

**LYNNFIELD TOWN WARRANT**  
**THE COMMONWEALTH OF MASSACHUSETTS**  
**SPECIAL TOWN MEETING – OCTOBER 19, 2009**

Essex, ss.

To the Constable of the Town of Lynnfield in the County of Essex, 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 in the Middle School Auditorium, and in the Gymnasium, if necessary, on Monday, October 19, 2009 at 7:30 p.m. then and there to act on the following articles:

**ARTICLE 1.** To see if the Town will vote to accept the provisions of G.L. c. 64L, § 2, to impose a tax upon the sale of restaurant meals originating within Lynnfield by vendors at a rate of three-quarters of one percent (.75%) of the gross receipts of such vendors from the sale of restaurant meals, or what action it will take thereon.

**Submitted by Board of Selectmen**

**ARTICLE 2.** To see if the Town will vote to raise and appropriate or transfer from available funds, sums of money to supplement certain accounts in the current 2010 Fiscal Year where balances are below projected expenditures for various reasons, or what action it will take thereon.

**Submitted by Board of Selectmen**

**ARTICLE 3.** To see if the Town will vote to appropriate a sum of money for the purpose of financing the following water pollution abatement facility project: repair, replacement and/or upgrade of septic systems, pursuant to agreements between the Board of Health and residential property owners, including without limitation all costs thereof, as defined in Section 1 of Chapter 29C of the General Laws; that to meet this appropriation, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow some or all of the said sum of money and to issue bonds or notes therefor under G.L.c.111§127B1/2 and/or Chapter 29C of the General Laws; that project and financing costs shall be repaid by the property owners, in accordance with these agreements, but such bonds or notes shall be general obligations of the Town; that the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow all or a portion of such amount from the Massachusetts Water Pollution Abatement Trust established pursuant to Chapter 29C (the "Trust") and in connection therewith to enter into a loan agreement and/or security agreement with the Trust and otherwise contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal or state aid available for the project or for the financing thereof; and that the Board of Selectmen, Board of Health or other appropriate local body or official is authorized to enter into a project regulatory agreement with the Department of Environmental

Protection, to expend all funds available for the project and to take any other action necessary to carry out the projects, or what action it will take thereon.

**Submitted by Board of Health**

**ARTICLE 4.** To see if the Town will vote to petition the Massachusetts General Court to enact the following special act:

**AN ACT EXEMPTING THE POSITION OF POLICE CHIEF OF THE TOWN OF LYNNFIELD FROM THE PROVISIONS OF THE CIVIL SERVICE LAW**

Section 1: The position of Police Chief in the Town of Lynnfield shall be exempt from the provisions of Chapter 31 of the General Laws.

Section 2: The provisions of Section 1 of this act shall not impair the civil service status of the present incumbent Police Chief holding such status on the effective date of this act.

Section 3: This act shall take effect upon its passage.

provided, that the General Court may reasonably vary the form and substance of the requested legislation within the scope of the general public objectives of this petition;

or what action it will take thereon.

**Submitted by Board of Selectmen**

**ARTICLE 5.** To see if the Town will vote to raise and appropriate or transfer from available funds or borrow a sum of money to fund preliminary design and engineering studies related to the construction of an addition to Lynnfield High School; or what action it will take thereon.

**Submitted by Board of Selectmen**

**ARTICLE 6.** To see if the Town will vote to amend the Zoning Bylaws and Zoning District Map of the Town of Lynnfield as follows:

To amend Zoning Bylaw Section 9.3.4 entitled “Establishment and Delineations of Groundwater Protection District” by substituting, in the first sentence, the word “three” for the word “two;” and by adding, in the second sentence after the words “Lynnfield Groundwater Protection District Zones 1, 2, 3 Aug. 8, 1996,” the words “and Additional Groundwater Protection District Lynnfield, MA August 25, 2009,” or what action it will take thereon.

**Submitted by the Planning Board**

**ARTICLE 7.** To see if the Town will vote to amend Section 17A of Chapter 5 of the General By-laws entitled “Dog Licensing and Fees” by deleting from the first sentence of subsection 1 the words “June 1” and replacing them with the words “January 1” and deleting from the second sentence the words “June 1<sup>st</sup> to the following May 31<sup>st</sup>” and replacing them with the words “January 1<sup>st</sup> to the following December 31<sup>st</sup>,” and deleting the words “July 1<sup>st</sup>” from the last sentence of subsection 2 and replacing them with the words “March 1<sup>st</sup>” or what action it will take thereon.

**Submitted by Town Clerk**

**ARTICLE 8.** To see if the Town will vote to accept as a public way, as laid out and reported by the Board of Selectmen, Stagecoach Lane as shown on a plan of land entitled “Definitive Plan / Stagecoach Lane / Lynnfield, Mass. dated July 27, 1998 and revised January 6, 1999 by Hayes Engineering, Inc.” and revised through May 4, 2006 by Hayes Engineering, Inc., a copy of which plan is on file at the office of the Town Clerk and available for inspection, and to authorize the Board of Selectmen to acquire by gift, purchase or eminent domain such interests in land as may be necessary or appropriate to create such public way, or what action it will take thereon.

**Submitted by Board of Selectmen**

**ARTICLE 9.** To see if the Town will vote to accept as a public way, as laid out and reported by the Board of Selectmen, Horseshoe Drive as shown on a plan of land entitled “As Built Plan & Profile / Horseshoe Drive / Lynnfield, Mass.” dated April 22, 2005 and revised through May 4, 2006 by Hayes Engineering, Inc., a copy of which plan is on file at the office of the Town Clerk and available for inspection, and to authorize the Board of Selectmen to acquire by gift, purchase or eminent domain such interests in land as may be necessary or appropriate to create such public way, or what action it will take thereon.

**Submitted by Board of Selectmen**

**ARTICLE 10.** To see if the Town will vote to accept as a public way, as laid out and reported by the Board of Selectmen, Freeman Street, as shown on a plan of land entitled “Definitive Plan and Profile/ Freeman Street / Lynnfield, Mass.” dated July 12, 1976 and revised through December 20, 1976 by Hayes Engineering, Inc and on a plan of land entitled “Definitive Plan/Freeman Street (Ext.)/Lynnfield, Mass.” dated July 17, 1991 and revised through December 8, 1992, copies of which plans are on file at the office of the Town Clerk and available for inspection, and to authorize the Board of Selectmen to acquire by gift, purchase or eminent domain such interests in land as may be necessary or appropriate to create such public way, or what action it will take thereon.

**Submitted by Board of Selectmen**

**ARTICLE 11.** To see if the Town will vote to accept as a public way, as laid out and reported by the Board of Selectmen, Green Meadow Drive as shown on a plan of land entitled “Definitive Plan / Green Meadow Drive / Lynnfield, Mass.” dated December 3, 1984 and revised June 21, 1985 by Hayes Engineering, Inc., a copy of which plan is on file at the office of the Town Clerk and available for inspection, and to authorize the Board of Selectmen to acquire by gift, purchase or eminent domain such interests in land as may be necessary or appropriate to create such public way, or what action it will take thereon.

**Submitted by Board of Selectmen**

**ARTICLE 12.** To see if the Town will vote to accept as a public way, as laid out and reported by the Board of Selectmen, Mansfield Road as shown on a plan of land entitled “Definitive Plan/ Indian Road and a portion of Mansfield Road/ Lynnfield and Saugus, Mass.” dated January 28, 2000 and revised April 24, 2000 by Otte and Dwyer, Inc., a copy of which plan is on file at the office of the Town Clerk and available for inspection, and to authorize the Board of Selectmen to acquire by gift, purchase or eminent domain such interests in land as may be necessary or appropriate to create such public way, or what action it will take thereon.

**Submitted by Board of Selectmen**

**ARTICLE 13.** To see if the Town will vote to accept as a public way, as laid out and reported by the Board of Selectmen, Murphy Way as shown on a plan of land entitled “Definitive Plan/ Murphy Way/ Lynnfield, Mass.” dated March 28, 1990 by Hayes Engineering, Inc., a copy of which plan is on file at the office of the Town Clerk and available for inspection, and to authorize the Board of Selectmen to acquire by gift, purchase or eminent domain such interests in land as may be necessary or appropriate to create such public way, or what action it will take thereon.

**Submitted by Board of Selectmen**

**ARTICLE 14.** To see if the Town will vote to accept as a public way, as laid out and reported by the Board of Selectmen, Otter Pond Road as shown on a plan of land entitled “Subdivision Plan of Land in Lynnfield” dated January 14, 1987 by Hayes Engineering, Inc., a copy of which plan is on file at the office of the Town Clerk and available for inspection, and to authorize the Board of Selectmen to acquire by gift, purchase or eminent domain such interests in land as may be necessary or appropriate to create such public way, or what action it will take thereon.

**Submitted by Board of Selectmen**

**ARTICLE 15.** To see if the Town will vote to accept as a public way, as laid out and reported by the Board of Selectmen, Tappan Court as shown on a plan of land entitled “Definitive Plan / Tappan Way Extension / Lynnfield, Mass.” dated July 31, 1987 and revised through November 14, 1987 by Hayes Engineering, Inc., a copy of which plan is

on file at the office of the Town Clerk and available for inspection, and to authorize the Board of Selectmen to acquire by gift, purchase or eminent domain such interests in land as may be necessary or appropriate to create such public way, or what action it will take thereon.

**Submitted by Board of Selectmen**

**ARTICLE 16.** To see if the Town will vote to accept as a public way, as laid out and reported by the Board of Selectmen, Thistle Lane as shown on a plan of land entitled "Definitive Plan / Thistle Lane / Lynnfield, Mass." dated December 8, 1987 by Hayes Engineering, Inc., a copy of which plan is on file at the office of the Town Clerk and available for inspection, and to authorize the Board of Selectmen to acquire by gift, purchase or eminent domain such interests in land as may be necessary or appropriate to create such public way, or what action it will take thereon.

**Submitted by Board of Selectmen**

**ARTICLE 17.** To see if the Town will vote to establish a Tree Board pursuant to Town Charter, Chapter 5, Section 4; the Board of Selectmen to appoint 5 members for three-year overlapping terms to ensure compliance with M.G.L., Chapter 40, Section 15C and M.G.L., Chapter 87, or what action it will take thereon.

**Submitted by Petition**

**ARTICLE 18.** To see if the Town will vote to establish a Revolving Fund under the provisions of Chapter 44, Section 53 E-1/2, to be spent by the Tree Board, limited to a certain amount, without further appropriation during FY 2010, to pay expenses and contractual services required to operate the Tree Board; said fund to be credited with all fines and charges received from persons paying such fines and charges during FY 2010, or what action it will take thereon.

**Submitted by Petition**

**ARTICLE 19.** To see if the Town will vote to adopt a general bylaw governing discharges to the storm drain system, stormwater management in connection with land disturbance, and post-construction stormwater management in new developments and redevelopments, substantially in the form on file with the Town Clerk, or what action it will take thereon.

**Submitted by Board of Selectmen**

**ARTICLE 20.** To see if the Town will vote to adopt a general bylaw governing discharges to the storm drain system, stormwater management in connection with land disturbance, and post-construction stormwater management in new developments and redevelopments, substantially in the form on file with the Town Clerk, and to amend the

General Bylaws to permit noncriminal enforcement thereof by adding to Chapter 8, § 3 the following:

“10. Storm Water Management Bylaw, Chapter 4A, § I

Enforcement Agent: Department of Public Works

Fine: 1st violation: written warning  
2d violation: \$50  
3d violation: \$100  
Subsequent violation: \$200

11. Storm Water Management Bylaw, Chapter 4A, § II

Enforcement Agent: Conservation Commission

Fine: 1st violation: written warning  
2d violation: \$50  
3d violation: \$100  
Subsequent violation: \$200”

or what action it will take thereon.

**Submitted by Board of Selectmen**

**ARTICLE 21.** To see if the Town will vote to become a member municipality of the Essex North Shore Agricultural and Technical School District in accordance with the terms of Chapter 463 of the Acts of 2004, as the same may be amended, or what action it will take thereon.

**Submitted by Board of Selectmen**

**ARTICLE 22.** To see if the Town will vote to propose to amend the Home Rule Charter of the Town of Lynnfield by adding the following at the end of § 2-3-5 thereof:

“Notwithstanding any other provision of this Charter, articles relating to budgets and finances may be placed on the warrant for Town Meetings other than the Annual Town Meeting contemplated in § 2-3-1 and articles relating to planning, zoning, subdivision control, building codes and bylaws may be placed on the warrant for Town Meetings other than the regular Town Meeting contemplated in § 2-3-2.”

or what action it will take thereon.

**Submitted by Board of Selectmen**

And you are further directed to serve this warrant, by posting up attested copies thereof, in at least six public places in said Town of Lynnfield, fourteen days at least before the time of holding said meeting.

HEREOF FAIL NOT, and make due return of this Warrant, with your doings thereon, to the Town Clerk, at the time and place of meeting, or before hand as aforesaid.

Given under our hands this 28th day of September in the year of our Lord two thousand and nine.

Robert P. MacKendrick, Chairman

Arthur J. Bourque III, Selectman

Al Merritt, Selectman

A true copy  
ATTEST: \_\_\_\_\_, Constable

