

**TOWN OF ASHBURNHAM**  
**ANNUAL TOWN MEETING WARRANT ARTICLES**  
*With Results Added*

*Saturday, May 1, 2004*  
*10:00 a.m.*  
**Fairbanks Memorial Town Hall**  
**32 Main Street**  
**Ashburnham, MA 01430**

The following is a list of warrant articles and the recommendations for the Board of Selectmen and the Advisory Board for the May 1, 2004 Annual Town Meeting.

		Selectmen	Advisory	Tax Rate Impact
Art. 1	Reports of town officers and committees	Y	Y	--
Art. 2	Budget	Y	Y	--
Art. 3	\$40,000 from Light Plant	Y	Y	--
Art. 4	Light income to support Light Plant	Y	Y	--
Art. 5	Treasurer and compensating balance agreement	Y	Y	--
Art. 6	Enter into contracts with Mass. Highway	Y	Y	--
Art. 7	Allow use of Chapter 90 money for roads	Y	Y	--
Art. 8	\$130,000 for town road and sidewalks – Capital Exclusion	Y	Y	\$.27
Art. 9	Revolving fund for half of boat excise tax	Y	Y	--
Art. 10	Revolving fund for demolition of hazardous properties	Y	Y	--
Art. 11	Revolving account for disposal of hazardous materials	Y	Y	--
Art. 12	\$25,000 for revaluation real estate & personal property from stabilization	Y	Y	--
Art. 13	Abandon School Street and a portion of Academy Street (petition)	N Changed to Y on Floor.	Y	--
Art. 14	Accept donation of 5 acres on Central Street (petition)	Y	Y	--
Art. 15	Borrowing for construction of Public Safety Facility (petition)	Y	Y	--
Art. 16	Authorize donations to be accepted toward cost of building Public Safety Facility (petition)	Y	Y	--
Art. 17	Authorize Board of Selectmen to sell Central Fire Station Property and parking lot (petition)	Y	Y	--
Art. 18	Changes to Personnel Benefits (petition)	N	N	--
Art. 19	Adopt eligibility for call firefighters for health insurance	Y	Y	--
Art. 20	\$30,000 Town's 10% share Federal Fire Act Grant from Capital Improvement Fund	Y	Y	--
Art. 21	\$50,000 Forestry Truck – Capital Exclusion	Y	Y	\$.10
Art. 22	\$35,000 Fire Command Vehicle – Capital Exclusion	Y	Y	\$.07
Art. 23	Town Clerk Revised Fee Schedule	Y	Y	--
Art. 24	\$8,000 from Conservation Fees Account for ConCom Supplies	Y	Y	--
Art. 25	\$21,000 ½ Ton Truck- shared equally for Highway/Water/Sewer – from Water & Sewer Surplus & Capital Improvement Fund	Y	Y	--

		<b>Selectmen</b>	<b>Advisory</b>	<b>Tax Rate Impact</b>
Art. 26	\$14,148 Overlook HVAC System & Hot Water Tank from Capital Improvement Fund	Y	Y	--
Art. 27	Amend General Bylaws, Chapter VI – Appointment of Advisory Board Members	Y	Y	--
Art. 28	Amend General Bylaws, Chapter II – Convening of Annual Town Meeting	Y	Y	--
Art. 29	\$27,000 1 Ton Truck from Water Surplus	Y	Y	--
Art. 30	Accept MGL Ch. 59, Sec. 5K – Senior Tax Work-off Program	Y	Y	--
Art. 31	\$30,428 from Capital Improvement Fund – 1 <sup>st</sup> year of 4 year lease program for 4 new police vehicles	Y	Y	--
Art. 32	\$30,000 Computer Software Conversion from Water & Sewer Surplus	Y	Y	--
Art. 33	\$8,000 GASB-34 Fixed Asset Consulting Service from Water & Sewer Surplus	Y	Y	--
Art. 34	Building Inspector Revised Fee Schedule	Y	Y	--
Art. 35	Electrical Inspector Revised Fee Schedule	Y	Y	--
Art. 36	Plumbing & Gas Inspector Revised Fee Schedule	Y	Y	--
Art. 37	Authorize Board of Selectmen to sell land located on Jewell Hill Road and Gibson Road	Y	Y	--
Art. 38	Transfer available funds to reduce tax rate	Y	Y	--
Art. 39	Transfer from available funds to Stabilization	Y	Y	--
Art. 40	Transfer from available funds to Capital Fund	Y	Y	--
Art. 41	School Budget Override of \$780,678.76 <b>Changed to \$641,448.76 on floor</b>	Y	Y	\$1.63 <b>\$1.34</b>
Art. 42	Non-binding question on Town Hall Renovation Options	Y	Y	--
Art. 43	\$200,000 Septic Repair Grant	Y	Y	--
Art. 44	Authorize to rescind unissued debt for Mt. Watatic & Landfill	Y	Y	--
Art. 45	Zoning Article – Open Space Residential Development	Y	Y	--
Art. 46	Zoning Article – Common driveways	Y	Y	--
Art. 47	Zoning Article – Frontage	Y	Y	-
Art. 48	Zoning Article – Developmental Rate Limitation	Y	Y	-
Art. 49	Zoning Article – New Districts: LI-A and LI-B	Y	Y	-
Art. 50	Zoning Article – New District: GB	Y	Y	-
	<b>Total increase for tax rate if all passes:</b>			<b>\$2.07</b>

**Current Tax Rate for FY'04 is \$13.32**

**For every \$100,000 voted to be spent, \$.21 will be added to the tax rate**

**ANNUAL TOWN MEETING WARRANT  
TOWN OF ASHBURNHAM  
COMMONWEALTH OF MASSACHUSETTS**

WORCESTER, SS

TO THE CONSTABLES OF THE TOWN OF ASHBURNHAM, IN WORCESTER COUNTY,

GREETINGS:

IN THE NAME OF THE COMMONWEALTH OF MASSACHUSETTS, YOU ARE HEREBY DIRECTED TO NOTIFY AND WARN THE INHABITANTS OF SAID TOWN QUALIFIED TO VOTE IN ELECTIONS AND TOWN AFFAIRS TO MEET AT FAIRBANKS MEMORIAL TOWN HALL, 32 MAIN STREET, ASHBURNHAM, MASSACHUSETTS ON

**SATURDAY, THE FIRST OF MAY, 2004  
BEGINNING AT 10:00 A.M.**

THEN AND THERE TO VOTE ON THE FOLLOWING ARTICLES AND RESOLUTIONS:

**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  
**Passed Unanimous**

**ARTICLE 2:** To raise and appropriate the sum of \$10,068,089.51 and transfer the sum of \$134,000 from free cash and transfer the sum of \$59,603.49 from overlay surplus to defray the expenses of the Town for the fiscal year commencing July 1, 2004 and to set the salary of elected officials as presented in the column entitled "FY05 Recommended". *(Requested by the Board of Selectmen and Advisory Board)*

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

<u>LINE</u>	<u>DEPARTMENT</u>	<u>LINE ITEM</u>	<u>FY03 SPENT</u>	<u>FY04 ACTUAL</u>	<u>FY05 REQUEST</u>	<u>FY05 RECOMMEND</u>
<b>GENERAL GOV'T</b>						
1	Moderator					
1A		Personnel	\$100	\$100	\$100	\$100
		<b>TOTAL:</b>	<b>\$100</b>	<b>\$100</b>	<b>\$100</b>	<b>\$100</b>

<u>LINE</u>	<u>DEPARTMENT</u>	<u>LINE ITEM</u>	<u>FY03</u> <u>SPENT</u>	<u>FY04</u> <u>ACTUAL</u>	<u>FY05</u> <u>REQUEST</u>	<u>FY05</u> <u>RECOMMEND</u>
2	<b>Bd of Selectmen</b>					
2A		Personnel	\$3,500	\$3,500	\$3,500	\$3,500
2B		Expenses	\$4,345	\$4,720	\$6,425	\$5,454
		<b><u>TOTAL:</u></b>	<b><u>\$7,845</u></b>	<b><u>\$8,220</u></b>	<b><u>\$9,925</u></b>	<b><u>\$8,954</u></b>
3	<b>Town Administrator</b>					
3A		Personnel	\$91,011	\$94,100	\$94,596	\$94,596
3B		Expenses	\$36,807	\$38,010	\$50,300	\$45,950
		<b><u>TOTAL:</u></b>	<b><u>\$127,818</u></b>	<b><u>\$132,110</u></b>	<b><u>\$144,896</u></b>	<b><u>\$140,546</u></b>
4	<b>Advisory Bd.</b>					
4A		Expenses	\$0	\$0	\$150	\$0
4B		Reserve Fund	\$97,847	\$99,227	\$65,000	\$65,000
		<b><u>TOTAL:</u></b>	<b><u>\$97,847</u></b>	<b><u>\$99,227</u></b>	<b><u>\$65,150</u></b>	<b><u>\$65,000</u></b>
5	<b>Town Accountant</b>					
5A		Personnel	\$26,450	\$27,429	\$27,238	\$27,947
5B		Expenses	\$10,334	\$16,000	\$16,000	\$16,000
		<b><u>TOTAL:</u></b>	<b><u>\$36,784</u></b>	<b><u>\$43,429</u></b>	<b><u>\$43,238</u></b>	<b><u>\$43,947</u></b>
6	<b>Bd of Assessors</b>					
6A		Personnel	\$29,624	\$35,714	\$35,600	\$35,936
6B		Expenses	\$5,091	\$6,150	\$6,250	\$6,050
		<b><u>TOTAL:</u></b>	<b><u>\$34,715</u></b>	<b><u>\$41,864</u></b>	<b><u>\$41,850</u></b>	<b><u>\$41,986</u></b>
7	<b>Treasurer/Collector</b>					
7A		Personnel	\$59,051	\$61,982	\$64,474	\$63,647
7B		Expenses	\$17,217	\$24,450	\$26,950	\$24,700
7C		Tax Title	\$14,027	\$14,500	\$17,500	\$10,000
		<b><u>TOTAL:</u></b>	<b><u>\$90,295</u></b>	<b><u>\$100,932</u></b>	<b><u>\$108,924</u></b>	<b><u>\$98,347</u></b>
8	<b>Town Clerk</b>					
8A		Personnel	\$29,268	\$30,288	\$31,253	\$31,113
8B		Expenses	\$10,197	\$8,825	\$12,275	\$12,275
		<b><u>TOTAL:</u></b>	<b><u>\$39,466</u></b>	<b><u>\$39,113</u></b>	<b><u>\$43,528</u></b>	<b><u>\$43,388</u></b>

<u>LINE</u>	<u>DEPARTMENT</u>	<u>LINE ITEM</u>	<u>FY03</u> <u>SPENT</u>	<u>FY04</u> <u>ACTUAL</u>	<u>FY05</u> <u>REQUEST</u>	<u>FY05</u> <u>RECOMMEND</u>
9	<b>Land Use</b>					
9A		Personnel	\$26,309	\$27,196	\$28,717	\$48,058
9B		Expenses	\$1,277	\$1,525	\$1,525	\$2,725
		<b><u>TOTAL:</u></b>	<b><u>\$27,586</u></b>	<b><u>\$28,721</u></b>	<b><u>\$30,242</u></b>	<b><u>\$50,783</u></b>
10	<b>Town Hall/Stevens</b>					
10A		Personnel	\$27,897	\$31,173	\$36,880	\$31,846
10B		Expenses	\$29,992	\$28,000	\$28,000	\$28,000
		<b><u>TOTAL:</u></b>	<b><u>\$57,889</u></b>	<b><u>\$59,173</u></b>	<b><u>\$64,880</u></b>	<b><u>\$59,846</u></b>
11	<b>Non-Departmental</b>					
11A		Personnel	\$0	\$0	\$0	\$0
11B		Expenses	\$95,109	\$103,531	\$111,659	\$107,990
11C		Sewer Assess.	\$31,150	\$31,150	\$31,750	\$31,750
		<b><u>TOTAL:</u></b>	<b><u>\$126,259</u></b>	<b><u>\$134,681</u></b>	<b><u>\$143,409</u></b>	<b><u>\$139,740</u></b>
		<b>GENERAL GOV'T <u>TOTAL:</u></b>	<b><u>\$646,604</u></b>	<b><u>\$687,570</u></b>	<b><u>\$696,140</u></b>	<b><u>\$692,636</u></b>
	<b>PUBLIC SAFETY</b>					
12	<b>Police</b>					
12A		Personnel	\$456,899	\$523,001	\$591,241	\$527,690
12B		Expenses	\$27,590	\$29,869	\$68,270	\$55,905
		<b><u>TOTAL:</u></b>	<b><u>\$484,489</u></b>	<b><u>\$552,870</u></b>	<b><u>\$659,511</u></b>	<b><u>\$583,595</u></b>
13	<b>Fire</b>					
13A		Personnel	\$227,073	\$253,032	\$403,226	\$258,167
13B		Expenses	\$63,076	\$73,970	\$112,100	\$92,425
		<b><u>TOTAL:</u></b>	<b><u>\$290,149</u></b>	<b><u>\$327,002</u></b>	<b><u>\$515,326</u></b>	<b><u>\$350,592</u></b>
14	<b>EDC</b>					
14A		Personnel	\$143,473	\$146,327	\$167,085	\$165,634
14B		Expenses	\$6,120	\$7,800	\$12,480	\$11,790
		<b><u>TOTAL:</u></b>	<b><u>\$149,593</u></b>	<b><u>\$154,127</u></b>	<b><u>\$179,565</u></b>	<b><u>\$177,424</u></b>
15	<b>Weights/Measures</b>					
15A		Personnel	\$2,500	\$2,500	\$2,500	\$2,500
15B		Expenses	\$339	\$900	\$900	\$900
		<b><u>TOTAL:</u></b>	<b><u>\$2,839</u></b>	<b><u>\$3,400</u></b>	<b><u>\$3,400</u></b>	<b><u>\$3,400</u></b>

<u>LINE</u>	<u>DEPARTMENT</u>	<u>LINE ITEM</u>	<u>FY03 SPENT</u>	<u>FY04 ACTUAL</u>	<u>FY05 REQUEST</u>	<u>FY05 RECOMMEND</u>
16	<b>Inspections</b>					
16A		Personnel	\$30,962	\$32,794	\$33,582	\$33,582
16B		Expenses	\$3,354	\$3,975	\$4,175	\$4,175
		<b><u>TOTAL:</u></b>	<b><u>\$34,316</u></b>	<b><u>\$36,769</u></b>	<b><u>\$37,757</u></b>	<b><u>\$37,757</u></b>
17	<b>Dog Officer</b>					
17A		Personnel	\$15,499	\$16,025	\$16,219	\$16,436
17B		Expenses	\$2,973	\$3,894	\$4,004	\$3,902
		<b><u>TOTAL:</u></b>	<b><u>\$18,472</u></b>	<b><u>\$19,919</u></b>	<b><u>\$20,223</u></b>	<b><u>\$20,338</u></b>
	<b>PUBLIC SAFETY</b>	<b><u>TOTAL:</u></b>	<b><u>\$979,857</u></b>	<b><u>\$1,094,087</u></b>	<b><u>\$1,415,781</u></b>	<b><u>\$1,173,106</u></b>
	<b>EDUCATION</b>					
18	<b>Monty Tech</b>					
18A		Contribution	\$365,052	\$367,185	\$359,433	\$359,433
18B		Fixed Assets	\$4,736	\$0	\$0	\$0
18C		Transportation	\$38,315	\$28,631	\$29,513	\$29,513
18D		Expansion	\$9,291	\$9,053	\$8,978	\$8,978
		<b><u>TOTAL:</u></b>	<b><u>\$417,394</u></b>	<b><u>\$404,869</u></b>	<b><u>\$397,924</u></b>	<b><u>\$397,924</u></b>
19	<b>AWRSD</b>					
19A		Contribution	\$3,957,064	\$3,856,977	\$4,830,856	\$4,050,000
19B		Comm. Service	\$1,435	\$1,433	\$1,392	\$1,392
19C		Transportation	\$311,543	\$535,788	\$604,462	\$604,462
19D		Debt Assess	\$112,625	\$37,915	\$175,901	\$175,901
19E		Capital Outlay	\$473,516	\$275,806	\$459,445	\$459,445
		<b><u>TOTAL:</u></b>	<b><u>\$4,856,183</u></b>	<b><u>\$4,707,919</u></b>	<b><u>\$6,072,056</u></b>	<b><u>\$5,291,200</u></b>
	<b>EDUCATION</b>	<b><u>TOTAL:</u></b>	<b><u>\$5,273,577</u></b>	<b><u>\$5,112,788</u></b>	<b><u>\$6,469,980</u></b>	<b><u>\$5,689,124</u></b>
	<b>PUBLIC WORKS</b>					
20	<b>Highway</b>					
20A		Personnel	\$231,404	\$254,530	\$266,243	\$285,214
20B		Expenses	\$132,236	\$149,400	\$150,400	\$150,400
		<b><u>TOTAL:</u></b>	<b><u>\$363,641</u></b>	<b><u>\$403,930</u></b>	<b><u>\$416,643</u></b>	<b><u>\$435,614</u></b>
21	<b>Snow &amp; Ice</b>					
21A		Miscellaneous	\$188,165	\$82,000	\$82,000	\$82,000
		<b><u>TOTAL:</u></b>	<b><u>\$188,165</u></b>	<b><u>\$82,000</u></b>	<b><u>\$82,000</u></b>	<b><u>\$82,000</u></b>

<u>LINE</u>	<u>DEPARTMENT</u>	<u>LINE ITEM</u>	<u>FY03 SPENT</u>	<u>FY04 ACTUAL</u>	<u>FY05 REQUEST</u>	<u>FY05 RECOMMEND</u>
22	<b>Waste Collection &amp; Disposal</b>					
22A		Personnel	\$0	\$0	\$0	\$0
22B		Expenses	\$12,031	\$15,130	\$15,300	\$15,200
		<b><u>TOTAL:</u></b>	<b><u>\$12,031</u></b>	<b><u>\$15,130</u></b>	<b><u>\$15,300</u></b>	<b><u>\$15,200</u></b>
23	<b>Municipal Grounds</b>					
23A		Personnel	\$89,755	\$91,805	\$119,320	\$101,461
23B		Expenses	\$39,781	\$47,760	\$58,390	\$51,790
		<b><u>TOTAL:</u></b>	<b><u>\$129,536</u></b>	<b><u>\$139,565</u></b>	<b><u>\$177,710</u></b>	<b><u>\$153,251</u></b>
	<b>PUBLIC WORKS</b>	<b><u>TOTAL</u></b>	<b><u>\$693,373</u></b>	<b><u>\$640,625</u></b>	<b><u>\$691,653</u></b>	<b><u>\$686,065</u></b>
24	<b>Water</b>					
24A		Personnel	\$97,872	\$110,352	\$97,627	\$95,758
24B		Expenses	\$171,042	\$186,550	\$192,100	\$186,100
		<b><u>TOTAL:</u></b>	<b><u>\$268,915</u></b>	<b><u>\$296,902</u></b>	<b><u>\$289,727</u></b>	<b><u>\$281,858</u></b>
25	<b>Sewer</b>					
25A		Personnel	\$40,900	\$44,525	\$44,875	\$46,160
25B		Expenses	\$165,723	\$181,000	\$191,000	\$197,000
		<b><u>TOTAL:</u></b>	<b><u>\$206,623</u></b>	<b><u>\$225,525</u></b>	<b><u>\$235,875</u></b>	<b><u>\$243,160</u></b>
	<b>PUBLIC WORKS</b>	<b><u>TOTAL:</u></b>	<b><u>\$475,538</u></b>	<b><u>\$522,427</u></b>	<b><u>\$525,602</u></b>	<b><u>\$525,018</u></b>
	<b>HUMAN SERVICES</b>					
26	<b>Board of Health</b>					
26A		Personnel	\$1,260	\$1,400	\$1,400	\$1,400
26B		Expenses	\$15,933	\$16,523	\$16,694	\$16,694
		<b><u>TOTAL:</u></b>	<b><u>\$17,193</u></b>	<b><u>\$17,923</u></b>	<b><u>\$18,094</u></b>	<b><u>\$18,094</u></b>
27	<b>Council on Aging</b>					
27A		Personnel	\$13,835	\$12,333	\$14,538	\$17,213
27B		Expenses	\$6,404	\$6,616	\$6,638	\$6,638
		<b><u>TOTAL:</u></b>	<b><u>\$20,239</u></b>	<b><u>\$18,949</u></b>	<b><u>\$21,176</u></b>	<b><u>\$23,851</u></b>
28	<b>Veteran's Services</b>					
28A		Personnel	\$2,479	\$2,479	\$2,500	\$2,500
28B		Expenses	\$1,469	\$5,200	\$5,200	\$5,200
		<b><u>TOTAL:</u></b>	<b><u>\$3,948</u></b>	<b><u>\$7,679</u></b>	<b><u>\$7,700</u></b>	<b><u>\$7,700</u></b>

<u>LINE</u>	<u>DEPARTMENT</u>	<u>LINE ITEM</u>	<u>FY03</u> <u>SPENT</u>	<u>FY04</u> <u>ACTUAL</u>	<u>FY05</u> <u>REQUEST</u>	<u>FY05</u> <u>RECOMMEND</u>
	<b>HUMAN SERVICES</b>	<b><u>TOTAL:</u></b>	<b><u>\$41,379</u></b>	<b><u>\$44,551</u></b>	<b><u>\$46,970</u></b>	<b><u>\$49,645</u></b>
	<b>CULTURE &amp; REC.</b>					
29	<b>Library</b>					
29A	Personnel		\$82,571	\$75,223	\$90,655	\$93,556
29B	Expenses		\$61,783	\$45,881	\$56,255	\$53,637
	<b><u>TOTAL:</u></b>		<b><u>\$144,354</u></b>	<b><u>\$121,104</u></b>	<b><u>\$146,910</u></b>	<b><u>\$147,192</u></b>
30	<b>Historical Comm.</b>					
30A	Personnel		\$0	\$0	\$0	\$0
30B	Expenses		\$280	\$295	\$290	\$290
	<b><u>TOTAL:</u></b>		<b><u>\$280</u></b>	<b><u>\$295</u></b>	<b><u>\$290</u></b>	<b><u>\$290</u></b>
	<b>CULTURE &amp; REC.</b>	<b><u>TOTAL:</u></b>	<b><u>\$144,634</u></b>	<b><u>\$121,399</u></b>	<b><u>\$147,200</u></b>	<b><u>\$147,482</u></b>
31	<b>DEBT SERVICE</b>					
31A	Principal		\$130,800	\$130,800	\$123,000	\$123,000
31B	Interest		\$23,251	\$38,053	\$30,614	\$30,614
31C	Water Principal		\$213,172	\$219,457	\$221,914	\$221,914
31D	Water Interest		\$61,163	\$54,834	\$52,344	\$52,344
31E	Sewer Principal		\$92,070	\$105,148	\$106,510	\$106,510
31F	Sewer Interest		\$38,095	\$37,473	\$35,893	\$35,893
31G	Title V Septic Loan		\$0	\$0	\$9,834	\$9,834
	<b>DEBT SERVICE</b>	<b><u>TOTAL:</u></b>	<b><u>\$558,550</u></b>	<b><u>\$585,766</u></b>	<b><u>\$580,109</u></b>	<b><u>\$580,109</u></b>
	<b>MISC.</b>					
32	Health Insurance		\$208,703	\$256,051	\$339,080	\$344,337
33	Life Insurance		\$1,919	\$1,072	\$1,407	\$1,407
34	Medicare		\$26,473	\$22,713	\$38,503	\$35,757
35	Worc. County Retire		\$157,178	\$167,834	\$204,085	\$204,085
36	Insurance Premiums		\$104,327	\$126,534	\$128,920	\$128,920
37	Unemployment		\$9,551	\$2,000	\$4,000	\$4,000
	<b>MISC.</b>	<b><u>TOTAL:</u></b>	<b><u>\$508,151</u></b>	<b><u>\$576,204</u></b>	<b><u>\$715,994</u></b>	<b><u>\$718,507</u></b>
	<b><u>ARTICLE 2</u></b>	<b><u>TOTAL:</u></b>	<b><u>\$9,321,662</u></b>	<b><u>\$9,385,418</u></b>	<b><u>\$11,289,429</u></b>	<b><u>\$10,068,089.51</u></b>



Plus transfer \$134,000 from free cash  
Plus transfer \$59,603.49 from the overlay surplus account.

Setting of Elected Salaries under Article 2:

- a. Town Moderator: \$100
- b. Board of Selectmen: Chairman - \$1,300; Clerk - \$1,100; Member - \$1,100
- c. Town Clerk: \$12,360
- d. Board of Health: \$140 per member

Transfers under Article 2:

- a. Light Dept. receipts against Worc. County Retirement and insurance coverages: \$115,000
- b. Water/Sewer Dept. receipts against line items 24A – 25B and 31C – 31F: \$941,679
- c. Septic System Betterment receipts against line 31G: \$9,834

**ARTICLE 3:** To see if the Town will vote to authorize the transfer of \$40,000.00 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  
**Passed Unanimous**

**ARTICLE 4:** To see if the Town will vote to authorize the use of the income from the sales of electricity and jobbing during the Municipal Light Plant’s current year for the payment of expenses incurred by the Municipal Light Plant. The payment of these expenses will be made by the Municipal Light Plant Manager, under the direction and control of the Municipal Light Plant Board, as defined in 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  
**Passed Unanimous**

**ARTICLE 5:** To see if the Town will vote to authorize the Town Treasurer to enter into a compensating balance agreement or agreements for Fiscal Year 2005 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  
**Passed Unanimous**

**ARTICLE 6:** To see if the Town will vote to authorize the Board of Selectmen 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 Board of Selectmen and the Highway Department)*

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

**ARTICLE 7:** To see if the Town will vote to appropriate from available funds a sum of money if they become available from the Commonwealth Department of Public Works 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 Board of Selectmen and the Highway Department)*

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

**ARTICLE 8:** To see if the Town will vote to raise and appropriate the sum of \$130,000 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 and that no bonds or notes shall be issued 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 Highway Department)*

SELECTMEN RECOMMEND: YES ADVISORY RECOMMEND: YES TAX RATE IMPACT: \$.27  
**Passed Unanimous with a recommendation to increase next years number.**

**ARTICLE 9:** 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  
**Passed Unanimous**

**ARTICLE 10:** 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  
**Passed Unanimous**

**ARTICLE 11:** To see if the Town will vote to authorize a revolving fund, in accordance with G.L. c. 44, Sec. 53E ½; to receive receipts collected as a result of charges to responsible parties for the disposal of hazardous materials pursuant to G.L. c. 21E, Sec.4; said funds to be expended by the Fire Chief without further appropriation for the disposal of hazardous materials; said expenditures not to exceed \$5,000 unless an increase in such limitation is approved by the Board of Selectmen; or act in relation thereto. *(Requested by the Fire Department)*

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

**ARTICLE 12:** To see if the Town will vote to raise and appropriate or transfer from the stabilization fund the sum of \$25,000 for the revaluation of real estate and personal property in the town, or act in relation thereto. *(Requested by Board of Assessors)*

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

**ARTICLE 13:** To see if the Town will vote to authorize the abandonment of School Street from Main Street to Central Street and Academy Street from School Street to Pleasant Street as public ways in the Town of Ashburnham, MA and to further authorize the Board of Selectmen to execute, acknowledge and deliver a deed conveying ownership of said streets to the Trustees of Cushing Academy, for a consideration of less than \$100, or act in relation thereto. *(Requested by citizen petition)*

SELECTMEN RECOMMEND: NO ADVISORY RECOMMEND: YES TAX RATE IMPACT: N/A  
**Passed by Majority**

**ARTICLE 14:** To see if the Town will vote to accept a donation of five acres of land on Central Street next to the United States Post Office and part of Map 20, Parcel 86 containing 30.31 acres, from the Trustees of Cushing Academy; or act in relation thereto. *(Requested by citizens petition)*

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

**ARTICLE 15:** To see if the Town will vote to raise and appropriate, by borrowing or otherwise, a sum of money to be used for the design, construction and related costs associated with building of a new Public Safety Facility to house Fire, EMS, Police, Emergency Dispatch and Emergency Management operations, or act in relation thereto. *(Requested by citizen petition)*

SELECTMEN RECOMMEND: YES ADVISORY RECOMMEND: YES TAX RATE IMPACT:  
**Passed Unanimous**

**ARTICLE 16:** To see if the Town will vote to allow the Fire Chief to accept donations to be used toward the design, construction and related costs of building a new Public Safety Facility; or act in relation thereto. *(Requested by citizen petition)*

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

**ARTICLE 17:** To see if the Town will vote to transfer two parcels of land, Map 62, Parcel 129 containing 4,850 sq. ft., and Map 62, Parcel 130 containing 6,880 sq. ft., (Central Fire Station Property and parking lot) to the Board of Selectmen for the purpose of sale and to authorize the Board of Selectmen to convey said land on such terms and conditions as are in the best interest of the Town. *(Requested by citizen petition)*

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

**ARTICLE 18:** To see if the Town will vote to make the following changes to the Town Personnel Policy Manual with regards to employee benefits; or act in relation thereto. *(Requested by citizen petition)*

1. Medical health insurance for retired and retiring employees as follows:

Yrs. of Service	% Employee Contribution	% Town Contribution
10	100	0
15	75	25
20	50	50
25	25	75
30	0	100

2. Health insurance offered to Call Firefighters and EMT's as allowed by state law.
3. Dental and eye glasses coverage included in health insurance package.
4. Change in vacation time benefit as follows:

Years of Service	Vacation Time
1	2 weeks
5	3 weeks
10	4 weeks
15	5 weeks
20	6 weeks

**SELECTMEN RECOMMEND: NO ADVISORY RECOMMEND: NO TAX RATE IMPACT: N/A**  
**Passed Over**

**ARTICLE 19:** To see if the Town will vote to designate call firefighters and other volunteer emergency service personnel as eligible employees under G.L. c. 32B, Sec. 2, for purpose of obtaining health insurance through the Town; said premium must be paid 100% by said group of employees, or act in relation thereto. *(Requested by the Board of Selectmen)*

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

**ARTICLE 20:** To see if the Town will vote to transfer from the Capital Improvement Fund an amount not to exceed \$30,000 or 10% of the matching funds as required by the Federal Fire Act Grant, whichever is less, for the purchase of fire safety equipment, or act in relation thereto. *(Requested by the Fire Department)*

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

**ARTICLE 21:** To see if the Town will vote to raise and appropriate the sum of \$50,000 to purchase and equip a forestry truck, provided that no funds be spent and that no bonds or notes shall be issued unless the Town has voted at an election to exempt this expenditure from the provisions of Proposition 2½, so called, or act in relation thereto. *(Requested by the Fire Department)*

**SELECTMEN RECOMMEND: YES ADVISORY RECOMMEND: YES TAX RATE IMPACT: \$.10**  
**Passed Unanimous**

**ARTICLE 22:** To see if the Town will vote to raise and appropriate the sum of \$35,000 to purchase and equip inspection/emergency response/command vehicle(s), provided that no funds be spent and that no bonds or notes shall be issued unless the Town has voted at an election to exempt this expenditure from the provisions of Proposition 2½, so called, or act in relation thereto. *(Requested by the Fire Department)*

SELECTMEN RECOMMEND: YES ADVISORY RECOMMEND: YES TAX RATE IMPACT: \$07  
**Passed by Majority**

**ARTICLE 23:** To see if the Town will vote to change the schedule of fees to be charged by the Town Clerk in accordance with the provisions of G.L., c. 262, Sec. 34 involving the following, or act in relation thereto. *(Requested by the Town Clerk)*

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

Description	Current	Proposed
For furnishing an Abstract Record of Birth	\$ 3.00	\$ 5.00
For furnishing a Certificate of Birth	5.00	10.00
For furnishing an Abstract of Death	5.00	5.00
For furnishing a Certificate of Death	5.00	10.00
For issuance of Certificate of Marriage	5.00	10.00
For Intention of Marriage	10.00	20.00
For examining records of Births, Deaths, Marriage (per hour rate)	5.00	10.00
Power of Attorney	5.00	10.00
Raffle Permit	10.00	15.00
Zoning By-Laws	10.00	15.00
Sub-Division Plans	6.00	10.00
Street List	8.00	10.00

**ARTICLE 24:** To see if the Town will vote to transfer \$8,000 from the Conservation Fees Account (#28000-31521) to the Conservation Commission Supplies Account (#02171-54200) for the purpose of defraying the cost of the Conservation Commission performing its duties under the Wetlands Protection Act, or act in relation thereto. *(Requested by the Conservation Commission)*

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

**ARTICLE 25:** To see if the Town will vote to appropriate the sum of \$21,000 to purchase a half ton 4x4 pick-up to replace the existing 1991 Chevy half ton pick-up; \$7,000 to be transferred from Water Fund Surplus, \$7,000 to be transferred from Sewer Fund Surplus and \$7,000 from the Capital Improvement Fund, or act in relation thereto. *(Requested by the Highway/Water/Sewer Department).*

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

**ARTICLE 26:** To see if the Town will vote to raise and appropriate, or appropriate from the capital improvement fund, the sum of \$14,148 for the purpose of funding its proportionate share of capital items for Overlook Middle School for the fiscal year 2005, as follows:

Repair HVAC System – Overlook	\$15,000
Replace hot water tank – Overlook	<u>15,000</u>
Subtotal	\$30,000
Ashburnham %	<u>.4716</u>
Ashburnham Share	\$14,148

Further, that said appropriation be subject to the Town of Westminster also voting to fund its 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: N/A  
**Passed Unanimous**

**ARTICLE 27:** To see if the Town will vote to amend the General By-Laws, Chapter VI (Advisory Committee), Section 2 by deleting it and replacing it with the following, or act in relation thereto. *(Requested by the Moderator).*

Section 2: The Moderator of the Town shall within thirty days after the adjournment of every Annual Town Meeting appoint for a term of three years the number of persons, as may be necessary, to provide a committee of seven members, except that following the final adjournment of the Annual Town Meeting in 2004, the Moderator shall appoint two persons for one year terms each, two persons for two year terms each and three persons for three year terms each. The term of office of each member shall commence immediately upon qualification and shall expire upon the final adjournment of the Annual Town Meeting of the last year of such person’s term of office. Said committee shall choose its own officers, shall serve without pay and shall cause to be kept a true record of its proceedings; or act in relation thereto.

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

**ARTICLE 28:** To see if the Town will vote to amend the General By-Laws, Chapter II (Town Meeting), Section 1 as follows, or act in relation thereto. *(Requested by the Board of Selectmen)*

Section 1: The annual town meeting shall be held on the 1<sup>st</sup> Saturday in ~~April~~ **May** at 10:00 o’clock in the morning; or act in relation thereto. All business of the annual town meeting, except the election of town officials and other matters to be determined by the ballot, shall be considered at this time. This meeting may be adjourned to such other times and places as may be determined by the meeting. Special Town Meetings shall be held as provided by law.

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

**ARTICLE 29:** To see if the Town will vote to appropriate the sum of \$27,000 from Water Fund Surplus for the purchase of a new one-ton truck, or act in relation thereto. *(Requested by the Water Commissioners)*

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

**ARTICLE 30:** To see if the Town will vote to accept G.L. c. 59, Sec. 5K, relative to the establishment of a Senior Tax Work-Off Program; rules and procedures to be adopted by the Board of Selectmen and Council on Aging, or act in relation thereto. *(Requested by the Council on Aging)*

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

**ARTICLE 31:** To see if the Town will vote to authorize the Board of Selectmen to enter into a four-year lease/purchase agreement for four fully equipped police vehicles, the total cost thereof shall not exceed \$121,712, and further, to transfer from the Capital Improvement Fund the sum of \$30,428 for the first year's payment of said lease, or act in relation thereto. *(Requested by the Police Department)*

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

**ARTICLE 32:** To see if the Town will vote to appropriate the sum of \$30,000 for the conversion of the computer software; \$15,000 from Water Fund Surplus and \$15,000 from Sewer Fund Surplus, or act in relation thereto. *(Requested by the Water & Sewer Commissioners.)*

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

**ARTICLE 33:** To see if the Town will vote to appropriate the sum of \$8,000 for the GASB-34 Fixed Assets consulting services; \$4,000 from Water Fund Surplus and \$4,000 from Sewer Fund Surplus, or act in relation thereto. *(Requested by the Water & Sewer Commissioners.)*

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

**ARTICLE 34:** To see if the Town will vote to accept the Building Permit Fee Schedule as amended, or act in relation thereto. *(Requested by Building Inspector)*

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

**BUILDING PERMIT FEE SCHEDULE**

<b>DESCRIPTION</b>	<b>CURRENT FEE</b>	<b>PROPOSED FEE</b>
Minimum building permit fee	Base Fee \$25	Under \$500 - \$25 Between \$500 & \$999 - \$50
New single family, two family, residential additions, alterations, or renovations and accessory buildings	Base \$25 construction value less than \$1,000 Construction valued between \$1,000 and \$5,000 – Base \$25, plus \$5.00/\$1,000 of value of construction of over \$5,000	Base \$50 construction value less than \$1,000 Construction valued between \$1,000 and \$5,000 – Base \$50, plus \$7.00/\$1,000 of value of construction of over \$5,000
Roof	\$25	\$50 plus \$7.00/\$1,000 of value
New multi-family	\$100 plus \$5.00/\$1,000 of value	\$150 plus \$7.00/\$1,000 of value
New Commercial-industrial	\$100 plus \$5.00/\$1,000 of value	\$150 plus \$7.00/\$1,000 of value
Siding	\$25	\$50 plus \$7.00/\$1,000 of value
Municipal	NO FEE	NO FEE
Shed	\$25	\$50 plus \$7.00/\$1,000 of value
Alterations or additions, multi-family & commercial-industrial	\$100 plus \$5.00/\$1,000 of value	\$150 plus \$7.00/\$1,000 of value
Swimming pools deeper than 2 ft. or greater than 250 sq. ft. in surface area	\$25 aboveground \$35 inground	\$50 aboveground \$75 inground
Foundation only	\$100	\$150
Demolition	\$25 Residential \$50 Commercial-Industrial	\$75 Residential \$200 Commercial-Industrial
Fence – 4 ft. height	\$25 over 4 ft. – plus \$5.00/\$1,000 of value	\$50 over 4 ft. – plus \$7.00/\$1,000 of value
Signs – 1 to 50 sq. ft.	\$35	\$70
Signs – Over 50 sq. ft.	\$35 plus \$1.00 per add'l sq. ft.	\$70 plus \$1.00 per add'l sq. ft.
Solid Fuel Appliances	\$20	\$30

*On exceptionally large or complicated multi-family, commercial or industrial projects, Plan Review Fees may be required.*

PENALTY	In addition to the permit fee, a penalty of double fee will be charged in any case where construction is begun before a permit is issued.	\$300
Re-inspection Fee	\$50	\$75
<b>NEW CONSTRUCTION</b>		
One or two family dwelling	\$60/minimum sq. ft. value	\$150/minimum sq. ft. value
Residential alterations or additions	\$50/minimum sq. ft. value	\$150/minimum sq. ft. value
Multi-family dwellings	\$50/minimum sq. ft. value	\$150/minimum sq. ft. value
Garages	\$25/minimum sq. ft. value	\$75/minimum sq. ft. value



**BUILDING PERMIT FEE SCHEDULE**

<b>DESCRIPTION</b>	<b>CURRENT FEE</b>	<b>PROPOSED FEE</b>
Accessory buildings, wood frame or block	\$20/minimum sq. ft. value	\$50/minimum sq. ft. value
Commercial – new & renovations/alterations	\$60/minimum sq. ft. value	\$150/minimum sq. ft. value
Industrial	\$40/minimum sq. ft. value	\$150/minimum sq. ft. value

*Work must commence within 6 months of issuance and be completed within 2 years after commencement or permit is null and void.*

**ARTICLE 35:** To see if the Town will vote to accept the Electrical Permit Fee Schedule as amended, or act in relation thereto. *(Requested by the Wiring Inspector)*

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

**ELECTRICAL PERMIT FEE SCHEDULE**

<b>DESCRIPTION</b>	<b>CURRENT FEE</b>	<b>PROPOSED FEE</b>
<b>Residential Single Family</b>		
Residential Service Change	\$30	\$50
Single Family Home New (includes temp)		
Maximum 5 visits	\$150	\$200
Temp Service	\$30	\$50
Oil Burner, Gas Burner, Water Heaters	\$15	\$15
Security & Fire Systems	\$30	\$50
New Addition to Existing Building	\$75	\$75
Items Not Listed	\$30	\$50
Meter Removal for Siding	\$10	\$10
Pool – aboveground	\$30	\$50
Pool – inground	\$60	\$75
<b>Residential Apartments &amp; Multi-Family</b>		
New Construction	\$250	\$250
Remodeling – per unit	\$30	\$50
Service Change – multiple meters	\$75	\$75
<b>Commercial &amp; Industrial</b>		
Maintenance permit (due Jan. 1)	\$100	\$150
New Buildings	Min. \$100	Min. \$150
Max. of ½ of 1% of total cost project		
Service Changes – up to 400 amps	\$150	\$.50 per amp
Service Changes – over 400 amps	\$200	\$.50 per amp
Remodeling – up to 2000 sq. ft.	\$100	\$150
Other Work Not Listed	\$50	\$50

**ELECTRICAL PERMIT FEE SCHEDULE**

<b>DESCRIPTION</b>	<b>CURRENT FEE</b>	<b>PROPOSED FEE</b>
Phone & Data – 1% of cost		\$50 minimum
Re-inspection Fee – for violations & work not completed per inspection	\$50	\$75
Failure to apply for permit as per MCL (5 days upon commencement of work)	\$300	\$300

**ARTICLE 36:** To see if the Town will vote to accept the Plumbing/Gas Permit Fee Schedule as amended, or act in relation thereto. *(Requested by Plumbing Inspector)*

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

**PLUMBING/GAS PERMIT FEE SCHEDULE**

<b>DESCRIPTION</b>	<b>CURRENT FEE</b>	<b>PROPOSED FEE</b>
<b>REMODELING, REPAIRS, RENOVATIONS, ALTERATIONS, ADDITIONS</b>		
<b>Single and Two Family:</b>		
Plumbing	Basic \$30 plus \$15 per fixture	Basic \$60 plus \$20 per fixture
Gas	Basic \$30 plus \$15 per fixture	Basic \$60 plus \$20 per fixture
Replacement of Hot Water Heaters	\$15 per heater	\$15 per heater
Replacement of Gas Appliances	\$10 per appliance	\$10 per appliance
<b>Residence Commercial – Three Family and Over:</b>		
Plumbing	Basic \$35 plus \$15 per fixture	Basic \$70 plus \$20 per fixture
Gas	Basic \$35 plus \$15 per fixture	Basic \$70 plus \$20 per fixture
<b>Commercial – Buildings:</b>		
Plumbing	Basic \$40 plus \$15 per fixture	Basic \$80 plus \$20 per fixture
Gas	Basic \$40 plus \$15 per fixture	Basic \$80 plus \$20 per fixture
<b>Industrial:</b>		
Plumbing	Basic \$40 plus \$15 per fixture	Basic \$80 plus \$20 per fixture
Gas	Basic \$40 plus \$15 per fixture	Basic \$80 plus \$20 per fixture
<b>Church and Schoolhouse:</b>		
Plumbing	Basic \$25 plus \$15 per fixture	Basic \$50 plus \$20 per fixture

**PLUMBING/GAS PERMIT FEE SCHEDULE**

<b>DESCRIPTION</b>	<b>CURRENT FEE</b>	<b>PROPOSED FEE</b>
Gas	Basic \$25 plus \$15 per fixture	Basic \$50 plus \$20 per fixture
<b>Demolished Buildings and Cap Sewer</b>	Basic \$25	Basic \$50
<b>NEW CONSTRUCTION</b>		
<b>Single and Two Family</b>		
Plumbing	Basic \$30 plus \$10 per fixture	Basic \$60 plus \$20 per fixture
Gas	Basic \$30 plus \$10 per fixture	Basic \$60 plus \$20 per fixture
<b>Residence Commercial – Three Family and Over:</b>		
Plumbing	Basic \$35 plus \$15 per fixture	Basic \$70 plus \$20 per fixture
Gas	Basic \$35 plus \$15 per fixture	Basic \$70 plus \$20 per fixture
<b>Commercial – Buildings</b>		
Plumbing	Basic \$35 plus \$15 per fixture	Basic \$70 plus \$20 per fixture
Gas	Basic \$35 plus \$15 per fixture	Basic \$70 plus \$20 per fixture
<b>Church and Schoolhouse:</b>		
Plumbing	Basic \$25 plus \$15 per fixture	Basic \$50 plus \$20 per fixture
Gas	Basic \$25 plus \$15 per fixture	Basic \$50 plus \$20 per fixture
<b>REINSPECTION FEE</b>	\$50 per inspection	\$75 per inspection
<b>PENALTY</b>	\$300	\$300
<b>SERVICE FEES:</b>		
Written Opinion	\$25	\$25
Inspection Related to Written Opinion	\$25	\$25

**ARTICLE 37:** To see if the Town will vote to transfer custody of certain property located at the intersection of Jewell Hill Road and Gibson Road comprised of approximately 4.5 acres (Assessors Map 38, Parcel 28) to the Board of Selectmen for the purpose of conveying said property and to authorize the Board of Selectmen to convey said property on such terms and conditions as they deem to be in the best interests of the town; said property was gifted to the Town at the October 9, 1991 Special Town Meeting, Article 8; or act in relation thereto. *(Requested by Board of Selectmen)*

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

**ARTICLE 38:** To see if the Town will vote to transfer from available funds a sum of money to be used by the Assessors for the purpose of reducing the tax rate for Fiscal Year 2005, so that the tax rate complies with the mandates of Proposition 2½ so called, or act in relation thereto. *(Requested by the Board of Assessors)*

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

**ARTICLE 39:** To see if the Town will vote to \$2,293 from Free Cash into the Stabilization Account, or act in relation thereto. *(Requested by the Board of Selectmen)*

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

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

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

**ARTICLE 41:** To see if the Town will vote to raise and appropriate the sum of \$641,448.76 to be added to the sum in line 19A of the budget approved under Article 2 for the Ashburnham-Westminster Regional School District, provided that no funds shall be spent and no bonds shall be issued unless the Town has voted at an election to exempt this expenditure from the provisions of Proposition 2½, so called, and further provided that the Town of Westminster also votes to approve and fund its proportional share of such additional appropriation, or act in relation thereto. *(Requested by the Ashburnham-Westminster Regional School District.)*

SELECTMEN RECOMMEND: YES ADVISORY RECOMMEND: YES TAX RATE IMPACT: \$1.63  
**Passed by Majority**

**ARTICLE 42:** To see if the Town will vote on the following non-binding questions to provide direction to the Fairbanks Town Hall Building Committee for the renovation of the Town Hall; and provide no more than 2 affirmative votes for the three questions posed; or act in relation thereto. *(Requested by the Board of Selectmen)*

1. Do you favor an addition to one side of the Town Hall for the location of the elevator entrance and utilizes the upstairs meeting space, the main floor and the basement floor for office space?
2. Do you favor a renovation of the Town Hall that adds an addition to both sides of the Town Hall, retains the upstairs meeting space and reconfigures the main floor and the basement floor for office space?
3. Do you favor an addition to one side of the Town Hall for the location of the elevator entrance, retains the upstairs meeting space and does minimal reconfiguring of the main floor and basement floor for office space?

SELECTMEN RECOMMEND: YES ADVISORY RECOMMEND: YES TAX RATE IMPACT: N/A  
**#1 = 2, #2 = 56, #3 = 30 plus 35 votes for a new building.**

**ARTICLE 43:** To see if the Town will vote to raise and appropriate by borrowing from the Massachusetts Water Pollution Abatement Trust a sum of money not to exceed \$200,000, for the purpose of financing the repair, replacement and/or upgrade of certain residential septic systems, pursuant to agreements between the Board of Health and such residential property owners, including, without limitation, all costs thereof as permitted by and in accordance with G.L. c. 29C, Sec. 1, et seq. and G.L. c. 111, Sec. 127B ½, and further repayment to the Town shall be treated as a betterment pursuant to applicable laws; and further to authorize the Board of Selectmen to execute documents and enter into agreements related thereto; or act in relation thereto. *(Requested by the Board of Health.)*

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

**ARTICLE 44:** To see if the Town will vote to rescind the following authorized but unissued debt, or act in relation thereto. *(Requested by the Board of Selectmen)*

- 1- Annual Town Meeting 5/3/97 – Article 14 – Landfill capping - \$210,000
- 2- Annual Town Meeting 4/6/02 – Article 25 – Mt. Watatic purchase - \$500,000
- 3- Annual Town Meeting 5/3/03 – Article 27 – Mt. Watatic purchase - \$250,000

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

**ARTICLE 45:** To see if the Town will vote to amend the Town’s Zoning By-Laws by adding a new section 5.13 or act in relation thereto. *(Requested by the Planning Board)*

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

## **5.13 Open Space Residential Development**

### **5.131 Introduction**

The Planning Board may grant a special permit for an “Open Space Residential Development” (OSRD) in accordance with this by-law in the RA & RB zones, on one or more parcels of land in common ownership, except for parcels located in the Flood Plain District. OSRD may consist of any combination of single family and two-family structures in which the buildings are clustered together in one or more groups in accordance with this by-law. The land not included in the building lots shall be preserved as Open Space.

### **5.132 Purpose**

The purpose of an OSRD is to encourage the preservation of open land by providing an alternative pattern of development through which the following objectives are likely to be met:

- 5.132.1 greater flexibility and creativity in the design of residential subdivisions, provided that the overall density of the development is no greater than that which is normally allowed in the district;

- 5.132.2 the permanent preservation of open space, agricultural lands, forest lands, and other natural resources and to encourage a less sprawling form of development that consumes less open land;
- 5.132.3 maintain the traditional New England rural character and land use pattern in which small villages contrast with open space and farm land;
- 5.132.4 the construction of street(s), utilities and public services in a more economical and efficient manner;
- 5.132.5 respect for the natural features of the land, including wetlands, watercourses, forests, prime agricultural land, steep slopes, plants, wildlife, historic sites, scenic areas, and rural character;
- 5.132.6 promote alternatives to strip residential development lining the roadsides in the town to preserve the unobstructed natural views from roadways;
- 5.132.7 promote the development of housing for persons over the age of fifty five (55);
- 5.132.8 promote the development of housing affordable to low and moderate income families; and
- 5.132.9 provide wildlife corridors connecting open spaces, needed by wildlife to ensure their survival.

### **5.133 Definitions**

- 5.133.1 “Affordable to persons or families qualifying as low income” shall mean affordable to persons in the Fitchburg – Leominster Metropolitan Statistical area under the applicable guidelines of the Commonwealth’s Department of Housing and Community Development earning more than fifty (50%) percent, but less than eighty (80%) percent of the median income.
- 5.133.2 “Affordable to persons or families qualifying as moderate income” shall mean affordable to persons in the Fitchburg – Leominster Metropolitan Statistical area under the applicable guidelines of the Commonwealth’s Department of Housing and Community Development earning less than fifty (50%) percent of the median income.
- 5.133.3 “Affordable Units” shall mean any combination of dwelling units restricted in perpetuity as affordable to persons or families qualifying as low or moderate income. The affordable restriction shall be approved as to form by the town counsel, and a right of first refusal upon transfer of such restricted units shall be granted to the Town or its designee for a period of not less than 120 days after notice thereof.
- 5.133.4 “Common Open Space” shall mean any Open Space set aside, dedicated, designated or reserved for use as passive, recreation, conservation, agriculture,

forestry, natural buffers, and active recreation as permitted by this bylaw. Common Open Space shall be Contiguous Open Space wherever possible and shall not include roadways, parking areas or private yards.

- 5.133.5 “Open Space” shall mean any parcel or area of land or water essentially unimproved or set aside, dedicated, designated or reserved for public or private use and enjoyment of the owners and occupants of an OSRD as permitted by this bylaw.

#### **5.134 Use and Dimensional Standards**

- 5.134.1 OSRD shall be located on a parcel or contiguous parcels of land in common ownership having an area of no less than three (3) acres in the RA district and eight (8) acres in the RB district.
- 5.134.2 No less than fifty (50%) percent of the gross area of the development shall be preserved as undeveloped Open Space. At least seventy (70%) percent of the Common Open Space shall be Contiguous Open Space, unless otherwise approved by the Planning Board.

#### **5.135 Density/Lot Size/Frontage/Setbacks/Lot Coverage (See Table 1a)**

- 5.135.1 The Basic Maximum Number of building lots in an OSRD shall not exceed the total number of building lots which could be permitted in the underlying district without the benefit of OSRD. The number of building lots which may be permitted in an OSRD shall be calculated by, subtracting ten (10) percent of the total area, any wetlands as defined by and subject to the jurisdiction of the Massachusetts Wetlands Protection Act, and any areas with an average slope in excess of twenty-five (25) percent, divided by the minimum lot area of the zoning district in which the parcel is located. It is the intent of this Section that OSRD shall not result in the creation of more lots than could be approved under a traditional development, in accordance with the Subdivision Control Law and the Planning Board’s Rules and Regulations. The Planning Board may require a preliminary subdivision plan sufficient for the Planning Board to determine the number of lots which could be approved in a traditional subdivision including topography at the two (2) foot contour interval, surface waters and watercourses, wetlands regulated by the Massachusetts Wetlands Protection Act, all proposed streets and lot lines and other information requested by the Planning Board to assist it in making its determination. The Planning Board may, in its discretion, require the applicant to perform percolation and deep hole tests on up to twenty-five (25%) percent of the lots shown on the sketch plan. Those lots not meeting the requirements of Title 5 of the Massachusetts State Environmental Code as it pertains to on-site septic disposal shall be subtracted from the total number of lots.
- 5.135.2 The average lot size for each residential structure in an OSRD shall be no less than that required in the underlying zoning district. However, individual lot sizes may be reduced to no less than fifty (50%) percent of the minimum lot size in the underlying zoning district for parcels without municipal sewer and water service,

and not less than 20,000 sq. ft. for parcels with either municipal sewer or water service.

- 5.135.3 The minimum lot frontage shall be seventy-five (75) feet.
- 5.135.4 Minimum front, side, and rear yard setbacks for residential structures shall not be less than 15, 15, and 40 feet respectively.
- 5.135.5 Maximum lot coverage by buildings shall be the same as in the underlying district. However, lots of a reduced size shall continue to be regarded as having the full-required size for the underlying district for the purpose of this calculation.
- 5.135.6 OSRD shall have access on a public way, a way approved by the Planning Board or a way approved under the Subdivision Control Law.
- 5.135.7 DENSITY BONUS: The Planning Board may award a density bonus to increase the number of dwelling units beyond the Basic Maximum Number. However, in no event shall a density bonus for the OSRD exceed thirty-five (35%) percent of the Basic Maximum Number. A density bonus may be awarded in the following circumstances:
  - a. For each additional ten (10%) percent of the site (over and above the required fifty (50%) percent) set aside as contiguous open space, a bonus of five (5%) percent of the Basic Maximum Number may be awarded; provided, however, that this density bonus shall not exceed twenty five (25%) percent of the Basic Maximum Number. For the purpose of this section, the “contiguous open space” shall not include any wetlands as defined by the Wetlands Protection Act.
  - b. For every two (2) dwelling units restricted to occupancy by persons over the age of fifty-five, one (1) dwelling unit may be added as a density bonus; provided, however, that this density bonus shall not exceed twenty five (25%) percent of the Basic Maximum Number. All dwelling units permitted as a result of a density bonus shall be two bedroom units. Any affordable units shall be considered as dwelling units awarded as a density bonus and shall be included in the calculation to determine thirty five (35%) percent of the Basic Maximum Number as set forth above. Computations shall be rounded to the lowest number.
- 5.135.8 AFFORDABLE COMPONENT: As a condition of the grant of any special permit for an OSRD where any such development results in creating more than ten (10) dwelling units, Affordable Units shall be required. An OSRD with dwelling units restricted to persons over the age of fifty-five (55) shall be exempt from section 5.135.8.
  - a. Ten (10%) percent of the units shall be affordable to persons or families qualifying as low income; or



- b. Fifteen (15%) percent of the units shall be affordable to persons or families qualifying as moderate income.

In computing this requirement, the total number of dwelling units (i.e., the total of the Basic Maximum Number and the density bonus units) shall be used. Numbers shall be rounded up in the computation of this requirement.

### **5.136 Additional Utility Requirements**

- 5.136.1 All structures shall be connected to a public sanitary sewer system, if available, or to private systems.
- 5.136.2 Waste Disposal Systems
  - a. For structures served by on-site waste disposal systems, the applicant shall submit a septic system design prepared by a certified engineer and approved by the Board of Health, accompanied by a plan illustrating the location of water supply wells.
  - b. Leaching Facilities: Subject to the approval of the Board of Health, as otherwise required by law, the Planning Board may permit a portion of the open space to be used for components of sewage disposal systems serving the OSRD, where the Planning Board finds that such use will not be detrimental to the character, quality, or use of the open space, wetlands or water bodies, and enhances the site plan. The Planning Board shall require adequate legal safeguards and covenants that such facilities shall be adequately maintained by the lot owners within the OSRD.
- 5.136.3 No OSRD served by on-site waste disposal systems shall be approved unless the applicant can demonstrate to the satisfaction of the Planning Board and the Board of Health that the potential for groundwater pollution is no greater than would be expected from a conventional subdivision with single family lots meeting normal lot size requirements located on the same parcel.

### **5.137 Design Criteria**

- 5.137.1 Where the proposed development abuts a body of water, a portion of the shoreline, as well as reasonable access to it, shall be part of the common open space.
- 5.137.2 Residences shall be grouped so that the greatest number of units can be designed to take advantage of solar heating opportunities; so that scenic views and long views remain unobstructed, particularly those seen from roads; so that habitat areas and species listed as endangered, threatened, or of special concern by the Massachusetts Natural Heritage Program shall be protected; and so that historic and prehistoric sites and their environs shall be protected.
- 5.137.3 Lots shall be laid out, to the greatest extent possible to achieve the following objectives:

- a. On the most suitable soils for subsurface septic disposal;
- b. On the least fertile soils for agricultural use;
- c. Within the woodland on the parcel, or along the far edges of open fields;
- d. So as to minimize the length any common boundary between the new lots created by OSRD and lands preserved for agriculture;
- e. So that dwelling units and non-agricultural structures shall be located at a minimum of one hundred (100) feet from agricultural land and shall be separated, to the greatest extent possible, from the agricultural uses by a seventy-five (75) foot wide buffer strip of trees and native plantings sufficient to minimize conflicts between farming operations and residents.

5.137.4 No endorsement of a plan will be made until the Conservation Commission has completed an Order of Conditions and has been registered with the Northern Worcester County Registry of Deeds and made part of the plans. Any further changes required by the Conservation Commission shall meet the approval of the Planning Board's consulting engineer prior to endorsement;

Additional requirements of the Conservation Commission, Massachusetts Department of Environmental Protection and the Army Corps of Engineers shall become part of the plan at endorsement.

5.137.5 In areas greater than twenty (20) percent slope or upon hilltops and ridgelines, lots shall be laid out, to the greatest extent possible, to achieve the following objectives:

- a. Building sites shall be located so that the silhouettes of structures will be below the ridgeline or hilltop or, if the site is heavily wooded, the building silhouettes shall be at least ten (10) feet lower than the average canopy height of the trees on the ridge or hilltop.
- b. Where public views will be unavoidably affected by the proposed use, architectural and landscaping measures shall be employed so as to minimize significant degradation of the scenic or aesthetic qualities of the site.
- c. The removal of native vegetation shall be minimized.
- d. Any grading or earthmoving operation in conjunction with the proposed development shall be planned and executed in such a manner that the final contours are consistent with the existing terrain, both on and adjacent to the site.
- e. Safeguards shall be employed where needed to mitigate against environmental degradation from erosion, sedimentation, water pollution, or flooding.

5.137.6 ROADS: The principal roadway(s) serving the site shall be designed to conform to the standards of the Rules & Regulations of the Planning Board.

5.137.7 PARKING: Each dwelling unit shall be served by two (2) off-street parking spaces. Parking spaces in front of garages may be included in this calculation.

### **5.138 Open Space**

5.138.1 Further subdivision of open space, or its use for other than conservation, agriculture, forestry, or non-commercial recreation shall be prohibited, and the approved plan shall be so endorsed in writing. These restrictions shall be granted in a Conservation Restriction in accordance with G.L. c. 184 Sec. 31 and 32 in perpetuity, to a grantee approved by the Planning Board, a copy of which is filed with the Massachusetts Executive Office of Environmental Affairs recorded in the Northern District Worcester County Registry of Deeds, shall be enforceable by the Town of Ashburnham, and shall provide that such land shall be kept in an open or natural state and not built upon for residential use or developed for accessory uses including parking or roadways.

5.138.2 All open space created hereunder shall either:

- a. be conveyed to the Town of Ashburnham, for a park or open space use if accepted by the Town; or,
- b. be conveyed to a nonprofit organization, the principal purpose of which is the conservation of open space; or,
- c. be conveyed to a corporation, trust, or association owned or to be owned by the owners of the lots or residential units within the development; or,
- d. remain under ownership of the original property owner, who has conveyed the development rights to this part of the parcel to the developer who in turn has conveyed an undivided equal interest in these rights to each new homeowner in the development; or,
- e. conveyed to a new owner, subject to the conditions in Section 5.138.2 (d), above; or any combination of the above, subject to approval of the Planning Board.

5.138.3 Where applicable (Section 5.138.2 (c) above), a nonprofit incorporated homeowner's association shall be established requiring membership of each lot owner in the OSRD. The homeowner's association shall be responsible for the permanent maintenance of all commonly owned water and septic systems, open space, recreational and thoroughfare facilities, including but not limited to private ways and common driveways. A homeowner's association agreement or covenant shall be submitted with the Special Permit application guaranteeing continuing maintenance of such common land and facilities, and assessing each lot a share of

maintenance expenses. Such agreement shall be subject to the review and approval of the Town Counsel and the Planning Board.

- 5.138.4 Limited access to common open space may be allowed in the form of a walking or hiking/biking path, the total area of which must be no more than two (2) percent of the total common open space area.
- 5.138.5 In any case when the Common Open Space is not to be conveyed to the Town, the application for an OSRD special permit shall include a description of how and when the Common Open Space shall be preserved in perpetuity. The applicant shall also provide as part of this description, a proposal agreement authorizing and empowering the Town to perform any and all maintenance of the Common Open Space, and any other facilities in common ownership in the event of a failure to comply with Common Open Space preservation plan or agreement and/or any other agreement whether a homeowner's agreement or otherwise, to maintain the Common Open Space and/or any facilities in common ownership, and providing that, if the Town is required to perform any maintenance work, the owners of the lots within the OSRD shall pay the costs thereof and that these costs shall constitute a lien upon those lots until such costs have been paid in full.
- 5.138.6 If the OSRD is located in an area currently in agricultural use or containing agricultural soils as determined by the U.S. Soil Conservation Service, the landowner is not required to sell that part of the property, which is to become permanent agricultural open space. Said owner shall, however, convey the development rights of that open space in a Conservation Restriction pursuant to G. L. c. 184, Sec. 31 & 32, et. seq. filed with the Massachusetts Executive Office of Environmental Affairs and enforceable by the Town of Ashburnham, prohibiting future development of the property.

### **5.139 Common Driveways**

- 5.139.1 Common driveways serving no more than five (5) residential units may be allowed in the OSRD, provided that they meet one of the following requirements:
  - a. The provision of individual driveways to the lots to be served by the proposed common driveway would require curb cuts which are separated by less than sixty (60) feet along the exterior street line;
  - b. The provision of individual driveways to the lots to be served by the proposed common driveway would allow no alternative but to cross a "Wetland Resource Area", as defined by G.L. c. 131 Sec. 40, and/or the Town of Ashburnham Wetlands Protection By-law, if any, or to cross any land in the Flood Plain District as described in Section 2 of the Town's Zoning Bylaws;
  - c. One or more alternative individual driveways which would be necessary in the absence of the proposed common driveway would intersect the roadway at a

point of insufficient traffic sight distance, as determined by the Planning Board;

- d. The provision of individual driveways to the lots to be served by the proposed common driveway would adversely affect a significant natural feature or vista.
- 5.139.2 The common driveway shall access the property over the frontage of at least one of the lots being served by the driveway.
- 5.139.3 The common driveway shall not be in excess of five hundred (500) feet in length.
- 5.139.4 The owners of the properties to be served by the common driveway shall provide evidence to the Planning Board that they have a deeded right to the common driveway.
- 5.139.5 The common driveway shall provide adequate access and turnaround for vehicles including moving vans, snow plows, ambulances, fire and police vehicles. To provide such adequate access, the common driveway shall be built to meet standards as outlined in the Town of Ashburnham Planning Board Rules & Regulations, as amended.
- 5.139.6 All installation of utilities shall meet the requirements as outlined in the Town of Ashburnham Planning Board Rules & Regulations, as amended.
- 5.139.7 Permanent signs indicating the street number address assigned to each lot served by the common driveway shall be installed within ten (10) feet of the intersection of the common driveway with the street, as well as within ten (10) feet of the intersection of an individual lot driveway with the common driveway. Numbered signs shall be placed in a manner that will not cause them to be blocked during heavy snow pack and/or snow removal;
- 5.139.8 Approval of a common driveway(s) in an OSRD shall be subject to a covenant by and between the developer and the Planning Board recorded in the chain of title and running with the land, on a form approved by the Planning Board, acknowledging that the common driveway approval was granted in consideration of the conditions contained within the Special Permit of an OSRD and the grant of covenant, and that the common driveway is a private driveway that serves more than one (1) lot, and the owner, his heirs, executors, successors and assigns, agree that the common driveway shall never be submitted to Town Meeting for a vote to have it become an accepted street. This paragraph authorizes the Planning Board to accept the covenant on behalf of the Town.
- 5.139.9 A lot in an OSRD may be served by a Common Driveway only if it meets the requirements of section 5.139 of this by-law, and the ownership of the lot provides mandatory membership in an owners' association responsible for annual and long term maintenance, including, but not limited to, removal of ice and snow from the common drive. The plan required under Section 5.140 shall identify all land that is to be held and administered by the mandatory owners' association. It shall bear restrictions satisfactory to the Planning Board, to run with the land, restricting the

way shown to remain private property and not to be extended, and any other restrictions and easements that are required for common driveway development by these by-laws. It shall incorporate by reference the document(s), satisfactory to the Town Counsel and the Planning Board, creating the mandatory owners' association and setting forth restrictive covenants and easements binding present and future owners of all the lots served by the common driveway. Such document(s) must include, at a minimum the following:

- a. Specific standards for the maintenance of all structures designed to be requirements of a common driveway Special Permit, including, but not limited to the travel way, drainage system, and signage;
- b. Provisions for allocating responsibility for snow removal, maintenance, repair, or reconstruction of the common driveway, drainage system, and signage;
- c. Text of proposed easement including the metes and bounds description;
- d. A procedure for the resolution of disagreements.

#### **5.140 Review and Approval Process**

5.140.1 Approval for OSRD will be by Special Permit.

5.140.2 In so far as the OSRD constitutes a subdivision, both the subdivision and special permitting approval processes may run concurrently. However, subsequent approval by the Planning Board of such portions of the development as constitute a subdivision shall be required as set forth in the Subdivision Control Law, including the approval of streets and utility systems. A favorable action, which may be made by the Planning Board on a special permit application, shall not, therefore, be deemed either to constitute subdivision approval under the Subdivision Control Law or Rules and regulations governing the subdivision of land, or imply that such approval will be given.

5.140.3 The Planning Board shall require the applicant for an Open Space Residential Development to submit a preliminary subdivision plan of conventional design as stipulated under the Town's Subdivision Regulations, as satisfactory evidence that the number of lots in the Open Space Residential Development plan is no greater than that shown on the conventional plan. At the Planning Board's discretion, this preliminary plan shall be accompanied by the results of percolation verification tests as administered by the Board of Health as an indication of the number of potentially buildable lots on the parcel. Percolation verification shall be tested as follows:

5.140.4 Percolation and deep hole tests may be required to be performed on up to twenty (20%) percent of the total proposed lots, as determined by the Planning Board.

5.140.5 In the event any such lot fails to pass these tests, the lots not passing shall be eliminated from the total proposed lots. In addition, Section 5.140.4 above may be

repeated for another 20 percent of the lots remaining, at the Planning Board's discretion.

- 5.140.6 The process shall continue until there are no lot failures within the twenty (20%) percent group being tested.
- 5.140.7 The OSRD Plan shall show compliance with the requirements of this bylaw and shall show any other particular features of the OSRD as requested by the Planning Board or required by the applicable Rules and Regulations to enable the Planning Board to determine compliance with this bylaw.
- 5.140.8 After notice and a public hearing in accordance with G.L. c. 40A, Sec. 9, 11, and 15 and after following the procedure outlined in this bylaw, the Planning Board may grant such a special permit with any conditions, safeguards, and limitations, if it determines:
  - a. that the application form and content is properly completed; and
  - b. that all the other requirement of this section and bylaw are fully met; and
  - c. that the design and layout of the proposed OSRD encourages the preservation of open space for conservation and recreation; that it preserves natural features of the land, allows more efficient provision of streets, utilities and other public service, and that it provides a high degree of design quality, based on the criteria and considerations enumerated in Section 5.132 of this bylaw.

#### **5.141 Adoption of Rules and Regulations**

The Planning Board shall adopt an application form and rules and regulations in accordance with the provisions of this by-law. Rules and regulations shall specify the application process, type and number of required plans, and general requirements in order to assist the developer in complying with the intent of this bylaw.

#### **5.142 Waiver of Compliance**

The Planning Board, acting as the Special Permit granting authority under this section, may waive strict compliance with such requirements of this section, where such action is in the public interest and not inconsistent with the purpose and intent of the Zoning Act or this section

#### **5.143 Validity**

The invalidity of any section or provision of this bylaw shall not invalidate any other section or provision thereof.

**Table 1a – Density/Lot Size/Frontage/Setbacks/Lot Coverage  
Open Space Residential Development**

Zone	Minimum Lot Area for Standard Subdivision	OSRD Average Lot Area Note 1	OSRD Minimum Individual Lot Area Note 2  Septic / Sewer	OSRD Minimum Common Open Space	Minimum Frontage for Standard Subdivision	OSRD Minimum Frontage for Individual Lots	OSRD Minimum Setbacks			OSRD Maximum Impervious Surface Coverage of Buildable Land
							Front	Side	Rear	
Units	Sq. Ft.	Sq. Ft.	Sq. Ft.	Percent	Feet	Feet	Feet	Feet	Feet	Percent
RA	45,000	45,000	22,500/ 20,000	50	150	75	15	15	40	15
RB	60,000	60,000	30,000/ 20,000	50	200	75	15	15	40	15

Note 1 – Average lot area is determined by taking the sum of all building lots, adding the common open space (see section 5.134.2) and dividing by the total number of lots.

Note 2 – All OSRD must meet minimum State Environmental Code (Title V) requirements (310 CMR 15.211).

**ARTICLE 46:** To see if the Town will vote to amend the Town’s Zoning By-Laws by adding a new section 5.14, or act in relation thereto. *(Requested by the Planning Board)*

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

**5.14 Common Driveways**

**Introduction**

Common driveways may be allowed by Special Permit in accordance with the provisions of this section.

**5.141 Purpose**

The Purpose of allowing access to no more than two (2) residential lots in the RA & RB districts, except in an Open Space Residential Development, over a common driveway is:

5.141.1 to enhance public safety by reducing the number and frequency of points at which vehicles may enter upon the ways used by the public, particularly



arterial streets as defined in the Rules & Regulations Governing the Subdivision of Land in Ashburnham, Massachusetts;

- 5.141.2 to preserve, protect, and enhance environmentally sensitive land, such as well discharge areas, wetlands and flood plains, by reducing the area of land that is cleared, excavated, filled and/or covered with impervious material;
- 5.141.3 to encourage the protection and preservation of significant features and vistas.

**5.142 Applicability and Requirements**

The Planning Board may grant a Special Permit for Common Driveways serving no more than two lots, each with approved frontage on a public way or a way approved by the Planning Board, upon receipt of an application and a site plan prepared by a registered engineer and showing that such Common Driveway meets the following requirements:

- 5.142.1 The common driveway shall not be in excess of five hundred (500) feet in length;
- 5.142.2 The common driveway shall not enter any roadway at a point separated by less than one hundred (100) feet from an intersection. On a state-numbered highway, the common driveway shall not enter the roadway at a point separated by less than one hundred (100) feet from any other driveway, curb cut, or intersection;
- 5.142.3 The common driveway shall not be allowed if it would serve as the primary means of access to property which is publicly controlled or which serves a public purpose;
- 5.142.4 Permanent signs indicating the street number address assigned to each lot served by the common driveway shall be installed within ten (10) feet of the intersection of the common driveway with the street, as well as within ten (10) feet of the intersection of an individual lot driveway with the common driveway.  
  
Numbered signs shall be placed in a manner so that they will not be blocked during heavy snow pack and/or snow removal;
- 5.142.5 The common driveway shall access the property over the frontage of either or both of the lots served by the driveway;
- 5.142.6 The applicant shall provide evidence to the Planning Board that the owners of the properties to be served by the common driveway have a deeded right to the common driveway;
- 5.142.7 The common driveway shall have an easement width of not less than twenty four (24) feet and the travel portion shall be no less than fourteen (14) feet in width and shall be treated with an all-weather surface. The width requirement shall apply only to that portion of a driveway, which is used in common by

more than one (1) lot. The maximum grade shall be 10%. The minimum grade shall be 1%, with a 3% maximum grade within fifty (50) feet of its intersection with a street right of way.

- 5.142.8 No common driveway shall be accepted as a public road nor shall the town under any circumstances be held liable for construction, reconstruction, maintenance, or snow removal on any common driveway.
- 5.142.9 A lot may be served by a common driveway only if the ownership of the lot provides mandatory membership in an owners' association responsible for annual and long term maintenance, including, but not limited to, removal of ice and snow from the common drive. The site plan shall identify all land that is to be held and administered by the mandatory owners' association. It shall bear restrictions satisfactory to the Planning Board and the Town Counsel, to run with the land, restricting the way shown to remain private property and not to be extended, and any other restrictions and easements that are required for common driveway development by these bylaws. It shall incorporate by reference the document(s), satisfactory to the Planning Board and the Town Counsel, creating the mandatory owners' association and setting forth restrictive covenants and easements binding present and future owners of all the lots served by the common driveway. Such document(s) shall include, at a minimum the following:
- a. Specific standards for the maintenance of all structures designed to be requirements of a common driveway Special Permit, including, but not limited to, the travel way, drainage system, and signage;
  - b. Provisions for allocating responsibility for snow removal, maintenance, repair, or reconstruction of the common driveway, drainage system, and signage;
  - c. Text of proposed easement including the metes and bounds description;
  - d. A procedure for the resolution of disagreements.

Said document(s) shall be recorded along with the site plan and public utility and drainage easements in the Northern Worcester County Registry of Deeds and shall also be recited in and attached to every deed to every lot served by the common driveway.

5.143 **Adoption of Rules and Regulations**

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

5.144 **Waiver of Compliance**

The Planning Board, acting as the Special Permit granting authority under this section, may waive strict compliance with any requirements of this section, where such action is in the public interest and not inconsistent with the purpose and intent of the Zoning Act or this section.

5.145 **Validity**

The invalidity of any section or provision of this bylaw shall not invalidate any other section or provision thereof.

**ARTICLE 47:** To see if the Town will vote to amend section 4.32 of the Town's Zoning Bylaws or act in relation thereto. *(Requested by the Planning Board)*

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

**NOTE:** All additions are noted as bold and italicized text. The existing Zoning Bylaws are shown in regular format

4.32 Frontage – The frontage of a lot shall be measured as the straight line distance between the points of intersection of the side lot lines and the street line. Corner lots shall meet the frontage requirement on at least one (1) street. ***In all residential districts, with the exception of Open Space Residential Developments, seventy-five (75%) percent of the required frontage shall be maintained for a minimum depth of fifty (50) feet measured at a ninety-degree angle from the front lot line towards the back lot line.***

**ARTICLE 48:** To see if the Town will vote to amend section 5.11 of the Town's Zoning Bylaws or act in relation thereto. *(Requested by the Ashburnham Focus Committee)*

**NOTE:** All additions and changes are noted as bold and italicized text. Deletions or alterations to existing zoning bylaws are shown as crossed-out text. The existing zoning bylaws are shown in regular format

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

5.11 Developmental Rate Limitation

Intent: To avoid large year-to-year variations in development rates in Ashburnham while allowing development consistent with history average rates.

5.11.1 Single-family and two-family conversion limitation.

~~The Building Inspector shall issue building permits for construction of new single-family dwellings or conversion to two-family dwelling units on lots created after May 20, 1987 only as follows:~~

- a. ~~Individuals and limited developments. Permits shall be issued without regard to the town-wide development rate. Where such issuance will result in not~~

~~more than 8 new dwelling units having been authorized, within the a twenty-four month period previous to and including the date of approval, on that plus any other lots created from land which was contiguous and in the same ownership at any time subsequent to May 20, 1987.~~

*a. The Building Inspector shall issue no more than thirty-six (36) building permits for the construction of new residential dwelling units per calendar year. All completed applications will be signed and dated upon receipt. For the purpose of this section, an application shall be accepted for review only if it conforms to all applicable building and zoning requirements and has received all necessary approvals from pertinent town boards, including the Board of Health, Planning Board, Zoning Board of Appeals, and Conservation Commission. After thirty-six (36) permits have been issued for that year, applications will no longer be accepted until the start of the following calendar year. No permits shall be carried over from one calendar year to the next. Building permits for no more than six (6) dwelling units shall be issued to any one applicant within a calendar year, unless the development schedule in Section 5.11.1(b) allows a greater number.*

~~b. More rapid developments. Permits resulting in exceeding the 8 dwelling unit limitation of (a) above shall be issued only if the town wide number of new dwelling units authorized within the 24 month period previous to and including the date of approval will total fewer than 50 dwelling units, or if granted a Special Permit under (c) below.~~

*b. Development Schedule:*

*Building permits for new dwelling units in a development shall be authorized in accordance with the following schedule, only if the town wide limit referred to in section 5.11.1 (a) has not been reached. Dwelling units shall be considered as part of a single parcel or contiguous parcels of land which have been in the same ownership at any time subsequent to the date of adoption of this section.*

<i>Number of New Units In Development</i>	<i>Dwelling Units Allowed Per Year</i>
<i>1 – 4</i>	<i>100%</i>
<i>5 – 12</i>	<i>40%</i>
<i>13 – 20</i>	<i>33%</i>
<i>21+</i>	<i>20%</i>

*In computing the number of dwelling units authorized under a schedule, the figure shall be rounded to the nearest whole number. This yearly schedule shall commence on the date of the issuance of the first building permit in a development.*

- c. Special Development. A Special Permit may be granted by the Zoning Board of Appeals authorizing more rapid development than allowed under paragraph (b), for housing development determined by that Board to have unusually low impact on public services because of its location, occupancy, or design, and to serve an important unmet housing need of Ashburnham residents without overburdening town services.

5.11.2 Zoning Change Protection.

The protection against subsequent zoning changes granted by G. L. c. 40A, Sec. 6 to land in sub-division shall, in case of a development whose completion has been constrained by Section 5.11.1, be extended to the minimum time for completion allowed under Section 5.11.

5.11.3 Review.

*This section shall be reviewed by the Planning Board five years after its approval and may be amended or deleted in accordance with G.L., c. 40A, Sec. 5.*

5.11.4 Validity

*The invalidity of any section or provision of this bylaw shall not invalidate any other section or provision thereof.*

**ARTICLE 49:** To see if the Town will vote to amend the Town's Zoning By-Laws as set forth below, or act in relation thereto. *(Requested by the Ashburnham Focus Committee)*

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

**Passed by 2/3 Majority**

NOTE: All additions and changes are noted as bold and italicized text. Deletions or alterations to existing zoning bylaws are shown as crossed-out text. The existing zoning bylaws are shown in regular format. The R-B district is listed under section 3.2 for comparison purposes and will remain as previously voted.

1.5 Definitions

***Family Type Camp Grounds:*** *An area used for a range of overnight accommodations, from tenting to serviced trailer sites, including accessory facilities which support the use, such as administration offices, laundry facilities, washrooms, support recreational facilities, but not including the use of mobile homes, trailers or other forms of moveable shelter on a permanent year-round basis.*

***Overnight Cabin:*** *A building containing only one or two habitable rooms, which is adapted and used to provide transient sleeping accommodations for hire to not exceed four (4) persons but not adapted or used for cooking or preparing meals or for residence by the same person for more than 90 days.*

***Bed & Breakfast:*** *Private, owner-occupied building with no more than five (5) guest rooms which includes a breakfast in the room rate and which serves meals to overnight guests only.*

2.1 Types of Districts

***LI-A Light Industrial***

***LI-B Light Industrial***

***The LI-A and LI-B Light Industrial districts shall include light manufacturing, retail, business, and office as allowed in the Schedule of Use Regulations. The purpose of this district is to provide areas for industrial and commercial uses in an open setting that will not have objectionable influences on adjacent residential and commercial districts and are not dangerous by reason of fire or explosion, nor injurious or detrimental to the neighborhood by reason of dust, odor, fumes, wastes, smoke, glare, noise, vibration or other noxious or objectionable feature as measured at the nearest property line.***

2.2 Location of Districts

2.2.1 Districts R-A, R-B, B, V-C, I, ***LI-A, LI-B***, W, and WSP are located and bounded as shown on a map entitled “***Zoning Map of Ashburnham, Massachusetts***”, dated, ***March 2004***, and on file as subsequently amended in the offices of the Town Clerk and the Zoning Enforcement Officer.

*LI-A: Light industrial use from South Pleasant Street to the Gardner line on the south side of Route 101 and southwest of the railroad bed on the north side of Route 101 overlaying the already established industrial zone, as depicted on the map referenced above.*

*LI-B: Light industrial use along Route 12, starting 1000 feet beyond Hunter Avenue on the north side of Route 12 and continuing along Route 12 to the Winchendon town line and on the South side of Route 12 as depicted on the map referenced above.*

3.2 Schedule of Use Regulations

	Use	R-B	<b><i>LI-A</i></b>	<b><i>LI-B</i></b>
3.21	Public, Semi Public and Institutional			
a.	Church or other place of worship, parish house, rectory, convent, and other religious institutions.	Y	<b><i>Y</i></b>	<b><i>Y</i></b>
b.	Schools, public, private, religious, sectarian, or denomination.	Y	<b><i>Y</i></b>	<b><i>Y</i></b>
c.	Colleges or junior colleges and buildings accessory thereto.	Y	<b><i>Y</i></b>	<b><i>Y</i></b>
d.	Nursery school or other use for the care of children or a privately organized camp.	Y	<b><i>Y</i></b>	<b><i>Y</i></b>

Use	R-B	<i>LI-A</i>	<i>LI-B</i>
e. Library, Museum or civic center.	SP	<i>N</i>	<i>N</i>
f. Public buildings and premises for government use.	SP	<b><i>SP</i></b>	<b><i>SP</i></b>
g. Public utility buildings and structures.	SP	<i>Y</i>	<i>Y</i>
h. Hospital, sanitarium, nursing, rest or convalescent home, charitable institution or other non-correctional use.	SP	<i>N</i>	<i>N</i>
i. Flood control or water supply use.	Y	<i>Y</i>	<i>Y</i>
j. Country or tennis club, or other non-profit social, civic, or recreational lodge or club, but not including any use, the principal activity of which is one customarily conducted as a business.	SP	<i>N</i>	<b><i>SP</i></b>
k. Conservation or preservation of land or water-bodies in an essentially natural condition.	Y	<i>Y</i>	<i>Y</i>
l. Cemetery.	SP	<i>N</i>	<i>N</i>
m. Road and/or railroad.	Y	<i>Y</i>	<i>Y</i>
 3.22 Residence			
a. Single-family detached dwelling other than a mobile home.	Y	<i>N</i>	<i>N</i>
b. Conversion of a single-family dwelling existing prior to the adoption of this By-Law to accommodate not more than two (2) families.	SP	<b><i>SP</i></b>	<b><i>SP</i></b>
c. Cellar hole or basement area used as a dwelling for not more than two (2) years.	Y	<i>N</i>	<i>N</i>
d. Two (2) family or semi-detached dwelling.	SP	<i>N</i>	<i>N</i>
e. Mobile home park not including mobile home sales except to renters of lots within the park.	SP	<i>N</i>	<i>N</i>
f. Family type camp ground.	SP	<i>N</i>	<i>N</i>
g. Mobile home used as a dwelling within a mobile home park.	Y	<i>N</i>	<i>N</i>

Use	R-B	LI-A	LI-B
h. Renting of one (1) or two (2) rooms with or without the furnishing of board by a resident family to not more than three (3) non-transient persons.	Y	<i>N</i>	<i>N</i>
i. Professional office or studio of a resident physician, dentist, attorney, architect, artist, musician, engineer, or other member of a recognized profession.	Y	<i>SP</i>	<i>SP</i>
j. Customary home occupation conducted on the premises by a resident of the premises provided that not more than one (1) full-time employee, or equivalent thereof, excluding immediate family, is employed therein in connection with such use and that there is no exterior storage of material or equipment and no display of products visible from the street.	Y	<i>SP</i>	<i>SP</i>
k. Accessory use, including storage of a recreation vehicle, trailer and boat on the premises.	Y	<i>Y</i>	<i>Y</i>
l. Assisted Elderly or Supportive Housing	SP	<i>N</i>	<i>N</i>
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	<i>SP</i>	<i>SP</i>
3.23 Agriculture			
a. Farm-Including cultivation and tillage of the soil; the production, cultivation, growing, harvesting, and preparation for market or storage of any agricultural, floricultural, or horticultural commodities; the keeping of bees; and forestry or lumbering operations.			
Parcels less than five (5) acres	SP	<i>Y</i>	<i>Y</i>
Parcels of five acres (5) or larger	Y	<i>Y</i>	<i>Y</i>
b. Farm – Including dairying, the raising, breeding, keeping and preparing for market or storage of livestock, cattle, poultry, swine, and other domesticated animals used for food purposes, and fur-bearing animals.			
	SP		



Use	R-B	<i>LI-A</i>	<i>LI-B</i>
Parcels less than five (5) acres		<i>SP</i>	<i>SP</i>
Parcels of five (5) acres or larger	Y	<i>Y</i>	<i>Y</i>
c. Sales room or stand for the display or sale of agricultural or horticultural products, the major portion of which is grown or produced on the premises by a resident proprietor.	Y	<i>Y</i>	<i>Y</i>
 3.24 Business			
a. Retail store distributing merchandise to the general public.	N	<i>Y</i>	<i>Y</i>
a(1). Adult Entertainment Establishments, as defined in Section 5.12	SP	<i>SP</i>	<i>SP</i>
b. Craft, consumer, professional or commercial service establishment dealing directly with the general public.	N	<i>Y</i>	<i>Y</i>
c. Office or agency for non-resident business or professional use.	N	<i>Y</i>	<i>Y</i>
d. Bank or other financial institution.	N	<i>Y</i>	<i>Y</i>
e. Restaurant or other establishment providing food and beverage within a building.	SP	<i>Y</i>	<i>Y</i>
f. Restaurant or other establishment providing food, beverages, and live entertainment within a building.	N	<i>SP</i>	<i>SP</i>
g. Drive-in or open-air restaurant or other establishment providing food and beverages with no live or mechanical entertainment.	SP	<i>Y</i>	<i>Y</i>
h. Sales facility for motor vehicles, trailers, mobile homes, boats, farm implements or machinery with repair services and storage permitted.	N	<i>SP</i>	<i>SP</i>
i. Service station and/or repair garage for motor vehicles, not including autobody, welding or soldering shop.	N	<i>Y</i>	<i>Y</i>
j. Autobody, welding or soldering shop.	N	<i>SP</i>	<i>SP</i>
k. Commercial greenhouse.	Y	<i>Y</i>	<i>Y</i>

Use	R-B	<i>LI-A</i>	<i>LI-B</i>
l. Undertaking establishment or funeral home.	N	<i>SP</i>	<i>SP</i>
m. Animal or veterinary hospital.	SP	<i>Y</i>	<i>Y</i>
n. Commercial sale, care, breeding or boarding of dogs, cats, or other domestic pets.	SP	<i>SP</i>	<i>SP</i>
o. Drive-in or open-air business other than a restaurant and appurtenant buildings or structures.	N	<i>SP</i>	<i>SP</i>
p. Storage of construction equipment and building material.	SP	<i>Y</i>	<i>Y</i>
q. <del>Tourist Home</del> <i>Bed &amp; Breakfast</i> , but not including a hotel, motel or overnight cabins.	SP	<i>SP</i>	<i>SP</i>
r. Hotel, motel, or overnight cabins.	SP	<i>SP</i>	<i>SP</i>
s. Commercial indoor amusement or recreation place, or place of assembly.	N	<i>SP</i>	<i>SP</i>
t. Commercial outdoor amusement or recreation place not including an outdoor movie theatre.	N	<i>SP</i>	<i>SP</i>
u. Wireless Communication Facilities & Towers	SP	<i>SP</i>	<i>SP</i>
v. Commercial sale of domestic pets other than dogs & cats	N	<i>SP</i>	<i>SP</i>
3.25 Wholesale and Industry			
a. Freight and terminal or storage warehouse.	N	<i>Y</i>	<i>Y</i>
b. Wholesale warehouse including office or showroom facilities.	N	<i>Y</i>	<i>Y</i>
c. Passenger station.	N	<i>SP</i>	<i>SP</i>
d. Airport or heliport.	SP	<i>SP</i>	<i>SP</i>
e. Light industrial use including manufacturing, processing, fabrication, assembly, packaging and storage.	N	<i>Y</i>	<i>Y</i>
f. Excavation, processing and storage of soil, loam, sand, gravel, rock and other mineral deposits.	SP	<i>SP</i>	<i>SP</i>
g. Reclamation, processing, storage and sale of scrap materials.	N	<i>Y</i>	<i>SP</i>

Use	R-B	LI-A	LI-B
h. Light industrial use including research and development within a building.	N	Y	Y
3.26 Scientific Research and Development			
a. Activities connected with scientific research or scientific development or related production.	SP	Y	Y
b. Accessory use necessary in connection with scientific research, scientific development, or related production.	SP	Y	Y

#### 4.2 SCHEDULE OF DIMENSIONAL REGULATIONS (TABLE)

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)	(%)
R-B	<b>**60,000</b>	<b>*200</b>	<b>40</b>	<b>25</b>	<b>25</b>	<del>2-1/4</del> 2½	<b>35</b>	<b>20</b>
LI-A	<i>60,000</i>	<i>150</i>	<i>40</i>	<i>25</i>	<i>25</i>	<i>3</i>	<i>40</i>	<i>40</i>
LI-B	<i>60,000</i>	<i>150</i>	<i>40</i>	<i>25</i>	<i>25</i>	<i>3</i>	<i>40</i>	<i>40</i>

**ARTICLE 50:** To see if the Town will vote to amend the Town’s Zoning By-Laws as set forth below, or act in relation thereto. *(Requested by the Ashburnham Focus Committee)*

SELECTMEN RECOMMEND: YES ADVISORY RECOMMEND: YES TAX RATE IMPACT: N/A  
**Passed by 2/3 Majority**

NOTE: All additions and changes are noted as bold and italicized text. Deletions or alterations to existing zoning bylaws are shown as crossed-out text. The existing zoning bylaws are shown in regular format. The R-B district is listed under section 3.2 for comparison purposes and will remain as previously voted.

#### 1.5 Definitions

***Family Type Camp Grounds:*** An area used for a range of overnight accommodations, from tenting to serviced trailer sites, including accessory facilities which support the use, such as administration offices, laundry facilities, washrooms, support recreational facilities, but not including the use of mobile homes, trailers or other forms of moveable shelter on a permanent year-round basis.

***Overnight Cabin:*** A building containing only one or two habitable rooms, which is adapted and used to provide transient sleeping accommodations for hire to not exceed four (4) persons but not adapted or used for cooking or preparing meals or for residence by the same person for more than 90 days.

***Bed & Breakfast: Private, owner-occupied building with no more than five (5) guest rooms which includes a breakfast in the room rate and which serves meals to overnight guests only.***

2.1 Types of Districts

***G-B Green Business***

***The Green Business is intended to foster businesses that will support tourism and passive and outdoor recreation while preserving the natural beauty and ecological significance of the area.***

2.2 Location of Districts

2.2.1 Districts R-A, R-B, B, V-C, I, ***G-B***, W, and WSP are located and bounded as shown on a map entitled “***Zoning Map of Ashburnham, Massachusetts***”, dated, ***March 2004***, and on file as subsequently amended in the offices of the Town Clerk and the Zoning Enforcement Officer.

*G-B: Route 119 from the Ashby town line to the New Hampshire state line 2000 feet on either side of the road, excluding the existing business district already designated at Route 119 and Route 101, as depicted on the map referenced above.*

3.2 Schedule of Use Regulations

Use	R-B	<b><i>G-B</i></b>
3.21 Public, Semi Public and Institutional		
a. Church or other place of worship, parish house, rectory, convent, and other religious institutions.	Y	<b><i>Y</i></b>
b. Schools, public, private, religious, sectarian, or denomination.	Y	<b><i>Y</i></b>
c. Colleges or junior colleges and buildings accessory thereto.	Y	<b><i>Y</i></b>
d. Nursery school or other use for the care of children or a privately organized camp.	Y	<b><i>Y</i></b>
e. Library, Museum or civic center.	SP	<b><i>SP</i></b>
f. Public buildings and premises for government use.	SP	<b><i>SP</i></b>
g. Public utility buildings and structures.	SP	<b><i>SP</i></b>
h. Hospital, sanitarium, nursing, rest or convalescent home, charitable institution or other non-correctional use.	SP	<b><i>N</i></b>
i. Flood control or water supply use.	Y	<b><i>Y</i></b>

Use	R-B	<b><i>G-B</i></b>
j. Country or tennis club, or other non-profit social, civic, or recreational lodge or club, but not including any use, the principal activity of which is one customarily conducted as a business.	SP	<b><i>SP</i></b>
k. Conservation or preservation of land or water-bodies in an essentially natural condition.	Y	<b><i>Y</i></b>
l. Cemetery.	SP	<b><i>SP</i></b>
m. Road and/or railroad.	Y	<b><i>SP</i></b>
<b>3.22 Residence</b>		
a. Single-family detached dwelling other than a mobile home.	Y	<b><i>Y</i></b>
b. Conversion of a single-family dwelling existing prior to the adoption of this By-Law to accommodate not more than two (2) families.	SP	<b><i>SP</i></b>
c. Cellar hole or basement area used as a dwelling for not more than two (2) years.	Y	<b><i>N</i></b>
d. Two (2) family or semi-detached dwelling.	SP	<b><i>N</i></b>
e. Mobile home park not including mobile home sales except to renters of lots within the park.	SP	<b><i>N</i></b>
f. Family type camp ground.	SP	<b><i>SP</i></b>
g. Mobile home used as a dwelling within a mobile home park.	Y	<b><i>N</i></b>
h. Renting of one (1) or two (2) rooms with or without the furnishing of board by a resident family to not more than three (3) non-transient persons.	Y	<b><i>N</i></b>
i. Professional office or studio of a resident physician, dentist, attorney, architect, artist, musician, engineer, or other member of a recognized profession.	Y	<b><i>Y</i></b>
j. Customary home occupation conducted on the premises by a resident of the premises provided that not more than one (1) full-time employee, or equivalent thereof,	Y	<b><i>Y</i></b>

Use	R-B	<b><i>G-B</i></b>
excluding immediate family, is employed therein in connection with such use and that there is no exterior storage of material or equipment and no display of products visible from the street.		
k. Accessory use, including storage of a recreation vehicle, trailer and boat on the premises.	Y	<b><i>Y</i></b>
l. Assisted Elderly or Supportive Housing	SP	<b><i>N</i></b>
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	<b><i>SP</i></b>
 3.23 Agriculture		
a. Farm-Including cultivation and tillage of the soil; the production, cultivation, growing, harvesting, and preparation for market or storage of any agricultural, floricultural, or horticultural commodities; the keeping of bees; and forestry or lumbering operations.		
Parcels less than five (5) acres	SP	<b><i>SP</i></b>
Parcels of five acres (5) or larger	Y	<b><i>Y</i></b>
b. Farm – Including dairying, the raising, breeding, keeping and preparing for market or storage of livestock, cattle, poultry, swine, and other domesticated animals used for food purposes, and fur-bearing animals.		
Parcels less than five (5) acres	SP	<b><i>SP</i></b>
Parcels of five (5) acres or larger	Y	<b><i>Y</i></b>
c. Sales room or stand for the display or sale of agricultural or horticultural products, the major portion of which is grown or produced on the premises by a resident proprietor.	Y	<b><i>Y</i></b>
 3.24 Business		
a. Retail store distributing merchandise to the general public.	N	<b><i>SP</i></b>
a(1).Adult Entertainment Establishments, as defined	SP	<b><i>SP</i></b>

Use	R-B	<b>G-B</b>
in Section 5.12		
b. Craft, consumer, professional or commercial service establishment dealing directly with the general public.	N	<b>SP</b>
c. Office or agency for non-resident business or professional use.	N	Y
d. Bank or other financial institution.	N	N
e. Restaurant or other establishment providing food and beverage within a building.	SP	<b>SP</b>
f. Restaurant or other establishment providing food, beverages, and live entertainment within a building.	N	<b>SP</b>
g. Drive-in or open-air restaurant or other establishment providing food and beverages with no live or mechanical entertainment.	SP	<b>SP</b>
h. Sales facility for motor vehicles, trailers, mobile homes, boats, farm implements or machinery with repair services and storage permitted.	N	N
i. Service station and/or repair garage for motor vehicles, not including autobody, welding or soldering shop.	N	<b>SP</b>
j. Autobody, welding or soldering shop.	N	N
k. Commercial greenhouse.	Y	<b>SP</b>
l. Undertaking establishment or funeral home.	N	N
m. Animal or veterinary hospital.	SP	N
n. Commercial sale, care, breeding or boarding of dogs, cats, or other domestic pets.	SP	<b>SP</b>
o. Drive-in or open-air business other than a restaurant and appurtenant buildings or structures.	N	<b>SP</b>
p. Storage of construction equipment and building material.	SP	N
q. <del>Tourist Home</del> <b>Bed &amp; Breakfast</b> , but not including a hotel, motel or overnight cabins.	SP	<b>SP</b>

	Use	R-B	<b><i>G-B</i></b>
r.	Hotel, motel, or overnight cabins.	SP	<b><i>SP</i></b>
s.	Commercial indoor amusement or recreation place, or place of assembly.	N	<i>N</i>
t.	Commercial outdoor amusement or recreation place not including an outdoor movie theatre.	N	<b><i>SP</i></b>
u.	Wireless Communication Facilities & Towers	SP	<b><i>SP</i></b>
v.	Commercial sale of domestic pets other than dogs & cats	N	<b><i>SP</i></b>

### 3.25 Wholesale and Industry

a.	Freight and terminal or storage warehouse.	N	<i>N</i>
b.	Wholesale warehouse including office or showroom facilities.	N	<i>N</i>
c.	Passenger station.	N	<i>N</i>
d.	Airport or heliport.	SP	<i>N</i>
e.	Light industrial use including manufacturing, processing, fabrication, assembly, packaging and storage.	N	<i>N</i>
f.	Excavation, processing and storage of soil, loam, sand, gravel, rock and other mineral deposits.	SP	<i>N</i>
g.	Reclamation, processing, storage and sale of scrap materials.	N	<i>N</i>
h.	Light industrial use including research and development within a building.	N	<i>N</i>

### 3.26 Scientific Research and Development

a.	Activities connected with scientific research or scientific development or related production.	SP	<i>N</i>
b.	Accessory use necessary in connection with scientific research, scientific development, or related production.	SP	<i>N</i>



**4.2 SCHEDULE OF DIMENSIONAL REGULATIONS (TABLE)**

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)	(%)
<b>R-B</b>	<b>**60,000</b>	<b>*200</b>	<b>40</b>	<b>25</b>	<b>25</b>	<del><b>2-1/4</b></del> <b>2½</b>	<b>35</b>	<b>20</b>
<i>G-B</i>	<i>60,000</i>	<i>200</i>	<i>40</i>	<i>25</i>	<i>25</i>	<i>2½</i>	<i>40</i>	<i>30</i>

## MUNICIPAL FINANCE TERMS – GLOSSARY

1. **Excess and Deficiency (E&D) – Surplus Revenue**  
The amount by which the cash accounts receivable and other floating assets exceed liabilities and reserve funds.
2. **Free Cash or Available Fund**  
Surplus revenue less outstanding taxes owed from prior years.
3. **Overlay Fund**  
Amount raised by the assessors by setting the tax rate, creating a fund to cover abatements granted.
4. **Overlay Reserve or Surplus**  
Unused accumulated amount of the overlay for various years, which may be VOTED by the town for extraordinary or unforeseen purposes.
5. **Reserve Fund**  
Amount transferred from overlay surplus or appropriated for unforeseen or emergency purposes. Controlled exclusively by the Advisory (Finance Committee) Board.
6. **Available Funds**  
Free cash reserves and unexpected balances from other years available for appropriation. This affects the tax rate indirectly as any money spent other than that reimbursed by the County, State or Federal government must be raised by taxes and fees.
7. **Estimated Receipts**  
Estimate of miscellaneous receipts based on previous years receipts deducted by the assessors from the gross amount to be raised by taxation.
8. **Matching Funds**  
Amounts made available by special State and Federal acts to supplement appropriations for specific types of projects.
9. **Cherry Sheet**  
Details of State and County charges and reimbursements used in determining the tax rate. Name comes from the color of paper used.
10. **Override Vote**  
An override vote becomes a permanent increase in the levy limit (the amount the community can raise through the property tax). Override requests must be presented in dollar terms and specify the purpose. A majority vote of approval by the electorate is required.
11. **Debt Exclusion and Capital Outlay Expenditure Exclusion**  
A community can vote to assess taxes in excess of its levy limit or levy ceiling for the payment of certain capital projects, *a capital outlay expenditure exclusion*; or for the payment of specified debt service costs, *a debt exclusion*. The additional amount for the payment of the debt service or capital project cost is added to the levy limit for the life of the debt only. Unlike overrides, exclusions do not become part of the base upon which the levy limit is calculated for future years. A majority vote of approval by the electorate is required for both types of exclusions.