

The following is a list of warrant articles and the recommendations for the Board of Selectmen and the Advisory Board for the May 5, 2007 Annual Town Meeting.

		Selectmen	Advisory	Tax Rate Impact
Art. 1.	Reports of Town Officers and Committees	YES	YES	N/A
Art. 2.	Supplemental Budget (FY '07) Transfers	YES	YES	N/A
Art. 3.	FY '08 Budget	YES	YES	N/A
Art. 4.	School Budget Override Contingent Vote			\$.75
Art. 5.	Prior Year's (FY '06)	PASS OVER	PASS OVER	N/A
Art. 6.	Light Dep't PILOT payment	YES	YES	N/A
Art. 7.	Compensating Balance Authority for Treasurer	YES	YES	N/A
Art. 8.	Tax Anticipation Note Authority for Treasurer	YES	YES	N/A
Art. 9.	Authority for BOS to Contract with Mass. Highway	YES		N/A
Art. 10.	Authority to Expend Ch. 90 Road Repair Money	YES	YES	N/A
Art. 11.	Capital Exclusion Override Contingent Vote for Road/Sidewalk Repair Money	YES	YES	\$.27
Art. 12.	Offset Receipt Account for Boat Excise Money	PASS OVER	PASS OVER	N/A
Art. 13.	Offset receipt Account for Building Demolition	YES	YES	N/A
Art. 14.	Appropriation for Assessor's Triennial Property Valuation	YES	YES	N/A
Art. 15.	Rescinding of Excess Money for Temp. Town Hall Off. Space	YES	YES	N/A
Art. 16.	Bond Issue Costs/Interest for Russell Hill Land Acquisition	YES	YES	N/A
Art. 17.	Consulting Services to update Open Space and Recreation Plan	YES	YES	N/A
Art. 18.	Appropriation for Legal/Other Expenses re. Delinquent Tax Collection	YES	YES	N/A
Art. 19.	Authority for Collector to Lien Delinquent Water/Sewer Bills on Property Tax Bills	YES	YES	N/A
Art. 20.	Authorization for Retired Employee Health Insurance	PASS OVER		N/A
Art. 21.	Medicare eligible employees enrollment in medigap plan	PASS OVER		N/A
Art. 22.	Appropriation for Senior Center Feasibility Study	YES	YES	N/A
Art. 23.	Appropriation for School Resource Police Officer	YES	YES	N/A
Art. 24.	Appropriation for Preparation of Dam Emergency and Operation Plans	PASS OVER	PASS OVER	N/A
Art. 25.	Appropriation for Water/Sewer Rate Study Update	YES		N/A
Art. 26.	Increase bonding authority for construction of Public Safety Facility			N/A
Art. 27.	Appropriate funds for Hazmat Clean-up	YES	YES	N/A
Art. 28.	Citizen's Petition re. Liquor License for Tweedo's Inc.	YES	YES	N/A
Art. 29.	Citizen's Petition re. Kayaking/Canoeing on Town Lakes/Ponds	YES	YES	N/A
Art. 30.	Land Transfer in Connection with Whitney Estates Project	YES	YES	N/A
Art. 31.	Zoning By-law Change re. Accessory Uses of Property	YES	YES	N/A
Art. 32.	Zoning By-law Amendment re. Maple St. Area Industrial Zone Expansion	YES	YES	N/A
Art. 33.	Zoning By-law Amendment re. Site Plan requirements	YES	YES	N/A
Art. 34.	Zoning By-law Amendment re. Village Center	YES	YES	N/A
Art. 35.	Town Cemetery – eminent domain	YES	YES	N/A
Art. 36.	Ashburnham-Westminster Regional School Capital Exclusion Override Contingent Vote for FY08 Capital Budget	YES		\$.24
Art. 37.	Town FY08 Capital Budget	YES	YES	N/A
Art. 38.	Appropriation Into Stabilization Fund	YES		N/A

		Selectmen	Advisory	Tax Rate Impact
Art. 39.	Appropriation into Conservation Fund	YES		N/A
Art. 40.	Appropriation Into Capital Improvement Fund	YES		N/A
	Total increase for tax rate if all passes:			\$1.26

Current Tax Rate for FY'07 is \$ 13.00

PROCEEDINGS OF THE ANNUAL TOWN MEETING
HELD ON MAY 5, 2007

PURSUANT TO THE FOREGOING WARRANT, THE LEGAL VOTERS OF THE TOWN OF ASHBURNHAM MET AT OAKMONT REGIONAL HIGH SCHOOL AUDITORIUM, 9 OAKMONT DRIVE, ASHBURNHAM ON MAY 5, 2007. DAVID UMINSKI, MODERATOR PRESIDED AT THE MEETING WHICH WAS CALLED TO ORDER AT 10:14 A.M. WITH A QUORUM PRESENT. MR. UMINSKI RECOGNIZED WESLEY P. LANDRY FOR HIS RETIREMENT LAST OCTOBER AND FOR HIS 36 YEARS OF SERVICE TO THE TOWN OF ASHBURNHAM AS THE TOWN CLERK. ALSO A MOMENT OF SILENCE WAS HELD TO REMEMBER THE RECENTLY DECEASED- MARYANN POWERS, ANN MUNROE, SUSAN DEMBEK, MARGARET SWEENEY, BETTY BISBEE, AND HARVEY SALO. A MOMENT OF SILENCE WAS HELD FOR RYAN JONES OF WESTMINSTER.

ARTICLE 1: To receive the reports of several town officers and all outstanding committees, or act in relation thereto. *(Requested by the Board of Selectmen)*

SELECTMEN RECOMMEND: YES ADVISORY RECOMMEND: YES TAX RATE IMPACT: N/A

ARTICLE 1 VOTED: On motion of Jonathan Dennehy, it was voted to receive the reports of several town officers and all outstanding committees.

Unanimous "YES"

ARTICLE 2: To see if the Town will vote to appropriate by transfer from available funds a sum of money to supplement existing departmental budgets for the current fiscal (2007) year, or act in relation thereto. *(Requested by the Town Administrator)*

SELECTMEN RECOMMEND: YES ADVISORY RECOMMEND: YES TAX RATE IMPACT: N/A

ARTICLE 2 VOTED: On motion of Christopher Gagnon, it was voted to appropriate by transfer from free cash the sum of \$23,552 to supplement existing departmental budgets for the current fiscal (2007) year as follows: debt service-\$17,642; Treasurer-\$910; Town Administrator-\$5,000.

Unanimous "YES"

ARTICLE 3: To see if the Town will vote to raise and appropriate and/or appropriate by transfer from available funds such sums of money as may be necessary to defray the expenses of the Town for the fiscal year commencing July 1, 2007 and to set the salary of elected officials; or act in relation thereto. *(Requested by the Board of Selectmen and Advisory Board)*

SELECTMEN RECOMMEND: YES ADVISORY RECOMMEND: YES TAX RATE IMPACT: N/A

LINE	DEPARTMENT	FY'06 SPENT	FY'07 BUDGET	FY'08 TOWN ADMINISTRATOR RECOMMEND	FY'08 ADVISORY BOARD RECOMMEND
1	Moderator	\$ 100	\$ 100	\$ 100	\$ 100
2	Board of Selectmen	9,050	10,600	10,300	10,300
3	Town Administrator	128,017	142,260	144,280	144,280
4	Advisory Board	95,500	51,500	51,500	51,500
5	Town Accountant	45,414	49,676	53,700	53,700
6	Board of Assessors	44,101	67,939	68,306	68,306
7	Treasurer	90,389	88,520	106,418	106,418
8	Tax Collector	-	49,603	65,280	65,280
9	Town Clerk	47,358	46,680	46,723	46,723
10	Land Use	76,637	83,681	88,893	88,893
11	Town Hall & VMS Bldg	69,913	80,947	71,512	71,512
12	Non-Departmental	122,420	147,302	139,501	139,501
13	Police	663,567	948,341	1,017,772	1,017,772
14	Fire	439,580	452,568	498,143	498,143
15	Bldg. Inspection	37,924	43,076	49,658	49,658
16	Dog Officer	20,190	23,862	25,779	25,779
17	Trade & Monty Tech	421,374	409,399	380,207	380,207
18	AWRSD	5,918,112	6,141,988	6,338,320	6,338,320
19	DPW	412,489	789,538	788,301	788,301
20	Board of Health	17,813	18,561	19,100	19,100
21	Conservation Commission	11,882	23,568	51,215	51,215
22	Council on Aging	28,086	39,209	45,264	45,264
23	Veterans' Services	7,240	10,610	10,687	10,687
24	Library	155,673	190,603	199,696	199,696
25	Historical Commission	-	500	500	500
26	Debt Service	229,089	136,187	311,808	311,808
27	Employee Ins. Benefits	764,839	846,960	883,282	883,282
28	Water Fund	422,681	534,988	604,753	604,753
29	Sewer Fund	631,771	817,299	928,049	928,049
	ARTICLE 3 TOTAL	\$10,911,209	\$12,246,065	\$12,999,047	\$12,999,047

Setting of Elected Salaries under Article 3:

- a. Town Moderator: \$100
- b. Board of Selectmen: Chairman - \$1,300; Clerk - \$1,100; Member - \$1,100
- c. Town Clerk: \$37,873
- d. Board of Health: \$140 per member

ARTICLE 3 VOTED: On motion of Jonathan Dennehy, it was voted to raise and appropriate the sum of \$12,999,046 for the departments and purposes noted in the warrant, and to set the salaries for all elected officials as printed in the warrant , and that to meet this appropriation the sum of \$11,008,596 be raised and appropriated, that \$671,657 be transferred from water receipts, that \$1,013,543 be transferred from sewer receipts, that \$250,000 be transferred from light department receipts, that \$10,000 be transferred from overlay surplus, that \$25,000 be transferred from Conservation receipts, that \$20,250 be raised and transferred by bond bid premiums.

LINE	DEPARTMENT	FY'08 RECOMMEND
1	Moderator	\$ 100
2	Board of Selectmen	10,300
3	Town Administrator	144,280
4	Advisory Board	51,500
5	Town Accountant	53,700
6	Board of Assessors	68,306
7	Treasurer	106,418
8	Tax Collector	65,280
9	Town Clerk	46,723
10	Land Use	88,893
11	Town Hall & VMS Bldg	71,512
12	Non-Departmental	139,501
13	Police	1,017,772
14	Fire	498,143
15	Bldg. Inspection	49,658
16	Dog Officer	25,779
17	Trade & Monty Tech	380,207
18	AWRSD	6,338,320
19	DPW	788,301
20	Board of Health	19,100
21	Conservation Commission	51,215
22	Council on Aging	45,264
23	Veterans' Services	10,687
24	Library	199,696
25	Historical Commission	500
26	Debt Service	311,808
27	Employee Ins. Benefits	883,282
28	Water Fund	604,753
29	Sewer Fund	928,049
	ARTICLE 3 TOTAL	\$12,999,046

Unanimous “YES”

ARTICLE 4: To see if the Town will vote to raise and appropriate, and/or appropriate from available funds, a sum of money for the operating budget of the Ashburnham-Westminster Regional School District, in addition to the sum voted under Article 3 for said operating budget, provided that no funds voted under this article shall be expended unless the Town has first voted by ballot at a special election to exempt this expenditure from the provisions of Proposition two and one-half, and further provided that the Town of Westminster also votes to appropriate its proportional share, to be added to said operating budget, or act in relation thereto.

SELECTMEN RECOMMEND: **YES** ADVISORY RECOMMEND: **NO** TAX RATE IMPACT: **\$.75**

ARTICLE 4 VOTED: On motion of Christopher Gagnon, it was voted to raise and appropriate, and/or appropriate from available funds, the sum of \$498,603 for the operating budget of the Ashburnham-Westminster Regional School District, in addition to the sum voted under Article 3 for said operating budget, provided that no funds voted under this article shall be expended unless the Town has first voted by ballot at a special election to exempt this expenditure from the provisions of Proposition two and one-half, and further provided that the Town of Westminster also votes to appropriate its proportional share, to be added to said operating budget.

Majority “YES”

ARTICLE 5: To see if the Town will vote to appropriate by transfer from available funds a sum of money to pay bills incurred in a prior fiscal year, or act in relation thereto. *(Requested by the Town Administrator)*

SELECTMEN RECOMMEND: **PASS OVER** **ADVISORY RECOMMEND:** **PASS OVER** **TAX RATE IMPACT:** N/A

ARTICLE 5 VOTED: On motion of Jonathan Dennehy, it was voted to **PASS OVER** this article.

Unanimous “YES”

ARTICLE 6: To see if the Town will vote to authorize the transfer of \$40,000 from any excess in the Municipal Light Plant Funds to the town treasury, as authorized by its Light Board in accordance with Chapter 164 of the General Laws of the Commonwealth, or act in relation thereto. *(Requested by the Light Department)*

SELECTMEN RECOMMEND: **YES** **ADVISORY RECOMMEND:** **YES** **TAX RATE IMPACT:** N/A

ARTICLE 6 VOTED: On motion of Jonathan Dennehy, it was voted to transfer \$40,000 from any excess in the Municipal Light Plant Funds to the town treasury, as authorized by its Light Board in accordance with Chapter 164 of the General Laws of the Commonwealth.

Unanimous “YES:

ARTICLE 7: To see if the Town will vote to authorize the Town Treasurer to enter into a compensating balance agreement or agreements for Fiscal Year 2007 pursuant to Chapter 44, Section 53F of the General Laws, or act in relation thereto. *(Requested by the Town Treasurer)*

SELECTMEN RECOMMEND: **YES** **ADVISORY RECOMMEND:** **YES** **TAX RATE IMPACT:** N/A

ARTICLE 7 VOTED: On motion of Christopher Gagnon, it was voted to authorize the Town Treasurer to enter into a compensating balance agreement or agreements for Fiscal Year 2007 pursuant to Chapter 44, Section 53F of the General Laws.

Unanimous “YES”

ARTICLE 8: To see if the Town will vote to authorize the Town Treasurer, with the approval of the Board of Selectmen, to borrow money from time to time in anticipation of the revenue of the financial year beginning July 1, 2007, in accordance with the provisions of the Massachusetts General Laws, Chapter 44, Section 4, and to issue a note or notes as may be given for a period of less than one year in accordance with the Massachusetts General Laws, Chapter 44, Section 17, or act in relation thereto. *(Requested by the Town Treasurer)*

SELECTMEN RECOMMEND: YES ADVISORY RECOMMEND: YES TAX RATE IMPACT: N/A

ARTICLE 8 VOTED: On motion of Jonathan Dennehy it was voted to authorize the Town Treasurer, with approval of the Board of Selectmen, to borrow money from time to time in anticipation of the revenue of the financial year beginning July 1, 2007, in accordance with the provisions of the Massachusetts General Laws, Chapter 44, Section 4, and to issue a note or notes as may be given for a period of less than one year in accordance with the Massachusetts General Laws, Chapter 44, Section 17.

Unanimous “YES”

ARTICLE 9: To see if the Town will vote to authorize the Town Administrator to enter into a contract or contracts with the Massachusetts Highway Department for the construction and maintenance of town roads in conformance with the Massachusetts General Laws, or act in relation thereto. *(Requested by the Town Administrator)*

SELECTMEN RECOMMEND: YES ADVISORY RECOMMEND: YES TAX RATE IMPACT: N/A

ARTICLE 9 VOTED: On motion of Christopher Gagnon, it was voted to authorize the Town Administrator to enter into a contract or contracts with the Massachusetts Highway Department for the construction and maintenance of town roads in conformance with the Massachusetts General Laws.

Unanimous “YES”

ARTICLE 10: To see if the Town will vote to appropriate by transfer from available funds a sum of money if they become available from the Mass. Highway Department Chapter 90 bond issue proceeds to be used by the Highway Department for the repair and maintenance of town roads in conformance with the Massachusetts General Laws, or act in relation thereto. *(Requested by the Town Administrator)*

SELECTMEN RECOMMEND: YES ADVISORY RECOMMEND: YES TAX RATE IMPACT: N/A

ARTICLE 10 VOTED: On motion of Jonathan Dennehy, it was voted to appropriate by transfer from available funds the sum of \$264,242 from the Mass. Highway Department Chapter 90 bond issue proceeds to be used by the Highway Department for the repair and maintenance of town roads in conformance with the Massachusetts General Laws.

Unanimous “YES”

ARTICLE 11: To see if the Town will vote to raise and appropriate the sum of \$170,000 for the reconstruction of town roads and sidewalks with permanent pavement of a lasting character including necessary engineering and inspection fees, provided that no funds be spent unless the Town has voted at an

election to exempt this expenditure from the provisions of Proposition 2 ½, so called, or act in relation thereto. *(Requested by the Board of Selectmen/Town Administrator)*

SELECTMEN RECOMMEND: YES ADVISORY RECOMMEND: YES TAX RATE IMPACT: \$.27

ARTICLE 11 VOTED: On motion of Jonathan Dennehy, it was voted to raise and appropriate the sum of \$170,000 for the reconstruction of town roads and sidewalks with permanent pavement of a lasting character including necessary engineering and inspection fees, provided that no funds be spent unless the Town has voted at an election to exempt this expenditure from the provisions of Proposition 2 ½, so called.

Unanimous “YES”

ARTICLE 12: To see if the Town will vote to authorize a revolving fund, in accordance with G.L. c. 44, Sec. 53E ½, to receive one half of the boat excise revenues collected under G.L. c. 60B, Sec. 2 (i): Said funds to be expended for waterways improvement and maintenance by the Ashburnham Lakes Coalition without further appropriation; said expenditures shall not exceed \$3,000, unless an increase in such limitation is approved by the Board of Selectmen, or act in relation thereto. *(Requested by the Ashburnham Lakes Coalition)*

SELECTMEN RECOMMEND: YES ADVISORY RECOMMEND: YES TAX RATE IMPACT: N/A

ARTICLE 12 VOTED: On motion of Jonathan Dennehy it was voted to authorize a revolving fund, in accordance with G.L. c. 44, Sec. 53E ½, to receive one half of the boat excise revenues collected under G.L. c. 60B, Sec. 2 (i): Said funds to be expended for waterways improvement and maintenance by the Ashburnham Lakes Coalition without further appropriation; said expenditures shall not exceed \$3,000, unless an increase in such limitation is approved by the Board of Selectmen.

Unanimous “YES”

ARTICLE 13: To see if the Town will vote to authorize a revolving fund, in accordance with G.L. c. 44, Sec. 53E ½, to be expended by the Town Administrator, for the purpose of demolishing, removing, securing or otherwise remedying conditions on real property determined to be unsafe or dangerous under G.L. c. 143, Sec. 6, et. seq. or G.L. c. 139, Sec. 3A, including the costs of engineering and legal services related thereto; said fund to be established from money recovered from demolition liens; said expenditures not to exceed \$10,000 unless an increase in such limitation is approved by the Board of Selectmen, or act in relation thereto. *(Requested by the Board of Selectmen)*

SELECTMEN RECOMMEND: YES ADVISORY RECOMMEND: YES TAX RATE IMPACT: N/A

ARTICLE 13 VOTED: On motion of Christopher Gagnon, it was voted to authorize a revolving fund, in accordance with G.L. c. 44, Sec. 53E 1/2 , to be expended by the Town Administrator, for the purpose of demolishing, removing, securing or otherwise remedying conditions on real property determined to be unsafe or dangerous under G.L. c. 143, sec. 6, et. seq. or G.L. c. 139, Sec. 3A, including the costs of engineering and legal services related thereto; said fund to be established from money recovered from demolition liens; said expenditures not to exceed \$10,000 unless an increase in such limitation is approved by the Board of Selectmen.

Unanimous “YES”

ARTICLE 14: To see if the Town will vote to raise and appropriate or appropriate by transfer from available funds a sum of money for the revaluation of real estate and personal property in the town, including the hiring of consultants or others for the purposes of conducting property valuation updates, building permit inspections, and measurements and valuation of property, and for all expenses related thereto, or act in relation thereto. *(Requested by the Board of Assessors)*

SELECTMEN RECOMMEND: YES ADVISORY RECOMMEND: YES TAX RATE IMPACT: N/A

ARTICLE 14 VOTED: On motion of Jonathan Dennehy, it was voted to appropriate by transfer from free cash the sum of \$15,000 for the revaluation of real estate and personal property in the town, including the hiring of consultants or others for the purposes of conducting property valuation updates, building permits inspections, and measurements and valuation of property, and for all expenses related thereto.

Unanimous “YES”

ARTICLE 15: To see if the Town will vote to rescind the balance of the appropriation made under article 18 of the Special Town Meeting held on January 24, 2007, said funds no longer being needed for the purpose of paying costs associated with the temporary housing of the Town Hall staff, or act in relation thereto.

SELECTMEN RECOMMEND: YES ADVISORY RECOMMEND: YES TAX RATE IMPACT: N/A

ARTICLE 15 VOTED: On motion of Christopher Gagnon, it was voted to rescind the sum of \$50,000 of the appropriation made under article 18 of the Special Town Meeting held on January 24, 2007, said funds no longer needed for the purpose of paying costs associated with the temporary housing of the Town Hall staff, and further to transfer \$15,000 into the Stabilization Fund, \$10,000 into the Conservation Fund and \$25,000 into the Capital Improvement Fund.

Unanimous “YES”

ARTICLE 16: To see if the Town will vote to raise and appropriate or appropriate by transfer from available funds a sum of money to pay the costs of issuing bonds and notes and for related professional services, including but not limited to legal opinions and banking services, in connection with the Town’s purchase of certain property known as Russell Hill, or act in relation thereto. *(Requested by the Town Administrator)*

SELECTMEN RECOMMEND: YES ADVISORY RECOMMEND: YES TAX RATE IMPACT: N/A

ARTICLE 16 VOTED: On motion of Jonathan Dennehy, it was voted to appropriate by transfer from free cash the sum of \$18,500 to pay the costs of issuing bonds and notes and for related professional services, including but not limited to legal opinions and banking services, in connection with the Town’s purchase of certain property known as Russell Hill.

Unanimous “YES”

ARTICLE 17: To see if the Town will vote to raise and appropriate or appropriate by transfer from available funds a sum of money to pay for consulting services related to the updating of the Town's Open Space and Recreation Plan, or act in relation thereto. *(Requested by the Conservation Commission/Agent)*

SELECTMEN RECOMMEND: YES ADVISORY RECOMMEND: YES TAX RATE IMPACT: N/A

ARTICLE 17 VOTED: On motion of Christopher Gagnon, it was voted to appropriate by transfer from free cash the sum of \$7,000 to pay for the consulting services related to the updating of the Town's Open Space and Recreation Plan.

Unanimous "YES"

ARTICLE 18: To see if the Town will vote to raise and appropriate or appropriate by transfer from available funds a sum of money to pay for legal and other professional services, as well as all other reasonable related expenses, in connection with the collection of certain delinquent taxes owed to the Town, or act in relation thereto. *(Requested by the Town Administrator)*

SELECTMEN RECOMMEND: YES ADVISORY RECOMMEND: YES TAX RATE IMPACT: N/A

ARTICLE 18 VOTED: On motion of Jonathan Dennehy, it was voted to appropriate by transfer from free cash the sum of \$30,000 to pay for legal and other professional services, as well as all other professional services, and other reasonable related expenses, in connection with the collection of certain delinquent taxes owed to the Town.

Unanimous "YES"

ARTICLE 19: To see if the Town will vote to accept the provisions of Massachusetts General Laws Chapter 40, Sections 42 A through F, inclusive, (or G.L. c. 40, Secs. 42A-F, inclusive) providing that the town may lien the real estate where there are delinquent water and sewer rates or charges, and Massachusetts General Laws Chapter 83 Section 16G, (or G.L. c. 83, Sec. 16G) providing for the deferral and alternative collection of certain sewer rates and charges to qualified taxpayers over the age of 65, or act in relation thereto. *(Requested by the Town Collector)*

SELECTMEN RECOMMEND: YES ADVISORY RECOMMEND: YES TAX RATE IMPACT: N/A

ARTICLE 19 VOTED: On motion of Christopher Gagnon, it was voted to accept the provisions of Massachusetts General Laws Chapter 40, Sections 42A through F, inclusive, (or G.L. c. 40 Secs. 42A-F, inclusive) providing that the town may lien and the real estate where there are delinquent water and sewer rates or charges, and Massachusetts General Laws Chapter 83 Section 16G, (or G.L. c. 83, Sec. 16G) providing for the deferral and alternative collection of certain sewer rates and charges to qualified taxpayers over the age of 65.

Unanimous "YES"

ARTICLE 20: To see if the Town will vote, pursuant to the provisions of Massachusetts General Law Chapter 32B, Section 9A, to pay one-half the premium costs payable by a retired employee for group life insurance and for group general or other insurance as provided by the town under G.L. c. 32B, Sec. 9,

first sentence, so that, the Town will provide such insurance for it's retirees on a 50-50 contributory basis, or act in relation thereto. *(Requested by the Town Administrator)*

SELECTMEN RECOMMEND: **PASS OVER** ADVISORY RECOMMEND: **PASS OVER** TAX RATE IMPACT: N/A

ARTICLE 20 VOTED: On motion of Jonathan Dennehy, it was voted to **PASS OVER** this article.

Majority "YES"

ARTICLE 21: To see if the Town will vote to accept the provisions of Massachusetts General Law Chapter 32B Section 18, to require Medicare eligible retired employees to enroll in a Town sponsored medigap plan, or act in relation thereto. *(Requested by the Town Administrator)*

SELECTMEN RECOMMEND: **PASS OVER** ADVISORY RECOMMEND: **PASS OVER** TAX RATE IMPACT: N/A

ARTICLE 21 VOTED: On motion of Christopher Gagnon, it was voted to **PASS OVER** this article.

Majority "YES"

ARTICLE 22: To see if the Town will vote to raise and appropriate or appropriate by transfer from available funds a sum of money to pay for architectural and related services in connection with conducting a feasibility study for the construction of a Senior Center, or act in relation thereto. *(Requested by the Council on Aging/Town Administrator)*

SELECTMEN RECOMMEND: **YES** ADVISORY RECOMMEND: **YES** TAX RATE IMPACT: N/A

ARTICLE 22 VOTED: On the motion of Jonathan Dennehy, it was voted to raise and appropriate by transfer from the stabilization fund the sum of \$20,000 to pay for architectural service in connection with conducting a feasibility study for the rehabilitation of the VMS Building or parts thereof for the continued use by the town seniors as a senior center or the construction of a new independent center.

2/3 majority "YES"

ARTICLE 23: To see if the Town will vote to raise and appropriate or appropriate by transfer from available funds a sum of money to pay the salary and expenses of a school resource Police Officer for the Briggs elementary school, to conduct safety and education programs, or act in relation thereto. *(Requested by the Police Chief)*

SELECTMEN RECOMMEND: **YES** ADVISORY RECOMMEND: **YES** TAX RATE IMPACT: N/A

ARTICLE 23 VOTED: On motion of Christopher Gagnon, it was voted to raise and appropriate the sum of \$6,000 to pay the salary and expenses of a school resource Police Officer for the Briggs School, to conduct safety and education programs.

Unanimous "YES"

ARTICLE 24: To see if the Town will vote to raise and appropriate or appropriate by transfer from available funds a sum of money to pay for engineering inspection and evaluation reports as well as Emergency Action Plans on Upper Naukeag Dam and Lower Naukeag Dam, or act in relation thereto. *(Requested by the Town Administrator)*

SELECTMEN RECOMMEND: **PASS OVER** ADVISORY RECOMMEND: **PASS OVER** TAX RATE IMPACT: N/A

ARTICLE 24 VOTED: On motion of Jonathan Dennehy, it was voted to **PASS OVER** this article.

Unanimous “YES”

ARTICLE 25: To see if the Town will vote to raise and appropriate or appropriate by transfer from available funds, a sum of money to pay for a water/sewer rate study, including an analysis of indirect costs charged to the water and sewer departments, or act in relation thereto. *(Requested by the Water/Sewer Commission, Board of Selectmen, Advisory Board, Town Administrator)*

SELECTMEN RECOMMEND: **YES** ADVISORY RECOMMEND: **YES** TAX RATE IMPACT: N/A

ARTICLE 25 VOTED: On motion of Christopher Gagnon, it was voted to appropriate by transfer from water revenue the sum of \$5,000 and to transfer from surplus the sum of \$5,000 to pay for a water/sewer rate study update, including an analysis of the indirect costs charged to the water and sewer departments.

Unanimous “YES”

ARTICLE 26: To see if the Town will vote to appropriate a sum of money, by borrowing or otherwise, which amount shall be added to the amount previously appropriated by the Town under Article 15 of the May 1 & 5, 2004 Annual Town Meeting, to pay costs of constructing a public safety facility, or act in relation thereto. *(Requested by the Public Safety Building Committee)*

SELECTMEN RECOMMEND: **YES** ADVISORY RECOMMEND: **YES** TAX RATE IMPACT: N/A

ARTICLE 26 VOTED: On motion of Christopher Gagnon, it was voted to appropriate the sum of \$870,000 for Option B: \$600,000 financed by the town and \$270,000 financed by Cushing.

2/3 Majority “YES”

ARTICLE 27: To see if the Town will vote to appropriate a sum of money for the purposes of purchasing equipment and supplies related to the clean-up of hazardous waste at various sites throughout the Town or act in relation thereto. *(Requested by the Town Administrator)*

SELECTMEN RECOMMEND: **YES** ADVISORY RECOMMEND: **YES** TAX RATE IMPACT: N/A

ARTICLE 27 VOTED: On motion of Jonathan Dennehy, it was voted to appropriate by transfer from free cash the sum of \$7,000 to pay for the cost of purchasing equipment and supplies related to the clean-up of hazardous waste at various sites throughout the Town.

Unanimous “YES”

ARTICLE 28: To see if the Town will vote that notwithstanding section 17 of chapter 138 of the General Laws, the licensing authority of the Town of Ashburnham may grant an additional license for the sale of alcoholic beverages to be drunk off the premises of Tweedo’s Variety and Pizza, Inc. located at 3 Dunn Road in Ashburnham. The license shall not be transferable off the premises and shall be subject to all of said chapter 138 of said section 17, or act in relation thereto. *(Citizen’s petition)*

SELECTMEN RECOMMEND: YES ADVISORY RECOMMEND: YES TAX RATE IMPACT: N/A

ARTICLE 28 VOTED: On motion of Jonathan Dennehy, it was voted that notwithstanding section 17 of chapter 138 of the General Laws, the licensing authority of the Town of Ashburnham may grant an additional license for the sale alcoholic beverages to be drunk off the premises of Tweedo’s Variety and Pizza, Inc. located at 3 Dunn Road in Ashburnham. The license shall not be transferable off the premises and shall be subject to all of said chapter 138 of said section 17.

Majority “YES”

ARTICLE 29: To see if the Town will vote to rescind all and any regulations and/or rules prohibiting the use of non motorized water craft, specifically kayaks and canoes, on the body of water known as Upper Naukeag, as well as any other navigable waters located within the boundaries of the Town of Ashburnham where such restrictions may apply. *(Citizen’s petition)*

SELECTMEN RECOMMEND: YES ADVISORY RECOMMEND: YES TAX RATE IMPACT: N/A

ARTICLE 29 VOTED: Bruce Johnson made the motion to rescind all and any regulations and/or rules prohibiting the use of non-motarized water craft, specifically kayaks and canoes, on the body of water known as Upper Naukeag, as well as any other navigable waters located within the boundaries of the Town of Ashburnham.

The article was voted “NO”

ARTICLE 30: To see if the Town will vote to transfer custody of a certain parcel of land consisting of .25 acres located at the northerly end of the roadway known as Whitney Drive, shown on a plan entitled “Whitney Park Definitive Subdivision Plan of Land in Ashburnham, Mass. Prepared for Dymek Custom Builders, Inc.” dated August 11, 1998 and recorded at the Northern Worcester North District Registry of Deeds in Plan Book 401, Page 17, and shown on a document entitled “Exhibit ‘A’, Parcel Detail” on file in the Town Clerk’s office, to the Board of Selectmen for purposes of conveying said property and to authorize the Board of Selectmen to convey said property to the grantor thereof as provided for in the deed from Dymek Custom Builders, Inc. to the Town of Ashburnham dated December 17, 2004 and recorded in the Worcester North District Registry of Deeds at Book 5657, Page 167, so that Dymek Custom Builders, Inc. may proceed with a proposed extension of Whitney Drive to serve future phases of the Whitney Park Subdivision, or act in relation thereto. *(Requested by Town Counsel)*

SELECTMEN RECOMMEND: YES ADVISORY RECOMMEND: YES TAX RATE IMPACT: N/A

ARTICLE 30 VOTED: On motion of Jonathan Dennehy it was voted to transfer custody of a certain parcel of land consisting of .25 acres located at the northerly end of the roadway known as Whitney Drive, shown on a plan entitled “Whitney Park Definitive Subdivision Plan of Land in Ashburnham, Mass. Prepared for Dymek Custom Builders, Inc.” dated August 11, 1998 and recorded at the Northern Worcester North District Registry of Deeds in Plan Book 401, Page 17, and shown on a document entitled “Exhibit ‘A’, Parcel Detail” on file in the Town Clerk’s office, to the Board of Selectmen for purposes of conveying said property and to authorize the Board of Selectmen to convey said property to the grantor thereof as provided for in the deed from Dymek Custom Builders, Inc. to the Town of Ashburnham dated December 17, 2004 and recorded in the Worcester North District Registry of Deeds at Book 5657, Page 167, so that Dymek Custom Builders, Inc. may proceed with a proposed extension of Whitney Drive to serve future phases of the Whitney Park Subdivision.

Majority “YES”

ARTICLE 31: To see if the Town will vote to amend the Town’s Zoning Bylaws by amending Section 5, Special Regulations, by inserting the following new Section 5.16, Accessory Dwelling Units, amending Section 1.5 by adding the following definitions, amending Section 3.22, m, Schedule of Use Regulations and inserting Section 3.22, n. to the Schedule of Use Regulations or act relation thereto:

5.16 Accessory Dwelling Units

5.16.1 Purpose and Intent:

The intent of permitting accessory dwelling units (ADU) is to:

- a. Provide older homeowners with a means of obtaining rental income, companionship, security, and services, thereby enabling them to stay more comfortably in homes and neighborhoods they might otherwise be forced to leave;
- b. Add moderately priced rental units to the housing stock to meet the needs of smaller households and make housing units available to moderate income households who might otherwise have difficulty finding housing;
- c. Develop housing units in single-family neighborhoods that are appropriate for households at a variety of stages in their life cycle;
- d. Provide housing units for persons with disabilities;
- e. Protect stability, property values, and the residential character of a neighborhood.

5.16.2 Procedural Requirements:

a. Review Procedure:

1. The Planning Board, acting as the Special Permit Granting Authority, (SPGA), shall grant a Special Permit for an accessory dwelling unit as provided for in this bylaw.
2. The Planning Board shall adopt an application form and rules and regulations in accordance with the special permit provisions of this section of the bylaw. Rules and regulations shall specify the application process, type and number of required plans, and general requirements in order to assist the applicant in complying with the intent of this bylaw.

5.16.3 Use and Dimensional Regulations:

a. The Planning Board shall issue a Special Permit authorizing the installation and use of an accessory dwelling unit within an existing or new owner-occupied, single-family dwelling when the conditions outlined in §5.16.3, a, 1-9 have been met or the Planning Board may issue a Special Permit authorizing the installation and use of an accessory dwelling unit in a detached structure on a single-family home lot only when the conditions outlined in §5.16.3, a, 1-9 have been met:

1. The unit shall be a complete, separate housekeeping unit containing both kitchen, sleeping quarters, and bath.
2. Only one accessory dwelling unit may be created within a single-family house or lot.
3. The owner(s) of the residence in which the accessory dwelling unit is created must continue to occupy at least one of the dwelling units as their primary residence, except for *bona fide* temporary absences.
4. Any new, separate, outside entrance serving an accessory dwelling unit shall be located on the side or in the rear of the building and shall not be visible from the way providing primary access to the lot.
5. The gross floor area of an accessory dwelling unit (including any additions) shall not be less than three hundred (300) square feet or more than forty percent (40%) of the gross floor area of the main structure on the date the application is filed.
6. Once an accessory dwelling unit has been added to a single-family structure or lot, the accessory dwelling unit shall never be enlarged beyond the area allowed in §5.16.3, a, 5. without approval of the Planning Board.
7. An accessory dwelling unit shall not be occupied by more than three (3) people nor have more than two bedrooms.
8. The construction of any accessory dwelling unit shall be in conformity with the State Building Code, Title V of the State Sanitary Code and other local bylaws and regulations.
9. At least one (1) off-street parking space shall be provided for the accessory dwelling unit in addition to any other off-street parking requirements in §5.32 of the Zoning Bylaw.

b. In order to encourage the development of housing units for disabled and handicapped individuals and persons with limited mobility, the SPGA may allow reasonable deviation from the stated conditions where necessary to install features that facilitate access and mobility for disabled persons.

c. Approval for an ADU requires that the owner shall occupy one of the dwelling units. The approval and the notarized letters required in §5.16.3, d & e below must be recorded in the Worcester Northern Registry of Deeds or Land Court, as appropriate, in the chain of title to the property, with documentation of the recording provided to the Building Commissioner, prior to the occupancy of the accessory dwelling unit.

d. When a structure, which has received a Special Permit for an accessory dwelling unit, is sold, the new owner(s), if they wish to continue to exercise the Permit, must, within thirty (30) days of the sale, submit a notarized letter to the Building Commissioner stating that the owner(s) will occupy one of the dwelling units on the premises as the owner(s) primary residence, except for *bona fide* temporary absences.

- e. Prior to issuance of a Special Permit, the owner(s) must send a notarized letter stating that the owner will occupy one of the dwelling units on the premises as the owner's primary residence, except for *bona fide* temporary absences.
- f. Prior to issuance of a Special Permit, a floor plan must be submitted showing the proposed interior and exterior changes to the building.

5.16.4 Administration and Enforcement

- a. It shall be the duty of the Building Commissioner to administer and enforce the provisions of this bylaw.
- b. No building shall be constructed or changed in use or configuration, until the Planning Board has issued a Special Permit and the Building Commissioner has issued a building permit. No Special Permit shall be issued until a sewage disposal works permit, when applicable, has first been obtained from the Board of Health and the proposed building and location thereof conform with the Town's laws and bylaws. Any new building or structure shall conform to all State and Town laws, bylaws, codes and regulations. No ADU permitted under this bylaw shall be occupied until a certificate of occupancy has been issued by the Building Commissioner.
- c. The Building Commissioner shall refuse to issue any permit, which would result in a violation of any provision of this section or in a violation of the conditions or terms of any Special Permit granted by the SPGA.
- d. The Building Commissioner shall issue a cease and desist order on any work in progress or on the use of any premises, either of which are in violation of the provisions of §5.16.
- e. Construction or use according to a Special Permit shall conform to any subsequent amendment of this chapter unless the construction or use is begun within a period of not more than six months after the issuance of a Special Permit granted under this bylaw before the effective date of the amendment.
- f. The SPGA specified in this section may, upon making findings of fact supporting said waiver or modification, approve a waiver or modification to the dimensional standards of this bylaw, provided that such waiver or modification is not greater than ten (10) percent of the dimensional standards.

5.16.5 Waiver of Compliance

The Planning Board, acting as the SPGA under this bylaw, may waive strict compliance with any requirements of this bylaw, where the SPGA makes a finding such waiver is in the public interest and not inconsistent with the purpose and intent of the Zoning Act or this section.

5.16.6 Validity

The invalidity of any section or provision of this by-law shall not invalidate any other section or provision thereof.

And, the following new definitions to be amended to Section 1.5 of the Bylaw:

1.5 Definitions

Accessory Dwelling Unit: An Accessory Dwelling Unit is a self-contained housing unit that is clearly a subordinate part of the single-family dwelling and complies with Section 5.16 of this Bylaw.

Primary Residence: A building in which is conducted the principal use of the lot on which it is located. For residentially zoned lots, such a building would be a dwelling.

And amend Section 3.22, m, Schedule of Use Regulations, and add new Section n.

NOTE: All additions are noted in ***bold and italicized*** text. Deletions or alterations to existing text are shown as ~~crossed-out~~ text.

SECTION 3. USE REGULATIONS

3.1 Basic Requirements

No building, structure, or land shall be used for any purpose or in any manner other than as permitted and set forth in Section 3.2, Schedule of Use Regulations, of this By-Law and in accordance with the following notation:

- Y (Yes) - User permitted as a matter of right.
- Sp (Special Permit) - Use allowed as an exception under Special Permit by the Board of Appeals as provided hereafter.
- N (No) - Use prohibited.

Uses permitted as a matter of right and uses allowed by the Board of Appeals shall be in conformity with all dimensional requirements, off-street parking requirements, and any other pertinent requirements of this By-Law.

3.2 Schedule of Use Regulations

Use	R-A	R-B	G-B	LI-A	LI-B	B	V-C	I	W	WSP
3.21 Residence										
m. Use of part of a residence as an apartment for next of kin, to the second degree, reverting to single family use upon sale of the property.	SP	SP	SP	SP	SP	SP	SP	N	N	N
Use	R-A	R-B	G-B	LI-A	LI-B	B	V-C	I	W	WSP
<i>m. Accessory Dwelling Unit within an existing or new owner-occupied, single-family dwelling when the conditions outlined in §5.16.3, a, 1-9 have been met.</i>	<i>SP</i>	<i>SP</i>	<i>SP</i>	<i>N</i>	<i>N</i>	<i>N</i>	<i>SP</i>	<i>N</i>	<i>N</i>	<i>N</i>
<i>n. Accessory Dwelling Unit in a detached structure on a single-family</i>	<i>SP</i>	<i>SP</i>	<i>SP</i>	<i>N</i>	<i>N</i>	<i>N</i>	<i>SP</i>	<i>N</i>	<i>N</i>	<i>N</i>

home lot only when the conditions outlined in

§5.16.3, a, 1-9 have been met.” Or act in relation thereto. (Requested by the Planning Board)

Explanation:

Accessory dwelling units (also known as ‘accessory apartments’, ‘guest apartments’, ‘in-law apartments’, ‘family apartments’ or ‘secondary units’) provide units that can be integrated into existing single family neighborhoods to provide low priced housing alternatives that have little or no negative impact on the character of the neighborhood.

The regulatory approach used by most municipalities for accessory dwelling units is a zoning bylaw that permits an accessory unit, thereby allowing certain improvements to be made to the existing dwelling.

Provisions can address certain restrictions based on whether the dwelling existed as of a certain date, the maximum allowed building and site modifications, the options for choosing inhabitants, whether the main unit needs to be owner occupied, and minimum lot sizes. However, the greater the number of restrictions, the fewer options there are available to homeowners for adding the units.

Currently, Ashburnham Zoning authorizes the Zoning Board of Appeals to approve “in-law” apartments in an existing residence via a Special Permit. At this time such apartments are only for “next of kin to the second degree.” Thus there is very limited ability to make such housing units available at this time. The proposed Ashburnham Accessory Apartment Bylaw would remove this relation restriction and allow Accessory Apartments by Special Permit from the Planning Board, subject to a set of standards.

This Accessory Dwelling Unit Zoning Bylaw was an implementation recommendation from the Ashburnham Affordable Housing Plan that has been approved by the Board of Selectmen and the Massachusetts Department of Housing and Community Development. Although the accessory dwelling units will not count towards the Town’s Affordable Housing Inventory, the units do provide another housing choice not currently available to most residents. These units can assist older residents to maintain living in their home by supplementing their income and allow younger residents to stay within the Town of Ashburnham until they are able to afford a home of their own.

SELECTMEN RECOMMEND: YES ADVISORY RECOMMEND: YES TAX RATE IMPACT: N/A

ARTICLE 31 VOTED: On motion of John MacMillan, it was voted to amend the Town Zoning By-law by enacting the provisions of article 31 as printed in the warrant.

5.16 Accessory Dwelling Units

5.16.1 Purpose and Intent:

The intent of permitting accessory dwelling units (ADU) is to:

- a. Provide older homeowners with a means of obtaining rental income, companionship, security, and services, thereby enabling them to stay more comfortably in homes and neighborhoods they might otherwise be forced to leave;
- b. Add moderately priced rental units to the housing stock to meet the needs of smaller households and make housing units available to moderate income households who might otherwise have difficulty finding housing;
- c. Develop housing units in single-family neighborhoods that are appropriate for households at a variety of stages in their life cycle;

- d. Provide housing units for persons with disabilities;
- e. Protect stability, property values, and the residential character of a neighborhood.

5.16.2 Procedural Requirements:

a. Review Procedure:

1. The Planning Board, acting as the Special Permit Granting Authority, (SPGA), shall grant a Special Permit for an accessory dwelling unit as provided for in this bylaw.

2. The Planning Board shall adopt an application form and rules and regulations in accordance with the special permit provisions of this section of the bylaw. Rules and regulations shall specify the application process, type and number of required plans, and general requirements in order to assist the applicant in complying with the intent of this bylaw.

5.16.3 Use and Dimensional Regulations:

a. The Planning Board shall issue a Special Permit authorizing the installation and use of an accessory dwelling unit within an existing or new owner-occupied, single-family dwelling when the conditions outlined in §5.16.3, a, 1-9 have been met or the Planning Board may issue a Special Permit authorizing the installation and use of an accessory dwelling unit in a detached structure on a single-family home lot only when the conditions outlined in §5.16.3, a, 1-9 have been met:

1. The unit shall be a complete, separate housekeeping unit containing both kitchen, sleeping quarters, and bath.
2. Only one accessory dwelling unit may be created within a single-family house or lot.
3. The owner(s) of the residence in which the accessory dwelling unit is created must continue to occupy at least one of the dwelling units as their primary residence, except for *bona fide* temporary absences.
4. Any new, separate, outside entrance serving an accessory dwelling unit shall be located on the side or in the rear of the building and shall not be visible from the way providing primary access to the lot.
5. The gross floor area of an accessory dwelling unit (including any additions) shall not be less than three hundred (300) square feet or more than forty percent (40%) of the gross floor area of the main structure on the date the application is filed.
6. Once an accessory dwelling unit has been added to a single-family structure or lot, the accessory dwelling unit shall never be enlarged beyond the area allowed in §5.16.3, a, 5. without approval of the Planning Board.
7. An accessory dwelling unit shall not be occupied by more than three (3) people nor have more than two bedrooms.
8. The construction of any accessory dwelling unit shall be in conformity with the State Building Code, Title V of the State Sanitary Code and other local bylaws and regulations.
9. At least one (1) off-street parking space shall be provided for the accessory dwelling unit in addition to any other off-street parking requirements in §5.32 of the Zoning Bylaw.

b. In order to encourage the development of housing units for disabled and handicapped individuals and persons with limited mobility, the SPGA may allow reasonable deviation

from the stated conditions where necessary to install features that facilitate access and mobility for disabled persons.

- c. Approval for an ADU requires that the owner shall occupy one of the dwelling units. The approval and the notarized letters required in §5.16.3, d & e below must be recorded in the Worcester Northern Registry of Deeds or Land Court, as appropriate, in the chain of title to the property, with documentation of the recording provided to the Building Commissioner, prior to the occupancy of the accessory dwelling unit.
- d. When a structure, which has received a Special Permit for an accessory dwelling unit, is sold, the new owner(s), if they wish to continue to exercise the Permit, must, within thirty (30) days of the sale, submit a notarized letter to the Building Commissioner stating that the owner(s) will occupy one of the dwelling units on the premises as the owner(s) primary residence, except for *bona fide* temporary absences.
- e. Prior to issuance of a Special Permit, the owner(s) must send a notarized letter stating that the owner will occupy one of the dwelling units on the premises as the owner's primary residence, except for *bona fide* temporary absences.
- f. Prior to issuance of a Special Permit, a floor plan must be submitted showing the proposed interior and exterior changes to the building.

5.16.4 Administration and Enforcement

- a. It shall be the duty of the Building Commissioner to administer and enforce the provisions of this bylaw.
- b. No building shall be constructed or changed in use or configuration, until the Planning Board has issued a Special Permit and the Building Commissioner has issued a building permit. No Special Permit shall be issued until a sewage disposal works permit, when applicable, has first been obtained from the Board of Health and the proposed building and location thereof conform with the Town's laws and bylaws. Any new building or structure shall conform to all State and Town laws, bylaws, codes and regulations. No ADU permitted under this bylaw shall be occupied until a certificate of occupancy has been issued by the Building Commissioner.
- c. The Building Commissioner shall refuse to issue any permit, which would result in a violation of any provision of this section or in a violation of the conditions or terms of any Special Permit granted by the SPGA.
- d. The Building Commissioner shall issue a cease and desist order on any work in progress or on the use of any premises, either of which are in violation of the provisions of §5.16.
- e. Construction or use according to a Special Permit shall conform to any subsequent amendment of this chapter unless the construction or use is begun within a period of not more than six months after the issuance of a Special Permit granted under this bylaw before the effective date of the amendment.
- f. The SPGA specified in this section may, upon making findings of fact supporting said waiver or modification, approve a waiver or modification to the dimensional standards of this bylaw, provided that such waiver or modification is not greater than ten (10) percent of the dimensional standards.

5.16.5 Waiver of Compliance

The Planning Board, acting as the SPGA under this bylaw, may waive strict compliance with any requirements of this bylaw, where the SPGA makes a finding such waiver is in the public interest and not inconsistent with the purpose and intent of the Zoning Act or this section.

5.16.6 Validity

The invalidity of any section or provision of this by-law shall not invalidate any other section or provision thereof.

And, the following new definitions to be amended to Section 1.5 of the Bylaw:

1.5 Definitions

Accessory Dwelling Unit: An Accessory Dwelling Unit is a self-contained housing unit that is clearly a subordinate part of the single-family dwelling and complies with Section 5.16 of this Bylaw.

Primary Residence: A building in which is conducted the principal use of the lot on which it is located. For residentially zoned lots, such a building would be a dwelling.

And amend Section 3.22, m, Schedule of Use Regulations, and add new Section n.

SECTION 3. USE REGULATIONS

3.1 Basic Requirements

No building, structure, or land shall be used for any purpose or in any manner other than as permitted and set forth in Section 3.2, Schedule of Use Regulations, of this By-Law and in accordance with the following notation:

- | | | |
|----|------------------|---|
| Y | (Yes) | - User permitted as a matter of right. |
| Sp | (Special Permit) | - Use allowed as an exception under Special Permit by the Board of Appeals as provided hereafter. |
| N | (No) | - Use prohibited. |

Uses permitted as a matter of right and uses allowed by the Board of Appeals shall be in conformity with all dimensional requirements, off-street parking requirements, and any other pertinent requirements of this By-Law.

3.2 Schedule of Use Regulations

Use	R-A	R-B	G-B	LI-A	LI-B	B	V-C	I	W	WSP
3.21 Residence										
m. Accessory Dwelling Unit within an existing or new owner-occupied, single-family dwelling when the conditions outlined in §5.16.3, a, 1-9 have been met.	SP	SP	SP	N	N	N	SP	N	N	N
n. Accessory Dwelling	SP	SP	SP	N	N	N	SP	N	N	N

Unit in a detached
structure on a single-family
home lot only when the
conditions outlined in
§5.16.3, a, 1-9 have been met.”

Unanimous “YES”

ARTICLE 32: To see if the Town will vote to amend the Town’s zoning map entitled “Zoning Map of Ashburnham, Massachusetts”, dated March 2004, and on file as subsequently amended, and referenced in Section 2.21 of the Town’s Zoning Bylaws by changing the boundaries thereon so that the Industrial (I) Zoning District located in the area east of Maple Avenue and south of Puffer Street shall be expanded by rezoning some of the existing Residential-A zoned land in this area, and be defined as follows:

“The following land area in vicinity of the area east of Maple Avenue and south of Puffer Street is hereby defined as the Industrial (I) Zoning District:

Beginning at point at the northwest corner of Map 61 Parcel 9, as shown on the FY 2007 Assessor’s Maps; thence northeasterly to the southeast corner of Map 61 Parcel 10; thence continuing northeasterly to the northeast corner of Map 61 Parcel 10; thence north across the Puffer Street right-of-way to the southwest corner of Map 62 Parcel 116; thence easterly along the northern limits of Puffer Street right-of-way to the northwest corner of Map 61 Parcel 8; thence continuing north along the eastern limits of the Maple Avenue right-of-way to a point 300 feet south of Main Street, thence continuing east maintaining a distance 300 feet south of Main Street to the eastern boundary of Map 62 Parcel 111; thence continuing south and east to the southeastern corner of Map 62 Parcel 111; thence continuing south to the southeastern corner of Map 62 Parcel 111A; thence continuing west and south to the northeastern corner of Map 61 Parcel 8; thence continuing generally south to a northeasterly boundary of Map 61 Parcel 9; continuing southeasterly to the southeast corner of Map 61 Parcel 9; thence continuing southwesterly to northwest corner of Map 61 Parcel 34; thence continuing northwesterly to northwest corner of Map 61 Parcel 33, thence continuing south to southwest to the boundary corner of Map 61 Parcel 9 and Map 61 Parcel 21; thence continuing northwesterly to southeast corner of Map 61 Parcel 17, thence continuing northwesterly to northeast corner of Map 61 Parcel 17, thence continuing westerly to southwest corner of Map 61 Parcel 9; thence continuing northerly to the point of beginning.”

“All other land remains Zoned in accordance with the Zoning Map as amended and approved by the Attorney General, September 5, 2006,” or act in relation thereto. *(Requested by the Planning Board)*

Explanation: The owners of Flo Chemical Corporation (Freemass Associates, LP, Tuckahoe, NY) approached the Ashburnham Building Inspector during the Summer of 2006 about expansion plans for their existing business located at 20 Puffer Street (Map 61 Parcel 9). The Building Inspector informed the owners that the existing Industrial Zoning District covers only their existing factory, with the majority of their property currently zoned Residential-A. Thus, there are only limited legal expansion possibilities at this time. To allow Flo Chemical to expand their Ashburnham operations, thus bringing additional jobs and increasing non-residential property tax revenue, the Planning Board, working with the Town Planner, have prepared this proposed Zoning Map Amendment.

SELECTMEN RECOMMEND: YES **ADVISORY RECOMMEND:** YES **TAX RATE IMPACT:** N/A

ARTICLE 32 VOTED: On motion of Bruce Whitney, it was voted to amend the Town Zoning By-law by enacting the provisions of article 32 as printed in the warrant.

“The following land area in vicinity of the area east of Maple Avenue and south of Puffer Street is hereby defined as the Industrial (I) Zoning District:

Beginning at point at the northwest corner of Map 61 Parcel 9, as shown on the FY 2007 Assessor’s Maps; thence northeasterly to the southeast corner of Map 61 Parcel 10; thence continuing northeasterly to the northeast corner of Map 61 Parcel 10; thence north across the Puffer Street right-of-way to the southwest corner of Map 62 Parcel 116; thence easterly along the northern limits of Puffer Street right-of-way to the northwest corner of Map 61 Parcel 8; thence continuing north along the eastern limits of the Maple Avenue right-of-way to a point 300 feet south of Main Street, thence continuing east maintaining a distance 300 feet south of Main Street to the eastern boundary of Map 62 Parcel 111; thence continuing south and east to the southeastern corner of Map 62 Parcel 111; thence continuing south to the southeastern corner of Map 62 Parcel 111A; thence continuing west and south to the northeastern corner of Map 61 Parcel 8; thence continuing generally south to a northeasterly boundary of Map 61 Parcel 9; continuing southeasterly to the southeast corner of Map 61 Parcel 9; thence continuing southwesterly to northwest corner of Map 61 Parcel 34; thence continuing northwesterly to northwest corner of Map 61 Parcel 33, thence continuing south to southwest to the boundary corner of Map 61 Parcel 9 and Map 61 Parcel 21; thence continuing northwesterly to southeast corner of Map 61 Parcel 17, thence continuing northwesterly to northeast corner of Map 61 Parcel 17, thence continuing westerly to southwest corner of Map 61 Parcel 9; thence continuing northerly to the point of beginning.”

“All other land remains Zoned in accordance with the Zoning Map as amended and approved by the Attorney General, September 5, 2006,”

2/3 Majority “YES”

ARTICLE 33: To see if the Town will vote to amend the Town’s Zoning Bylaws by deleting Section 5.10, Site Plan Review and Approval in its entirety and replacing with the following new Section 5.10, Site Plan Review:

“Section 5.10 Site Plan Review

5.101 Introduction

A. General Purpose. To accomplish the purposes set forth in Section 1 of this (Zoning) Bylaw including but not limited to facilitating traffic flow and control, assuring adequate drainage of surface water and protecting the environment, property values, abutting properties and visual amenities. To facilitate the administration of this section, no permit for any of the activities and uses under Section 5.101.B shall be granted until the provisions of this Bylaw have been met.

B. Applicability. The following types of activities and uses require site plan review:

1. Construction, exterior alteration or exterior expansion of, or change of use within, a municipal, institutional, recreational, commercial, or industrial structure and/or use.
2. Construction or expansion of a parking lot for a municipal, institutional, recreational, commercial, industrial, or multi-family structure or purpose.
3. Under Section 5.106, Waiver of Technical Compliance and Site Plan Review Level, the Planning Board may waive the applicability of site plan review under these provisions if the Board makes a written determination that the proposed changes to the site are minimal and do not require site plan review.
4. There shall be three levels of Site Plan Review under this bylaw based on the extent of the proposed use. New construction greater than 500 square feet but not greater than 2,000 square feet

shall be reviewed as a “Minor Site Plan” and any new construction greater than 2,000 square feet shall be reviewed as a “Major Site Plan”, as set forth in Section 5.106(A). A change of use or new construction of up to 500 square feet shall be reviewed by the Building Inspector under an “Abbreviated Plan Review” procedure as set forth in Section 5.106.C.

5.102 Procedures. The Applicant for Site Plan Review approval shall submit 18 copies of the application and plans to the Planning Board for review. The Planning Board, following the procedures in Section 5.103, shall solicit input and comments from other Town Departments, Board and Committees.

The Planning Board shall review and render its decision, upon the site plan, within sixty (60) days of its receipt. The Planning Board shall take the following action upon each application: approve, approve with conditions or disapprove. Any site plan approval issued by the Planning Board, with or without conditions, shall require a concurring vote of a majority of the Board and shall be in writing. No Building Permit or Certificate of Occupancy shall be issued by the Building Inspector until the written approval of the Site Plan has been issued by the Planning Board, or unless 60 days lapse from the date of the submittal of the site plan without action by the Planning Board.

- A. Application for Building Permit. An application for a Building Permit to perform work as set forth in Section 5.101.B (Applicability) available as a matter of right in the Ashburnham Zoning Bylaw, as denoted in Section 3.2, Schedule of Use Regulations, by the letter “Y”, shall be accompanied by an approved site plan.
- B. Application for Special Permit or Variance. An application for a Special Permit, as denoted in Section 3.2, Schedule of Use Regulations, by the letters “SP” or a Variance, approved subject to Section 6.43 of the Ashburnham Zoning Bylaw, to perform work as set forth in Section 5.101.B shall be accompanied by an approved Site Plan; in the alternative, any Special Permit or Variance granted for work set forth in Section 5.101.B shall contain the following condition: The work described herein requires the approval of a site plan by the Planning Board pursuant to Section 5.10 of the Ashburnham Zoning Bylaw. Any conditions imposed in such site plan approval shall also be conditions of this Special Permit/Variance.
- C. Where the Planning Board approves a site plan “with conditions”, and said approved Site Plan accompanies a Special Permit or Variance application to the Board of Appeals, the conditions imposed by the Planning Board shall also be incorporated into any Special Permit or Variance granted by the Board of Appeals.
- D. Where the Planning Board serves as the Special Permit Granting Authority for proposed work, it shall consolidate its Site Plan Review and Special Permit procedures.
- E. The Applicant may request, and the Planning Board may grant, an extension of the time limits set forth therein.
- F. No deviation from an approved site plan shall be permitted without modification thereof. Modifications may be requested and shall be processed in the same manner as an original application for site plan review in accordance with this bylaw.

5.103 Coordination with Other Boards.

Upon receipt of the Site Plan Review application, the Planning Board shall transmit a copy of the Application and Plan to the Selectmen, Fire Department, Water and Sewer Commission, Board of Health, DPW Director, Conservation Commission, Building Inspector, Historical Commission, Police Department, Light Department and the Planning Board’s Consulting Engineer for their written recommendation. Failure

to respond to the Planning Board within 14 days shall indicate approval by said agencies. The Planning Board decision shall address any departure from the recommendations of the other town agencies.

5.104 Presubmission Review.

Prior to investing in extensive professional design efforts for Site Plans, it will often prove useful to review the proposed development/use of land with the Planning Board, in order that general approaches and potential problems can be freely explored. The Planning Board encourages Applicants to meet with the Town Planner to review their development proposals and/or Applicants are invited to submit a Pre-Application Sketch of the proposed project to the Planning Board at the Public Comment period at a regular meeting of the Planning Board. Sketches, which need not be professionally prepared, will assist the discussion and might show some but not all of the information required to be shown on a site plan. At this review, the Board may vote to waive the applicant's need to submit an application for site plan review under this provision (Section 5.10) or may waive certain submission requirements, as provided for under Section 5.106.

5.105 Contents of the Site Plan.

A. Five (5) separate plans prepared at a scale of one (1) inch equals forty (40) feet (1"=40') or such other scale as may be approved by the Planning Board. Of the 18 required plan copies, four (4) of the following Site Plans shall be submitted on 24" by 36" sheets and 14 (fourteen) shall be submitted on 11" by 17" sheets. Site Plans shall be prepared by a Registered Professional Engineer, Registered Land Surveyor, Architect, or Landscape Architect, as appropriate. Dimensions and scales shall be adequate to determine that all requirements are met and to make a complete analysis and evaluation of the proposals. The plans are as follows:

1. Site layout, which shall contain the boundaries of the lot(s) in the proposed development, proposed structures, drives, parking, fences, walls, walks, outdoor lighting, loading facilities, and areas for snow storage after plowing. The first sheet in this Plan shall be a locus plan, at a scale of one (1) inch equals one hundred (100) feet, showing the entire project and its relation to existing areas, buildings and roads for a distance of one thousand (1,000) feet from the project boundaries or such other distance as may be approved or required by the Planning Board.
2. Topography and drainage plan, which shall contain the existing and proposed final topography at two-foot intervals and plans for handling storm water drainage.
3. Utility and public safety plan, which shall include all facilities for refuse and sewerage disposal or storage of all wastes, the location of all hydrants, fire alarm and fire fighting facilities on and adjacent to the site.
4. Architectural plan, which shall include the ground floor plan and architectural elevations of all proposed buildings and a color rendering.
5. Landscape plan, showing the limits of work, existing tree lines, and all proposed landscape features and improvements including screening, planting areas with size and stock of each shrub or tree, proposed erosion control measures, all proposed recreation facilities and open space areas, and all wetlands, as defined under the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, within 100 feet of any proposed construction, including floodplain areas. The Site Plan shall be designed to meet the additional Landscaping Requirements, as outlined in Section 5.107.3.

B. The site plan shall be accompanied by a written statement indicating the estimated time required to complete the proposed project and any and all phases thereof. There shall be submitted a written estimate, showing in detail the costs of all site improvements planned.

C. A written summary of the contemplated projects shall be submitted with the site plan indicating evidence of compliance with parking and off street loading requirements, the forms of ownership contemplated for the property and a summary of the provisions of any ownership or maintenance thereof, identification of all land that will become common or public land, and any other evidence necessary to indicate compliance with this bylaw.

D. A Table with the following information:

1. Area of lot.
2. Area and size of building.
3. Maximum area of building to be used for selling offices, business, industrial or other uses if applicable.
4. Maximum number of employees where applicable.
5. Maximum seating capacity where applicable.
6. Maximum sleeping capacity where applicable.
7. Number of parking spaces required for the intended use, based on Section 5.3.
8. Number of parking spaces existing at the site (including street parking adjacent to site).

E. A Site Plan Review application complete with name of owner and/or Applicant. Where any Site Plan Review is submitted by an individual or agency other than the owner of the affected land, the applicant must provide an original letter from the owner authorizing the applicant to submit the Site Plan Review with an original notarized signature. A copy of any Purchase and Sales agreement, along with evidence of the owner's rightful ownership of the land, such as a deed must be submitted with all applications. Where the owner is a corporation, corporate documents must be submitted indicating who has signed authority to enter into agreements on behalf of the corporation. Applications shall include a Municipal Lien Certificate, or similar document, indicating no outstanding taxes or assessments are due on the property.

F. The site plan shall be accompanied by drainage calculations by a registered professional engineer. Storm drainage design must conform to the Town of Ashburnham Planning Board Subdivision Rules and Regulations, the Massachusetts Storm Water Policy as well as any other storm water design requirements of the Town of Ashburnham.

G. The Planning Board may require a narrative statement detailing the impact of the proposed use on municipal services and the environment. Such statement shall conform to Section 4.3.6, Development Impact Statements, of the Town of Ashburnham Planning Board Subdivision Rules and Regulations.

H. Certification that the proposal is in compliance with the provisions, if applicable, of the American with Disabilities Act (ADA) and the Massachusetts Architectural Access Board. Applicants shall show compliance with 521 CMR 21.00 and 22.00.

I. All Site Plan Review Applications shall include all Administrative Fees, as required under the Planning Board's Regulations Governing Fees and Fee Schedule. No site plan review application shall be considered complete until and unless all such fees are paid.

5.106 Waiver of Technical Compliance and Site Plan Review Level.

A. The Planning Board may, upon written request of the Applicant, waive any of the requirements of Section 5.10, where the project involves relatively simple development plans or constitutes a Minor Site Plan. An application for permits to build, alter or expand any nonresidential building, structure or use in any district where such construction will exceed a total gross floor areas of 500 square feet but not exceed a total gross floor area of 2000 square feet, or an application which will not generate the need for more than 5 parking spaces shall be deemed as a "Minor Site Plan." Any application for permits to build, alter or expand any nonresidential building, structure or use in any district where such construction will exceed 2,000

square feet, or generates the need for more than 5 parking spaces shall be deemed a “Major Site Plan.” For the purposes of computing the total gross floor area of a Minor Site Plan, the Planning Board shall aggregate all such applications made within the five (5) previous calendar years.

B. Minor Site Plans shall set forth all of the information required by Section 5.105; provided, however, that the scale of the Site Plan may be 1” = 80’, and the plan may depict topographical contours at intervals available on maps provided by the United States Geological Survey, unless the Planning Board waives any other of the requirements, as authorized by this Section.

C. In addition, for Site Plan Review applications that involve a change of use or for new construction that is less than or equal to 500 square feet, the Applicant shall submit a request for a Plan Review to the Building Inspector on an application form determined by the Building Inspector, along with sufficient plans and documentation to fully describe the proposed use and/or structure and its site. Upon submission of an application the Building Inspector deems complete, the Building Inspector shall transmit copies of such application, plans and documentation to those Town Officials as specified in Section 5.103 as well as the Planning Board. The Building Inspector shall have thirty (30) days from time of completed application to review and make determination on such Plan Review Applications.

5.107 Approval and Review Objectives.

Site Plan approval shall be granted upon determination by the Planning Board that the plan meets the following objectives. Site Plan Review applications located in the Ashburnham Village Center Zoning District shall also meet the Center Village District Site Plan Review Principles in Section 7 of the Planning Board’s Subdivision Rules and Regulations and those in Section 5.107.2. Any new building construction or other site alteration shall provide adequate access to each structure for fire and service equipment and adequate provision for utilities and storm water drainage consistent with the functional requirements of the Planning Board’s Subdivision Rules and Regulations. New building construction or other site alteration shall be designed in the Site Plan, after considering the qualities of the specific location, the proposed land use, the design of building form, grading, egress points, and other aspects of the development so as to the Objectives in Section 5.107.1 below.

5.107.1 General Review Objectives

- A. Minimize the volume of cut and fill, the number of removed trees 10” caliper or larger, the length of removed stone walls, the area of wetland vegetation displaced, the extent of storm water flow increase from the site, soil erosion, and the threat of air and water pollution.
- B. Minimize pedestrian and vehicular safety both on the site and exiting from it.
- C. Minimize obstruction of scenic views from publicly accessible locations.
- D. Minimize visual intrusion by controlling the visibility of parking, storage, or other outdoor service areas viewed from public ways or premises residentially used or zoned.
- E. Minimize glare from headlights and lighting intrusion.
- F. Minimize unreasonable departure from the character, materials, and scale of buildings in the vicinity, as viewed from public ways and places.
- G. Minimize contamination of groundwater from onsite wastewater disposal systems or operations on the premises involving the use, storage, handling, or containment of hazardous substances.
- H. Ensure compliance with the provisions of this Zoning Ordinance, including parking and landscaping.

5.107.2 Village Center Review Objectives.

In addition the following review objectives shall be applicable for any Site Plan Review applications located within the Ashburnham Village Center Zoning District:

A. No off-street parking area, except for one required driveway, shall be located between the street line and the front line of the building.

B. All off-street parking areas shall be screened from adjacent properties by provision within the required side and/or rear yard with:

- Dense plantings with a minimum height of four feet; or
- Appropriate low fencing as permitted by Section 4.37 of the Bylaws.

The Planning Board may establish and adopt design review principles and standards, beyond those outlined for the Village Center, intended to guide the applicant in the development of site and building design and consider these principles and standards in its review of proposed actions. These principles and standards shall not be regarded as inflexible requirements and they are not intended to discourage creativity, invention or innovation. The Planning Board is specifically precluded from mandating any official aesthetic style for Ashburnham or for imposing the style of any particular historical period.

5.107.3 Landscaping Requirements

A. Required landscaping shall be provided as set forth in Table A.

B. Buffers along street lines and other landscaped areas required by Table A (other than buffers protecting residential uses and/or districts) shall be reserved exclusively for plantings, pedestrian facilities such as benches and walkways, required fences, necessary traffic control signs and those free standing signs which conform to the requirements of Section 5.2 of this Bylaw. Required buffers protecting residential uses and/or districts shall be reserved exclusively for plantings and fences.

The Site Plan Review application shall include a chart showing the following information:

1. Number of trees and/or shrubs required.
2. Number of trees and/or shrubs shown on plan.

TABLE A
REQUIRED LANDSCAPING

Requirement by Lot Area	Percent of Total Automobile Parking and Circulation Area To Be Landscaped	Depth of Buffer Along Street Lines	Width of Buffer For Abutting Residential Uses and/or Districts
Up To & Including 15,000 Sq. Ft.	No requirements	5 Feet	5 Feet
15,001 to 30,000 Sq. Ft.	4 Percent	5 Feet	5 Feet
30,001 to 43,560 Sq. Ft.	5 Percent	10 Feet Front Yard Street Line. 5 Ft. All Other Street Lines	10 Feet
43,561 to 100,000 Sq. Ft.	6 Percent	10 Feet Front Yard Street Line. 5 Ft. All Other Street Lines	10 Feet
100,001 Sq. Ft. Up To But Not	7 Percent	15 Feet Front Yard Street Line. 17 Ft. All	15 Feet

Including 217,800 Sq. Ft (5 Acres)		Other Street Lines	
5 Acres or More	8 Percent	25 Feet Front Yard Street Line. 20 Ft. All Other Street Lines	20 Feet

5.108 Lapse. Site Plan Approval shall lapse after two (2) year(s) from the grant thereof if a substantial use has not sooner commenced except for good cause. Such approval may, for good cause, be extended in writing by the Planning Board upon the written request of the applicant.

5.109 Regulations. The Planning Board may adopt and from time to time amend reasonable regulations for the administration of these site plan requirements.”

Or act in relation thereto. *(Requested by the Planning Board)*

Explanation: The Planning Board is submitting this re-write to the existing Site Plan Review Zoning Bylaw after experiencing difficulty in administering and implementing the existing Bylaw over the past year and half. The Board and the Town Planner determined that the Site Plan Review Bylaw needed a comprehensive re-write versus trying to just make appropriate amendments. Some of the important changes with the proposed revisions include allowing Site Plan Reviews that involve just a proposed change of use or small construction of up to 500 square feet to be reviewed directly by the Building Inspector. Such change would streamline the review process by allowing applicants to not have to appear before the Planning Board.

The Planning Board would then have review authority for Site Plan Reviews involving new construction of over 500 square feet. Such Site Plan Reviews between 501 square feet and 2,000 square feet of new construction would be reviewed as a Minor Site Plan Review with some of the new requirements reduced. Anything over 2,000 square feet of new construction would be reviewed under the full requirements, e.g. as a Major Site Plan Review. However, the proposed new Site Plan Review Zoning Bylaw would give the Planning Board the authority to both grant waivers from any of the requirements and allow the project to proceed without a Site Plan Review, if the Planning Board determines the proposed changes to the site are minimal. Such flexibility is lacking in the existing Site Plan Review Zoning Bylaw.

The plan requirements section has been strengthened by requiring contour (elevation) information, drainage calculations, and snow storage location for all projects. Some of these items have not been required for all projects in the past.

The other significant change is that the Site Plan Review Bylaw would allow for streamlining the Planning Board’s review with applicants that also have to seek a Special Permit. For projects that review both Site Plan Review and a Planning Board Special Permit, the application process should be consolidated. For Zoning Board of Appeals’ Special Permits, the Conditions of the Planning Board’s Site Plan Review are to be incorporated into the ZBA’s Decision.

SELECTMEN RECOMMEND: YES ADVISORY RECOMMEND: YES TAX RATE IMPACT: N/A

ARTICLE 33 VOTED: On motion of Joseph Kalagher, it was voted to amend the Town Zoning Bylaw by enacting the provisions of article 33 as printed in the warrant, except in paragraph 5.107.1, General Review Conditions, B the word “minimize” should be changed to “maximize.”

“Section 5.10 Site Plan Review

5.101 Introduction

A. General Purpose. To accomplish the purposes set forth in Section 1 of this (Zoning) Bylaw including but not limited to facilitating traffic flow and control, assuring adequate drainage of surface water and protecting the environment, property values, abutting properties and visual amenities. To facilitate the administration of this section, no permit for any of the activities and uses under Section 5.101.B shall be granted until the provisions of this Bylaw have been met.

B. Applicability. The following types of activities and uses require site plan review:

1. Construction, exterior alteration or exterior expansion of, or change of use within, a municipal, institutional, recreational, commercial, or industrial structure and/or use.
2. Construction or expansion of a parking lot for a municipal, institutional, recreational, commercial, industrial, or multi-family structure or purpose.
3. Under Section 5.106, Waiver of Technical Compliance and Site Plan Review Level, the Planning Board may waive the applicability of site plan review under these provisions if the Board makes a written determination that the proposed changes to the site are minimal and do not require site plan review.
5. There shall be three levels of Site Plan Review under this bylaw based on the extent of the proposed use. New construction greater than 500 square feet but not greater than 2,000 square feet shall be reviewed as a “Minor Site Plan” and any new construction greater than 2,000 square feet shall be reviewed as a “Major Site Plan”, as set forth in Section 5.106(A). A change of use or new construction of up to 500 square feet shall be reviewed by the Building Inspector under an “Abbreviated Plan Review” procedure as set forth in Section 5.106.C.

5.102 Procedures. The Applicant for Site Plan Review approval shall submit 18 copies of the application and plans to the Planning Board for review. The Planning Board, following the procedures in Section 5.103, shall solicit input and comments from other Town Departments, Board and Committees.

The Planning Board shall review and render its decision, upon the site plan, within sixty (60) days of its receipt. The Planning Board shall take the following action upon each application: approve, approve with conditions or disapprove. Any site plan approval issued by the Planning Board, with or without conditions, shall require a concurring vote of a majority of the Board and shall be in writing. No Building Permit or Certificate of Occupancy shall be issued by the Building Inspector until the written approval of the Site Plan has been issued by the Planning Board, or unless 60 days lapse from the date of the submittal of the site plan without action by the Planning Board.

G. Application for Building Permit. An application for a Building Permit to perform work as set forth in Section 5.101.B (Applicability) available as a matter of right in the Ashburnham Zoning Bylaw, as denoted in Section 3.2, Schedule of Use Regulations, by the letter “Y”, shall be accompanied by an approved site plan.

H. Application for Special Permit or Variance. An application for a Special Permit, as denoted in Section 3.2, Schedule of Use Regulations, by the letters “SP” or a Variance, approved subject to Section 6.43 of the Ashburnham Zoning Bylaw, to perform work as set forth in Section 5.101.B shall be accompanied by an approved Site Plan; in the alternative, any Special Permit or Variance granted for work set forth in Section 5.101.B shall contain the following condition: The work described herein requires the approval of a site plan by the Planning Board pursuant to Section 5.10 of the Ashburnham

Zoning Bylaw. Any conditions imposed in such site plan approval shall also be conditions of this Special Permit/Variance.

- I. Where the Planning Board approves a site plan “with conditions”, and said approved Site Plan accompanies a Special Permit or Variance application to the Board of Appeals, the conditions imposed by the Planning Board shall also be incorporated into any Special Permit or Variance granted by the Board of Appeals.
- J. Where the Planning Board serves as the Special Permit Granting Authority for proposed work, it shall consolidate its Site Plan Review and Special Permit procedures.
- K. The Applicant may request, and the Planning Board may grant, an extension of the time limits set forth therein.
- L. No deviation from an approved site plan shall be permitted without modification thereof. Modifications may be requested and shall be processed in the same manner as an original application for site plan review in accordance with this bylaw.

5.103 Coordination with Other Boards.

Upon receipt of the Site Plan Review application, the Planning Board shall transmit a copy of the Application and Plan to the Selectmen, Fire Department, Water and Sewer Commission, Board of Health, DPW Director, Conservation Commission, Building Inspector, Historical Commission, Police Department, Light Department and the Planning Board’s Consulting Engineer for their written recommendation. Failure to respond to the Planning Board within 14 days shall indicate approval by said agencies. The Planning Board decision shall address any departure from the recommendations of the other town agencies.

5.104 Presubmission Review.

Prior to investing in extensive professional design efforts for Site Plans, it will often prove useful to review the proposed development/use of land with the Planning Board, in order that general approaches and potential problems can be freely explored. The Planning Board encourages Applicants to meet with the Town Planner to review their development proposals and/or Applicants are invited to submit a Pre-Application Sketch of the proposed project to the Planning Board at the Public Comment period at a regular meeting of the Planning Board. Sketches, which need not be professionally prepared, will assist the discussion and might show some but not all of the information required to be shown on a site plan. At this review, the Board may vote to waive the applicant’s need to submit an application for site plan review under this provision (Section 5.10) or may waive certain submission requirements, as provided for under Section 5.106.

5.105 Contents of the Site Plan.

A. Five (5) separate plans prepared at a scale of one (1) inch equals forty (40) feet (1”=40’) or such other scale as may be approved by the Planning Board. Of the 18 required plan copies, four (4) of the following Site Plans shall be submitted on 24” by 36” sheets and 14 (fourteen) shall be submitted on 11” by 17” sheets. Site Plans shall be prepared by a Registered Professional Engineer, Registered Land Surveyor, Architect, or Landscape Architect, as appropriate. Dimensions and scales shall be adequate to determine that all requirements are met and to make a complete analysis and evaluation of the proposals. The plans are as follows:

- 6. Site layout, which shall contain the boundaries of the lot(s) in the proposed development, proposed structures, drives, parking, fences, walls, walks, outdoor lighting, loading facilities, and areas for snow storage after plowing. The first sheet in this Plan shall be a locus plan, at a scale of one (1) inch equals one hundred (100) feet, showing the entire project and its relation to existing areas,

buildings and roads for a distance of one thousand (1,000) feet from the project boundaries or such other distance as may be approved or required by the Planning Board.

7. Topography and drainage plan, which shall contain the existing and proposed final topography at two-foot intervals and plans for handling storm water drainage.
8. Utility and public safety plan, which shall include all facilities for refuse and sewerage disposal or storage of all wastes, the location of all hydrants, fire alarm and fire fighting facilities on and adjacent to the site.
9. Architectural plan, which shall include the ground floor plan and architectural elevations of all proposed buildings and a color rendering.
10. Landscape plan, showing the limits of work, existing tree lines, and all proposed landscape features and improvements including screening, planting areas with size and stock of each shrub or tree, proposed erosion control measures, all proposed recreation facilities and open space areas, and all wetlands, as defined under the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, within 100 feet of any proposed construction, including floodplain areas. The Site Plan shall be designed to meet the additional Landscaping Requirements, as outlined in Section 5.107.3.

B. The site plan shall be accompanied by a written statement indicating the estimated time required to complete the proposed project and any and all phases thereof. There shall be submitted a written estimate, showing in detail the costs of all site improvements planned.

C. A written summary of the contemplated projects shall be submitted with the site plan indicating evidence of compliance with parking and off street loading requirements, the forms of ownership contemplated for the property and a summary of the provisions of any ownership or maintenance thereof, identification of all land that will become common or public land, and any other evidence necessary to indicate compliance with this bylaw.

D. A Table with the following information:

9. Area of lot.
10. Area and size of building.
11. Maximum area of building to be used for selling offices, business, industrial or other uses if applicable.
12. Maximum number of employees where applicable.
13. Maximum seating capacity where applicable.
14. Maximum sleeping capacity where applicable.
15. Number of parking spaces required for the intended use, based on Section 5.3.
16. Number of parking spaces existing at the site (including street parking adjacent to site).

E. A Site Plan Review application complete with name of owner and/or Applicant. Where any Site Plan Review is submitted by an individual or agency other than the owner of the affected land, the applicant must provide an original letter from the owner authorizing the applicant to submit the Site Plan Review with an original notarized signature. A copy of any Purchase and Sales agreement, along with evidence of the owner's rightful ownership of the land, such as a deed must be submitted with all applications. Where the owner is a corporation, corporate documents must be submitted indicating who has signed authority to enter into agreements on behalf of the corporation. Applications shall include a Municipal Lien Certificate, or similar document, indicating no outstanding taxes or assessments are due on the property.

F. The site plan shall be accompanied by drainage calculations by a registered professional engineer. Storm drainage design must conform to the Town of Ashburnham Planning Board Subdivision Rules and

Regulations, the Massachusetts Storm Water Policy as well as any other storm water design requirements of the Town of Ashburnham.

G. The Planning Board may require a narrative statement detailing the impact of the proposed use on municipal services and the environment. Such statement shall conform to Section 4.3.6, Development Impact Statements, of the Town of Ashburnham Planning Board Subdivision Rules and Regulations.

H. Certification that the proposal is in compliance with the provisions, if applicable, of the American with Disabilities Act (ADA) and the Massachusetts Architectural Access Board. Applicants shall show compliance with 521 CMR 21.00 and 22.00.

I. All Site Plan Review Applications shall include all Administrative Fees, as required under the Planning Board's Regulations Governing Fees and Fee Schedule. No site plan review application shall be considered complete until and unless all such fees are paid.

5.106 Waiver of Technical Compliance and Site Plan Review Level.

A. The Planning Board may, upon written request of the Applicant, waive any of the requirements of Section 5.10, where the project involves relatively simple development plans or constitutes a Minor Site Plan. An application for permits to build, alter or expand any nonresidential building, structure or use in any district where such construction will exceed a total gross floor areas of 500 square feet but not exceed a total gross floor area of 2000 square feet, or an application which will not generate the need for more than 5 parking spaces shall be deemed as a "Minor Site Plan." Any application for permits to build, alter or expand any nonresidential building, structure or use in any district where such construction will exceed 2,000 square feet, or generates the need for more than 5 parking spaces shall be deemed a "Major Site Plan." For the purposes of computing the total gross floor area of a Minor Site Plan, the Planning Board shall aggregate all such applications made within the five (5) previous calendar years.

B. Minor Site Plans shall set forth all of the information required by Section 5.105; provided, however, that the scale of the Site Plan may be 1" = 80', and the plan may depict topographical contours at intervals available on maps provided by the United States Geological Survey, unless the Planning Board waives any other of the requirements, as authorized by this Section.

C. In addition, for Site Plan Review applications that involve a change of use or for new construction that is less than or equal to 500 square feet, the Applicant shall submit a request for a Plan Review to the Building Inspector on an application form determined by the Building Inspector, along with sufficient plans and documentation to fully describe the proposed use and/or structure and its site. Upon submission of an application the Building Inspector deems complete, the Building Inspector shall transmit copies of such application, plans and documentation to those Town Officials as specified in Section 5.103 as well as the Planning Board. The Building Inspector shall have thirty (30) days from time of completed application to review and make determination on such Plan Review Applications.

5.107 Approval and Review Objectives.

Site Plan approval shall be granted upon determination by the Planning Board that the plan meets the following objectives. Site Plan Review applications located in the Ashburnham Village Center Zoning District shall also meet the Center Village District Site Plan Review Principles in Section 7 of the Planning Board's Subdivision Rules and Regulations and those in Section 5.107.2. Any new building construction or other site alteration shall provide adequate access to each structure for fire and service equipment and adequate provision for utilities and storm water drainage consistent with the functional requirements of the Planning Board's Subdivision Rules and Regulations. New building construction or other site alteration shall be designed in the Site Plan, after considering the qualities of the specific location, the proposed land

use, the design of building form, grading, egress points, and other aspects of the development so as to the Objectives in Section 5.107.1 below.

5.107.1 General Review Objectives

- A. Minimize the volume of cut and fill, the number of removed trees 10" caliper or larger, the length of removed stone walls, the area of wetland vegetation displaced, the extent of storm water flow increase from the site, soil erosion, and the threat of air and water pollution.
- B. Maximize pedestrian and vehicular safety both on the site and exiting from it.
- C. Minimize obstruction of scenic views from publicly accessible locations.
- D. Minimize visual intrusion by controlling the visibility of parking, storage, or other outdoor service areas viewed from public ways or premises residentially used or zoned.
- E. Minimize glare from headlights and lighting intrusion.
- F. Minimize unreasonable departure from the character, materials, and scale of buildings in the vicinity, as viewed from public ways and places.
- G. Minimize contamination of groundwater from onsite wastewater disposal systems or operations on the premises involving the use, storage, handling, or containment of hazardous substances.
- H. Ensure compliance with the provisions of this Zoning Ordinance, including parking and landscaping.

5.107.2 Village Center Review Objectives.

In addition the following review objectives shall be applicable for any Site Plan Review applications located within the Ashburnham Village Center Zoning District:

- A. No off-street parking area, except for one required driveway, shall be located between the street line and the front line of the building.
- B. All off-street parking areas shall be screened from adjacent properties by provision within the required side and/or rear yard with:
 - Dense plantings with a minimum height of four feet; or
 - Appropriate low fencing as permitted by Section 4.37 of the Bylaws.

The Planning Board may establish and adopt design review principles and standards, beyond those outlined for the Village Center, intended to guide the applicant in the development of site and building design and consider these principles and standards in its review of proposed actions. These principles and standards shall not be regarded as inflexible requirements and they are not intended to discourage creativity, invention or innovation. The Planning Board is specifically precluded from mandating any official aesthetic style for Ashburnham or for imposing the style of any particular historical period.

5.107.3 Landscaping Requirements

- A. Required landscaping shall be provided as set forth in Table A.
- B. Buffers along street lines and other landscaped areas required by Table A (other than buffers protecting residential uses and/or districts) shall be reserved exclusively for plantings, pedestrian facilities such as benches and walkways, required fences, necessary traffic control signs and those free standing signs which conform to the requirements of Section 5.2 of this Bylaw. Required buffers protecting residential uses and/or districts shall be reserved exclusively for plantings and fences.

The Site Plan Review application shall include a chart showing the following information:

3. Number of trees and/or shrubs required.
4. Number of trees and/or shrubs shown on plan.

TABLE A
REQUIRED LANDSCAPING

Requirement by Lot Area	Percent of Total Automobile Parking and Circulation Area To Be Landscaped	Depth of Buffer Along Street Lines	Width of Buffer For Abutting Residential Uses and/or Districts
Up To & Including 15,000 Sq. Ft.	No requirements	5 Feet	5 Feet
15,001 to 30,000 Sq. Ft.	4 Percent	5 Feet	5 Feet
30,001 to 43,560 Sq. Ft.	5 Percent	10 Feet Front Yard Street Line. 5 Ft. All Other Street Lines	10 Feet
43,561 to 100,000 Sq. Ft.	6 Percent	10 Feet Front Yard Street Line. 5 Ft. All Other Street Lines	10 Feet
100,001 Sq. Ft. Up To But Not Including 217,800 Sq. Ft (5 Acres)	7 Percent	15 Feet Front Yard Street Line. 17 Ft. All Other Street Lines	15 Feet
5 Acres or More	8 Percent	25 Feet Front Yard Street Line. 20 Ft. All Other Street Lines	20 Feet

5.108 Lapse. Site Plan Approval shall lapse after two (2) year(s) from the grant thereof if a substantial use has not sooner commenced except for good cause. Such approval may, for good cause, be extended in writing by the Planning Board upon the written request of the applicant.

5.109 Regulations. The Planning Board may adopt and from time to time amend reasonable regulations for the administration of these site plan requirements.”

2/3 Majority “YES”

ARTICLE 34: To see if the Town will vote to amend the Town’s Zoning By-laws by amending Section 4.2, Schedule of Dimensional Regulations (Table 1), by amending the existing minimum lot area and frontage allowed within the Village Center Zoning District:

NOTE: all additions are noted in ***bold and italicized*** text. Deletions or alterations to existing text are shown as ~~crossed-out~~ text.

(4) District	Minimum Lot Dimension		Minimum Yard Dimensions (3) (feet)			Maximum Building Height		Maximum Lot Coverage
	Area (sq. ft.)	Frontage (feet)	Front	Side	Rear	(stories)	(feet)	%
V-C	25,000 10,000 (6)	125 50	20 (5)	10	10	3	40	50

Or act in relation thereto. *(Requested by the Planning Board)*

Explanation: The 1989 Downtown Planning Study had a number of recommendations related to the creation of the Ashburnham Village Center Zoning District. Ashburnham Town Meeting Voters subsequently implemented most of the suggestions outlined in the Study, most of which were followed exactly as recommended, when Town Meeting created the Village Center Zoning District. The Town did not, however, adopt the minimum lot area and frontage requirements, as specified by the 1989 Downtown Planning Study. The Town Planner uncovered the original recommended lot area and frontage requirements while reviewing the request of Scott Foster, of Foster Insurance, who was looking to relocate his insurance company to 76 Main Street. This property contained two existing buildings: a single-family house and a second building often referred to as the old “Harness Shop.”

In order to locate the Foster Insurance office to the Harness Shop, Mr. Foster had to subdivide the Harness Shop building on to a separate lot from the existing single-family building. However, since the two lots did not have the minimum lot area and frontage requirements as recommended by the 1989 Downtown Planning Study, Mr. Foster had to apply for a Variance from the Zoning Board of Appeals. This Variance application process added 6 months to his development timetable. The Planning Board and the Town Planner believe Scott Foster’s project at 76-78 Main Street should be considered a model project for the Village Center, based on the how this project was completed. It should be noted that most of the lots in the Village Center are already under 10,000 square feet, so there is not much potential for additional development that can be created by reducing the required lot area from 25,000 to 10,000 square feet and frontage from 125 feet to 50 feet. This issue was addressed in the 1989 Downtown Study Plan, which noted, “The standards of the proposed Village (Center) District are more in keeping with the historic character of the Town center, where lots are smaller and narrower than is common in modern development patterns. This is evidenced by the fact that 35% of the lots in the existing Business district would be of compliance with the Village district’s area and frontage requirements (based on 10,000 square feet lot area and 50 feet frontage) – a 58 per cent reduction in nonconforming lots. Thus, the proposed regulations will tend to encourage development that reinforces the character of the downtown, rather than encouraging development on a larger scale which could easily erode this character.”

The Planning Board supports the passage of this article in order to help streamline the process for business owners to develop or expand their businesses within the Village Center. In addition, it would help move more of the existing lots towards conformity, again allowing for business expansion in a more streamlined fashion. Such actions would be in keeping with two goals outlined in the Ashburnham FY ’07 Community Development Strategy, approved by the Board of Selectmen in February 2007. These goals are: “Encourage businesses that are compatible with adjacent land uses and resource protection concerns.” and “Expand tax base through controlled commercial development reflecting the character of the community and village centers.” This zoning initiative is also on the Year 2 Town Planner/Planning Board “To-Do List” and consistent with the Town Planner’s Objective to reduce duplication of Applicants to appear before the

Zoning Board of Appeals and the Planning Board. Even with Variance Applications eliminated all new business proposals and expansions in the Village Center will still be subject to Site Plan Review before the Planning Board so important design considerations will be given adequate review.

SELECTMEN RECOMMEND: YES ADVISORY RECOMMEND: YES TAX RATE IMPACT: N/A

ARTICLE 34 VOTED: On motion of John MacMillan, it was voted that Article 34 be referred back to the Planning Board for further study and report at a future town meeting.

Majority “YES”

ARTICLE 35: To see if the Town will vote to take by eminent domain certain parcels of land identified on Assessor’s Map number 21 Parcel 59 and further known as the Town Cemetery, or act in relation thereto. *(Requested by the Board of Selectmen)*

SELECTMEN RECOMMEND: YES ADVISORY RECOMMEND: YES TAX RATE IMPACT: N/A

ARTICLE 35 VOTED: On motion of Christopher Gagnon, it was voted to take by eminent domain certain parcels of land identified on Assessor’s Map number 21 Parcel 59 and further known as the Town Cemetery.

Unanimous “YES”

ARTICLE 36: To see if the Town will vote to raise and appropriate, the sum of \$150,000 to be used to fund the Ashburnham-Westminster Regional School District Five Year Capital Plan, provided that no funds voted under this article shall be expended unless the Town has first voted by ballot at a special election to exempt this expenditure from the provisions of Proposition two and one-half and further, that the Town of Westminster also votes to fund its proportional share of the cost of said items, or act in relation thereto. *(Requested by the Ashburnham-Westminster Regional School Committee)*

SELECTMEN RECOMMEND: YES ADVISORY RECOMMEND: YES TAX RATE IMPACT: \$.24

ARTICLE 36 VOTED: On motion of Jonathan Dennehy, it was voted to raise and appropriate the sum of \$150,000 to be used to fund the Ashburnham-Westminster Regional District Five Year Capital Plan, provided that no funds voted under this article shall be expended unless the Town has first voted by ballot at a special election to exempt this expenditure from the provisions of Proposition two and one-half and further, that the Town of Westminster also votes to fund its proportional share of the cost of said items.

Unanimous “YES”

ARTICLE 37: To see if the Town will vote to raise and appropriate, appropriate by transfer from available funds or appropriate by borrowing under the provisions of GL c 44, Sections. 7, 8 or otherwise as provided by law, the sums of money for the departments and the purposes noted below, and for the costs incidental and related thereto, to meet the capital budget needs of the Town, and to authorize the use of leasing for a period not to exceed three (3) years, and to authorize the trade-in of any available vehicles, all to meet the costs and for the departments noted below:

<u>Department</u>	<u>Brief Description of Item</u>	<u>Amount Requested</u>	<u>Funding Source</u>
DPW	DPW Dir. 4x4 Truck	\$25,000	Water, Sewer, Cap. Imp. Fund
	60-Inch Riding Mower	\$12,000	Free Cash
	1200 Water Meters/Remote Reader	\$220,000	Water, Sewer Rev.
	Hydraulic Water Model	\$30,000	Water Rev
	L7400 Int'l Truck	\$105,000	Chapter 90 - 3 Yr. Lease
	L7400 sander	\$25,000	Cap. Imp Fund, Stab. Fund
	Used street sweeper	\$32,000	Cap. Imp Fund
Fire/EMS	Tanker Truck Tires and Rims	\$5,000	Cap. Imp. Fund
	Replace Forestry Truck	\$50,000	Cap. Imp. Fund
Police	Cruiser	\$34,000	Cap. Imp. Fund
	Used ACO Vehicle	\$12,000	Cap. Imp. Fund
Total:		<u>\$550,000</u>	
Total Water Rev.		\$182,000	
Total Sewer Surplus:		\$86,000	
Total Free Cash		\$12,000	
Total Cap. Imp. Fund:		155,000	
Stabilization Fund:		\$10,000	
Chapter 90:		\$105,000	
		TOTAL	\$550,000

or act in relation thereto. *(Requested by Board of Selectmen, Advisory Board, Town Administrator)*

SELECTMEN RECOMMEND: YES ADVISORY RECOMMEND: YES TAX RATE IMPACT: N/A

ARTICLE 37 VOTED: On motion of Christopher Gagnon, it was voted to appropriate the sum of \$182,000 from water revenue and the sum of \$86,000 from sewer surplus, and the sum of \$12,000 from free cash, and the sum of \$10,000 from the Stabilization Fund and the sum of \$155,000 from the Capital Improvement Fund, all for the purposes noted in the warrant, and further to authorize the Town Administrator to enter into a lease for the purpose of purchasing an L-7400 truck and for all costs incidental and related thereto, to meet the capital budget needs of the Town, and to authorize the trade-in of any available vehicles. (Please note-if the BOS wishes to have each item considered separately by the meeting, a motion to divide the questions would be in order immediately after this motion is read).

2/3 majority "YES"

ARTICLE 38: To see if the Town will vote to appropriate by transfer from available funds a sum of money into the Stabilization Fund, or act in relation thereto. *(Requested by the Board of Selectmen, Town Administrator)*

SELECTMEN RECOMMEND: YES ADVISORY RECOMMEND: YES TAX RATE IMPACT: N/A

ARTICLE 38 VOTED: On motion of Jonathan Dennehy, it voted to **PASS OVER** this article.

Majority "YES"

ARTICLE 39: To see if the Town will vote to appropriate by transfer from available funds a sum of money into the Conservation Fund, or act in relation thereto. *(Requested by the Board of Selectmen, Conservation Commission and Town Administrator)*

SELECTMEN RECOMMEND: YES **ADVISORY RECOMMEND:** YES **TAX RATE IMPACT:** N/A

ARTICLE 39 VOTED: On motion of Jonathan Dennehy, it was voted to **PASS OVER** this article.

Majority “YES”

ARTICLE 40: To see if the Town will vote to appropriate by transfer from available funds a sum of money into the Capital Improvement Fund, or act in relation thereto. *(Requested by the Board of Selectmen, Town Administrator)*

SELECTMEN RECOMMEND: YES **ADVISORY RECOMMEND:** YES **TAX RATE IMPACT:** N/A

ARTICLE 40 VOTED: On motion of Jonathan Dennehy, it was voted to **PASS OVER** this article.

Majority “YES”

Meeting adjourned at 2:30 PM

Linda A. Ramsdell
Town Clerk – Ashburnham