

**MINUTES FOR SPECIAL TOWN MEETING
MONDAY, OCTOBER 21, 2019**

To either of the Constables of the Town of Stoneham in the County of Middlesex,

In the name of the Commonwealth of Massachusetts, you are directed to notify and warn the inhabitants of the Town of Stoneham qualified to vote in elections and Town affairs to meet in the **Town Hall Auditorium, 35 Central Street, Stoneham**, on

Monday, October 21, 2019, at 7:00 p.m.

to act upon the following articles of this Warrant:

Tellers were appointed to check the names of voters entering the Town Hall and the checklist showed 219 voters were inside the meeting.

Moderator Jeanne Craigie invited Select Board member Raymie Parker to lead the Pledge of Allegiance. Burlington Pastor Brenda Johnson Flynn a resident from 18 Chestnut Street gave the invocation.

The meeting was called to order in the Town Hall Auditorium at 7:01 PM and the warrant was read.

Moderator Craigie made a procedural motion to allow for non-resident department heads and consultants to sit with their Boards. The town meeting body seconded and the motion was passed.

Article 1. To see if the Town will vote to amend the Stoneham Town Code, Chapter 15, Zoning By-law by amending the Zoning Map of the Town of Stoneham to add to the Residence B District the following described properties at 10 Orchard Street, 5 Glendale Road, and Summit Road:

10 ORCHARD STREET

That certain parcel of land, with all the buildings and improvements thereon, situated on the northerly side of Orchard Street in the Town of Stoneham, in the county of Middlesex, Commonwealth of Massachusetts shown as “10 Orchard Street, Map 19, Parcel 70” on a plan entitled ‘Plan of Land, 10 Orchard Street, 5 Glendale Road & Summit Road, Stoneham, Massachusetts, Prepared for: Larkin Real Estate Group, Inc.; February 12, 2019; Scale: 1 inch equals 40 feet’; by A.S. Elliott & Associates, Inc., Professional Land Surveyors; P.O. Box 85, Hopedale, MA 01747, bounded and described as follows:

Beginning at a point on the northerly line of said Orchard Street, said point being at the intersection of the northerly line of said Orchard Street and the easterly line of Park Street;

Thence: N 21°25’05” W running a distance of two hundred twenty-two and

forty-eight hundredths (222.48') feet, the last line following the easterly line of said Park Street;

Thence: N 46°25'28" E running a distance of nine and ninety-three hundredths (9.93') feet;

Thence: S 53°37'47" E running a distance of seventy-two and twenty-two hundredths (72.22') feet to an iron rod, the last two lines bounding on land owned now or formerly by Guilene M. Jeanty;

Thence: S 53° 40'17" E running a distance of ninety (90.00') feet;

Thence: S 66°58'20" E running a distance of one hundred (100.00') feet to a point on the westerly line of Glendale Road, the last two lines bounding on land owned now or formerly by Inge Hunzelman;

Thence: S 23°02'59' W running a distance of one hundred fifty (150.00') feet to a point on the northerly line of said Orchard Street, the last line following the westerly line of said Glendale Road;

Thence: N 55°52'20" W running a distance of one hundred one and ninety-one hundredths (101.91') feet;

Thence: N 68°49'55" W running a distance of five and ninety-five hundredths (5.95') feet to the point and place of beginning, the last two lines following the northerly line of said Orchard Street.

Said parcel contains approximately 25,847 square feet or 0.69 acres.

5 GLENDALE ROAD

That certain parcel of land, with all the buildings and improvements thereon, situated on the westerly side of Glendale Road in the Town of Stoneham, in the county of Middlesex, Commonwealth of Massachusetts shown as "5 Glendale Road, Map 19, Parcel 71C" on a plan entitled 'Plan of Land, 10 Orchard Street, 5 Glendale Road & Summit Road, Stoneham, Massachusetts, Prepared for: Larkin Real Estate Group, Inc.; February 12, 2019; Scale: 1 inch equals 40 feet'; by A.S. Elliott & Associates, Inc., Professional Land Surveyors; P.O. Box 85, Hopedale, MA 01747', bounded and described as follows:

Beginning at a point in the westerly line of said Glendale Road, said point being at the intersection of the westerly line of said Glendale Road and the southerly line of Summit Road;

Thence: S 23°02'59" W running a distance of one hundred forty (140.00') feet, the last line following the westerly line of said Glendale Road;

Thence: N 66°58'20" W running a distance of one hundred (100.00') feet;

Thence: N 53°40'17" W running a distance of ninety (90.00') feet, the last two lines bounding on "Map 19, Parcel 70" as shown on said plan;

Thence: N 37°52'20" E running a distance of one hundred sixty-two and eight hundredths (162.08') feet to a point on the southerly line of said Summit Road, the last line bounding on land owned now or formerly by Guilene M. Jeanty, and land owned now or formerly by Treacy Builders, Inc.;

Thence: S 52°37'25" E running a distance of one hundred fifty and eighty-two hundredths (150.82') feet to the point and place of beginning, the last line following the southerly line of said Summit Road.

Said parcel contains approximately 26,389 square feet or 0.61 acres.

SUMMIT ROAD

That certain parcel of land, with all the buildings and improvements thereon, situated on the southerly side of Summit Road in the Town of Stoneham, in the county of Middlesex, Commonwealth of Massachusetts shown as "Summit Road, Map 19, Parcel 65" on that plan entitled 'Plan of Land, 10 Orchard Street, 5 Glendale Road & Summit Road, Stoneham, Massachusetts, Prepared for: Larkin Real Estate Group, Inc.; February 12, 2019; Scale: 1 inch equals 40 feet'; by A.S. Elliott & Associates, Inc., Professional Land Surveyors; P.O. Box 85, Hopedale, MA 01747', bounded and described as follows:

Beginning at a point in the southerly line of said Summit Road, said point being at the end of said Summit Road;

Thence: S 52°37'25" E running a distance of forty-seven and sixty hundredths (47.60') feet, the last line following the southerly line of said Summit Road;

Thence: S 37°52'20" W running a distance of one hundred ten and eight hundredths (110.08') feet, the last line bounding on land owned now or formerly by Inge Hunzelman;

Thence: N 33°07'14" W running a distance of one hundred twenty-five and one hundredth (125.01') feet, the last line bounding on land owned now or formerly by Guilene M. Jeanty;

Thence: N 51°53'00" E running a distance of seventy and fifty-nine hundredths (70.59') feet;

Thence: S 52°37'25" E running a distance of fifty-three and fifty-one hundredths (53.51') feet to the point and place of beginning, the last two lines bounding land owned now or formerly by Mosley Park Condominium Association.

Said parcel contains approximately 9,960 square feet or 0.23 acres.

Charles Houghton and 100 others

Article 1. Voted that the Town amend the Stoneham Town Code, Chapter

15, Zoning By-law by amending the Zoning Map of the Town of Stoneham to add to the Residence B District the following described properties at 10 Orchard Street, 5 Glendale Road, and Summit Road:

10 ORCHARD STREET

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Thence: N 21°25’05” W running a distance of two hundred twenty-two and forty-eight hundredths (222.48’) feet, the last line following the easterly line of said Park Street;

Thence: N 46°25’28” E running a distance of nine and ninety-three hundredths (9.93’) feet;

Thence: S 53°37’47” E running a distance of seventy-two and twenty-two hundredths (72.22’) feet to an iron rod, the last two lines bounding on land owned now or formerly by Guilene M. Jeanty;

Thence: S 53° 40’17” E running a distance of ninety (90.00’) feet;

Thence: S 66°58’20” E running a distance of one hundred (100.00’) feet to a point on the westerly line of Glendale Road, the last two lines bounding on land owned now or formerly by Inge Hunzelman;

Thence: S 23°02’59’ W running a distance of one hundred fifty (150.00’) feet to a point on the northerly line of said Orchard Street, the last line following the westerly line of said Glendale Road;

Thence: N 55°52’20” W running a distance of one hundred one and ninety-one hundredths (101.91’) feet;

Thence: N 68°49’55” W running a distance of five and ninety-five hundredths (5.95’) feet to the point and place of beginning, the last two lines following the northerly line of said Orchard Street.

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Beginning at a point in the westerly line of said Glendale Road, said point being at the intersection of the westerly line of said Glendale Road and the southerly line of Summit Road;

Thence: S 23°02’59” W running a distance of one hundred forty (140.00’) feet, the last line following the westerly line of said Glendale Road;

Thence: N 66°58’20” W running a distance of one hundred (100.00’) feet;

Thence: N 53°40’17” W running a distance of ninety (90.00’) feet, the last two lines bounding on “Map 19, Parcel 70” as shown on said plan;

Thence: N 37°52’20” E running a distance of one hundred sixty-two and eight hundredths (162.08’) feet to a point on the southerly line of said Summit Road, the last line bounding on land owned now or formerly by Guilene M. Jeanty, and land owned now or formerly by Treacy Builders, Inc.;

Thence: S 52°37’25” E running a distance of one hundred fifty and eighty-two hundredths (150.82’) feet to the point and place of beginning, the last line following the southerly line of said Summit Road.

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That certain parcel of land, with all the buildings and improvements thereon, situated on the southerly side of Summit Road in the Town of Stoneham, in the county of Middlesex, Commonwealth of Massachusetts shown as “Summit Road, Map 19, Parcel 65” on that plan entitled ‘Plan of Land, 10 Orchard Street, 5 Glendale Road & Summit Road, Stoneham, Massachusetts, Prepared for: Larkin Real Estate Group, Inc.; February 12, 2019; Scale: 1 inch equals 40 feet’; by A.S. Elliott & Associates, Inc., Professional Land Surveyors; P.O. Box 85, Hopedale, MA 01747’, bounded and described as follows:

Beginning at a point in the southerly line of said Summit Road, said point being at the end of said Summit Road;

Thence: S 52°37’25” E running a distance of forty-seven and sixty hundredths (47.60’) feet, the last line following the southerly line of said Summit Road;

Thence: S 37°52’20” W running a distance of one hundred ten and eight

hundredths (110.08') feet, the last line bounding on land owned now or formerly by Inge Hunzelman;

Thence: N 33°07'14" W running a distance of one hundred twenty-five and one hundredth (125.01') feet, the last line bounding on land owned now or formerly by Guilene M. Jeanty;

Thence: N 51°53'00" E running a distance of seventy and fifty-nine hundredths (70.59') feet;

Thence: S 52°37'25" E running a distance of fifty-three and fifty-one hundredths (53.51') feet to the point and place of beginning, the last two lines bounding land owned now or formerly by Mosley Park Condominium Association.

Said parcel contains approximately 9,960 square feet or 0.23 acres.

**2/3 Vote Required
2/3 Vote Passed Per Moderator
Motion for Reconsideration
Cannot be Reconsidered**

Article 2. To see if the Town will vote to amend the Stoneham Town Code, Chapter 15, Zoning By-law by amending the Zoning Map of the Town of Stoneham to add to the Residence B District the following described property at off of Rockville Park:

A certain parcel of land situated in Stoneham, Middlesex County, Commonwealth of Massachusetts bounded and described as follows:

Beginning at a point, said point being thirty and eighty hundredths feet (30.80') from the Northeasterly corner of land of Holahan Walker, thence running

S 69°- 33'-57"E by the southerly sideline of Rockville Park a distance of Forty-one and eighty-nine hundredths feet (41.89') to a Point, thence

Easterly And curving to the right along the arc of a curve having a radius of forty feet (40') and a length of one hundred four and fifty-five hundredths feet (104.55') to a point, thence

S 69° -33'-57"E a distance of fifty-nine and ninety hundredths feet (59.90') to a point, thence

N 21°- 32'-25"E a distance of eighteen and fifty hundredths feet (18.50') to a point, thence

S 78°- 40'-03"E a distance of one hundred one and seventeen hundredths feet (101.17') to a point, thence

S 04°- 31'-33"W a distance of two hundred forty-four and eighty hundredths

feet (244.80') to a point, thence

N 83°-23'-55"W a distance of forty-three and six hundredths feet (43.06') to a point, thence

N 67°-21'-29"W a distance of one hundred fifteen and forty-nine hundredths feet (115.49') to a point, thence

N 26°-16'-49"E a distance of seventeen and ninety-one hundredths feet (17.91') to a point, thence

S 73°-35'-13"W a distance of one hundred twenty-nine and thirty-one hundredths feet (129.31') to a point, thence

N 50°-41'-47"W a distance of seventy-nine and nineteen hundredth feet (79.19') to a point, thence

N 32°-03'-17"W a distance of sixty-five and fifty-eight hundredths feet (65.58') to a point, thence

N 33°-31'-18"E a distance of one hundred eighty-five and eighty-two hundredths feet (185.82') to the point of beginning.

The above described parcel of land contains an area of 75,592 S.F. and is more particularly shown as area to be rezoned on a plan entitled "Plan of Land for rezoning purposes, Rockville Park, Stoneham, MA" scale 1" = 30' prepared by Edward J. Farrell, P.L.S. dated February 25, 2019.

Charles Houghton and 100 others

Article 2. Voted that the Town amend the Stoneham Town Code, Chapter 15, Zoning By-law by amending the Zoning Map of the Town of Stoneham to add to the Residence B District the following described property at off of Rockville Park:

A certain parcel of land situated in Stoneham, Middlesex County, Commonwealth of Massachusetts bounded and described as follows:

Beginning at a point, said point being thirty and eighty hundredths feet (30.80') from the Northeasterly corner of land of Holahan Walker, thence running

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Easterly And curving to the right along the arc of a curve having a radius of forty feet (40') and a length of one hundred four and fifty-five hundredths feet (104.55') to a point, thence

- S 69° -33'-57"E a distance of fifty-nine and ninety hundredths feet (59.90') to a point, thence
- N 21°- 32'-25"E a distance of eighteen and fifty hundredths feet (18.50') to a point, thence
- S 78°- 40'-03"E a distance of one hundred one and seventeen hundredths feet (101.17') to a point, thence
- S 04°- 31'-33"W a distance of two hundred forty-four and eighty hundredths feet (244.80') to a point, thence
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- N 50°-41'-47"W a distance of seventy-nine and nineteen hundredth feet (79.19') to a point, thence
- N 32°-03'-17"W a distance of sixty-five and fifty-eight hundredths feet (65.58') to a point, thence
- N 33°-31'-18"E a distance of one hundred eighty-five and eighty-two hundredths feet (185.82') to the point of beginning.

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**2/3 Vote Required
2/3 Vote Passed Per Moderator
Motion for Reconsideration
Cannot be Reconsidered**

Article 3. To see if the Town will vote to authorize the Select Board to sell a parcel of land located off Wilbur Street in Stoneham, containing approximately .106 acres +/- and shown on the Stoneham Assessor's Map as Parcel 19-0-161 pursuant to the provisions of Mass. Gen. L. c. 30B and/or Mass. Gen. L. c. 60 sec. 77B, as applicable, and take such other and further actions in furtherance of this authorization, including the execution of any documents necessary to effectuate the sale of said property, or do anything in relation thereto.

Town Administrator

Article 3. **Voted** that the Town authorize Select Board to sell a certain parcel of land located off Wilbur Street in Stoneham, containing approximately .106 acres +/- and shown on the Stoneham Assessor's Map as Parcel 19-0-161 pursuant to the provisions of Mass. Gen. L. c. 30B and/or Mass. Gen. L. c. 60 sec. 77B, as applicable, and take such other and further actions in furtherance of this authorization, including the execution of any documents necessary to effectuate the sale of said property.

Passed Per Moderator

Article 4. To see if the Town of Stoneham will vote that the Select Board Chair be authorized to file on behalf of the Town of Stoneham on any and all applications deemed necessary under the PARC Grant or any other applications for funds in any way connected with the scope of this renovation project as voted, described, and appropriated \$210,000 in Article 5 at the May 6, 2019 Annual Town Meeting for the park redevelopment of a parcel of land of approximately 3.21+/- acres owned by the Town of Stoneham as described on Assessors Map 13, Parcel 06, to be managed and controlled by the Town Administrator of the Town of Stoneham in accordance with Chapter 45, Section 3 for active recreation purposes, or do anything relative thereto.

Town Administrator

Article 4. **Voted** that the Select Board and/or its Chair be authorized to execute and file on behalf of the Town of Stoneham any and all applications deemed necessary under the PARC Grant or any other applications for funds in any way connected with the scope of this renovation project as voted, described, and appropriated \$210,000 in Article 5 at the May 6, 2019 Annual Town Meeting for the park redevelopment of a parcel of land of approximately 3.21+/- acres owned by the Town of Stoneham as described on Assessors Map 13, Parcel 06, and any said funds received thereunder to be managed, controlled and expended by the Town Administrator of the Town of Stoneham in accordance with Chapter 45, Section 3 for recreation purposes.

Passed Unanimously

Article 5. To see if the Town will vote to raise and appropriate or, transfer from available funds, the sum of \$430,000 for capital projects, including all incidental and related costs, all as set forth below, or do anything in relation thereto.

Department	Amount	Description	Funding Source
Facilities	\$ 60,000.00	Vehicles	Free Cash
Facilities	\$ 150,000.00	Building Maintenance	Free Cash
Police	\$ 70,000.00	Cruiser	Free Cash
DPW	\$ 20,000.00	Mower	Free Cash
DPW	\$ 100,000.00	Paving & Sidewalks	Free Cash
DPW	\$ 30,000.00	Drainage	Free Cash
Total	430,000.00		

Town Administrator

Article 5. Voted that the Town transfer from surplus revenue (Free Cash) a sum not to exceed \$430,000 for the Capital Projects set forth below, said funds to be expended under the general supervision of the Town Administrator and supervision of the department head for which the sums have been appropriated.

Department	Amount	Description	Funding Source
Facilities	\$ 60,000.00	Vehicles	Free Cash
Facilities	\$ 150,000.00	Building Maintenance	Free Cash
Police	\$ 70,000.00	Cruiser	Free Cash
DPW	\$ 20,000.00	Mower	Free Cash
DPW	\$ 100,000.00	Paving & Sidewalks	Free Cash
DPW	\$ 30,000.00	Drainage	Free Cash
Total	430,000.00		

Passed Unanimously

Article 6. To see if the Town will vote to raise and appropriate or transfer from available funds, the sums listed in the chart included in this article necessary to defray certain Town charges for the ensuing year, including debt and interest and a reserve fund, or do anything in relation thereto.

	Department Requested FY'20	Administrator Recommended FY'20	Select Board Recommended FY'20	Finance Committee Recommended FY'20
PEG Access Enterprise Fund				
Expenses	525,000	525,000	525,000	525,000
Total Expenses	525,000	525,000	525,000	525,000
Total PEG Access Budget	\$ 525,000	\$ 525,000	\$ 525,000	\$ 525,000

Town Administrator

Article 6. Voted that the Town appropriate \$525,000 for costs of operations of the PEG Access Enterprise Fund and to meet said appropriation raise \$525,000 from Cable Receipts.

Passed Unanimously

Article 7: To see if the Town will vote to raise and appropriate from taxation or by transfer from available funds \$40,000 to amend the Fiscal Year 2020 Reserve Fund Budget approved under Article 7 of the May 6, 2019 Annual Town Meeting, or take any action relative thereto.

Town Administrator

Article 7. Voted that the Town appropriate the sum of \$40,000 to amend the Fiscal Year 2020 Reserve Fund Budget approved under article 7 of the May 6, 2019 Annual Town Meeting, as amended, and to meet this appropriation, transfer said sum from the Surplus Revenue (Free Cash).

Passed Unanimously

Article 8. REGULATION OF RETAIL CHECKOUT BAGS

To See if the Town will vote to amend the Stoneham Town Code by adding a new section entitled Retail Checkout Bags and further to amend Chapter 1, section 1-4A Non-criminal disposition as follows:

RETAIL CHECKOUT BAGS

Purpose

The purpose of this bylaw is to reduce the number of single-use plastic bags used, discarded, and/or littered; and to promote the use of Reusable Bags and Recyclable Paper Bags by Retail Establishments in the Town of Stoneham.

Definitions

Checkout bag a carryout bag provided by a store to a customer at the point of sale. Checkout bags shall not include bags, whether plastic or not, in which loose produce or products are placed by the consumer to deliver such items to the point of sale or check out area of the store.

Recyclable paper bag means a paper bag that is: (1) 100 percent recyclable; and (2) contains at least 40% post-consumer recycled paper content and is clearly labeled as such.

Reusable bag means a bag with handles that is specifically designed and manufactured for multiple reuse and is either polyester, polypropylene, cotton or other durable material, or durable plastic that is at least 3.0 mils in thickness.

Single-use plastic bag means a plastic bag typically with handles with a thickness of less than 2.25 mils and are intended for single-use transport of purchased products.

Retail establishment means any commercial enterprise including, but not limited to the

following: restaurants, pharmacies, convenience and grocery stores, liquor stores, seasonal and temporary businesses, jewelry stores, household goods stores and any other business that offers the sale of merchandise.

Non-profit organization means a corporation or an association that conducts business for the benefit of the general public without shareholders and without a profit motive.

Small business means a retail establishment that is under twenty-five hundred (2500) square feet in size and is not publicly owned.

Bylaw regarding Plastic Bags

- a) If a retail establishment or non-profit organization provides checkout bags to customers, these bags must either be recyclable paper bags or reusable bags.
- b) Information regarding the proper sanitization of reusable bags to prevent fungus and illness must also be displayed or communicated at the time of checkout.
- c) Except as otherwise provided herein, single use plastic bags shall not be distributed, used or sold for checkout or other purposes by any retail establishment or non-profit organization within the Town of Stoneham.
- d) The following are exempt and not subject to this bylaw.

Bags used by customers to:

- package bulk items, such as fruit, vegetables, nuts, grains, candy or small hardware items;
- contain or wrap frozen foods, meat, or fish; or
- contain or wrap flowers, potted plants, or other items where dampness may be a problem.
- Laundry or dry-cleaning bags or bags sold in packages containing multiple bags intended to be used for home food storage, garbage, waste, pet waste or yard waste.

Effective Date

- a) This bylaw will go into effect one hundred and twenty (120) days after approval according to Massachusetts General Law Chapter 40, Section 32.
- b) A small business may ask for an extension of up to ninety (90) days past the effective date upon written request to the Town Administrator. This exemption shall only apply to a small business facing an undue hardship. An “undue hardship” shall be found only in:
 - Circumstances or situations unique to the small business such that there are no alternatives to single use plastic bags present in their retail establishment by the effective date. There must be a plan as to obtain reusable bags or paper bags by the end of the extension filed to the Town Administrator’s office; or
 - Circumstances where a small business requires additional time in order to reduce an existing inventory of single use plastic bags. Any small business in receipt of an extension shall file inventory reduction plans to consume the remaining stock of single use plastic bags with the Town Administrator’s office.
 - No Single Use Plastic Bags shall be purchased during the time of this extension.

Education

The Town Administrator shall send a written notice detailing the requirements imposed by this bylaw to the retail establishments and non-profit organizations at least ninety (90) days prior to the effective date of this bylaw.

Enforcement

- a) Enforcement of this bylaw shall be the responsibility of the Town Administrator or his/her appointed designee.
- b) Any Retail Establishment or non-profit organization found to be in violation of this section shall be subject to a non-criminal disposition fine by the Town Administrator.
- c) Not more than one fine may be assessed within a fifteen (15) day period.

First Offense: Warning

Second Offense: \$50

Subsequent Offense: \$100

**Cory Mashburn and Phyllis Warren
and 100 others**

First Amendment made by Marcia Wengen 56 Washington Street as follows:

Remove all references to the term “Non-Profit Organization”. One is under category Definitions. Two are under the category Bylaw regarding Plastic Bags.

Second Amendment was then made by Kenneth Wacks 9 Pinewood Road as follows:

Definitions

Add: Compostable bag means a bag made from material capable of undergoing biological decomposition in a compost site such that the material is not visually distinguishable and breaks down carbon monoxide, water, inorganic compounds, and biomass at a rate consistent with known compostable materials, (reference: ASTM D6400, “Standard Specification for Labeling of Plastics Designed to be Aerobically Composted in Municipal or Industrial Facilities,” an international standard adopted in 2019).

Bylaw regarding Plastic Bags

Change:

Old Text

- a) If a retail establishment or non-profit organization provides checkout bags to customers, these must either be recyclable paper bags or reusable bags.

Revised Text

- a) If a retail establishment provides checkout bags to customers, these must be recyclable paper bags, reusable bags, or compostable bags.

**Vote on First Amendment
Amendment Passed Per Moderator
Vote on Second Amendment
Amendment Fails Per Moderator**

**Motion to Indefinitely Postpone Article 8 was made by Ellen McBride 30 Butler Avenue.
Motion to Indefinitely Postpone Failed.**

**Third Amendment made by [Jean] Megan Day 49 Perkins Street, Executive Director of the
Chamber of Commerce, as follows:**

Changes are shown in red

REGULATION OF RETAIL CHECKOUT BAGS

Regulation of Retail Checkout Bags

The purpose of this regulation is to reduce the number of single-use plastic bags used, discarded, and/or littered; and to promote the use of Reusable Bags and Recyclable Paper Bags by Retail Establishments in the Town of Stoneham.

Definitions

The following terms shall have the following meanings.

Checkout bag means a carryout bag provided by a store to a customer at the point of sale. Checkout bags shall not include bags, whether plastic or not, in which loose produce or products are placed by the consumer to deliver such items to the point of sale or check out area of the store.

Recyclable paper bag means a paper bag that is: (1) 100 percent recyclable; and (2) contains at least 40% post-consumer recycled paper content and is clearly labeled as such.

Reusable bag means a bag with handles that is specifically designed and manufactured for multiple reuse and is either polyester, polypropylene, cotton or other durable material, or durable plastic that is at least 2.25 mils in thickness.

Single-use plastic bag means a plastic bag typically with handles with a thickness of less than 2.25 mils and are intended for single-use transport of purchased products.

Retail establishment means any commercial enterprise including, but not limited to the following: restaurants, pharmacies, convenience and grocery stores, liquor stores, seasonal and temporary businesses, jewelry stores, household goods stores and any other business that offers the sale of merchandise.

Small business means a retail establishment **that employs less than 50 fulltime employees.**

Regulations

- a) If a retail establishment provides checkout bags to customers, these bags must either be recyclable paper bags or reusable bags.

- ~~b) Information regarding the proper sanitization of reusable bags to prevent fungus and illness must also be displayed or communicated at the time of checkout.~~
- c) Except as otherwise provided herein, single use plastic bags shall not be distributed, used or sold for checkout or other purposes by any retail establishment within the Town of Stoneham.
- d) The following are exempt and not subject to regulation.
Bags used by customers to:
- package bulk items, such as fruit, vegetables, nuts, grains, candy or small hardware items;
 - contain or wrap frozen foods, meat, or fish; or
 - contain or wrap flowers, potted plants, or other items where dampness may be a problem.
 - Laundry or dry-cleaning bags or bags sold in packages containing multiple bags intended to be used for home food storage, garbage, waste, pet waste or yard waste.

Effective Date

- a) This regulation will go into **effect six (6) months after the last day of the month of its passage** for approval according to Massachusetts General Law Chapter 40, Section 32.
- b) A small business may ask for an extension ~~of up to ninety (90) days past~~ the effective date upon written request to the Town Administrator. This exemption shall only apply to a small business facing an undue hardship. An “undue hardship” shall be found only in:
- Circumstances or situations unique to the small business such that there are no alternatives to single use plastic bags present in their retail establishment by the effective date. There must be a plan as to obtain reusable bags or paper bags by the end of the extension filed to the Town Administrator’s office; or
 - Circumstances where a small business requires additional time in order to reduce an existing inventory of single use plastic bags. Any small business in receipt of an extension shall file inventory reduction plans to consume the remaining stock of single use plastic bags with the Town Administrator’s office.
 - No Single Use Plastic Bags shall be purchased during the time of this extension.

Education

The Town Administrator shall send a written notice detailing the requirements imposed by this regulation to the retail establishments at least ninety (90) days prior to the effective date of this ordinance.

Enforcement

- a) Enforcement of this bylaw shall be the responsibility of the Town Administrator or his/her appointed designee.
- b) Any Retail Establishment found to be in violation of this section shall be subject to a non-criminal disposition fine by the Town Administrator.
- c) Not more than one fine may be assessed within a fifteen (15) day period.

First Offense: Warning

Second Offense: \$50

Subsequent Offense: \$100

**Vote on Third Amendment
Amendment Passed**

Motion was made to further amend Mrs. Day's amendment by changing the enforcement to the original enforcement language as presented in the town meeting warrant.

Vote on Motion as Amended:

Article 8. **Voted** to accept the following:

REGULATION OF RETAIL CHECKOUT BAGS

Regulation of Retail Checkout Bags

The purpose of this regulation is to reduce the number of single-use plastic bags used, discarded, and/or littered; and to promote the use of Reusable Bags and Recyclable Paper Bags by Retail Establishments in the Town of Stoneham.

Definitions

The following terms shall have the following meanings.

Checkout bag means a carryout bag provided by a store to a customer at the point of sale. Checkout bags shall not include bags, whether plastic or not, in which loose produce or products are placed by the consumer to deliver such items to the point of sale or check out area of the store.

Recyclable paper bag means a paper bag that is: (1) 100 percent recyclable; and (2) contains at least 40% post-consumer recycled paper content and is clearly labeled as such.

Reusable bag means a bag with handles that is specifically designed and manufactured for multiple reuse and is either polyester, polypropylene, cotton or other durable material, or durable plastic that is at least 2.25 mils in thickness.

Single-use plastic bag means a plastic bag typically with handles with a thickness of less than 2.25 mils and are intended for single-use transport of purchased products.

Retail establishment means any commercial enterprise including, but not limited to the following: restaurants, pharmacies, convenience and grocery stores, liquor stores, seasonal and temporary businesses, jewelry stores, household goods stores and any other business that offers the sale of merchandise.

Small business means a retail establishment that employs less than 50 fulltime employees.

Regulations

- a) If a retail establishment provides checkout bags to customers, these bags must either be recyclable paper bags or reusable bags.
- b) Except as otherwise provided herein, single use plastic bags shall not be distributed, used or sold for checkout or other purposes by any retail establishment within the Town of Stoneham.
- c) The following are exempt and not subject to regulation.
Bags used by customers to:

- package bulk items, such as fruit, vegetables, nuts, grains, candy or small hardware items;
- contain or wrap frozen foods, meat, or fish; or
- contain or wrap flowers, potted plants, or other items where dampness may be a problem.
- Laundry or dry-cleaning bags or bags sold in packages containing multiple bags intended to be used for home food storage, garbage, waste, pet waste or yard waste.

Effective Date

- a) This regulation will go into effect six (6) months after the last day of the month of its passage for approval according to Massachusetts General Law Chapter 40, Section 32.
- b) A small business may ask for an extension [past] the effective date upon written request to the Town Administrator. This exemption shall only apply to a small business facing an undue hardship. An “undue hardship” shall be found only in:
 - Circumstances or situations unique to the small business such that there are no alternatives to single use plastic bags present in their retail establishment by the effective date. There must be a plan as to obtain reusable bags or paper bags by the end of the extension filed to the Town Administrator’s office; or
 - Circumstances where a small business requires additional time in order to reduce an existing inventory of single use plastic bags. Any small business in receipt of an extension shall file inventory reduction plans to consume the remaining stock of single use plastic bags with the Town Administrator’s office.
 - No Single Use Plastic Bags shall be purchased during the time of this extension.

Education

The Town Administrator shall send a written notice detailing the requirements imposed by this regulation to the retail establishments at least ninety (90) days prior to the effective date of this ordinance.

Enforcement

- a) Enforcement of this bylaw shall be the responsibility of the Town Administrator or his/her appointed designee.
- b) Any Retail Establishment found to be in violation of this section shall be subject to a non-criminal disposition fine by the Town Administrator.
- c) Not more than one fine may be assessed within a fifteen (15) day period.

First Offense: Warning

Second Offense: \$50

Subsequent Offense: \$100

Passed per Moderator

Please Note: Although the original article on the warrant would have created a bylaw the amended version as voted on created a regulation as it went unnoticed that all of the language Mrs. Day was amending was from an earlier version that was not placed on the warrant..

Meeting Dissolved at 9:07 PM

Respectfully Submitted:

A handwritten signature in cursive script that reads "Maria Sagarino".

Maria Sagarino
Town Clerk

