

**Sturbridge Finance Committee
Meeting Minutes
April 19, 2016 ~ Town Hall
7:00pm**

Call to Order:

The chair called the meeting to order at 7:00pm with the following Finance Committee members present: Chair, Kathleen Neal (KN), Joni Light (JL); Vice Chair, Kevin Smith (KS); Laurance Morrison (LM); James Waddick (JW); Michael Serio (MS).

Absent: Suzanne Smiley (SS)

Guest: Sandra Gibson-Quigley, Chairman of the Planning Board (PB)

Annual Town Meeting Warrant Articles (document “ATM WARRANT 6-6-2016 without info.doc”)

KS moved the motion to approve Article 7 – Community Preservation - Administration as written, MS seconds, motion passes 6-0-0.

KS moved the motion to approve Article 16 – Community Preservation Debt Service as written, MS seconds, motion passes 6-0-0.

Article 31 – Zoning Bylaw Telecommunications

SQ told the committee that the Planning Board hired Dave Maxson from Isotrope LLC, a highly recommended consultant, to advise them in revising several zoning and planning bylaws. SQ explained to the committee that this particular bylaw has not been reviewed since 1997. As a result, the town is not compliant with regulations from the Federal Communications Commission Telecommunications Act of 1996. The changes being proposed will allow facilities anywhere in town with a number of design restrictions. This will allow the Planning Board to regulate more definitively where the telecommunication facilities can be erected. Current overlay districts have not proven effective in part due to the conflict between aesthetics and function with placement of the service towers. The FCC allows telecommunications facilities anywhere, yet this article will give the Planning Board control over site planning. The changes will prevent town planning conflicts between the Planning Board and Zoning Board of Appeals or any override on site planning by the Zoning Board of Appeals.

KS asked what the definitive height of a structure could be noting that there were two different height specifications listed (130 feet in height from grade v. 15 feet in height above the average tree canopy - 12.0.3 section B and section H). KS then asked who would be the one to determine the average height of trees. SQ answered that the Planning Board and the Tree Warden would determine the average height of the canopy. There would be observations made on site and the prospective company would make a case to the Planning Board; average height is subjective on a case by case basis. Section H is pertaining to waivers in special permits. KS said that 130 feet doesn't seem tall enough.

SQ outlined that the real issue is to address what the residents want, and they want clear cellular service. However, facilities should be as aesthetically neutral as possible. The Planning Board does not want “camouflage” towers; they want to fit them into the landscape. MS asks if the town utilizes the state police communication towers and notes that there are areas in town that do not get cell service. For example, the high school does not have cell service. JL agreed and noted that when Verizon changed frequency on a tower recently service was lost at her home. MS read an article that outlined the possibility of utilizing telephone poles as “service boosters” and that some towns are actually

generating revenue from installing them. KS stated that there is no definition for facility, and asked SG if the word “facility” should be changed to “tower”. KN pointed out that “wireless communication facility” is defined in the article definitions. JL suggests that the committee revise the article to add “wireless communication” in front of each “facility” to avoid confusion. KS and the committee agreed.

KS asked about the mechanism of Paragraph 12.05, Section D. SQ explained that the section is merely affirming the legal process for which an applicant is required to notify the public. KS and LM noted that the use of the word “publicity” is incorrect in this section.

In the same paragraph, Section C, KS asked if the committee should strike the word “new” as in “new wireless communication facility”. KN noted that it would have to be adjusted every time it is mentioned in this context. SQ wanted to confirm with the Town Counsel, but believed it would be for “any” wireless facility, and not just “new” facilities. LM noted that the words “from grade” should be inserted in Section H before “from Height” and after “subject to”. After additional discussion SQ agreed that “new” should be struck everywhere it mentioned “new wireless communication facility”, and with adding “from grade” noted by LM. LM pointed out that by taking out “new”, the Planning Board avoids the argument of what is considered “new”. For example “new” could mean it exists and once activated will become “new”.

KS moved the motion to approve Article 31 – Zoning Bylaw – Telecommunications as amended to strike the word “new” from “new wireless communication facility” where noted; and to add “from grade” in Paragraph 12.05, Section H before “from Height” and after “subject to”; and to add “wireless communication” in front of “facility” where noted; and in Paragraph 12.05, Section L to change the word “publicity” to “publicly”. MS seconds, motion passes 6-0-0.

Article 32—Amendment to the Zoning Map

SQ explained that the purpose of this article is to extend tourist zoning to include area 38 on the zoning map, which is 380 Main Street, and currently zoned as residential. It also addresses the issue of commercial lots not in compliance. In an effort to encourage business development the Planning Board is updating land use, and is addressing other issues that have come in front of the Board.

KS moved the motion to approve Article 32 – Amendment to Zoning Map as written, JW seconds, motion passes 6-0-0.

Article 33—Amendment to the Zoning Map

SQ explained that the purpose of the article is to re-zone the two lots on Main Street that are currently zoned as Part Suburban and Part Commercial Tourist District to all Commercial Tourist District. This would allow for easier planning review for commercial expansion. For example, the Express Inn, which will soon become La Quinta, is looking to extend the property for more commercial use.

KS moved the motion to approve Article 33-Amendment to Zoning Map as written, JW seconds, motion passes 6-0-0

Article 34-Amendment to the Zoning Bylaws

SQ explained how the Planning Board received funding through the Central Massachusetts Planning Grant that enabled them to analyze land use in the Commercial Tourist District. They found that there are 112 non-conforming lots. 85 are non-conforming due to their square footage, 67 are non-conforming due to frontage. 72 lots would become compliant after the proposed changes. The article proposes that the town change commercial lot size from one acre to 10,000 square feet, and 150 foot

frontage will be modified to 100 feet. Setbacks will remain the same.

KS moved the motion to approve Article 34 - Amendment to the Zoning Bylaws as amended by changing the word "insert" to "inserting", after the word "and", and before "the new". LM seconds, motion passes 6-0-0.

Article 35 – Amendment to the Zoning Bylaws

SQ explains that by adding "such as" and providing examples in the definition, it leaves flexibility for the meaning of a specialty shop. KS noted that "live performance" is not allowed, nor would a "music hall" be allowed as it is written currently in section 802 B. MS, KN, and SQ were in agreement that a music hall would fall within the scope of family entertainment. KS suggested that SQ strike "dramatic" to add "live" preceding "performance, or motion picture theaters." SQ and committee members agreed on the change.

LM understands section 8.01: the "Statement of Intent", but notes that there are two terms that seem subjective; "attractive" neighborhood, and shopping "opportunities". KN suggests SQ omit "opportunities" and leave shopping. LM suggests they revise to state "shops" in place of "shopping". SQ responds to LM to note that the Planning Board has a design guide booklet that defines attractive. KS suggests SQ insert "multi-use residential and commercial" take out "attractive" preceding "neighborhood"

KS moved the motion to approve Article 35 - Amendment to the Zoning Bylaws as amended by replacing "attractive neighborhood" with "multi-use commercial and residential" before "and commercial center", and in Section 8.02B to strike "theatrical" and add "live" preceding "performance", LM seconds, motion passes 6-0-0.

Article 36 – Amendments to the Zoning Bylaws

LM asked SQ if the Planning Board considered allowing pop-up restaurants and food trucks in the Commercial Tourist District. SQ confirmed that the Board had not considered them, but is not necessarily opposed. She stated that the Board would have to consider the zoning for tiny houses. Additionally, the Board of Health and Board of Selectmen would need to regulate the food trucks.

KS moved the motion to approve Article 36 - Amendments to the Zoning Bylaws as written, LM seconds, motion passes 6-0-0.

Article 37 – Amendment to General Bylaws - False Alarms

KS asked why the penalties are not consistent among the Fire and Police for false alarms. LM reasoned that when there is a false alarm for the Fire Department it costs more due to manpower and equipment needing to be deployed. KS noted that it appeared as if the Fire Department grants a lenience for the first false alarm, whereas the Police Department does not, and he feels both should treat it equally.

JW said that perhaps the police would grant a pardon for technical flaws, such as wind or a mouse setting it off. LM adds that the wind can set off a police security alarm yet the police are required to respond, especially as it has been observed that burglars "hide" in the wind. There is heightened burglary on windy nights because of the effect on alarm systems. LM noted that since the Police Chief is coming to meet with the Finance Committee on Thursday he could answer these questions. No vote was made on the article.

Article 38 – Amendment to the General Bylaws - Sturbridge Tourist Association

LM and JL both felt that the language in the article indicates the replacement of existing members. LM felt it to be unusual to get rid of experienced members, and wondered what the Town Administrator's intent and logic on re-organizing of the STA. MS asked if it would be appropriate to decide which two seats would step off the STA if the membership number is reduced from 7 to 5. No vote was made on the article.

Article 40 – Amendment to General Bylaws – Forest Harvesting

KN confirmed that the language “not soft” was changed to “the ground is dry, frozen, or otherwise stable”. LM asked about the mode of action if the cost is greater than \$5,000.00.

KS moved the motion to approve Article 40 – Amendment to General Bylaws – Forest Harvesting as written, JL seconds, motion passes 6-0-0.

Article 42 – Amendment to the Tantasqua Regional School District Agreement

LM, Bill Haggerty former superintendent, and Deb Boyd met on April 13 to review the amendments to the agreement. This will not undertake any change from the original agreement that deals with town representation. All changes to date have been informally endorsed by the school committee (Tantasqua). The original agreement has no severability clause, meaning if any part of agreement is invalid due to a legal change deeming it illegal and invalid. The language was changed with regard to regional transportation reimbursements. Whatever is being proposed must be approved word for word by all five towns at their respective town meetings. Brimfield, Holland and Wales will hold town meetings in May. Brookfield will hold a town meeting three days before Sturbridge, who is last to vote. LM, JW and KN discuss the dynamics of voting by the school committee.

KS moved the motion to approve Article 42 – Amendment to the Tantasqua Regional School District Agreement as written, JW seconds, motion passes 6-0-0.

Article 45 – Petitioned Article – Amendment to the General Bylaws – Demolition Delay

KS expressed apprehensions about the change from “100 years” to “50 years” in Paragraph 2.32 with respect to age of a building, as well as the changing of a demolition permit timeframe from “six months” to “twelve months”. JL asked curiously why one would want to delay the demolition of a building for a year?

LM commented that the change in years from 100 to 50 could be in compliance with an IRS antique code. JL did a quick google search and found that 80 years to 100 years is the legal definition of “antique”. Discussion continued on the reasoning around the article.

KS moved the motion to take no action on Article 45 Petition Article – Amendment to the General Bylaws – Demolition Delay, JL seconds, motions passes 5-1-0 (MS opposing)

Article 46 - Petitioned Article - Exhibition Hall (non-binding vote)

LM noted that this is a non-binding vote article, and seems to indicate that the person(s) who submitted the article may be looking for the town to vote to preserve or not preserve the Exhibition Hall that was recently purchased by CVS. Discussion continued on the reasoning of the article at which point LM offered that the Finance Committee has no recommendation. It is non-binding therefore it makes no difference in the outcome of a vote. KN prefers not to make a recommendation because she does not want to set a precedent that the Finance Committee will not give recommendations on non-binding votes. There may be a time down the road when the town finds a non-binding vote to be impactful.

JW makes a motion to take no action on Article 46 – Petitioned Article – Exhibition Hall, KS seconds. Motion is passed 3-2-1. (LM abstaining, MS and JL opposing)

Special Town Meeting Warrant Articles (document “STM WARRANT 6-6-2016 without info.doc”)

Article 47 – Water Reserve Fund Request

KS moved the motion to approve Article 48 - Water Reserve Fund Request as written, JL seconds, motion passes 6-0-0.

Article 48 - Water Reserve Fund Request

KS moved the motion to approve Article 48 - Water Reserve Fund Request as written, JL seconds, motion passes 6-0-0.

Motion to adjourn the meeting was moved by JL, JW seconds. Motion passed 6-0-0. Meeting adjourned at 9:29.