

Selectmen's Minutes
Town Hall, 2nd Floor Stage Conference Area, 30 Martin Street

March 23, 2020

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting will be conducted via remote participation to the greatest extent possible. Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found on the town's website, at www.essexma.org. For this meeting, members of the public who wish to listen to the meeting may do so via Conference Call. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on the town's website an audio or video recording, transcript, or other comprehensive record of proceedings as soon as possible after the meeting. **The call-in number will be: 717-275-8940. The access code is: 8378315.**

Present: Chairman Andrew C. Spinney, Selectman Ruth R. Preen, Board of Health Agent Erin Kirchner, Treasurer/Collector Jeff Soulard, HCAAC Liaison Antonella Muniz, and Selectmen's Assistant Pamela J. Witham.

Present by Remote: Selectman Peter D. Phippen and Town Administrator Brendhan Zubricki.

Also Present by Remote: Town Accountant Virginia Antell; Gloucester Times Reporter Mike Cronin; EYC Chair Christina Bruce; Finance Committee Chair Ben Buttrick, FinCom members Michael Antell, Guy Bradford, Rob Fitzgibbon, Michael Flynn, and Alison Williard; HCA members Greg Foster, Betsy McKeen, and Bryan Sanderson, HCA Chair Dan Bruce; Library Director Deb French and Library Trustee Jen Mayer; Police Chief Francis; John Tremblay; and Town Clerk Pamela Thorne.

Chairman Spinney called the meeting to order at 6:00 p.m. in the 2nd Floor Stage Meeting Area of the Town Hall at 30 Martin Street. Board of Health Agent Erin Kirchner provided the Board with an update regarding the Corona Virus in Essex and surrounding towns. Currently, everyone has been asked to stay home, except for essential workers and for essential trips, such as the grocery store. Agent Kirchner said that the Board of Health has agreed individually via email that is important to close the Town's playgrounds and ballfields and asked the Select Board to agree. The Board did and a motion was made, seconded, and unanimously voted to close Town ballfields and playgrounds, including those at Memorial Park and Centennial Grove. Chief Francis said that closure signs have already been posted at the Memorial Park Playground and Centennial Grove. On a related matter, Agent Kirchner said that in order to limit social contact, the Department of Public Works has divided their staff. Half will work in the morning and the other half will work in the afternoons.

Erin Kirchner asked the Board to approve and sign an agreement with the Metropolitan Area Planning Council to allow the Town to possibly receive reimbursement for funds spent to combat the spread of the corona virus. The Board was in agreement and a motion was made, seconded, and unanimously voted to approve and sign the document.

Erin Kirchner left the meeting.

Chairman Spinney announced that the continued review of entertainment license application forms, process, and potential policy will be postponed until the next Board of Selectmen's meeting on April 13.

Host Community Agreement Advisory Committee Chair Dan Bruce, and members Gregg Foster, Betsy McKeen, Bryan Sanderson, and its Recording Secretary Antonella Muniz, along with BB Botanics principal John Tremblay, joined the Board to discuss their progress to date on the Committee's mission, its new focus on a John Wise Avenue site, and the possible marijuana-related articles at Town Meeting. Chairman Bruce called his committee to order and briefly reviewed the Committee's first draft of a Host Community Agreement. He asked the Board to review the draft for comment at the next Board of Selectmen's meeting on April 13. Comments on the draft document will also be solicited from other Town Boards, Committees, and officials and a final draft will eventually be sent to Town Counsel for comment.

John Tremblay announced that he has cancelled the community outreach program scheduled for April 2 and hopes to reschedule it (possibly as a virtual program) later in the year. He also said that he has decided to no longer pursue the Eastern Avenue site and is now focusing on the John Wise Avenue site.

A motion was made, seconded, and unanimously voted by the HCAA Committee members to adjourn their meeting and Antonella Muniz left the meeting.

In other business, a motion was made, seconded, and unanimously voted to approve the weekly warrant in the amount of \$764,349.80.

A motion was made, seconded, and unanimously voted to exempt from Section 20 of Chapter 268A of the General Laws, the contracts and amounts for the individuals listed below contained within the 03/12/2020 warrant pursuant to subsection (d) of said Section.

<u>NAME</u>	<u>VENDOR</u>	<u>DATE</u>	<u>AMOUNT</u>	<u>DEPT'S BILL</u>
Jim McNeilly	McNeilly EMS	03/02/2020	\$ 1,550.00	Fire
Ernie Nieberle	Nieberle's	02/24/2020	\$ 622.36	Police

A motion was made, seconded, and unanimously voted to exempt from Section 20 of Chapter 268A of the General Laws, the contracts and amounts for the individuals listed below contained within the 3/19/2020 warrant pursuant to subsection (d) of said Section.

<u>NAME</u>	<u>VENDOR</u>	<u>DATE</u>	<u>AMOUNT</u>	<u>DEPT'S BILL</u>
Ernie Nieberle	Nieberle's	02/24/2020	\$ 1,027.14	Highway

A motion was made, seconded, and unanimously voted to approve the minutes for the Selectmen's March 9, 2020, Open Meeting.

A motion was made, seconded, and unanimously voted to ratify the decision of the Chairman to close Town buildings to the public, to the fullest extent possible, with only necessary face to face services to be conducted by appointment.

A lengthy motion was made, seconded, and unanimously voted to ratify the declaration of emergency at 9:00 a.m. on Friday, March 13, 2020, as read by Chairman Spinney. The entire motion, which became the Board's resolution, is on file in the Board's office.

A motion was made, seconded, and unanimously voted to accept the resignation of David Gabor from the Finance Committee, effective 3/9/2020.

A motion was made, seconded, and unanimously voted to approve a request to appoint Lauren Sanderson to fill one of the vacant positions on the Conservation Commission for a partial term of 3 years, ending 6/30/22. The Board signed her appointment card.

A motion was made, seconded, and unanimously voted to accept a letter of interest from James Witham and appoint him to fill the vacant position on the Community Preservation Committee. The Board signed his appointment card.

A motion was made, seconded, and unanimously voted to issue and sign a license agreement with the Conomo Point Association to attach ramps and floats to the Stone Pier at the Point. The Board signed the license agreement.

A motion was made, seconded, and unanimously voted to approve an offer by Mark Haskell to make repairs to the brick Cogswell Tomb located in the Ancient Burial Ground on Main Street, at no cost to the Town.

The motion to declare the Essex Building Center an "essential business" with respect to the continuing COVID-19 pandemic crisis was tabled as now being unnecessary, due to the Governor's recent order clarifying the meaning of "essential".

The Essex Board of Selectmen voted unanimously in accordance with the authority set forth in Chapter 45 of the Acts of 2020, titled "An Act Granting Authority to Postpone 2020 Municipal Elections in the Commonwealth and Increase Voting Options in Response to the Declaration of Emergency to Respond to COVID-19", to postpone the date of the Annual Town Election from Monday, May 11, 2020 to Monday, June 22, 2020.

A motion was made, seconded, and unanimously voted to approve an official transmission to the Planning Board of a Selectmen-sponsored zoning article that would propose marijuana-related setbacks, definitions, and related elements.

Acting in their capacity as Licensing Board, a motion was made, seconded, and unanimously voted to approve the following requests for licenses and permits:

Common Victualler's License:

- Down River Ice Cream, Amy Linq-Mars, Manager

Gasoline-Fuel Storage Permits:

- Holden Oil, Inc., #2 Scot's Way
- Perkins Marine, Inc., 82 Main Street

Commercial Shellfish Permit:

- Joshua Hannah
- Richard Tofuri

Senior Shellfish Permit:

- Dan Marshall

The Board was reminded of the following meetings

- The next regular Board of Selectmen's meeting will take place on Monday, April 13, 2020, at 6:00 p.m. in the 2nd floor Stage Conference area of the Town Hall on Martin Street.
- The Annual Town Meeting will be held on Monday, June 15, 2020, in the gymnasium of the Essex Elementary School on Story Street, starting at 7:30 p.m.

The Board discussed with Chief Francis his plan to have the Essex Police Department project a positive public presence in the community with respect to the department's eventual move into the new Public Safety Building on John Wise Avenue. Additionally, Chief Francis said that he has already been actively deploying more cruisers in Town, checking speed limits, etc. The Board may discuss this topic again toward the fall of 2020.

Mr. Zubricki began the presentation of his Town Administrator's Report for the period March 7, 2020 through March 20, 2020, regarding the following:

Recommendation of Fiscal Year 2021 Wage & Salary Scale: A motion was made, seconded, and unanimously voted to approve the FY21 Wage & Salary Scale.

Public Safety Facility Project Update; Change Order: Relocation of HVAC Condensers to Public Safety Bldg. Roof; Change Order: Time Extension for Public Safety Building Project; Change Order: Additional Bedrock Removal Work at Public Safety Site; and Change Order:

Miscellaneous Public Safety Facility Construction Changes: Mr. Zubricki said that there are a number of change orders that are being contemplated, but that none of them are ready for signature at this time. He will have more information at the next Selectmen's meeting.

Generally, foundation work is almost complete (slowed down by the presence of bedrock) and the contractor will be moving on to the preparation and pouring of the large floor slabs.

Chairman Spinney said that he would like to step down as Chair and asked Selectman Phippen, as the next senior Selectman, if he would like to be Chair. Selectman Phippen said that he would,

but that his schedule would not permit it. Subsequently, Selectman Pereen was promoted to Chair, effective at the adjournment of this meeting.

Finance Committee member and Veterans' Representative Michael Flynn joined the meeting via telephone and the Board inquired if he had been able to meet with the Gloucester Veterans' Agent. Mr. Flynn said that he had and briefly reviewed their meeting. Mr. Zubricki said he had received a letter from the town of Hamilton announcing that they would be leaving the Eastern Essex District of Veterans' Services to join the Gloucester Veterans' District. The Board asked Mr. Flynn if he would recommend staying with the Eastern Essex District or leaving it to join with Gloucester. Mr. Flynn said that he would like to continue with the present district for a year or so and then reassess the situation. The on-boarding of Hamilton by the Gloucester District will provide key insight with respect to how well the District will be able to serve another community. Those present agreed with Mr. Flynn. Mr. Zubricki will inform Gloucester and the Eastern Essex District of the Board's decision.

Currently present were Chairman Spinney, Selectman Pereen, Selectmen's Assistant Witham, and Treasurer/Collector Soulard. Present by phone were Selectman Peter Phippen, Town Administrator Brendhan Zubricki, Town Accountant Virginia Antell, Finance Committee Chair Ben Buttrick and FinCom members Michael Antell, Guy Bradford, Rob Fitzgibbon, Michael Flynn, and Alison Williard, Library Trustee Jen Mayer, Library Director Deb French, and Youth Commission Chair Christina Bruce.

Finance Committee Chair Ben Buttrick expressed concern over the present financial climate which has changed dramatically in the last few weeks. Consequently, both Mr. Buttrick and Treasurer/Collector Soulard were in agreement that it is not favorable at this time to proceed with a bond to fund the new Public Safety Building.

In addition, the Finance Committee has re-examined the proposed FY21 budget which includes funding for a Youth Director and funding for a new part-time Assistant Librarian. The position of Youth Director is presently vacant. After a short discussion, Library Trustee Jen Mayer withdrew the Library's request for another part-time person and the Youth Commission will postpone seeking a Youth Director. Both these positions may be funded at the Fall Town Meeting.

Representative Ann Margaret Ferrante joined the Board via telephone to express her appreciation for the Board's help during this healthcare, economic, and financial crisis. She said she was available to help in any way she could and she would be emailing the Board her email address and phone number in case the Board needed anything or had questions. The Board thanked Representative Ferrante.

Mr. Zubricki said the Town Moderator has recommended to postpone the May 4, 2020 Annual Town Meeting until June 15, 2020. He briefly reviewed each of the proposed warrant articles.

Following Mr. Zubricki's review, FinCom Chairman Buttrick said that he was concerned about Article 24 requesting \$400,000 for improvements to the water system. Mr. Zubricki said that none of the articles in the warrant have been assigned monetary amounts at this time. Just before the Annual Town Meeting takes place, a monetary summary will be prepared, based on the most current financial information. Additionally, the article can be postponed on the Town Meeting floor, if prudent.

A motion was made, seconded, and unanimously voted by the Board of Selectmen and the Finance Committee to approve the proposed FY21 Operating Budget as amended.

A motion was made, seconded, and unanimously voted by the Board of Selectmen to include the articles in the Warrant for the June 15, 2020 Annual Town Meeting as they appear in the 3/23/20 draft. A motion was made, seconded, and unanimously voted to close the Warrant. A motion was made, seconded, and unanimously voted to sign the Warrant. And, a motion was made, seconded, and unanimously voted to transmit ballot question language to the Town Clerk, if any. At present, there is none.

A copy of the warrant is attached.

There being no other business before the Board, a motion was made, seconded, and unanimously voted to adjourn the meeting at 8:10 p.m.

Documents used during this meeting include the following:

- Declaration of Emergency
- Warrant for the 2020 Annual Town Meeting and Election

Prepared by: _____
Pamela J. Witham, Selectmen's Assistant

Attested by: _____
Peter D. Phippen, Selectman & Clerk

**TOWN OF ESSEX
BOARD OF SELECTMEN**

DECLARATION OF EMERGENCY

WHEREAS, the 2019 Novel Coronavirus (COVID-19) is a highly contagious and potentially fatal respiratory disease, the prevalence of which is increasing rapidly throughout the world, inclusive of the United States and the Commonwealth of Massachusetts; and

WHEREAS, on March 11, 2020 the World Health Organization designated the COVID-19 outbreak a Pandemic Health Emergency; and

WHEREAS, on March 10, 2020, the Governor of the Commonwealth of Massachusetts issued a Declaration of a State of Emergency to Respond to COVID-19; and

WHEREAS, on March 13, 2020, the President of the United States announced a national declaration of emergency; and

WHEREAS, on March 15, 2020, Governor Baker announced emergency actions to respond to the evolving COVID-19 public health emergency impacting the Commonwealth, including prohibitions on public gatherings of twenty-five or more people and prohibiting on-premises consumption of food or drink at bars and restaurants from March 17, 2020 until April 6, 2020, as well as suspension of elementary and secondary school educational operations from March 17, 2020 until April 6, 2020; and

WHEREAS, the Board of Selectmen of the Town of Essex, in consultation with the State Department of Public Health has determined that COVID-19 presents a major disaster which poses an immediate threat to public health, safety, and general welfare of people residing both within and outside of Essex; and

WHEREAS, the Board of Selectmen of the Town of Essex has determined that immediate public action is needed in order to prevent or minimize the spread of COVID-19 by and among the people of Essex; and

WHEREAS, it is critical to take additional steps to prepare for, respond to, and mitigate the spread of COVID-19 to protect the health and welfare of the people of Essex; and

WHEREAS, declaring a state of emergency will facilitate and expedite the use of resources to protect persons from the impacts of COVID-19, including but not limited to emergency expenditures pursuant to Massachusetts General Laws, Chapter 44, Section 31 and limitations on operating hours and access to public buildings; and

WHEREAS, the Board of Selectmen of the Town of Essex recommends that a state of emergency be declared in the Town of Essex; and

WHEREAS, the Governor of the Commonwealth has updated his Emergency Orders as of March 23, 2020, and may from time to time, update his further orders;

***NOW THEREFORE**, we, the Board of Selectmen of the Town of Essex, Massachusetts, hereby declare that as of March 13, at 9:00 a.m., a state of emergency exists in the Town of Essex. This declaration of emergency shall remain in effect until further notice is given, pursuant to our judgment that the conditions leading to this declaration no longer exist.*

Date: _____

Name:

Title:

2020

Commonwealth of Massachusetts
Town of Essex

Warrant for Annual Town Meeting and Election

Essex, ss:

To either of the Constables of the Town of Essex;

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of the Town of Essex, qualified to vote as the laws direct, to meet in said Essex at the Essex Elementary School, 12 Story Street, on Monday, June 15, 2020 at 7:30 p.m. and there and then to act on the following Articles, viz:

ARTICLE 1

To see if the Town will vote to determine the manner of electing or choosing all other Town Officers usually elected or chosen at the Annual Town Meeting and take any appropriate action to elect such officers.

ARTICLE 2

To hear and receive the Reports of the Town Officials and Committees, and also to consider and receive any Reports contained in the Annual Town Report; or take any other action relating thereto.

ARTICLE 3

To see if the Town will amend or revise the Wage and Salary scale for fiscal year 2021 in accordance with the recommendations of the Personnel Board Report, a copy of which is on file in the Town Clerk's office and is incorporated herein by reference; or take any other action relating thereto.

ARTICLE 4

To see if the Town will vote to fix the salary and compensation of each of the elected officers of the Town as required by Massachusetts General Law Chapter 41, Section 108, as amended, for fiscal year 2021 in accordance with the recommendations of the Personnel Board Report, a copy of which is on file in the Town Clerk's office and is incorporated herein by reference; or take any other action relating thereto.

ARTICLE 5

To see if the Town will vote to transfer from the Town Septic Betterment Fund a sum of money for the purpose of making necessary payments to the Massachusetts Clean Water Trust during fiscal year 2021 in accordance with the terms of repayment for Community Septic Management Program loan funds; or take any other action relating thereto.

ARTICLE 6

To hear and act upon the Report of the Finance Committee and to vote to raise and appropriate or transfer from available funds a sum of money for the Town charges and expenditures for the ensuing year, and to authorize the Finance Committee to permit budget line item transfers within a department from salary lines to salary lines and from expense lines to expense lines; or take any other action relating thereto.

ARTICLE 7

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money for the purpose of funding the Sewer Enterprise Fund for the remainder of fiscal year 2020; or take any other action relating thereto.

ARTICLE 8

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money for the purpose of funding the Sewer Enterprise Fund for fiscal year 2021; or take any other action relating thereto.

ARTICLE 9

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money for the purpose of funding the Water Enterprise Fund for the remainder of fiscal year 2020; or take any other action relating thereto.

ARTICLE 10

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money for the purpose of funding the Water Enterprise Fund for fiscal year 2021; or take any other action relating thereto.

ARTICLE 11

To see if the Town will vote to approve the Gross Operating and Maintenance Budget of the Manchester-Essex Regional School District, and raise and appropriate or transfer from available funds a sum of money for the Town's assessment from the District - said sum to be calculated solely

in accordance with the "Agreement Between the Towns of Essex and Manchester-by-the-Sea, Massachusetts with Respect to the Formation of a Regional School District", as most recently amended, by invoking and approving the provision found in paragraph four of Massachusetts General Laws chapter 71, section 16B allowing District members "to reallocate the sum of their required local contributions to the district in accordance with the regional agreement", for the fiscal year beginning July first, two thousand twenty; or take any other action relating thereto.

ARTICLE 12

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to pay the Town's share of the operating and capital costs of the Essex North Shore Agricultural and Technical School District for the fiscal year commencing July 1, 2020; or take any other action relating thereto.

ARTICLE 13

To see if the Town will vote, pursuant to the provisions of G.L. c. 59, sec. 5, clause 41C, to decrease the eligibility age from 70 years of age to 65 years of age and increase the real property tax exemption for individuals who meet certain ownership, occupancy, income, and other requirements, to one thousand dollars (\$1,000) and further to increase the asset (whole estate, real and personal) eligibility limit from \$28,000 to \$40,000 for a single taxpayer and from \$30,000 to \$55,000 if married, and increase the yearly gross receipts eligibility requirement from \$13,000 to \$20,000 for a single taxpayer and from \$15,000 to \$30,000 if married, or take any other action relative thereto.

ARTICLE 14

To see if the Town will vote to amend Chapter 6 by adding new section, 6-15 Essex Downtown Zoning District to the Town of Essex Zoning By-law.

6-15 Essex Downtown Zoning District.

6-15.1. Purpose:

The purpose of the Essex Downtown Zoning District is to facilitate reduced dimensional requirements for the area designated and provide as matter of right the ability to have mixed use, Business and Residential, subject to the requirements below, while minimizing disruption to the existing building configurations.

6-15.2. Establishment:

Essex Downtown Zoning District is a zoning district shown in Section 6-15.8. The Essex Downtown Zoning District is subject to all provisions of Chapter VI of the Essex bylaws except as specifically defined below.

6-15.3. Definitions:

In addition to the definitions set forth in Section 6-2.2 of the Zoning By-Law, the following definitions shall apply only in the Essex Downtown Zoning District:

1. Mixed-Use – a single structure featuring non-residential on the first floor and one or more residential units on any other floor.
2. Impervious Surface Coverage – The percentage of the lot area covered by impervious surface.

6-15.4. Permitted Principal Uses:

1. Residential – Single and Two Family
2. Residential – Dwelling Units and Apartments (as a part of mixed-use)
3. Business--
4. Mixed-Use: Two or more permitted principal uses occupying the same land or building, each of which is independent of and unrelated to the other. (As of Right with Site Plan Review/Special Permit)
5. Motel and Hotel (with Special Permit)
6. Industrial – Class B
7. Municipal: Park and Recreational - Municipal uses, including but not limited to, parks, playgrounds, off-street parking facilities and public recreational areas, are permitted (As of Right with Site Plan Review/Special Permit).
8. Storage – Storage buildings or structures are permitted and are restricted to non-commercial storage uses of any type.

6-15.5 Table of Dimensional Requirements

Table 1:

Principal Buildings	Residential Single and Two Family	Residential Multi-Family	Business	Motel and Hotel	Industrial, Class A	Industrial, Class B	Mixed-Use
Minimum Lot Area (sq. ft.)	10000 sq ft	10000 sq ft	10000 sq ft	90,000 sq ft	Not permitted	10000 sq ft	10000 sq ft
Minimum Lot Frontage (feet)	75 ft	75 ft	75 ft	200 ft		75 ft	75 ft
Minimum Lot Depth (feet)	100 ft	100 ft	100 ft			100 ft	100 ft
Minimum Front	0-25 ft Note #1	50 ft	0-25 ft Note #1	100 ft		50 ft (>10,000	0-25 ft Note #1

Yard, All Buildings						sq ft)	
Minimum Lot Width (feet)	75 ft	75 ft	75 ft			75 ft	75 ft
Minimum Side Yard	6 ft Note #2	30 ft	6 ft Note #2	50 ft		30 ft	6 ft Note #2
Minimum Rear Yard	30 ft	30 ft	30 ft	100 ft		30 ft	30 ft
Maximum Building Height feet	35 ft Note #3	35 ft	35 ft Note #3			35 ft Note #3	35 ft Note #3
Maximum Lot Coverage ; Structures	50 % Note #4, 5	50 % Note #4,5	50% Note #4,5	50% Note#4, 5		50 % Note #4,5	50% Note #4,5
As of Right with Site Plan Review/ Special Permit	As of Right with Site Plan Review	3-4 units As of Right; 5 or more units with Special Permit	As of Right with Site Plan Review	Special Permit		As of Right with Site Plan Review	As of Right with Site Plan Review; 4 or more residential units with Special permit
Accessory Buildings / Structures:							
Residential and Mixed use only							
Prohibited in front yard							
Max number per Lot				2 (Two)			
Max Height				15 feet			
Minimum Side yard				5 feet			
Minimum Rear Yard				5 feet			

Note #1:

If the adjacent buildings are setback at a distance other than the minimum front yard requirement of 0-ft, but not more than 25 feet, infill buildings shall match the setback from the front lot line of the immediately adjacent buildings. If the setbacks do not match, the infill building may match one or the other, or an average of the two adjacent building setbacks, but in no instance shall any building have a front yard setback of more than 25 feet.

Note #2

If a side yard includes a driveway or parking space, the Minimum Side Yard dimension shall be increased from 6 ft. to 14 ft., consistent with 6-6 Off-Street Parking and Loading requirements.

Note #3

Maximum Building Height for new Mixed-Use development 40 ft., Approval of greater than 35 ft. subject to Special Permit.

Note #4

Lots larger than 60,000 sq. ft. will be required to maintain Maximum Lot Coverage of structures at the current standard of 25%.

Note #5

Max. Lot Coverage: Structures and impervious surfaces allowed to 75% of area, Lots larger than 60,000 sq. ft. allowed up to 50% of area.

6-15-5. Parking Requirements:

- A. Parking requirements will be subject to the requirements of 6-6, except for Mixed use residential which will require 1 parking spot for each bedroom and 6-6 required parking for the Business use created.

6-15.6. Permitted Accessory Structures:

- A. Accessory Buildings or Structures – Accessory Buildings or Structures are permitted as of right, subject to the following limitations:
 - a. a maximum of two Accessory Buildings and/or Structures per lot;
 - b. maximum permitted height of 15 feet.
 - c. minimum side or rear yard setback of 5 feet.
 - d. Allowed on Residential and Mixed-Use lots only
 - e. Prohibited from Front Yard

6-15.7 Regulation of Nonconforming Lots, Structures:

Reconstruction, alterations, extensions and/or additions to such nonconforming lots and structures are subject to the following:

- A. Special Permit Changes:
 - i. Any reconstruction, alteration, extension or addition to an existing residential structure that increases or intensifies an existing

nonconformity, but does not create a new nonconformity, may be allowed by the Planning Board by a Special Permit, provided that the Planning Board finds that such reconstruction, alteration, extension or addition is not substantially more detrimental to the neighborhood than the existing structure.

- ii. For an existing non-residential structure on a conforming lot, any reconstruction, alteration, extension or addition that complies with the dimensional requirements in Table 1 may be allowed by the Planning Board by a special permit, provided that the Planning Board finds that such reconstruction, alteration, extension or addition is not substantially more detrimental to the neighborhood than the existing structure.

B. Variance Changes:

- i. Any reconstruction, alteration, extension or addition to an existing residential structure that creates a new nonconformity shall require a variance from the Board of Appeals.
- ii. Any reconstruction, alteration, extension or addition to an existing non-residential structure on a non-conforming lot, and any such reconstruction, alteration, extension or addition to an existing non-residential structure on a conforming lot that does not comply with the dimensional requirements in Table 1, shall require a variance from the Board of Appeals.

ARTICLE 15

To see if the Town will vote to add a new section 4-17 to the Town bylaws requiring licensing for all marijuana-related commercial activity in Essex, as follows:

4-17.1 Marijuana License Required. No person shall carry on the business operating an Adult Use Marijuana Establishment as defined in G.L. c.94G and 935 CMR 500, including the cultivation, processing, packaging, delivering, manufacturing, branding, selling or otherwise transferring or testing marijuana or marijuana products within the Town unless first duly licensed thereof by the Board of Selectmen, which license shall be renewed by said Marijuana Establishment annually.

4-17.2 Host Community Agreement Required. Any Marijuana Establishment operating within the Town shall at all times have a valid Host Community Agreement and operate in accordance with the terms and provisions thereof.

4-17.3 Regulations. The Board of Selectmen may adopt rules and regulations related to the issuance of such licenses, including the fees to be paid therefore and the conditions to be satisfied by any applicant for such a license.

4-17.4 Applications. Applicants for a license shall file an application on a form provided by the Board of Selectmen, signed under the penalties of perjury by the applicant, containing such information as the Board of Selectmen may reasonably require from time to time. Each applicant shall pay an application fee as may be reasonably determined from time to time by the Board of Selectmen.

4-17.5 Hearing. The Board of Selectmen must act upon the application within 65 days of a public hearing with due written notice provided to the applicant of the time, date and location where such application will be heard.

4-17.6 Enforcement. The Board of Selectmen may issue orders as appropriate to aid in the enforcement of this regulation and may enforce these provisions in equity, including the request for injunctive relief, in a court of competent jurisdiction. Any failure to comply with any order issued hereunder shall result in the issuance of a formal warning. Any failure to comply with such a warning shall result in a fine of \$100.00. Any failure to comply after the issuance of said final fine may be punishable by a subsequent fine of \$300.00. Each day of a continued non-compliance shall constitute a separate violation. Further, the Board of Selectmen may hold a hearing, with notice to the licensee, to determine if such license should be modified, suspended or revoked.

; or take any other action relating thereto.

ARTICLE 16

To see if the Town will vote to amend the Bylaw, Section 4-17 MARIJUANA LICENSING to add a limitation on the number of Adult Use Marijuana Retailer Establishments licensed within the Town as follows:

4-17.7 Limitation on Adult Use Marijuana Retailers. The number of Adult Use Marijuana Establishments, as defined in G.L. c.94G, §1 and 935 CMR 500.002, licensed to be located in the Town shall be limited as follows:

Type of Marijuana Establishment	Number Permitted
Marijuana Retailer	1*
Marijuana Cultivator	1
Marijuana Product Manufacturer	1
Marijuana Microbusiness	1
Independent Testing Laboratory	1
Marijuana Research Facility	1
Marijuana Transporter	1
Delivery-Only Licensee	1

* this number is equal twenty percent (20%) of the number of licenses issued within the Town for the retail sale of alcoholic beverages not to be drunk on the premises where sold pursuant to MGL c.138 §15 as of March 23, 2020.

; or take any other action relating thereto.

ARTICLE 17

To see if the Town will vote to amend the Town's Zoning By-law by:

Adding the following definition to Chapter VI, section 6-2.2., after the definition of Lot Measurements:

MARIJUANA ESTABLISHMENT

An adult use Marijuana Cultivator (Indoor or Outdoor), Craft Marijuana Cooperative, Marijuana Product Manufacturer, Marijuana Microbusiness, Independent Testing Laboratory, Marijuana Retailer, Marijuana Transporter, Delivery-only Licensee, Marijuana Research Facility, or any other type of licensed Marijuana-related business, except a Medical Marijuana Treatment Center, as defined in 935 CMR 500.002: Adult Use of Marijuana.

Amending the following definition in Chapter VI, Section 6-2.2, with deletions shown in ~~strike through~~ and additions shown in **bold**:

MEDICAL MARIJUANA TREATMENT CENTER OR REGISTERED MARIJUANA DISPENSARY

~~A not for profit entity registered under 105 CMR 725.~~ **An entity licensed under 935 CMR 501.101: Application Requirements for Medical Marijuana Treatment Centers,** that acquires, cultivates, possesses, processes (including development of related products such as edible marijuana-infused products ("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, Medical Marijuana Treatment Center or Registered Marijuana Dispensary refers to the site(s) of dispensing, cultivation, and preparation of marijuana **for medical use.**

And by amending Chapter VI, section 6-3.4.2.m. as follows with additions shown in **bold** and deletions shown in ~~strikethrough~~:

m. Medical Marijuana Treatment Center/Registered Marijuana Dispensary **and Marijuana Establishment,** subject to the following requirements:

1. In addition to the Dimensional Requirements set forth in the Table of Requirements, no portion of a Medical Marijuana Treatment Center/Registered Marijuana Dispensary **or Marijuana Establishment** shall be located (a) within 2500 feet of any **of the following existing uses:** school **providing education in grades K-12,** pre-school, **family** day care center, **child care facility,** playground or athletic field or (b) within ~~1500~~ **400** feet of any ~~residential dwelling~~ **property on which the principal existing use is residential. The distances under this Section shall be measured in a straight line from the nearest point of the property line in question to the nearest point of the property line where the Marijuana Establishment or Medical Marijuana Treatment Center/Registered Marijuana Dispensary is or will be located. The buffer requirements stated herein shall not apply to qualifying uses which are proposed after a building permit has issued for the Marijuana Establishment or Medical Marijuana Treatment Center/Registered Marijuana Dispensary.**
2. **For purposes of this Bylaw, all Marijuana Establishments and Medical Marijuana Treatment Center/Registered Marijuana Dispensaries shall be designated a "Business" use.**

; or take any other action relating thereto.

ARTICLE 18

To see if the Town will vote to amend the Town's Zoning By-law by:

Adding the following definition to Chapter VI, section 6-2.2., after the definition of Lot Measurements:

Marijuana Establishment: A marijuana cultivator, independent testing laboratory, marijuana product manufacturer, marijuana retailer, or any other type of licensed marijuana-related business for the non-medical, including recreational, use of marijuana, as set forth in M.G.L. Ch. 94G, and any regulations promulgated thereunder.

And by amending Chapter VI, section 6-3.4.2.m. by adding the words underlined in the following paragraph:

m. Medical Marijuana Treatment Center/Registered Marijuana Dispensary and Marijuana Establishment, subject to the following requirements:

1. In addition to the Dimensional Requirements set forth in the Table of Requirements, no portion of a Medical Marijuana Treatment Center/Registered Marijuana Dispensary shall be located (a) within 2500 feet of any school, pre-school, day care center, playground or athletic field or (b) within 1500 feet of any residential dwelling.
2. In addition to the Dimensional Requirements set forth in the Table of Requirements, no portion of a Marijuana Establishment shall be located (a) within 2500 feet of any school, pre- school, day care center, playground or athletic field or (b) within 500 feet of any residential dwelling.

ARTICLE 19

To see if the Town will vote to authorize the Village Restaurant at 55 Main Street to purchase additional gallons of sewer capacity in accordance with Section 7-7.5 of the Town of Essex Bylaws; or take any other action relating thereto.

ARTICLE 20

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money for a fully equipped a dump truck, with snowplow and sander, for use by the Department of Public Works, and to meet this appropriation authorize the Board of Public Works and/or the Board of Selectmen to enter into an agreement to lease/purchase and equip said truck pursuant to the provisions of G.L. c.44, §21C for a period in excess of three years and to raise and appropriate or transfer from available funds the sum of money to make the first payment on said truck; and to authorize the Board of Public Works and/or the Board of Selectmen to dispose of the vehicle replaced by the new dump truck by sale or trade and to take other action as necessary to effectuate the purposes of this vote; or take any other action relating thereto.

ARTICLE 21

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a

sum of money to purchase and install new, digital radio systems for police department vehicles; or take any other action relating thereto.

ARTICLE 22

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money to design a system of street and/or pedestrian lighting for the downtown Essex portion of Route 133 (Main Street), and to provide consulting and engineering services to assist with the preparation of cost estimates and alternatives, the preparation of bidding and permitting documents and oversight of any project to install said system; provided, however, that any purchase and/or installation of such lighting shall be subject to appropriation; or take any other action relating thereto.

ARTICLE 23

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money to retain the services of design and engineering professionals to conduct a feasibility study concerning the prospect of re-using the building, and/or foundation, and/or footprint, and/or property that is now occupied by the Essex Police and Fire Departments at 24 Martin Street for a new Senior Center, or some other use; or take any other action relating thereto.

ARTICLE 24

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money to design, engineer and construct repairs, upgrades, improvements and/or replacements to any aspect of the municipal water system, and anything incidental or related thereto; or take any other action relating thereto.

ARTICLE 25

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money to design, engineer and construct repairs, upgrades, improvements and/or replacements to any aspect of the municipal sewer system and anything incidental or related thereto; or take any other action relating thereto.

ARTICLE 26

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money for the purchase and installation of new flooring for the Essex Senior Center, including but not limited to the main stairwell, and for removal and disposal of existing flooring material, and any costs related thereto; or take another action relating thereto.

ARTICLE 27

To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sum of money for the purchase of a new, equipped ambulance, and to authorize the Board of Selectmen to dispose of any old ambulance, by sale or trade, and to take any action necessary to effectuate the purpose of this vote; or take any other action relating thereto.

ARTICLE 28

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money to be used as a match to a State grant program for the design and/or construction of renovations and improvements to the Conomo Point seawall system, or anything incidental or related thereto; or take any other action relating thereto.

ARTICLE 29

To see if the Town will vote to renew its membership and to participate in the Northeast Massachusetts Mosquito Control and Wetlands Management District for a minimum of three years, pursuant to Chapter 258 of the Acts of 1958, as amended by Chapter 410 of the Acts of 1996, G.L. c. 252, ss. 5 and 5A, and other applicable laws, subject to an assessment through a reduction in Cherry Sheet revenue in an amount to be determined annually by the District Commissioners, and to authorize the Board of Selectmen and the Board of Health to enter into all agreements and to execute any and all instruments as may be necessary to affect this vote; or take any other action relating thereto.

ARTICLE 30

To see if the Town will vote to appropriate or reserve from the Community Preservation Fund, including fiscal year 2021 estimated annual revenues, a sum or sums of money for Community Preservation projects or purposes, including, acquisition, creation and preservation of open space; acquisition, creation, preservation, rehabilitation, and restoration of land for recreational use; acquisition, preservation, rehabilitation, and restoration of historic resources; acquisition, creation, preservation and support of community housing; and for the rehabilitation and restoration of open space or community housing acquired under the Community Preservation Act, all as may be recommended by the Community Preservation Committee; or take any other action relating thereto.

ARTICLE 31

To see if the Town will vote, pursuant to Massachusetts General Laws, Chapter 40, Section 5B, to create a stabilization fund for the care, maintenance, and renovation of the Town's public safety facility at 11 John Wise Avenue, and to raise and appropriate or transfer from available funds a sum of money to add to said stabilization fund; or take any other action relating thereto.

ARTICLE 32

To see if the Town will vote, pursuant to Massachusetts General Laws, Chapter 40, Section 5B, to create a stabilization fund to serve as a local match to future Essex River and Essex Bay dredging and related initiatives, and to raise and appropriate or transfer from available funds a sum of money to add to said stabilization fund; or take any other action relating thereto.

ARTICLE 33

To see if the Town will vote, pursuant to Massachusetts General Laws, Chapter 40, Section 5B, to create a stabilization fund to defray the costs of future celebrations of the Town's history, culture, and the like. Said celebrations may include, but are not limited to parades, fireworks displays, historical exhibitions, dances, picnics, and gatherings; and to raise and appropriate or transfer from available funds a sum of money to add to said stabilization fund; or take any other action relating thereto.

ARTICLE 34

To see if the Town will vote to take the following action to establish an Other Post-Employment Benefits Liability Trust Fund:

1. accept the provisions of G.L. c. 32B, §20, as amended by Chapter 218, Section 15 of the Acts of 2016 (the "Act"), so that the Town may established an Other Post-Employment Benefits Liability Trust Fund (the "OPEB Fund"), for which the Treasurer serves as Custodian ("Custodian");
2. designate the Treasurer/Custodian as the Trustee of the OPEB Fund, with all the powers and responsibilities identified under the Act and this vote;
3. authorize the Treasurer/Custodian, as Trustee, to employ investment consultant(s), as well as outside custodial service(s) to hold the monies in the Fund, and to pay for those services from the OPEB Fund;
4. authorize the investment of the OPEB Fund under the prudent investor rule established under G.L. c. 203C;
5. authorize the Treasurer/Custodian, as Trustee, to execute any and all documents necessary to utilize outside custodial service(s) and/or investment consultant(s), including but not limited to trust agreements, participation agreements, investment agreements, and administrative services agreements;

6. designate the Treasurer/Custodian as the "Plan Administrator", as may be necessary to utilize outside custodial service(s) and authorize the Treasurer/Custodian acting as Plan Administrator to take any other actions permitted or required by law; and
7. raise and appropriate or transfer from available funds a sum of money for the OPEB Fund established pursuant to Massachusetts General Laws, Chapter 32B, Section 20;

or take any other action relating thereto.

ARTICLE 35

To see if the Town will vote to transfer from available funds a sum of money to be used to defray operational expenses of the various Town departments for the remainder of fiscal year 2020; or take any other action relating thereto.

ARTICLE 36

To see if the Town will vote to transfer from available funds a sum of money to be used to replenish the Finance Committee's Reserve Fund for the remainder of fiscal year 2020; or take any other action relating thereto.

ARTICLE 37

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money for the payment of unpaid bills from past fiscal years; or take any other action relating thereto.

And you are hereby directed to serve this Warrant by posting attested copies; one at the Post Office, one at the Town Hall, and one at the Essex Elementary School, in said Essex, seven days at least before the time for holding said meeting.

Given under our hand this 23rd day of March, two thousand twenty.

Andrew C. Spinney, Chairman

Peter D. Phippen

Ruth R. Pereen

BOARD OF SELECTMEN
TOWN OF ESSEX

Return of the Warrant:

Date: _____

I have served this warrant by posting attested copies thereof – one at the Post Office; one at the Town Hall; and, one at the Essex Elementary School in said Essex; at least seven days before the time for holding said meeting.

Constable