

MIDDLETON SELECT BOARD
MEETING AGENDA
FULLER MEADOW ELEMENTARY SCHOOL
NATHAN MEDIA CENTER
143 SOUTH MAIN STREET, MIDDLETON, MA 01949
TUESDAY, SEPTEMBER 17TH, 2024
6:00 PM

This meeting is being recorded

- | | |
|---------|--|
| 6:00 pm | 1. Business <ul style="list-style-type: none">a. Warrant: 2506, and FP 44b. Minutes: Open Session, September 3, 2024; Executive Session, September 3, 2024c. Town Administrator Updates and Reports |
| 6:05 pm | 2. Public Comment |
| 6:15 pm | 3. Middleton Municipal Campus Updates <ul style="list-style-type: none">a. Project Updatesb. Amendment to PCA360 Contract |
| 6:20 pm | 4. Accessory Dwelling Unit (ADU) Bylaw Draft |
| 6:40 pm | 5. Award Essex-DeBush Water Infrastructure Contract |
| 6:45 pm | 6. Pike Messenger Land Acceptance |
| 6:50 pm | 7. Cemetery Regulation Waivers <ul style="list-style-type: none">a. (Cocciardi, Lot F-222) Oversized Bench Requestb. (Fitzpatrick-Voci, Lot 2122) Oversized Bench Request |
| 7:00 pm | 8. Reappointments – Cultural Council George Cumming |
| 7:05 pm | 9. Department Head Update: Scott Morrison – Superintendent of Schools |
| 7:25 pm | 10. Executive Session pursuant to G.L. c. 30A, s. 21(a)(3) To conduct strategy sessions with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares: MIIA Insurance Claim M24SB000967 |
| 7:45 pm | 11. Updates & Announcements |

Upcoming Meetings:

October 1, 15, 29
November 5, 19

Regular Select Board Meeting
Regular Select Board Meeting

The Board reserves the right to consider items on the agenda out of order. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.



MEETING MINUTES
MIDDLETON SELECT BOARD MEETING
FULLER MEADOW SCHOOL, NATHAN MEDIA CENTER
143 SOUTH MAIN STREET, MIDDLETON, MA 01949
September 3, 2024 at 6 PM

With a quorum present, in the absence of the Chair, D. Carbone called the meeting to order at 6 pm.
Select Board present: Debbie Carbone, Clerk; Jeff Garber; Kosta Prentakis; Brian Cresta (A -6:13pm)
Not present: Rick Kassiotis, Chair
Also attending: Justin Sultzbach, Town Administrator; others as noted.

The Board reserves the right to consider items on the agenda out of order. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.

Business

- **Warrant 2504 /August 22, 2024:** Payroll: \$ 635,607; Bills Payable: \$ 873,721; FP42 \$ 142,000
 - **Warrant 2505 /September 5, 2024:** Payroll: \$ 798,000; Bills Payable: \$ 1,300,000; FP43 \$ 1,339,106
- The Town Accountant/Finance Director Sarah Wood has reviewed the warrant and requested the Board's approval.
Town Administrator Sultzbach provided a brief overview of the warrant presented for approval.

On a motion by Prentakis, seconded by Garber, the Board voted unanimously to approve Warrants 2504, 2505 & FP42 & FP43 as presented.

- **Minutes: August 13, 2024**
On a motion by Prentakis seconded by Garber, the Board voted unanimously by roll call to approve the August 13, 2024 minutes as presented with edits.
- **Town Administrator Updates & Reports-** This report is posted on the Town website.
 - We have been discussing the proposition of forming a "Friends of the Middleton Food Pantry" style group. The Town Administrator expects a formal proposal in the coming months.
 - The Town Administrator registered to renew his MCCPO Designation, with classes slated throughout the fall of this year. This certification will be good for three years.
 - MassDOT was in Town for a Road Safety Audit last week. They were reviewing the intersection of 114 and 62. No update on the left arrow at this time.
 - The Peabody Street Bridge will be closed tomorrow, September 4th 8:30am to 2:30pm.
 - Residents abutting the Mill Pond held their first residents meeting last week. They have been communicating with us regularly.
 - Transfer Station stickers went on sale today. Thank you to our DPW and Finance team members for all of the work they put in to ensure a smooth roll out.
 - We have started interview for our Administrative Services position; some slots next week yet to be scheduled.
 - We received some candidates for the Planner vacancy, with interviews expected to be scheduled later this month.
 - Middleton has received the GFOA Budget award for its 4th year in a row. Congrats to our Finance team, under the director of Finance Director Wood for this tremendous accomplishment.
 - Free Cash has been certified, totaling in at \$6,719,456 for our General Fund.
 - The Select Board schedule has been set through the end of the calendar year & into the start of budget season. Please note this includes the addition of a placeholder date of December 10th for a Special Town Meeting if deemed necessary by the Board.
 - Thank you to our Town Clerk's Office and Poll Workers for all the effort they put into the State Primary Election.

2. Public Comment – There was none.

3. Middleton Municipal Campus Updates

- Project Updates
- Approval of Recommendations from Building Committee on contracts & add alternate #2

J. Sultzbach spoke on Add Alternate #2 for overflow parking and recommended if the parking is determined to be needed, the paving be done at a later date, citing the \$300,000 cost. This area would remain grass and available for parking if needed. It was noted there are associated costs i.e. maintenance. The Board recognized the Town Administrator and Committee for their forethought on this matter.

The proposal for security was provided to the Board from Ockers in the amount of \$692,676.74. Public Safety reviewed the details of the proposal. The OPM found additional savings to balance the overage of the anticipated cost.

On a motion by Prentakis seconded by Garber, the Board voted unanimously to approve the video storage proposal for 30 day storage as provided in the packet.

4. DPW Fire After Action Report – Fire Chief LeColst was present and spoke on the August 14 fire at 195 North Main Street, a municipal building which housed the Department of Public Works. He reported a full response was dispatched to the working fire and the flames were quickly knocked down; there was significant smoke damage. The investigation determined the cause of the fire to be accidental and started from combustible material stored near the generators operating exhaust. Chief LeColst reviewed the response times for the apparatus to the scene.

The Board commended the Chief, Fire Department, town staff, IT and MELD for their timely responses and help.

The Town Administrator will review action plans for town buildings and departments during an emergency.

Temporary offices/trailers were delivered and expected to be used through the end of October while the building is evaluated and the extent of damage to determine repairs. It was noted the Town's insurance deductible is \$10,000.

5. Acting Detective Sergeant Request with Chief Sampson - Captain Armitage was present in Chief Sampson's stead to ask for the Board support to appoint an acting Detective Sargent during the absence of the Detective Sergeant currently on an extended medical leave. The request to the Board was to appoint Detective Adam Massini as Actin Detective Sergeant. Captain Armitage reviewed A. Massini's credentials and the importance of having someone of authority in this position.

On a motion by Cresta, seconded by Garber, the Board voted unanimously to appoint Detective Adam Massini as Actin Detective Sergeant during the period of the vacancy of the position.

6. Award Essex-DeBush Water Infrastructure Contract – J. Sultzbach noted the bids came in on Thursday and are being reviewed by the Engineer. He requested this be continued to the September 17 meeting. The Board had no objection.

7. Review TEC Proposal Rt 114-62 Boston Street through Memorial Hall parcel – J. Sultzbach spoke on the TEC proposal. TEC has been working with the Town for the past few months on the possibility of using the land the Town Hall currently is located to continue Route 62 straight through to Maple Street.

TEC submitted a proposal in the amount of \$56,200 to provide the town with two Alternatives/Feasibility Study for a new roadway and improvements to the existing intersection. J. Sultzbach recommended the Board take this under advisement during which time the Town expects to know the status of the Housing Works Grant which could reduce the cost.

8. Review Minco Locust Street Appraisal – J. Sultzbach spoke on the Locust Street property appraisal, noting it was received after the meeting packet was sent out. An appraisal was sought for the Town owned parcel purchased about 20 years ago for \$1,750,000 with the intention it be used for the Howe Manning School.

The Select Board agreed to look into selling the property as surplus and provide some engineering work upfront to make it more appealing. The land appraisal was for two scenarios: a 12 lot plan which has an estimated value of \$2,945,000 and a higher density plan of 17 smaller lots which has an estimated value of \$3,140,000. The 17 lot development would require a zoning change.

Discussion followed. The Board observed larger homes could still be built on the smaller lots vs smaller affordable homes, defeating the purpose to encourage more affordable homes on the smaller lots.

Draft

The Board considered a number of ideas and the importance of timing, due to a number of municipal buildings/offices vacated when the new town facility is ready, including the cost to vacate these buildings. These suggestions included:

- A deed restriction on how much land can be disturbed to minimize development and house size.
- Packaging the sale of Locust Street property for development and Memorial Hall for affordable housing.
- Contact Mass Development re development of affordable housing
- Put out a Request for Information (RFI) to see if developers would be interested in both properties, prior to making any decisions.

J Sultzbach will prepare a draft RFI over the next month for the Board's consideration.

9. Review the application of JY Inc. D/B/A Vinum Liquors, 232-B South Main Street, Manager Jay Patel for a transfer of License and Pledge of Collateral for the All Alcohol Beverages Off-Premise Package Store Currently Held by Vinum Wine Shop, Manager John Mille, 232-B South Main Street – Attorney Jill Mann was present representing the applicant, also present, and spoke on the details of the application to transfer the license. J. Patel explained his intention to expand the selection from just wine to include liquor to make this business financially stable; there is additional square footage to expand. John Mille was also present and answered questions about the transfer and explained his participation during this time.

On a motion by Cresta, seconded by Prentakis, the Board voted unanimously to approve the transfer of the license and the pledge of collateral for the All Alcohol Beverages Off-premise Package Store that is currently held by Venom Wine Shop, Manager John Mille, 232-B South Main Street, and transferred to JY Inc. D/B/A Vinum Liquors, 232-B South Main Street, Manager Jay Patel, conditional on the Police Chief's review.

10. Acceptance of Tri-Town School Union Regional Planning Board 2022-2023 Final Report - The Committee's final report recommended the town not merge and not create a regional elementary school system.

On a motion by Cresta, seconded by Prentakis, the Board voted unanimously to accept the final report.

*The agenda was taken out of order with consensus.**

11. Executive Session Pursuant to G.L. c. 30A, s. 21 (a) (2) To conduct strategy session in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with a nonunion personnel: Police Captain – *This agenda item was held for a later date.*

12. Executive Session Pursuant to G.L. c. 30A, s. 21 (a)(6) To consider the purchase, exchange, Lease, or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiations position of the public body: South Main Street Parcel 0029-0000=0071

7:40 pm - On a motion by Cresta, Seconded by the Board voted unanimously by roll call to enter into Executive Session and not return to open session but adjourn directly from Executive Session, Pursuant to G.L. c. 30A, s. 21 (a)(6) To consider the purchase, exchange, Lease, or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiations position of the public body: South Main Street Parcel 0029-0000=0071.

***13. Updates & Announcements:**

K. Prentakis recognized and thanked Tracy Melo and Steve Jessie for organizing the opioid awareness vigil on Wednesday and bringing awareness to the community through the placement of purple flags to represent deaths from opioids. Representative Jones and Senator Tarr also attended.

Upcoming Select Board Meetings: September 17; October 8 & 22

Adjourn: The Board unanimously adjourned from Executive Session at 7:40pm

Draft

Respectfully submitted by

Catherine E. Tinsley

Catherine Tinsley, Recording Secretary

Debbie Carbone, Select Board Clerk

Documents either distributed to the Select Board before the meeting in a packet or at the meeting:

- Warrant 2504, 2505 & Facility Project 42 & 43
- Minutes – August 13 , 2024
- Town Administrator Report
- Add Alternate #2 – Permeable Parking Areas; Email from PCA360 - 8.21.24; RFP - Security, CCTV, Intrusion
- Ockers Technologies Quote
- After Action Report / Improvement Plan, Middleton Public Works, including photos
- Letter of Recommendation from Police Chief Sampson on Acting Detective Sergeant & Email from J. Bresnahan re Pay assessment 8.28.24
- TEC Engineering Corp Rt 62/114 Alternatives & Feasibility Study Proposal 8.13.24
- Minco Locust Street Appraisal (provided prior to the meeting)
- Vinum Wine Shop, Inc. – Application for Transfer of Liquor License to JY Inc.

3B



PCA360 - Amendment



ADDITIONAL SERVICE REQUEST (ASR)

Date: 6/12/24
ASR#: 02
Prepared by: B. Laroche

Client Name:	Town of Middleton	Project Name:	Middleton Municipal Complex
Address:	48 South Main Street Middleton, MA 01949	Project Location:	105 S Main St Middleton, MA 01949
Attention:	Justin Sulzbach	Client Project No:	

Scope of Work: Extended Design (Phase II) services by two (2) months

In August 2023, PCA360's contract was amended to align with the architect's production schedule for delivering bid documents. The revised schedule extended the OPM's design phase services to conclude in December 2023. However, the bid documents were issued at the end of February. As a result, the OPM's design phase services were extended by an additional two months. PCA360 is requesting an additional fee for these two months, based on the OPM's Contract Payment Schedule monthly rate for the design phase of \$29,260. See attached updated payment schedule.

(Check one)	Lump Sum Fee <input checked="" type="checkbox"/>	Timecard <input type="checkbox"/>
Description		Fee
\$29,260 x 2 months		\$58,520.00
Total Additional Fee		\$58,520.00

WE WILL PROCEED WITH THE ABOVE SCOPE OF WORK UPON RECEIPT OF YOUR WRITTEN AUTHORIZATION.			
Submitted by:	For: PCA360, LLC	Approved by:	For:
Title:	Thomas Kerwin Project Executive	Title:	
Date:	6/12/24	Date:	

- **Eagle Incidental Take** - Permitting Support
- **Security Vendor** - admin two procurement processes (State Contract / Bid)
- **A/V Vendor** - admin two procurement processes (State Contract / Bid)
- **Communication Tower Vendor** – admin two procurement processes (State Contract / Bid)
- **Traffic Engineering**
- **MELD Generator**
- **EV Charger Grant**
- **Add'l Design Reviews**
- **Contracts** - writing contracts for Town Counsel review
- **Alerting Vendor** - Procurement

Article ____: To see if the Town will vote to amend its zoning bylaws with respect to Accessory Dwelling Units, as follows:

By deleting Section 6.7 in the entirety and replacing it with the following

6.77.5 ACCESSORY DWELLING UNITS

6.77.5.1 Definition. An Accessory Dwelling Unit (“ADU”) is an attached or detached Dwelling Unit that is accessory to a principal single-family Dwelling Unit and is otherwise defined in accordance with the provisions of G.L. c. 40A, §1A, as may be amended.

6.77.5.2 Use Schedule.

~~1. ADUs are allowed as a matter of right in the RR and RVR-1a, R-1b, RA, and R-2 Zoning Districts, subject to the requirements of this Section. ADUs are also allowed as a matter of right in the WSP Zoning District, subject to the requirements of this Section, and provided that the requirements of Section 4.2 of this Zoning Bylaw.~~

~~1.~~

2. Only one ADU is allowed as a matter of right on any property. Additional ADUs may only be allowed with the issuance of a Special Permit by the ~~Planning Board~~ Board of Appeals

3. ADUs may not be used as Short-Term Rentals, as such term is defined in G.L. c. 64G, §1 or otherwise rented for a period shorter than thirty-one (31) days.

6.77.5.3 Dimensional Requirements.

1. An ADU may be no larger in gross floor area than one half of the gross floor area of the principal Dwelling Unit on the property or 900 square feet, whichever is less.

2. ADUs shall comply with any and all lot area, frontage, setback, height, lot width and lot coverage requirements, as may be applicable to single family homes, as contained in ~~Table 2 of Section 3.0~~ Attachment 1 – Table of Dimensional Requirements of this Zoning Bylaw.

~~a. Single Family Dwellings and ADU’s in the R2 District are to comply with the dimensional controls for the R1b District~~

~~2-b. Conversions of eXisting non-residential accessory structures to ADUs that do not comply with the required dimensional controls require a variance~~

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noting that that the use is allowed (Y) in the R-1a, R1b, RA, & R-2 Districts but also adding a footnote that states “See Section 7.5for additional requirements for Accessory Dwelling Units”



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4

ADVISORY

TO: TOWN MANAGERS, ADMINISTRATORS, MAYORS AND PLANNERS
FROM: MEAD, TALERMAN & COSTA, LLC
SUBJECT: THE AFFORDABLE HOMES ACT (H. 4977)
SUMMARY OF LEGISLATIVE CHANGES
DATE: AUGUST 8, 2024

Reference is made to the certain recent changes to Massachusetts law, via the so-called Affordable Homes Act (the "Act"). This advisory addresses several very significant changes that have been adopted by the Legislature and signed by the Governor relating to zoning and housing matters. The following is a breakdown of these changes to certain sections of the General Laws. The legislation at issue is known as H. 4977. The provisions of the Act that are described below are effective as of the date of passage, with the exception of some of the changes related to Accessory Dwelling Units, as discussed below.

I. Provisions for Year-Round Housing in Seasonal Communities (starting at p. 59)

The legislation updates Chapter 23B of the General Laws by adding a new Section 32 thereto providing or allowing for "seasonal community" designations. The secretary of housing may designate a municipality as a seasonal community; provided, however, that all municipalities in Dukes and Nantucket Counties, and certain municipalities in Barnstable and Berkshire Counties, are automatically designated as seasonal communities. A municipality designated by the secretary of housing as a seasonal community must accept or deny such designation by vote of its legislative body, i.e. by City Council or Town Meeting vote.

Seasonal communities are authorized to acquire year-round housing occupancy restrictions for rental or other housing; to acquire and develop housing units with preference for housing seasonal community public employees necessary to the health and safety of maintaining a year-round community; may establish a year-round housing trust fund; and may expend funds designated for the creation and preservation of year-round affordable and attainable housing for individuals who produce or support artistic and literary activities.



As used above, the new legislation defines “year-round housing” as “housing for occupancy by persons or families who occupy either rented or other housing as their principal residence for not less than 10 months per year.” It defines “attainable housing” as “housing that is affordable for year-round residents with incomes under a level set by the undersecretary [of housing and livable communities].” Such housing is likely to be identified as housing that is affordable for households earning between 100% and 200% of area median income, thereby setting up opportunities to create middle-income units.

Seasonal communities must adopt zoning ordinances or bylaws to permit undersized lots to be used for the creation of attainable year-round housing, as defined above, so long as the lot, at the time of recording or endorsement, was in a zoning district that allows for single-family residential use, and further provided that any such housing is not used as a seasonal home or short-term rental of less than six months. Seasonal communities must also permit the construction of tiny houses designated for use as year-round housing units. A “tiny house” is defined as “a detached structure containing a dwelling unit containing 400 square feet or less in floor area, excluding lofts.”

II. Accessory Dwelling Units (starting at p. 75)

The most notable statutory change in this legislative package relates to the allowance of accessory dwelling units (ADUs) as a matter of right. The legislation amends Sections 1A and 3 of Chapter 40A and allows, subject to reasonable regulation, ADUs (as re-defined in the legislation, below) in single-family residential zoning districts.¹ Specifically, ADUs are newly defined as follows:

“a self-contained housing unit, inclusive of sleeping, cooking and sanitary facilities on the same lot as a principal dwelling, subject to otherwise applicable dimensional and parking requirements, that: (i) maintains a separate entrance, either directly from the outside or through an entry hall or corridor shared with the principal dwelling sufficient to meet the requirements of the state building code for safe egress; (ii) is not larger in gross floor area than 1/2 the gross floor area of the principal dwelling or 900 square feet, whichever is smaller; and (iii) is subject to such additional restrictions as may be imposed by a municipality, including, but not limited to, additional size restrictions and restrictions or prohibitions on short term rental, as defined in section 1 of chapter 64G; provided, however, that no municipality shall unreasonably restrict the creation or rental of an accessory dwelling unit that is not a short-term rental.”

Thus, to qualify as an ADU, a unit’s size cannot exceed one-half of the gross floor area of the principal dwelling or 900 square feet, whichever is smaller.

Under the legislation’s amendments to G.L. c. 40A, § 3 (a.k.a. the “Dover Amendment”), “[n]o zoning ordinance or by-law shall prohibit, unreasonably restrict or require a special permit or other discretionary zoning approval for a single accessory dwelling unit or the rental thereof, in a single-family residential zoning district.” The new legislation also removes municipalities’ authority to impose an owner-occupancy requirement on an ADU in a single-family residential zone. Thus, if a proposed single unit, irrespective of whether it is attached or detached, meets the definition

¹ While the legislation is not clear, we believe that the intent of this provision is to be inclusive and not exclusive. Therefore, any district which allows single family homes would be subject to the ADU exemption.

of an ADU, and is in a single-family residential zone, regardless of occupancy, a municipality may not impose any special permit or other similar approval requirement.

If a proposed unit does not meet the size limitation noted above, it does not gain the protection of the amendment to Section 3.

Additionally, only one ADU is permitted by-right. The amendments specifically require: “For more than 1 accessory dwelling unit, or rental thereof, in a single-family residential zoning district, there shall be a special permit for the use of land or structures for an accessory dwelling unit” (emphasis added).

A municipality may still impose a site plan review requirement for ADUs falling within the protections of the Dover Amendment. The amendments provide that “the use of land or structures for such accessory dwelling unit under this paragraph [dealing with single ADU’s in single-family residential zones] may be subject to reasonable regulations, including but not limited to...site plan review, regulations concerning dimensional setbacks and the bulk and height of structures and may be subject to restrictions and prohibitions on short-term rentals” (emphasis added).

Another significant change is that the amendments eliminate a municipality’s authority to limit the occupancy of an ADU subject to protection under Section 3 to occupancy by family member(s) only.

Another new limitation applicable to ADUs under the statute is that no additional parking spaces are required if the unit is within ½ mile of transit; and there can be no requirement for more than one additional parking space per unit otherwise.

Depending on the nature of your existing Zoning Ordinance or Bylaw, your existing regulatory framework for ADUs may no longer be enforceable. State law would preempt conflicting provision(s) of a local ordinances and bylaws; and, if your Ordinance or Bylaw so qualifies, we would recommend changes be implemented to address and avoid any continue conflict, at your earliest available opportunity. The new legislation also offers an opportunity for cities and towns to develop new zoning ordinances and bylaws that impose common sense requirements on the development of ADUs.

The portion of the Act pertaining to ADUs is effective in 180 days, i.e. on February 2, 2025, so there is an opportunity to consider zoning changes before these changes become effective.

III. Nonconforming Lots/Merger (starting at p. 77)

Another meaningful change to existing law is the addition of a new paragraph under G.L. c. 40A, § 6, pursuant to which a municipality may no longer treat adjacent non-conforming lots under common ownership in single-family residential zoning districts as having merged if the lots, at the time of recording or endorsement, were conforming as to area, frontage, width, yard and depth, subject to certain qualifications.² To be entitled to the protections of this provision, these lots must contain not less than 10,000 square feet of area and have at least 75 feet of frontage. Furthermore, any single-family residential structure to be built upon such a lot cannot exceed 1,850 square feet of heated living area, shall contain at least 3 bedrooms, and cannot be used as a seasonal home or short-term rental.

IV. Appeals under G.L. c. 40A, § 17 (starting at p. 77)

The zoning appeals process has undergone changes as well, including by the incorporation of language or measures intended to dissuade dilatory or “NIMBY”-type appeals by abutters or others. First, the changes to Section 17 provide that:

² Based on similar provisions of Section 6, is it our belief that the new provision applies only to vacant lots.

“If the complaint is filed by someone other than the original applicant, appellant or petitioner, then each plaintiff, whether or not previously constituting parties in interest for notice purposes, shall also sufficiently allege and must plausibly demonstrate that measurable injury, which is special and different to such plaintiff, to a private legal interest that will likely flow from the decision through credible evidence.”

To a certain extent, the foregoing language adds nothing new to existing Massachusetts law, but codifies what was previously apparent only following a careful review of years of case law, i.e. that legal standing to challenge a decision rendered under the Zoning Act requires establishment through credible evidence of a particularized, zoning-related injury to the plaintiff. However, the new wording in the statute sends a clear message to challengers that meritless appeals by those personally unaffected by land use decisions will not be tolerated.

Amendments to Section 17 also vest the courts with discretion to require a plaintiff challenging the issuance of a special permit, variance or site plan approval to post a bond, in an amount up to \$250,000, “to secure the payment of and to indemnify and reimburse damages and costs and expenses incurred in such an action if the court finds that the harm to the defendant or to the public interest resulting from delays caused by the appeal outweighs the financial burden of the surety or cash bond on the plaintiffs.” Among the considerations the court may take into account are “the relative merits of the appeal and the relative financial means of the plaintiff and the defendant.” Notably, bad faith or malice is not required for issuance of a bond. Instead, separately, the legislation provides for assessment of costs and attorneys’ fees by the court upon a finding of bad faith or malice on the part of a party taking an appeal under Section 17. These changes are similar to existing requirements under G.L. c. 40R, as you might recall.

V. Affordable Housing for Veterans (starting on p. 79).

Another new provision added to Chapter 40A applies to municipalities which have adopted or permitted inclusionary or incentive zoning, or density bonus ordinances or bylaws. Under this amendment, a municipality may enter into an agreement with a developer for up to 10% of units in an affordable housing development to be set aside for preference to low or moderate-income veterans, as defined in G.L. c. 4, § 7, ¶ 43, for the first 90 days of the initial marketing period applicable to these units. Any such agreement does not affect the municipality’s ability to receive credit under Chapter 40B, or any other law, for these affordable units, and does not require an increase in the existing amount of affordable housing units required by the municipality. The law does allow municipalities to require proof of veteran status and income eligibility.

VI. Changes to Appeals to Housing Appeals Committee under G.L. c. 40B, § 22 (starting at p. 80)

A further legislative change adds language to the penultimate sentence in G.L. c. 40B, § 22, with the apparent intent to provide a mechanism for tracking extensions and delays in the processing of appeals to the Housing Appeals Committee. The Committee, you may know, is the agency that processes and adjudicates applicant challenges to the denial or conditional approval of comprehensive permit decisions, a.k.a. Chapter 40B decisions, issued by a municipality’s zoning board of appeals.

The amendment is set forth below in the context of Section 22, in bold font.

Section 22. Whenever an application filed under the provisions of section twenty-one is denied, or is granted with such conditions and requirements as to make the building or operation of such housing uneconomic, the applicant shall have the right to appeal to the housing appeals committee in the executive office of housing and livable communities for a review of the same. Such appeal shall be taken within twenty days after the date of the notice of the decision by the board of appeals by filing

with said committee a statement of the prior proceedings and the reasons upon which the appeal is based. The committee shall forthwith notify the board of appeals of the filing of such petition for review and the latter shall, within ten days of the receipt of such notice, transmit a copy of its decision and the reasons therefor to the committee. Such appeal shall be heard by the committee within twenty days after receipt of the applicant's statement. A stenographic record of the proceedings shall be kept and the committee shall render a written decision, based upon a majority vote, stating its findings of fact, its conclusions and the reasons therefor within thirty days after the termination of the hearing, unless such time shall have been extended by mutual agreement between the committee and the applicant **provided, however, that the committee shall provide notice to the secretary of any such extension or other failure to perform action by the deadlines set forth in this section and the reason for such delay, provided further, that the secretary shall annually, not later than November 1, submit to the governor and the joint committee on housing a summary of such delays including, but not limited to: (i) any deadlines missed pursuant to this section for each applicable appeal; (ii) the reason for any such delay; (iii) the total number of days, from the date of the committee's receipt of the applicant's statement of the prior proceedings, in which the committee ultimately issued a written decision or, if such appeal is in progress at the time the report is submitted, the projected number of days beyond the deadlines listed herein as may be necessary for the committee to issue a decision; and (iv) the board that issued the denial or conditions and requirements being appealed by the applicant.** Such decision may be reviewed in the superior court in accordance with the provisions of chapter thirty A.

This additional language is likely intended to address the Committee's current non-compliance with the existing requirement that it issue expedient decisions on appeals. Indeed, such delays are commonplace.

We hope that the above advisory is helpful. We are happy to work with you to adapt to these new changes. In the meantime, please let us know if you have any questions about the new legislation, or if you require any further information.



Justin B. Sultzbach
Town Administrator
Town of Middleton
48 South Main Street
Middleton, Massachusetts
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Justin.Sultzbach@middletonma.gov

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September 11, 2024

Steven Granese, President
N. Granese & Sons, Inc.
59 Jefferson Ave
Salem, MA 01970

Re: Debush Avenue and Essex Street Water Main Project
Notice of Intent to Award

Dear Mr. Granese:

This is to inform you that the Town of Middleton intends to award the Debush Avenue and Essex Street Water Main project to your firm in accordance with your bid submitted in the amount of **\$1,025,976.79 (Base Bid plus Bid Alternate B)** subject to the approval of the Agreement, Performance Bond, Payment Bond, and Insurance Certificates. The Middleton Select Board will be voting to award this contract at their September, 17th, 2024 meeting.

You will be receiving shortly from our Consulting Engineers, Weston & Sampson, the necessary contract documents, which need to be completed by you in order to establish the contract between us. Please execute these documents on your behalf and return them within 10 days to Weston & Sampson. Please do not date any of the forms since the official date of execution will be the date on which the Town will sign all documents.

Kindly,

Justin B. Sultzbach
Town Administrator

cc: David Burke - Weston & Sampson

5/4
+ PLAN

6

SO. ESSEX #83 Bk: 41248 Pg: 422
10/17/2022 09:33 EENT Pg 1/4

WALKING NATURE TRAIL EASEMENT

Address of Grantee: Town of Middleton 148 South Main St.
Middleton, MA

Location of Easement: Rowell Lane, Middleton, MA

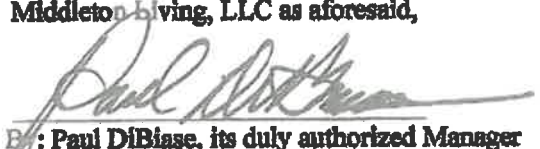
KNOW ALL MEN BY THESE PRESENTS, that this Easement is granted as of the day of October, 2022, by Middleton Living, LLC, a Massachusetts limited liability company with a mailing address of P.O. Box 780, Lynnfield, Massachusetts 01940 (hereinafter called the "Grantor") to the **TOWN OF MIDDLETON**, acting by and through its Conservation Commission, acting in accordance with G.L. c. 40, §8C and having its principal place of business at 48 South Main Street, Middleton, Massachusetts 01949 ("hereinafter "Grantee").

NOW THEREFORE, in consideration of the sum of (\$1.00) One Dollar paid by the Grantee to the Grantor, the receipt and sufficiency of which is hereby acknowledged, the Grantor grants to the Grantee, with quitclaim covenants, the perpetual right and non-exclusive easement for members of the public to enter said Easement Area by foot and to utilize said Easement Area as a walking nature trail, as more particularly described in and required by the conditions of the Town of Middleton – Board of Appeals – Variance – as recorded at the Registry of Deeds on 10/22/2019 at Book 37957, Page 259.

The location of said easement (herein the "Easement Area") is shown as the "8' Wide Public Walking Nature Trail Easement" on a plan entitled: "Plan of Land in Middleton, MA Showing 8' Wide Public Walking Nature Trail Easement" dated September 20, 2022 and prepared by Williams & Sparages recorded with Essex South Registry of Deeds herewith.

For Grantors title see deed recorded with Essex South Registry of Deeds at Book 39247, Page 94 and 97.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal the day and year first written above.

Middleton Living, LLC as aforesaid,

By: Paul DiBiase, its duly authorized Manager

46.37
34°50'41"W N38°32'43"

97.00
S55°46'11"

N36°43'48"W
9.32

99.70
S54°46'08"W

S58°17'39"W 149.50

109.50
S53°58'34"W

2.00
N40°04'54"W

256.59

KENNET
LINDA R
38 BOSTON
ASSESSORS
MAP 24

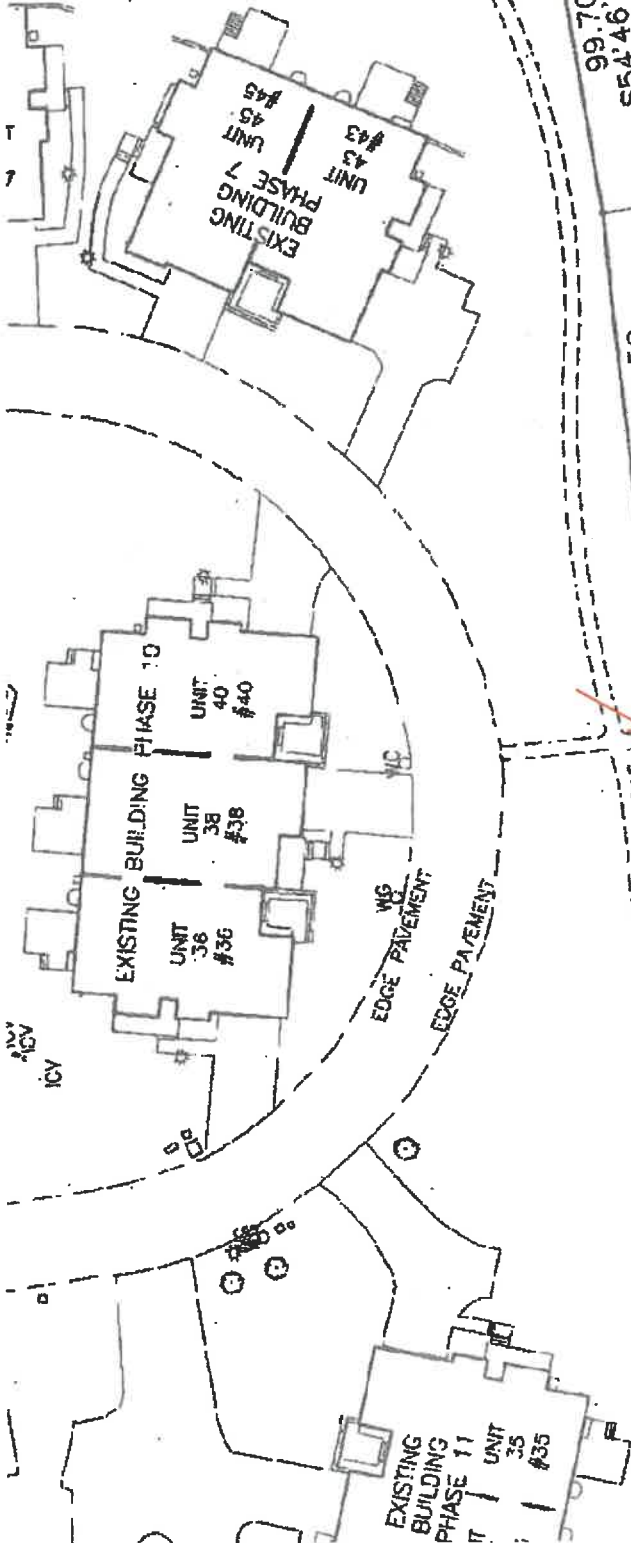
TOWARD
INDEPENDENT
LIVING AND
LEARNING, INC.
36 BOSTON STREET
ASSESSORS
MAP 24 LOT 3

WARD P. &
CHITOSE MESSENGER
32 BOSTON STREET
ASSESSORS
MAP 24 LOT 2

ROMAN
CATHOLIC
ARCHDIOCESE
OF BOSTON
(ST. AGNES
RECTORY)
24 BOSTON ST.
ASSESSORS
MAP 24 LOT 1

1 CATHOLIC
ARCHDIOCESE
OF BOSTON
(ST. AGNES
RECTORY)
24 BOSTON ST.
ASSESSORS
MAP 24 LOT 1A

BOSTON STREET





Justin Sultzbach

From: Jay Talerman <jay@mtclawyers.com>
Sent: Monday, September 9, 2024 12:17 PM
To: Justin Sultzbach
Cc: Kristin Kent
Subject: Re: land acceptance

[CAUTION:] This message was sent from outside of the Town of Middleton. Please do not click links or open attachments unless you recognize the source of this email and know the content is safe.

They just need to accept a deed (which I would like to review or draft if need be). The Select Board also needs to vote to accept the gift. The only complication could be title. Normally, we recommend a short title search unless the Town is very comfortable with the title, as they know it



Jason R. Talerman
Mead, Talerman & Costa, LLC
730 Main Street · Suite 1F · Millis, Massachusetts · 02054
Phone 774.993.5000
jay@mtclawyers.com · www.mtclawyers.com

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If you have received the above transmittal in error, please delete the message and any attachment(s) hereto from your e-mail system and notify us immediately.

🌱 Think before you print.

From: Justin Sultzbach <justin.sultzbach@middletonma.gov>
Sent: Monday, September 9, 2024 11:33 AM
To: Jay Talerman <jay@mtclawyers.com>
Cc: Kristin Kent <kristin.kent@middletonma.gov>
Subject: RE: land acceptance

Great, thanks!

What do we have to do to accept it through the ConComm?

JS

From: Jay Talerman <jay@mtclawyers.com>
Sent: Monday, September 9, 2024 10:34 AM
To: Justin Sultzbach <justin.sultzbach@middletonma.gov>
Cc: Kristin Kent <kristin.kent@middletonma.gov>
Subject: Re: land acceptance

[CAUTION:] This message was sent from outside of the Town of Middleton. Please do not click links or open attachments unless you recognize the source of this email and know the content is safe.

That email is correct. Town Meeting is not required for a donation to the ConComm

Jason R. Talerman, Esq.
Mead, Talerman & Costa, LLC
774-993-5000

Sent from my mobile device - please excuse typos

From: Justin Sultzbach <justin.sultzbach@middletonma.gov>
Sent: Monday, September 9, 2024 10:26:54 AM
To: Jay Talerman <jay@mtclawyers.com>
Cc: Kristin Kent <kristin.kent@middletonma.gov>
Subject: FW: land acceptance

Good morning, Jay.

A resident came by my office a couple weeks ago looking to donate an easement along the boundary of his property to make a connection off Boston St. to an existing trail system behind his house.

The VP of Conservation Operations at the Greenbelt has some thoughts below about the process to accept it. What are your thoughts?

You guidance is appreciated as always,

Justin

From: Pike Messenger <pikemid@verizon.net>
Sent: Wednesday, August 28, 2024 10:31 AM
To: Justin Sultzbach <justin.sultzbach@middletonma.gov>
Cc: Kristin Kent <kristin.kent@middletonma.gov>; peter@allgoodwins.com
Subject: Fw: land acceptance

[CAUTION:] This message was sent from outside of the Town of Middleton. Please do not click links or open attachments unless you recognize the source of this email and know the content is safe.

Thanks for listening to my offer Justin. See note from LaPointe who next week will be brand new president of Greenbelt.

----- Forwarded Message -----

From: Chris LaPointe <chris@ecga.org>
To: Pike Messenger <pikemid@verizon.net>
Cc: peter@allgoodwins.com <peter@allgoodwins.com>
Sent: Monday, August 19, 2024 at 04:15:31 PM EDT
Subject: Re: Fw: land acceptance

Pike,

I'd ask them to consult with Town Counsel. MGL Chapter 40 Section 8C says that a Conservation Commission can acquire land by gift with Selectboard approval. I do not believe TM is necessarily required.

If you were giving land to the care and control of the Selectboard, that has to go to TM, even if it's a gift. But giving it straight to the Cons Com, I think you can avoid TM.

Christopher B. LaPointe
Vice President, Conservation Operations
Greenbelt | Essex County's Land Trust
82 Eastern Avenue
P.O. Box 1026
Essex, MA 01929
chris@ecga.org
(978) 768-7241 x118
ecga.org



On Mon, Aug 19, 2024 at 4:08 PM Pike Messenger <pikemid@verizon.net> wrote:

----- Forwarded Message -----

From: Justin Sultzbach <justin.sultzbach@middletonma.gov>
To: Pike Messenger <pikemid@verizon.net>
Cc: Jackie Bresnahan <jackie.bresnahan@middletonma.gov>
Sent: Monday, August 19, 2024 at 03:18:53 PM EDT
Subject: Re: land acceptance

Mr. Messenger,

Thank you for reaching out. This certainly would be something worth exploring, thank you for the generous thought. Your instincts are correct, we would have to accept this at a Town Meeting.

You have been on my list of "people to meet" since I got to Town in July 2023. I'd love to sit down at some point if you have any availability to visit my office.

Do you have any availability next week? We can discuss your proposition above, as well as any other useful information you may have about Middleton (I've heard there's an abundance).

Thank you!

Justin

From: Pike Messenger <pikemid@verizon.net>
Sent: Monday, August 19, 2024 2:54 PM
To: Justin Sultzbach <justin.sultzbach@middletonma.gov>
Subject: Fw: land acceptance

[CAUTION:] This message was sent from outside of the Town of Middleton. Please do not click links or open attachments unless you recognize the source of this email and know the content is safe.

Dear Mr. Sultzbach, Please see note to Jackie below. Can you give a yes or no answer to question before an informal meeting I am having this evening with someone involved. Respectfully, Pike Messenger 978-774-1507.

----- Forwarded Message -----

From: Pike Messenger <pikemid@verizon.net>
To: jackie.bresnahan@middletonma.gov <jackie.bresnahan@middletonma.gov>
Sent: Monday, August 19, 2024 at 02:47:19 PM EDT
Subject: land acceptance

Dear Jackie Bresnahan, Assistant Town Manager,

I am thinking of giving about a tenth of an acre to the town for access to the hiking easment around BLU-HAVEN which leads to about 26 acres of town conservation land, back part of the former golf course the town bought from the Brown sisters. Would this require a town meeting article? I would insist that it be conservation land.

Respectfully, Pike Messenger



Chapter 378

Oakdale Cemetery

[HISTORY: Adopted by the Board of Selectmen of the Town of Middleton 3-19-1991. Amendments noted where applicable.]

[Most recent amendments adopted by unanimous (5-0) vote of the Board of Selectmen at a remote meeting held on May 5, 2020]

§ 378-1 General provisions.

- A. The adoption and enforcement of the following rules and regulations are necessary to maintain good order within the Cemetery, to protect the interests of proprietors and to preserve the beauty of the grounds. All persons are urgently requested to report immediately any act of discourtesy or other breach of propriety.
- B. The Cemetery Commission reserves the right to temporarily suspend or modify a regulation, but such act shall not be constructed as affecting the general application or enforcement of such rule.
- C. The rules and regulations and schedule of prices as established by the Cemetery Commission are subject to change without notice.
- D. All provisions of MGL c. 114 shall be adhered to, including penalties for infringement of the law.
- E. The Superintendent of Public Works is in full charge of the Cemetery and is responsible for the enforcement of the rules and regulations and for maintaining the Cemetery in conformance with the principals to which it was dedicated.

§ 378-2 Cemetery hours.

- A. The gates of the Cemetery will be open daily from 8:00 a.m. to 8:30 p.m., except from November 1 to March 1, when they will close at 4:30 p.m.
- B. Any unauthorized person found within the Cemetery outside the prescribed opening hours will be deemed a trespasser and as such will be liable to prosecution.
- C. The term "gate" as used herein shall mean any or all the established entrances to the Cemetery, whether or not equipped with moveable barriers.

§ 378-3 Office hours.

All business related to the Oakdale Cemetery may be done through the Superintendent of Burials whose office is located at the Department of Public Works office, 195 North Main Street, during normal business hours, Monday through Friday, 7:00AM-3:00PM. The office is closed on all legal holidays and weekends. **[5-5-2020]**

§ 378-4 Sale of lots.

Sale of lots at Oakdale Cemetery shall be restricted to residents or former residents of the Town of Middleton, with the following restrictions to former residency purchases:

- A. Any former resident of the Town of Middleton must show satisfactory proof of former residency before said sale of lot and be restricted to the sale of no more than a two-grave lot. Satisfactory proof may include but is not limited to the personal knowledge of Public Works staff, birth or marriage certificate, tax or utility bill, or similar. **[5-5-2020]**
- B. Former residency purchases shall be subject to the fee structure established by the Board of

Selectmen/Cemetery Commissioners which may be adjusted from time to time. All graves are sold with perpetual care.

- (1) The fee structure is as follows:
 - (a) Single-grave lot: \$600.
 - (b) Double-grave lot: \$1,200.
- (2) All other interment fees shall apply at the time of interment.
- C. Payment for sale of lots shall be payable to the Town of Middleton. The deed of a lot shall not be delivered, no stone or marker may be erected, and no work will be done on the lot until the purchase price is fully paid. **[5-5-2020]**
- D. A maximum of four graves may be purchased by any one household. Any requests for more than four graves must be first approved by the Board of Selectmen after a recommendation received in writing by the Superintendent of Public Works. **[Added 3-15-2016; amended 3-29-2016]**
- E. No lot or grave at the Oakdale Cemetery shall be sold to anyone who is not a current or former resident of the Town of Middleton at the time of such sale. **[Added 3-15-2016; amended 3-29-2016; 5-5-2020]**
- F. No lot or grave shall be sold to anyone who was a Middleton resident solely as a result of incarceration at any detention facility located in Middleton. **[5-5-2020]**

§ 378-5 Lots.

- A. Cemetery lots shall not be used for any other purpose than as a place of burial for the human dead, and all burials therein shall be under the personal charge of the Superintendent of Burials, to whom shall be paid such fees for opening a grave as shall be established by the Cemetery Commissioners.
- B. All lots will be defined by a suitable corner marker and numbered by the Department of Public Works, hereinafter referred to as the "Department," and it is unlawful for any person to remove or tamper with said marker.
- C. No lot will be deeded to more than one owner, nor will a lot be divided. No objections exist to an agreement between or among families as to the parts of the lots to be used by each, but the Department will not undertake to record or enforce such agreements.
- D. In case of the decease of a proprietor, it shall be the duty of the heirs or devisee to file with the Department satisfactory proof of ownership (MGL c. 114, § 29).
- E. If any monument or effigy or any structure whatsoever or any inscription is placed in or upon any lot which shall be determined by the Cemetery Commissioners to be improper or offensive, they shall have the right and it shall be their duty to instruct the Superintendent of Public Works to enter upon said lot and remove such improper or offensive objects.
- F. No fence, curbing, railing, wall, hedge, embankment, ditch or other lot enclosure shall, at any time, be erected or placed in or around any lot, and the establishment of the grade of any lot shall be subject to the approval of the Superintendent of Public Works, and the work of grading shall be done by employees of the Department.
- G. Residents purchasing new graves or lots must make said purchase in the section open for sale at that time, e.g., if purchase is for a two-grave lot, it must be made in the section and row being sold at that particular time. No exceptions will be made.

- H. No proprietor shall suffer the remains of any person to be interred within his lot for hire.
- I. All interments or other work shall be under the personal charge of the Superintendent or designee(s).
[5-5-2020]
- J. No sale, transfer or assignment of any lot shall be valid without the approval of the Cemetery Commission.
- K. Proprietors may erect a memorial structure on their lot subject to the regulations set forth under § 378-11, Memorial structures.
- L. Proprietors may cultivate plants on their lots subject to the approval of the Department, but if such planting becomes neglected or is deemed objectionable or detrimental, the Superintendent reserves the right to remove such planting. If done on lots under perpetual care, the owner must bear the expense of putting the ground in proper condition again.
- M. On lots or graves where no monument has been erected the sod under no condition shall be allowed to be broken.
- N. The Superintendent shall remove from lots and graves flowers or emblems whenever, in his opinion, the same have become so withered or decayed as to render their removal desirable. Floral emblems so removed will be put in a common dump and employees shall refuse to attempt to find them after they have been disposed of.
- O. The Cemetery Commission reserves the right to alter the plot of walks, avenues and unsold areas.
- P. No lights of any kind shall be allowed in the Cemetery.
- Q. Lot owners making improvements on lots that are under perpetual care will be charged with any necessary expense of putting lots in order, after such improvements are made.

§ 378-6 Trees and shrubs. [5-5-2020]

- A. If any trees or shrubs on any lot shall by means of their roots or branches, or otherwise, become detrimental to the adjacent lots, avenues or paths, or dangerous or inconvenient to passengers, it shall be the duty of the Department, for the time being, and it shall have the right to enter into said lot and remove said trees and shrubs or such part thereof as are thus detrimental, dangerous or inconvenient.
- B. No person shall trim or remove any tree or shrub, whether or not it is on his own lot. The Department will on request perform all such work at no cost.
- C. The Department will use constant care in examining trees, removing such parts thereof as appear to be dangerous or detrimental, but expressly disclaims responsibility for damage to either persons or property resulting from falling trees or parts thereof.

§ 378-7 Grounds.

- A. Operators of vehicles within the Cemetery must drive with care and at a low rate of speed because of poor visibility and sharp turns.
- B. On Memorial Day no vehicle except those accompanying and a part of a memorial procession will be allowed in the Cemetery before 12:00 noon.
- C. Motorcycles, bicycles, go-carts, three- or four-wheel all-terrain vehicles and snowmobiles are excluded from the Cemetery at all times.
- D. All persons are forbidden to injure or molest any bird or wild animal, or to molest its nest or other habitation.

- E. The taking of firearms into the Cemetery is forbidden except by authorized persons on military occasions.
- F. No tree or shrub shall be removed, except by the Department, and all persons are forbidden to gather flowers, either wild or cultivated, or to break or injure any tree, shrub or plant.
- G. No employee of the Department will be allowed to receive any fee or other compensation whatsoever for service rendered to any person.
- H. Persons within the Cemetery conducting themselves improperly will be requested to leave and upon refusal will be compelled to do so.
- I. Dogs and horses are not allowed in the Cemetery at any time.
- J. All work done within the Cemetery shall be performed by employees of the Department or by permission of and under the supervision of the Superintendent.
- K. No hunting is allowed within the Cemetery property and no vehicles are to be left unattended within Cemetery property for the purpose of hunting on adjacent properties. Vehicles found violating this regulation will be towed at the owner's expense.
- L. No private vehicles will be allowed to plow out the Cemetery roads at any time. Any damage done to stones and/or the grounds, roads, trees, shrubs, etc., will be at the expense of the violator of this subsection.
- M. The Department reserves the right to open the Cemetery at a reasonable time after any winter storm.
- N. All water faucets located in the Cemetery are to be used for the sole purpose of filling buckets/jugs with water for the caring of flowers and shrubs on one's lot. In no instance is a hose or sprinkler to be hooked up to these faucets. Care in making sure water faucets are completely shut down after use is requested. Any misuse or damage to these faucets should be reported immediately to the Department of Public Works office.

§ 378-8 Funerals.

All funerals must enter the Cemetery through the main gate and upon entering shall be under the charge of the Superintendent or designee(s). [5-5-2020]

§ 378-9 Interments.

- A. Undertakers are required to provide the Public Works Department with a minimum twenty-four (24) hour notice in advance of interment. Undertakers are required to have all interment orders signed by the proprietor or representative of a lot, or grave, and presented at the Department of Public Works office at least eight working hours before the time set for the interment. [5-5-2020]
- B. All interments must be made in permanent containers.
- C. The Department will receive telephone orders for opening a grave but disclaims liability of error in such cases. In no case will a grave which contains a body be opened until a properly signed order has been received and verified.
- D. No interment will be made without a regular order and burial permit.
- E. As the liability of error in names and dates is so great, undertakers must have all orders plainly and correctly written in ink. It is important that the proprietor should personally designate the grave to be opened in a multigrave site.
- F. No interment will be made until all fees charged for the same have been paid. There is an additional

charge for the interment of a nonresident. [5-5-2020]

- G. Not more than one interment will be permitted in any one grave site other than what is provided for under § 378-14, Cremation, of these rules and regulations.
- H. Interments will not be made on Sundays. Interments on Saturdays and legal holidays will be charged extra. [5-5-2020]
- I. In case of emergency arising from extreme weather conditions or other cause beyond human control, or because of any other extenuating circumstances, the Superintendent may at his discretion postpone making a scheduled interment and shall deposit the body in the receiving tomb without charge until conditions permit interment.

§ 378-10 Receiving tomb.

- A. Bodies may be placed in the receiving tomb at any time, but the Superintendent reserves the right to remove and inter the body whenever it may be deemed necessary to do so. [5-5-2020]
- B. While bodies are deposited in the receiving tomb, the Superintendent is forbidden to allow any casket to be opened, except on written request from the immediate family of the deceased and in the presence of an undertaker. In no case will a casket be opened when in the opinion of the Superintendent the condition of the body is such as to render it improper.

§ 378-11 Memorial structures.

- A. Proprietors should consult with the Superintendent before placing orders for stonework, due to the fact that there are restrictions in various sections of the ground.
- B. All stonework must rest on a foundation of cement masonry which will be built by the Department. In no case will a foundation be built either in whole or in part over the remains of a previous interment.
- C. Applications for this work must be filed with the Department and shall give full particulars, including size.
- D. Monument Dimensions:
 - 1. In single-grave sections, monuments shall not exceed two feet, six inches (2' 6") long by one foot, zero inches (1' 0") wide at the base. The base shall not exceed eight inches (8") in height. The monument shall not exceed three feet, two inches (3' 2") in overall height. [5-5-2020]
 - 2. On two-grave lots, monuments shall not exceed three feet, zero inches (3' 0") long by one foot, zero inches (1' 0") wide at the base. The base shall not exceed eight inches (8") in height. The monument shall not exceed three feet, two inches (3' 2") in overall height. [5-5-2020]
 - 3. On four-grave lots, monuments shall not exceed three feet, seven inches (3' 7") long by one foot, one inch (1' 1") wide at the base. The base shall not exceed eight inches (8") in height. The monument shall not exceed three feet, two inches (3' 2") in overall height. [5-5-2020]
 - 4. All other monuments other than headstones or headstones greater than the dimensions stated must first receive approval of the Cemetery Commission.
- E. No foundations will be constructed and no stonework will be set between November 15 and April 1, or when the ground is not in the proper condition for such work.
- F. No person shall deliver any material within the Cemetery except under the direction of the Superintendent or designee(s). [5-5-2020]

- G. All work must be done during the normal working hours of the Cemetery. All contractors will be held responsible for the protection of other stones, paths, avenues, graves, trees and shrubs. [5-5-2020]
- H. Definitions. As used in this section, the following terms shall have the meanings indicated:

FOOT STONE

A stone to mark the locations of a particular grave and shall be set at or below ground level at the foot of the grave. No more than one foot stone measuring no more than two feet, zero inches (2' 0") long by one foot, zero inches (1' 0") wide by eight inches (8") deep is allowed on each grave. [5-5-2020]

GRAVE MARKER

A one-piece stone set at one or all four corners of a lot to mark the location of a particular grave. Grave markers are prohibited in single grave lots. [5-5-2020]

HEADSTONE

A stone to mark the location of a particular grave and shall be erected at the head of the grave.

MONUMENT

Any memorial structure other than a tomb, mausoleum, headstone, foot stone or grave marker.

- I. No raised letters or designs will be allowed on the base of any stonework where it can be damaged by grass-cutting implements.
- J. No more than one headstone or monument will be allowed on any one lot.

§ 378-12 Perpetual care.

The term "perpetual care" shall mean the maintenance of the lot or grave in reasonable condition. This include cutting the grass at proper intervals, pruning trees and shrubs, raking and cleaning the grounds and raising the sunken graves. Under this agreement the Department does not bind itself to maintain, repair or replace any structure erected thereon, nor plant ornamental flowers or shrubs, nor to regularly water the grass or flowers.

§ 378-13 Disclaimer.

The Department of Public Works will take every reasonable precaution to protect the private property of lot and grave owners within the Cemetery from loss or damage, but it disclaims all responsibility for loss or damage from causes beyond its control, especially from the acts of thieves, vandals, malicious mischief makers and from the acts of Providence, including wind, hail, snow and frost.

§ 378-14 Cremations.

- A. Six cremations will be allowed per single grave where the right of burial has not been used. Since the Commission feels that cremations do not disturb the remains of a person already interred it will allow up to six cremations to be placed around the headstone area.
- B. Cremations must be placed in permanent containers when delivered to the Cemetery via parcel post.

§ 378-15 Fees.

[Amended 3-15-2016; 3-29-2016; 5-5-2020]

A. Grave openings:

- (1) Residents: \$700.
- (2) Nonresidents: \$2,000.

B. Weekend funeral or excavation:

- (1) Residents: \$1,400.
- (2) Nonresidents: \$2,500.

C. Cremation interment:

- (1) Residents: \$300.
- (2) Nonresidents: \$900.

D. Weekend cremation interment: \$200 in addition to regular interment fee

E. Foundations: \$200.

F. Flush markers: \$100.

G. Compressor for frost: \$100.

H. Single-grave lot: \$600.

I. Double-grave lot: \$1,200.

J. Four-grave lot: \$2,400.

K. In addition to lot costs there is an additional fee of \$5 for recording of deed.

Lot F-222

\$200.00 pd. 05/05/2024 #10230

COLIZZI MEMORIALS, INC

217 MERRIMACK STREET

METHUEN, MA 01844

PHONE: (978) 674-7035 FAX: (978) 674-7037

From The Desk Of Michael Colizzi

INDIA BLACK

SEAT: 3-0 X 1-2 X 0-4 ALL POLISHED
FLAT CARVED AND LETTERED ONE SIDE

PEDESTAL: 2-6 X 0-10 X 1-6 ALL POLISHED
SHAPED LILLIES AND LETTERED AS SHOWN

BASE: 3-0 X 1-2 X 0-4 STEEL TOP.
BALANCE STEELED SIDES

OVERALL HEIGHT
TWENTY TWO INCH

THIRTY SIX INCH

SEAT
HEIGHT
FOUR INCH

SEAT
DEPTH
FOURTEEN
INCH

† COCCIARDI †

† COCCIARDI †

PEDESTAL
WIDTH
THIRTY
INCH
THICKNESS
TEN INCH

PEDESTAL
HEIGHT
EIGHTEEN
INCH

BASE
DEPTH
FOURTEEN
INCH

SUB BASE
FOUR INCH
THICK

RECESS SUB BASE
FOUR INCH IN GROUND
TO MAKE TOP OF SUB BASE
FLUSH WITH GRASS

Loving Husband, Father, Gramps

PETER JOSEPH

FEB. 21. 1959

Loving Wife, Mother, Nanny

LESLIE BETH BANKOWSKI

MAY 19. 1959 ~ MAY 22. 2024



I AM STANDING UPON THE SEASHORE. A SHIP. AT MY SIDE.
SPREADS HER WHITE SAILS TO THE MOVING BREEZE AND STARTS
FOR THE BLUE OCEAN. SHE IS AN OBJECT OF BEAUTY AND STRENGTH.
I STAND AND WATCH HER UNTIL, AT LENGTH, SHE HANGS LIKE A SPECK
OF WHITE CLOUD JUST WHERE THE SEA AND SKY COME TO
MINGLE WITH EACH OTHER. THEN, SOMEONE AT MY SIDE SAYS,
"THERE, SHE IS GONE." GONE WHERE? GONE FROM MY SIGHT.
THAT IS ALL. SHE IS JUST AS LARGE IN MAST, HULL AND SPAR
AS SHE WAS WHEN SHE LEFT MY SIDE. AND, SHE IS JUST
AS ABLE TO BEAR HER LOAD OF LIVING FREIGHT TO HER DESTINED
PORT. HER DIMINISHED SIZE IS IN ME ~ NOT IN HER. AND, JUST AT THE
MOMENT WHEN SOMEONE SAYS, "THERE, SHE IS GONE," THERE
ARE OTHER EYES WATCHING HER COMING, AND OTHER VOICES READY
TO TAKE UP THE GLAD SHOUT. "HERE SHE COMES!" AND THAT IS DYING..

PLEASE REVIEW THE ABOVE MONUMENT SPECIFICATIONS AND IF ALL DETAILS MEET WITH
THE OAKDALE CEMETERY RESTRICTIONS FOR WHERE THE ABOVE MONUMENT IS TO
BE ERECTED, PLEASE SIGN THIS FORM AND RETURN TO OUR OFFICE.

THANK YOU

APPROVED BY:

DATE:

7A

REVISED

AUG. 5, 2024

OAKDALE CEM

MIDDLETON

SECTION F

LOT 222

SINGLE GRAVE

FOUNDATION SIZE

3-0 X 1-2 36" X 14"

SINK FOUNDATION

FOUR INCH BELOW

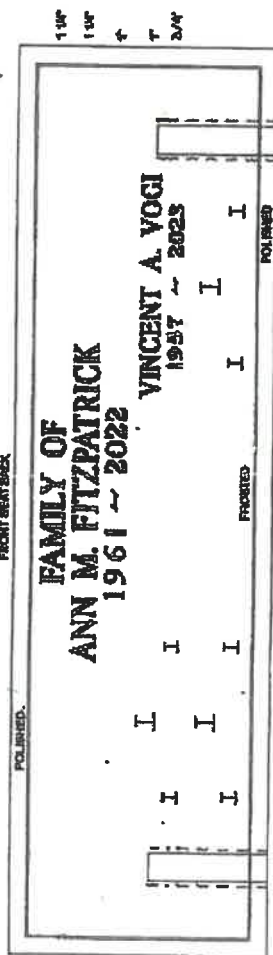
GROUND LEVEL

Lot 2122

Legs 4" x 8"

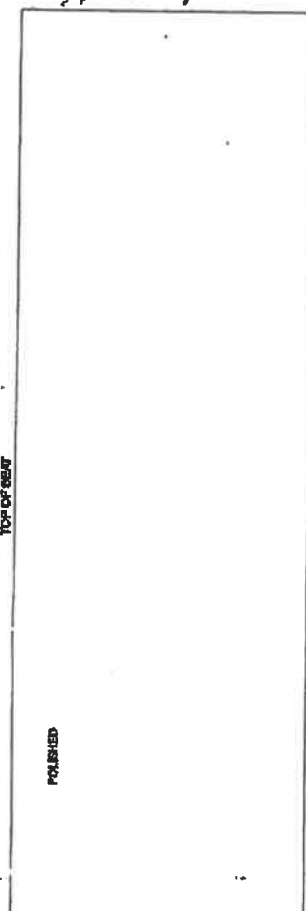
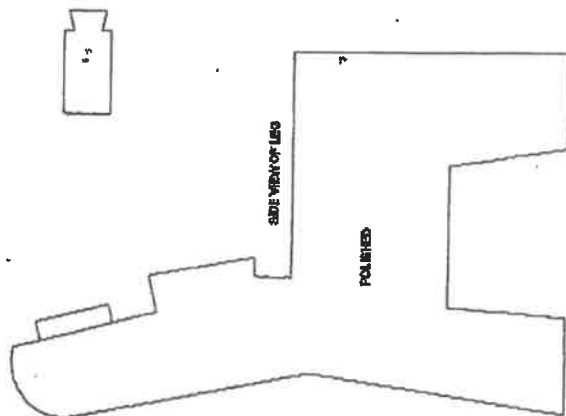
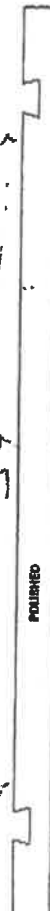
\$200.00 7d.
68/07/2024 #49712

4'0"



1295

-34"



4'0"

7 B

David Price



Justin Sultzbach

From: George Cumming <cumming.george@gmail.com>
Sent: Monday, September 9, 2024 11:10 AM
To: Justin Sultzbach
Subject: Re: Cultural Council

[CAUTION:] This message was sent from outside of the Town of Middleton. Please do not click links or open attachments unless you recognize the source of this email and know the content is safe.

Thanks all.

-George

George M. A. Cumming Jr.
Husband, Father and Grandfather

77 years and counting

*The Road goes ever on and on,
Down from the door where it began.*

Do what you can with what you have from where you are.

Everything you do, you do to make your heart sing.

cumming.george@gmail.com

On Mon, Sep 9, 2024 at 10:53 AM Justin Sultzbach <justin.sultzbach@middletonma.gov> wrote:

George, to confirm, you have been placed on the upcoming Tuesday, September 17th Select Board agenda.

Thank you,

Justin

From: Ilene Twiss <ilene.twiss@middletonma.gov>
Sent: Thursday, September 5, 2024 4:05 PM
To: George Cumming <cumming.george@gmail.com>
Cc: Justin Sultzbach <justin.sultzbach@middletonma.gov>; Jeffrey Garber <jeffreypgarber@gmail.com>; pam-hartman@comcast.net
Subject: RE: Cultural Council

Good afternoon, George,

I'm sure the Town Administrator's office will handle your appointment to the Cultural Council now that you have expressed the desire to be appointed.

Please let me know if you need any additional assistance regarding this matter.

Regards,

Ilene B. Twiss

Ilene B. Twiss, CMMC

Town Clerk

Records Access Officer

Notary Public/Justice of the Peace

Memorial Hall

48 South Main Street

Middleton, MA 01949

ilene.twiss@middletonma.gov

PH: (978) 774-6927

FAX: (978) 774-6167

Please be advised the Office of the Secretary of State for the Commonwealth of Massachusetts has determined that that most emails sent to or from municipal officials are considered to be public records and therefore may be subject to public disclosure.

From: George Cumming <cumming.george@gmail.com>

Sent: Thursday, September 5, 2024 3:52 PM

To: Justin Sultzbach <justin.sultzbach@middletonma.gov>; Ilene Twiss <ilene.twiss@middletonma.gov>; Jeff Garber <didcountjeff@aol.com>

Subject: Cultural Council

[CAUTION:] This message was sent from outside of the Town of Middleton. Please do not click links or open attachments unless you recognize the source of this email and know the content is safe.

Greetings,

Because I suspected that an email that I had received was spam, I ignored the message that my membership on the Middleton Cultural Council was expiring.

That is unfortunate because I do wish to continue serving. I do feel that I am making a worthwhile contribution. Please consider reappointing me to the council.

I cannot find an email address for the whole Select Board to contact with this information.

Thank you,

George Cumming

George M. A. Cumming Jr.

5 Fuller Pond Road

cumming.george@gmail.com