

**TOWN OF LUNENBURG
ANNUAL TOWN MEETING WARRANT
May 3, 2025**

Worcester, ss:

To: John E. Baker, Constable of the Town of Lunenburg, in the County of Worcester, Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of the Town of Lunenburg, qualified to vote in elections and town affairs, to meet in the Lunenburg Middle/High School Auditorium in said Lunenburg on Saturday, the 3rd day of May next, at 9:00 o'clock in the morning (9:00 A.M.), for the purpose of taking action on the Town Meeting Warrant, and then and there to act on the following articles, viz:

ANNUAL TOWN MEETING ARTICLES

ARTICLE 1: AUTHORIZATION TO HEAR AND/OR ACCEPT THE REPORTS OF OFFICERS AND COMMITTEES OF THE TOWN

(Submitted by the Town Manager)

To see if the Town will vote to hear and/or accept the regular written reports of the Town Officers and Committees; or take any other action relative thereto.

FINANCE COMMITTEE RECOMMENDATION: No Direct Financial Impact (6-0-0).

SELECT BOARD RECOMMENDATION: Recommend Approval (5-0-0).

VOTE REQUIRED: Majority

Summary: This article allows Town Meeting to hear and act upon reports submitted in the Annual Town Report and delivered to the Town Meeting body by Boards, Committees, Commissions, and Town Officers. Likely oral reports at Town Meeting include:

- Stormwater Task Force

ARTICLE 2: AUTHORIZATION TO BORROW IN ANTICIPATION OF REVENUE AND TO ENTER INTO A COMPENSATING BALANCE AGREEMENT WITH A BANK

(Submitted by the Town Manager)

To see if the Town will vote to authorize the Town Treasurer/Tax Collector, with the approval of the Select Board, to borrow money from time to time in anticipation of the revenue of the Fiscal Year 2026, the period from July 1, 2025 through June 30, 2026, in conformity with the provisions of the Massachusetts General Laws, Chapter 44, Section 4, and to issue a note or notes as may be given for a period of less than one year in accordance with Massachusetts General Laws, Chapter 44, Section 17, and to authorize the Treasurer/Tax Collector to enter into a compensating balance agreement or agreements for Fiscal Year 2026 pursuant to Massachusetts General Laws, Chapter 44, Section 53F; or take any other action relative thereto.

FINANCE COMMITTEE RECOMMENDATION: Recommend Approval (6-0-0).

SELECT BOARD RECOMMENDATION: Recommend Approval (5-0-0).

VOTE REQUIRED: 2/3rds

Summary: This article authorizes the Town to borrow funds in anticipation of revenue and to go out to bid for banking services. Revenue anticipation notes (RANs) may be authorized and issued by the treasurer of the city, town or district, with the approval of the officer, committee, board or other body required by law to countersign such notes. The total amount of RANs issued cannot exceed the amount reasonably required to ensure sufficient cash-flow to the city, town or district. This article serves as a fail-safe in the unlikely event the Town experiences a cash flow issue.

ARTICLE 3: AUTHORIZATION TO EXPEND FUNDS IN ANTICIPATION OF REIMBURSEMENT OF STATE HIGHWAY ASSISTANCE AID

(Submitted by the Town Manager)

To see if the Town will vote to accept any and all state highway assistance funds authorized by the state legislature and approved by the Massachusetts Highway Department under the so-called Chapter 90 Highway Assistance Program to be expended for the maintenance, repair and construction of Town roads in anticipation of reimbursement under the direction of the Select Board and the Town Manager for work on roads located on the State Aid Primary System as approved by the Massachusetts Highway Department, and further to authorize the Town Treasurer/Tax Collector, with the approval of the Select Board, to borrow money from time to time during Fiscal Year 2026, for the period from July 1, 2025 through June 30, 2026, in anticipation of reimbursement of said highway assistance in conformity with the provisions of Massachusetts General Laws, Chapter 44, Section 6A; or take any other action relative thereto.

FINANCE COMMITTEE RECOMMENDATION: Recommend Approval (6-0-0).

SELECT BOARD RECOMMENDATION: Recommend Approval (5-0-0).

VOTE REQUIRED: 2/3rds

Summary: This article authorizes the Town to accept revenues from the Commonwealth for road repair under Chapter 90. This article also authorizes the Town to borrow, if necessary, in advance of the receipt of said funds. However, any such borrowing cannot exceed the Town's apportionment. The Fiscal Year 2026 Chapter 90 apportionment is \$690,660.70 (contingent upon Legislative approval).

ARTICLE 4: REVOLVING FUNDS

(Submitted by the Town Manager)

To see if the Town will vote to authorize revolving funds for various departments, boards, committees, agencies or officers pursuant to Massachusetts General Law Chapter 44, Section 53E ½ for the fiscal year beginning July 1, 2025 to be expended in accordance with Chapter 138 of the Town's General Bylaws; or take any other action relative thereto.

FINANCE COMMITTEE RECOMMENDATION: Recommend Approval (6-0-0).

SELECT BOARD RECOMMENDATION: Recommend Approval (5-0-0).

VOTE REQUIRED: Majority

<i>Revolving Fund</i>	<i>FY 2026 Spending Limit</i>
Ambulance Billing	\$100,000
Timber Rights	\$10,000
School Custodial Special Details	\$13,000
Green Thumb	\$5,000
Library Revolving	\$12,000
Council on Aging/MART Revolving	\$60,000
Stormwater Task Force	\$5,000
Electrical, Gas, Plumbing Inspector Revolving	\$55,000
Technology Revolving	\$30,000
Local Wetlands Protection Bylaw Fees	\$50,000
CoA Meal Site	\$20,000
Parks Programming	\$77,000

Summary: This article sets the annual spending limits of each of the Town's revolving funds. Massachusetts General Law Chapter 44, Section 53 E ½ requires Towns to set the spending limit of such funds annually.

ARTICLE 5: AUTHORIZATION TO PAY EXPENSES FROM A PRIOR FISCAL YEAR

(Submitted by the Town Manager)

To see if the Town will vote to raise and appropriate, or transfer from available funds, a sum of money for payment of prior year expenses; or take any other action relative thereto.

FINANCE COMMITTEE RECOMMENDATION: Deferred.

SELECT BOARD RECOMMENDATION: Deferred.

VOTE REQUIRED: 4/5ths

Summary: For a variety of reasons, expenses from a prior Fiscal Year are not paid during that Fiscal Year and are not encumbered. This standard article is included on the warrant in case there are any outstanding invoices. There are no known prior Fiscal Year expenses at the time of print.

ARTICLE 6: FISCAL YEAR 2025 BUDGET ADJUSTMENTS

(Submitted by the Town Manager)

To see if the Town will vote to transfer from available funds, all sums of money necessary to amend the amounts voted for the Town's FY 2025 Budget, under Article 7 of the May 4, 2024 Annual Town Meeting and Article 1 of the November 12, 2024 Special Town Meeting; or take any other action relative thereto.

FINANCE COMMITTEE RECOMMENDATION: Deferred.

SELECT BOARD RECOMMENDATION: Deferred.

VOTE REQUIRED: Majority

Summary: This is the annual authorization to transfer money within FY 2025 accounts to cover deficiencies in some accounts with the excess balances in other accounts. There are no known transfers at the time of print.

ARTICLE 7: FISCAL YEAR 2025 CLOSEOUTS

(Submitted by the Town Manager)

To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$465,000 to cover FY 2025 and prior year operating deficits in the following accounts:

School Department (Unanticipated SPED Move-Ins)	\$50,000
Snow & Ice	\$415,000
Total	\$465,000

Or take any other action relative thereto.

FINANCE COMMITTEE RECOMMENDATION: Deferred.

SELECT BOARD RECOMMENDATION: Deferred.

VOTE REQUIRED: Majority

Summary: Despite the flexibility provided for in the omnibus appropriation certain expenses cannot be absorbed across the budget. The amounts printed in the warrant article are best estimates at the time of printing and may be altered under the motion at Town Meeting. As of the time of print, Free Cash is the planned funding source for these appropriations. This article will close out several accounts for FY 2025:

- This article covers the expenses associated with special education services required by students moving into the District.
- State statute allows municipalities to deficit spend the snow and ice budget. This budget line is supplemented at the Annual Town Meeting.

ARTICLE 8: FISCAL YEAR 2026 CAPITAL PROGRAM

(Submitted by the Town Manager)

To see if the Town will vote to raise and appropriate, and/or transfer from available funds, a sum of money to purchase or lease/purchase and equip either the FY 2026 Program of Capital Projects Option 1 or FY 2026 Program of Capital Projects Option 2, including all costs incidental or related thereto, and, as needed, to authorize lease/purchase agreements for periods of up to or in excess of three years for such purposes; or take any other action relative thereto.

FY 2026 Program of Capital Projects Option 1

<u>CPC Ranking</u>	<u>Department</u>	<u>Project Name</u>	<u>Project Cost</u>	<u>Cumulative Cost</u>
1	Police	Patrol Cruiser	\$72,058	\$72,058
2	Schools	Primary School Feasibility Study for Entry & Drive Way Expansion	\$30,000	\$102,058
3	Fire	Fire Prevention / Duty Officer Vehicle	\$75,000	\$177,058
4	Facilities	Library HVAC Upgrade and Control Design	\$32,000	\$209,058
5	Facilities	Town Hall HVAC Upgrades	\$113,000	\$322,058
6	Schools	Primary School Designer Services, Playground Equipment	\$30,000	\$352,058
7	Schools	THES Hot Water Tank	\$20,000	\$372,058
8	Facilities	Senior Center, Flooring	\$41,000	\$413,058
9	Facilities	Teen Center, Replace Floors	\$35,000	\$448,058
10	Facilities	Public Safety Building 2nd Floor Design – Office/File Space	\$42,000	\$490,058
11	Police	Patrol Cruiser	\$72,058	\$562,116
12	Facilities	Town Hall, Window Replacement	\$210,000	\$772,116
13	DPW	Compact Backhoe	\$115,000	\$887,116
15	Schools	Replacement of Security Camera Central Server	\$40,000	\$927,116
16	Facilities	Senior Center Parking Design	\$32,000	\$959,116
17	DPW	1 Ton Truck - Utility Body / Plow	\$70,000	\$1,029,116
19	Schools	Primary School Window Safety Film	\$26,865	\$1,055,981
20	DPW	North Cemetery Expansion Area Prep	\$50,000	\$1,105,981
22	Facilities	Marshall Pond Weed Treatment	\$50,000	\$1,155,981
		Contingency	\$69,019	\$1,225,000
		Total F2026 Capital		\$1,225,000

FY 2026 Program of Capital Projects Option 2

<u>CPC Ranking</u>	<u>Department</u>	<u>Project Name</u>	<u>Project Cost</u>	<u>Cumulative Cost</u>
1	Police	Patrol Cruiser	\$72,058	\$72,058
3	Fire	Fire Prevention / Duty Officer Vehicle	\$75,000	\$147,058
4	Facilities	Library HVAC Upgrade and Control Design	\$32,000	\$179,058
5	Facilities	Town Hall HVAC Upgrades	\$113,000	\$292,058
8	Facilities	Senior Center, Flooring	\$41,000	\$333,058
9	Facilities	Teen Center, Replace Floors	\$35,000	\$368,058
10	Facilities	Public Safety Building 2nd Floor Design – Office/File Space	\$42,000	\$410,058
11	Police	Patrol Cruiser	\$72,058	\$482,116
12	Facilities	Town Hall, Window Replacement	\$210,000	\$692,116
13	DPW	Compact Backhoe	\$115,000	\$807,116
16	Facilities	Senior Center Parking Design	\$32,000	\$839,116
17	DPW	1 Ton Truck - Utility Body / Plow	\$70,000	\$909,116
20	DPW	North Cemetery Expansion Area Prep	\$50,000	\$959,116
22	Facilities	Marshall Pond Weed Treatment	\$50,000	\$1,009,116
N/A	Schools	Primary School Heat Pump System (Local Funding for Green Communities Award)	\$146,865	\$1,155,981
		Contingency	\$69,019	\$1,225,000
Total F2026 Capital				\$1,225,000

FINANCE COMMITTEE RECOMMENDATION: Deferred.

SELECT BOARD RECOMMENDATION: Deferred.

VOTE REQUIRED: Majority

Summary: This article funds the FY 2026 Program of Capital Projects. The Capital Planning Committee (CPC) met over the Fall and through Town Meeting to consider capital requests. The Capital Planning Committee ranked the projects. Based upon these rankings, and available funds, the Town Manager formulated the FY 2026 Program of Capital Projects, shown as Option 1 above. This is the Capital Plan that was discussed with the Finance Committee and Select Board.

In March of 2025 it was announced that Lunenburg was the recipient of a \$200,000 award through the Green Communities Grant Program. These funds would be utilized to install a heat pump system at the Primary School. The School Department worked with the Green Communities Committee to obtain this award. In order to qualify, and be competitive, a central energy management system would also need to be installed. This \$170,000 project had been placed on the School's FY 2027 Capital Plan. However, the Town would not be able to apply for future grants until this project was completed.

As a solution, it was proposed to alter the FY 2026 Program of Capital Projects by funding the \$170,000 energy management system and by removing the school-related capital items, as shown in FY 2026 Program of Capital Projects Option 2. The four items that were originally intended for the FY 2026 Capital Plan would then be re-submitted for consideration in the Fall. The School Committee voted in favor of this path forward on April 7, 2025.

The Select Board met on April 8, 2025 to finalize the Warrant for Town Meeting. As not all Committees had an opportunity to convene a meeting prior to the Warrant going to print, the Board decided to print the warrant with both versions of the Town Manager's FY 2026 Program of Capital Projects. This will allow Committees, like the Finance Committee and Capital Planning Committee, time to consider these revisions and make a recommendation to Town Meeting.

The planned funding sources for this article, which do not change regardless of which option is moved at Town Meeting, are as follows:

- Transfer \$655,424 from Certified Free Cash
- Transfer \$325,000 from the FY 2023 Capital Program (\$300,000 from Object #587086 – Old Primary School Hazardous Waste Abatement and \$25,000 from Object #531061 – Public Safety Building Design for Drainage)
- Raise and Appropriate \$244,576

ARTICLE 9: AUTHORIZATION TO FUND SPECIAL PROJECTS

(Submitted by the Town Manager)

To see if the Town will vote to transfer from available funds the sum of \$152,500 for a program of special projects as follows; or take any other action relative thereto.

Project	Sum
A. Decommission Portions of TC Passios	\$75,000
B. Grant Writing Services Pilot Program	\$50,000
C. Board of Assessor – Phase 1 DOR Directives	\$27,500

FINANCE COMMITTEE RECOMMENDATION: Recommend Approval (6-0-0).

SELECT BOARD RECOMMENDATION: Recommend Approval (5-0-0).

VOTE REQUIRED: Majority

Summary: This article funds several special projects outside of the FY 2026 Capital Program:

- **Decommission Portions of TC Passios-** This funding will be utilized to decommission portions of the TC Passios building and to relocate several departments to the southern wing. Specifically, funding will allow the construction of a firewall in the corridor between the southern and central wings and isolation of utilities and the sprinkler system.
- **Grant Writing Services Pilot Program -** \$50,000 for grant writing services was budgeted in the FY25 operating budget. For a variety of reasons, these services have not been utilized in FY25, thus far. Funding for grant writing services has been removed from the general operating budget. However, through this appropriation, the Town will be able to launch a pilot program in FY26 and can evaluate the success of the same.

- **Board of Assessor- Phase 1 Department of Revenue Directives- The Board of Assessors have a number of directives from the Department of Revenue that must be completed prior to the next revaluation. These funds will allow the Assessors to accomplish several of these directives, namely the neighborhood codes.**

The proposed motion under this article will fund these projects with Certified Free Cash.

ARTICLE 10: FISCAL YEAR 2026 OMNIBUS BUDGET

(Submitted by the Town Manager)

To see if the Town will vote to raise and appropriate, or transfer from available funds, a sum of money to defray the charges and expenses of the Town for FY 2026 and to fix the salaries and compensation of all elected officials of the Town and any other items included in the budget of the Town Manager; or take any other action relative thereto.

FINANCE COMMITTEE RECOMMENDATION: Recommend Approval (6-0-0).

SELECT BOARD RECOMMENDATION: Recommend Approval (5-0-0).

VOTE REQUIRED: Majority

Summary: The proposed draft of the Fiscal Year 2026 Omnibus Budget, labeled as Appendix A, can be found after the text of the Annual Town Meeting Warrant. The budget format contains the FY 2023 actual expenditures, the FY 2024 budget and actual expenditures, the FY 2025 budget, and the Town Manager's proposed FY 2026 budget.

The planned motion under this article funds the FY 2026 Omnibus Budget in the following manner:

- **Raise and Appropriate: \$48,948,479.06**
- **Transfer from the Sewer Enterprise Fund: \$301,174**
- **Transfer from the Artificial Turf Revolving Fund: \$38,453**
- **Transfer from the PEG Access and Cable Related Enterprise Fund: \$31,271.94**
- **Transfer from Water Betterment Revenue: \$55,087**

The Town Manager will provide an overall presentation on the omnibus budget to Town Meeting. Detailed questions may be directed to Department Heads.

ARTICLE 11: CITIZENS PETITION

(Submitted by Citizens Petition)

To see if the Town will vote to raise and appropriate \$2,099,337 to supplement the Lunenburg Public School's budget for Fiscal Year 2026, contingent upon the passage of a Proposition 2 ½ ballot question; or take any other action relative thereto.

FINANCE COMMITTEE RECOMMENDATION: Not Recommended (6-0-0).

SELECT BOARD RECOMMENDATION: Not Recommended (5-0-0).

VOTE REQUIRED: Majority. Must also be approved at ballot.

ARTICLE 12: SUPPLEMENT TO THE LUNENBURG PUBLIC SCHOOLS FISCAL YEAR 2026 OPERATING BUDGET

(Submitted by the Town Manager)

To see if the Town will vote to transfer the sum of \$500,000 from Certified Free Cash to the Lunenburg Public Schools Fiscal Year 2026 Operating Budget; such transfer to occur only if voters fail to approve a Proposition 2½ override, so-called, on or before May 17, 2025, to supplement funding for the Lunenburg Public Schools in an amount equal to or greater than \$2,099,337; or take any other action relative thereto.

FINANCE COMMITTEE RECOMMENDATION: Deferred.

SELECT BOARD RECOMMENDATION: Recommend Approval (5-0-0).

VOTE REQUIRED: Majority

Summary: This article transfers \$500,000 from Certified Free Cash to the Lunenburg Public Schools Fiscal Year 2026 Operating Budget. This one-time transfer intended to allow the Public School Administration and School Committee time to prepare for future budgetary decision making. These funds will not be added to the FY2027 “base budget” as they are one-time in nature.

ARTICLE 13. AMENDMENTS TO THE SALARY ADMINISTRATIVE PLAN (SAP) POSITION TITLES/GRADES

(Submitted by the Assistant Town Manager/Human Resources Director)

To see if the Town will vote to amend the Code of Lunenburg, Chapter 70, Schedule A, entitled “Salary Administration Plan,” as follows: that the existing position of DPW Director be assigned to Grade 17; and that the position of Communications and IT Manager be added and assigned to Grade 12; or take any other action relative thereto.

FINANCE COMMITTEE RECOMMENDATION: Recommend Approval (6-0-0).

SELECT BOARD RECOMMENDATION: Recommend Approval (5-0-0).

VOTE REQUIRED: Majority

Summary: This article increases the DPW Director position from a grade 16 to a 17 and places the position of Communications and IT Manager on the Classification and Salary Schedule.

ARTICLE 14. SALARY ADMINISTRATIVE PLAN (SAP) ADJUSTMENTS FOR FY 2026

(Submitted by the Assistant Town Manager/Human Resources Director)

To see if the Town will vote to replace the current Salary Schedule in the Code of Lunenburg, Chapter 70, entitled “Salary Administration Plan,” Section 70-8, entitled “Salary Schedule,” Subsection A, and specifically Schedule A as referenced therein, as amended, with a FY 2026 Salary Schedule, which authorizes wage increases for Fiscal Year 2026, for permanent employees not covered by a collective bargaining unit agreement or individual contract; and, further, to transfer a sum of money from available funds to fund the wage increase for FY2026; or take any other action relative thereto.

FINANCE COMMITTEE RECOMMENDATION: Recommend Approval (6-0-0).

SELECT BOARD RECOMMENDATION: Recommend Approval (5-0-0).
VOTE REQUIRED: Majority

Summary: This article provides a 3% cost of living adjustment for SAP employees for FY 2026.

ARTICLE 15. HOLIDAY PAY FOR CALL FIREFIGHTERS

(Submitted by the Fire Chief)

To see if the Town will vote to amend the Code of Lunenburg, Chapter 70, entitled “Salary Administration Plan,” Section 70-19, entitled “Paid Holidays”, by amending Section C as follows (additions are shown in ***bold italics*** for emphasis only); or take any other action relative thereto:

C. Holiday leave will be granted on the day the Town observes the holiday, when possible. If the holiday falls on a Saturday, it will be observed on the preceding Friday. If the holiday falls on a Sunday, it will be observed on the following Monday. If an eligible employee is required to work on the day the Town observes the holiday, they will be entitled to a Floating Day, which has to be used within 30 days, by agreement of the supervisor and employee. If the department head determines that holiday leave cannot be granted, the employee shall receive payment at one and one-half times the base hourly rate for all hours worked on the holiday, in addition to his or her holiday pay. Final determination is to be made by the Town Manager. *Call Firefighters assigned to work a Duty Shift at the Fire Station on a holiday shall be paid one and one half times their hourly rate for the hours worked. For purposes of this section only, Holiday time shall be considered the calendar date of the holiday, regardless of the day of the week it falls on.*

FINANCE COMMITTEE RECOMMENDATION: Recommend Approval (6-0-0).

SELECT BOARD RECOMMENDATION: Recommend Approval (5-0-0).

VOTE REQUIRED: Majority

Summary: The goal of this article is to help staff holiday shifts in the Fire Department with call firefighters during certain holiday shifts so that there is less of a likelihood that career firefighters will be forced to cover a holiday shift.

ARTICLE 16. APPROPRIATE FREE CASH TO THE STABILIZATION FUND

(Submitted by the Town Manager)

To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money to the Stabilization Fund; or take any other action relative thereto.

FINANCE COMMITTEE RECOMMENDATION: Take no action.

SELECT BOARD RECOMMENDATION: Take no action.

VOTE REQUIRED: Majority

Summary: Due to the planned transfer of Free Cash to the Lunenburg Public Schools for FY 2026 under Article 12, the planned motion is to pass over (postpone indefinitely) this article at the Annual Town Meeting.

The Stabilization Fund, also known as the “rainy day” fund, allows the Town to accumulate savings to provide emergency funds for use in a major or significant event, such as a natural disaster, an uninsured loss, damage to a capital asset, or prolonged decrease in revenue. Withdrawals from the Fund require a two-thirds vote at Town Meeting. Lunenburg’s Financial Policies state that the general stabilization fund should maintain a balance equal to five percent of the current omnibus budget. Presently the balance of the general stabilization fund is \$3,037,534 which is 6.3% the omnibus budget.

ARTICLE 17. APPROPRIATE FREE CASH TO THE SPECIAL PURPOSE STABILIZATION FUND

(Submitted by the Town Manager)

To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money to the Special Purpose Stabilization Fund; or take any other action relative thereto.

FINANCE COMMITTEE RECOMMENDATION: Take no action.

SELECT BOARD RECOMMENDATION: Take no action.

VOTE REQUIRED: Majority

Summary: Due to the planned transfer of Free Cash to the Lunenburg Public Schools for FY 2026 under Article 12, the planned motion is to pass over (postpone indefinitely) this article at the Annual Town Meeting.

A community can create special purpose stabilization funds and designate specific allowable expenses. Lunenburg maintains five special purpose stabilization funds: vehicle/equipment, health insurance, zoning incentive, reserve capacity, and sewer inflow and infiltration.

ARTICLE 18. APPROPRIATE FREE CASH TO THE OPEB TRUST FUND

(Submitted by the Town Manager)

To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money into the OPEB Trust Fund that was created at the November 10, 2010 Special Town Meeting; or take any other action relative thereto.

FINANCE COMMITTEE RECOMMENDATION: Recommend Approval (6-0-0).

SELECT BOARD RECOMMENDATION: Recommend Approval (5-0-0).

VOTE REQUIRED: Majority

Summary: OPEB stands for "Other Post Employment Benefits". These are benefits, other than pensions, offered to employees after they leave employment (retiree medical, dental, vision and life insurance). All Towns that offer retiree benefits have always had OPEB liability. However, the amount of liability was largely unknown until the Government Accountability Standards Board (GASB) directed all municipalities to quantify their liabilities in 2001. Initial estimates of these liabilities were first released in 2014. The Town is under no obligation to fund its OPEB liability. However, funding OPEB liability is one of the elements considered by agencies when determining a Town's bond rating. Lunenburg's OPEB Liability as of June 30, 2024 is \$52,294,353 and we are 2.69% funded. Lunenburg's Financial Policies call for a transfer of 10%, or \$222,500, of Certified Free Cash into the OPEB Trust Fund.

ARTICLE 19. ESTABLISH A RESERVE FUND FOR FUTURE PAYMENT OF ACCRUED LIABILITIES FOR COMPENSATED ABSENCES

(Submitted by the Town Manager)

To see if the Town will vote to accept the provisions of Massachusetts General Laws Chapter 40, Section 13D, thereby establishing a reserve fund for the future payment of accrued liabilities for compensated absences due upon the termination of employment, said fund to be known as the "Compensated Absences Reserve Fund"; or take any other action relative thereto.

FINANCE COMMITTEE RECOMMENDATION: Recommend Approval (6-0-0).

SELECT BOARD RECOMMENDATION: Recommend Approval (5-0-0).

VOTE REQUIRED: Majority

Summary: This Article seeks to establish a Compensated Absence Fund. The purpose of this Article is to establish a dedicated fund to address the Town's sick and vacation liability. Upon separation from service, some employees are compensated for a portion of their unused sick leave, and all employees are entitled to payment of accrued vacation leave. The Fund would allow the Town to manage the liability so that an unanticipated payment does not unduly impact the operating budget of any department during the year.

ARTICLE 20. APPROPRIATION TO THE COMPENSATED ABSENCES RESERVE FUND

(Submitted by the Town Manager)

To see if the Town will vote to raise and appropriate or transfer from available funds, the sum of \$10,000 to the Compensated Absences Reserve Fund, heretofore established under Massachusetts General Laws Chapter 40, Section 13D; or take any other action relative thereto.

FINANCE COMMITTEE RECOMMENDATION: Recommend Approval (6-0-0).

SELECT BOARD RECOMMENDATION: Recommend Approval (5-0-0).

VOTE REQUIRED: Majority

Summary: This Article seeks to fund the Compensated Absence Fund, if Town Meeting establishes such a fund under the prior Article. The planned motion under this article is to transfer \$10,000 from Certified Free Cash to the Compensated Absences Reserve Fund.

ARTICLE 21. TRANSFER OF FUNDS TO THE OPEB SEWER TRUST FUND

(Submitted by the Sewer Commission)

To see if the Town will vote to transfer from available funds the sum of \$1,545.00 into the OPEB Sewer Trust Fund; or take any other action relative thereto.

FINANCE COMMITTEE RECOMMENDATION: Recommend Approval (6-0-0).

SELECT BOARD RECOMMENDATION: Recommend Approval (5-0-0).

VOTE REQUIRED: Majority

Summary: Similar to as explained above, the OPEB Sewer Trust Fund provides for post-employment benefits, other than pensions, offered to employees whose jobs are funded in any part by the sewer enterprise.

ARTICLE 22. FY 2026 SEWER ENTERPRISE

(Submitted by the Sewer Commission)

To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money to operate the Sewer Enterprise Fund for FY 2026; or take any other action relative thereto.

FINANCE COMMITTEE RECOMMENDATION: Recommend Approval (6-0-0).

SELECT BOARD RECOMMENDATION: Recommend Approval (5-0-0).

VOTE REQUIRED: Majority

Summary: This is the annual appropriation of expected sewer revenues and available sewer funds to offset the costs of running the sewer system and related costs in FY 2026. The Sewer Enterprise Fund is separate from the Town's annual operating budget, and it must be a self-funding account in which sewer billing revenues and available funds must cover all expenses associated with sewer operations each year. Total Budget \$1,886,150.22, Estimated Revenues \$1,583,917.45, Retained Earnings of \$302,232.77 to balance the budget.

ARTICLE 23. SEWER INFLOW/INFILTRATION STABILIZATION FUND

(Submitted by the Sewer Commission)

To see if the Town will vote to transfer from available funds the sum of \$19,104.40 into the Sewer Inflow/Infiltration Stabilization Fund; or take any other action relative thereto.

FINANCE COMMITTEE RECOMMENDATION: Recommend Approval (6-0-0).

SELECT BOARD RECOMMENDATION: Recommend Approval (5-0-0).

VOTE REQUIRED: Majority

Summary: This dedicated fund may be used to investigate and mitigate groundwater and stormwater infiltration into the sanitary sewer system.

Inflow - Water other than sanitary flow that enters a sewer system (including sewer service connections) from sources which include, but are not limited to, roof leaders, cellar drains, yard drains, area drains, drains from springs and swampy areas, manhole covers, cross connections between storm sewers and sanitary sewers, catch basins, cooling towers, storm waters, surface runoff, street wash waters, sump pump discharges, or drainage.

Infiltration - Water other than sanitary flow that enters a sewer system (including sewer service connections and foundation drains) from the ground through means which include, but are not limited to, defective pipes, pipe joints, connections, or manholes.

ARTICLE 24. SEWER RESERVE CAPACITY STABILIZATION FUND

(Submitted by the Sewer Commission)

To see if the Town will vote to transfer from available funds the sum of \$5,133.15 into the Sewer Reserve Capacity Stabilization Fund; or take any other action relative thereto.

FINANCE COMMITTEE RECOMMENDATION: Recommend Approval (6-0-0).

SELECT BOARD RECOMMENDATION: Recommend Approval (5-0-0).

VOTE REQUIRED: Majority

Summary: Reserve Capacity is the flow capacity reserved for use by property owners along the seweried ways. These funds are used for past and future costs of securing capacity for the Lunenburg Sewer System.

ARTICLE 25. SOLID WASTE DISPOSAL PROGRAM ENTERPRISE FUND

(Submitted by the Town Manager)

To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money to operate the Solid Waste Disposal Program Enterprise Fund for FY 2026; or take any other action relative thereto.

FINANCE COMMITTEE RECOMMENDATION: Recommend Approval (6-0-0).

SELECT BOARD RECOMMENDATION: Recommend Approval (5-0-0).

VOTE REQUIRED: Majority

Summary: This is the annual appropriation of expected solid waste program revenues and available funds (pay-as-you-throw program) to offset the costs of collecting and disposing of solid waste in FY 2026. This fund does not cover the costs of the recycling program. The planned motion under this article is to appropriate \$500,000 from Solid Waste Disposal Enterprise Revenues to operate the Solid Waste Disposal Program Enterprise Fund for FY 2026.

ARTICLE 26. WATER ENTERPRISE FUND

(Submitted by the Town Manager)

To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money to operate the Water Enterprise Fund for FY 2026; or take any other action relative thereto.

FINANCE COMMITTEE RECOMMENDATION: Recommend Approval (6-0-0).

SELECT BOARD RECOMMENDATION: Recommend Approval (5-0-0).

VOTE REQUIRED: Majority

Summary: The planned motion under this article is to appropriate \$45,000 from Water Enterprise Revenues to operate the Water Enterprise Fund for FY 2026.

ARTICLE 27. PUBLIC EDUCATIONAL GOVERNMENT (PEG) ACCESS ENTERPRISE FUND

(Submitted by the PAC Committee)

To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money to fund the FY 2026 Public Educational Government (PEG) Access Enterprise operating and capital budgets; or take any other action relative thereto.

FINANCE COMMITTEE RECOMMENDATION: Recommend Approval (6-0-0).

SELECT BOARD RECOMMENDATION: Recommend Approval (5-0-0).

VOTE REQUIRED: Majority

Summary: This is the annual appropriation of expected PEG revenues and available funds to offset the costs of running the PEG program in FY 2026. The PEG Fund is separate from the Town's annual operating budget and it must be a self-funding account in which cable-related revenues and available funds must cover all expenses associated with PEG Access operations each year. The planned motion under this article is to appropriate from PEG Access and Cable Related revenues the sum of \$194,655.55; and further that \$31,271.94 be included in appropriations from the general fund for indirect costs and be allocated to the PEG Access and Cable Related Enterprise Fund. The transfer of \$31,271.94 is offset by a transfer of the same amount under Article 10. Due to declining cable-related revenues, it is projected that there will need to be a transfer from the PEG Access and Cable Related Reserve Fund at a future Town Meeting as the FY26 projected budget for PEG is \$226,946.75. The deficit is estimated at \$32,291.20.

ARTICLE 28: MARSHALL PARK DESIGN DEBT EXCLUSION

(Submitted by the Parks Commission)

To see if the Town will appropriate a sum of money to pay costs of designing, constructing and equipping improvements to Marshall Park, including, but not limited to, construction of a basketball court, three pickleball courts, a universally accessible playground, a picnic area, a picnic pavilion with restroom facilities and a concession stand, a baseball diamond, and softball diamond and adjacent restroom facilities, additional parking lots and walking paths, and to pay all other costs incidental and related thereto; and to determine whether this appropriation shall be raised by borrowing or otherwise; provided, however, that the vote taken hereunder shall be expressly contingent upon approval by the voters of a Proposition 2½ debt exclusion question, so-called, in accordance with G.L. c. 59, § 21C(k); or take any other action relative thereto.

FINANCE COMMITTEE RECOMMENDATION: Recommend Approval (6-0-0).

SELECT BOARD RECOMMENDATION: Recommend Approval (5-0-0).

VOTE REQUIRED: 2/3rds at Town Meeting. Must also be approved by majority vote on the election ballot.

Summary: Through previous votes by the Select Board and Town Meeting, the Town has set in motion the long-anticipated renovation of Marshall Park. In 2024 the Parks Commission began the design of the park as originally proposed, and found that the cost estimate of that full park design exceeded what was feasible for the Town to take on at this time. The Parks Commission worked with the landscape designer to develop a smaller scope for the park. The updated design includes construction of a basketball court, three pickleball courts, a universally accessible playground, a picnic area, and a picnic pavilion equipped with modern bathroom facilities and concession stand. The design also includes a new baseball diamond, and softball diamond as well – with a second adjacent restroom facility. There will be a new large parking lot on the Mass Ave side of the park, and a smaller parking area on the Chestnut Street side of the park. Accessible walking paths will connect all of these areas. If approved at Town Meeting, construction is anticipated to begin in early 2026.

In order to move forward with these planned improvements, the Town must approve the appropriation of \$13.8 million. This debt exclusion borrowing requires a two-thirds vote of approval at Town Meeting, and also a majority vote of approval for the related question on the election ballot.

This project aims to transform Marshall Park into a modern, accessible, multi-generational, and vibrant space for all residents, that significantly enhances the quality of life in the community. The Parks Commission will reapply for the grants previously awarded and will continue to apply for new grants and seek funding from private sector sources with the hope to further reduce the cost to the Town for this project.

ARTICLE 29: MUNICIPAL BUILDING DESIGN DEBT EXCLUSION

(Submitted by the Municipal Building Design Committee)

To see if the Town will appropriate a sum of money to pay costs of (i) reconstructing, equipping and furnishing the Meeting House and the Ritter Memorial Building, including the costs of related architectural and engineering services and all other costs incidental and related thereto, and (ii) constructing, equipping and furnishing a new Town Hall to be located adjacent to the Ritter Memorial Building, including the costs of related architectural and engineering services and all other costs incidental and related thereto, with the anticipated scope of such work more fully described in the report presented to the Town by Taylor & Burns Architects, dated February 24, 2025; to determine whether this appropriation shall be raised by borrowing or otherwise; provided, however, that the vote taken hereunder shall be expressly contingent upon approval by the voters of a Proposition 2½ debt exclusion question, so-called, in accordance with G.L. c. 59, § 21C(k); or take any other action relative thereto.

FINANCE COMMITTEE RECOMMENDATION: Recommend Approval (5-1-0).

SELECT BOARD RECOMMENDATION: Recommend Approval (5-0-0).

VOTE REQUIRED: 2/3rds at Town Meeting. Must also be approved by majority vote on the election ballot.

Summary: Town Meeting and the Select Board established the Municipal Building Design Committee to consolidate Town, School, and community functions into municipal buildings.

This proposal recommends that the existing Town Hall, a building of 6,500 square feet area over two floors, be renovated for continued Town business use for hearings, meetings, conferences, and offices, and renamed Meeting House.

The design proposes that Ritter Memorial, 5,700 square feet area across three floors, be renovated for continued business use as School Department administration and ACE program. The design also proposes a new Town Hall, with 14,700 square feet over three floors, to accommodate Town offices for the Assessor, Treasurer, Clerk, Parks & Recreation, Building Department, Planning Department, Board of Health, and Town Manager, among others. The new Town Hall is designed as an addition to the Ritter, architecturally separate but linked with ramps to connect the non-aligned floors of the two buildings.

The Town also owns a parcel of land at 30 School Street that is to be redeveloped to provide a new parking lot within walking distance of Lunenburg's Village Center District. These spaces will be utilized by Town Hall and Lunenburg Public School staff and administration, visitors of the Town Hall and School Department, as well as the general public. The parking lot will be covered by a photovoltaic array and equipped with electric vehicle chargers. The LMBDC expects to take advantage of federal funds that will pay for 75% of the cost of photovoltaic canopy over the parking lot.

The construction cost of the proposed work has been independently estimated at \$18.3 million. The total project cost, which includes design fee, owner's project manager fee, furniture and equipment, moving costs, photovoltaic canopy (25%), police details and an owner's contingency for what might be discovered during renovation, is estimated at \$22,422,998.

ARTICLE 30. FLOODPLAIN MAP UPDATE

(Submitted by the Planning Board)

To see if the Town will vote to amend the Code of Lunenburg, Chapter 250, being the Town's "Protective Bylaw," Article IV, entitled "Use Regulations," by deleting therefrom in its entirety Section 4.8, entitled "Floodplain District," and by substituting the following therefor:

§ 250-4.8. Floodplain District.

A. The purpose of the Floodplain Overlay District is to:

- (1) Ensure public safety through reducing the threats to life and personal injury
- (2) Eliminate new hazards to emergency response officials
- (3) Prevent the occurrence of public emergencies resulting from water quality, contamination, and pollution due to flooding
- (4) Avoid the loss of utility services which if damaged by flooding would disrupt or shut down the utility network and impact regions of the community beyond the site of flooding
- (5) Eliminate costs associated with the response and cleanup of flooding conditions
- (6) Reduce damage to public and private property resulting from flooding water.

B. Zone

The Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas within Lunenburg designated as Zone A and AE on the Worcester County Flood Insurance Rate Map (FIRM) dated July 8, 2025 issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The exact boundaries of the District shall be defined by the 1%-chance base flood elevations shown on the FIRM and further defined by the Worcester County Flood Insurance Study (FIS) report dated July 8, 2025. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Official and Conservation Commission.

C. Definitions

DEVELOPMENT means any man-made change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

FLOODWAY. The channel of the river, creek or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

FUNCTIONALLY DEPENDENT USE means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

HIGHEST ADJACENT GRADE means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HISTORIC STRUCTURE means any structure that is:

- (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (1) By an approved state program as determined by the Secretary of the Interior or
 - (2) Directly by the Secretary of the Interior in states without approved programs.

NEW CONSTRUCTION. Structures for which the start of construction commenced on or after the effective date of the first floodplain management code, regulation, ordinance, or standard adopted by the authority having jurisdiction, including any subsequent improvements to such structures. *New construction includes work determined to be substantial improvement.*

RECREATIONAL VEHICLE means a vehicle which is:

- (e) Built on a single chassis;
- (f) 400 square feet or less when measured at the largest horizontal projection;
- (g) Designed to be self-propelled or permanently towable by a light duty truck; and
- (h) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

REGULATORY FLOODWAY - The channel of the river, creek or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

SPECIAL FLOOD HAZARD AREA. The land area subject to flood hazards and shown on a Flood Insurance Rate Map or other flood hazard map as Zone A, AE, A1-30, A99, AR, AO, AH.

START OF CONSTRUCTION. The date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns. Permanent construction does not include land preparation (such as clearing, excavation, grading or filling), the installation of

streets or walkways, excavation for a basement, footings, piers or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

SUBSTANTIAL REPAIR OF A FOUNDATION. When work to repair or replace a foundation results in the repair or replacement of a portion of the foundation with a perimeter along the base of the foundation that equals or exceeds 50% of the perimeter of the base of the foundation measured in linear feet, or repair or replacement of 50% of the piles, columns or piers of a pile, column or pier supported foundation, the building official shall determine it to be substantial repair of a foundation. Applications determined by the building official to constitute substantial repair of a foundation shall require all existing portions of the entire building or structure to meet the requirements of 780 CMR.

VARIANCE means a grant of relief by a community from the terms of a flood plain management regulation.

VIOLATION means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in §60.3 is presumed to be in violation until such time as that documentation is provided.

D. Use Regulations.

- (1) The Floodplain District is established as an overlay district to all other districts. All development, including structural and nonstructural activities, must be in compliance with MGL c. 131, § 40 and with the requirements of the Massachusetts State Building Code pertaining to construction in the floodplain.
- (2) Permitted Uses. The following uses of low flood damage potential and causing no obstructions to flood flows shall be allowed, provided they are permitted in the underlying district and they do not require structures, fill or storage of materials or equipment:
 - (a) Agricultural uses such as farming, grazing, truck farming, horticulture, etc.
 - (b) Forestry and nursery uses.
 - (c) Outdoor recreational uses, including fishing, boating, play areas, etc.
 - (d) Conservation of water, plants, wildlife.
 - (e) Wildlife management areas, foot, bicycle and/or horse paths.
 - (f) Temporary nonresidential structures used in connection with fishing, growing, harvesting, storage or sale of crops raised on the premises.
 - (g) Buildings lawfully existing prior to the effective date hereof.
- (3) Uses permissible by special permit granted by the Planning Board. No structure or building shall be erected, constructed, substantially improved or otherwise created or moved, no earth or other materials dumped, filled, excavated or transferred, unless a special permit is granted by the Planning Board. Said Board may issue a special permit hereunder, subject to other

applicable provisions of this bylaw, if the application is in compliance with the following provisions:

- (a) The proposed use shall comply in all respects with the provisions of the underlying district; and
- (b) Within 10 days of receipt of the application, the Board shall transmit one copy of the development plan to the Conservation Commission, Board of Health and Building Commissioner. Final action shall not be taken until reports have been received from the above boards or until 35 days have elapsed; and
- (c) All encroachments, including fill, new construction, substantial improvements to existing structures and other development, are prohibited unless certification by a registered professional engineer is provided by the applicant demonstrating that such encroachment shall not result in any increase in flood levels during the occurrence of the one-hundred-year flood; and
- (d) The Board may specify such additional requirements and conditions it finds necessary to protect the health, safety and welfare of the public and the occupant of the proposed use.

E. Designation of Community Floodplain Administrator

The Town hereby designates the position of Building Commissioner to be the official floodplain administrator for the Town.

F. Special Permits are required for all proposed development in the Floodplain District

The Town requires a special permit for all proposed construction or other development in the Floodplain District, including new construction or changes to existing buildings, placement of manufactured homes, placement of agricultural facilities, fences, sheds, storage facilities or drilling, mining, paving and any other development that might increase flooding or adversely impact flood risks to other properties.

G. Assure That All Necessary Permits Are Obtained

The Town's special permit review process includes the requirement that the proponent obtain all local, state and federal permits that will be necessary in order to carry out the proposed development in the Floodplain District. The proponent must acquire all necessary permits.

H. Floodway Encroachment

In Zones A and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

In Zone AE, along watercourses that have a regulatory floodway designated on the Town's FIRM, encroachments are prohibited, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

I. Unnumbered A Zones

In A Zones, in the absence of FEMA BFE data and floodway data, the Building Department will obtain, review and reasonably utilize base flood elevation and floodway data available from a Federal, State, or other source as criteria for requiring new construction, substantial improvements, or other development in Zone A and as the basis for elevating residential structures to or above base flood level, for floodproofing or elevating nonresidential structures to or above base flood level, and for prohibiting encroachments in floodways.

J. Subdivision proposals

All subdivision proposals and development proposals in the Floodplain District shall be reviewed to assure that:

- (a) Such proposals minimize flood damage.
- (b) Public utilities and facilities are located & constructed so as to minimize flood damage.
- (c) Adequate drainage is provided.

K. Base flood elevation data for subdivision proposals

When proposing subdivisions or other developments greater than 50 lots or 5 acres (whichever is less), the proponent must provide technical data to determine base flood elevations for each developable parcel shown on the design plans.

L. Recreational Vehicles

In A and AE Zones, all recreational vehicles to be placed on a site must be elevated and anchored in accordance with the zone's regulations for foundation and elevation requirements or be on the site for less than 180 consecutive days or be fully licensed and highway ready.

M. Watercourse alterations or relocations in riverine areas

In a riverine situation, the Building Commissioner shall notify the following of any alteration or relocation of a watercourse:

- Adjacent Communities, especially upstream and downstream
- Bordering States, if affected
- NFIP State Coordinator
Massachusetts Department of Conservation and Recreation
- NFIP Program Specialist
Federal Emergency Management Agency, Region I

N. Requirement to Submit New Technical Data

If the Town acquires data that changes the base flood elevation in the FEMA mapped Special Flood Hazard Areas, the Town will, within 6 months, notify FEMA of these changes by submitting the technical or scientific data that supports the change(s). Notification shall be submitted to:

- NFIP State Coordinator
Massachusetts Department of Conservation and Recreation

- NFIP Program Specialist
Federal Emergency Management Agency, Region I

O. Variances to Building Code Floodplain Standards

The Town will request from the State Building Code Appeals Board a written and/or audible copy of the portion of the hearing related to the variance, and will maintain this record in the community's files.

The Town shall also issue a letter to the property owner regarding potential impacts to the annual premiums for the flood insurance policy covering that property, in writing over the signature of a community official that (i) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction below the base flood level increases risks to life and property.

Such notification shall be maintained with the record of all variance actions for the referenced development in the Floodplain District.

P. Variances to the Zoning Bylaw related to community compliance with the National Flood Insurance Program (NFIP)

A variance from this Bylaw must meet the requirements set out by State law, and may only be granted if:

- (1) Good and sufficient cause and exceptional non-financial hardship exist;
- (2) The variance will not result in additional threats to public safety, extraordinary public expense, or fraud or victimization of the public; and
- (3) The variance is the minimum action necessary to afford relief.

Q. Abrogation and Greater Restriction

The floodplain management regulations found in this Floodplain District Bylaw shall take precedence over any less restrictive conflicting local laws or codes.

The degree of flood protection required by this Bylaw is considered reasonable but does not imply total flood protection.

R. Severability Section

If any section, provision or portion of this Bylaw is deemed to be unconstitutional or invalid by a court, the remainder of the Bylaw shall be effective;

or take any other action relative thereto.

FINANCE COMMITTEE RECOMMENDATION: No Direct Financial Impact (6-0-0).

SELECT BOARD RECOMMENDATION: Recommend Approval (5-0-0).

VOTE REQUIRED: 2/3rds

Summary: This article brings Lunenburg in compliance with the requirements for participation in National Flood Insurance. It also updates the local Flood Insurance Rate Maps – last updated in 1982. This impacts a comparatively small number of homes in the town – roughly 20 according to

the Department of Conservation and Recreation – but failure to comply means these homes may no longer qualify for National Flood Insurance and would instead need private flood insurance which most find prohibitively expensive. This article has minimal to no effect on those outside the designated flood zones.

ARTICLE 31. ACCESSORY DWELLING UNIT BYLAW UPDATE

(Submitted by the Planning Board)

To see if the Town will vote to amend the Code of Lunenburg, Chapter 250, being the Town's "Protective Bylaw," so as to bring it into compliance with certain provisions of the Affordable Homes Act, being Chapter 150 of the Acts of 2024, specifically those provisions relative to so-called accessory dwelling units, or ADUs, as follows:

- i. within Article IV, entitled "Use Regulations," Section 4.1, entitled "Permitted and prohibited uses," Subsection G, the "Use Table," Item 4.1.H.(1), by adding the word "Unit" following "Accessory Dwelling"; and
- ii. by deleting from the same Article IV and Section 4.1, Subsection H, entitled "Residential uses," the entirety of Paragraph (1) and by substituting the following therefor:
 - (1) ACCESSORY DWELLING UNIT (ADU) — 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; and (ii) is not larger in gross floor area than 1/2 the gross floor area of the principal dwelling or 900 square feet, whichever is smaller; provided, however, that an ADU shall further satisfy the following criteria:
 - (a) An ADU that conforms to the requirements contained herein shall be permitted by-right as an accessory use in accordance with the Use Table.
 - (b) The ADU may be a detached dwelling on the same lot or part of the same structure as the principal dwelling unit.
 - (c) An ADU shall conform to the dimensional requirements of Section 250-5.2; provided, however, that no minimum lot size is required for an ADU per 760 CMR 71.03(3)(b)(2).
 - (d) An ADU may not be used for short-term rental as defined in Section 1 of MGL Chapter 64G.
 - (e) Not more than 50% of the lot area may be occupied by the principal and accessory dwelling(s);
- iii. within Article V, entitled "Dimensional Regulations," Section 5.2, entitled "Setbacks and yards," Subsection E, entitled "Side and rear yards," Item (3), entitled "Retail Commercial, Commercial, Office Park and Industrial Districts," by: (1) deleting the phrase "Retail Commercial" from the title of said Item (3) and substituting the phrase "Limited Business/Residential" therefor; and (2) adding to said Item (3), Subitems (a) and (b), the phrase "not containing an accessory dwelling unit," twice, following the phrase "detached accessory building";

or take any other action relative thereto.

FINANCE COMMITTEE RECOMMENDATION: No Direct Financial Impact (6-0-0).

SELECT BOARD RECOMMENDATION: Recommend Approval (5-0-0).

VOTE REQUIRED: Majority

Summary: This article brings Lunenburg in compliance with a new state law regarding Accessory Dwelling Units (ADUs). ADUs are smaller residences sized at no more than 50% of the size of the primary residence on the property. They may be attached or detached, and there are no requirements on who may live in such units. Lunenburg already has a permissive ADU bylaw compared to other communities in the region, so the change is minimal. Failure to pass this means the state law still applies, but we forfeit local protections included in this article.

ARTICLE 32: AMENDING CLAUSES 17D, 17E and 17F RELATIVE TO TAX EXEMPTIONS

(Submitted by the Board of Assessors)

To see if the Town will vote, pursuant to Massachusetts General Laws, Chapter 59, Section 5, to increase the maximum qualifying amount of whole estate or assets for FY2026 from \$40,000 to \$68,244, under Clause 17E, and to increase the exemption amount for FY2026 from \$185 to \$343, under Clause 17F; or take any other action relative thereto.

FINANCE COMMITTEE RECOMMENDATION: Deferred.

SELECT BOARD RECOMMENDATION: Recommend Approval (5-0-0).

VOTE REQUIRED: Majority

Summary: Previous Actions to accept COLA reset these limits to their original levels. This article seeks to reset these limits as though they had been accepted by the Town when they were made available by the State. The Asset level would increase from \$40,000 to \$68,244 and the Exemption amount from \$185 to \$343. Thereafter, COLA provisions, already accepted by the Town Meeting, would apply to both Assets and Exemptions. The estimated financial impact of this article is \$1,598.56.

ARTICLE 33: AMENDING CLAUSE 41C and 41D RELATIVE TO TAX EXEMPTIONS

(Submitted by the Board of Assessors)

To see if the Town will vote, pursuant to Massachusetts General Laws, Chapter 59, Section 5, Clauses 41C and 41D, to increase the single income maximum qualifying amount from \$24,000 to \$32,571 for FY2026, to increase married income amount from \$30,000 to \$40,946 for FY2026, to increase the Single Asset maximum qualifying amount from \$40,000 to \$54,492 for FY2026, and to increase the Married Asset maximum qualifying amount from \$55,000 to \$75,172 for FY2026. Thereafter, COLA provisions, already accepted by the Special Town Meeting of November, 2024, would apply to Income and Assets for 41D, or take any other action relative thereto.

FINANCE COMMITTEE RECOMMENDATION: Deferred.

SELECT BOARD RECOMMENDATION: Recommend Approval (5-0-0).

VOTE REQUIRED: Majority

Summary: Previous Actions to accept COLA reset these limits to their original levels. This article seeks to reset these limits as though they had been accepted by the Town when they were made available by the State. The Single Income level would increase from \$24,000 to \$32,571 and Married Income level would increase from \$30,000 to \$40,946. The Single Asset amount would increase from \$40,000 to \$54,492 and Married Asset level would increase from \$55,000 to \$75,172. Thereafter, COLA provisions, already accepted by the Town Meeting, would apply to Income and Assets. The estimated financial impact of this article is \$3,000.00.

ARTICLE 34: CITIZENS PETITION

(Submitted by Citizen Petition)

Will the citizens of Lunenburg, Massachusetts Adopt the following:

- 1. Adopt the following definitions governing the powers and duties of the Lunenburg Cemetery Commission's powers and duties as enshrined in the Charter of the Town of Lunenburg and in the Cemetery Commission's Rules and Regulations;**

Definitions:

“Sole” as in separate;

“Care” as in “duty of care a legal responsibility of an organization to avoid any behaviors or omissions that could reasonably be foreseen to cause harm to others.”

“Superintendence” as in “The function of watching, guarding, or overseeing.”

“Management” as in “To direct the the transactions of government.”

“Town” as in “body politic; “inhabitants of a Town”” as it states in statute and the Rules and Regulations of the Cemetery Commission wherein it states in part “;and, subject to the approval of the *town*, may make such regulations, consistent with law, as it deems expedient.”

- 2. And direct the Cemetery Commission to act as an oversight elected body, for which it has been directed as such by statute, enshrined in MGLA CH. 114 SECTION 23; and as pursuant to The Charter of the Town of Lunenburg, which has enshrined the supreme power and duties as supervisor of the cemeteries day-to-day care and maintenance authority to the Town Manager in SECTION 3-5 (b) CEMETERY COMMISSION:**

MGLA Ch. 114 Sec. 23

“Said board shall have the sole care, superintendence and management of all public burial grounds in its town, may lay out any existing public burial grounds in its town or any land purchased and set apart by said town for such cemeteries, in lots or other suitable subdivisions, with prop paths and avenues, may plant, embellish, ornament and fence the same and erect therein suitable edifices and conveniences and make such improvements as it considers convenient; and, subject to the approval of the town, may make such regulations, consistent with law, as it deems expedient.”

SECTION 3-5 (b) CEMETERY COMMISSION

“... The day-to-day care and maintenance of the cemeteries shall be under the supervision of the town manager.”

3. Direct the Town Manager pursuant to her Charter authority over all Town Property Article 4 Section 4-1 (i) and her granted authority pursuant to Article 5 Section 5-1 (a) to Conjoin (merge) the powers and duties governing the supervisory authority of the cemetery property, (multiple parcels of land owned by the Town of Lunenburg), by changing the working of the power and duties granted to the Town Manager to the Department of Public Works the words which will clearly reference with the word “property”, or “land” by adding the words “including all cemetery lands” which is under the authority of the Town Manager and the Department of Public Works who presently share supervisory of all lands (property) in the Town of Lunenburg excepting the School Department.

4. All changes to the Rules and Regulations of the Cemeteries shall be made under the following schedule and processes and only upon approval by the majority vote of the Inhabitants of the Town of Lunenburg at the Annual Town Meeting or Special Town Meeting according to the following schedule and process:

a. The cemetery commission **shall** be permitted to make a **RULES AND REGULATION** changes **not requiring the expense of any money**, only by submission of a warrant article, at the Annual Town Meeting or Special Town meeting for a Vote of the Inhabitants of The Town of Lunenburg, subject to the approval of the article by the Town Manager, and a two-thirds majority vote of the finance committee and selectboard

b. The Cemetery Commission **shall** be permitted to make a **RULES AND REGULATION** change **requiring the expense of any money**, *(including expenses derived from the following funds, but not limited to, the Sale of Lots Fund, Perpetual Care Fund, or a Family Trust Fund, a Gift or Donation or any and all monies allocated or procured, including the granting of any refunds)*, only by a submission of a warrant article, which Shall be presented with a comprehensive collaborative written plan, for its specified use, which includes a presentation of the Director of the Department of Public Works, Cemetery Superintendent and the Town Manager and then presented at the Annual Town Meeting for a Vote of the Inhabitants of the Town of Lunenburg, subject to the approval of the warrant article by the Town Manager, and a two-thirds majority vote of the Finance Committee and Selectboard.

5. The Cemetery Commission shall be permitted to use money held by the Town of Lunenburg, (see list as included as reference mentioned in section 4 (b) of this article), only upon a submission of a comprehensive written plan and presentation from the Cemetery Commission and the Director of the Department of Public Works, Cemetery Superintendent and the Town Manager, and it must be presented to the Selectboard and Finance Committee and meet the guidelines for approval pursuant to the process in 4 (b) of this article to be presented at annual town meeting for finalization.

The following sections of the commission, which must require approval for monies include but are not limited to the following:

- a. For the perpetual care and maintenance of the cemeteries and
- b. For the layout of any existing public burial grounds in the town

- c. Or to purchase any land for such cemeteries, either in lots or other suitable subdivisions, with proper paths and avenues, to plant, embellish, ornament or fence**
- d. and erection therein such suitable edifices and conveniences and make such improvements as it considers convenient**

FINANCE COMMITTEE RECOMMENDATION: No Direct Financial Impact (6-0-0).

SELECT BOARD RECOMMENDATION: Not Recommended (5-0-0).

VOTE REQUIRED:

And you are directed to serve this Warrant by posting attested copies thereof in four or more public places in the Town, seven (7) days at least before the day appointed for said meeting, one of which places shall be the Town Hall, one at Baker's Whalom Variety in the Whalom-Bakerville District, one at Powell's and one at Jaxx Country Variety, and by mailing a copy to each dwelling unit in the Town in which a registered voter resides at least seven (7) days prior to such meeting. Hereof, fail not and make due return of this Warrant, with your doings thereon, to the Town Clerk at the time and place aforesaid.

Given under our hands this 8th day of April in the year Two Thousand and Twenty-Five.

A true copy, Attest:

LUNENBURG SELECT BOARD

Kathyrn M. Herrick, Town Clerk

Caesar Nuzzolo, Chairman
Michael-Ray Jeffreys, Vice Chairman
Amanda Moore, Clerk
Tom Alonzo, Member
Renee Emkey, Member