

**ANNUAL TOWN MEETING
TANTASQUA REGIONAL HIGH SCHOOL
TOWN WARRANT
APRIL 30, 2007
7:00 PM**

**ARTICLE 1
TOWN REPORTS**

To hear the reports of the several Boards and Town Officials and any other Committee that may be ready; or take any action in relation thereto.

Sponsor: Board of Selectmen

RECOMMENDATION OF THE FINANCE COMMITTEE:

That the Town vote to approve the article as written. Voted 9-0

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town vote to approve the article as written. Voted 5-0

<p><i>Summary – This article is the acceptance of all reports as included in the Annual Town Report. The Town Meeting usually defers the actual reading of the reports as they are provided in a printed format.</i></p>
--

VOTE OF THE TOWN MEETING: The vote of the Town Meeting was unanimous in approving the article as written as declared by the Moderator.

**ARTICLE 2
COMMUNITY PRESERVATION COMMITTEE REPORT**

To see if the Town will vote to hear and act on the report of the Community Preservation Committee on the Fiscal Year 2008 Community Preservation budget and to appropriate from the Community Preservation Fund a sum of money to meet the administrative expenses and all other necessary and proper expenses of the Community Preservation Committee for Fiscal Year 2008; and further to reserve for future appropriation amounts as recommended by the Community Preservation Committee; a sum of money for the acquisition, creation and preservation of open space excluding land for recreational use, a sum of money for acquisition and preservation of historic resources, and a sum of a money for the creation, preservation and support of community housing, or take any action in relation thereto.

Sponsor: Community Preservation Committee

RECOMMENDATION OF THE FINANCE COMMITTEE:

That the Town vote to approve the article as written. Voted 8-0

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town vote to approve the article as written. Voted 5-0

RECOMMENDATION OF THE COMMUNITY PRESERVATION COMMITTEE:

That the Town vote to approve the article as written. Voted 9-0

Summary – The CPA Committee is required to submit a report to Town Meeting on the proposed use of CPA Funds. The CPA Committee Report is an appendix to this Finance Committee Handbook.

VOTE OF THE TOWN MEETING: The vote of the Town Meeting was unanimous in approving the article as written as declared by the Moderator.

**ARTICLE 3
UTILIZATION OF FREE CASH**

To see if the Town will vote to authorize the Board of Assessors to use up to the amount of TWO-HUNDRED SEVENTY-FIVE THOUSAND AND 00/100 DOLLARS (\$275,000.00) from free cash in determining the tax rate for the fiscal year beginning July 1, 2007; or take any action in relation thereto.

Sponsor: Board of Selectmen

RECOMMENDATION OF THE FINANCE COMMITTEE:

That the Town vote to approve the article as written. Voted 8-0

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town vote to approve the article as written. Voted 5-0

Summary – The Town generally uses a set amount of free cash to reduce the tax rate every year. The recommendation included herein, when combined with the Capital Improvement Plan in Article 45 will leave a balance of \$416,000 at the conclusion of the Annual Town Meeting.

VOTE OF THE TOWN MEETING: The vote of the Town Meeting was unanimous in approving the article as written as declared by the Moderator.

**ARTICLE 4
TOWN BUDGET**

To see if the Town will vote to raise and appropriate a sum of money as may be necessary to pay the Town charges for the fiscal year beginning July 1, 2007 and vote to fix salary and compensation of all elected officials of the Town in accordance with the provisions of Massachusetts General Laws, Chapter 41, Section 108, effective July 1, 2007; or take any action in relation thereto.

Sponsor: Board of Selectmen

RECOMMENDATION OF THE FINANCE COMMITTEE:

That the Town vote to approve the article as written. Voted 9-0

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town vote to approve the article as written. Voted 5-0

Summary – This article is for the approval of the Town and School operating budgets for Fiscal Year 2008. The budgets are voted on separately and are categorized using the Uniform Massachusetts Accounting System (UMAS). Sturbridge votes appropriations by line item.

THE VOTE OF THE TOWN MEETING: The vote of the Town Meeting was to approve the article as written as declared by the Moderator.

**ARTICLE 5
WATER DEPARTMENT**

To see if the Town will vote to raise, through the fixing and collection of just and equitable prices and rate set by the Board of Selectmen (acting as Water Commissioners), and appropriate the sum of SEVEN HUNDRED THIRTY FOUR THOUSAND FIFTY ONE AND 50/100 DOLLARS (\$734,051.50) for the expenses of the Water Department as follows:

Contract Operations	\$	367,053.00
Electricity	\$	85,323.00
Chemicals, Testing and Propane	\$	9,200.00
DPW Director	\$	9,548.50
Meter Maintenance	\$	5,500.00
Billing Expense	\$	4,825.00
Surplus Revenue	\$	20,000.00
Debt Service	\$	190,953.00
Miscellaneous Equipment	\$	26,649.00
Short-term Interest	\$	15,000.00
Total:	\$	734,051.50

Or take any action in relation thereto.

Sponsor: Board of Selectmen/DPW Director

RECOMMENDATION OF THE FINANCE COMMITTEE:

That the Town vote to approve the article as written. Voted 9-0

RECOMMENDATION OF THE BOARD OF SELECTMEN:

Recommendation to be provided at Town Meeting.

Summary – This budget is a decrease from the FY07 budget of \$28,424.50 or a decrease of 3.4%. The approval of this budget will not result in an increase in the water rate. Budget increases are due to increased utility costs, debt service and the CPI adjustment for the contracted operations.

VOTE OF THE TOWN MEETING: There was a substitute motion submitted by the Board of Selectmen that read, “To see if the Town will vote to raise, through the fixing and collection of just and equitable prices and rate set by the Board of Selectmen (acting as Water Commissioners), and appropriate the sum of SEVEN HUNDRED SIXTY ONE THOUSAND SIX HUNDRED SEVENTY FIVE AND 50/100 DOLLARS (\$761,675.50) for the expenses of the Water Department as follows:

Contract Operations	\$	394,677.00
Electricity	\$	85,323.00
Chemicals, Testing and Propane	\$	9,200.00
DPW Director	\$	9,548.50
Meter Maintenance	\$	5,500.00
Billing Expense	\$	4,825.00
Surplus Revenue	\$	20,000.00
Debt Service	\$	190,953.00
Miscellaneous Equipment	\$	26,649.00

Short-term Interest	\$	15,000.00
Total:	\$	761,675.50

Or take any action in relation thereto.

The motion was seconded and the vote of the Town Meeting was to approve the article as amended by the Board of Selectmen as declared by the Moderator.

**ARTICLE 6
SEWER DEPARTMENT**

To see if the Town will vote to raise, through the fixing and collection of just and equitable prices and rate set by the Board of Selectmen (Acting as Sewer Commissioners), and appropriate the sum of ONE MILLION THREE HUNDRED FIFTEEN THOUSAND SEVEN HUNDRED THIRTY EIGHT AND 50/100 DOLLARS (\$1,315,738.50) for the expenses of the Sewer Department as follows:

Contract Operations	\$367,405.00
Electricity	\$231,220.00
Chemicals and Testing	\$52,861.00
DPW Director	\$9,548.50
Billing Expense	\$4,825.00
Surplus Revenue	\$20,000.00
Debt Service	\$164,679.00
Southbridge Fees	\$227,040.00
Short-Term Interest	\$75,000.00
Liquid Sludge Handling	\$156,310.00
Miscellaneous Equipment	\$6,850.00
Total:	\$1,315,738.50

Or take any action in relation thereto.

Sponsor: Board of Selectmen/DPW Director

RECOMMENDATION OF THE FINANCE COMMITTEE:

That the Town vote to approve the article as written. Voted 9-0

RECOMMENDATION OF THE BOARD OF SELECTMEN:

Recommendation to be provided at Town Meeting.

Summary - This budget is an increase over the FY07 budget of \$178,344 or 15.7%. The approval of this budget will require an increase in the sewer rate. The major increases in the budget are due to a \$36,905 increase in the cost of chemicals required by the EPA, \$35,616 due to debt service, \$40,000 in short-term interest estimated from the WWTF upgrade/expansion and an estimated increased cost to truck liquid sludge of \$49,210. The estimated sewer rate for FY08 is \$3.67 per 100 cubic feet which is a 7.2% increase over the FY07 sewer rate and raising the flat fee to \$75/qtr.

VOTE OF THE TOWN MEETING: The Board of Selectmen made a substitute motion that read, "To see if the Town will vote to raise, through the fixing and collection of just and equitable prices and rate set by the Board of Selectmen (Acting as Sewer Commissioners), and appropriate the sum of ONE MILLION TWO HUNDRED

SEVENTY SIX THOUSAND EIGHT HUNDRED NINETY FOUR AND 50/100 DOLLARS (\$1,276,894.50) for the expenses of the Sewer Department as follows:

Contract Operations	\$328,561.00
Electricity	\$231,220.00
Chemicals and Testing	\$52,861.00
DPW Director	\$9,548.50
Billing Expense	\$4,825.00
Surplus Revenue	\$20,000.00
Debt Service	\$164,679.00
Southbridge Fees	\$227,040.00
Short-Term Interest	\$75,000.00
Liquid Sludge Handling	\$156,310.00
Miscellaneous Equipment	\$6,850.00
Total:	\$1,276,894.50

Or take any action in relation thereto.

The motion was seconded and the vote of the Town Meeting was unanimous in approving the article as amended by the Board of Selectmen as declared by the Moderator.

**ARTICLE 7
SEWER PROJECT DEBT**

To see if the Town will vote to transfer TWO HUNDRED TWENTY FIVE THOUSAND SIX HUNDRED TWENTY SEVEN AND 00/100 DOLLARS (\$225,627.00) from the F/B Reserved for Phase II Betterment Account #28440-35825 to the Phase II Sewer Debt Account #28440-59100; THREE HUNDRED SEVENTY SEVEN THOUSAND ONE HUNDRED SIXTY THREE AND 00/100 DOLLARS (\$377,163.00) from the F/B Reserved for Phase III Betterment Account #28440-35826 to the Phase III Sewer Debt Account #28440-59300; ONE HUNDRED SEVENTEEN THOUSAND SIXTY SEVEN AND 00/100 DOLLARS (\$117,067.00) from the F/B Reserved for Cedar Lake Betterment Account #28440-35827 to the Cedar Lake Sewer Debt Account #28440-59200; and ONE HUNDRED SIXTY THREE THOUSAND FOUR HUNDRED THIRTY AND 00/100 DOLLARS (\$163,430.00) from the F/B Reserved for Big Alum Betterment Account #28440-35823 to the Big Alum Sewer Debt Account #28440-59220 for the purpose of paying the debt service due on these sewer projects for FY08, or take any action in relation thereto.

Sponsor: Finance Director

RECOMMENDATION OF THE FINANCE COMMITTEE:

That the Town vote to approve the article as written. Voted 9-0

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town vote to approve the article as written. Voted 5-0

<p><i>Summary – This warrant article appropriates the funds necessary to pay debt service on the several sewer projects the Town of Sturbridge has undertaken over the past decade. These debt service payments are repaid through betterment assessments from the property owners within the specific sewer projects and are not supported by either general property taxes or other sewer customers through the sewer rate.</i></p>

VOTE OF THE TOWN MEETING: The vote of the Town Meeting was unanimous in approving the article as written as declared by the Moderator.

**ARTICLE 8
COMMUNITY PRESERVATION DEBT SERVICE**

To see if the Town will vote to appropriate from the Community Preservation Fund – Reserved for Open Space, the sum of SEVENTY THREE THOUSAND THREE HUNDRED SIXTY AND 00/100 DOLLARS (\$73,360.00) for the purpose of paying the debt service for the Heins Farm Acquisition and to appropriate from the Community Preservation Fund – Undesignated balance, the sum of ONE HUNDRED TWENTY SIX THOUSAND TWENTY FIVE AND 00/100 DOLLARS (\$126,025.00) for the purpose of paying the debt service for the OSV Land Acquisition; or take any action in relation thereto.

Sponsor: Finance Director and CPA Committee

RECOMMENDATION OF THE FINANCE COMMITTEE:

That the Town vote to approve the article as written. Voted 9-0

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town vote to approve the article as written. Voted 5-0

Summary – This article provides the appropriation to pay the costs (from the Community Preservation Fund) for previously approved debt issuances for the acquisition of open space known as the Heins Farm and OSV parcels.

VOTE OF THE TOWN MEETING: The vote of the Town Meeting was unanimous in approving the article as written as declared by the Moderator.

**ARTICLE 9
TOWN HALL & CENTER SCHOOL RENOVATION
(2/3 vote required)**

To see if the Town will vote to appropriate the sum of FOUR MILLION THREE HUNDRED TWENTY THOUSAND AND 00/100 DOLLARS (\$4,320,000.00) or some other amount to pay costs of remodeling, reconstructing and making extraordinary repairs to the Town Hall and the Center School Building, including the payment of all costs incidental and related thereto, to determine whether such appropriation shall be raised by taxation, by transfer from available funds, by borrowing pursuant to the Community Preservation Act or any other authority or by any other lawful means; or take any action in relation thereto.

Sponsor: Board of Selectmen, Town Administrator

RECOMMENDATION OF THE FINANCE COMMITTEE:

That the sum of FOUR MILLION THREE HUNDRED TWENTY THOUSAND AND 00/100 DOLLARS (\$4,320,000.00) be hereby is appropriated to pay costs of remodeling, reconstructing and making extraordinary repairs to the Town Hall and Center School Building, including the payment of all costs incidental and related thereto, and that to meet this appropriation, the Town Treasurer, with the approval of the Selectmen, is hereby authorized to borrow (i) \$3,368,000 under and pursuant to Chapter 44, Section 7(3A) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefore; provided however, that none of the aforesaid \$3,368,000 shall be borrowed or expended pursuant to this vote unless and until the Town shall have voted to exclude the amounts needed to repay any bonds or notes issued hereunder from the limitations imposed by Chapter 59, Section 21C of the General Laws (Proposition 2½) and (ii) \$952,000 under and pursuant to Chapter 44B of the General

Laws (Community Preservation Act), or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefore. Voted 7-0

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the sum of FOUR MILLION THREE HUNDRED TWENTY THOUSAND AND 00/100 DOLLARS (\$4,320,000.00) be hereby is appropriated to pay costs of remodeling, reconstructing and making extraordinary repairs to the Town Hall and Center School Building, including the payment of all costs incidental and related thereto, and that to meet this appropriation, the Town Treasurer, with the approval of the Selectmen, is hereby authorized to borrow (i) \$3,368,000 under and pursuant to Chapter 44, Section 7(3A) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefore; provided however, that none of the aforesaid \$3,368,000 shall be borrowed or expended pursuant to this vote unless and until the Town shall have voted to exclude the amounts needed to repay any bonds or notes issued hereunder from the limitations imposed by Chapter 59, Section 21C of the General Laws (Proposition 2½) and (ii) \$952,000 under and pursuant to Chapter 44B of the General Laws (Community Preservation Act), or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefore. Voted 5-0

Summary – This article is to undertake the renovation of the Town Hall and Center School Building. In 2002, the Town Meeting appropriated funds to conduct architectural and engineering studies for the re-use of the Center School Office Building and the Town Hall. The Selectmen created a study committee that met for a year with the architects and engineers and all departments in the Town Hall were consulted as to their space needs. The final conceptual plan was to move the Board of Health, Planning, Zoning, Building Inspector and Conservation Commission offices into the Center School with an additional public meeting room for their public meetings. The Town Hall would house administrative and finance offices with the “high traffic” departments on the first floor and the “low traffic” offices on the second floor. The Town Hall renovation includes two conference rooms and a larger vault in the Town Clerk’s office and structural and exterior repairs.

When the committee presented the final recommendations to the Board of Selectmen, it came at the same time as the recession and cuts in state aid. At that time the Board of Selectmen opted to hold off on the renovation plans until such time that they felt the Town could afford to go forward with the renovations. At this time, the Town’s General Fund has no long-term debt.

This is the same article that was approved at the 2006 Annual Town Meeting but failed at the ballot election for the debt exclusion. This is for the same project, without any change in scope, however, the cost estimate has increased from \$3.5 million to \$4.3 million. There is a debt exclusion vote on the April Town Election that will be necessary for this article to be considered.

This article includes a debt issuance of \$3,368,000 to be repaid by the General Fund and a debt issuance of \$952,000 to be repaid using Community Preservation Act funds.

VOTE OF THE TOWN MEETING: The vote of the Town Meeting was to approve the article as written by the Finance Committee by a 2/3rds majority as declared by the Moderator.

**ARTICLE 10
TOWN HALL REPAIRS**

To see if the Town will vote to transfer from free cash and appropriate the sum of ONE HUNDRED THOUSAND AND 00/100 DOLLARS (\$100,000.00) to account #11922-52400 for the purpose of making repairs to the Town Hall; or take any action in relation thereto.

Sponsor: Town Administrator

RECOMMENDATION OF THE FINANCE COMMITTEE:

That the Town vote to approve the article as written. Voted 6-1

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town vote to approve the article as written. Voted 5-0

Summary – This article is being placed on the Town Meeting warrant in case Article 9 fails at the debt exclusion vote and/or Town Meeting vote. This article is solely to ensure that needed repairs are started and will more than likely appear for the next several years to simply make repairs to the Town Hall. These will include roof repairs, replacement of rotted trim and other woodwork, replacement of the pillars, re-pointing bricks, elevator repairs, code violation corrections, structural repairs and painting. This article will not be recommended if Article 9 passes.

VOTE OF THE TOWN MEETING: The vote of the Town Meeting was unanimous in approving the article as written as declared by the Moderator.

**ARTICLE 11
STORMWATER BYLAW**

To see if the Town will vote to amend the General Bylaws, Chapter Six, by adding the following sections; or take any action in relation thereto.

STORMWATER BYLAW

6.92.01 Purpose

The purpose of this Bylaw is to reduce pollutants from stormwater to the maximum extent practicable and to minimize flooding or other nuisances or property damage resulting from improper management of stormwater. The goal is to have private development seek to manage stormwater privately, within the confines of each private property whenever possible. Permits for connection to Town drainage facilities will only be considered when private solutions are not feasible.

6.92.02 Permits

No person shall uncover, excavate, block access to, or make a connection to any pipe, culvert, catch basin, manhole, or other structure under the control of the Town without first having obtained a permit from the Town Engineer or DPW Director.

6.92.03 Discharge

No person shall discharge any water from construction sites into any public street or part of the Town drainage system without first having obtained a permit for that purpose from the Town Engineer or DPW Director. This permit shall be in addition to any other required state or federal permit.

No person shall discharge, cause the discharge, or divert a natural flow of surface or ground water in such a manner that it will cause an icing condition on a public way.

6.92.04 Illegal Discharges

No person shall directly or indirectly dump, discharge or cause or allow to be discharged into any catch basin, manhole, pipe, retention or detention pond, earth channel, structural control, infiltration chamber, or any other component of the Town's drainage system, any solid waste, construction debris, paint or painting product, antifreeze, hazardous waste, oil, gasoline, grease and all other automotive and petroleum products, solvents and degreasers, drain cleaners, commercial or industrial cleaners, soaps, detergents, ammonia, food and food waste, grass or yard waste, leaves, animal feces, dirt, sand, gravel or other pollutant.

6.92.05 Stormwater Management Standards

All development and redevelopment projects must comply with the Stormwater Management Standards issued by the Massachusetts Department of Environmental Protection dated March 1997 and the United States Environmental Protection Agency's Phase II Stormwater Regulations, as each may be from time to time amended.

6.92.06 Enforcement

The Board of Selectmen is hereby authorized to enact regulations to enforce this Bylaw.

6.92.07 Violation

Each day that a violation of this Bylaw continues shall constitute a separate violation under Article V of the Town's General Bylaws.

6.92.08 Penalties

Penalties for violation of this bylaw may be imposed in accordance with the Town of Sturbridge Stormwater Management Regulations as may be amended from time to time.

Sponsor: DPW Director, Conservation Agent, Town Planner

RECOMMENDATION OF THE FINANCE COMMITTEE:

That the Town vote to approve the article as written. Voted 8-0

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town vote to approve the article as written. Voted 5-0

Summary – The Town is required to comply with the EPA Stormwater Regulations and as such is on schedule to adopt stormwater regulations in the form of a bylaw. This bylaw has been drafted by the DPW Director, Conservation Agent and Town Planner to meet the regulatory requirement without placing an additional burden on town departments and/or property owners.

VOTE OF THE TOWN MEETING: The vote of the Town Meeting was unanimous in approving the article as written as declared by the Moderator.

**ARTICLE 12
GENERAL BYLAWS - RIGHT TO FARM**

To see if the Town will vote to amend the General Bylaws, Chapter Three to add the following new Section entitled "Right to Farm":

Right to Farm Bylaw

3.80 Legislative Purpose and Intent

The purpose and intent of this bylaw is to state with emphasis the Right to Farm accorded to all citizens of the Commonwealth under Article 97 of the Constitution, and all state statutes and regulations thereunder including but not limited to MGL Ch. 40A, § 3(1); MGL Ch. 90, § 9 and MGL Ch. 3, § 125A and MGL Ch. 128, § 1A. We the citizens of the Town of Sturbridge restate and republish these rights pursuant to the Town's authority conferred by Article 89 of the Articles of Amendment of the Massachusetts Constitution ("Home Rule Amendment").

This General Bylaw encourages the pursuit of agriculture, promotes agriculture based economic opportunities and protects farmlands within the Town of Sturbridge by allowing agricultural uses and related activities to function with minimal conflict with abutters and Town agencies. This Bylaw shall apply to all jurisdictional areas with the Town.

3.81 Definitions

The following words and terms shall have the meaning stated below:

Farm – The word "farm" shall include any parcel or contiguous parcels of land, or water bodies used for the primary purpose of commercial agriculture or accessory thereto provided that the lot is not less than five (5) acres. Small scale specialty operations that do not meet the 5 acre requirement will be reviewed on a case-by-case basis by the Agricultural Commission.

The words “farming” or “agricultural” or their derivatives shall include but not be limited to the following:

- Farming in all its branches and the cultivation and tillage of the soil
- Dairying
- Production, cultivation, growing and harvesting of any agricultural, aquacultural, floricultural, viticultural or horticultural commodities
- Growing and harvesting of forest products upon forest land and by any other forestry or lumbering operations in accordance with the Town of Sturbridge Forestry Bylaw
- Raising of livestock, including horses
- Keeping of horses as a commercial enterprise; and
- Keeping and raising of poultry, cattle, ratites (such as emus, ostriches and rheas) and camelids (such as llamas and camels) and other domesticated animals for food and other agricultural purposes, including bees and fur-bearing animals

“Farming” shall encompass activities including, but not limited to the following:

- Operation and transportation of slow-moving farm equipment over roads within the Town
- Control of pests, including but not limited to insects, weeds, predators and disease organism of plants and animals
- Application of manure, fertilizers and pesticides; organic farming is encouraged
- Conducting agriculture-related educational and farm-based recreational activities, including agri-tourism, provided that the activities are related to marketing the agricultural output or services of the farm
- Processing and packaging of the agricultural output of the farm and the operation of a farmer’s market or farm stand including signage thereto
- Maintenance, repair or storage of seasonal equipment or apparatus owned or leased by the farm owner or manager used expressly for the purpose of propagation, processing, management or sale of the agricultural products; and
- On-farm relocation of earth and the clearing of ground for farming operations

3.82 Right to Farm Declaration

The right to farm is hereby recognized to exist within the Town of Sturbridge. The above described agricultural or farming activities may occur on holidays, weekdays and weekends by day or night and shall include attendant incidental noise, odors, dust and fumes associated with normally accepted agricultural practices. It is hereby determined that the impact that may be caused to others through the normal and lawful practice of agriculture is offset by the benefits of farming to the neighborhood, community and society in general. The benefits and protections of this bylaw are intended to apply to those commercial agricultural and farming operations and other noncommercial farming activities conducted in accordance with generally accepted agricultural practices. Moreover, nothing in this Right to Farm Bylaw shall be deemed to effectuate an acquisition of any interest in land or as the imposition of any land use regulation which is properly the subject of state statute, regulations or local zoning law.

3.83 Disclosure Notification

Not later than 21 days after the purchase and sale contract is entered into or prior to the sale or exchange of real property if no purchase and sale agreement exists, for the purchase or exchange of real property or prior to the acquisition of a leasehold interest or other possessory interest in real property, located in the

Town of Sturbridge, the landowner shall present the buyer or occupant with a copy of this Bylaw.

In addition to the above, a copy of this Bylaw shall be published once a year in the local paper.

3.84 Resolution of Disputes

Any person who seeks to complain about the operation of a farm, or its effects may, notwithstanding any other available remedy, file a grievance with the Board of Selectmen, the Zoning Enforcement Officer, Zoning Board of Appeals, Conservation Commission or Board of Health, depending on the nature of the grievance. The filing of the grievance does not suspend the time within which to pursue any other available remedies that the aggrieved may have. The Town authority so notified shall forward a copy of the grievance to the Agricultural Commission or its agent, which may review and facilitate the resolution of the grievance and report its recommendations to the referring Town authority within an agreed upon timeframe.

The Board of Health, especially in cases of imminent danger or public health risk shall forward a copy of the grievance to the Agricultural Commission or its agent, which may review and facilitate the resolution of the grievance and report its recommendations to the Board of Health within an agreed upon timeframe.

3.85 Severability

If any part of this Bylaw is for any reason held to be unconstitutional or invalid, such decision shall not affect the remainder of this Bylaw. The Town of Sturbridge hereby declares the provisions of this Bylaw to be severable.

Sponsor: Open Space Committee

RECOMMENDATION OF THE FINANCE COMMITTEE:

To amend Section 3.83 to read:

Within 30 days after this bylaw becomes effective, the Selectmen shall prominently post within the Town limits the following disclosure:

"It is the policy of this community to conserve, protect and encourage the maintenance and improvement of agricultural land for the production of food, and other agricultural products, and also for its natural and ecological value. This disclosure notification is to inform buyers or occupants that the property they are about to acquire or occupy lies within a town where farming activities occur. Such farming activities may include, but are not limited to, activities that may cause noise, dust and odors. Buyers or occupants are also informed that the location of property within the Town may be impacted by commercial agricultural operations."

And to otherwise approve the article as written. Voted 8-0

The Finance Committee feels Section 3.83 as originally proposed inconveniences both parties conducting the sale or exchange of real property. By allowing the Selectmen to post the Right to Farm disclosure, the Finance Committee believes the Town meets the requirements set forth by the State's Smart Growth initiative without imposing another requirement on the parties involved. In addition, the amended section proposed by the Finance Committee has already been approved by the State for the Town of Savoy.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town vote to approve the article as written. Voted 5-0

Summary – This bylaw encourages farming in the community and requires that for every property sold, that the buyer must be notified that Sturbridge is a right to farm community and be provided with a copy of this bylaw. It also establishes a new Agricultural Commission and department that would facilitate complaints filed against farms.

VOTE OF THE TOWN MEETING: The vote of the Town Meeting was to approve the article as recommended by the Finance Committee as declared by the Moderator.

**ARTICLE 13
AGRICULTURAL COMMISSION**

To see if the Town will vote to amend the General Bylaws, Chapter One to add the following new Section entitled “Agricultural Commission”:

1.80 Agricultural Commission

1.81 Purpose

The purpose of the Agricultural Commission sometimes hereinafter referred to as “the Commission” is to support commercial agriculture and other farming activities in the Town of Sturbridge. The Commission’s duties shall include, but are not limited to serving as facilitators for encouraging the pursuits of agriculture in Sturbridge; promoting agricultural-based economic opportunities in Town; acting as mediators, advocates, educators and/or negotiators on farming issues; working for preservation of prime agricultural lands; advising the Board of Selectmen, Planning Board, Zoning Board of Appeals, Conservation Commission, Board of Health, Historical Commission, Board of Assessors and Open Space Committee or any other appropriate Town Boards, on issues involving agriculture and pursuing all initiatives appropriate to creating a sustainable agricultural community.

1.82 Membership

- (A) The Agricultural Commission shall consist of five (5) members appointed by the Town Administrator, subject to the confirmation of the Board of Selectmen. The majority of which Commission’s membership shall be substantially engaged in pursuit of agriculture or have previously been engaged in the pursuit of agriculture, or those that have a combination of education and/or experience that qualifies them to serve in this capacity. All members of the Commission must either be residents of the Town or owners and farmers of agricultural property within the Town.
- (B) There may be up to three (3) alternates appointed to the Commission by the Town Administrator, subject to the confirmation of the Board of Selectmen. Said alternates shall be designated by the Chair of the Commission to fill any vacancies at meetings of the Commission, regardless of the reason for vacancy.
- (C) In making appointments, the Town Administrator shall consider the intent of the Commission to represent the agricultural interests of the Town.
- (D) The members shall serve overlapping terms of three years. For the first Agricultural Commission, the Town Administrator shall appoint two members for a term of three years, two members for a term of two years and one member for a term of one year. Thereafter, appointments shall be made for three-year terms.

- (E) The Town Administrator shall fill a vacancy based on the unexpired term of the vacancy in order to maintain the cycle of appointments, based upon the recommendations of the Commission.

Sponsor: Open Space Committee

RECOMMENDATION OF THE FINANCE COMMITTEE:

That the Town vote to approve the article as written. Voted 9-0

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town vote to approve the article as written. Voted 5-0

Summary – This article proposes to create an Agricultural Commission, the terms of appointment and duties in keeping with the Right To Farm Bylaw proposal.

VOTE OF THE TOWN MEETING: The vote of the Town Meeting was to approve the article as written as declared by the Moderator.

**ARTICLE 14
DEMOLITION DELAY BYLAW**

To see if the Town will vote to amend the General Bylaws, Chapter Two to add the following new Section entitled “Demolition Delay Bylaw”:

2.30 Intent and Purpose

This bylaw is enacted for the purpose of preserving and protecting significant buildings and structures within the Town of Sturbridge which constitute or reflect distinctive features of the architectural, historical or cultural history of the Town and to limit the detrimental effect of demolition on the character of the Town. Through this bylaw, owners of preferably preserved buildings are encouraged to seek out alternative options that will preserve, rehabilitate or restore such buildings and residents of the Town are alerted to impending demolitions of significant buildings. By preserving and protecting significant buildings, streetscapes and neighborhoods, this bylaw promotes the public welfare by making the town a more attractive and desirable place in which to live and work. To achieve these purposes the Historical Commission is authorized to advise the Building Inspector with respect to demolition permit applications. The issuance of demolition permits is regulated as provided by this bylaw.

2.31 Definitions

APPLICANT- Any person or entity who files an application for a demolition permit. If the applicant is not the owner of the premises upon which the building is situated, the owner must indicate on or with the application his/her assent to the filing of the application.

APPLICATION- An application for the demolition of a building.

BUILDING- Any combination of materials forming a shelter for persons, animals, or property.

BUILDING INSPECTOR - The person occupying the office of Building Inspector or otherwise authorized to issue demolition permits.

COMMISSION – The Town of Sturbridge Historical Commission or its designee.

DEMOLITION-Any act of pulling down, destroying, removing, dismantling or razing a building or commencing the work of total or substantial destruction with the intent of completing the same.

DEMOLITION PERMIT - The building permit issued by the Building Inspector for a demolition of a building, excluding a building permit issued solely for the demolition of the interior of a building.

PREFERABLY PRESERVED - Any significant building which the Commission determines, following a Public Hearing, that it is in the public interest to be preserved rather than demolished. A preferably preserved building is subject to the six month demolition delay period of this bylaw.

SIGNIFICANT BUILDING – Any building within the town which is in whole or in part 100 years or more old and which has been determined by the Commission or its designee to be significant based on any of the following criteria:

- The Building is listed on, or is within an area listed on, the National Register of Historic Places; or
- The Building has been found eligible for the National Register of Historic Places; or
- The Building is importantly associated with one or more historic persons or events, or with the broad architectural, cultural, political, economic or social history of the Town or the Commonwealth; or
- The Building is historically or architecturally important (in terms of period, style, method of building construction or association with a recognized architect or builder) either by itself or in the context of a group of buildings.

2.32 Procedure

No demolition permit for a building which is found to be a “Significant Building” shall be issued without following the provisions of this bylaw. If a building is of unknown age, it shall be assumed that the building is over 100 years old for the purposes of this bylaw.

An applicant proposing to demolish a building subject to this bylaw shall file with the Building Inspector an application containing the following information:

- The address of the building to be demolished.
- The owner's name, address and telephone number.
- A description of the building.
- The reason for requesting a demolition permit.
- A brief description of the proposed reuse, reconstruction or replacement.
- A photograph or photograph(s) of the building.

The Building Inspector shall within seven days forward a copy of the application to the Commission. The Commission shall within thirty days after receipt of the application, make a written determination of whether the building is significant.

Upon determination by the Commission that the building is not significant, the Commission shall so notify the Building Inspector and applicant in writing. The Building Inspector may then issue the demolition permit.

Upon determination by the Commission that the building is significant, the Commission shall so notify the Building Inspector and the applicant in writing. No demolition permit may be issued at this time. If the Commission does not notify the Building Commissioner within thirty days of receipt of the application, the Building Inspector may proceed to issue the demolition permit.

If the Commission finds that the building is significant, it shall hold a Public Hearing within thirty days of the written notification to the Building Inspector.

Public notice of the time, place and purpose of the hearing shall be posted in a conspicuous place in town hall for a period of not less than seven days prior to the date of said hearing and the applicant and the building inspector shall be notified in writing of the meeting time and place.

The Commission shall decide at the close of the public hearing or within fourteen days after the close of the public hearing whether the building should be preferably preserved. If agreed to in writing by the applicant, the determination of the Commission may be postponed.

If the Commission determines that the building is not preferably preserved, the Commission shall so notify the Building Inspector and applicant in writing. The Building Inspector may then issue the demolition permit.

If the Commission determines that the building is preferably preserved, the Commission shall notify the Building Inspector and applicant in writing. No demolition permit may then be issued for a period of six months from the date of the determination unless otherwise agreed to by the Commission. If the Commission does not so notify the Building Inspector in writing within twenty one days after the close of the public hearing, the Building Inspector may issue the demolition permit.

Upon a determination by the Commission that any building which is the subject of an application is a preferably preserved building, no building permit for new construction or alterations on the premises shall be issued for a period of six months from the date of the determination unless otherwise agreed to by the Commission.

No permit for demolition of a building determined to be a preferably preserved building shall be granted until all plans for future use and development of the site have been filed with the Building Inspector and have been found to comply with all laws pertaining to the issuance of a building permit or if for a parking lot, a certificate of occupancy for that site. All approvals necessary for the issuance of such building permit or certificate of occupancy including without limitation any necessary zoning variances, special permits or other relief, must be granted and all appeals from the granting of such approvals must be concluded, prior to the issuance of a demolition permit under this section.

The Building Inspector may issue a demolition permit or a building permit for a preferably preserved building within the six months if the Commission notifies the Building Inspector in writing that the Commission finds that the intent and purpose of this bylaw is served even with the issuance of the demolition permit or the building permit.

Following the six month delay period, the Building Inspector may issue the demolition permit.

2.33 Administration

The Commission may adopt such rules and regulations as are necessary to administer the terms of this bylaw. The Commission is authorized to adopt a schedule of reasonable fees to cover the costs associated with the administration of this bylaw. The Commission may delegate authority to make initial determinations of significance to one or more members of the Commission or to a municipal employee. The Commission may proactively develop a list of significant buildings that will be subject to this bylaw. Buildings proposed for the significant building list shall be added following a public hearing.

2.34 Emergency Demolition

If after an inspection, the Building Inspector finds that a building subject to this bylaw is found to pose an immediate threat to public health or safety due to its

deteriorated condition and that there is no reasonable alternative to the immediate demolition of the building or structure, then the Building Inspector may issue an emergency demolition permit to the owner of the building or structure. The Building Inspector shall then prepare a report explaining the condition of the building and the basis for his decision which shall be forwarded to the Commission.

2.35 Enforcement and Remedies

The Commission and/or the Building Inspector are each specifically authorized to institute any and all actions and proceedings, in law or equity, as they may deem necessary and appropriate to obtain compliance with the requirements of this bylaw or to prevent a threatened violation thereof.

Any owner of a building subject to this bylaw that demolished the building without first obtaining a demolition permit in accordance with the provisions of this bylaw shall be subject to a fine of not more than three hundred dollars (\$300). Each day the violation exists shall constitute a separate offense until a faithful restoration of the demolished building is completed or unless otherwise agreed to by the Commission.

If a building subject to this bylaw is demolished without first obtaining a demolition permit, no building permit shall be issued for a period of two years from the date of the demolition on the subject parcel of land or any adjoining parcels of land under common ownership and control unless the building permit is for the faithful restoration referred to above or unless otherwise agreed to by the Commission.

2.36 Historic District Act

Following a determination that the building is significant and preferably preserved, the Commission may recommend to Town Meeting that the building be protected through the provisions of Massachusetts General Law, Chapter 40C, the Historic Districts Act. The steps required under M.G.L. Chapter 40C shall be followed prior to the establishment of a Local Historic District. Nothing in this bylaw shall be deemed to conflict with the provisions of the Historic District Act, Massachusetts General Laws Chapter 40C. If any of the provisions of this bylaw do so conflict, that act shall prevail.

2.37 Severability

In case any section, paragraph or part of this bylaw be for any reason declared invalid or unconstitutional by any court, every other section, paragraph, and part shall continue in full force and effect.

Or take any action in relation thereto.

Sponsor: Historic Commission and Town Planner

RECOMMENDATION OF THE FINANCE COMMITTEE:

That the Town vote to approve the article as written. Voted 8-1

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town vote to approve the article as written. Voted 5-0

Summary – The purpose of this bylaw is to provide a review process when historic buildings or buildings that are over 100 years old and are proposed to be demolished to require that a determination be made that the building is not of significance prior to the building being demolished. This proposal is in keeping with the goals stated in the Town's Strategic Planning Report.

VOTE OF THE TOWN MEETING: The vote of the Town Meeting was to approve the article as written as declared by the Moderator.

**ARTICLE 15
ACCEPTANCE OF MGL CH. 59, §59A**

To see if the Town will vote to accept for all boards, committees or commissions holding adjudicatory hearings in the Town, the provisions of MGL Ch. 59, §59A, which provides the authority for the Town to negotiate abatements for redevelopment of commercial or industrial properties where there has been a release of oil or hazardous material; or take any action in relation thereto.

Sponsor: Town Administrator and Town Planner

RECOMMENDATION OF THE FINANCE COMMITTEE:

That the Town vote to approve the article as written. Voted 9-0

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town vote to approve the article as written. Voted 5-0

<p><i>Summary – This article needs to be accepted in connection with Article 16. This statute authorizes the Town to enter into agreements to abate taxes on contaminated properties.</i></p>

VOTE OF THE TOWN MEETING: The vote of the Town Meeting was unanimous in approving the article as written as declared by the Moderator.

**ARTICLE 16
BROWNFIELDS REDEVELOPMENT BYLAW**

To see if the Town will vote to amend the General Bylaws, Chapter Three to add the following new Section entitled “Brownfields Redevelopment Bylaw”:

3.90 Purpose:

It is the intent of the Town to offer tax abatements to encourage the continued environmental cleanup and redevelopment of sites that are zoned for industrial and/or commercial use that are contaminated with oil and/or other hazardous materials.

3.91 Authority:

The Town Administrator is hereby authorized to work to negotiate agreements regarding the payment of outstanding real estate taxes, interest and penalties, including abatement of those amounts needed to make a cleanup and redevelopment project economically feasible. Said agreement may also contain additional incentives, financial and otherwise as may be deemed appropriate.

3.92 Scope of Authority:

Agreements may cover property contaminated with oil or other hazardous materials and must be zoned for commercial or industrial use.

Agreements may be entered into only with new, innocent purchasers who did not own the site at the time the oil or hazardous material was released and did not cause or contribute to its release.

Agreements must specify the details agreed to regarding payment of any outstanding obligations, including the amount owed, rate of interest to accrue, if any, amount of monthly payments, payment schedule, late penalties and other terms. These obligations may consist of outstanding real estate taxes or other financing packages negotiated with the Town.

Agreements must be signed by the Board of Selectmen and property owner and must be notarized and attested to by the Town Clerk. Copies must be provided to the Massachusetts Commissioner of Revenue, Massachusetts department of Environmental Protection, United States Environmental Protection Agency, Board of Assessors and the property owner.

3.93 Approval of Agreements:

All agreements must be approved by a majority vote of the Board of Selectmen.

Sponsor: Town Administrator and Town Planner

RECOMMENDATION OF THE FINANCE COMMITTEE:

That the Town vote to approve the article as written. Voted 9-0

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town vote to support the article as written. Voted 5-0

Summary – This Bylaw would provide the Town additional options of working with property owners that own or may be considering the purchase of contaminated property to provide an incentive to clean up the property and redevelop the property in commercial and industrial zones in Town.

VOTE OF THE TOWN MEETING: The vote of the Town Meeting was unanimous in approving the article as written as declared by the Moderator.

ARTICLE 17
ZONING BYLAWS – DEFINITION OF FRONTAGE
(2/3 vote required)

To see if the Town will vote to amend the Zoning Bylaws, Chapter Two, Definitions, as follows:

To delete the existing definition of Frontage:

“Frontage – The horizontal distance measured along the front street lot line between the points of intersection of the side lot lines with the front lot line. Frontage for the purpose of this Zoning Bylaw shall be continuous frontage and shall be measured on one front lot line in the case of corner lots.”

And replace it with the following definition:

“Frontage – The horizontal distance measured along the front street lot line between the points of intersection of the side lot lines with the front lot line, which provides safe, convenient and meaningful vehicular access to the building portion of the lot. Frontage for the purpose of this bylaw shall be continuous frontage and in the case of corner lots shall be measured on one front lot line, which will be the street address for the property. Calculation of the frontage dimensional requirements shall be in conformance with Chapter Nineteen – Intensity Regulations.”

Or take any action in relation thereto.

Sponsor: Planning Board

RECOMMENDATION OF THE FINANCE COMMITTEE:

That the Town vote to approve the article as written. Voted 7-1

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town vote to approve the article as written. Voted 5-0

RECOMMENDATION OF THE PLANNING BOARD:

That the Town vote to approve the article as written. Voted 7-0

<p><i>Summary – This bylaw would amend the definition of frontage to make it clearer and to indicate that a parcel must have reasonable access on the street for which the parcel maintains an address.</i></p>

VOTE OF THE TOWN MEETING: The vote of the Town Meeting was to approve the article as written by a 2/3rds majority as declared by the Moderator.

ARTICLE 18
ZONING BYLAW AMENDMENT – SIGN BYLAW
(2/3 vote required)

To see if the Town will vote to amend the Zoning Bylaws, Chapter Twenty-Two, Section 22.21 from:

22.21 Multiple Tenant Signs

For multiple tenant properties, each tenant shall be entitled to only one business/advertising sign complying with all provisions of this Bylaw and located immediately adjacent to the rented premises. In addition, one multiple listing sign may be erected and maintained on the property to identify said tenants. The total area allowed for such a sign, as described by the rectangle encompassing the framework and all individual listing signs, shall not exceed fifty (50) square feet. Individual listing signs or encompassed individual listings shall be limited to one (1) listing per tenant, and shall be used for the sole purpose of identification, and not for advertising. Such listings may include a designation of profession such as "Attorney", "Architect" to facilitate identification. Multiple listing signs shall be of wooden faced design and, if lighted, said lighting shall be from a constant, exterior source. Multiple listing signs shall be subject to all other provisions of the Zoning Bylaw.

To:

For multiple tenant properties, each tenant shall be entitled to only one business/advertising sign complying with all provisions of this Bylaw and located immediately adjacent to the rented premises. In addition, one multiple listing sign may be erected and maintained on the property to identify said tenants. The total area allowed for such a sign, as described by the rectangle encompassing the framework and all individual listing signs, shall not exceed fifty (50) square feet. Individual listing signs or encompassed individual listings shall be limited to one (1) listing per tenant, and shall be used for the sole purpose of identification, and not for advertising. Such listings may include a designation of profession such as "Attorney", "Architect" to facilitate identification. Multiple listing signs shall be of wooden faced design and, if lighted, said lighting shall be from a constant, exterior source. Individual listing signs within a multiple listing sign shall be of a uniform size and color. Multiple listing signs shall be subject to all other provisions of the Zoning Bylaw.

Or take any action in relation thereto.

Sponsor: Planning Board

RECOMMENDATION OF THE FINANCE COMMITTEE:

That the Town vote to approve the article as written. Voted 8-0

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town vote to approve the article as written. Voted 5-0

RECOMMENDATION OF THE PLANNING BOARD:

That the Town vote to approve the article as written. Voted 7-0

Summary – This bylaw is intended to make multiple tenant signs more attractive by requiring consistent design standards in color and size of individual signs. The amendment is shown in italics and underlined.

VOTE OF THE TOWN MEETING: The vote of the Town Meeting was to approve the article as written by a 2/3rds majority as declared by the Moderator.

**ARTICLE 19
ZONING BYLAW AMENDMENT – REAL ESTATE SIGNS
(2/3 vote required)**

To see if the Town will vote to amend the Zoning Bylaws, Chapter Twenty Two, Section 22.23 (b):

From:

- (b) Real estate signs not to exceed six (6) square feet in area in a Residential District or twenty (20) square feet in area in non-residential districts. {Amended 4-26-99; Article 33}

To:

- (b) Real estate signs not to exceed six (6) square feet in area in a Residential District or twenty (20) square feet in area in non-residential districts. Real Estate signs shall not be placed on property other than the property that is for sale except that Real Estate Open House signs may be placed on property other than the property that is for sale, with the approval of the property owner, on the day of the Open House for a duration of no more than two (2) hours longer than the time period of the Open House.

Or take any action in relation thereto.

Sponsor: Planning Board

RECOMMENDATION OF THE FINANCE COMMITTEE:

That the Town vote to approve the article as written. Voted 9-0

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town vote to approve the article as written. Voted 5-0

RECOMMENDATION OF THE PLANNING BOARD:

That the Town vote to approve the article as written. Voted 7-0

Summary – This article seeks to limit real estate signs to the parcel that is for sale. During the past few years, real estate signs have started showing up on most corners along Main Street for properties that are for sale miles off Main Street, and for properties that are located in other towns. The amendment is shown in italics and underlined.

VOTE OF THE TOWN MEETING: The vote of the Town Meeting was to approve the article as written by a 2/3rds majority as declared by the Moderator.

ARTICLE 20
ZONING BYLAW AMENDMENT - CONTRACTOR SIGNS
(2/3 vote required)

To see if the Town will vote to amend the Zoning Bylaws, Chapter Twenty-Two, Section 22.35 by adding a new section to read:

22.35 CONTRACTOR SIGNS

- (a) Signs installed on property where a contractor is working may be allowed with a permit as provided under the temporary sign bylaw. These signs shall be removed within seven (7) days of work completion at a property site.

And further, to renumber the remaining sections in Chapter Twenty Two to account for adding this section; or take any action in relation thereto.

Sponsor: Planning Board

RECOMMENDATION OF THE FINANCE COMMITTEE:

That the Town vote to approve the article as written. Voted 9-0

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town vote to approve the article as written. Voted 5-0

RECOMMENDATION OF THE PLANNING BOARD:

That the Town vote to approve the article as written. Voted 7-0

Summary – This article seeks to limit the amount of time that a “contractor’s sign” may be displayed at a property where the contractor is working. Currently, contractor’s place signs on property where they are working and the signs remain as informal advertising for months afterwards.

VOTE OF THE TOWN MEETING: The vote of the Town Meeting was to approve the article as written by a 2/3rds majority as declared by the Moderator.

ARTICLE 21
ZONING BYLAW AMENDMENT – COMMERCIAL BUSINESS DISTRICT
(2/3 vote required)

To see if the Town will vote to amend the Zoning Bylaws, by adding a new Chapter Seventeen, to read:

CHAPTER SEVENTEEN
USE REGULATIONS - COMMERCIAL BUSINESS DISTRICT (CB)

17.01 PURPOSE

The Commercial Business District (CB) is intended for small sites in or near dense residential neighborhoods. This zone encourages the provision of small-scale retail and service uses for nearby residential areas. Some uses that are not retail or service in nature are also allowed so a variety of uses may locate in existing buildings. Uses are restricted in size to promote a local orientation and to limit adverse impacts on nearby residential areas. Development is intended to be compatible with the scale of surrounding residential areas. The emphasis of the zone is on uses that will provide services for the nearby residential areas, but a variety of uses that will benefit both visitors to the community and those passing through the community are also permitted.

17.02 PERMITTED USES - The following permitted uses (a) through (j) shall be limited to structures of no more than 25,000 square feet.

- (a) Single family dwelling. Also apartments accessory to a commercial building (not to exceed two (2) dwelling units per building).
- (b) Office, bank, newspaper or job-printing establishment.
- (c) Retail store or shop, barber shop, beauty salon, shop for the repair of personal or household items, laundromat, health and fitness center, artisan's or craftsman's shop, wholesale and retail sales not involving manufacture on the premises except of products the major portion of which are sold on the premises by the producer.
- (d) Automobile service station.
- (e) Religious, educational, or governmental use.
- (f) Non-profit club.
- (g) Restaurants, including bakery and confectionery.
- (h) A multi-specialty physician office building wherein physicians and non-physician providers and support staff provide diagnostic and treatment services to ambulatory and outpatients, with the assistance and support of laboratory, radiology, physical therapy, pharmacy, mental health, and other related personnel and equipment.
- (i) Accessory uses customarily incidental to a permitted main use on the premises.
- (j) Fast Food Establishment
- (k) Walking, hiking, bicycling, roller skating, picnicking, cross-country skiing, snow shoeing through the establishment of trails.
- (l) Farm including agriculture, horticulture, and viticulture, provided that the lot is not less than five (5) acres, including facilities for the sale of produce, wine and dairy products, insofar as the majority of such products for sale have been produced by the owner of the land on which the facility is located.

17.03 Exceptions which may be allowed by Special Permit from the Special Permit Granting Authority (SPGA) in accordance with the regulations appearing in Section 24.09 of this Bylaw.

- (a) Place of commercial amusement or recreation such as a bowling alley, theater (motion picture, dramatic, or musical), museum or golf driving range.
- (b) Hotel, inn or motel

- (c) The removal of sand, gravel, subsoil, topsoil or earth in accordance with Chapter Twenty-Three of this Bylaw.
- (d) Multi-family dwelling, provided that:
 - (1) It does not exceed four (4) dwelling units.
 - (2) There is not less than twenty thousand (20,000) sq. ft. of lot area per dwelling unit.
 - (3) Adequate provision is made for off-street parking.
 - (4) An environmental suitability study shows that the site is capable of sustaining this type of construction and use.
 - (5) The entire multi-family dwelling and its necessary area requirements are located entirely in the Commercial Business District; or in a less restrictive district.
- (e) Two-family residence, provided there is not less than twenty thousand (20,000) square feet of lot area per dwelling unit.
- (f) Youth Center

17.04 The following regulations shall be applicable in the Commercial Business District. (CB)

Site Plan - See Chapter Twenty-Five

Or take any action in relation thereto.

Sponsor: Planning Board

RECOMMENDATION OF THE FINANCE COMMITTEE:

That the Town vote to approve the article as written. Voted 8-1

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town vote to approve the article as written. Voted 5-0

RECOMMENDATION OF THE PLANNING BOARD:

That the Town vote to approve the article as written. Voted 7-0

Summary – This article seeks to create a new zoning district on Route 131 (but does not include the Sturbridge Plaza) that is similar to the existing commercial district, but would limit building sizes to 25,000 square feet.

VOTE OF THE TOWN MEETING: The vote of the Town Meeting was to defeat this article.

**ARTICLE 22
ESTABLISHMENT OF DISTRICTS
(Requires 2/3 vote)**

To see if the Town will vote to amend Chapter Three, Section 3.01 to add the following to the list of districts:

COMMERCIAL BUSINESS (CB)

Or take any action in relation thereto.

Sponsor: Planning Board

RECOMMENDATION OF THE FINANCE COMMITTEE:

That the Town vote to approve the article as written. Voted 9-0

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town vote to approve the article as written. Voted 5-0

RECOMMENDATION OF THE PLANNING BOARD:

That the Town vote to approve the article as written. Voted 7-0

Summary – This article would amend Chapter Three to include the new Zoning District proposed in Article 21 above.

VOTE OF THE TOWN MEETING: A substitute motion was made by Kevin Smith of the Finance Committee that no action be taken on this article. The motion was seconded and the vote of the Town Meeting was unanimous in taking no action on this article.

**ARTICLE 23
INTENSITY REGULATIONS
(2/3 Vote Required)**

To see if the Town will vote to amend Chapter Nineteen, Intensity Regulations to add the Commercial Business District to the table to read:

	Lot Size		Setbacks		Max. Lot Coverage (%)	Max. # Bldg. Stories	Max. Height (Mean)	Max. Impervious Surface	Min. Habitable Floor Area
	Area (acres)	Frontage	Street ²	Other					
<i>Commercial Business</i>	1	150'	25'	10'	30%	3	35	70%	750 s.f.

Or take any action in relation thereto.

Sponsor: Planning Board

RECOMMENDATION OF THE FINANCE COMMITTEE:

That the Town vote to approve the article as written. Voted 9-0

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town vote to approve the article as written. Voted 5-0

RECOMMENDATION OF THE PLANNING BOARD:

That the Town vote to approve the article as written. Voted 7-0

Summary – This article would amend the Intensity Regulations in the Zoning Bylaws to include the new Zoning District proposed in Article 21. These regulations are the same as the existing Intensity Regulations in the Commercial Zone.

VOTE OF THE TOWN MEETING: Kevin Smith of the Finance Committee made a substitute motion that no action be taken on this article. The motion was seconded and the vote of the Town Meeting was unanimous that no action be taken on this article.

ARTICLE 24
ZONING MAP AMENDMENT – COMMERCIAL BUSINESS DISTRICT
(2/3 Vote Required)

To see if the Town will vote to amend the Zoning Map, by adding a new Commercial Business District on Main Street (Route 131) by changing the properties currently zoned Commercial, from the Southbridge Town line to Farquhar and Willard Roads with the exception of #196, #178 and 0 Main Street and #98 Fairview Park Road as depicted on a map prepared by the Sturbridge Planning Department and dated December 6, 2006 to the new Commercial Business District; or take any action in relation thereto.

Sponsor: Planning Board

RECOMMENDATION OF THE FINANCE COMMITTEE:

That the Town vote to approve the article as written. Voted 9-0

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town vote to approve the article as written. Voted 5-0

RECOMMENDATION OF THE PLANNING BOARD:

That the Town vote to approve the article as written. Voted 7-0

<p><i>Summary – This article would amend the Zoning Map consistent with Articles 21-23 above to reflect the area of town the amendment would effect.</i></p>
--

VOTE OF THE TOWN MEETING: A substitute motion was made that no action be taken on this article. The motion was seconded and the vote of the Town Meeting was that no action be taken on this article.

ARTICLE 25
ZONING BYLAW AMENDMENT – ACCESSORY USE
(2/3 Vote Required)

To see if the Town will vote to amend the Zoning Bylaws, by adding a new Chapter Eighteen, to read:

CHAPTER EIGHTEEN
ACCESSORY DWELLING UNITS

18.01 Accessory Dwelling Units

Accessory Dwelling Units shall be permitted only upon issuance of a Special Permit from the Zoning Board of Appeals and in accordance with the additional requirements specified herein.

18.02 General Description

An accessory dwelling unit shall mean a separate housekeeping unit, complete with its own sleeping, cooking and sanitary facilities, that is contained within the structure of a single-family dwelling or attached accessory structure, but functions as a separate unit.

18.03 Purpose

The purpose of the Accessory Dwelling Unit Bylaw is to:

- (a) Provide homeowners with a means of obtaining, through tenants in accessory apartments, rental income, companionship, security, and services, and thereby to enable them to stay more comfortably in homes and neighborhoods they might otherwise be forced to leave;
- (b) Provide a mix of housing that responds to changing family needs and smaller households;
- (c) Provide a broader range of accessible and more affordable housing;
- (d) Protect stability, property values, and the residential character of a neighborhood by ensuring that accessory apartments are installed only in owner-occupied houses and under such additional conditions as may be appropriate to further the purposes of this bylaw; and
- (e) Legalize conversions to encourage compliance with the State Building Code.

18.04 Accessory Dwelling Unit Standards

The SPGA may authorize a Special Permit for a use known as an Accessory Dwelling Unit in Owner-Occupied, Single-Family Dwellings, provided that the following standards and criteria are met:

- (a) The accessory unit shall clearly be a subordinate part of the single family dwelling. It shall be no greater than 600 square feet or twenty percent of the total square footage of the existing home, whichever is less.
- (b) The accessory unit will be a complete, separate housekeeping unit that functions as a separate unit from the original unit.
- (c) Only one accessory unit will be created within a single-family dwelling or the attached accessory structure.
- (d) The lot on which the single-family house is located must meet the minimum lot size requirement and must comply with other applicable zoning requirements for its district.
- (e) The owner(s) of the residence in which the accessory unit is located shall occupy at least one of the dwelling units on the premises except for bonafide temporary absences.
- (f) The accessory dwelling unit shall be designed so that the appearance of the building remains that of a single family residence as much as feasibly possible. Where feasible, any new entrances shall be located on the side or rear of the building. Any exterior changes made must conform to the single family character of the neighborhood.
- (g) An addition to the original building is permitted provided that the addition does not increase the floor area or volume of the original building by more than twenty (20) percent or 600 square feet whichever is less, and the addition will not alter the character of the building.
- (h) At least 1.5 off-street parking spaces per dwelling unit are available for use by the owner-occupant(s) and tenant(s). Parking spaces shall be located to the side or the rear of the structure, to the extent feasible. The maximum number of on site parking spaces shall be five.
- (i) A Sanitarian or Professional Engineer, registered in the Commonwealth of Massachusetts, has certified that the existing or proposed improvements to new or

existing sewage disposal systems are adequate and in accordance with 310 CMR 15.000, The State Environmental Code, Title 5.

- (j) The construction of any accessory apartment must be in conformity with the State Building Code.

18.05 Application Procedure

- (a) The procedure for the submission and approval of a Special Permit for an Accessory Dwelling Unit in Owner-Occupied, Single Family Dwellings shall be the same as prescribed in Section 24.09 of the Sturbridge Zoning Bylaw, and the Rules and Regulations for Special Permit that have been adopted and amended from time to time by the SPGA, except that the application shall include a notarized letter of application from the owner(s) attesting that he/she will occupy one of the dwelling units on the premises.
- (b) Upon receiving a Special Permit, the owner(s) must file the Special Permit with Worcester District Registry of Deeds..
- (c) In order to provide for the development of housing units for disabled and handicapped individuals, the SPGA will allow reasonable deviation from the stated conditions where necessary to install features that facilitate access and mobility for disabled persons.

18.06 Transfer of Ownership of a Dwelling with an Accessory Dwelling Unit

- (a) The Special Permit for an accessory unit in an owner-occupied, single family dwelling shall be personal to the applicant.
- (b) The new owner(s) may apply for transfer of a Special Permit for an accessory unit in an owner occupied, single family dwelling and submit a notarized letter of application attesting that he/she/they will occupy one of the dwelling units on the premises and a written request to the SPGA stating that conditions at the time of the original application remain unchanged. Minor changes may be approved without a hearing.
- (c) Upon receiving the transferred Special Permit, the new owner(s) must file the Special Permit with the Worcester District Registry of Deeds..

18.07 Accessory Units in Existence Before the Adoption of the Accessory Dwelling Unit Bylaw

- (a) Statement of Intent

It is the intent to ensure that accessory units or conversions in existence before the adoption of this Accessory Unit Bylaw are in compliance with the State Building Code. Accessory units in existence at the time of adoption of this bylaw shall not be required to meet the standards set forth in Section 18.04 of this bylaw.

- (b) Application Procedure

The SPGA may authorize, under a Special Permit and in conjunction with the Building Inspector, an Accessory Unit in an Owner-Occupied, Single Family Dwelling or accessory structure. The Board will review, with the Building Inspector, each existing use on a case-by-case basis to determine if the dwelling conforms to the State Building Code.

The applicant must follow the same procedures described in this Accessory Unit Bylaw including the submission of a notarized letter attesting to owner occupancy and a Declaration of Covenants.

18.08 Required Renewal

A Special Permit for an accessory dwelling unit shall be two (2) years. At the end of each two (2) year period, renewal shall be granted upon receipt of a new application, accompanied by the appropriate filing fee as listed on the Town of Sturbridge Fee Schedule, and certification by the owner to the Zoning Board of Appeals that the property remains the principal residence of the owner, and that all other conditions met at the time of the original application remain unchanged. The ZBA in its discretion may require a new Special Permit and demonstration of compliance with all the conditions necessary for a Special Permit for an accessory apartment, pursuant to the Special Permit requirements of this bylaw.

Or take any action in relation thereto.

Sponsor: Planning Board

RECOMMENDATION OF THE FINANCE COMMITTEE:

That the Town vote to approve the article as written. Voted 5-4

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town take no action on the article. Voted 5-0

RECOMMENDATION OF THE PLANNING BOARD:

That the Town vote to approve the article as written. Voted 6-0-1

Summary – This article adds “accessory dwelling units as a use by special permit. This would allow homes to be converted to be used by family members and/or for rental purposes, adding to the Town’s housing stock using existing infrastructure and therefore helping to preserve land area.

VOTE OF THE TOWN MEETING: The Board of Selectmen submitted a substitute motion that no action be taken on this article. The motion was seconded and the vote of the Town Meeting was that no action be taken on this article by a 2/3rds majority vote as declared by the Moderator.

ARTICLE 26
RURAL RESIDENTIAL DISTRICT – USE REGULATION AMENDMENT
(2/3 Vote Required)

To see if the Town will vote to amend Chapter Five, Section 5.02 by adding the following use:

(m) Accessory Dwelling Unit

Or take any action in relation thereto.

Sponsor: Planning Board

RECOMMENDATION OF THE FINANCE COMMITTEE:

That the Town vote to approve the article as written. Voted 5-4

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town take no action on the article. Voted 5-0

RECOMMENDATION OF THE PLANNING BOARD:

That the Town vote to approve the article as written. Voted 7-0

Summary – This article provides for accessory dwelling units as defined above as an accessory use in the Rural Residential Zone.

VOTE OF THE TOWN MEETING: Kevin Smith of the Finance Committee submitted a substitute motion that no action be taken on this article. The motion was seconded and the vote of the Town Meeting was unanimous that no action be taken on this article as declared by the Moderator.

ARTICLE 27
SUBURBAN RESIDENTIAL DISTRICT – USE REGULATION AMENDMENT
(2/3 Vote Required)

To see if the Town will vote to amend Chapter Six, Section 6.02 by adding the following use:

(h) Accessory Dwelling Unit

Or take any action in relation thereto.

Sponsor: Planning Board

RECOMMENDATION OF THE FINANCE COMMITTEE:

That the Town vote to approve the article as written. Voted 5-4

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town take no action on the article. Voted 5-0

RECOMMENDATION OF THE PLANNING BOARD:

That the Town vote to approve the article as written. Voted 7-0

Summary – This article provides for accessory dwelling units as defined above as an accessory use in the Suburban Residential Zone.

VOTE OF THE TOWN MEETING: Kevin Smith of the Finance Committee submitted a substitute motion that no action be taken on this article. The motion was seconded and the vote of Town Meeting was unanimous that no action be taken on this article as declared by the Moderator.

ARTICLE 28
SPECIAL USE DISTRICT – USE REGULATION AMENDMENT
(2/3 Vote Required)

To see if the Town will vote to amend Chapter Fourteen, Section 14.02 by adding the following use:

(f) Accessory Dwelling Unit

Or take any action in relation thereto.

Sponsor: Planning Board

RECOMMENDATION OF THE FINANCE COMMITTEE:

That the Town vote to approve the article as written. Voted 5-4

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town take no action on the article. Voted 5-0

RECOMMENDATION OF THE PLANNING BOARD:

That the Town vote to approve the article as written. Voted 7-0

Summary – Summary – This article provides for accessory dwelling units as defined above as an accessory use in the Suburban Residential Zone.

VOTE OF THE TOWN MEETING: Kevin Smith of the Finance Committee made a substitute motion that no action be taken on this article. The motion was seconded and the vote of the Town Meeting was unanimous that no action be taken on this article.

**ARTICLE 29
ZONING BYLAW AMENDMENT – GENERAL REGULATIONS
(2/3 Vote Required)**

To see if the Town will vote to amend the Zoning Bylaws, Chapter Twenty, Section 20.04 and 20.06 as follows:

To delete the following Section 20.04 in its entirety:

20.04 Alteration

A non-conforming use of any structure may not be altered or reconstructed if the cost of such alteration exceeds fifty percent (50%) of the fair market value of the structure at the time of change.

To delete the following Section 20.06 in its entirety:

No non-conforming structure damaged by fire or other causes to the extent of more than seventy-five percent (75%) of its fair market value shall be repaired or rebuilt except in conformity with this bylaw. If the structure appears on the Nation Register of Historic Places, it may be reconstructed to its state at the time of destruction in the then existing footprint.

And replacing Section 20.06 with the following:

20.06 Replacement of Destroyed Buildings

Any pre-existing non-conforming non-residential building, including an otherwise conforming non-residential building on a non-conforming lot, that is destroyed by fire, explosion, the act of public enemy or act of God, may be reconstructed as a matter of right, provided that the reconstruction must be within the then-existing footprint and must not exceed the then-existing building envelope. Said reconstruction of the building must be under construction within two (2) years of the date of casualty.

Reconstruction of a pre-existing non-conforming building, where such reconstruction cannot be made as of right, may be made by a Special Permit granted pursuant to Section 20.05.

Or take any action in relation thereto.

Sponsor: Planning Board

RECOMMENDATION OF THE FINANCE COMMITTEE:

That the Town vote to approve the article as written. Voted 9-0

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town vote to approve the article as written. Voted 5-0

RECOMMENDATION OF THE PLANNING BOARD:

That the Town vote to approve the article as written. Voted 7-0

Summary – This article applies to non-residential buildings and provides business owners the right to re-build within the same building footprint and envelope if the building is destroyed by fire or other disaster.

VOTE OF THE TOWN MEETING: The vote of the Town Meeting was unanimous in approving the article as written as declared by the Moderator.

**ARTICLE 30
ZONING BYLAWS – OFF STREET PARKING
(2/3 Vote Required)**

To see if the Town will vote to amend the Zoning Bylaws, Chapter Twenty, Section 20.22 as follows:

To amend 20.22 from:

20.22 An off-street parking space shall have an area of not less than 10 by 20 feet per vehicle, handicapped spaces shall have an area of not less than 12 by 20 feet, truck parking spaces shall have an area of not less than 12 by 72 feet. Parking areas shall be provided on the same lot or on another lot within a radius of not more than 300 feet from the lot to which it is appurtenant, in accordance with the following schedule:

To:

20.22 An off-street parking space shall have an area of not less than 10 by 20 feet per vehicle, handicapped spaces shall have an area of not less than 12 by 20 feet, truck parking spaces shall have an area of not less than 12 by 72 feet. Parking areas shall be provided on the same lot or on another lot located in a zone in which the parking area is permitted within a radius of not more than 300 feet from the lot to which it is appurtenant (or 600 feet in Commercial Tourist Zone), in accordance with the following schedule:

To amend Section 20.22 (a) to read as follows:

(a) Dwelling – Two (2) spaces per dwelling unit. Except in the case of a single family dwelling with an accessory dwelling unit in which case there shall be at least 1.5 parking spaces per residential unit not to exceed five total parking spaces.

To amend Section 20.22 (c) to read as follows:

(c) Restaurant, Café, Tavern – One space for every three (3) seats of seating capacity plus one (1) space each, for the number of employees working on the largest shift.

To amend Section 20.22 (j) to read as follows:

(j) The parking area and access driveways thereto shall be surfaced with crushed stone or bituminous or cement concrete material and shall be graded and drained so as to dispose of all surface water accumulation in accordance with acceptable

engineering practices. To ensure safety, berms must be placed as required by the Planning Board, except for parking areas for single residential uses.

To amend Section 20.22 (n) to read as follows:

- (n) Parking shall not be located within the applicable set back requirements in any District except for single residential use. Additionally pedestrian lanes five feet wide must be located adjacent to the front and sides of such buildings to allow for handicapped passage without parking interference, except for buildings for single residential uses.

To amend Section 20.22 to add a new Section (s) as follows:

(s) SHARED OR LEASED PARKING

Parking spaces required for one use shall not be considered as providing the required facilities for any other use, except as hereinafter provided. Any existing parking above 120% of parking otherwise required for all uses on a property may be shared or leased by right. Where existing parking spaces are more than 100% but less than 120% of parking otherwise required for all on-site uses, applicants for a Site Plan Review approval or Special Permit may request to share and/or lease the parking spaces, based on the following conditions:

- (1) Parking spaces to be shared represent the difference between peak parking needs generated by on-site uses occurring at different times. This may include reductions in parking use resulting from employees, tenants, patrons or other parking users of the site being common to and shared by more than one different use on the site, and/or:
- (2) Parking spaces to be shared represent the difference between current levels of peak parking utilization and anticipated lower future levels of peak parking utilization, said difference to be generated in whole or in part by a parking management plan approved by the permit granting authority. Said plans shall include and implement measures such as car and van pooling, bicycling and public transit. The permit granting authority may require periodic documentation of reductions in parking utilization realized as a result of the parking management plans.
- (3) The shared or leased parking is suitably located in the neighborhood in which it is proposed, as deemed appropriate by the permit granting authority.
- (4) The shared parking spaces may only be located in a zone in which the parking area is permitted.
- (5) An agreement, lease, deed, contract or easement establishing shared use of a parking facility shall be submitted to and approved by the Planning Board. The approved agreement shall be recorded in the Registry of Deeds prior to the issuance of an occupancy permit for the project.
- (6) In the event that a shared parking agreement is terminated, those uses with less than the required number of spaces shall notify the Planning Board within fourteen (14) days and do one of the following:
 - a. Provide at least fifty (50) percent of the required parking within sixty days and provide the remaining required parking within six (6) months following termination of the shared use agreement; or
 - b. Demonstrate to the Planning Board, using a study deemed reliable by the Board, that the available parking is sufficient to accommodate the use's peak parking demand.

To amend Section 20.22 to add a new Section (t) as follows:

(t) BICYCLE RACKS

For all parking lots of 10 or more parking spaces, it is encouraged that the installation of bicycle racks be provided. The bike racks shall be designed to provide for the locking of bikes to the racks. The design, location and number of bike racks shall be approved by the permit granting authority as part of an approval of the permit request.

Or taken any action in relation thereto.

Sponsor: Planning Board

RECOMMENDATION OF THE FINANCE COMMITTEE:

That the Town vote to approve the article as written. Voted 7-2

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town vote to approve the article as written. Voted 5-0

RECOMMENDATION OF THE PLANNING BOARD:

That the Town vote to approve the article as written. Voted 7-0

Summary – This article seeks to make several changes to the off-street parking regulations of the town as follows:

- *Makes it clear that parking lots must be within the same zoning district as the parcel in which the parking is intended or within a zoning district that permits parking lots.*
- *Clarifies that on a single family dwelling with an accessory dwelling unit, that there is a limit of 5 parking spaces.*
- *Requires berms in parking areas of non-residential properties.*
- *Provides for pedestrian lanes to provide additional safety for handicapped individuals.*
- *Establishes minimum requirements for shared parking or leased parking that is on property other than a business's parcel.*
- *Provides encouragement that bicycle racks be provided in parking lots with more than 10 spaces.*

VOTE OF THE TOWN MEETING: The vote of the Town Meeting was unanimous in approving the article as written as declared by the Moderator.

**ARTICLE 31
ZONING BYLAWS – AUTOMOBILE SERVICE STATION AND SALES
(2/3 Vote Required)**

To see if the Town will vote to amend the Zoning Bylaws, Chapter Nine and Ten, Sections 9.01 and 10.01 (Permitted Uses) as follows:

To amend Chapter Nine, General Industrial District, Section 9.01 (d) from:

- (d) Automobile service station, automobile repair shop, automobile storage garage, automobile salesroom or lot.

To:

- (d) Automobile repair shop, automobile storage garage, automobile salesroom or lot not to exceed 40 vehicles for sale.

To amend Chapter Ten, Industrial Park District, Section 10.01 (e) from:

- (e) Automobile service station, automobile repair shop, automobile storage garage, automobile salesroom or lot.

To:

- (e) Automobile repair shop, automobile storage garage, automobile salesroom or lot not to exceed 40 vehicles for sale.

Or take any action in relation thereto.

Sponsor: Planning Board

RECOMMENDATION OF THE FINANCE COMMITTEE:

That the Town vote to approve the article as written. Voted 8-1

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town vote to approve the article as written. Voted 5-0

RECOMMENDATION OF THE PLANNING BOARD:

That the Town vote to approve the article as written. Voted 7-0

Summary – This article places a maximum limit of 40 vehicles that may be at a car dealership in the General Industrial and Industrial Park Zoning Districts.

VOTE OF THE TOWN MEETING: The vote of the Town Meeting was to approve the article as written by a 2/3rds majority vote as declared by the Moderator.

**ARTICLE 32
RE-ZONING OLD STAGECOACH ROAD
(2/3 Vote Required)**

To see if the Town will vote to amend the Zoning Map, by changing the Zoning District designation for the following parcel from Commercial to Suburban Residential:

#8 Old Stagecoach Road

Or take any action in relation thereto.

Sponsor: By Petition

RECOMMENDATION OF THE FINANCE COMMITTEE:

That the Town vote to approve the article as written. Voted 9-0

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town vote to approve the article as written. Voted 5-0

RECOMMENDATION OF THE PLANNING BOARD:

That the Town vote to approve the article as written. Voted 6-1

Summary – This article would rezone a parcel that is split between Suburban Residential and Commercial so that the entire parcel would be zoned Suburban Residential.

VOTE OF THE TOWN MEETING: The vote of the Town Meeting was unanimous in approving the article as written as declared by the Moderator.

**ARTICLE 33
GENERAL INDUSTRIAL DISTRICT USE REGULATIONS
(2/3 Vote Required)**

To see if the Town will vote to amend the Zoning Bylaws, Chapter Nine - General Industrial District – Use Regulations by inserting the following in Section 9.01 “Permitted Uses”:

(h) Office, bank, newspaper or job printing establishment.

Or take any action in relation thereto.

Sponsor: By Petition

RECOMMENDATION OF THE FINANCE COMMITTEE:

That the Town vote to approve the article as written. Voted 7-0

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town vote to approve the article as written. Voted 3-2

RECOMMENDATION OF THE PLANNING BOARD:

That no action be taken on the article. Voted 7-0

Summary – This article was submitted by petition to allow general office uses in the General Industrial Zone as a permitted use. These are uses that are currently permitted uses allowed in a Commercial Zone.

VOTE OF THE TOWN MEETING: The vote of the Town Meeting was to approve the article as written by a 2/3rds majority as declared by the Moderator.

**ARTICLE 34
COMMUNITY PRESERVATION – OPERATING & ADMINISTRATIVE
EXPENSE**

To see if the Town will vote to appropriate, from the Community Preservation Act (CPA) funds, the sum of THIRTY THOUSAND AND 00/100 DOLLARS (\$30,000.00) of annual CPA funds to be allocated for the use of operating and administrative expenses of the Community Preservation Committee (CPC), any unused funds appropriated shall revert back to CPA undesignated fund balance; or take any action in relation thereto.

Sponsor: Community Preservation Committee

RECOMMENDATION OF THE FINANCE COMMITTEE:

That the Town vote to approve the article as written. Voted 9-0

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town vote to approve the article as written. Voted 5-0

RECOMMENDATION OF THE COMMUNITY PRESERVATION COMMITTEE:

That the Town vote to approve the article as written. Voted 9-0

Summary – These funds would be used to provide operating and administrative expenses for the review of conservation restrictions from attorneys who work closely with CPA issues.

VOTE OF THE TOWN MEETING: The vote of the Town Meeting was to approve the article as written as declared by the Moderator.

**ARTICLE 35
AFFORDABLE HOUSING CONSULTANT**

To see if the Town will vote to appropriate from the Community Preservation Fund, Reserved for Affordable Housing, the sum of TWENTY FIVE THOUSAND AND 00/100 DOLLARS (\$25,000.00) for the purpose of hiring a qualified consultant to conduct a housing needs assessment and develop an Affordable Housing Action Plan for the Town of Sturbridge; or take any action in relation thereto.

Sponsor: Community Preservation Committee

RECOMMENDATION OF THE FINANCE COMMITTEE:

That the Town vote to approve the article as written. Voted 9-0

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town vote to approve the article as written. Voted 5-0

RECOMMENDATION OF THE COMMUNITY PRESERVATION COMMITTEE:

That the Town vote to approve the article as written. Voted 9-0

Summary – This article and the following article are the first Affordable Housing Articles coming before Town Meeting from the Community Preservation Act Committee. The funds from this Act are to be divided among Open Space, Historic Preservation and Affordable Community Housing. While the Town has been very active in the first two areas, we are now looking to work on the Affordable Housing aspect of the Community Preservation Act. This article would provide funding to hire a consultant to assist the Town in developing a plan to provide affordable housing and to meet the community's needs.

VOTE OF THE TOWN MEETING: The vote of the Town Meeting was unanimous in approving the article as written as declared by the Moderator.

**ARTICLE 36
AFFORDABLE HOUSING PROJECT**

To see if the Town will vote to authorize the Board of Selectmen:

- (1) To acquire lot 79A Fairview Park Road, shown as Assessors Map 34, Lot 79A,
- (2) To transfer the care, custody and control of 77, 79 and 79A Fairview Park Road, shown as Assessors Map 34, Lots 77, 79 and 79A to the Community Preservation

Committee to be donated to Habitat for Humanity in Worcester for affordable housing purposes, and further, that the sum of ONE HUNDRED TWENTY FIVE THOUSAND AND 00/100 DOLLARS (\$125,000.00) be appropriated from the Community Preservation Fund Reserved for Affordable Housing for the acquisition of lot 79A Fairview Park Road and to partially fund the cost to Habitat for Humanity to construct two single family affordable houses, one on lot 77 and one on lot 79 Fairview Park Road rather than constructing duplex houses on these lots and for all costs incidental and related thereto and to authorize the Board of Selectmen to enter into a grant agreement with Habitat for Humanity for such purposes; or take any action in relation thereto.

Sponsor: CPA Committee

RECOMMENDATION OF THE FINANCE COMMITTEE:

That the Town vote to approve the article as written. Voted 9-0

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town vote to approve the article as written. Voted 5-0

RECOMMENDATION OF THE COMMUNITY PRESERVATION COMMITTEE:

That the Town vote to approve the article as written. Voted 9-0

Summary – This article would transfer the ownership of the lots owned by the Town of Sturbridge on Fairview Park Road and appropriate funds from the Community Preservation Act to assist in the development and construction of affordable housing units through a collaborative effort with Habitat for Humanity.

VOTE OF THE TOWN MEETING: The vote of the Town Meeting was to approve the article as written as declared by the Moderator.

ARTICLE 37

VETERAN MONUMENT TRUST FUND APPROPRIATION

To see if the Town will vote to transfer from the Veteran Monument Trust Fund and appropriate the sum of ONE THOUSAND AND 00/100 DOLLARS (\$1,000.00) and to transfer and appropriate from Free Cash the sum of TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500.00) for a total of \$3,500.00 for the purpose of restoring, and updating, to include appropriate recognition of Lt. Joshua Booth, and to re-landscape the Gold Star Mothers Monument, located in front of the Center School Building; or take any action in relation thereto.

Sponsor: Veteran's Agent

RECOMMENDATION OF THE FINANCE COMMITTEE:

That the Town vote to approve the article as written. Voted 9-0

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town vote to approve the article as written. Voted 5-0

Summary – This article would appropriate funds to make improvements to the memorial Gold Star Mothers Monument in front of the Center School.

VOTE OF THE TOWN MEETING: The vote of the Town Meeting was unanimous in approving the article as written as declared by the Moderator.

**ARTICLE 38
WATER DEPARTMENT CAPITAL BUDGET**

To see if the Town will vote to transfer and appropriate from the Water Fund Reserve the sum of ONE HUNDRED FIFTY FIVE THOUSAND AND 00/100 DOLLARS (\$155,000.00) and to transfer and appropriate from the Water Tank Maintenance (Sprint) Account #29520-35900 the sum of SEVENTY FIVE THOUSAND AND 00/100 DOLLARS (\$75,000.00) to the Water Department FY08 Capital Account #28440-58108; for the purpose of completing phase II of the electronic meter replacement project; cleaning well #5, fencing around the wells and to paint St. Anne's Water Tower; or take any action in relation thereto.

Sponsor: DPW Director

RECOMMENDATION OF THE FINANCE COMMITTEE:

That the Town vote to approve the article as written. Voted 9-0

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town vote to approve the article as written. Voted 5-0

Summary – In the past, smaller capital budget items had been included in the Water and Sewer budgets, however, to meet the ongoing capital needs of these departments, there are capital projects that need to be completed but cannot be included in the department's operating budgets without causing spikes in the water and sewer rates. Therefore, these capital budget items are being moved out of the operating budget and into a Water Capital Budget and Sewer Capital Budget and the appropriation will come from the fund balance in the special revenue funds. This appropriation will cover the second phase of replacing the old meters with electronic meters, cleaning well #5 OR starting a two-year fencing plan to fence in the Zone I around the Town's wells as required by the MADEP and to paint the St. Anne's Water Tower (funds for this have been placed in the reserve through a cell antennae lease on the St. Anne's Water Tower. The current balance in the Water Fund Reserve is \$2,433,896 and the Water Tank Maintenance Account Balance is \$78,333.

This is the same explanation for the following article which addresses the Sewer Department's needs.

VOTE OF THE TOWN MEETING: The vote of the Town Meeting was unanimous in approving the article as written as declared by the Moderator.

**ARTICLE 39
SEWER DEPARTMENT CAPITAL**

To see if the Town will vote to transfer and appropriate from the Sewer Fund Reserve the sum of SEVENTY SEVEN THOUSAND FIVE HUNDRED AND 00/100 DOLLARS (\$77,500.00) to the Sewer Department FY08 Capital Account #29450-58108; for the purpose of replacing sludge pumps, digester cleaning, Hall Road and Route 20 Pump Station work; or take any action in relation thereto.

Sponsor: DPW Director

RECOMMENDATION OF THE FINANCE COMMITTEE:

That the Town vote to approve the article as written. Voted 9-0

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town vote to approve the article as written. Voted 5-0

Summary – See explanation above on Article 38. The balance in the Sewer Fund Reserve is \$1,105,074.

VOTE OF THE TOWN MEETING: The vote of the Town Meeting was unanimous in approving the article as written as declared by the Moderator.

**ARTICLE 40
REVOLVING FUNDS**

To see if the Town will vote to re-establish the following Revolving Funds as provided for in Massachusetts General Laws, Chapter 44, Section 53E½:

<u>Revolving Fund</u>	<u>Purpose</u>	<u>Funds to be Deposited From</u>	<u>Maximum Expenditure</u>
Recreation	Tennis league, volleyball league, Concerts on the Common, Summer Recreation Program, teen recreation programs and Table Tennis Club	Program fees, donations, gifts, private sponsorship, facilities fees	20,000.00
HazMat Cleanup	To address hazardous materials spills and provide the Fire Department the means to bill insurance companies and refurbish supplies used in HazMat spills	Insurance proceeds and other proceeds received by the HazMat Team for services	10,000.00
Library	Purchasing library materials including computer software products	Fees from non-resident users of the Joshua Hyde Library	2,500.00
Senior Center	Payment to instructors, presenters, service providers, supplies for special programs and repairs	Program fees, private sponsorship, donations and participation fees	10,000.00
Planning Department	GIS support services	Mapping services	10,000.00

Or take any action in relation thereto.

Sponsors: Recreation Committee, Fire Department, Joshua Hyde Library Board of Trustees, Council on Aging, Town Planner

RECOMMENDATION OF THE FINANCE COMMITTEE:

That the Town vote to approve the article as written. Voted 9-0

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town vote to approve the article as written. Voted 5-0

Summary – This article re-establishes and provides spending authority for the Town's Revolving Funds. The annual accounting and balance of the revolving funds is included as an appendix to the Finance Committee's Report.

VOTE OF THE TOWN MEETING: The vote of the Town Meeting was unanimous in approving the article as written as declared by the Moderator.

**ARTICLE 41
PUBLIC LANDS REVOLVING FUND**

To see if the Town will vote to establish a revolving fund for management of open space public lands owned by the Town of Sturbridge as provided in MGL Ch. 44, § 53E½ .

The programs and projects to be supported with these funds in FY08 may include: the development and implementation of forestry management plans; trail development/maintenance; signage; trail maps; construction of foot bridges; purchase of supplies such as: benches, trash receptacles, and maintenance materials; development of access for public use (including but not limited to trail heads, parking areas, etc.); educational purposes and general maintenance of the open space parcels owned by the Town of Sturbridge.

The funds to be deposited into this account include revenues generated through forestry management and donations for the purposes stated above.

The amount of funds to be expended in FY08 shall not exceed \$20,000 unless such additional amounts are recommended by the Board of Selectmen and Finance Committee and approved by a vote at a Town Meeting; or take any action in relation thereto.

Sponsor: Conservation Commission & Town Administrator

RECOMMENDATION OF THE FINANCE COMMITTEE:

That the Town vote to approve the article as written. Voted 7-0-2

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town vote to approve the article as written. Voted 5-0

Summary – This article would establish a new revolving fund where revenues generated from any forestry and donations could be deposited and used to develop forest management plans, trail development, mapping and maintenance. This will assist the Town in keeping these parcels as self-supporting as possible.

VOTE OF THE TOWN MEETING: The vote of the Town Meeting was unanimous in approving the article as written as declared by the Moderator.

**ARTICLE 42
AMBULANCE STABILIZATION FUND
(2/3 Vote Required)**

To see if the Town will vote to raise and appropriate TWENTY THOUSAND AND 00/100 DOLLARS (\$20,000.00) to the Ambulance Stabilization Fund for the purpose of reserving funds for the future purchase of an ambulance; or take any action in relation thereto.

Sponsor: Fire Chief and Finance Director

RECOMMENDATION OF THE FINANCE COMMITTEE:

That the Town vote to approve the article as written. Voted 9-0

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town vote to approve the article as written. Voted 5-0

Summary – Each year, the Town sets aside the equivalent of \$20,000 from ambulance collections to assist the town in replacing it’s ambulances on a seven year schedule. These funds will be set aside until a new ambulance is purchased.

VOTE OF THE TOWN MEETING: The vote of the Town Meeting was unanimous in approving the article as written as declared by the Moderator.

**ARTICLE 43
STURBRIDGE AREA TOURIST ASSOCIATION**

To see if the Town will vote to transfer and appropriate from the Hotel/Motel Special Account to the Sturbridge Area Tourist Association Account the sum of NINETY ONE THOUSAND SEVEN HUNDRED THIRTY ONE AND 00/100 DOLLARS (\$91,731.00) for the following items:

Fulfillment (Telephone, postage, internet)	12,431.00
Advertising, Printing, Promotion & Production	46,500.00
Special Events/Community Support	15,300.00
Group Tour	5,000.00
General Grounds/Maintenance	4,500.00
Route 20 Restrooms	6,000.00
Chamber Support	2,000.00
 Total:	 91,731.00

Or take any action in relation thereto.

Sponsor: Sturbridge Area Tourist Association

RECOMMENDATION OF THE FINANCE COMMITTEE:

That the Town vote to approve the article as written. Voted 9-0

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town vote to approve the article as written. Voted 5-0

Summary – This budget is for marketing the community for tourism. The revenues come from a 4% hotel/motel tax which is split with 67.5% going to the General Fund, 16.25% used for funding SATA and 16.25% used for the Betterment Committee.

VOTE OF THE TOWN MEETING: The vote of the Town Meeting was unanimous in approving the article as written as declared by the Moderator.

**ARTICLE 44
BETTERMENT COMMITTEE**

To see if the Town will vote to transfer and appropriate from the Hotel/Motel Special Account to the Betterment Account the sum of NINETY ONE THOUSAND SEVEN HUNDRED THIRTY ONE AND 00/100 DOLLARS (\$91,731.00) for the following items:

Bleachers	\$	2,159.00
Cedar Lake Weed Treatment	\$	3,400.00
Flower Barrels	\$	2,500.00

Library Landscaping	\$	1,500.00
Old Burial Ground Adopt-A-Headstone	\$	500.00
Police Cruiser	\$	34,000.00
Public Restroom Maintenance	\$	5,000.00
Seasonal Maintenance Worker	\$	16,000.00
Sidewalk Maintenance	\$	6,000.00
Street Landscaping	\$	1,820.00
Summer Concert Series	\$	3,000.00
Tennis Poles/Nets/Benches	\$	2,112.00
Town Common Event Sign	\$	3,000.00
Town Common Tree Maintenance	\$	3,000.00
Tree Maintenance	\$	6,740.00
Tree Planting	\$	1,000.00
 Total:	 \$	 91,731.00

Or take any action in relation thereto.

Sponsor: Betterment Committee

RECOMMENDATION OF THE FINANCE COMMITTEE:

That the Town vote to remove the line item identified as “Town Common Event Sign” and adjust the line item identified as “Street Landscaping” to the amount of \$4,820.00 (FOUR THOUSAND EIGHT HUNDRED TWENTY AND 00/100 DOLLARS) and to otherwise approve the article as written. Voted 7-0

The Finance Committee’s recommendation on this article is unrelated to the issue of Paramedic service. Instead, our recommendation comes from a belief espoused in our report found in the front of this book: Betterment funds should not be used to pay for the operating costs of various departments. With our motion, we are restoring the funds for their intended purpose. Moreover, the recommendation offered by the Selectmen will make little difference to the cost impact of Paramedic service but our recommendation will make a significant difference to the beautification of the Town.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town vote to amend the line item identified as “Town Common Event Sign” to be modified to read, “Fire Department Paramedic Equipment and Supplies” and to otherwise approve the article as written. Voted 5-0

Summary – The revenues come from a 4% hotel/motel tax which is split with 67.5% going to the General Fund, 16.25% used for funding SATA and 16.25% used for the Betterment Committee. The Betterment Committee receives 16.25% of the hotel/motel tax revenues to be used for public safety, recreation and beautification of the community.

VOTE OF THE TOWN MEETING: There was a substitute motion submitted by the Sturbridge Recreation Committee to approve the article as written. The motion was seconded and the vote was to defeat the substitute motion. At this time we returned to the main motion of the Finance Committee which read, “*That the Town vote to remove the line item identified as “Town Common Event Sign” and adjust the line item identified as “Street Landscaping” to the amount of \$4,820.00 (FOUR THOUSAND EIGHT HUNDRED TWENTY AND 00/100 DOLLARS) and to otherwise approve the article as written.* The vote of the Town Meeting was to approve the article as recommended by the Finance Committee as declared by the Moderator.

ARTICLE 45

CAPITAL IMPROVEMENT PLAN

To see if the Town will vote to transfer from free cash and appropriate the sum of TWO HUNDRED NINETY TWO THOUSAND SEVEN HUNDRED THIRTEEN AND 00/100 DOLLARS (\$292,713.00) to the Capital Improvement Account for the purpose of funding the following items from the capital improvement plan to be undertaken for the Fiscal Year beginning July 1, 2007:

Mobile Data Computer (2)	Police Department	\$7,400.00
Police Cruiser (2)	Police Department	\$70,000.00
Conservation Commission Vehicle	Conservation Commission	\$24,000.00
Computer Replacements (4)	Fire Department	\$5,000.00
Computer Replacements (5)	Various	\$9,000.00
DPW Excavator	Public Works	\$127,313.00
Used Stump Grinder	Board of Health	\$50,000.00
	Total:	\$292,713.00

Or take any action in relation thereto.

Sponsor: Capital Planning Committee

RECOMMENDATION OF THE FINANCE COMMITTEE:

That the Town vote to approve the article as written. Voted 9-0

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town vote to approve the article as written. Voted 5-0

Summary – This budget provides for the highest rated capital needs for the Town. The Town uses a ten-factor rating system where each capital request is rated between 0 and 100. The ten factors are public safety and health, infrastructure needs, quantity of use, efficiency of services, legal requirements, public support, personnel impacts, service impacts, budgetary constraints and administrative needs. The Capital Plan as presented is consistent with the Comprehensive Fiscal Policies presented to the Selectmen and Finance Committee in 2005 to set goals and guidelines. Under this policy, capital expenditures rated as high priorities but costing under \$5,000 are included in department budgets; capital expenditures over \$5,000 and under \$100,000 are included in this article to be funded using free cash; and capital expenditures over \$100,000 are included and recommended as short-term borrowing articles.

VOTE OF THE TOWN MEETING: The vote of the Town Meeting was unanimous in approving the article as written as declared by the Moderator.

**ARTICLE 46
LAUREN LANE ACCEPTANCE**

To see if the Town will accept a certain way in the Town of Sturbridge, and the identification of said way, as a public way of the Town of Sturbridge being Lauren Lane, as same is shown on a plan of land entitled ‘Plan of Property Surveyed for C.M.G. Development Corp. located on Clarke Road, Sturbridge, Massachusetts’ dated January 10, 1995 by Jalbert Engineering, Inc. recorded with Worcester District Registry of Deeds, Plan Book 689, Plan 105 and on a plan of land entitled “Definitive Subdivision Plan of Lauren Trust & Alison Trust, Clarke Road, Sturbridge, Massachusetts” dated June 8,

1998 and recorded with Worcester District Registry of Deeds, Plan Book 752, Plan 42 and further bounded and described as follows:

Beginning at an angle point in the easterly line of Clarke Road, said point being located S. 3 34' 13" E. 3.50 feet from the northerly line of the "Future Road" as shown on Plan in Plan Book 689, Plan 105, which road is now known as Lauren Lane;

THENCE N. 3° 34' 13" W. 23.06 feet along Clarke Road to a point;
THENCE in a general southerly and southeasterly direction along a curve having a radius of 20.00 feet, a length of 30.97 feet to a point in the northerly line of said Lauren Lane;
THENCE N. 87° 42' 48" E. along said Lauren Lane, 185.51 feet to a point designated on plan in Plan Book 689, Plan 105 as "iron pin to be set";
THENCE S. 02° 17' 12" E. along Lauren Lane, 2.64 feet to a point;

THENCE along Lauren Lane by a curve having a radius of 169.94 feet, a length of 150.00 feet to a point;
THENCE S. 38° 46' 51" E. along Lauren Lane, 17.74 feet to a point;
THENCE along Lauren Lane by a curve having a radius of 120.00 feet, a length of 90.00 feet to a point;
THENCE S. 78° 43' 19" E. along Lauren Lane, 42.25 feet to a point;
THENCE S. 78° 43' 19" E. along Lauren lane, 73.75 feet to a point;
THENCE along Lauren Lane by a curve having a radius of 109.99 feet, a length of 76.25 feet to a point;
THENCE along Lauren Lane by a curve having a radius of 109.99 feet, a length of 96.54 feet to a point;
THENCE S. 11° 16' 41" W. along Lauren Lane, 82.75 feet to a point;
THENCE S. 11° 16' 41" W. along Lauren Lane, 151.04 feet to a point;
THENCE S. 11° 16' 41" W. along Lauren Lane, 116.74 feet to a point;
THENCE along Lauren Lane by a curve having a radius of 150.00 feet, a length of 38.30 feet to a point;
THENCE along Lauren Lane by a curve having a radius of 150.00 feet, 73.91 feet to a point;
THENCE S. 54° 08' 27" W. along Lauren Lane, 76.09 feet to a point;
THENCE S. 54° 08' 27" W. along Lauren Lane, 89.24 feet to a point;
THENCE along Lauren Lane by a curve having a radius of 30.00 feet, a length of 9.15 feet to a point;
THENCE along Lauren Lane by a curve having a radius of 57.50 feet, a length of 51.61 feet to a point;
THENCE along Lauren Lane by a curve having a radius of 57.50 feet, a length of 150.00 feet to a point;
THENCE along Lauren Lane by a curve having a radius of 57.50 feet, a length of 69.17 feet to a point;
THENCE along Lauren Lane by a curve having a radius of 30.00 feet a length of 37.88 feet to a point
THENCE N. 54° 08' 27" E. along Lauren Lane, 108.23 feet to a point;
THENCE along Lauren Lane by a curve having a radius of 100.00 feet to a point, said point being located at the intersection of the northerly line of Lot 10 as shown on plan in Plan Book 752, Plan 42 with the northwesterly line of Lauren Lane;
THENCE along Lauren Lane by a curve having a radius of 100.00 feet, a length of 39.89 feet to a point;
THENCE N. 11° 16' 41" E. along Lauren Lane, 110.81 feet to a point;
THENCE N. 11° 16' 41" E. along Lauren Lane, 150.00 feet to a point;
THENCE N. 11° 16' 41" E. along Lauren Lane, 89.74 feet to a point;
THENCE along Lauren Lane by a curve having a radius of 60.00 feet, a length of 94.25 feet to a point;
THENCE N. 78° 43' 19" W. along Lauren Lane, 116.00 feet to a point;
THENCE along Lauren Lane by a curve having a radius of 170.00 feet, a length of 45.01 feet to a point;
THENCE along Lauren Lane by a curve having a radius of 170.00 feet, a length of 23.62 feet to a point;

THENCE along Lauren Lane by a curve having a radius of 170.00 feet, a length of 58.87 feet to a point

THENCE along Lauren Lane by a curve having a radius of 120.33 feet, a length of 118.47 feet to a point designated on plan in Plan Book 689, Plan 105 as “iron pin to be set”;

THENCE S. 87° 42’ 48” W. along the southerly line of Lauren Lane, 191.51 feet to a point;

THENCE in a general southerly and southwesterly direction along a curve having a radius of 20.00 feet, a length of 27.52 feet to a point on the easterly line of Clarke Road;

THENCE N. 8° 52’ 13” B. along Clarke Road to the point of beginning.

Being a portion of the premises conveyed to Edmond A. Neal, III, Trustee of Mildred Realty Trust by deed of Roman Catholic Bishop of Worcester dated July 15, 1994 and recorded with Worcester District Registry of Deeds, Book 16436, Page 1 and being a portion of the premises conveyed to C.M.G-. Development Corporation by deed of Y & R Enterprises, Inc. dated March 15, 1993 and recorded with Worcester District Registry of Deeds, Book 15094, Page 180; or take any action relative thereto.

Sponsor: By Petition

RECOMMENDATION OF THE FINANCE COMMITTEE:

That the Town take no action on this article. Voted 9-0

The Finance Committee feels this article is not in the best interest of the Town. The DPW director has expressed several reservations about this project meeting the Town’s standards regarding road acceptance.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

Recommendation to be provided at Town Meeting.

Summary – This vote would accept Lauren Lane as a public way. Lauren Lane is located off Clark Road in Fiskdale and services 14 single family homes.

VOTE OF THE TOWN MEETING: A substitute motion was presented by Attorney Edmond A. Neal III which read, “That the Town vote to accept Lauren Lane as a public way, with the description as written, with final approval of the DPW Director.” The motion was seconded and the vote of the Town Meeting was to defeat the substitute motion. At this point we returned to the main motion of the Finance Committee which was that the Town take no action on this article.