

**COMMONWEALTH OF MASSACHUSETTS**  
**TOWN OF SWANSEA** **SPECIAL TOWN MEETING**

GREETINGS:

To either of the Constables of the Town of Swansea,

In the name of the Commonwealth, you are hereby required to notify and warn the inhabitants of said Town who are qualified to vote in elections and Town affairs to meet at the JOSEPH CASE HIGH SCHOOL, 70 SCHOOL STREET, Swansea, Massachusetts, on MONDAY, the **TWENTY-EIGHT (28<sup>th</sup>)** day of **OCTOBER, 2024** at **SEVEN-O'CLOCK P.M.**, then and there to act on the following ARTICLES in the warrant:

**7:00 PM**

Town Moderator Paul Burke called the Special Town Meeting to order at the Joseph Case High School, 70 School Street, Swansea, MA with a quorum being present. As of 6:52 PM, there were 375 voters present; quorum requires 75.

The Pledge of Allegiance was recited and a Moment of Silence was led by Board of Selectmen Chair Robert Medeiros recognizing all Veterans.

A motion was made and seconded to waive the reading of the warrant. - **Motion carried unanimously.**

The ballot collectors for this evening were Susan Hajder, Anita McGee, Sharon Furtado, Christine Alford, David Kiley and Michael Donais.

A motion was made and seconded to allow Mr. Burke to submit the list of guests to the Town Clerk to be placed on file waiving the reading of the list.

Mr. Burke explained the handout for the meeting, the ballots to be used, use of the microphones and the procedure for the meeting.

**7:08 PM** – voter count was: 545 voters.

**ARTICLE 1 VOTED:** That the Town vote to appropriate the sum of \$25,000 as the grant match for design, permitting, engineering and related costs for the Hailes Hill Road Culvert Upgrade Project, and said sum be raised by direct taxation.

**Advisory and Finance Committee Recommends (15- 0)**  
**Motion carried by a Majority.**

**ARTICLE 2 VOTED:** That the Town vote to appropriate the sum of \$130,000 to be expended by the Highway Department to purchase a skid steer and related attachments, and that said sum be transferred from certified free.

Speaking on article: Geraldine Mullaly, 990 Hortonville Road  
Mallory Aronstein, Town Administrator  
Robert Medeiros, Board of Selectmen Chair  
Tracy Jo Anderson, Town Accountant

**Advisory and Finance Committee Recommends (14- 1)**  
**Standing Vote: 266-YES 238-No**  
**Motion passes by a simple Majority.**

**ARTICLE 3 VOTED:** That the Town vote to appropriate the sum of \$20,000 to be expended by the Police Department to purchase and install signage for speed control, and that said sum be raised by direct taxation.

**Advisory and Finance Committee Recommends (10 – 4 – 1 abstention)  
Motion carried by a Majority.**

**ARTICLE 4 VOTED:** That the Town vote to appropriate the sum of \$15.9 million for the purposes of funding the construction of town offices, of which \$1.8million is to be transferred from the Capital Stabilization Account, and \$10.6 million is to be transferred from certified free cash; and further, to authorize the Treasurer, with the approval of the Board of Selectmen, to borrow up to \$3.5million of said appropriation for purposes of meeting the same, and to issue bonds or notes therefore, under and pursuant to Section 7 of Chapter 44 of the General Laws and any other enabling authority.

Speaking on article: Marc Lapointe, Capital Building Committee member  
Mallory Aronstein, Town Administrator  
Steven Kitchin, Board of Selectmen Vice Chair  
Robert Medeiros, Board of Selectman Chair  
Michael Beaudette, Board of Selectmen Clerk  
Robert Alford, Advisory & Finance Committee Chair  
Brian Bell, 91 Sycamore Street  
Yousri Fam, 214 Kispert Court  
Mark Shane, 16 Gardner Neck Road  
Maria Salpietro, 150 Old Fall River Road  
Geraldine Mullaly, 990 Hortonville Road  
Joyce Moore, 72 Main Street  
Vance Geldart, 45 Mattapoissett Avenue  
James Clarkin, 1560 Gardner Neck Road  
Richard Borden, 896 Wilbur Avenue

Mr. Burke stated this would require a 2/3' vote. Ballot #6 was used.  
8:17 PM – there were 563 voters present.

**Advisory and Finance Committee Recommends (15 – 0)  
549 ballots were cast. A 2/3's vote would require 366 votes.  
Results were: 408-YES 141-NO  
Motion passes by a 2/3's Majority.**

**ARTICLE 5 VOTED:** That the Town vote to appropriate the sum of \$200,000 to be expended by the School Department for the purposes of conducting security assessments, training and studies for continued school security districtwide, and that said sum be raised by direct taxation.

Speaking on article: Geraldine Mullaly, 990 Hortonville Road – Ms. Mullaly asked to amend this article to read “transfer from Certified Free Cash instead of direct taxation”.  
Mr. Burke called for a voice vote on the amendment: Amendment was defeated by a majority.

Also speaking: Frank Kingsley, 500 Swansea Mall Drive  
Scott Holcomb, Swansea School Superintendent  
Davis Dewey, 200 Winslow Way

**Advisory and Finance Committee Recommends (15- 0)**

**Motion carried by a Majority.**

**ARTICLE 6 VOTED:** That the Town vote to transfer a sum of \$30,000, from the Undesignated Reserves portion of the Community Preservation Fund to be expended by the Conservation Commission to subsidize the costs of the Seekonk Land Conservation Trust in monitoring a conservation restriction that the Seekonk Land Conservation Trust will hold over Town-owned land, specifically at 1100 Bark Street, Assessors Map 27, Lot 17.

Speaking on article: Brenda Guertin, 25 Missile Loop  
Robert Alford, Advisory & Finance Committee Chair

**Advisory and Finance Committee Recommends (15- 0)**  
**Motion carried by a Majority.**

**ARTICLE 7 VOTED:** That the Town vote to authorize the Board of Selectmen to convey, for a nominal fee of not more than \$1.00, a non-exclusive underground utility easement to Massachusetts Electric Company on the property located at 81 Main Street, being shown as Assessor's Map 73, Lot 33 for the purpose of installing, constructing, reconstructing, repairing, replacing, maintaining and operating underground electricity distribution equipment that will provide electricity to said Town land, on such terms as the Board of Selectmen deems to be prudent.

Speaking on article: Timothy Reynolds, 112 Taft Avenue  
James Devol, Library Building Committee Chair

**Advisory and Finance Committee Recommends (15- 0)**  
**Motion carried by a 2/3's Majority (voice vote).**

**ARTICLE 8 VOTED:** That the Town vote to amend ARTICLE IV of the Zoning Bylaw by deleting "Accessory apartment" under Residential Uses in the Table of Principal and Accessory Uses found in § 265-4.0 and replacing it with "Accessory dwelling unit", such use to be allowed as of right in the RR District and BA District, and not allowed in all other zoning districts.

And further, to amend § 265-4.1A by deleting the definition for "Accessory Apartment".

And further, to add a new § 265-4.2A(1)(k) as follows:

Accessory dwelling unit, subject to the requirements of § 265-4.3.

And further, to delete § 265-4.2A(2)(a).

And further, to add a new §265-4.2B(1)(q) as follows:

Single-family dwelling, not to exceed 2 1/2 stories with attached or detached private garage.

And further, to add a new § 265-4.2B(1)(r) as follows:

Accessory dwelling unit, subject to the requirements of § 265-4.3.

And further, to delete § 265-4.3 in its entirety and replace it with the following:

**§ 265-4.3 Accessory Dwelling Units**

**A. Definitions:**

1. Accessory Dwelling Unit (“ADU”): as defined by Massachusetts General Law Chapter 40A, Section 1A: a self-contained housing unit, inclusive of sleeping, cooking and sanitary facilities on the same lot as a principle dwelling, subject to otherwise applicable dimensional parking requirements, that: (i) maintains a separate entrance, either directly from the outside or through an entry hall or corridor shared with the principle dwelling sufficient to meet the requirements of the state building code for safe egress; (ii) is not larger in gross floor area than ½ the gross floor area of the principle dwelling or 900 square feet, whichever is smaller.

B. Approval Process:

1. The Building Inspector shall issue a Building Permit authorizing the installation and use of an ADU within an existing or new single-family dwelling or for the installation and use of a single ADU in a detached structure on a single-family home lot, subject to the Technical Review Requirements as provided in § 265-4.3D.

C. Use and Dimensional Requirements for Accessory Dwelling Units

1. The ADU will be a complete, separate housekeeping unit containing both kitchen and bath.
2. No more than one ADU shall be permitted on any single lot, regardless of the number of principal dwelling units or other structures located on the lot.
3. The principal dwelling units and ADU shall remain in common ownership with each other and with the ownership of the lot on which they are located, and shall not be severed in ownership so long as they remain on the same lot. This prohibition includes, without limitation, the prohibition of the creation of any condominium form of ownership, or of any other common interest land jointly owned by individual unit owners.
4. Any new separate outside entrance serving an ADU shall be located on the side or in the rear of the building.
5. The gross floor area of an ADU (including any additions) shall not exceed 900 square feet or one-half of the gross square footage of the primary structure, whichever is less.
6. The construction of any ADU must be in conformity with the State Building Code, State Fire Code (Chapter 18), Title V of the State Sanitary Code, and other local bylaws and regulations.
7. Sufficient and appropriate space for at least one additional parking space shall be constructed by the owner to serve the ADU. The parking space shall be constructed of materials consistent with the existing driveway and shall have vehicular access to the driveway. No additional parking space shall be required for an ADU located not more than 0.5 miles from a commuter rail station, subway station, ferry terminal or bus station.
8. Dimensional Requirements for Detached ADU:

<u>Setback</u>	<u>Dimension</u>
Front Yard	35'
Rear Yard	30'
Side Yard	15' 30' if Corner Lot
Maximum Setback from Primary Residence	75'

9. Detached ADU shall be (a) placed behind primary structure in rear yard or (b) shall be placed in side yard with the same front yard setback as the primary structure.

D. Technical Review Requirements for Accessory Dwelling Units

1. Prior to the issuance of a Building Permit for an ADU, a site plan must be submitted for technical review by the following department heads, who shall ensure that said plan complies with all of the requirements of § 265-4.3: Town Planner, Building Inspector, Fire Chief, Board of Health Agent, and Highway Department Director.

2. The site plan must include, but is not limited to, the following details:
  - i. **Location of the ADU:** The precise location of the ADU on the lot, including setbacks from the property lines, distance from the primary structure, and any other structures on the lot.
  - ii. **Access and Parking:** Details of vehicular access to the ADU, including driveway modifications, if necessary, driveway construction, and the provision of required parking spaces in accordance with the bylaws.
  - iii. **Utilities and Services:** Plans for connecting the ADU to water, sewer/ septic, electricity, and other necessary utilities, ensuring compliance with local regulations.
  - iv. **Fire Safety:** Fire safety measures, including accessibility for emergency vehicles. Access shall comply with the requirements of 527 CMR 1.00 Chapter 18.
  - v. **Landscaping and Screening:** Proposed landscaping or screening measures to maintain the privacy and aesthetic character of the neighborhood.
  - vi. **Architectural Design:** The design of the ADU must include architectural details such as windows, doors, roofing, and siding materials that match or complement those of the primary dwelling. The design should ensure that the ADU remains visually subordinate to the primary structure, maintaining the overall aesthetic harmony of the property and the surrounding neighborhood. Attached ADUs shall maintain the look of a single-family residence.
  - vii. **Floor Plan:** a floor plan must be submitted showing the proposed interior and exterior changes to the building.
3. The plan must demonstrate that the proposed detached ADU will be in harmony with the surrounding area, maintaining the stability, property values, and residential character of the neighborhood.
4. All plans must comply with the State Building Code, Title V of the State Sanitary Code, and other applicable local bylaws and regulations.
5. The site plan must be prepared, stamped, and signed by a Commonwealth of Massachusetts Registered Professional Land Surveyor and include the following information:
  - i. Locus Map
  - ii. North Arrow
  - iii. Title Block with the following information
    1. The address of the subject property
    2. The legal reference of the subject property as recorded at the Registry of Deeds
    3. The Assessor's Map and Lot number
    4. Name of who the plan was prepared for
    5. Name and address of who prepared the plan
    6. Scale, both graphic and written
  - iv. Street Lines and Street Names
  - v. Lot Boundaries, Dimensions, Area (in square feet)
  - vi. Setbacks from all property lines to all existing and proposed structures
  - vii. Footprint and address of all existing and proposed structures on the subject site. Structures on the subject site shall be measured and drawn to scale.
  - viii. Dimensions of proposed structure shall be shown
  - ix. Existing and/ or proposed off-street parking and any paved areas on the site (dimensions required)
  - x. A notation as to the height/ visual appearance of existing and proposed structure(s)
  - xi. Zoning Compliance Table

6. A Certificate of Occupancy for an ADU will only be issued upon submission and approval of As-built Plans, which must demonstrate full compliance with the plans as submitted for Technical Review and approved by the department heads listed in § 265-4.3D(1). Each such department head shall review and approve submitted As-built Plans prior to the issuance of a Certificate of Occupancy.

Speaking on article: Brenda Guertin, 25 Missile Loop  
Christopher Parayno, Town Planner  
Paul Treloar, 18 Chestnut Street, Zoning Board Chair  
Richard Carreiro, 375 Mountfair Circle  
Michael Durette, 114 Pond Street  
Timothy Reynolds, 112 Taft Avenue

**Advisory and Finance Committee Recommends (15- 0)**  
**Motion is carried by a Majority.**

**ARTICLE 9 VOTED:** That the Town vote to amend Chapter 115 of the General By Laws by deleting the language of § 115-8 Licensing; Fees in its entirety, excepting only its title, and replacing it with the following:

§ 115-8 Individual Licensing; fees.

- A. All dogs six months or older that reside within the Town, and that are not covered by a kennel license pursuant to § 115-10, must be individually licensed annually, with the license and tag being on a form prescribed and furnished by the Town Clerk. The Owner or Keeper of the dog must obtain said individual license each year by the latest of:
  1. April 1st;
  2. 30 days from the date on which the dog reached six months of age;
  3. 30 days from the date on which the dog is relocated to the Town;
  4. 30 days from the date on which the Owner or Keeper acquires the dog; or
  5. 30 days from the date on which the dog is no longer licensed pursuant to a kennel license pursuant to § 115-10.
- B. The License Fee structure shall be as follows, and shall apply to all licenses, regardless of whether the dog was previously licensed under a kennel license or a license issued by another municipality or to a different Owner or Keeper:

Unspayed female dogs and unneutered male dogs	\$20 license per year
Spayed female dogs and neutered male dogs	\$10 license per year
Late fee after June 30 <sup>th</sup>	\$20
Lost, defaced, or destroyed tag replacement	\$1.00
- C. No fee shall be charged for an individual dog license when the Owner or Keeper is at least 70 years of age, and said individual submits to the Town Clerk, at the time of issuance of the license, government-issued documentation that demonstrates said age. No refund shall be issued in response to such documentation being provided subsequent to the issuance of a license.

And further, to amend Chapter 115 of the General Laws by adding a new § 115-16 as follows:

§ 115-16 Supplementation of statutory requirements.

This ARTICLE II of Chapter 115 supplements the provisions of Massachusetts General Laws, Chapter 140, Section 137 through 174E, inclusive. Those statutory provisions should be reviewed in order to obtain a complete understanding of the licensing and regulation of dogs within the Town.

Speaking on article: Brenda Guertin, 25 Missile Loop

**Advisory and Finance Committee Recommends (15- 0)**  
**Motion carried by a Majority.**

**ARTICLE 10 VOTED:** That the Town vote to amend Chapter 160 of the General Bylaws by deleting the language of ARTICLE 1 Town Clerk Fees in its entirety, excepting only its title, and replacing it with the following, or take any other action relative thereto:

§ 160-1 Fees for specific services.

The following schedule of fees shall be charged by the Town Clerk for the specific services listed:

- A. Issuance of certified copy of a Birth, Death or Marriage Certificate: \$10.00
- B. Filing a Notice of Intention for Marriage: \$25.00
- C. Filing of a Business Certificate: \$40.00
- D. Filing of a change of Business Certificate, name, location, residence, retirement, withdrawal or discontinuance from said Business Certificate: \$20.00
- E. Corrections and/or Amendments of Birth, Death, or Marriage Certificate: \$15.00
- F. Filing of a Certificate of Marriage by persons married outside of the country: \$15.00
- G. Recording an order granting locations of poles, piers, abutments, conduits, alterations, or transfers thereof, and/or increase of number of wires and cables or attachments under provisions of MGL c. 166, §22: \$50.00
  - 1. Certified copy of such petition: \$10.00
  - 2. Each additional street in such order: \$15.00
- H. Issuance of certified copies of any records, other than as provided in §§ 160-1A and 160-1G: \$10.00
- I. Filing and receiving a complete inventory of all items to be included in a business closing sale, etc.
  - a. First Page: \$25.00
  - b. Each additional page \$ 5.00
- J. Filing of Certificate of Registration for fuel storage: \$50.00
- K. Street lists - 17 years and older: \$10.00

§ 160-2 Other fees.

To the extent that a particular service of the Town Clerk is enumerated in Massachusetts General Laws, Chapter 262, Section 34 but is not listed in § 160-1, then the default statutory fee for that service as provided in said Section 34 shall continue to apply.

§ 160-3 Schedule of fees is not comprehensive.

The fees as listed in §§ 160-1 and 160-2 are not intended as a comprehensive listing of possible services that are or could be performed by the Town Clerk for which a fee can and will be charged. Nothing in §§ 160-1 and 160-2 should be construed as limiting the ability of the Town

in general, or the Town Clerk in particular, to set fees for other services pursuant to any other legal authority, including statute, regulation, and bylaw.

**Advisory and Finance Committee Recommends (15- 0)**  
**Motion carried by a Majority.**

**ARTICLE 11 VOTED:** That the Town vote to amend Chapter 40 of the General Bylaws by adding a new ARTICLE III as follows, or take any other action relative thereto:

ARTICLE III Tree Warden

§ 40-11 Appointment.

In accordance with the authority provided by Massachusetts General Laws, Chapter 41, Section 1, the position of tree warden shall be an appointed position, with the Board of Selectmen being the appointing authority. Each such appointment shall be for a period of no more than three (3) years as set by the Board of Selectmen.

§ 40-12 Existing elected tree warden.

The existing elected tree warden at the time of adoption of § 40-11 shall continue in that position until the expiration of the term for which said individual was elected, or until said individual earlier vacates such office. Nothing shall either preclude the Board of Selectmen from appointing, or require the Board of Selectmen to appoint, said individual thereafter to the position of tree warden.

Speaking on article: Brenda Guertin, 25 Missile Loop

**Advisory and Finance Committee Recommends (15- 0)**  
**Motion carried by a Majority.**

**ARTICLE 12 VOTED:** That the Town vote to accept Johemi Trail and Linda Way in the Diamond Ledge subdivision as public ways as laid out on September 17, 2024 by the Board of Selectmen, and the plan for which is on file at the Town Clerk's Office.

Speaking on article: Timothy Reynolds, 112 Taft Avenue  
Christopher Parayno, Town Planner  
William Anderson, Swansea Highway Director

**Advisory and Finance Committee gave No Recommendation**  
**Motion carried by a Majority.**

**ARTICLE 13 VOTED:** That the Town vote to accept Buckingham Drive in the Buckingham Estates subdivision as a public way as laid out on September 17, 2024 by the Board of Selectmen, and the plan for which is on file at the Town Clerk's Office.

Speaking on article: Timothy Haley, 478 Ocean Grove Avenue  
Robert Alford, Advisory & Finance Committee Chair  
Randy Alvarez, 61 Buckingham Drive  
Christopher Parayno, Town Planner  
John Harrington, 19 Buckingham Drive  
William Anderson, Swansea Highway Director

**Advisory and Finance Committee Does Not Recommend (12- 0 – 3 abstentions)**



**Motion carried by a Majority.**

**ARTICLE 14 VOTED:** That the Town vote to accept Kayleigh Court as a public way as laid out on September 17, 2024 by the Board of Selectmen, and the plan for which is on file at the Town Clerk's Office.

**Advisory and Finance Committee gave No Recommendation  
Motion carried Unanimously.**

**ARTICLE 15 VOTED:** That the Town vote to accept Keith Circle and Kyle Court as public ways as laid out on April 23, 2024 by the Board of Selectmen, and the plan for which is on file at the Town Clerk's Office.

Speaking on article: Daniel Jackman, 17 Keith Circle  
Nina Medeiros, 184 Keith Circle  
Dann Boyer, 94 Pamela Drive  
Fire Chief Eric Hajder, Swansea Fire  
Normand Vadeboncoeur, 234 Keith Circle  
Christopher Parayno, Town Planner  
Tracy Wood, 151 Keith Circle

**Advisory and Finance Committee Does Not Recommend (12 - 0 – 3 abstentions)  
Motion carried by a Majority.**

A motion was made and seconded to adjourn the Special Town Meeting at 9:33PM.

Adjournment.

Respectfully submitted,  
Diane Pelland  
Swansea Town Clerk