

Article 2. Amend Appropriations for the Current Fiscal Year for Curbside Solid Waste/Recycling Enterprise Fund
Budget Explanation:

This Article will amend the amounts appropriated at the June 6, 2011 ATM for the Curbside Solid Waste/Recycling Enterprise Fund for the current Fiscal Year. This supplemental appropriation is needed to cover the additional expenses in the enterprise fund due to the reduction of the appropriation for line item 433 BOH/Trash Collection in the operating budget. The additional expenses will be paid for by retained earnings, as well as the increase in trash bag fees that was implemented by the Board of Health in June 2011.

A majority vote is required for the passage of this article.

Finance Comm. Recommendation	Selectmen Recommendation	Tax Impact
Approve	Approve	None

Article 3. Authorize Selectmen to Negotiate Payment in Lieu of Taxes (PILOT) for Solar Facilities

To see if the Town will vote to authorize the Board of Selectmen and the Board of Assessors, under authority of Massachusetts General Laws chapter 59, section 38H, to negotiate and enter into a payment in lieu of taxes (PILOT) agreement or agreements for property within the Town on which solar electricity generation facilities are constructed, or take any other action relative thereto.

Article 3. Authorize Selectmen to Negotiate Payment in lieu of Taxes (PILOT) for Solar Facilities Explanation:

The purpose of this article is to authorize the Town to enter into agreements with solar power generation companies for the purpose of negotiating a "payment in lieu of taxes (PILOT)". A PILOT program allows an agreement between the Town and the company that specifies the amount to be paid to the Town in place of taxes. As set forth in Massachusetts General Laws, chapter 59, section 38H, the Legislature has authorized municipalities to enter into PILOT agreements with owners of generation facilities that are located within their municipal borders. "A generation company or wholesale generation company may, in order to comply with its property tax liability obligation, execute an agreement for the payment in lieu of taxes with the municipality in which such generation facility is located, and said company shall be exempt from property taxes, in whole or in part, as provided in any such agreements during the terms thereof. Any such agreement shall be the equivalent of the property tax obligation based on full and fair cash valuation."

A majority vote is required for the passage of this article

Finance Comm. Recommendation	Selectmen Recommendation	Tax Impact
Approve	Approve	N/A

Article 4. Adopt MGL c. 43D, Expedited Permitting

To see if the Town will vote to accept the provisions of MGL c. 43D as amended pursuant to Section 11 of Chapter 205 of the Acts of 2006, and approve the filing of an application with the Massachusetts Interagency Permitting Board for the designation of land off Walker Road (Assessors Map #28, Parcel 2.12A) as a Priority Development Site, or take any other action relative thereto.

Article 4. Adopt MGL c.43D, Expedited Permitting Explanation:

Chapter 43D, Expedited Permitting, is designed to target parcels of land of at least 50,000 square feet that have been specifically identified by the town as most suitable for industrial, commercial, and/or mixed use development. Development on these parcels, the owners of which must first approve the designation as 43D parcels, would be subject to a coordinated, expedited permitting process, but only after the Town Meeting has adopted Chapter 43D, and only after it has approved the designation of each parcel. The Economic Development Committee has been charged with identifying such parcels, and has identified the parcel included in this article (the Bartkus parcel, so-called), which is Town-owned. In addition, the adoption of Chapter 43D will fulfill one of five requirements in becoming a "Green Community" under the state's Green Community Act. The Town, through its Energy Committee, is pursuing designation

as a “Green Community” to reduce municipal energy consumption by 20% over the next five years. By becoming a “Green Community” the Town will also become eligible for significant state funding targeted for such communities.

The Planning Board will make their recommendation at Town Meeting.

A majority vote is required for the passage of this article.

Finance Comm. Recommendation	Selectmen Recommendation	Tax Impact
Approve	Approve	N/A

Article 5. Adopt Appendix 115.AA of the State Building Code, “Stretch Energy Code”

To see if the Town will vote to adopt Appendix 115.AA of the Massachusetts State Building Code, 780 CMR 115.AA, entitled the “Stretch Energy Code,” as may be amended from time to time, for the purpose of regulating the design and construction of buildings for the effective use of energy, or take any other action relative thereto.

Article 5. Adopt Appendix 115.AA of the State Building Code, “Stretch Energy Code” Explanation:

The “Stretch Energy Code” is an appendix to the State Building Code that creates a higher tier of energy conservation—this appendix requires that specified construction activity improve energy conservation by about 20% over the baseline requirements of the Building Code. The “Stretch Energy Code” will become mandatory statewide on January 1, 2013. Its adoption now will fulfill one of five requirements in becoming a “Green Community” under the state’s Green Community Act. The Town, through its Energy Committee, is pursuing designation as a “Green Community” to reduce municipal energy consumption by 20% over the next five years. By becoming a “Green Community” the Town will also become eligible for significant state funding targeted for such communities.

A majority vote is required for the passage of this article.

Finance Comm. Recommendation	Selectmen Recommendation	Tax Impact
Approve	Approve	N/A

Article 6. Authorize Contract Term in Excess of Three Years—Solar Facility Power Purchase and Lease Agreements

To see if the Town will vote, pursuant to Massachusetts General Laws Chapter 40, section 3 and Chapter 30B, section 12, to authorize contract terms in excess of three years, specifically for up to thirty (30) years, one contract for the purchase of power, and one contract for the leasing of land, for the installation of a solar energy generating facility, or take any other action relative thereto.

Article 6. Authorize Contract Term in Excess of Three Years-Solar Facility Power Purchase and Lease Agreements Explanation:

The Town is currently in the process of soliciting proposals for the installation of a solar photovoltaic (PV) energy generating facility on the “Bartkus Property,” so-called (Assessors Map #28, Parcel A 2.12), which is Town-owned. This project would require a long-term agreement to purchase power, and a long-term lease of the land from the Town by the company installing the facility. The company would own, operate, maintain, and de-commission the facility. To ensure proper control of the facility by the company for the projected lifespan of the facility, such agreements and leases are generally for a twenty-year period, with a Town option to extend to a total of thirty years. Procurement law prohibits any such contract in excess of three years, unless the Town, through its Town Meeting, authorizes a longer contract term.

A majority vote is required for the passage of this article.

Finance Comm. Recommendation	Selectmen Recommendation	Tax Impact
Approve	Approve	N/A

Article 7 Authorize Contract Term in Excess of Three Years—Ball Fields Lease

To see if the Town will vote, pursuant to Massachusetts General Laws Chapter 40, section 3 and Chapter 30B, section 12, to authorize a contract term in excess of three years, specifically for up to ten (10) years with options for extension, for the leasing of land located adjacent to the Ayer-Shirley Regional Middle School, or take any other action relative thereto.

Article 7. Authorize Contract Term in Excess of Three Years-Ball Fields Lease Explanation:

The Town is currently in a process of soliciting proposals for the leasing of the two ball fields located behind the Middle School, a lease that would require that the lessee upgrade and maintain the fields at its own expense over the term of the lease. Procurement law prohibits any contract term longer than three years, unless the Town, through its Town Meeting, authorizes a longer contract term. A ten-year lease is required to attract proposals, since such a period would allow the lessee sufficient time to utilize and benefit from the improvements to the fields.

A majority vote is required for the passage of this article.

Finance Comm. Recommendation	Selectmen Recommendation	Tax Impact
Approve	Approve	N/A

Article 8. Authorize Contract Term in Excess of Three Years—Hay Fields Lease

To see if the Town will vote, pursuant to Massachusetts General Laws Chapter 40, section 3 and Chapter 30B, section 12, to authorize a contract term in excess of three years, specifically for up to ten (10) years, for the leasing of land located on the Longley Acres Conservation Area, or take any other action relative thereto.

Article 8. Authorize Contract Term in Excess of Three Years-Hay Fields Lease Explanation:

The Town is currently in a process of soliciting proposals for the leasing of the hay fields located on the Longley Acres Conservation Area, a lease that would require that the lessee upgrade and maintain the fields at its own expense over the term of the lease. Procurement law prohibits any contract term longer than three years, unless the Town, through its Town Meeting, authorizes a longer contract term. A ten-year lease is required to attract proposals, since such a period would allow the lessee sufficient time to utilize and benefit from the improvements to the fields.

A majority vote is required for the passage of this article.

Finance Comm. Recommendation	Selectmen Recommendation	Tax Impact
Approve	Approve	N/A

Article 9. Amend Protective Zoning Bylaws—Re-zone Parcel 83-A-6.1, from Residential to Industrial

To see if the Town will vote to amend the Protective Zoning Bylaws and zoning map by re-zoning Parcel 83-A-6.1 so that the entire parcel is zoned Industrial (from Residential 1), or take any other action relative thereto.

- a. By deleting** the existing sub-paragraph within the description of the I (Industrial) District for the area designated as “Great Road East”, which currently reads: “Great Road East [Mixed Use]: starting on Great Road (Rte. 2A) at the Shirley/Ayer line; thence westerly along said road to the western most boundary of Assessor’s Parcel 83-A-6.2 as shown on the Assessor’s Maps dated January 1, 2005; thence northerly along the boundary of Parcel 83-A-6.2 and 84-A-1 to the northern edge of the power line easement; thence easterly along the town line to the starting point.”;

- b. **and replacing it with the following:** “Great Road East: starting on Great Road (Rte. 2A) at the Shirley/Ayer line; thence westerly along said road to the western most boundary of Assessor’s Parcel 83-A-6.1 as shown on the Assessor’s Maps updated to January 1, 2011; thence northerly along the boundary of Parcel 83-A-6.1, and easterly along the northern boundary of Parcel 83-A-6.1 to Parcel 84-A-1, thence northerly along Parcel 84-A-1 to the northern edge of the power line easement; thence easterly along the town line to the starting point.”; and,
- c. **By deleting** the existing sub-paragraph within the description of the R-1 (Residential 1) District for the area designated as “North Central Shirley” which currently reads: “North Central Shirley: starting at the Shirley/Lunenburg town line at Great Road (Rte. 2A); thence southeasterly along said road to the commercial district described below; thence southwest, south, east, and north around said district and continuing beyond it to the juncture with Townsend Road; thence northerly along Townsend Road to Trap Swamp Brook, northeasterly along said brook, southeasterly along Squannacook Road and northeasterly, northwesterly, and northeasterly to the Shirley/Groton town line at the Squannacook River, being the boundary of the above described R-R district; thence southeasterly along the Town’s Squannacook River boundary to the northern edge of the power line easement; thence westerly along said easement to a point at western most boundary of Assessors’ Parcel 83-A-6.2 as shown on the Assessors’ Map dated January 1, 2005; thence southerly along boundaries of Parcel 83-A-6.2 and 84-A-1, to Great Road; thence westerly along Great Road to the point of crossing of Mulpus Brook; thence westerly along Mulpus Brook to a point of closest proximity to said road; thence crossing Great Road at 90° to a point 400 ft. southwesterly of said road; thence southerly to Hazen Road at a point 60.95 ft. east of the culvert of a brook under Hazen road and approximately 1,070 ft. east of the intersection of Clark and Hazen Roads; thence continuing in a straight line to a juncture with the power line easement; thence following northern edge of said easement in a southwesterly direction to its intersection with Center Road; thence northerly along Center Road to its juncture with Whitney Road, being the easterly boundary of the above described R-R district; thence westerly along Whitney Road to the Shirley/Lunenburg line; thence northerly along said line to the starting point at Great Road (Rte. 2A); excluding that area designated as the North Shirley Village Business District.”;
- d. **and replacing it with the following:** “North Central Shirley: starting at the Shirley/Lunenburg town line at Great Road (Rte. 2A); thence southeasterly along said road to the commercial district described below; thence southwest, south, east, and north around said district and continuing beyond it to the juncture with Townsend Road; thence northerly along Townsend Road to Trap Swamp Brook, northeasterly along said brook, southeasterly along Squannacook Road and northeasterly, northwesterly, and northeasterly to the Shirley/Groton town line at the Squannacook River, being the boundary of the above described R-R district; thence southeasterly along the Town’s Squannacook River boundary to the northern edge of the power line easement; thence westerly along said easement to a point at western most boundary of Assessors’ Parcel 83-A-6.2 as shown on the Assessors’ Map updated to January 1, 2011; thence southerly along the boundary of Parcel 84-A-1, and northwesterly to the most westerly boundary of Parcel 83-A-6.1, thence southerly along the most westerly boundary of Parcel 83-A-6.1 to Old Great Road; thence easterly along the southerly boundary of Parcel 83-A-6.1 to Great Road, thence westerly along Great Road to the point of crossing of Mulpus Brook; thence westerly along Mulpus Brook to a point of closest proximity to said road; thence crossing Great Road at 90° to a point 400 ft. southwesterly of said road; thence southerly to Hazen Road at a point 60.95 ft. east of the culvert of a brook under Hazen road and approximately 1,070 ft. east of the intersection of Clark and Hazen Roads; thence continuing in a straight line to a juncture with the power line easement; thence following northern edge of said easement in a southwesterly direction to its intersection with Center Road; thence northerly along Center Road to its juncture with Whitney Road, being the easterly boundary of the above described R-R district; thence westerly along Whitney Road to the Shirley/Lunenburg line; thence northerly along said line to the starting point at Great Road (Rte. 2A); excluding that area designated as the North Shirley Village Business District.”;

- e. And further to amend the Zoning Map by adopting the corresponding changes to the Zoning Map for the Great Road East I [Industrial] District and the R-1 [Residential 1] District as required by Section 1.6 of the Zoning By-Law.

Article 9. Amend Protective Zoning Bylaws-Re-zone Parcel 83-A-6.1, from Residential to Industrial Explanation: Parcel 83-A-6.1 (containing approximately 10.93 acres) at 39 Great Road is zoned Residential 1. The owner has submitted a request to include this article in the warrant. This article seeks to re-zone Parcel 83-A-6.1 to Industrial, which was its previous zoning. This parcel abuts other parcels that are also zoned Industrial.

The Planning Board will make their report and recommendation at Town Meeting.

A two-thirds majority vote is required for the passage of this article.

Finance Comm. Recommendation	Selectmen Recommendation	Tax Impact
Approve	Approve	N/A

Article 10. Amend Regional School District Agreement (Assessment of Debt Service Payments)

To see if the Town will vote to replace the current Section VI, subsection C, 1, c of the Ayer-Shirley Regional School District Agreement, which pertains to the assessment of principal and interest debt service costs to the member towns, with the following, or to take any other action relative thereto:

c. Assessment of Principal and Interest Debt Service. Debt service payments (both principal and interest) which are attributable to facilities that are under the custody and control of the District, regardless of whether they are owned by the District or leased to the District, will be assessed to the member towns using one of the following approaches, the first being used for debt service payments attributable to elementary schools, and the second being used for debt service payments attributable to secondary schools:

(1) Debt service payments that are attributable to an elementary school will be assessed as follows, using the October 1 enrollment figures from the year in which the budget is developed. First, the number of students attending that school who reside in either of the member towns will be identified (this total will be referred to as “the total resident enrollment.”). The debt service payments attributable to that school will be assessed entirely to the town in which the school is located (referred to as the “host town”) so long as less than 15% of the total resident enrollment resides in the non-host town. In the event that 15% or more of the students who are enrolled in that school reside in the non-host town in the year in which the budget is developed, each member town will be assessed a percentage of the debt service payments attributable to that facility. This percentage will be the same as the percentage of students from that town who are enrolled in the facility in question bears to the total resident enrollment in that facility.

(2) Debt service payments that are attributable to the secondary schools of the District will be assessed to the member towns based upon a “foundation enrollment/total resident enrollment average.” To arrive at this average, each town’s percentage of the District’s “foundation enrollment” as defined in G.L. chapter 70, section 2 (using October 1 enrollment figures from the year in which the budget is developed) will be computed. Then each town’s percentage of the total resident enrollment (as defined in the preceding paragraph and using October 1 enrollment figures from the year in which the budget is developed) in the particular school will be computed. These two percentages for each of the towns will then be averaged. For example, if a town’s percentage of the District’s foundation enrollment were 55%, and if that same town’s percentage of the total resident enrollment in the particular school were 65%, then that town’s “foundation enrollment/ total resident enrollment average” for that school would be 60%, and, for purposes of the budget that is being developed, this town would be assessed 60% of the debt service payments attributable to that secondary school. For the FY 2013 budget, the District’s enrollment data from FY 2012 will be utilized. For the FY 2014 budget, the District’s enrollment data from FY 2012 and FY 2013 will be averaged for purposes of these calculations. That is, the foundation enrollment data from these two years will be averaged, and the

total resident enrollment data from these two years will be averaged. For the FY 2015 budget, the District's enrollment data from FY 2012, FY 2013, and FY 2014 will be averaged for purposes of these calculations. For the FY 2016 budget, the District's enrollment data from FY 2012, FY 2013, FY 2014, and FY 2015 will be averaged for purposes of these calculations. For the FY 2017 budget, and for each year thereafter, a rolling average based on the District's enrollment data for the five most recent years (including the year in which the budget is developed) will be used for purposes of these calculations.

Article 10 Amend Regional School District Agreement (Assessment of Debt Service Payments) Explanation:

The vast majority of the students who attend each of the District's elementary schools reside in the town in which the school is located. Thus, it is the view of the Regional School Committee that debt service payments attributable to the elementary schools should be assessed entirely to the host town unless and until the number of students enrolled in that school who reside in the non-host town equals or exceeds 15% of the resident enrollment of that school, at which time the non-host town will be assessed a corresponding percentage of the debt service payments attributable to that school. By contrast, the enrollment of the secondary schools of the district is much more of a "blend" from each member town. Thus, the Regional School Committee feels that debt service payments attributable to these schools should be assessed based on a combination of "foundation enrollment" data and building enrollment data as set out in the amendment language.

A majority vote is required for the passage of this article.

Finance Comm. Recommendation	Selectmen Recommendation	Tax Impact
Approve	Approve	N/A

Article 11. Amend Regional School District Agreement (Require Public Hearings to Amend Agreement)

To see if the Town will vote to amend Section XV, subsection B of the Ayer-Shirley Regional School District Agreement as follows to require a public hearing in each member town before an amendment to the Regional Agreement is proposed to the Towns by the Regional School Committee, or to take any other action relative thereto:

B. Procedure: Any proposal for amendment, except a proposal for amendment providing for the withdrawal of a member town (which shall be acted upon as provided in Section XII), and except for a proposal for amendment providing for the admittance of a new member (which shall be acted on as provided in Section XIII), may be initiated by a two-thirds vote of all members of the Committee or by a petition signed by 10 percent of the registered voters of any one of the member towns. If the amendment is proposed by a two-thirds vote of the Committee, a public hearing must be held in each of the member towns before the proposal is advanced to the boards of selectmen consistent with the later language in this paragraph. A notice of the time and place of the public hearing, as well as a description of the subject matter of the proposed amendment, must be published in newspapers of general circulation in each of the member towns, with the first publication occurring not less than fourteen (14) days before the date of the hearing, and such notice must also be posted in each town hall in the same fashion as other public meetings for a period of not less than fourteen (14) days before the date of the hearing. Changes to the proposed amendment that occur as a byproduct of the public hearings will be made if the changes are approved by a two-thirds vote of all members of the Committee. In the case of a petition signed by 10 percent of the registered voters of any one of the member towns, ~~In the latter case,~~ said petition shall contain at the end thereof a certification by the town clerk of such member town as to the number of registered voters in said town according to the most recent voting list and the number of signatures on the petition which are the signatures of registered voters of said town, and said petition shall be presented to the secretary of the Committee. In either case, the secretary of the Committee shall mail or deliver a notice in writing to the board of selectmen of each of the member towns that a proposal to amend this Agreement has been made and shall enclose a copy of such proposal (without the signatures in the case of a proposal by petition). The selectmen of each member town shall include in the warrant for the next annual town meeting, or a special town meeting called for this and/or other purposes, an article which states the proposed amendment or the substance thereof. Such amendment shall take effect upon its acceptance by all of the member towns, acceptance by each town to be by a majority vote at a town meeting as aforesaid.

Article 11. Amend Regional School District Agreement (Require Public Hearings to Amend Agreement) Explanation:
It is the view of the Regional School Committee that public input from the member towns via public hearings should be sought before the Regional School Committee proposes to the respective Town Meetings an amendment to the Regional School Agreement. This change would not obligate a public hearing if the proposed amendment was initiated by a petition of registered voters, which is an option under the Agreement.

A majority vote is required for the passage of this article.

Finance Comm. Recommendation	Selectmen Recommendation	Tax Impact
Approve	Approve	N/A

Article 12. Accept Lake View Drive as a Public Way

To see if the Town will vote, pursuant to Massachusetts General Laws Chapter 82, section 21, to accept as a public way a certain road shown as Lake View Drive on a subdivision plan entitled “Definitive Subdivision of Land in Shirley, Mass., Prepared for J & A Realty Trust, Scale 1”=80”, dated January, 2000, revised July, 2000, David E. Ross Associates, Inc., Civil Engineers – Land Surveyors”, approved by the Planning Board, a copy of which is on file in the office of the Town Clerk (see Appendix C); and authorize the Town to acquire, by gift, purchase, or eminent domain, for highway purposes, the fee and any lesser interests, including easements for drainage or otherwise, in, on, over, under, through, or appurtenant to said way; or take any other action relative thereto.

Article 12.. Accept Lake View Drive as a Public Way Explanation:
After new subdivisions are constructed, and all construction and other conditions of the subdivision approval are met and verified by the Planning Board, Conservation Commission, Department of Public Works, and Sewer Commission, the rights-of-way (roadways), which are generally built to Town standards, are accepted by the Town as public ways, thus allowing use by the public and for delivery of other services, such as school buses, mail, and trash collection. Having met all of the conditions, this article seeks acceptance of Lake View Drive by the Town as a public way.

A two-thirds majority vote is required for the passage of this article.

Finance Comm. Recommendation	Selectmen Recommendation	Tax Impact
Deferred until STM	Deferred until STM	N/A

Article 13. Transfer to the Stabilization Fund for FY2012

To see if the Town will vote to raise and appropriate, or transfer, a sum or sums of money from available funds to the Stabilization Fund of the Town, or take any other action relative thereto.

Article 13. Transfer to the Stabilization Fund for FY2012 Explanation:
This article transfers to the Stabilization Fund surplus funds that result from additional revenues that may be recognized, state aid increases, etc.

A two-thirds majority vote is required for the passage of this article.

Finance Comm. Recommendation	Selectmen Recommendation	Tax Impact
Approve	Approve	N/A

Appendix A

CHAPTER 43D. EXPEDITED PERMITTING

Section 1. Acceptance of chapter

Section 1. Notwithstanding any general or special law, charter provision, by-law or ordinance to the contrary this chapter shall apply upon its acceptance by a city or town.

Section 2. Definitions

Section 2. As used in this chapter, the following words shall, unless the context clearly requires otherwise, have the following meanings:—

“Governing body”, in a city having a Plan D or Plan E charter the city manager and the city council and in any other city the mayor and city council, and in towns the board of selectmen.

“Interagency permitting board”, the board, as described in section 62 of chapter 23A, established to review and approve or deny municipal priority development site proposals and to grant and administer technical assistance grants.

“Issuing authority”, a local board, commission, department or other municipal entity that is responsible for issuing permits, granting approvals or otherwise involved in land use development including redevelopment of existing buildings and structures.

“Permit”, a permit formal determination, order of conditions, license, certificate, authorization, registration, plan approval, zoning relief or other approval or determination with respect to the use or development of land, buildings, or structures required by any issuing authority including but not limited to those under statutory authorities contained in chapter 40A, sections 81A to 81J, inclusive, and sections 81X to 81GG, inclusive, of chapter 41, sections 40 and 40A of chapter 131, sections 26 to 32, inclusive, of chapter 111, chapter 40C, sections 13 and 14 of chapter 148, chapter 772 of the acts of 1975, or otherwise under state law or local by-law or ordinance, and all associated regulations, by-laws and rules, but not including building permits or approvals pursuant to sections 81O to 81W, inclusive, of chapter 41. “Permit” shall not include the decision of an agency to dispose of property under its management or control; predevelopment reviews conducted by the municipal office of permit coordination or a technical review team; or permits granted by the Massachusetts Water Resources Authority.

“Priority development site”, a privately or publicly owned property that is: (1) commercially or industrially zoned; (2) eligible under applicable zoning provisions, including special permits or other discretionary permits, for the development or redevelopment of a building at least 50,000 square feet of gross floor area in new or existing buildings or structures; and (3) designated as a priority development site by the board. Several parcels or projects may be included within a single priority development site. Wherever possible, priority development sites should be located adjacent to areas of existing development or in under utilized buildings or facilities, or close to appropriate transit services.

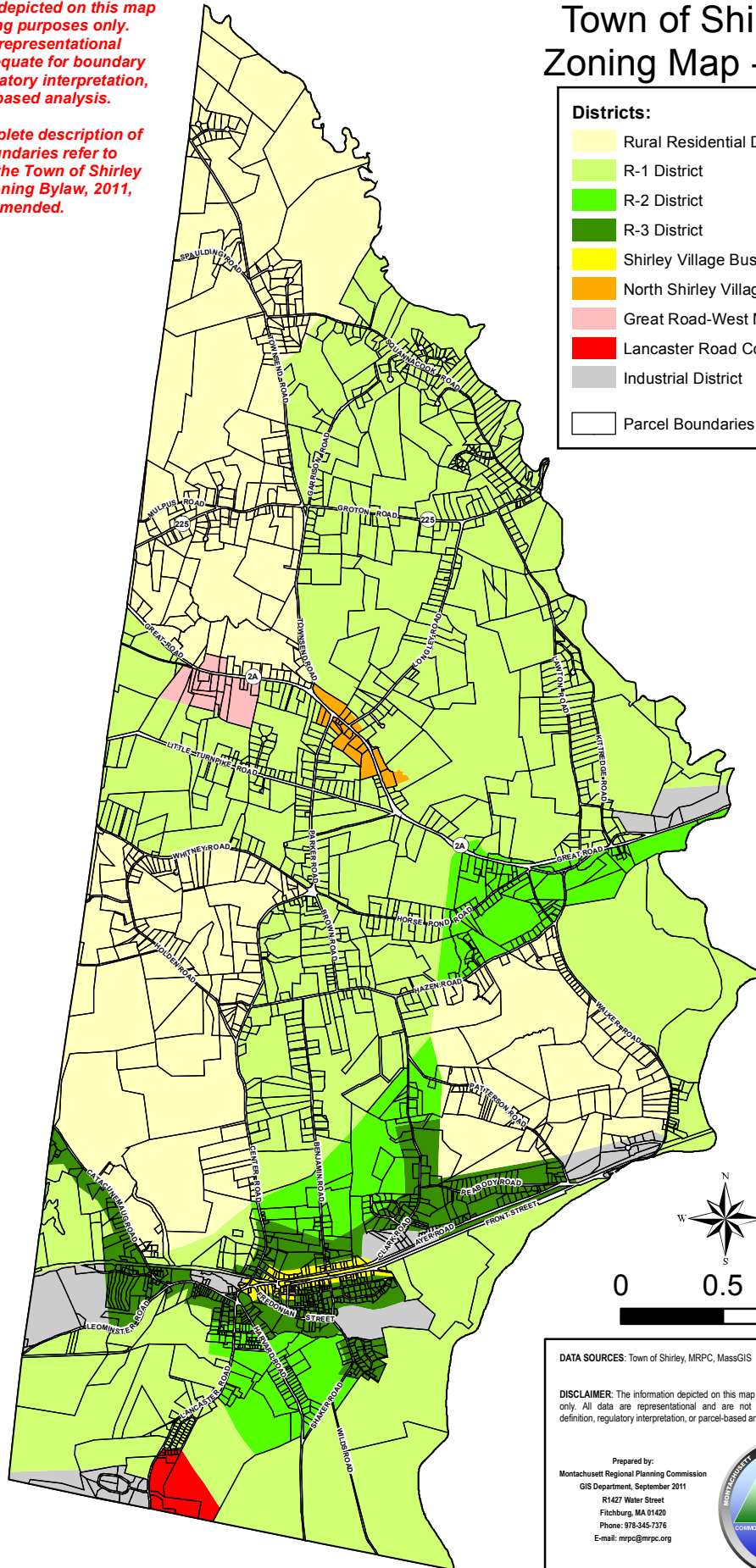
The information depicted on this map is for planning purposes only. All data are representational and are not adequate for boundary definition, regulatory interpretation, or parcel-based analysis.

For more complete description of district boundaries refer to Section 13 of the Town of Shirley Protective Zoning Bylaw, 2011, as amended.

Town of Shirley, MA Zoning Map - Districts

Districts:

- Rural Residential District
- R-1 District
- R-2 District
- R-3 District
- Shirley Village Business District
- North Shirley Village Business District
- Great Road-West Mixed-Use District
- Lancaster Road Commercial District
- Industrial District
- Parcel Boundaries

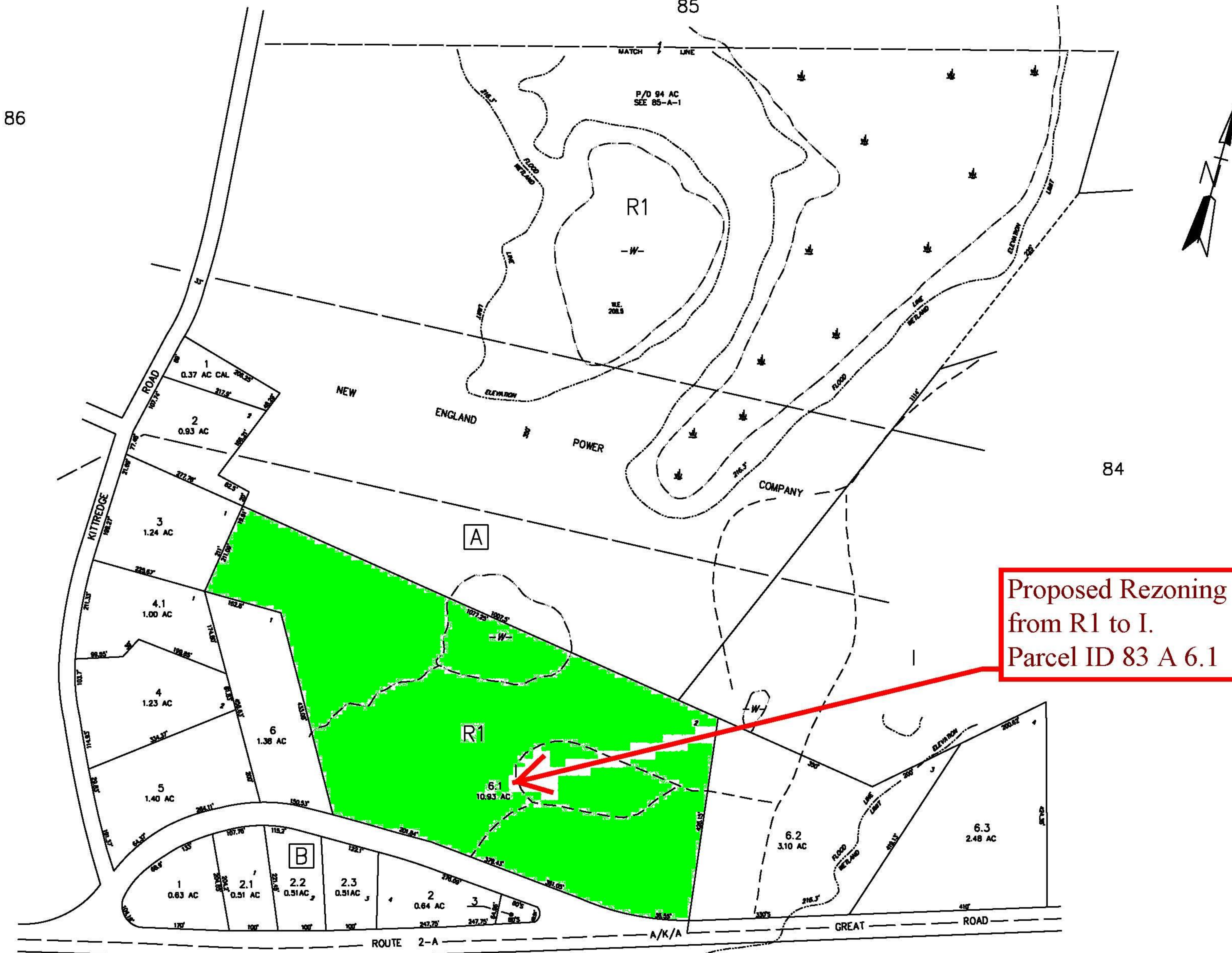


DATA SOURCES: Town of Shirley, MRPC, MassGIS

DISCLAIMER: The information depicted on this map is for planning purposes only. All data are representational and are not adequate for boundary definition, regulatory interpretation, or parcel-based analysis.

Prepared by:
Montachusett Regional Planning Commission
GIS Department, September 2011
R1427 Water Street
Fitchburg, MA 01420
Phone: 978-345-7376
E-mail: mrpc@mrpc.org





Proposed Rezoning
from R1 to I.
Parcel ID 83 A 6.1

WETLAND LIMIT ADDED 4-1-77
FLOOD ELEVATION ADDED 4-1-77

THIS MAP IS FOR ASSESSMENT PURPOSES ONLY.
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(603)444-6768 - 1(800)322-4540 - FAX (603)444-1366 - WWW.CAI-INFO.COM

LEGEND

PROPERTY LINE	=====	WATER (PROPERTY BOUNDARY)	~~~~~
RAILROAD	+++++	WATER (NOT A PROPERTY BOUNDARY)	~~~~~
TOWN LINE	-----	BLOCK LETTER	[A]
COUNTY LINE	-----	WATER DISTRIBUTION	~~~~~

PARCEL NUMBER	20
SCALED DIMENSION	5
DEED BLOCK NUMBER	19
DEED LOT NUMBER	79

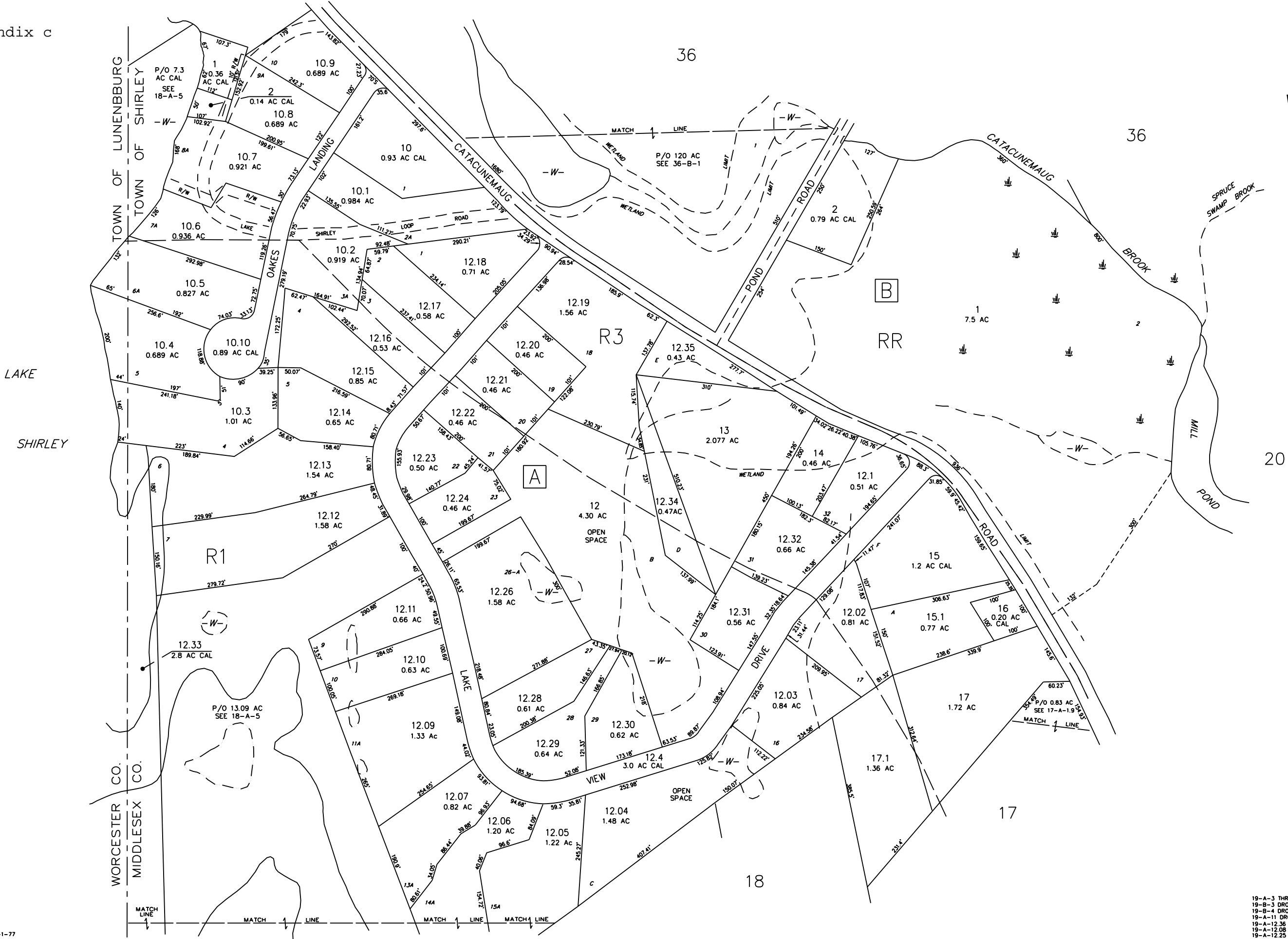
SCALE : 1" = 100'

FEET 0 100 200 300

METERS 0 25 50 75

REVISED TO :

ASSESSORS MAPS	MAP NO.
SHIRLEY	83
MASSACHUSETTS	



19-A-3 THROUGH 9 DROPPED 1987
19-B-3 DROPPED 1988
19-B-4 DROPPED 1988
19-A-11 DROPPED 2000
19-A-12.36 DROPPED 2006
19-A-12.08 DROPPED 2008
19-A-12.25 DROPPED 2009
19-A-12.27 DROPPED 2009

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PROPERTY LINE
RAILROAD
TOWN LINE
COUNTY LINE

WATER (PROPERTY BOUNDARY)
WATER (NOT A PROPERTY BOUNDARY)
BLOCK LETTER
WATER DISTRIBUTION

LEGEND

PARCEL NUMBER 20
SCALED DIMENSION 5
DEED BLOCK NUMBER 15
DEED LOT NUMBER 15

SCALE : 1" = 100'

FEET 0 100 200 300
METERS 0 25 50 75

REVISED TO :

ASSESSORS MAPS
SHIRLEY
MASSACHUSETTS

MAP NO.
19

* * * *

And you will serve this Warrant by posting true and attested copies of same at the Town Offices and the Hazen Memorial Library in Shirley Village, at the Center Town Hall in Shirley Center, and a like copy at the United States Post Office in Shirley Village, Fourteen days at least before the time appointed for said Meeting.

Hereof fail not and make due return of this Warrant with your doings therein to one of the Selectmen, on or before the date of the Meeting.

Given under our hands at Shirley, this Seventeenth Day of October, 2011.

BOARD OF SELECTMEN

David N. Swain
David N. Swain
Chairman

Kendra J. Dumont
Kendra J. Dumont
Vice Chair

Armand Deveau
Armand Deveau
Clerk

A true copy,
Attest:

Amy R. McDougall
Amy R. McDougall
Town Clerk

* * * *

RETURN OF SERVICE

I certify that on the _____ Day of October, 2011, I duly posted true and attested copies of the foregoing Warrant at the following places and times:

Town Offices _____ M.

U. S. Post Office _____ M.

Center Town Hall _____ M.

Hazen Memorial Library _____ M.

Constable