

*Town of Mansfield*  
**SPECIAL TOWN MEETING**

**MOTIONS**



**November 4, 2021  
7:00 PM**

**Mansfield High School  
250 East Street  
Mansfield, MA**

**CALL TO ORDER: 7:00 PM**



**Article 1 Motion 1:**

I move that the sum of Seventy-nine Thousand, Two Hundred Sixty-nine Dollars (\$79,269.00) be hereby appropriated from the FY2022 Tax Levy and other General Revenues from the Town to increase the appropriations voted in Article 1 of the May 24, 2021 Annual Town Meeting for several Municipal Town departments for Fiscal Year 2022 as shown below which Fiscal Year begins July 1, 2021 and ends June 30, 2022:

<b>Appropriation</b>	<b>Department</b>	<b>Budget Item</b>	<b>Amount</b>
General Government	Regional Vocational School	S.E. Regional School Dist. Assessment	\$79,269.00
		<b>Totals</b>	<b>\$79,269.00</b>

**Article 1 Motion 2:**

I move that the sum of Forty-five Thousand Dollars (\$45,000.00) be hereby appropriated from Water Enterprise Retained Earnings to increase the appropriations voted in Article 6 Motion 1 at the May 24, 2021 Annual Town Meeting for Fiscal Year 2022 as shown below, which Fiscal Year begins July 1, 2021 and ends June 30, 2022:

<b>Appropriation</b>	<b>Department</b>	<b>Amount</b>
Engineering/Architectural Services	Water Enterprise	\$45,000.00

**Article 1 Motion 3:**

I move that the sum of Seventy-five Thousand Dollars (\$75,000.00) be hereby appropriated from Airport Enterprise Retained Earnings to increase the appropriations voted in Article 6 Motion 4 at the May 24, 2021 Annual Town Meeting for Fiscal Year 2022 as shown below, which Fiscal Year begins July 1, 2021 and ends June 30, 2022:

<b>Appropriation</b>	<b>Department</b>	<b>Amount</b>
Building maintenance	Airport Enterprise	\$75,000.00

**Article 2:** I move that no action be taken on the subject matter of Article 2.

**Article 3:** I move that the sum of Ten Thousand Dollars (\$10,000.00) be hereby transferred from Free Cash in the Treasury of the Town (Undesignated Fund Balance) to defray a portion towards the expenses of the FY2027 Five-Year Revaluation of all properties in the Town as required by the Massachusetts Department of Revenue.

**Article 4:** I move that the sum of Sixty Thousand Dollars (\$60,000.00) be hereby transferred from Free Cash in the Treasury of the Town (Undesignated Fund Balance) to defray a portion of the expenses of the next ten-year cyclical inspection of all properties in the Town as required by the Massachusetts Department of Revenue.

**Article 5 - Motion 1:**

I move that the sum of One Million One Hundred Ninety-two Thousand Dollars (\$1,192,000.00) be hereby appropriated to be spent by the Town Manager for the following various Capital Improvement projects for the Town of Mansfield, including all costs incidental and related thereto:

<b>Department</b>	<b>Description</b>	<b>Amount</b>
DPW-Engineering	Stormwater Permitting Requirements	\$87,000.00
DPW - Highway	3.5 C.Y. Front End Loader	\$250,000.00
DPW - Public Buildings	Town Hall Parking Lot Fence	\$100,000.00
DPW - Public Buildings	Town Hall Roof Replace Design & Bid	\$100,000.00
DPW - Public Buildings	Feasibility Study - Master Plan for Mansfield Green	\$150,000.00
DPW - Public Buildings	Feasibility Study - Master Plan for Memorial Park	\$75,000.00
DPW - Public Buildings	New COA (50 West St.) - Preliminary design	\$300,000.00
Police	Taser Replacements	\$60,000.00
Fire	Replace Rescue 35	\$70,000.00
	<b>Totals</b>	<b>\$1,192,000.00</b>

and to meet this appropriation, One Million One Hundred Ninety-two Thousand Dollars (\$1,192,000.00) be transferred from Free Cash in the treasury of the Town (Undesignated Fund Balance), the sums shown above being intended to be estimates of the individual items but the amount to be appropriated being the one line item in the total amount of One Million One Hundred Ninety-two Thousand Dollars (\$1,192,000.00); and that the Town Manager be hereby authorized to distribute such funds in such a manner as may be needed to accomplish the list of items, provided however, that each item contained in the list set forth be undertaken and that any excess funds be available because one or more of the listed items cost less than was estimated and not because an item intended to be purchased is not so purchased.

**Article 5 – Motion 2:**

I move that the sum of Three Hundred Fifty Thousand Dollars (\$350,000.00) be hereby appropriated to be spent by the Town Manager with the approval of the Mansfield School Committee for the following Capital Improvement projects for the Mansfield Public Schools including all costs incidental and related thereto:

<b>Department</b>	<b>Description</b>	<b>Amount</b>
School	District Unit Ventilator Replacements	\$200,000.00
School	Lighting Upgrades	\$50,000.00
School	MHS - Emergency Generator Replacement	\$100,000.00
	<b>Totals</b>	<b>\$350,000.00</b>

and to meet this appropriation, Three Hundred Fifty Thousand Dollars (\$350,000.00) be transferred from Free Cash in the treasury of the Town (Undesignated Fund Balance), the sums shown above being intended to be estimates of the individual items but the amount to be appropriated being the one line item in the total amount of Three Hundred Fifty Thousand Dollars (\$350,000.00); and that the Town Manager be hereby authorized to distribute such funds in such a manner as may be needed to accomplish the list of items, provided however, that each item contained in the list set forth be undertaken and that any excess funds be available because one or more of the listed items cost less than was estimated and not because an item intended to be purchased is not so purchased.

**Article 6:** I move that the sum of Two Thousand Six Hundred, Twenty-eight Dollars and Ninety Cents (\$2,628.90) be hereby appropriated, to be spent by the Town Manager, to address the impact of transportation network services on municipal roads, bridges and other transportation infrastructure or any other public purpose substantially related to the operation of transportation network services in the Town of Mansfield including, but not limited to, the Complete Streets Program established in section 1 of chapter 90I of the Mass. General Laws and other programs that support alternative modes of transportation; and to meet this appropriation, Two Thousand Six Hundred, Twenty-eight Dollars and Ninety Cents (\$2,628.90) be hereby transferred from the Commonwealth Transportation Infrastructure Fund Receipts Reserved for Appropriation Fund.

**Article 7:**

I move that the sum of One Million, Two Hundred Thousand Dollars (\$1,200,000.00) be hereby transferred from the Sewer Enterprise Fund - Retained Earnings to the Sewer Enterprise Fund - Reserve Fund For Transfer.

**Article 8:** I move that the sum of Six Hundred Thirty Thousand Dollars (\$630,000.00) be hereby transferred from the Water Enterprise Fund - Retained Earnings to the Water Enterprise Fund - Reserve Fund For Transfer.

**Article 9:** I move that no action be taken on the subject matter of Article 9.

**Article 10:** I move that the sum of Eighty Thousand, Four Hundred Sixty-three Dollars (\$80,463.00) be hereby transferred from the Parking Enterprise Fund - Retained Earnings to the Parking Enterprise Fund - Reserve Fund For Transfer.

**Article 11:**

I move that the following transfers from Free Cash (Undesignated Fund Balance) be made to the accounts set forth below:

<b>Account</b>	<b>Amount</b>
Town Stabilization Fund	\$700,000.00
Other Post-Employment Benefits (OPEB) Liability Trust Fund	\$560,000.00
Future Payment of Accrued Liabilities for Compensated Absences Reserve Fund	\$100,000.00
Special Education Reserve Fund	\$50,000.00
<b>Total</b>	<b>\$1,410,000.00</b>

**Article 12:** I move that the sum of One Hundred Twenty-Five Thousand Dollars (\$125,000.00) be hereby transferred from Free Cash (undesignated fund balance) for FY2022 debt service for the Plymouth Street Fire Station improvements loan.

**Article 13:** I move that the sum of One Hundred Thousand Dollars (\$100,000.00) be hereby transferred from Free Cash (undesignated fund balance) for FY2022 debt service for the Tower One repairs loan.

**Article 14:** I move that the sum of Seventy-five Thousand Dollars (\$75,000.00) be hereby appropriated to be spent by the Town Manager with the approval of the Mansfield School Committee for a schematic design to determine the preferred solution to address deficiencies of the two (2) boilers and hot water system at the Mansfield High School, 250 East St, Mansfield, MA 02048, for which the Town may be eligible for a grant from the Massachusetts School Building Authority (“MSBA”), and to meet this appropriation the Town transfer from Free Cash in the treasury of the Town (Undesignated Fund Balance) the sum of Seventy-five Thousand Dollars (\$75,000.00).

**Article 15:**

I move that the Town vote to amend Zoning By-Law Sections 230-1.5, Definitions; Attachment 1, Schedule of Principal Use Regulations; and 3.4, Paragraph K, Classification of governmental, institutional and public uses, as follows (**changes underlined**):

**230-1.5, Definitions**

~~Registered nonprofit medical marijuana dispensary~~ **Medical Marijuana Treatment Center (MTC) (formerly known as a Registered Marijuana Dispensary (RMD))**

~~An not-for-profit~~ **entity licensed under 935 CMR 501.101 registered with the Commonwealth Cannabis Control Commission under 105 CMR 725.100** that acquires, cultivates, possesses, processes (including development of related products such as edible MIPs, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers **for medical use**. Unless otherwise specified, ~~“registered nonprofit medical marijuana dispensary”~~ **MTC** refers to the site(s) of dispensing, cultivation, and preparation of marijuana.

**230 Attachment 1 Schedule of Principal Use Regulations**

3.4K ~~Registered nonprofit medical marijuana dispensary~~ **Medical Marijuana Treatment Center (MTC)**

**R1 R2 R3 R B1 B2 B3 B4 PBD I1 I2 I3 A TOD SPA**  
**N N N N N N N N S N N N N N**

*(no changes to the schedule)*

**230-3.4K, ~~Registered nonprofit medical marijuana dispensary~~ **Medical Marijuana Treatment Center special permit****

(1) Purpose:

- (a) To protect the health, safety, convenience and general welfare of the inhabitants of the Town of Mansfield;
- (b) To minimize congestion in the streets and prevent blight;
- (c) To protect and conserve the value of property within the Town;

- (d) To encourage the most appropriate use of land throughout the Town;
- (e) To guide development consistent with the Town's Master Plan; and
- (f) To prevent crime and delinquency of children.

(2) Definitions.

~~Registered nonprofit medical marijuana dispensary~~ **MEDICAL MARIJUANA TREATMENT CENTER** — As defined in § 230-1.5.

(3) Applicability.

(a) The Planning Board shall be the special permit granting authority for all ~~registered nonprofit medical marijuana dispensary~~ **medical marijuana treatment center** special permit applications.

(b) The Planning Board may grant a special permit for a ~~registered nonprofit medical marijuana dispensary~~ **medical marijuana treatment center** only in the following zoning district: Planned Business District. Registered ~~nonprofit medical marijuana dispensaries~~ **medical marijuana treatment centers** shall be prohibited in all other zoning districts.

(c) All ~~registered nonprofit medical marijuana dispensary~~ **medical marijuana treatment center** special permit applications shall satisfy the applications, fees, plans, and information requirements identified in § 230-5.5, Special permits, of this Zoning Bylaw. In addition, all ~~registered nonprofit medical marijuana dispensary~~ **medical marijuana treatment center** special permit applications shall include proof of ~~registration with the Massachusetts Department of Public Health under the provisions of Chapter 369 of the Acts of 2012 and 105 CMR 725.100 License (as defined in 935 CMR 501.002).~~

(d) Application for a special permit shall be filed by the petitioner with the Town Clerk and the Planning Board. Notice of public hearing shall be given in accordance with MGL c. 40A, § 11. The public hearing shall be held within 65 days from the date of filing said application. The decision of the Planning Board shall be made within 90 days of the public hearing, and the decision may be extended by written agreement between the petitioner and the Planning Board. A copy of the agreement shall be filed with the Town Clerk.

(4) Special permit considerations.

(a) Special permits granted under the provisions of this bylaw are nontransferable. All ~~registered nonprofit medical marijuana dispensary~~ **medical marijuana treatment center** special permits may be granted for a term not to exceed two years, which may be automatically renewed. In deciding whether to renew a special permit for a ~~registered nonprofit medical marijuana dispensary~~ **medical marijuana treatment center**, the special permit granting authority may consider whether any complaints have been filed with the Town based upon alleged violations of the standards set forth in Subsection K(4)(c) of this bylaw or upon alleged violation of the conditions of the special permit.

(b) Special permits granted under this section shall lapse within two years unless substantial use of the permit is made or construction has commenced.

(c) In considering a special permit application, the Planning Board shall take the following into consideration:

- [1] Impact on the health, safety, convenience, general welfare and amenities of the inhabitants of the Town;
- [2] Effects on adjoining premises, neighborhood character and property values;
- [3] Vehicular and pedestrian traffic convenience, safety, and adequacy, including an assessment of movement within the site and in relation to adjacent streets, properties, or improvements;
- [4] Adequacy of municipal facilities and services, including, but not limited to, fire and police protection, water provision, and wastewater disposal;
- [5] Effects on the natural environment.

(d) No special permit shall be issued for a ~~registered nonprofit medical marijuana dispensary~~ **medical marijuana treatment center** use unless the use conforms to the following minimum setback (distance) requirements.\* [\*All measurements, **with the exception of [3]**, are to and from parcel limits (lot lines).]

[1] Residential zone: 1,000 feet.

[2] Residential use: 1,000 feet.

[3] Public/Private schools: 1,200 feet. **The buffer zone for schools shall be measured as provided in 935 CMR 501.110(3).**

[4] Day-care center: 1,200 feet.

(e) No special permit shall be approved until the special permit granting authority has determined that the application and plans meet all the applicable submission and technical requirements of this bylaw and that the benefits of the proposed project outweigh its detrimental effects after consideration of all the criteria of Subsection K(4)(c) of this section and § 230-5.5 of this bylaw.

(f) No special permit shall be approved until the applicant has provided the special permit granting authority with proof that the proposed ~~registered nonprofit medical marijuana dispensary~~ **medical marijuana treatment center** has been **registered with the Massachusetts Department of Public Health under the provisions of Chapter 369 fo the Acts of 2021 and 105 CMR 725.100 issued a License (as defined in 935 CMR 501.002) by the Commonwealth Cannabis Control Commission.**

#### **Article 16:**

Moved, that Zoning By-law Section 230-5.3.B(1), Site Plan, Applicability, and Paragraph K, be amended as follows [**changes underlined**]:

#### **B. Applicability**

(1) In all instances specified in Article III, Schedule of Principal Regulations, indicating that site plan approval is required, no building permit shall be issued in any case where a building is to be erected or externally enlarged and no area for parking, loading, or vehicular service (including driveways giving access thereto) shall be established or substantially changed, except in conformity with a site plan bearing an endorsement of approval by the ~~Inspector of Buildings~~ **Planning Board** after review thereof by the ~~Planning Board~~. Site plan approval shall not be required in any case where a building is to be externally changed for the purpose of closing an entrance or creating a new entrance thereto and for other extension(s) to a building, which in total shall not exceed more than 15% of the gross floor area of the building or 10,000 square feet, whichever is less.

K. The Building Inspector shall arrange for said site plan to be reviewed by, but not limited to, the following departments: Police, Fire, Engineering, Conservation, Electric, Water, Wastewater, Health, Planning and Public Works. Written comments from the departments shall be forwarded to the Planning Board prior to the Planning Board's review **Site Plan Approval process.**



## Article 17:

Moved, that Zoning By-Law Section 230-1.5 Definitions, Building Height, be amended as follows [**changes underlined**]:

### **Building Height**

Measured vertically from sidewalk grade at front of structure to the highest point of a roof; and to the mean height level between eaves and a ridge of a gable, hip or gambrel roof, excluding structural elements not meant for habitation. Those non-habitable elements shall not exceed five feet (5') above the maximum building height except by Special Permit of the Planning Board, including but not limited to elevator penthouses, chimneys, wireless communication antenna arrays, smoke and ventilation stacks, roof-mounted solar energy systems, stairwells and parapet walls designed solely to screen mechanical and elevator equipment.

**Article 18:** I move that no action be taken on the subject matter of Article 18.

## Article 19:

Moved, that Zoning By-law Section 230-3.4, Classification of Governmental, Institutional and Public Uses, Paragraphs B and E; and Section 230-5.3, Site Plan Approval, Applicability, Paragraphs C and D, be amended as follows (Existing By-Law in Black; **Changes in red**; **10-27-21 amendments in blue**):

### **Section 230-3.4, Classification of Governmental, Institutional and Public Uses**

B. Educational: use of land, buildings and structures for providing learning in a general range of subjects on land owned or leased by the commonwealth or any of its agencies, subdivisions of bodies politic, or by a nonprofit educational entity. **Educational uses in residential zones shall be limited to 2,500 square feet of floor area a Floor Area Ratio (FAR) of .10 (point one zero).** Such use may include athletic facilities, dormitories, administrative offices and similar facilities and activities whose purpose is substantially related to furthering learning. **If such a facility has an outdoor play area, that area shall be screened or set back a minimum of forty (40) feet from a lot line abutting a residential zoning district or any residential structure or use on an abutting lot in order to minimize adverse noise and lighting impacts;** and

E. Day-care center/**Facility**: use of land, buildings and structures for a nursery school or similar facility for the day care of children or adults and duly licensed by the Commonwealth of Massachusetts. **Day care centers and facilities in residential zones shall be limited to 2,500 square feet of floor area a Floor Area Ratio (FAR) of .10 (point one zero) If such a facility has an outdoor play area, that area shall be screened or set back a minimum of forty (40) feet from a lot line abutting a residential zoning district or any residential structure or use on an abutting lot in order to minimize adverse noise and lighting impacts;** and

### **Section 230-5.3, Site Plan Approval, Applicability**

C. In instances where site plan approval is required, a site plan shall be submitted in accordance with § **230-5.5B** and **C** of this Zoning Bylaw, as well as the following, which shall be required by the applicant for plan review:

*Paragraph C, (1) through (8) unchanged*

(9) Landscaping, including trees to be removed and retained. **In the case of an Educational, Day Care Center or Day Care Facility, any outdoor play area shall be screened or set back a minimum of forty (40) feet from a lot line abutting a residential zoning district or any residential structure or use on an abutting lot in order to minimize adverse noise and lighting impacts. ~~and~~**

D. Review procedure. The Planning Board shall examine the following concerns in reviewing the site plans of the proposed development:

*Paragraph D, (1) through (8) unchanged*

**(9) Site Plan Approval for religious uses, educational uses and child care facilities: The purpose of this section is to ensure that all religious and educational uses, and all child care facilities are reasonably regulated in regards to bulk and height of structures and determining yard sizes, lot area, setbacks, open space, parking and building coverage requirements. The Planning Board has the authority to place reasonable conditions on the aforementioned issues.**

**In addition to the preceding general Site Plan approval criteria, the following shall also apply to be included on site plans for religious uses, educational uses and child care facilities:**

**(10) Relationship of the bulk and height of structures and adequacy of open spaces to the natural landscape, existing buildings and other community assets in the area and compliance with other requirements of this by-law, which includes, but is not limited to, building coverage requirements, yard sizes, lot areas and setbacks;**

**(11) Physical layout of the plan as it relates to convenience and safety of vehicular and pedestrian movement within the site, the location of driveway openings in relation to traffic or to adjacent streets and, when necessary, compliance with other regulations for the handicapped, minors and the elderly;**

**(12) Adequacy of the arrangement of parking and loading spaces in relation to the proposed uses of the premises;**

**(13) Physical lighting of the site, especially the adequacy of the method of exterior lighting for convenience, safety and security within the site and for protection of neighboring properties, roadways and the night sky;**

**(14) Protection of adjoining premises against seriously detrimental uses by provision for surface water drainage;**

**(15) Adequacy of the methods of disposal of refuse and other wastes resulting from the uses permitted on site;**

**(16) Adequacy of fire protection measurements; and**

**(17) Incorporation of sustainability and resilience principles into the site design that result in a plan that is response to the environment and actively contributes to the development of a more sustainable community.**

**Article 20:**

Moved, that a Home Rule Petition to read substantially as set forth below be presented to the General Court, and that the Town's representatives in the General Court be requested to introduce legislation seeking a special act to read substantially as set forth below, to extend the timeframe by which additional liquor licenses to sell all alcoholic beverages to be drunk on the premises pursuant to M.G.L. c.138, Section 12 may be granted in the Town; and that the General Court with the approval of the Select Board be authorized to make constructive changes in perfecting the language of the proposed legislation in order to secure passage:

**AN ACT AUTHORIZING THE TOWN OF MANSFIELD TO GRANT ADDITIONAL LICENSES FOR THE SALE OF ALL ALCOHOLIC BEVERAGES TO BE DRUNK ON THE PREMISES**

**Section 1(d) of Chapter 364 of the Acts of 2014 is hereby amended by striking out the figure "7" and inserting in place thereof the following figure: "14".**

**Article 21:**

I move that the Town vote to adopt a Tax Increment Financing ("TIF Plan") pursuant to G.L. c. 40, § 59 and G.L. c. 23A for personal property located at 44 Cabot Boulevard in Mansfield and known as Town Assessor Map 44, Parcel 321 ("TIF Zone") and pursuant to the Tax Increment Financing Agreement between Walgreen Eastern Co., Inc. and the Town of Mansfield ("TIF Agreement") on file with the Select Board and Town Clerk, which TIF Agreement provides for personal property tax exemptions at the exemption rate schedule set forth therein for the consideration and commitments set forth therein; to authorize the Select Board to approve proposed projects as provided in the TIF Plan; to authorize the Select Board to apply to the Economic Assistance Coordinating Council ("EACC") of the Commonwealth of Massachusetts under the Economic Development Incentives Program ("EDIP") for approval and designation of the economic opportunity area, the TIF zone, the TIF Plan and any certified projects; to authorize the Select Board to execute the TIF Agreement and any documents relating thereto and to take such other actions as necessary or appropriate to implement the TIF Agreement and such documents; to take such other and further action as may be necessary or appropriate to carry out the TIF Plan as it relates to the project as described by the TIF Agreement and the purposes of this article; or to take any action in relation thereto.

**Article 22:**

I move that the Town vote to accept an Access and Drainage Easement on two (2) parcels of land (Map 40, Lot 135; and Map 40, Lot 136) 71 & 65 Tanya Drive, as shown on a plan entitled "Sketch Plan Access and Drainage Easement", Mansfield, Mass.", prepared by the Town of Mansfield Department of Public Works Engineering Division dated September 2, 2021, scale 1" = 30', to be recorded with the Bristol County Northern District Registry of Deeds, or take any action in relation thereto.

**Article 23:** I move that no action be taken on the subject matter of Article 23.