

***TOWN OF ASHBURNHAM
SPECIAL TOWN MEETING WARRANT ARTICLES***



***Thursday, November 18, 2004
7:00 p.m.
Fairbanks Memorial Town Hall
32 Main Street
Ashburnham, MA 01430***

Result of votes added to warrant in RED text.

Please bring this warrant with you to the Special Town Meeting.

The following is a list of warrant articles and the recommendations for the Board of Selectmen and the Advisory Board for the November 18, 2004 Special Town Meeting.

		Selectmen	Advisory
Art. 1	Water line replacement in the Pages Beach area - \$46,000	Y	Y
Art. 2	Purchase of new or used dump truck for School District - \$11,603	Y	Y
Art. 3	Repair or replacement of acid waste tank at Overlook Middle School - \$2,349	Y	Y
Art. 4	Replacement of intercom system at J.R. Briggs Elementary School - \$12,725	N	N
Art. 5	Purchase of new cafeteria tables at J.R. Briggs Elementary School - \$10,000	Y	Y
Art. 6	FY05 athletic and co-curricular activity fees for students - \$60,000		
Art. 7	Possible re-location of Highway Department	Y	Y
Art. 8	Lease of 4 fully equipped police vehicles - \$34,449.48 per year	Y	Y
Art. 9	Purchase of 1 fully equipped police vehicle - \$33,000	Y	
Art. 10	Purchase and equip a new fire engine to replace Engine 1 - Borrowing	Y	Y
Art. 11	Repair of steam traps at VMS Building - \$5,000	Y	Y
Art. 12	Extend height of communications tower at Meeting House Hill - \$9,000	Y	Y
Art. 13	Zoning By-laws – Create position of Planning Board associate member	Y	Y
Art. 14	Zoning By-laws – Correct definitions for Open Space Residential Development	Y	Y
Art. 15	Zoning By-laws – Add new section in Open Space Residential Development	Y	Y
Art. 16	Transfer custody of property at Holiday Road	Y	Y
Art. 17	Convey property remainder lot on Cashman Hill Road	Y	Y
Art. 18	Acceptance of Whitney Road as public way	Y	Y
Art. 19	Acceptance of Cheshire Pond Road as public way	Y	Y
Art. 20	Acquisition by purchase of remaining sections of Ashburnham Railroad property from Boston & Maine Corp./Guilford Transportation Ind., Inc. - \$20,000	Y	Y

**SPECIAL 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

**THURSDAY, THE EIGHTEENTH OF NOVEMBER, 2004
BEGINNING AT 7:00 P.M.**

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

Article 1. To see if the Town will vote to transfer the sum of \$46,000.00 from the Water Surplus Fund for the purpose of providing engineering, plans and specifications for water line replacement in the Pages Beach area; said plans will be used for the Fiscal Year 2005 Community Development Block Grant (CDBG) application for the construction expenses of said water line replacement; or act in relation thereto. *(Requested by Water/Sewer Commissioners)*

SELECTMEN RECOMMENDATION: **YES** ADVISORY RECOMMENDATION: **YES PASSED**

Article 2. To see if the Town will vote to raise and appropriate or appropriate from available funds the sum of \$11,603 for the purpose of funding its proportionate share of purchasing a new or used dump truck for the Ashburnham-Westminster Regional School District for the Fiscal Year 2005, as follows, or act in relation thereto. *(Requested by the Ashburnham-Westminster Regional School District)*

Replace Dump Truck:	\$25,000
Ashburnham %age:	<u>46.41%</u>
Ashburnham Share	\$11,603

SELECTMEN RECOMMENDATION: **YES** ADVISORY RECOMMENDATION: **YES PASSED**

Article 3. To see if the Town will vote to raise and appropriate or appropriate from available funds the sum of \$2,349 for the purpose of funding its proportionate share of repairing or replacing the acid waste tank at Overlook Middle School for the Fiscal Year 2005, as follows, or act in relation thereto. *(Requested by the Ashburnham-Westminster Regional School District)*

Acid Waste Tank Repair/Replace:	\$ 5,000
Ashburnham %age:	<u>46.98%</u>
Ashburnham Share:	\$ 2,349

SELECTMEN RECOMMENDATION: **YES** ADVISORY RECOMMENDATION: **YES PASSED**

Article 4. To see if the Town will vote to raise and appropriate or appropriate from available funds the sum of \$12,725 for the purpose of funding the replacement of the intercom system at John R. Briggs Elementary School for the Fiscal Year 2005, or act in relation thereto. *(Requested by the Ashburnham-Westminster Regional School District)*

SELECTMEN RECOMMENDATION: **NO** ADVISORY RECOMMENDATION: **NO PASSED**

Article 5. To see if the Town will vote to raise and appropriate or appropriate from available funds the sum of \$10,000 for the purpose of funding the purchase of new cafeteria tables at the John R. Briggs Elementary School for the Fiscal Year 2005, or act in relation thereto. *(Requested by the Ashburnham-Westminster Regional School District)*

SELECTMEN RECOMMENDATION: **YES** ADVISORY RECOMMENDATION: **YES PASSED**

Article 6. To see if the Town of Ashburnham will vote to raise and appropriate or appropriate from available funds a sum of money to pay the Fiscal Year 2005 athletic and co-curricular activity fees of students residing in Ashburnham who attend school in the Ashburnham-Westminster Regional School District, or act in relation thereto. *(Requested by Private Petition)*

SELECTMEN RECOMMENDATION: **___** ADVISORY RECOMMENDATION: **___ PASSED**

Article 7. To see if the Town will vote on the following non-binding question to provide direction to the Ashburnham Focus Committee for the possible re-location of the Highway Department from its present location to a new suitable site, or act in relation thereto. *(Requested by the Ashburnham Focus Committee)*

Do you favor the concept of re-locating the Highway Department equipment and the town barn from its present location at 17 Central Street to a site outside of the Village Center District and to charge the Ashburnham Focus Committee with the responsibility of studying the options that are available for the redevelopment of the current town barn site?

SELECTMEN RECOMMENDATION: **YES** ADVISORY RECOMMENDATION: **YES PASSED**

Article 8. 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 \$124,892, and further, to transfer from the Municipal Relief Aid the sum of \$34,499.48 for the first year's payment of said lease, or act in relation thereto. *(Requested by the Police Department)*

SELECTMEN RECOMMENDATION: **YES** ADVISORY RECOMMENDATION: **YES**
Modified on the floor by Selectman Reed, to purchase two new cruisers, not to exceed \$70,000 - PASSED

Article 9. To see if the Town will vote to transfer from the Municipal Relief Aid the sum of \$33,000 to purchase a fully equipped police vehicle, or act in relation thereto. *(Requested by Board of Selectmen)*

SELECTMEN RECOMMENDATION: **YES** ADVISORY RECOMMENDATION: **___**
WITHDRAWN

Article 10. To see if the Town will vote to raise and appropriate by borrowing the sum of \$325,000 to purchase and equip a new fire engine to replace Engine 1, or act in relation thereto. *(Requested by the Fire Department)*

SELECTMEN RECOMMENDATION: **YES** ADVISORY RECOMMENDATION: **YES PASSED**

Article 11. To see if the Town will vote to appropriate the sum of \$5,000 for the repair of the steam traps in the V.M.S. Building, or act in relation thereto. *(Requested by the Town Administrator)*

SELECTMEN RECOMMENDATION: **YES** ADVISORY RECOMMENDATION: **YES PASSED**

Article 12. To see if the Town will vote to appropriate from the Municipal Relief Aid the sum of \$9,000 to extend the height of the communications tower on Meeting House Hill, or act in relation thereto. *(Requested by the Fire Department)*

SELECTMEN RECOMMENDATION: **YES** ADVISORY RECOMMENDATION: **YES PASSED**

Article 13. To see if the Town will vote to amend the Town's Zoning By-laws by adding a new section to Section 6, Administration, creating a Planning Board associate member, or act in relation thereto. *(Requested by the Planning Board)*

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

6.9 *Planning Board Associate Member*

The Planning Board and the Board of Selectmen jointly may appoint an associate member as provided for under M.G.L. c. 40A, §9. The Planning Board chairperson may designate an associate member to sit on the board for the purposes of acting on special permit applications in the case of absence, inability to act, or conflict of interest on the part of any Planning Board member, or in the event of a vacancy on the board. The term of an associate member shall be three years. Associate members may be removed for cause by the Planning Board upon written charges and after a public hearing. Vacancies shall be filled for unexpired terms in the same manner as in the case of original appointments.

6.9 Effective Date

6.10

The effective date of these By-Laws and amendments thereto shall be the date of their adoption or amendment by a town meeting, subject to the requirement of publication set forth in Chapter 40, Section 32 of the General Laws.

Chapter 808 Zoning Amendments added in August 1, 1979.

SELECTMEN RECOMMENDATION: **YES** ADVISORY RECOMMENDATION: **YES PASSED**

Article 14. To see if the Town will vote to amend subsection 5.133.1 and 5.133.2 of section 5.13 of the Town's Zoning Bylaws, or act in relation thereto. *(Requested by the Planning Board)*

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

5.13 Open Space Residential Development

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~~ **less than fifty (50%) 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~~ **more than fifty (50%) percent but less than eighty (80%) percent of the median income.**

SELECTMEN RECOMMENDATION: **YES** ADVISORY RECOMMENDATION: **YES PASSED**

Article 15. To see if the Town will vote to amend the Town’s Zoning By-laws by adding a new section 3.35 under Section 3.3, Special Conditions, or act in relation thereto. *(Requested by the Planning Board)*

3.35 Open Space Residential Developments

The Planning Board shall be the Special Permit Granting Authority for two (2) family or semi-detached dwellings within Open Space Residential Developments.

SELECTMEN RECOMMENDATION: **YES** ADVISORY RECOMMENDATION: **YES PASSED**

Article 16. To see if the Town will vote to transfer custody of certain property located at Holiday Road comprised of approximately 15,014 square feet (Assessors Map 44, Parcel 22) 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 donated to the Town, or act in relation thereto. *(Requested by Board of Selectmen)*

SELECTMEN RECOMMENDATION: **YES** ADVISORY RECOMMENDATION: **YES PASSED**

Article 17. To see if the Town will vote to transfer custody of certain property located on Cashman Hill Road, consisting of approximately 13,000 +/- square feet, 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 being the remainder lot following certain road improvements on Cashman Hill Road being a portion of the property acquired from Joyce Allen of 92 Cashman Hill Road by the Town pursuant to Article 34 of the April 3, 1999 Annual Town Meeting and recorded in the Worcester Northern Registry of Deeds at Book 3584, Page 13, or act in relation thereto. *(Requested by Board of Selectmen)*

SELECTMEN RECOMMENDATION: **YES** ADVISORY RECOMMENDATION: **YES PASSED**

Article 18. To see if the Town will vote to accept as a public way the street designated as Whitney Drive, or portions thereof, as laid out by the Selectmen according to a certain plan entitled “Street Acceptance Plan Whitney Drive, land in Ashburnham, Mass. Prepared by Dymek Custom Builders” dated February 6, 2004, or described in the Order of Layout, and on file with the Town Clerk, and to authorize the Selectmen to take the fee or easement in said street, including easements for drainage, utility or other purposes where shown on said plan, and to accept the conveyance of said certain parcel of land now designated Whitney Drive and shown as an unnamed proposed Street 50 feet in width on the Subdivision Plan hereinafter referenced:

The land in Ashburnham, Worcester County, Massachusetts, being shown an unnamed proposed street 50 feet in width on a plan entitled, “Whitney Park Definitive Subdivision Plan of Land in Ashburnham, Mass. prepared for Dymek Custom Builders, Inc.” dated August 11, 1998 recorded with Worcester North District Registry of Deeds at Plan Book 401, Page 17, to which plan reference may be had for a more particular description of the above said proposed street, or act in relation thereto. *(Requested by Planning Board, Highway Department and Board of Selectmen)*

SELECTMEN RECOMMENDATION: **YES** ADVISORY RECOMMENDATION: **YES PASSED**

Article 19. To see if the Town will vote to accept as a public way the street designated as Cheshire Pond Road, or portions thereof, as laid out by the Selectmen according to a certain plan entitled “As-Built Plan of Cheshire Pond Road, Ashburnham, MA.” dated July 23, 2004, or described in the Order of Layout, and on file with the Town Clerk, and to authorize the Selectmen to take the fee or easement in said street, including easements for drainage, utility or other purposes where shown on said plan, and to accept the conveyance of said certain parcel of land being shown as Cheshire Pond Road on the Subdivision Plan hereinafter referenced:

A certain lot of land being Cheshire Pond Road, Ashburnham, Worcester County, Massachusetts as shown on a plan of land entitled “Plan of Lots Prepared for Dymek Custom Builders, Inc. Ashburnham, MA” dated August 13, 2003, recorded at the Worcester Northern District Registry of Deeds at Plan Book 438, Page 10, and to which plan reference may be had for a more particular description of said Cheshire Pond Road, or act in relation thereto. *(Requested by Planning Board, Highway Department and Board of Selectmen)*

SELECTMEN RECOMMENDATION: **YES** ADVISORY RECOMMENDATION: **YES PASSED**

Article 20. To see if the Town will vote to transfer \$20,000 from the Stabilization Fund to acquire by purchase, including any and all legal, surveying and engineering costs associated with said acquisition, the remaining sections of the Ashburnham Railroad property from Boston and Maine Corporation, Guilford Transportation Industries, Inc. consisting of approximately 2.5 miles of rail trail from the center of Ashburnham to South Ashburnham, being the portions of railroad property shown on Assessors Map 61, Parcel 47, Map 20, Parcel 52 a portion thereof, Parcel 93 a portion thereof, and Parcel 95 (on file with Town Clerk’s Office) and to authorize the Board of Selectmen to so acquire said property on such terms and conditions as they deem to be in the best interests of the town, or act in relation thereto. *(Requested by the Ashburnham Rail Trail Committee)*

SELECTMEN RECOMMENDATION: **YES** ADVISORY RECOMMENDATION: **YES PASSED**

**Town of Ashburnham
32 Main Street, Town Hall
Ashburnham, MA 01430**

PRSRT STD
U.S. POSTAGE
PAID
PERMIT NO.25
ASHBURNHAM, MA
01430

***To: POSTAL PATRON
ASHBURNHAM, MA 01430***

Please bring this warrant with you to the Special Town Meeting on November 18, 2004 at 7:00 p.m. in the Meeting Hall, Town Hall. Parking at Town Hall will be reserved for the elderly and handicapped. Parking is available along Memorial Drive, the Senior Center and the Library parking lots, the Central Street Fire Station and Highway Department. Please be respectful to the downtown businesses and not park in their patrons' spaces. Please make every effort to attend this important meeting.