

**TOWN OF MARION
TOWN MEETING WARRANT
For the Annual Town Meeting to be Held
May 12, 2025**



Plymouth, ss:

To either of the Constables of the Town of Marion in the Commonwealth of Massachusetts

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are directed to notify and warn the inhabitants of the Town of Marion qualified to vote in Town election and Town affairs to meet at the Sippican School Auditorium in said Marion, on Monday, the 12th day of May 2025, at 6:45 o'clock in the evening, then and there to act on the following Articles, to wit:

Article 1. To see what compensation the Town will pay its elected Town officials:

EFFECTIVE JULY 1, 2025

	FY25	FY26	
	<u>Approp</u>	<u>Recommend</u>	<u>% chg</u>
Select Board, each member, per annum	\$ 4,902	\$ 4,902	0.0%
Board of Assessors, each member, per annum	\$ 4,839	\$ 4,839	0.0%
Board of Health, each member, per annum	\$ 1,866	\$ 1,866	0.0%
Moderator, for Annual Meeting	\$ 245	\$ 245	0.0%
per Special Town Meeting	\$ 81	\$ 81	0.0%

or take any other action thereon.

*Finance Committee Recommends
Select Board Recommends*

TOWN OF MARION TOWN CLERK
2025 APR 4 PM 12:15

Article 2. To see what sums of money the Town will raise and appropriate and/or transfer from available funds in the Treasury in order to pay interest and maturing debt and for charges, expenses and outlays of the several Town departments and Reserve Fund for the ensuing year; or take any other action thereon.

		FY25 Revised	FY26	FY25 to 26
GENERAL GOVERNMENT		Appropriation	Recommendation	% Change
113	Election and Town Meetings	\$11,875	\$11,775	-0.84%
122	Select Board	\$51,116	\$51,098	-0.04%
122	Select Board - Negotiations	\$50,000	\$50,000	**0.00%
123	Town Administrator	\$160,140	\$163,343	2.00%
131	Finance Committee	\$36,700	\$40,700	10.90%
132	Reserve Fund	\$65,000	\$65,000	**0.00%
135	Finance Director/Town Acct	\$117,963	\$244,941	107.64%
141	Assessors	\$147,034	\$151,756	3.21%
145	Treasurer	\$73,914	\$77,673	5.09%
146	Collector	\$63,096	\$57,719	-8.52%
151	Legal	\$152,000	\$141,884	-6.66%
155	Information Technology	\$215,952	\$259,080	19.97%
159	Administrative Services	\$906,913	\$860,983	-5.06%
161	Town Clerk	\$83,573	\$85,123	1.85%
163	Registrar of Voters	\$14,800	\$14,000	-5.41%
171	Conservation	\$4,950	\$4,652	-6.02%
175	Planning Board	\$86,464	\$86,716	0.29%
176	Zoning Board	\$2,119	\$2,550	20.34%
191	Town Facilities	\$414,659	\$413,463	-0.29%
195	Town Report	\$8,300	\$8,300	0.00%
199	Unclassified	\$1,934	\$2,962	53.15%
<i>Total General Government</i>		\$2,668,502	\$2,793,718	4.69%
PUBLIC SAFETY				
210	Police Department	\$2,370,879	\$2,485,176	4.82%
220	Fire/EMS Department	\$1,342,551	\$1,403,014	4.50%
241	Building Department	\$142,339	\$142,088	-0.18%
292	Animal Control	\$73,913	\$74,002	0.12%
295	Marine Resources	\$359,959	\$388,587	7.95%
299	Tree Warden	\$30,700	\$30,700	0.00%
<i>Total Public Safety</i>		\$4,320,341	\$4,523,567	4.70%

SCHOOLS				
300	Sippican School	\$7,080,780	\$7,553,549	6.68%
301	ORR Operating	\$5,551,389	\$5,924,130	6.71%
301	ORR Stabilization Fund	\$30,920	\$31,435	1.67%
301	ORR Debt	\$183,737	\$17,955	-90.23%
302	Upper Cape Cod Operating	\$576,084	\$637,052	10.58%
302	Upper Cape Cod Debt	\$23,656	\$22,769	-3.75%
<i>Total Education</i>		\$13,446,566	\$14,186,890	5.51%
PUBLIC WORKS ADMIN.				
420	Public Works	\$1,975,557	\$2,026,624	2.58%
490	Utilities & Fuel	\$457,000	\$466,000	1.97%
<i>Total Public Works</i>		\$2,432,557	\$2,492,624	2.47%
HUMAN SERVICES				
511	Public Health Department	\$158,167	\$160,321	1.36%
541	Council on Aging	\$250,433	\$208,547	-16.73%
543	Veterans	\$108,000	\$108,537	0.50%
<i>Total Human Services</i>		\$516,600	\$477,405	-7.59%
CULTURE & RECREATION				
610	Library	\$232,602	\$232,602	0.00%
630	Recreation	\$130,433	\$130,542	0.08%
670	Natural History Museum	\$12,500	\$12,500	0.00%
692	Celebrations-Parades & Band Concerts	\$19,200	\$21,800	13.54%
<i>Total Culture & Recreation</i>		\$394,735	\$397,444	0.69%
DEBT SERVICE				
710	Principal Payments	\$659,600	\$530,000	-19.65%
711	Interest Payments	\$219,306	\$283,543	29.29%
<i>Total Debt Services</i>		\$878,906	\$813,543	-7.44%
PENSION & INSURANCE				
911	Pension Assessment	\$1,802,363	\$1,862,327	3.33%
914	Group Insurance	\$1,605,486	\$1,893,499	17.94%
940	Town Insurance	\$771,655	\$816,841	5.86%
<i>Total Pension & Insurances</i>		\$4,179,504	\$4,572,667	9.41%
TOTAL OPERATING BUDGET		\$28,837,711	\$30,257,858	4.92%
<i>Less Transfers</i>		\$500,820	\$616,066	
<i>Less Indirect Costs</i>		\$862,135	\$816,590	
<i>Less Transfer from Free Cash</i>		\$350,000	\$400,000	
<i>Less Transfers from General Stabilization Fund</i>		\$0	\$289,000	
<i>Less Transfers from School Stabilization Fund</i>		\$30,920	\$31,947	
<i>Raise and Appropriate</i>		\$27,093,836	\$28,104,255	

*Finance Committee Recommends
Select Board Recommends*

Article 3. To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of \$2,467,639 to be used to operate the Water Enterprise Fund, the following sums to be appropriated to Salaries and Expenses (\$1,121,077); Reserve Fund (\$60,000); Debt (\$893,040); and Indirect Costs (\$393,522); with the funds to be raised from Department Receipts (\$2,272,639) and Water Retained Earnings (\$195,000); or take any other action thereon.

WATER ENTERPRISE FUND	FY25 Appropriation	FY26 Recommend.	% chg Differ
Salaries and Expenses	\$1,108,725	\$1,121,077	1.11%
Reserve Fund	\$60,000	\$60,000	0.00%
Debt (principal, interest and charges)	\$920,783	\$893,040	-3.01%
Subtotal	\$2,089,508	\$2,074,117	-0.74%
Indirect Costs	\$415,930	\$393,522	-5.39%
TOTAL WATER ENTERPRISE BUDGET	\$2,505,438	\$2,467,639	-1.51%
<i>Less Water Retained Earnings</i>	\$195,000	\$195,000	
<i>Water Revenues</i>	\$2,310,438	\$2,272,639	

*Finance Committee Recommends
Select Board Recommends*

Article 4. To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of \$3,785,058 to be used to operate the Sewer Enterprise Fund, the following sums to be appropriated to Salaries and Expenses (\$1,301,350); Reserve Fund (\$60,000); Debt (\$2,000,640); and Indirect Costs (\$423,068); with the funds to be raised from Departmental Receipts (\$3,521,058), Free Cash (\$100,000) and Sewer Retained Earnings (\$164,000); or take any other action thereon.

SEWER ENTERPRISE FUND	FY25 Appropriation	FY26 Recommend.	% chg Differ
Salaries and Expenses	\$1,258,729	\$1,301,350	3.39%
Reserve Fund	\$60,000	\$60,000	0.00%
Debt (principal, interest and charges)	\$1,880,266	\$2,000,640	6.40%
Subtotal	\$3,198,995	\$3,361,990	5.10%
Indirect Costs	\$446,205	\$423,068	-5.19%
TOTAL SEWER ENTERPRISE BUDGET	\$3,645,200	\$3,785,058	3.84%
<i>Less Sewer Retained Earnings</i>	\$275,000	\$164,000	
<i>Less Free Cash</i>	\$0	\$100,000	
<i>Sewer Revenues</i>	\$3,370,200	\$3,521,058	

*Finance Committee Recommends
Select Board Recommends*

Article 5. To see if the Town will vote to transfer from the Overlay Surplus Account the sum of \$25,000 to be used by the Board of Assessors for the revaluation of real and personal property as mandated by the Department of Revenue; or take any other action thereon.

Finance Committee Recommends
Select Board Recommends

Article 6. To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury (Free Cash) the sum of \$50,000 to the Compensated Absence Account for the purpose of funding accrued benefits for retiring employees; or take any other action thereon.

Finance Committee Recommends
Select Board Recommends

Article 7. To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury (Free Cash) the sum of \$50,000 to be expended by the Facilities Department to complete building maintenance projects; or take any other action thereon.

Finance Committee Recommends
Select Board Recommends

Article 8. To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury (Free Cash) the sum of \$50,000 to be expended by the Finance Department to update the Town's financial and time-keeping software; or take any other action thereon.

Finance Committee Recommends
Select Board Recommends

Article 9. To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury (Free Cash) the sum of \$20,000 to be expended by the Building Commissioner for the purpose of providing emergency demolition services; or take any other action thereon.

Finance Committee Recommends
Select Board Recommends

Article 10. To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury (Free Cash) the sum of \$25,000 to supplement the remaining balance from funds appropriated pursuant to the vote taken on the motion for Article 10 of the 2008 Annual Town Meeting for the purpose of instituting tax foreclosure proceedings on delinquent real estate parcels in the Town, in accordance with the provisions of M.G.L. c. 60, §53; or take any other action thereon.

Finance Committee Recommends
Select Board Recommends

Article 11. To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury (School Stabilization Fund) the sum of \$75,000 to supplement the remaining balance from funds appropriated pursuant to the vote taken on the motion for Article 9 of the 2024 Annual Town Meeting for the purpose of funding unanticipated Out-of-District placement costs; or take any other action thereon.

*Submitted by Marion School Committee
Finance Committee Recommends
Select Board Recommends*

Article 12. To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury (School Stabilization Account) the sum of \$70,000 to be expended by the Marion School Committee for the purchase and implementation of a consolidated three-year math curriculum, including any and all incidental and related costs; or take any other action thereon.

*Submitted by Marion School Committee
Finance Committee Recommends
Select Board Recommends*

Article 13. To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury (Free Cash) the sum of \$300,000 to be expended by the Department of Public Works for the purpose of implementing an accelerated pavement and sidewalk management plan, including any all incidental and related costs; or take any other action thereon.

*Finance Committee Recommends
Select Board Recommends*

Article 14. To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury (Free Cash) the sum of \$135,000 to be expended by the Finance Department for the purpose of funding a salary increase for non-union personnel identified in the most recent compensation review; and funding a compensation review for the Fire Department; or take any other action thereon.

*Finance Committee Recommends
Select Board Recommends*

Article 15. To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury (Free Cash) the sum of \$100,000 to be expended by the Police Department for the purpose of funding the training costs and compensation for a student officer as they transition into the Department; or take any other action thereon.

*Finance Committee Recommends
Select Board Recommends*

Article 16. To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury (Free Cash and Retained Earnings) the sum of \$879,500; with \$739,500 from Free Cash, \$40,000 from Water Retained Earnings and \$100,000 from Sewer Retained Earnings, to fund the replacement or purchase of the following items as part of the Town's Capital Improvement Plan, including purchase and equipping of vehicles and equipment and, as applicable, the hiring of professional services and all other incidental and related costs all set forth below:

General Fund

Lucas Auto Cardiopulmonary Resuscitation (CPR) Device (Fire)	\$22,500
290 Delano Road Drainage Design (Highway)	\$61,000
Building Air Conditioning Refurbishment (Sippican)	\$370,000
Breathing Air Compressor (Fire)	\$89,000
Information Technology (IT) Phased Replacement (Administration)	\$10,000
Cruiser Replacements (Police)	\$87,000
West Water Building Repair (Facilities)	\$16,000
Voting Tabulators (Town Clerk)	\$15,000
Operations Software (DPW)	\$16,000
Window Seal Replacement (Sippican)	\$38,000
Traffic Calming Upgrades (Highway)	\$15,000

Water Enterprise

Emergency Recovery Plan Certification	\$40,000
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Sewer Enterprise

Regulatory Compliance	\$100,000
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or take any other action thereon.

Finance Committee Recommends

Select Board Recommends

Article 17. To see if the Town will vote to appropriate the sum of \$3,276,722 to be used for the renovation of the Marion Town House to provide accessibility, fire suppression, building code and HVAC compliance, including final design and all other costs incidental and related thereto; and to meet this appropriation to see if the Town will vote to transfer from available funds in the Treasury (Free Cash) the sum of \$300,000 and to authorize the Treasurer, with the approval of the Select Board, to borrow \$2,976,722 under the provisions of M.G.L. c.44, §7(1) or any other appropriate enabling authority, and to issue bonds and notes of the Town therefor; provided, however, that the appropriation authorized hereunder shall be contingent upon approval by the voters of a ballot question to exclude the amounts to pay for the bonds or notes authorized for this purpose from the provisions of Proposition 2½, so called; and further that the Select Board be authorized to enter into such contracts and agreements as shall in its judgement be necessary to effectuate the intent of this article; or take any other action thereon.

Finance Committee Does Not Recommend

Select Board Recommends 2 - 1

Article 18. To see if the Town will vote to transfer from available funds in the Treasury (Free Cash) the sum of \$100,000 to the Other Post-Employment Benefit Liability Trust Fund; or take any other action thereon.

*Finance Committee Recommends
Select Board Recommends*

Article 19. To see if the Town will vote to transfer the sum of \$2,000 from the Chester A. Vose Fund, said monies to be used by the Assessors for the reduction of taxes; or take any other action thereon.

*Finance Committee Recommends
Select Board Recommends*

Article 20. To see if the Town will vote to amend Paragraph E of Section 7-16 (Duties) of Article IV (Community Preservation Committee) of Chapter 7 (Boards, Commissions and Committees) of the Code of Marion, by removing the stricken text and adding the **bold/underlined** text to read as follows:

Within every funding request made pursuant to § 7-16B or C, the Community Preservation Committee shall include the period of time within which the requested funds shall be ~~expended~~**expended or obligated by contract**. If after that time period, as recommended by the Committee, has passed, **unexpended and/or unobligated** ~~said~~ funds shall be automatically returned to the Community Preservation Fund category from which said funding originated.

*Finance Committee Recommends
Select Board Recommends*

Article 21. To see if the Town will vote to return the following unobligated Community Preservation Project Funds, totaling \$141,220.54, to the Community Preservation Fund category from which said funding originated, including the following:

Town Meeting Date	Project Description	Turnback
May 2014	Music Hall Foundation Restoration	\$ 33,985.99
June 2020	Marion Housing Production Plan	\$ 5,413.78
June 2020	Town House Basement Waterproof	\$ 92,961.07
June 2020	Senior Housing Feasibility Study	\$ 7,500.00
May 2021	Veterans Grave Markers	\$ 1,359.70

or take any other action thereon.

*Finance Committee Recommends
Select Board Recommends*

Article 22. To see if the Town will vote to act upon the recommendation of the Community Preservation Committee to appropriate from Fiscal Year 2026 estimated annual revenues, the sum of \$12,000 to the Community Preservation Committee for administrative expenses; or take any other action thereon.

*Finance Committee Recommends
Select Board Recommends*

Article 23. To see if the Town will vote to act upon the recommendation of the Community Preservation Committee to appropriate from Fiscal Year 2026 estimated annual revenues the sum of \$122,280 to meet the requirements of the Community Preservation Act, M.G.L. c. 44B, §6, for the purposes of Open Space, Community Housing and Historic Preservation, for Fiscal Year 2026 and \$273,319 to the Community Preservation Act Budgeted Reserves; or take any other action thereon.

*Finance Committee makes no Recommendation
Select Board Recommends*

Article 24. To see if the Town will vote to act upon the recommendation of the Community Preservation Committee to appropriate the sum of \$68,000 from Historic Preservation Reserves to be allocated and reserved for the purpose of restoring the historic town clock located at the Marion Congregational Church, with funds to be available from July 1, 2025 until June 30, 2027, and any remaining funds that have not been expended by that date to be automatically returned to the Community Preservation Fund category from which said funding originated, without further action required by Town Meeting; or take any action thereon.

*Finance Committee makes no Recommendation
Select Board Recommends*

Article 25. To see if the Town will vote to act upon the recommendation of the Community Preservation Committee to appropriate \$12,000 from Open Space and Recreation reserves be allocated and reserved for the purpose of fabricating and installing standardized signage at various open space and/or recreational areas within the Town of Marion, with funds to be available from July 1, 2025 until June 30, 2026, and any remaining funds that have not been expended by that date to be automatically returned to the Community Preservation Fund category from which said funding originated, without further action required by Town Meeting; or take any action thereon.

*Finance Committee makes no Recommendation
Select Board Recommends*

Article 26. To see if the Town will vote to act upon the recommendation of the Community Preservation Committee to appropriate the sum of \$536,547 from CPA Undesignated Fund balance to be allocated and reserved for the purpose of installing sprinklers and improving ADA compliance at the Marion Town House, with funds to be available from July 1, 2025 until June 30, 2027, and any remaining funds that have not been expended by that date to be automatically returned to the Community Preservation Fund category from which said funding originated, without further action required by Town Meeting; or take any action thereon.

*Finance Committee makes no Recommendation
Select Board Recommends*

Article 27. To see if the Town will vote to act upon the recommendation of the Community Preservation Committee to appropriate the sum of \$33,000 from CPA Undesignated Fund balance to be allocated and reserved for the purpose of assessing, cataloguing and preserving Native American artifacts at the Marion Natural History Museum, with funds to be available from July 1, 2025 until June 30, 2026, and any remaining funds that have not been expended by that date to be automatically returned to the Community Preservation Fund category from which said funding originated, without further action required by Town Meeting; or take any action thereon.

*Finance Committee makes no Recommendation
Select Board Recommends*

Article 28. To see if the Town will vote to act upon the recommendation of the Community Preservation Committee to extend the period for completing Marion Shared-Use-Path Easement Appraisals, totaling \$18,000, from June 30, 2025, as approved pursuant to a vote on the motion for Article 20 at the 2022 Annual Town Meeting, to June 30, 2026, with any remaining funds that have not been expended by that date to be automatically returned to the Community Preservation Fund category from which said funding originated, without further action required by Town Meeting; or take any action thereon.

*Finance Committee makes no Recommendation
Select Board Recommends*

Article 29. To see if the Town will vote to act upon the recommendation of the Community Preservation Committee to extend the period for obtaining easements for the Marion Shared-Use Path, totaling \$120,000, from June 30, 2026, as approved pursuant to a vote on the motion for Article 24 at the 2024 Annual Town Meeting, to June 30, 2027, with any remaining funds that have not been expended by that date to be automatically returned to the Community Preservation Fund category from which said funding originated, without further action required by Town Meeting; or take any action thereon.

*Finance Committee makes no Recommendation
Select Board Recommends*

Article 30. To see if the Town will vote to act upon the recommendation of the Community Preservation Committee to extend the period for completing the Boatyard Park Survey and Signage Project, totaling \$7,100, from June 30, 2025 as approved pursuant to a vote on the motion for Article 22 at the 2024 Annual Town Meeting, to June 30, 2026, with any remaining funds that have not been expended by that date to be automatically returned to the Community Preservation Fund category from which said funding originated, without further action required by Town Meeting; or take any action thereon.

*Finance Committee makes no Recommendation
Select Board Recommends*

Article 31. To see if the Town will vote to amend Chapter 120 (Stretch Energy Code) of the Code of Marion, by deleting the Chapter in its entirety; or take any other action thereon.

*Finance Committee makes no Recommendation
Select Board Recommends 2 - 1*

Article 32. To see if the Town will vote to amend the Code of Marion by adding the following bylaw after Chapter 120 (Stretch Energy Code):

Chapter 121 (Historic Districts)

The Town of Marion hereby establishes the Marion Village Historic District, to be administered by a Historic District Commission as provided for under Massachusetts General Laws Chapter 40C, as amended.

1. PURPOSE

The purpose of this bylaw is to aid in the preservation and protection of the distinctive characteristics and architecture of buildings and places significant in the history of the Town of Marion, the maintenance and improvement of their settings and the encouragement of new building designs compatible with the existing architecture.

2. DEFINITIONS

The terms defined in this section shall be capitalized throughout this Bylaw. Where a defined term has not been capitalized, it is intended that the meaning of the term be the same as the meaning ascribed to it in this section unless another meaning is clearly intended by its context. As used in this Bylaw the following terms shall have the following meaning:

Addition. Construction that increases the square footage of a Building, including covered porches and porticos.

Alteration, to Alter. The act or the fact of reconstruction, restoration, removal, replacement, or other similar activities that do not constitute an Addition or Demolition.

Building. A combination of materials forming a shelter for persons, animals, or property. For purposes of this Bylaw, when the term "Building" is used, it refers to both Buildings and other structures such as outbuildings and garages.

Certificate. A Certificate of Appropriateness, a Certificate of Non-Applicability, or a Certificate of Hardship as set forth in this Bylaw.

Commission. The Marion Historic District Commission as established in this Bylaw.

Construction, to construct. The act of building, erecting, installing, enlarging, moving and other similar activities.

Demolition. The act of pulling down, destroying, razing or removing a Building, in whole or in part, that results in a reduction of square footage or volume of a Building.

District. The Marion Village Local Historic District as established in this Bylaw.

Exterior Architectural Feature. Such portions of the exterior of a Building as are open to view from a public way or ways, including but not limited to the kind and texture of exterior siding and trim materials, the type, style and general arrangement of doors and windows (including muntin patterns), chimneys, and ornamental trim, including window and door surrounds, cornerboards and roof cornice trim.

New Construction. The act or fact of building, erecting, and/or moving a new Building and other similar activities.

Person Aggrieved. The applicant, an owner of adjoining property, an owner of property within the same District as property within one hundred feet of said property lines and any charitable corporation in which one of its purposes is the preservation of historic structures or districts.

Public Way. This term shall include public ways, public streets, public parks, and public bodies of water. The term shall not include a foot path, cart path or any easement right of way that does not constitute a public way or public street.

Structure - a combination of materials other than a Building, including but not limited to a sign, fence, wall, terrace, walk or driveway.

3. DISTRICT

The District shall be the area shown on the map entitled Marion Village Local Historic District, dated December 18, 2024, attached as Appendix A.

4. COMMISSION

4.1 Number of Commissioners, Terms of Appointments. The District shall be overseen by a Commission consisting of five members, to be appointed by the Select Board, two members initially to be appointed for one year, two for two years, and one for three years, and each successive appointment to be made for three years.

4.2 Appointment Process. The Commission shall include, if possible, one member from two nominees solicited from the Sippican Historical Society, one member from two nominees solicited from the chapter of the American Institute of Architects covering Marion; one member from two nominees of the Board of Realtors covering Marion; and two members from Marion residents who own property and/or live in the District. If within thirty days after submission of a written request for nominees to any of the organizations herein named insufficient nominations have been made, the Select Board may proceed to make appointments of any individual(s) it deems qualified, in which case every effort shall be made by the Select Board to appoint additional Marion residents who own property and/or live in the District.

In addition to the five members appointed by the Commission, the Select Board shall also appoint two alternate members to the Commission. Each alternate member shall have the right to act and vote in the place of one regular member should such regular member be absent from a meeting or be unwilling or unable to act or vote. Said alternate members shall initially be appointed for terms of two or three years, and for three-year terms thereafter. Every effort shall be made by the Select Board to appoint as alternate members Marion residents who own property and/or live in the District.

4.3 Term Expiration. Each member and alternate member shall continue to serve in office after the expiration date of his or her term until a successor is duly appointed.

4.4 Meeting Schedule. Meetings of the Commission shall be held at the call of the Chairman, at the request of two members and in such other manner as the Commission shall determine in its Rules and Regulations.

4.5 Quorum. Three members of the Commission shall constitute a quorum.

4.6 Background Recommendations. It is recommended, but not required, that Commission members and alternates selected by the nominating entities and the Select Board have educational and/or professional experience in one or more of the following fields: historic preservation, architecture, land use planning, architectural history, history, law, construction, or engineering.

5. COMMISSION POWERS AND DUTIES

5.1 Powers of Commission. The Commission shall exercise its powers in administering and regulating Additions or Demolition to any Building, or Construction of a new Building within the District as set forth under the procedures and criteria established in this Bylaw. Commission review is limited to Additions or Demolition to any Building, or Construction of a new Building visible from a Public Way.

5.2 Rules and Regulations. The Commission, after a public hearing duly posted and advertised at least fourteen (14) days in advance in a conspicuous place in Town Hall and in a newspaper of general circulation, may adopt, and from time to time amend, reasonable Rules and Regulations not inconsistent with the provisions of this Bylaw or M.G.L. Chapter 40C, setting forth such forms and procedures as it deems desirable and necessary for the regulation of its affairs and the conduct of its business, including requirements for the contents and form of applications for Certificates, fees, hearing procedures and other matters. The Commission shall file a copy of any such Rules and Regulations with the office of the Town Clerk.

5.3 Guidelines. The Commission, after a public hearing duly posted and advertised at least 14 days in advance in a conspicuous place in Town Hall and in a newspaper of general circulation, may adopt and from time to time amend guidelines for Additions, New Construction and Demolition not inconsistent with Section 8 herein. No such design guidelines shall limit the right of an applicant for a Certificate to present other designs to the Commission for approval.

5.4 Annual Meeting. The Commission shall at the beginning of each fiscal year hold an organizational meeting and elect a Chairman, a Vice Chairman and Secretary, and file notice of such election with the office of the Town Clerk.

5.5 Records. The Commission shall keep a permanent record of its resolutions, transactions, decisions and determinations and of the vote of each member participating therein.

5.6 Public Education. The Commission shall undertake educational efforts to explain to the public and property owners the merits and functions of a District.

6. ADDITIONS, DEMOLITION AND NEW CONSTRUCTION PROHIBITED WITHOUT A CERTIFICATE

6.1 Certificates. Except as this Bylaw provides, no Additions, Construction of a new Building, or Demolition of a Building within the District, in whole or in part, shall be permitted unless the Commission shall first have issued a Certificate with respect thereto.

6.2 Building Permits. No building permit for Construction of an Addition, Construction of a new Building, or Demolition of a Building, in whole or in part, shall be issued by the Town or any department thereof until a Certificate as required under this Bylaw has been issued by the Commission.

7. PROCEDURES FOR REVIEW OF APPLICATIONS

7.1 Pre-Application Review. At the request of an Applicant, the Commission may convene an informal review of a proposed Addition, New Construction or Demolition during a public meeting, before a full application for a Certificate of Appropriateness is filed. The Applicant should provide information sufficient to describe the proposed work but need not include measured elevation drawings and plans.

7.2 Applications. Any person who desires to obtain a Certificate from the Commission shall file with the Commission an application for a Certificate of Appropriateness, of Non-Applicability or of Hardship, as the case

may be. The application shall be accompanied by such plans, elevations, specifications, material and other information, including in the case of demolition or removal a statement of the proposed condition and appearance of the property thereafter, as may be reasonably deemed necessary by the Commission to enable it to make a determination on the application.

7.3 Determination of Jurisdiction. The Commission, or its designee, shall determine within fourteen (14) days of the filing of an application for a Certificate whether said application involves any Addition, Demolition, or new Construction within the District that is visible from a Public Way.

7.4 Certificates of Non-Applicability. If the Commission, or its designee, determines that a building permit application does not involve an Addition, Construction of a new Building, or Demolition of a Building within the District, in whole or in part, but does involve an Alteration to an Exterior Architectural Feature, the Commission, or its designee, shall forthwith issue a Certificate of Non-Applicability. No hearing is required prior to the issuance of a Certificate of Non-Applicability.

7.5 Hearings. If the Commission, or its designee, determines that an application involves an Addition, Construction, or Demolition of a Building subject to review under this Bylaw, it shall hold a public hearing on the application, except as may otherwise be provided in this Bylaw. The Commission shall hold such a public hearing within forty-five (45) days from the date of the filing of the application. At least fourteen (14) days before said public hearing, public notice shall be given by posting in a conspicuous place in Town Hall and in a newspaper of general circulation in Marion. Such notice shall identify the time, place and purpose of the public hearing. Concurrently, a copy of said public notice shall be mailed to the applicant, to the owners of all adjoining properties and of other properties deemed by the Commission to be materially affected thereby, all as they appear on the most recent applicable tax list, to the Planning Board, to any person filing a written request for notice of hearings, such request to be renewed yearly in December, and to such other persons as the Commission shall deem entitled to notice. The concurring vote of a majority of the members of the Commission shall be required to issue a Certificate. Any of the deadlines herein may be extended by written agreement of the applicant.

7.6 Issuance of Certificate of Appropriateness or Disapproval. Within sixty (60) days after the filing of an application for a Certificate of Appropriateness, or within such further time as the applicant may allow in writing, the Commission shall issue a Certificate of Appropriateness or a Disapproval. In the case of a Certificate of Appropriateness, the Commission may, as it deems appropriate, impose certain conditions and limitations, and may require architectural or plan modifications consistent with the intent and purpose of this Bylaw.

In the case of a Disapproval of an application for a Certificate of Appropriateness, the Commission shall set forth in its Disapproval the reasons for such disapproval. The Commission may include in its Disapproval specific recommendations for changes in the applicant's proposal with respect to the appropriateness of siting, scale, materials and design which, if made and filed with the Commission in a subsequent application, would make the application acceptable to the Commission.

7.7 Majority Vote. The concurring vote of a majority of the members shall be required to issue a Certificate.

7.8 Certificate of Hardship. If the Addition, Construction of a new Building, or Demolition for which an application for a Certificate of Appropriateness has been filed shall be determined to be inappropriate and therefore disapproved, or in the event of an application for a Certificate of Hardship, the Commission shall determine whether, owing to conditions especially affecting the Building involved, but not affecting the District generally, failure to approve an application will involve a substantial hardship, financial or otherwise, to the applicant and whether such application may be approved without substantial detriment to the public welfare and without substantial derogation from the intent and purposes of this Bylaw. If the Commission determines that owing to such conditions failure to approve an application will involve substantial hardship to the applicant and approval thereof may be made without such substantial detriment or derogation, the Commission shall issue a Certificate of Hardship.

7.9 Certificate Recipients. The Commission shall send a copy of its Certificates of Appropriateness, Disapprovals and Certificates of Hardship to the applicant, and the owner of record if different from the applicant and shall file a copy of such Certificates and/or Disapprovals with the office of the Town Clerk and the Building Commissioner. The date of issuance of a Certificate or Disapproval shall be the date of the filing of a copy of such Certificate or Disapproval with the office of the Town Clerk.

The Commission shall send a copy of its Certificates of Non-Applicability to the applicant, and owner of record if different from the applicant.

7.10 Failure to Act. If the Commission should fail to issue a Certificate or a disapproval within sixty (60) days of the filing of the application for a Certificate, or within such further time as the applicant may allow in writing, the Commission shall thereupon issue a Certificate of Hardship Due to Failure to Act.

7.11 Signatures. Each Certificate issued by the Commission shall be dated and signed by its chairman or such other person designated by the Commission to sign such Certificates on its behalf.

7.12 Appeals. Any person aggrieved by a determination of the Commission may, within twenty (20) days after the filing of the notice of such determination with the Town Clerk, appeal to the Superior Court as provided in Chapter 40C, Section 12A. Notice of an appeal must also be filed with the Office of the Town Clerk within twenty (20) days of the determination.

8. GUIDELINES FOR ADDITIONS, NEW CONSTRUCTION AND DEMOLITION

8.1 ADDITIONS.

These guidelines are intended to ensure that new Additions in the District are compatible with the existing Building, and with their immediate surroundings, including their streetscape and neighboring Buildings. The Commission will determine compatibility by reviewing the application for an Addition based on the following guidelines for siting, scale, materials, and design.

For properties located within a Flood Hazard District, if it is determined that a Building must be raised, and exemptions from Massachusetts Building Code (780 C.M.R.) are not available, the elevation of a Building will be considered an Addition and must conform to the Secretary of Interior's Standards for Rehabilitation and Guidelines for Flood Adaptation, as determined by the Commission.

In reviewing applications for Construction of an addition, the Commission shall consider the following:

8.1.1 Siting. Additions should remain subordinate to the existing Building. In order to achieve this, Additions should extend from the side or rear elevation of the Building. Additions should be stepped back from the elevations of the existing Building and not continue the wall plane of an existing elevation. Additions should be located so that the character-defining features of the Building are not destroyed, damaged, or obscured. Reference should be made to the Massachusetts Historical Commission Building Form for that property to determine the character-defining features. The Commission may in appropriate cases impose dimensional and setback requirements in addition to those required by applicable statute or bylaw.

8.1.2 Scale. Similar to siting, the scale of an Addition, including size, height, form, and roof shapes should be compatible with but subordinate to the existing Building. Additions should be stepped down from the roof height of the building component from which the addition extends.

8.1.3 Materials. The choice of appropriate materials is an important consideration in reviewing applications for Additions to an existing Building. Materials should be compatible with the existing Building. In reviewing

materials, all elements must be considered, including foundations, walls, trim, windows and doors, and roofing materials. The use of synthetic materials may be permitted provided they adequately simulate the appearance of historic building materials that would otherwise have been used.

8.1.4 Design. In reviewing a proposal for an Addition in terms of design, the goal is not to require that the Addition duplicate the style of the existing Building. New Additions should reflect the period when they are built. Regardless of the style or design, all proposals for new Additions should contribute to the character of the District. In addition to the Guidelines for Siting, Scale and Materials, the Commission shall take into account the following considerations, with the goal of incorporating these details in a manner that is complementary to the existing Building, without duplicating it:

- the size and location of windows and doors; and
- the use and scale of trim and ornamental details, including window and door surrounds, roof cornice details, and cornerboards.

8.2 NEW CONSTRUCTION.

These New Construction guidelines are intended to ensure that new Buildings in the District will be compatible with their immediate surroundings, including their streetscape and neighboring Buildings, and the District as a whole. The Commission will determine compatibility by reviewing the application for New Construction based on the following guidelines for siting, scale, materials, and design.

In reviewing applications for Construction of a new construction, the Commission shall consider the following:

8.2.1 Siting. The siting of a new Building, its setback from the street and side and rear yards, should be appropriate to and consistent with prevailing setbacks of other Buildings of similar uses in the immediate surroundings, including their streetscape and neighboring Buildings. Siting of outbuildings, such as garages, should be consistent with historic siting of Buildings of similar use in the immediate surroundings, including their streetscape and neighboring Buildings. The Commission may in appropriate cases impose dimensional and setback requirements in addition to those required by applicable statute or bylaw.

8.2.2 Scale. Similar to siting, the scale of a new Building, including size, height, form, and roof shapes, should be appropriate to Buildings of similar use in the immediate surroundings, including their streetscape and neighboring Buildings. If the immediate surroundings upon which the new Building will be located have an historic pattern of Buildings with similar scale, including height and composition of parts, proposed new construction should reflect that historic pattern. Conversely, if the immediate surroundings have a pattern of Buildings with different scales, proposed new construction may also be varied in scale, provided such new construction does not exceed the scale of Buildings in the immediate surroundings.

8.2.3 Materials. The choice of materials is an important consideration in reviewing applications for New Construction. Materials should be compatible with Buildings of similar use, including in their immediate surroundings. In reviewing materials, all elements must be considered, including foundations, walls, trim, windows and doors, and roofing materials. The use of synthetic materials may be permitted provided they adequately simulate the appearance of historic building materials that would otherwise have been used.

8.2.4 Design.

The proposed new Building should have a design that contributes to the character of the district. In addition to the Guidelines for Siting, Scale and Materials, the Commission shall take into account the following details in relation to Buildings in its immediate surroundings and of similar use, with the goal of incorporating these details in a manner that is complementary to the surrounding Buildings:

- The number, size and rhythm of windows and doors (so-called “solid-to-void” ratio) should be consistent with surrounding Buildings of similar use. For example, primary elevations with few or no windows or doors would not be considered compatible.
- Trim and ornamental details, including window and door surrounds, cornice details, and trim should be scaled and used in a manner that reflects the building traditions of surrounding Buildings of similar use.

8.2.5 Historic vs. Modern Design. New buildings may be contemporary and reflect the period when they are built, or be an adaptation of a prior architectural style appropriate to its immediate surroundings and the District as a whole.

8.3 Demolition.

The Commission will issue a Certificate for Approval of a Demolition only if the Building or Structure (or portion thereof) to be demolished has insufficient historic or architectural significance to warrant preservation, as determined by the Commission.

If an application for a demolition permit is based upon structural instability or deterioration, the applicant will be required to provide a technical report prepared by a structural engineer registered in Massachusetts detailing the nature and extent of the problems and a reasonably adequate estimate of the cost to correct them. The Commission may request that the Marion Historical Commission or Sippican Historical Society be allowed to access the property to document the building prior to demolition.

Nothing in this bylaw shall restrict the Building Inspector from immediately ordering demolition of unsafe Buildings in accordance with the provision of M.G.L. Ch. 143.

8.4 Interiors and Use. The Commission shall not consider interior arrangements or architectural features not subject to public view from a public way. The Commission shall not consider uses for Buildings.

9. EXCLUSIONS

9.1 Ordinary Maintenance and Repair. Nothing in this Bylaw shall be construed to prevent the ordinary maintenance, repair or replacement of any Exterior Architectural Feature within a District which does not involve a change in design, material or to the outward appearance thereof, nor construed to prevent the meeting of requirements certified by a duly authorized public officer to be necessary for public safety because of an unsafe or dangerous condition, nor construed to prevent any Construction or Alteration under a permit duly issued prior to the effective date of this Bylaw.

9.2 Exemptions.

The following projects, including installation, replacement or removal, are excluded from Commission review:

- (1) Alterations to Exterior Architectural Features that do not constitute an Addition, New Construction or Demolition.
- (2) Additions, New Construction and Demolition of a Building not visible from a Public Way.
- (3) The color of paint or other materials.
- (4) Signs, including both private and public signs.
- (5) Solar energy systems.
- (6) Walls and fences up to 4' in height that are located between a Building and a public street.
- (7) Terraces, walks, driveways, sidewalks and similar structures, or any one or more of them.
- (8) Public Improvements, including sidewalks, lights, and street furniture.
- (9) Temporary structures or signs, subject, however, to such conditions as to duration of use, location, lighting, removal and similar matters as the Commission may reasonably specify.

- (10) The reconstruction, substantially similar in exterior design, of a Building or Exterior Architectural Feature damaged or destroyed by fire, storm or other disaster, provided such reconstruction is begun within one year thereafter and carried forward with due diligence.

9.3 Upon request the Commission shall issue a Certificate of Non-Applicability with respect to Construction or Alteration in any category not subject to review by the Commission in accordance with the above provisions.

10. CATEGORICAL APPROVAL

The Commission may determine from time to time after a public hearing, duly advertised and posted at least fourteen (14) days in advance in a conspicuous place in Town Hall and in a newspaper of general circulation in Marion, that certain categories of Buildings or Structures under certain conditions may be Constructed or Altered without review by the Commission without causing substantial derogation from the intent and purpose of this Bylaw.

11. ENFORCEMENT AND PENALTIES

11.1 The Commission shall determine whether a particular activity is in violation of this Bylaw or not, and the Commission shall be charged with the enforcement of this Bylaw.

11.2 The Commission, upon a written complaint of any resident of Marion, or owner of property within Marion, or upon its own initiative, may institute any appropriate action or proceedings in the name of the Town of Marion to prevent, correct, restrain or abate violation of this Bylaw. In the case where the Commission is requested in writing to enforce this Bylaw against any person allegedly in violation of same and the Commission declines to act, the Commission shall notify, in writing, the party requesting such enforcement of any action or refusal to act and the reasons therefore, within twenty-one (21) days of receipt of such request.

11.3 Whoever violates any of the provisions of this Bylaw shall be punishable by a fine of up to \$300.00 for each offense. Each day during any portion of which such violation continues to exist shall constitute a separate offense.

11.4 The Commission may designate the Building Commissioner of the Town of Marion to act on its behalf and to enforce this Bylaw under the direction of the Commission.

12. VALIDITY AND SEPARABILITY

The provisions of this Bylaw shall be deemed to be separable. If any of its provisions, sections, subsections, sentences or clauses shall be held to be invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Bylaw shall continue to be in full force and effect.

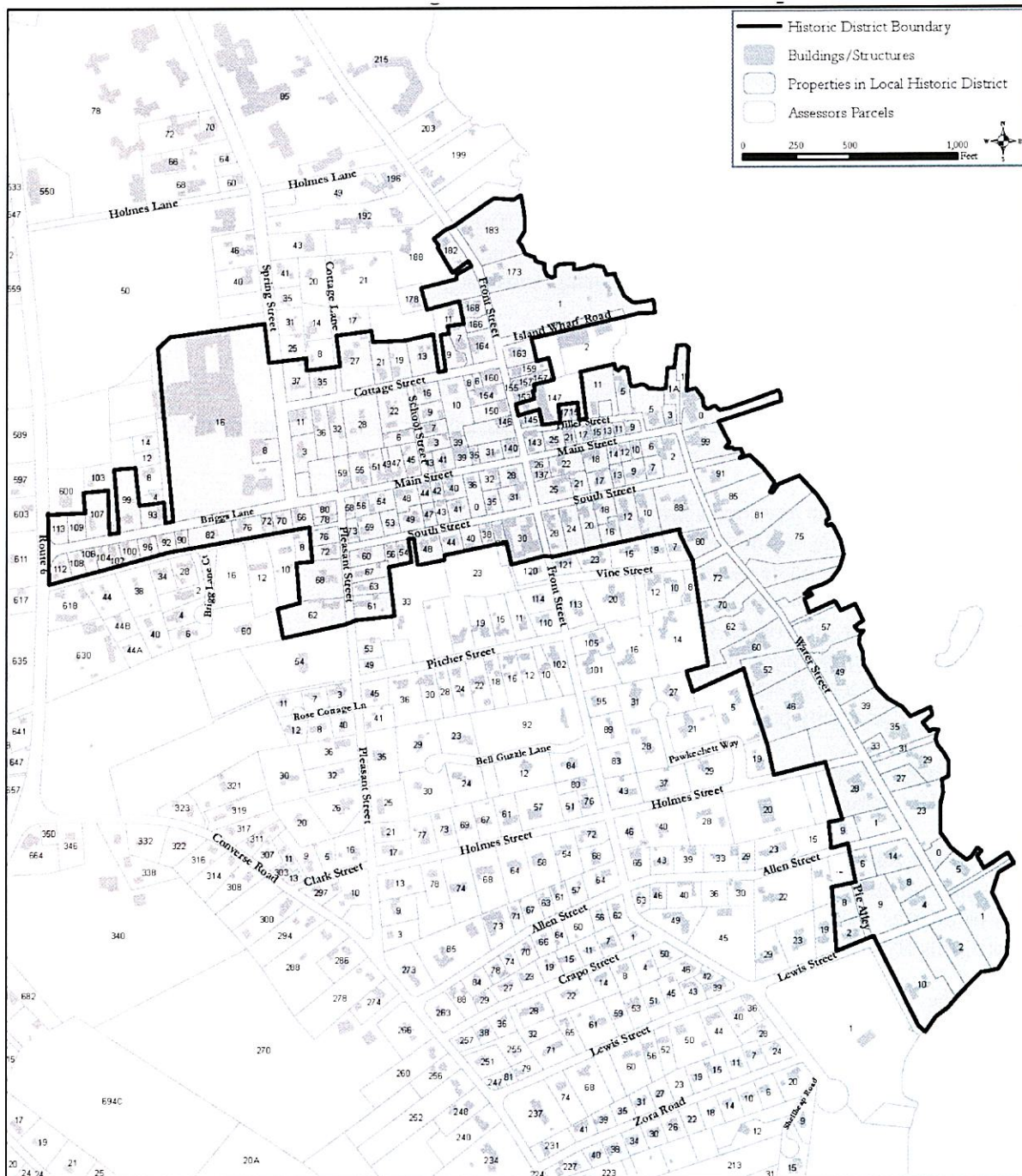
14. APPENDIX

Appendix A: Marion Village District Map

The Marion Village District shall be a District area under this Bylaw. The location and boundaries of the Marion Village District are defined and shown on the Local Historic District Map of the Town of Marion, which is a part of this Bylaw. The delineation of the District area boundaries is based on the parcel boundaries then in existence and shown therein.

or take any action thereon.

Chapter 121 – APPENDIX A – Marion Village District Map



Map prepared by Buzzards Bay National Estuary Program, 81-B County Road, Suite E, Mattapoisett, MA 02739 www.buzzardsbay.org December 18, 2024

*Finance Committee makes no Recommendation
Select Board Recommends*

Article 33. To see if the Town will vote to amend Section 8.14 (Reserved) of Chapter 230 (Zoning) of the Code of Marion, by adding the following:

Section 8.14 (Protected Use Accessory Dwelling Units)

1. Purpose. The purpose of this bylaw is to permit as of right Protected Use Accessory Dwelling Units in accordance with General Laws Chapter 40A, Section 3, with the goal of increasing the production of housing to address statewide, local, and individual housing needs for households of all income levels and all stages of life. This will add much needed housing stock to address the Commonwealth's housing needs.

2. Definitions.

PROTECTED USE ACCESSORY DWELLING UNIT A self-contained housing unit, inclusive of sleeping, cooking and sanitary facilities on the same lot as a principal dwelling, subject to otherwise applicable dimensional and parking requirements, that:

- i. maintains a separate entrance, either directly from the outside or through an entry hall or corridor shared with the principal dwelling sufficient to meet the requirements of the state building code for safe egress;
- ii. is not larger in gross floor area than 1/2 the gross floor area of the principal dwelling or 1200 square feet, whichever is smaller.

Any Accessory Apartments approved by special permit under 230-8.6 prior to Month 1, 202X, shall be deemed to meet the requirements under this section.

3. General Requirements.

- A. Protected Use Accessory Dwelling Units are allowed as of right in the following Zoning Districts: Residence A, Residence B, Residence C, Residence D, Residence E, General Business, Marine Business, Limited Business, and Limited Industrial.
- B. Not more than one Protected Use Accessory Dwelling Unit shall be established on a lot.
- C. A Protected Use Accessory Dwelling Unit shall not be owned separately from the principal dwelling with which it is associated.
- D. A Protected Use Accessory Dwelling Unit may be attached to a principal dwelling, detached in an existing accessory structure, or detached in a newly constructed accessory structure.
- E. A Protected Use Accessory Dwelling Unit shall have one (1) additional dedicated off-street parking space, unless waived by Special Permit by the Zoning Board of Appeals upon a finding that sufficient off-street or on-street parking exists to support the Protected Use Accessory Dwelling Unit. A Protected Use Accessory Dwelling Unit located not more than 0.5 miles from a commuter rail station, subway station, ferry terminal or bus station shall not require an additional dedicated off-street parking space.
- F. A Protected Use Accessory Dwelling Unit shall not be used as a short-term rental, as defined in General

Laws Chapter 64G, Section 1. The minimum leasing term for the Protected Accessory Dwelling Unit shall be for a term greater than thirty-one (31) days. Any Accessory Apartments approved by special permit under 230-8.6 prior to February 1, 2025, may be used as a short-term rental.

- G. Any person or entity applying for building and occupancy permits under the State Building Code for a building that will include a Protected Use Accessory Dwelling Unit, whether detached or attached, shall state in the application that the project proposes to include a Protected Use Accessory Dwelling Unit.
- H. Protected Use Accessory Dwelling Units shall comply with all federal, state, and local laws and regulations, applicable to single-family residential dwellings in the zoning district in which the Protected Use Accessory Dwelling Unit is proposed. These include, but are not limited to, (1) Title V (310 CMR 15.00) requirements for the siting, construction, inspection, upgrade and expansion of on-site sewage treatment and disposal systems and (2) a Special Permit in a floodplain or aquifer protection overlay if required for the Principal Dwelling unit.
- I. A Protected Use Accessory Dwelling Unit in a sewer service area that is eligible for connection shall be connected to the public sewer system and shall comply with the Town of Marion Sewer Regulations. Any Building Permit shall be subject to review by the Department of Public Works as to the ability of the sewer system to accept additional capacity and/or identification of any specific conditions.
- J. A Protected Use Accessory Dwelling Unit in a water service area shall be connected to the public water system. Any Building Permit shall be subject to review by the Department of Public Works for identification of any specific conditions.

4. Compliance.

Protected Use Accessory Dwelling Units must satisfy the requirements as outlined in this Bylaw, the State Building Code, the State Fire Code, and any applicable health regulations. If the Protected Use Accessory Dwelling Unit has been built or is being operated in violation of the provisions of this Section, the Building Commissioner may order corrective action and/or issue fines in accordance with Section 230-2.1 and G.L., c 40A, § 7.

5. Effective Date.

This Section (8.14) shall apply to all building permits issued after February 1, 2025, for alteration of existing structures or construction of new structure.

or take any action thereon.

*Submitted by Planning Board
Finance Committee makes no Recommendation
Select Board Recommends*

Article 34. To see if the Town will vote to amend Section 8.6 (Accessory Apartments) of Article VIII (Special Provisions) of Chapter 230 (Zoning) of the Code of Marion, by deleting the Section in its entirety; or take any other action thereon.

*Submitted by Planning Board
Finance Committee makes no Recommendation
Select Board Recommends*

Article 35. To see if the Town will vote to amend Section 11.2 (Terms Defined) of Article XI (Definitions) of Chapter 230 (Zoning) of the Code of Marion, by removing the stricken text and adding the **bold/underlined** text to read as follows:

230-11.2

ACCESSORY APARTMENT

~~A separate, complete dwelling unit which is:~~

- ~~a. Contained substantially within the structure of a one-family dwelling unit, is served by a separate entry/exit and can be isolated from the principal one-family dwelling unit; or~~
- ~~b. Contained entirely within an accessory building located on the same lot as the one-family dwelling~~

GROSS FLOOR AREA (GFA)

The sum of the areas of all stories of the building, of compliant ceiling height pursuant to the Building Code, including basements, lofts, and intermediate floored tiers, measured from the interior faces of exterior walls or from the centerline of walls separating buildings or dwelling units, but excluding crawl spaces, garage parking areas, enclosed porches and similar spaces. Where there are multiple Principal Dwellings on the lot, the GFA of the largest Principal Dwelling shall be used for determining the maximum size of a Protected Use ADU.

*Submitted by Planning Board
Finance Committee makes no Recommendation
Select Board Recommends*

Article 36. To see if the Town will vote to add Section 8.15 (Short-Term Rental Properties) of Chapter 230 (Zoning) to the Code of Marion:

8.15 (SHORT-TERM RENTAL PROPERTIES)

1. PURPOSE

The purpose of this chapter is to protect the health, safety, and welfare of both the occupants of short-term rental units and the general public and to maintain the quality of life in residential neighborhoods and the availability of the Town's housing stock. It will assist the Town in the enforcement of state and local health and safety regulations and provide a method of correcting violations when requiring immediate attention.

2. DEFINITIONS

As used in this chapter, the following terms shall have the meanings indicated:

Occupancy

The use or possession of or the right to use or possess a short-term rental.

Occupant (Guest)

Any individual residing overnight in a short-term rental.

Operator (Host)

Any individual operating a short-term rental.

Operator's Agent

An individual who, on behalf of an operator of a short-term rental: (i) manages the operation or upkeep of a property offered for rent, or (ii) books reservations at a property offered for rent. An "operator's agent" shall include, but not be limited to, a property manager, property management company, or real estate agent.

Owner

Any person, as defined immediately below, who alone or severally with others has legal or equitable title or a beneficial interest in any dwelling unit; a mortgagee in possession; or agent, trustee, or other person appointed by the courts.

Person

An individual, partnership, trust or association, with or without transferable shares, joint-stock company, a corporation that is not publicly traded, society, club, firm, organization, institution, estate, receiver, trustee, assignee, or referee any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, or any other combination of individuals, directly or indirectly or through any agent, employee, stockholder, officer or other person or any subsidiary whatsoever acting as a unit, including a governmental unit other than the Town of Marion or any of its agencies.

Short-Term Rental

A short-term rental is an owner-occupied, tenant-occupied, or non-owner-occupied property including, but not limited to, an apartment, house, cottage, condominium, or furnished accommodation that is not a hotel, motel, lodging house, or bed and breakfast, where:

1. Unit is leased for 31 consecutive days or less;
2. At least one room or unit is rented to an occupant or sub-occupant; and
3. All accommodations are reserved in advance; however, private owner-occupied property shall be considered a single unit if leased or rented as such.

3. SHORT-TERM RENTAL REGISTRATION

A. Registration Required

No Owner shall rent or offer to rent, any Short-Term Rental before registering with the Building Commissioner. No tenant or lessee of an Owner shall let or sub-let a Short-Term Rental under any circumstances.

B. Compliance

A dwelling used as a Short-Term Rental shall comply with the provisions of all state and local health and safety laws, ordinances, and regulations. Demonstration of compliance shall be in the form of an affidavit submitted as part of the registration application described in Section D below. All necessary approvals shall be obtained from the Building Commissioner, Board of Health, and Fire Department before occupancy. Operators shall comply with all applicable federal, state, and local laws, ordinances, and regulations, including, but not limited to noise, proper garbage and refuse receptacles, the Fair Housing Act, G.L. c. 151B, and local equivalents and regulations related thereto, and all other regulations applicable to residential dwellings, except as otherwise specifically set forth herein.

C. Application Required

The Owner of the dwelling shall be required to complete a short-term rental registration application, the form and content of which shall be provided by the Building Commissioner. The application for registration shall include at a minimum.

1. 24-hour contact information;
2. Proof of ownership;
3. Description of the rooms or units to be rented;
4. Proof of no outstanding taxes or fees owed to the Town of Marion;
5. Copy of certificate of registration in accordance with G.L. c. 64G, §6;
6. Copy of smoke detector, carbon monoxide detector certificate of compliance;
7. Parking plan showing no more than one parking space per bedroom;
8. Proof of Building Code compliance for occupancy;
9. Proof of no outstanding Building, Sanitary, Zoning, or Fire Code violations; and
10. A statement acknowledging that use of RVs, campers, or sleeping tents for use as Short-Term Rentals is prohibited.

D. Registration Renewal

Short-term rental registrations shall be renewed annually (every year) after a satisfactory inspection by the Building Commissioner, or their designee, as required under 780 CMR §110.7 of the Massachusetts State Building Code, and upon payment of the renewal fee.

E. Fees and Applicable Taxes

The fees for a short-term rental registration or a renewal of a registration are available at the Town Clerk's Office. Fees may be modified by the Select Board at a fee hearing.

F. Non-Transferability

Short-term rental registrations shall be granted solely to an Owner and shall not be transferable or assigned to any other person, legal entity, or address. The registration does not run with the property; it shall be terminated upon the sale or transfer of the property for which the registration has been issued.

G. Liability Insurance

The Owner shall maintain in the amount of \$1,000,000 to cover the Short-Term Rental use of the property pursuant to G.L. c. 175, §4F.

H. Prohibitions

Use of RVs, campers, or sleeping tents for use as Short-Term Rentals is prohibited.

4. PUBLICATION OF REGISTRATION NUMBER

The Town-issued registration number shall be included on any listing offering the Short-Term Rental for rent.

5. CONTACT INFORMATION OF OWNER, OPERATOR, AND/OR OPERATOR'S AGENT

A. An Owner of a Short-Term Rental shall provide the Building Commissioner with his/her current residential address and telephone number upon application for Registration as well as a complete list of persons (as defined above) who have a direct or indirect interest in any property for which a Short-Term Rental Registration in the Town of Marion has been issued or for which a Short-Term Rental Registration application is pending.

B. If the Owner is a corporation, the name, address, and telephone number of the president/manager and legal representative of the corporation shall be provided. If the Owner is a realty trust or partnership, the name, address, and telephone numbers of the managing trustee or partner shall be provided.

C. The name and contact information of the Operator must be provided, along with the name and contact information of an Operator's Agent, if different from the Operator, who can respond in person to any issues or emergencies regarding the condition or operation of the Short-Term Rental that arise during occupancy within one (1) hour of contact by the Building Commissioner, Board of Health, Marion Police, or Marion Fire Department to complaints. Contact information must include a telephone number that is available 24 hours per day, 7 days a week to Short-Term Rental Occupants and the above-stated public safety agencies. This contact information shall be included in the application for a Short-Term Rental Registration and shall be posted conspicuously within the rental unit.

6. POSTING OF NOTICES

The Town shall provide information to each registered Operator summarizing the regulations for short-term rentals. For each Short-Term Rental Registration issued, this will include but shall not be limited to: the name and 24-hour contact information of the Operator or Operator's Agent designated in the Application, requirements for trash removal, occupancy requirements, parking, and noise restrictions.

The Operator shall:

A. Provide Short-Term Rental (STR) occupants a copy of the information under section § 230-8.15-5 that is the Contact Information of the Owner, the Operator, and/or the Operator's Agent; and

B. Post the information, along with the Short-Term Rental Registration, in a conspicuous location within the Short-Term Rental Unit.

7. MINIMUM RENTAL DURATION

The Short-Term Rental unit shall be rented for no less than two consecutive nights. Rental of the unit on an hourly basis is prohibited.

8. TRASH

The Short-Term Rental Operator shall be responsible for ensuring that household trash is removed from the premises immediately after Occupancy is concluded or at least once per week, whichever is more frequent.

9. OCCUPANCY AND REQUIREMENTS

The maximum number of Occupants in a Short-Term Rental shall be two per bedroom, plus an additional two. The number of individual bedrooms made available for short-term rental shall not be greater than the number of lawful bedrooms in the dwelling unit. All motor vehicles must be stored on the rental property

10. SMOKE DETECTORS AND CARBON MONOXIDE ALARMS

Each Short-Term Rental shall contain functional smoke detectors and carbon monoxide alarms. Exit signs shall be displayed at each egress. In addition, the owner shall provide and maintain one 2.5 lb. multi-purpose fire extinguisher on each floor. Extinguishers shall be visible and maintained or replaced per the manufacturer's specifications. Any detector or alarm found to be defective shall be repaired or replaced by the owner forthwith. The Occupant(s) shall be made aware to report faulty or inoperative smoke detector unit(s) to the owner of the dwelling.

11. KEEPING OF REGISTER

The Operator or Operator's Agent shall be responsible for keeping a register containing the name(s) of the Occupant(s) who is the leaseholder, the total number of occupants, and dates of occupancy. The register shall be retained for two (2) years and shall be made available upon request to the Building Commissioner, Board of Health, Fire Department, Police Department, or other duly appointed or authorized code compliance staff of the Town of Marion upon one day's notice.

12. INELIGIBLE UNITS

The following are not eligible to be rented or offered to rent as Short-Term Rentals:

- A.** Dwellings designated as below market rate or income-restricted, that are subject to affordability covenants, or that are otherwise subject to housing or rental assistance under local, state, or federal law;
- B.** Dwellings subject to any requirement of local, state, or federal law that prohibits the leasing or subleasing of the unit or use of the unit as a Short-Term Rental;
- C.** Dwellings that are the subject of any outstanding building, sanitary, zoning, or fire code violations, orders of abatement, or stop work orders;
- D.** Dwellings with unpaid taxes and/or municipal fees
- E.** Dwellings under construction; and
- F.** Dwellings ineligible pursuant to zoning bylaw provisions relative to ADUs.

13. FAILURE TO PAY OR TO MAKE SUITABLE ARRANGEMENTS FOR THE PAYMENT OF MUNICIPAL OR DISTRICT TAXES, FEES, ASSESSMENTS, AND CHARGES

The privilege of receiving or holding a Short-Term Rental Registration is contingent upon the timely payment of municipal and district taxes, fees, assessments, and charges. Failure of a Person to comply with this requirement shall be cause, after notice and hearing under the requirements of G.L. c. 40, § 57, for denial, suspension, amendment, or revocation of a Short-Term Rental Registration for all property in which the person holds a direct or indirect ownership interest, as above defined.

14. INSPECTIONS

Short-term Rentals shall be subject to inspections by the Building Commissioner as required under 780 CMR section 110.7 of the Massachusetts State Building Code.

15. COMPLAINT PROCESS, VIOLATIONS

A. Complaint. A complaint alleging that a Short-Term Rental violates this Chapter, or any applicable law, code or regulation may be filed with the Building Commissioner. The complaint must contain the Short-Term Rental address, unit number, date and nature of the alleged violation(s), and name and contact information of the complainant.

B. Written notice of any violations of this chapter shall be treated as a complaint and written notice may be given by the Building Commissioner to the Police Department, Fire Department, and/or the Board of Health. The notice shall specify the nature of the violation to the Occupant and Owner and the time within which compliance must be achieved. The requirements of this subsection shall be satisfied by mailing such notice, through the United States Postal Service by certified mail, or by delivering in hand such notice as memorialized by an affidavit of any Town employee or officer authorized to serve any form of process notice to the Owner or legal representative named on the registration application.

C. Any notice required or contemplated by this chapter shall be deemed sufficient if delivered to or mailed to the mailing address listed by the owner on the Short-Term Rental Registration application then on file with the Building Commissioner. A written change-of-address notice signed by the Owner(s) and delivered to the Building Commissioner may be filed at any time.

D. Review of Complaint. The Building Commissioner or his/her designee shall investigate the complaint(s) within three (3) business days and shall determine whether there may be a violation. If the alleged violation is under the jurisdiction of another town, state, or federal agency, the Building Commissioner shall refer the complaint to such agency for further action. Upon a finding of a potential violation, the Building Commissioner or designee shall serve notice of the violation upon the Owner of the Short-Term Rental. The Building Commissioner shall keep records of all complaints received and determinations made.

E. Offering an Ineligible Unit as a Short-Term Rental. Any person who offers a unit as a Short-Term Rental, where such a unit is not an eligible Dwelling Unit or is not registered, may be fined under the fine schedule herein on a per violation per day basis. Each day's failure to comply with a notice of violation or any other order shall constitute a separate violation. The Building Commissioner or a designee may also seek an injunction from a court of

competent jurisdiction prohibiting the offering of the unit as a Short-Term Rental. Alternatively, the Building Commissioner may assess non-criminal disposition fines of \$300 per day per violation for any violation(s) of this Chapter pursuant to Section 1-7 of the Marion Town Bylaws.

F. Failure to Obtain a Registration. Any person who offers a Dwelling Unit as a Short-Term Rental without a valid Short-Term Rental Registration, or any person who offers a Dwelling Unit as a Short-Term Rental while the unit's registration is suspended, may be fined per the fine schedule herein on a per violation per day basis. Each day's failure to comply with a notice of violation or any other order shall constitute a separate violation.

G. Failure to Comply with Notice of Violation. Any person who fails to comply with any notice of violation or other order issued under this section by the Building Commissioner or a designee for a violation of any provision of this section may be fined under the fine schedule herein on a per violation per day basis. Each day's failure to comply with a notice of violation or any other order shall constitute a separate violation.

H. Right to Hearing. A person upon whom a notice of violation has been served may request a hearing by filing a written petition requesting a hearing on the matter with the Zoning Board of Appeals. The procedures set forth in G.L. c. 40A, §§8 and 15 shall apply to such an appeal.

I. Violations of an unoccupied dwelling shall be corrected before occupancy. Violations found in an occupied dwelling shall be corrected within the time specified as determined by the Building Commissioner, Police Department, Fire Department, and/or the Board of Health.

J. If a written petition for a hearing is not filed within thirty (30) days after the notice of violation has been served, or if, after a hearing, the notice of violation has been sustained in any part, each day's failure to comply with the notice of violation within the time allotted as issued or modified shall constitute a separate violation.

16. REGISTRATION SUSPENSION, MODIFICATION AND REVOCATION

In addition to, and not in place of, the penalties that may be assessed under this chapter, the Building Commissioner, Police Department, Fire Department, and/or the Board of Health, after notice and public hearing, may suspend, revoke, or modify any or all registration approvals issued hereunder to an Owner for violation of these regulations or of any conditions imposed by the Building Commissioner, Police Department, Fire Department, and/or the Board of Health. These remedies shall be non-exclusive.

17. JUDICIAL APPEALS

Any person aggrieved by a final decision of the Zoning Board of Appeals, or the Building Commissioner for a notice of violation or any other order issued under this section may seek relief therefrom in any court of competent jurisdiction.

18. PENALTIES

Any person who violates any provision of this chapter will receive a warning on the first offense; subsequent violations will result in escalating fines. Each day that a violation exists constitutes a separate offense. The fine schedule is available at the Town Clerk's Office.

- Warning 1st Offense
- 2nd Offense
- 3rd Offense
- 4th Offense – and each subsequent offense

Each day that a violation exists constitutes a separate offense. The penalty and fine schedule are maintained at the Town Clerk's Office.

19. ENFORCEMENT

The Town may enforce the provisions of this chapter by any or all of the following: the non-criminal disposition process of M.G.L. c. 40, §21D and Section 1-7 of the Town Bylaws; by seeking to restrain a violation by injunction; and/or by filing a complaint in any court of competent jurisdiction.

20. REGULATIONS

The Building Commissioner, Board of Health, Fire Department, and/or the Police Department may adopt regulations, policies, and procedures for the implementation of this Chapter.

21. SEVERABILITY

Each provision of this Chapter shall be construed as separate. If any part of this Chapter shall be held invalid for any reason, the remainder shall continue in full force and effect.

or take any action thereon.

*Submitted by Planning Board
Finance Committee makes no Recommendation
Select Board Recommends 2 - 1*

Article 37. To see if the Town will vote to amend Section 4.2 (Table of Principle Uses) of Article IV (Use Regulations) of Chapter 230 (Zoning) of the Code of Marion, by removing the stricken text and adding the **bold/underlined** text to read as follows:

Principle Uses	R	RE	GB	LB	MB	LI	MSOD
A. Residential Uses							
Dwelling, single-family	Y	Y	Y	Y	Y	BA	N
Conversion to 2 dwelling units	BA	BA	BA	BA	BA	BA	N
Accessory Dwelling Unit	Y	Y	Y	Y	Y	Y	N
<u>Short-Term Rental (STR)</u>	<u>Y</u>	<u>N</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>N</u>

or take any other action thereon.

*Submitted by Planning Board
Finance Committee makes no Recommendation
Select Board Recommends*

Article 38. To see if the Town will vote to accept the provisions of M.G.L. c. 59, §5, Clause 22J, authorizing the Town of Marion to provide an annual increase in the amount of the exemption granted to veterans under Clause 22, Clause 22A, Clause 22B, Clause 22C, Clause 22E and Clause 22F of M.G.L. c. 59, §5, by 100% of the personal exemption amount, subject to conditions in Clause 22J, to be effective for applicable exemptions granted for any fiscal year beginning on or after July 1, 2025; or take any other action thereto.

*Submitted by Board of Assessors
Finance Committee Recommends
Select Board Recommends*

Article 39. To see if the Town will authorize, but not require, the Select Board to accept or convey grants of easements for streets, water, drainage, sewer and utility purposes or any public purpose on terms and conditions the Select Board deems in the best interest of the Town; or take any other action thereon.

Finance Committee Recommends
Select Board Recommends

Article 40. To see if the Town will vote, pursuant to the provisions of M.G.L. c. 44, §53E½, to establish and authorize for FY2026 a Recreation Revolving Fund for the purpose of accepting receipts from fees collected from participants in the various recreation programs, with said funds to be received by the Treasurer and credited to the said revolving fund and to be disbursed by the Town Accountant, to offset the costs of these programs, with total expenditures not to exceed \$150,000; or take any other action thereon.

Finance Committee Recommends
Select Board Recommends

Article 41. To see if the Town will vote, pursuant to the provisions of M.G.L. c. 44, §53E½, to establish and authorize for FY2026 a Public Health Revolving Fund for the lawful collection of monies by the Town Treasurer and the expenditure of said monies by the Marion Board of Health for all lawful purposes including, but not limited to, purchasing medical supplies and vaccines, and the provision of public health and related services within the Town of Marion, with total expenditures not to exceed \$60,000; or take any other action thereon.

Finance Committee Recommends
Select Board Recommends

Article 42. To see if the Town will vote to authorize the Select Board or its designee to make application on behalf of the Town to the appropriate agency of the Federal or State Governments for grants in aid or other funds or to private foundations or other foundations to further carry out certain programs hereinafter listed and to expend such grants to the Town; or take any other action thereon.

Finance Committee Recommends
Select Board Recommends

Article 43. To see if the Town will vote to authorize the Select Board to institute, defend, or compromise suits of law; or take any other action thereon.

Finance Committee Recommends
Select Board Recommends

Article 44. To see if the Town will vote to authorize the Select Board to sell any article belonging to the Town, provided the Town has no further use for the same; or take any other action thereon.

*Finance Committee Recommends
Select Board Recommends*

Article 45. To see if the Town will vote to authorize the Select Board to sell or transfer any taxation possession property held by the Town, pursuant to M.G.L. c. 60, §77, after the Select Board has notified the Planning Board, Open Space Acquisition Commission, Conservation Commission and the Affordable Housing Trust of the availability of such land and said agencies may report in writing within twenty (20) days to the Select Board any Recommendations that they may have with regard to the disposition of said land; or take any other action thereon.

*Finance Committee Recommends
Select Board Recommends*

Article 46. To see if the Town will vote to authorize the Select Board to negotiate and enter into lease agreement(s) on and/or for Town-owned land and property, on such terms and conditions and for such consideration as the Select Board shall determine to be appropriate; such lease or leases to be for a term of up to twenty (20) years; or take any other action thereto.

*Finance Committee Recommends
Select Board Recommends*

Article 47. To see if the Town will vote to consider the reports of the Town officers and committees and act thereon.

*Finance Committee makes no Recommendation
Select Board Recommends*

Article 48. To choose by ballot all necessary officers for the ensuing year; one Select Board member for three years; one Assessor for three years; one Board of Health member for three years; two Planning Board members for three years; one Marion School Committee members for three years; one Old Rochester Regional School Committee member for three years; one Open Space Acquisition Commission member for one year and two Open Space Acquisition Commission members for three years; commencing on Friday, the 16th of May, 2025, at 8:00 o'clock in the morning in the Benjamin D. Cushing Community Center, 465 Mill Street (Route 6), in said Marion.

*Finance Committee makes no Recommendation
Select Board Recommends*

Article 49. To rescind Article S6 adopted at Town Meeting October 22, 2018 and authorize the Select Board to withdraw Marion from the Green Communities program; or take any other action relative thereto.

Submitted by Citizen's Petition

Article 50. Restore the appointment, hiring, compensation and performance reviews of the Harbormaster, and any harbormaster deputies or assistants or support staff and functions of the Harbormaster's office, to be under the authority of the Town Manager and removed from the authority of the Police Department. Further, all funds for compensation for said Harbormaster staff and office and functions shall be first made from Harbor receipts and thereafter, if so voted, from other Town funds and not from those allocated to the Police Department; and further that the Town Manager shall be authorized to enter into such employment contracts and agreements as shall in the Town Manager's judgement be necessary to effectuate the intent of this article; or take any other action relative thereto.

Submitted by Citizen's Petition

Article 51. To see if the Town will vote to appropriate the sum of 2,700,000 to be used as a first priority for public safety to repair sidewalks, roads, and ways as outlined in the many reports (2024 Pavement Management Report, Complete Streets, et al) authorized and accepted over the last decade to address long deferred maintenance and serious disrepair of Marion's sidewalks, roads and ways, including all costs incidental and related thereto; only after allocating the appropriated funds for that purpose, then any remaining funds unspent funds to be used for Marion Town Hall renovations, and to meet this appropriation to see if the Town will vote to transfer from available funds in the Treasury (Free Cash) the sum of \$500,000 and to authorize the Treasurer, with the approval of the Select Board, to borrow \$2,200,000 under the provisions of M.G.L. c.44 §7(1) or any other appropriate enabling authority, and to issue bonds and notes of the Town therefor; provided, however, that the appropriation authorized hereunder shall be contingent upon approval by the voters of a ballot question to exclude the amounts to pay for the bonds or notes authorized for this purpose from the provisions of Proposition 2 ½, so called; and further that the Select Board be authorized to enter into such contracts and agreements as shall in its judgement be necessary to effectuate the intent of this article; or take any action thereon.

Submitted by Citizen's Petition

Ballot Questions

Question 1. Shall the Town of Marion be allowed to exempt from the provisions of proposition two and one-half, so called, the amounts required to pay for the bonds or notes to be issued in order to pay the costs of the renovation of the Marion Town House to provide accessibility, fire suppression, building code and HVAC compliance, including final design and all other costs incidental and related thereto?

Yes _____ No _____

Question 2. Shall the Town of Marion be allowed to exempt from the provisions of proposition two and one-half, so called, the amounts required to pay for the bonds or notes to be issued in order to pay the costs of repair for select sidewalks, roads, and ways for the Town of Marion, including all costs incidental and related thereto?

Yes _____ No _____

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And you are directed to serve this Warrant by posting up attested copies thereof, one at the Elizabeth Taber Library, one at the Town House and one at the Marion Post Office, all in said Marion, fourteen days at least before the time of holding said meeting aforesaid.

Hereof fail not to make due return of this Warrant with your doings thereon to the Town Clerk at the time and place of meeting aforesaid.

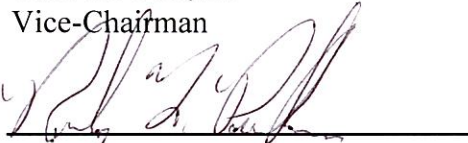
Given our hands this 1st day of April in the Year Two Thousand and Twenty-Five.



Norman A. Hills
Chairman



Carleton Burr, Jr.
Vice-Chairman



Randy L. Parker
Clerk

SELECT BOARD

ROVD MARION TOWN CLERK
2025 APR 4 PM 12:15

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A true copy, ATTEST:

I, Richard B. Nighelli, being a duly appointed constable of the Town of Marion, in the County of Plymouth, Commonwealth of Massachusetts, hereby make affidavit that legal notice of the meeting called under this Warrant has been served on the voters of said Town of Marion by posting up attested copies in not less than three public places within the said Town on April 4, 2025, said date being fourteen days, at least, before the date of the meeting, in accordance with Chapter 64, Section 3(A), of the Code of the Town of Marion.

A handwritten signature in black ink, appearing to read 'R. B. Nighelli', is written over a horizontal line.

Richard B. Nighelli
CONSTABLE

ROVD MARION TOWN CLERK
2025 APR 4 PM 12:15

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TOWN OF MARION
TOWN MEETING WARRANT
For the Special Town Meeting to be Held
May 12, 2025



Plymouth, ss:

To either of the Constables of the Town of Marion in the Commonwealth of Massachusetts

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are directed to notify and warn the inhabitants of the Town of Marion qualified to vote in Town election and Town affairs to meet at the Sippican School Auditorium in said Marion, on Monday, the 12th day of May, 2025, at 8:00 o'clock in the evening, then and there to act on the following Articles, to wit:

Article S1. To see if the Town will vote to transfer from available funds in the Treasury (Free Cash) the sum of \$27,206.86 to supplement the Fiscal Year 2025 budget of the Department of Public Works to pay expenses associated with the removal of snow and ice from public ways during said Fiscal Year; or take any other action relative thereto.


Finance Committee Recommends
Select Board Recommends

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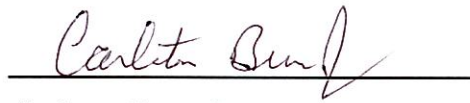
And you are directed to serve this Warrant by posting up attested copies thereof, one at the Elizabeth Taber Library, one at the Town House and one at the Marion Post Office, all in said Marion, fourteen days at least before the time of holding said meeting aforesaid.

Hereof fail not to make due return of this Warrant with your doings thereon to the Town Clerk at the time and place of meeting aforesaid.

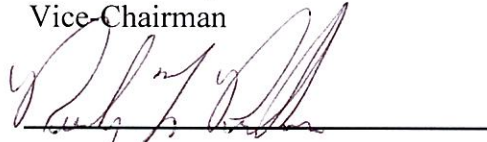
Given our hands this 1st day of April in the Year Two Thousand and Twenty-Five.



Norman A. Hills
Chairman



Carleton Burr, Jr.
Vice-Chairman



Randy L. Parker
Clerk

SELECT BOARD

RCVD MARION TOWN CLERK
2025 APR 4 PM 12:15

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A true copy, ATTEST:

I, Richard B. Nighelli, being a duly appointed constable of the Town of Marion, in the County of Plymouth, Commonwealth of Massachusetts, hereby make affidavit that legal notice of the meeting called under this Warrant has been served on the voters of said Town of Marion by posting up attested copies in not less than three public places within the said Town on April 4, 2025, said date being fourteen days, at least, before the date of the meeting, in accordance with Chapter 64, Section 3(A), of the Code of the Town of Marion.

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Richard B. Nighelli
CONSTABLE

RCVD MARION TOWN CLERK
2025 APR 4 PM 12:15

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Addendum #1 – Article 16

MARION CAPITAL IMPROVEMENTS PLANNING COMMITTEE REPORT TO SELECT BOARD AND FINANCE COMMITTEE

The Capital Improvements Planning Committee (CIPC) assists Town Departments in developing capital project requests as part of the annual budget process that is approved by residents at the Spring Town Meeting. Projects or assets that cost at least \$10,000 and have a useful life of at least 5 years are defined as capital projects. The CIPC often visits various locations to better understand the anticipated capital projects. In the Summer of 2024, the committee conducted site visits at the Community Center, the Town House, and the Water Pollution Control Facility. In 2024, the Select Board appointed one new CIPC member, Robin Shields, to fill a position previously held by Mandy Givens.

Each year Department Heads submit Capital Project requests to the CIPC that include the department's priority, budget impact, regulatory requirements, public safety justification, equipment information, useful life span, environmental/habitat benefits, and other potential benefits to the Town. Committee members score each project based on the submission and an average score is calculated to rank each project. The CIPC rankings provide an impartial perspective to aid the Finance Committee, Finance Director, Town Administrator and Select Board in the Capital Budget Process. Ten (10)-Year Plans are also developed based on information submitted by the Department Heads, compiled by the Town Administrator, and reviewed by the Committee. This information provides a forecast of future Capital needs over the coming 10 years.

For FY 26, forty-one (41) capital projects totaling \$11.083 million were submitted by the Department Heads. Twelve (12) of the projects were submitted by the Department of Public Works Sewer and Water Divisions totaling \$6.669 million. Twenty-nine (29) projects were submitted by all the other Department Heads and the DPW Highway Division totaling \$4.414 million. While the CIPC considers a project's need for debt funding in its rating rubric, final debt decisions are the responsibility of the Select Board, Finance Committee, Town Administrator and Finance Director.

Capital projects for Sippican School are included in these rankings. Old Rochester Regional School District projects were not reviewed or ranked by the CIPC and are not included.

#	Dept	Project	Cost (K)
1	DPW-Sewer	Regulatory Compliance Requirements	\$250
2	DPW-Sewer	Creek Rd Pump Station Replacement *	\$3,213
3	DPW-Water	ERP/RRA Certification	\$40
4	DPW-Water	Wareham St Water Main Replacement **	\$1,900
5	DPW-Sewer	Force Main Evaluations	\$25
6	DPW-Sewer	WPCF Sidestream Wetwell Pump Station Eval	\$25
7	DPW-Sewer	Inflow & Infiltration Mitigation	\$200
8	DPW-Water	Island Wharf Water Main Installation	\$166
9	DPW-Sewer	F350 Truck with Crane	\$110
10	DPW-Sewer	Sewer Access Improvements	\$100
11	DPW-Sewer	Accelerated I&I Mitigation ***	\$590
12	DPW-Sewer	Biofilter Media Replacement	\$50
Total Cost			\$6,669
* A grant of \$2,700K has already been awarded, and State funding <u>may</u> cover the remaining \$513K.			
** The CIPC is unsure of whether this entire \$1,900K can come from the water enterprise fund, or if some debt will be required.			
*** This \$590K project will only be undertaken if funded by private developers.			
† A grant of \$206K has been awarded for this project.			
Total Cost for all Departments			\$11,083

#	Dept	Project	Cost (K)
1	Facilities	Town House Rens (ADA & Fire Comp) †	\$2,540
2	Fire/EMS	Lucas Automatic CPR Replacements	\$45
3	DPW-Highway	290 Delano: Drainage Improvement Design	\$61
4	Sippican	McQuay Chiller Refurbishment	\$370
5	Marine	Old Landing Float Replacement	\$50
6	Fire/EMS	Compressor / Fill Station for SCBA	\$89
7	Sippican	HVAC Roof-Top Unit Refurbishment	\$53
8	Marine	Rough Terrain Forklift	\$134
9	DPW-Highway	Drainage Study Hermitage & Sarah Sherman	\$14
10	Fire/EMS	Ambulance Replacement	\$415
11	Facilities	DPW Town Barn Site Improvements	\$60
12	Town Admin	Fire Department Server Replacement	\$22
13	Recreation	Silvershell Security Cameras	\$15
14	Town Clerk	Records Preservation/Digitization	\$10
15	Town Admin	IT Phased Replacement	\$10
16	Police	Cruiser Replacement	\$87
17	DPW-Highway	Traffic Calming Measures	\$15
18	Facilities	West Water Station Building Repairs	\$16
19	Sippican	Window Phased Replacement	\$38
20	Police	Basement Renovation	\$70
21	DPW-Highway	Property Maintenance Equip. (chip, vac, blo)	\$100
22	Sippican	WiFi Upgrade	\$22
23	Sippican	VCT Flooring Phased Replacement	\$26
24	Council on Aging	Vehicle Replacement	\$60
25	Town Clerk	Voting Tabulators/Pads	\$15
26	DPW-Highway	Operations Software	\$16
27	Police	UPS Battery Replacement	\$15
28	Town Admin	Furniture Phased Replacement	\$10
29	Sippican	Furnishings Phased Replacement	\$38
Total Cost			\$4,414

Funding sources for the 41 capital projects is estimated as follows (\$K):

General Fund	Water Enterprise	Sewer Enterprise	Marine Enterprise	Grant / Gift	Total
\$4,025	\$2,106	\$1,273	\$184	\$3,496	\$11,083

The preceding tables present the CIPC's ranking of the 41 capital projects separated into two groups. The first table includes the 12 DPW Water and Sewer capital projects. The second table includes the remaining 29 capital projects. Many DPW Water and Sewer projects are regulatory, support public health and safety, and are funded by way of fees/enterprise funds. These attributes tend to result in higher scores. Presenting these projects in a separate grouping helps ensure they do not overshadow the importance of the remaining capital projects that often tend to score lower in our ranking rubric. The third table is a summary of the proposed funding sources for all 41 FY26 Capital Projects.

The Town's Ten-Year Capital Plan is a large spreadsheet that does not lend itself to be included in this summary report. It also is a dynamic plan with frequent changes and updates. The most up-to-date Ten-Year Plan for the town can be viewed and/or obtained at the Town Administrator's Office.

Sincerely,
Dave Janik (Chair)
Steve Nojeim (Clerk)
Casey Barros
Deb Watson
Robin Shields