

**ANNUAL TOWN MEETING
TANTASQUA REGIONAL HIGH SCHOOL
TOWN WARRANT
APRIL 28, 2008
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 5-0.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town vote to approve the article as written. Voted 4-0.

<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>
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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 2009 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 2009; 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 as written. Voted 5-0.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town vote to approve as written. Voted 4-0.

RECOMMENDATION OF THE COMMUNITY PRESERVATION COMMITTEE:

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

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. On the second night of the Town Meeting, Mr. Malloy asked for reconsideration of this article as there was a mistake in the CPA Committee Report located in the appendix (Appendix B) to the Finance Committee Report. The motion was allowed, seconded, and the vote of the Town Meeting was to approve changing “Sheppard Parcel” to “Stallion Hill” 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 the amount of TWO-HUNDRED FIFTY THOUSAND AND 00/100 DOLLARS (\$250,000.00) from free cash in determining the tax rate for the fiscal year beginning July 1, 2008; or take any action in relation thereto.

Sponsor: Board of Selectmen

RECOMMENDATION OF THE FINANCE COMMITTEE:

To see if the Town will vote to authorize the Board of Assessors to use the amount of TWO-HUNDRED FIFTY THOUSAND AND 00/100 DOLLARS (\$250,000.00) from the Stabilization Fund in determining the tax rate for the fiscal year beginning July 1, 2008; or take any action in relation thereto. Voted 5-0.

Traditionally, the Town uses Free Cash to offset some of the increase in the tax rate. However, in this Fiscal Year, if the funds are drawn from Free Cash, the Free Cash balance would fall to \$397,375, or 1.7% of the Towns budget. Since Free Cash has no limitations in how it is spent, the Finance Committee feels it would be better if the funds came from an account which has restricted uses. As a result, we would leave the Town with an increased balance of unrestricted funds to meet any unforeseen expenses. If this recommendation is approved, the Stabilization Fund balance would be \$658,740; the Free Cash balance would be \$647,375.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town vote to approve 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 39 will leave a free cash balance of \$397,375 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 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, 2008 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, 2008; 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 5-0.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town vote to approve the article as written. Voted 4-0.

Summary – This article is for the approval of the Town and School operating budgets for Fiscal Year 2009. The budgets are voted on separately and are categorized using the Uniform Massachusetts Accounting System (UMAS). Sturbridge votes appropriations by line item.

VOTE OF THE TOWN MEETING: The vote of the Town Meeting was to approve the line items of the town budget.

**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 SIXTY THOUSAND TWO HUNDRED FORTY SEVEN AND 00/100 DOLLARS (\$760,247.00) for the expenses of the Water Department as follows:

Contract Operations	\$	402,058.00
Electricity	\$	89,589.00
Chemicals, Testing and Propane	\$	9,200.00
DPW Director	\$	9,835.00
Meter Maintenance	\$	5,500.00
Billing Expense	\$	4,900.00
Legal/Administrative Expense	\$	20,000.00
Debt Service	\$	142,185.00
Miscellaneous Equipment	\$	26,980.00
Short-term Interest	\$	50,000.00
Total:	\$	760,247.00

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 5-0.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town vote to approve the article as written. Voted 4-0.

Summary – This budget is a decrease from the FY08 budget of \$1,428.50 or a decrease of 0.2%. 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: The vote of the Town Meeting was unanimous in approving the article as written 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 TWO HUNDRED THREE THOUSAND EIGHTY EIGHT AND 00/100 DOLLARS (\$1,203,088.00) for the expenses of the Sewer Department as follows:

Contract Operations	\$334,706.00
Electricity	\$231,220.00
Chemicals and Testing	\$61,554.00
DPW Director	\$9,835.00
Billing Expense	\$4,900.00
Legal/Administrative Expense	\$20,000.00
Debt Service	\$117,813.00
Southbridge Fees	\$175,000.00
Short-Term Interest	\$50,000.00
Liquid Sludge Handling	\$156,310.00
Miscellaneous Equipment/Projects	\$41,750.00
Total:	\$1,203,088.00

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 5-0.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town vote to approve the article as written. Voted 4-0.

Summary - This budget is a decrease over the FY08 budget of \$73,806.50 or -5.8%. While there are no major increases in the Sewer Budget, the rate increase is due to reduced revenues from lower overall sewer flow and an estimated reduction in septic revenues and connection fees in FY09. The estimated sewer rate for FY09 is \$3.79 per 100 cubic feet which is a 3.3% increase over the FY08 sewer rate and raising the flat fee to \$80/quarter (from \$75).

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 7
SEWER PROJECT DEBT**

To see if the Town will vote to transfer TWO HUNDRED TWENTY THREE THOUSAND EIGHT HUNDRED FIFTY SEVEN AND 00/100 DOLLARS (\$223,857.00) from the F/B Reserved for Phase II Betterment Account #28440-35825 to the Phase II Sewer Debt Account #28440-59100; THREE HUNDRED SIXTY EIGHT THOUSAND TWO HUNDRED FIFTY AND 00/100 DOLLARS (\$368,250.00) from

the F/B Reserved for Phase III Betterment Account #28440-35826 to the Phase III Sewer Debt Account #28440-59300; ONE HUNDRED FIFTEEN THOUSAND SIX HUNDRED ONE AND 00/100 DOLLARS (\$115,601.00) 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 THOUSAND FOUR HUNDRED FORTY ONE AND 00/100 DOLLARS (\$160,441.00) 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 FY09, 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 5-0.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town vote to approve the article as written. Voted 4-0.

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.

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 TWO THOUSAND THREE HUNDRED SIXTY AND 00/100 DOLLARS (\$72,360.00) for the purpose of paying the debt service for the Heins Farm Acquisition; to appropriate from the Community Preservation Fund – Undesignated Fund Balance, the sum of ONE HUNDRED TWENTY TWO THOUSAND SIX HUNDRED TWENTY FIVE AND 00/100 DOLLARS (\$122,625.00) for the purpose of paying the debt service for the OSV Land Acquisition; to appropriate from the Community Preservation Fund – Undesignated balance, the sum of SEVENTY EIGHT THOUSAND AND 00/100 DOLLARS (\$78,000.00) for the purpose of paying the debt service for the Stallion Hill/Holland Road Land Acquisition; and to appropriate from the Community Preservation Fund – Reserved for Historic Resources the sum of EIGHTY SIX THOUSAND AND 00/100 DOLLARS (\$86,000.00) for the purpose of paying debt service on the Town Hall/Center Office renovation project; 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 5-0.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town vote to approve the article as written. Voted 4-0

RECOMMENDATION OF THE COMMUNITY PRESERVATION COMMITTEE:

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

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, OSV parcels, Stallion Hill/Holland Road parcels and the renovation of the Town Hall and Center Office..

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
ALLOCATION OF SEWER FLOW**

To see if the Town will vote to amend the Sewer Bylaws by adding the following Section 5.60 “Allocation of Sewer Flow”:

Section 5.60 Allocation of Sewer Flow

The Board of Selectmen, acting as Sewer Commissioners, shall be restricted to allocating flow on an annual basis based on the following formula:

- (A) The total flow that may be allocated during the upcoming calendar year equals 80% of the wastewater treatment plant’s design capacity less the average daily flow of the previous 12 month period (to be determined in January using the previous January – December average) less any amount held in reserve divided by the years of any remaining debt service for construction at the wastewater treatment plant equals total flow that may be allocated during the upcoming calendar year.
- (B) The amount determined using the formula in 5.60 (A) above shall be further allocated as follows:
- 25% shall be allocated for residential connections or system extensions to service residential developments.
- 35% shall be allocated for commercial connections or system extensions to service commercial developments.
- 40% shall be allocated for industrial connections or system extensions to service industrial developments.
- (C) Any remaining flow from the three categories in 5.60 (B) shall be set aside and banked for that category in ensuing years.

Sponsor: Town Administrator/DPW Director

RECOMMENDATION OF THE FINANCE COMMITTEE:

That the Town take no action on the article. Voted 6-0-1.

The Finance Committee believes this bylaw is an important tool in the Town’s effort to control growth in a manner consistent with the wishes of the Townspeople. We have taken no action at this time for two reasons. First, the capacity of the Wastewater Treatment Plant affects the percentages chosen. Until that issue is decided, this issue cannot be. Second, the bylaw does not contain a process to allow for exceptions. For instance, if an industrial project came forth that was beneficial to the Town but all of the industrial flow for that year had been allocated, there should be a mechanism to allow for an exception.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

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

Summary – The purpose of this article is to amend the Sewer Bylaws to ensure that if the Town approves the upgrade and expansion of the Wastewater Treatment Plant that the Town would be limited to the annual amount of flow that could be allocated through the full repayment of debt issued for construction. The end result would be that the Town would be at no more than 80% of the total flow when the plant was fully paid for. This article further reserves flow for 3 distinct uses, residential, commercial and industrial and allows for any flows not allocated to be banked for that use in future years.

VOTE OF THE TOWN MEETING: The vote of the Town Meeting was that no action be taken on this article.

ARTICLE 10
WASTEWATER TREATMENT PLANT UPGRADE AND EXPANSION
(2/3 Vote Required)

To see if the Town will vote to appropriate a sum of money for the purpose of constructing or reconstructing sewage treatment and related sewerage facilities in connection with upgrading the Town's sewerage system, including costs incidental and related thereto, and to determine whether this appropriation shall be raised by borrowing or otherwise, or take any action related thereto.

Sponsor: Board of Selectmen

RECOMMENDATION OF THE FINANCE COMMITTEE:

That the sum of \$20,000,000 is hereby appropriated to pay costs of constructing or reconstructing sewage treatment and related sewerage facilities in connection with upgrading the Town's sewerage system, including costs incidental and related thereto; that to raise the appropriation, the Treasurer, with the approval of the Board of Selectmen, is hereby authorized to borrow the sum of \$20,000,000 under and pursuant to Chapter 44, Sections 7(1), 8(15) or 8(20), of the General Laws or any other enabling authority, which may include Chapter 29C of the General Laws, and to issue bonds or notes of the Town therefor; that the Board of Selectmen is authorized to apply for, accept or expend any federal, state or private grants, or other assistance that may be available with respect to the project; and that the Board of Selectmen is authorized to enter into a loan agreement and any other agreements that may be necessary in the event all or any part of the loan authorized hereby should be borrowed from either the Massachusetts Water Pollution Abatement Trust established under Chapter 29C of the General Laws, or from an agency of the United States of America; provided however, that no funds shall be borrowed or expended hereunder unless the sewerage treatment facility to be constructed or reconstructed pursuant to this vote shall have a capacity equal to the lesser of 1.3 million gallons per day or the maximum capacity that the Town's MADEP permit will allow. Voted 6-1.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the sum of \$17,800,000 is hereby appropriated to pay costs of constructing or reconstructing sewage treatment and related sewerage facilities in connection with upgrading the Town's sewerage system, including costs incidental and related thereto; that to raise the appropriation, the Treasurer, with the approval of the Board of Selectmen, is hereby authorized to borrow the sum of \$17,800,000 under and pursuant to Chapter 44, Sections 7(1), 8(15) or 8(20), of the General Laws or any other enabling authority, which may include Chapter 29C of the General Laws, and to issue bonds or notes of the Town therefor; that the Board of Selectmen is authorized to apply for, accept or expend any federal, state or private grants, or other assistance that may be available with respect to the project; and that the Board of Selectmen is authorized to enter into a loan agreement and any other agreements that may be necessary in the event all or any part of the loan authorized hereby should be borrowed from either the Massachusetts Water Pollution Abatement Trust established under Chapter 29C of the General Laws, or from an agency of the United States of America. Voted 4-0.

Summary – The Town of Sturbridge is under a consent order from the United States EPA to bring the Town’s wastewater plant into compliance with new, more stringent requirements. The Town has undertaken a two-year review called a Comprehensive Wastewater Management Plan that looks at all aspects of a wastewater treatment system. The recommendation from this plan is that the Town needs to construct a new wastewater treatment system to meet the current limits of the Town’s National Pollution Discharge Elimination System (NPDES) permit.

VOTE OF TOWN MEETING: There was a substitute motion made by the Board of Selectmen in support of a smaller plant. The motion was seconded; but the vote of the Town Meeting was to defeat this article. We returned to the main motion of the Finance Committee and after lengthy discussion on the size of the plant, the vote of the Town Meeting was to approve the article as recommended by the Finance Committee by a 2/3rds majority as declared by the Moderator.

ARTICLE 11
WASTEWATER TREATMENT PLANT UPGRADE AND EXPANSION
(2/3 Vote Required)

To see if the Town will vote to appropriate TWENTY-ONE MILLION THREE HUNDRED THOUSAND AND 00/100 DOLLARS (\$21,300,000.00) for the purpose of constructing or reconstructing a Wastewater Treatment Facility, and related sewerage facilities in connection with upgrading the Town’s sewerage system, including costs incidental and related thereto, and to determine whether this appropriation shall be raised by borrowing or otherwise, or take any action in relation thereto.

It is the intent of this article to direct the Selectmen to construct a 1.5 MGD (maximum) wastewater plant.

Sponsor: By Petition

RECOMMENDATION OF THE FINANCE COMMITTEE:

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

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town take no action on the article. Voted 4-0.

Summary – This article is similar to Article 10 except that it appropriates a set amount estimated by the Town’s engineering consultant to build a 1.5 MGD plant as opposed to the 1.1 MGD plant recommended by the Selectmen.

VOTE OF THE TOWN MEETING: The vote of the Town Meeting, after a substitute motion was withdrawn, was to take no action on this article.

ARTICLE 12
WASTEWATER TREATMENT PLANT UPGRADE AND EXPANSION
(2/3 Vote Required)

To see if the Town will vote to appropriate a sum of money for the purpose of constructing or reconstructing a Wastewater Treatment Facility, and related sewerage facilities in connection with upgrading the Town’s sewerage system, including costs incidental and related thereto, and to determine whether this appropriation shall be raised by borrowing or otherwise, or take any action in relation thereto.

It is the intent of this article to direct the Selectmen to construct the largest wastewater treatment facility approved by the DEP up to and including a 1.5 Million Gallon Per Day (MGD) wastewater plant.

Sponsor: By Petition

RECOMMENDATION OF THE FINANCE COMMITTEE:

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

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town take no action on the article. Voted 4-0.

Summary – This article is similar to the two before it, but leaves open the sum of money to fund a wastewater treatment plant, but has the intent of approving the largest plant up to 1.5 MGD that receives approval from the MADEP (it will also require the USEPA approval). A motion would need to include the sum of money to be appropriated.

VOTE OF THE TOWN MEETING: The vote of the Town Meeting, after the withdrawal of a substitute motion, was that no action be taken on this article.

**ARTICLE 13
WASTEWATER TREATMENT PLANT UPGRADE AND EXPANSION
(2/3 Vote Required)**

To see if the Town will vote to appropriate TWENTY ONE MILLION THREE HUNDRED THOUSAND AND 00/100 DOLLARS (\$21,300,000.00) for the purpose of constructing or reconstructing a 1.5 million gallon per day wastewater treatment facility or the largest facility approved by the Massachusetts Department of Environmental Protection or U.S. Environmental Protection Agency, and related sewerage facilities in connection with upgrading the Town’s sewerage system, including costs incidental and related thereto, and to determine whether this appropriation shall be raised by borrowing or otherwise; or take any action related thereto.

Petitioned Motion:

That the sum of TWENTY THREE MILLION THREE HUNDRED THOUSAND AND 00/100 DOLLARS (\$21,300,000.00) is hereby appropriated for the purpose of constructing or reconstructing a 1.5 million gallon per day wastewater treatment facility or the largest facility approved by the Massachusetts Department of Environmental Protection or the U.S. Environmental Protection Agency, and related sewerage facilities in connection with upgrading the Town’s sewerage system, including costs incidental and related thereto; that to raise the appropriation, the Treasurer, with the approval of the Board of selectmen is hereby authorized to borrow the sum of \$21,300,000 under and pursuant to Chapter 44, Section 7(1), 8(15), or 8(20), of the General Laws or any other enabling authority, which may include Chapter 29C of the General Laws, and to apply for, accept or expend any federal, state, or private grants, or other assistance that may be available with respect to the project; and that the Board of Selectmen is authorized to enter into a loan agreement and any other agreements that may be necessary in the event all or part of the loan authorized hereby should be borrowed from either the Massachusetts Water Pollution Abatement Trust established under Chapter 29C, or the United States of America.

Sponsor: By Petition

RECOMMENDATION OF THE FINANCE COMMITTEE:

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

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town take no action on the article. Voted 4-0.

Summary – This article is similar to the previous articles, but includes a petitioned motion for the construction of a 1.5 mgd wastewater treatment plant or the largest up to this amount that is approved by the MADEP or USEPA.

VOTE OF THE TOWN MEETING: The vote of the Town Meeting was, after a substitute motion was withdrawn, that no action be taken on this article.

ARTICLE 14
BURGESS ELEMENTARY SCHOOL RENOVATION - \$40.6M
(2/3 Vote Required)

To see if the Town will vote to borrow, contingent on the passage of a ballot question in accordance with paragraph (k) of Section 21C of Chapter 59 of the General Laws, and appropriate the sum of \$40,600,000 or such other amount as the Town Meeting may approve for the purpose of finalizing the design and demolishing, renovating, constructing, equipping and furnishing Burgess Elementary School per the Plan identified as **Option D**, which includes the existing building abatement and demolition of 50,300 square feet, the existing building renovation of 57,400 square feet, the new building construction of 64,600 square feet and site improvements; and authorize the Board of Selectmen to take all steps necessary, including executing documents and entering contracts, to complete the Option D renovation and new construction of the Burgess Elementary School, upon such terms and conditions as the Board of Selectmen deem to be in the best interest of the Town; or act any other way thereon.

Sponsor: Burgess School Building Committee

RECOMMENDATION OF THE FINANCE COMMITTEE:

That the Town take no action on the article. Voted 4-3.

The Finance Committee voted to recommend no action on the article chiefly because we couldn't support burdening the taxpayers with the entire bill for the school by not waiting to see what kind of assistance we'd get from the State. We got 71% of the Tantasqua bill paid for by the State. Although we won't see that level of reimbursement for this project, our expectation is 40% to 60%. Most of us agree that Burgess has seen better days and there is certainly a need for a new school. Apparently, as far as the State is concerned, we're not in bad enough shape to get assistance this year. Thankfully, the condition of the building does not seem to be effecting the education of our young people. MCAS scores have actually been improving in several categories thanks to the exceptional work of the Burgess faculty. It just goes to show that it's the quality of the staff, not the condition of the building, that makes a difference.

Of course, we'd all love to see the Burgess faculty and students working in a much nicer setting. However, since the building doesn't seem to be affecting education results, we felt it would be more prudent to wait to see if the Town could get state assistance. We also took into consideration the ailing economy; increased foreclosures in Sturbridge and the fact that if we try to build this school on our own, it will add about \$585 to the average tax bill. This is a large increase to subject homeowners to, especially when times are tough.

We also considered the cost of delaying. If it takes five years to receive state aid, the cost of a new school will likely be more expensive. However, if we get 60% paid for by the state, we're still ahead even if it doubles in price.

It would be ideal if we could begin the process to build an entirely new school and then take whatever state assistance might come our way. Unfortunately, if we begin on our own, the Town forfeits all rights to any state aid. We also understand the Building Committee's concern with the current aid process which keeps us in the dark regarding our position on the list for aid. The State now gives aid not by a "first come, first served" approach but solely by need. So, if the State told us we're 5th on the list but then a Town with a school building in worse shape than ours applies for aid, they'd end up ahead of us in line. As a result, the State doesn't want to publicize the list because it can fluctuate at any time. However, rather than using this as an excuse to simply give up on aid, we should work together with other communities to petition for a change that would allow us to know our position with the understanding that it could change. Knowing where we are in line, even though that might change a bit, would help us in our planning. For example, if we're second in line, we'd probably feel very comfortable waiting even knowing that might change a bit. If we're 100th in line, then we'd at least know it's doubtful we'll get aid in the next decade and we'd feel more comfortable moving forward on our own.

We thought long and hard and feel we've made the right decision for taxpayers.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the sum of \$40,600,000 be and hereby is appropriated to pay costs of finalizing the design and demolishing, renovating, constructing, equipping and furnishing Burgess Elementary School per the Plan identified as Option D, which includes the existing building abatement and demolition of 50,300 square feet, the existing building renovation of 57,400 square feet, the new building construction of 64,600 square feet, site improvements and all other costs incidental and related thereto; that to meet this appropriation, the Town Treasurer, with the approval of the Selectmen is hereby authorized to borrow said amount under and pursuant to Chapter 44, Section 7(3) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; provided however, that no sums shall be borrowed or expended hereunder unless and until the Town votes to exempt from the limitations of Chapter 59, Section 21C of the General Laws (Proposition 2 ½), the amounts required in each year to repay any amounts borrowed in accordance with this vote, and further, that the School Committee is hereby authorized to take all steps necessary, including executing documents and entering into contracts to complete the Option D renovation and new

construction of the Burgess Elementary School, upon such terms and conditions as the School Committee deem to be in the best interests of the Town. Voted 4-1.

Summary – This article would approve a renovation, demolition and new construction project at Burgess Elementary School at a cost of \$40,600,000. This project would demolish the 1950’s and Kindergarten wings, close in the classrooms in the 1972 open classroom area and construct a new section of the school and make site improvements for parking, play areas, etc. The estimated cost for the average single family home varies based on terms of the borrowing and whether the debt is issued as a “fixed principal payment” or “fixed annual payment”.

The “low” end of the annual debt service payment in terms of annual cost to the average single family home is to issue a “fixed annual payment” for a period of 30 years (which will take special legislation). The payment for the average single family home in Sturbridge under this scenario is estimated at \$585 per year. Over the term of this debt issuance, the total principal and interest payments would total \$80.7 million.

The “high” end of the annual debt service payment in terms of annual cost to the average single family home is to issue a “fixed principal payment” for a period of 20 years. The payment for the average single family home in Sturbridge under this scenario is estimated at \$839 per year (for the first year with decreasing payments each year down to \$461 in the final year). Over the term of this debt issuance, the total principal and interest payments would total \$59.8 million.

To compare the above “high” scenario over a 30 year period (similar to the “low” scenario and as opposed to 20 years), the estimated cost to the average single family home is \$758 and the principal and interest payments would total \$73.6 million.

VOTE OF THE TOWN MEETING: The vote of the Town Meeting was that no action be taken on this article.

ARTICLE 15
BURGESS ELEMENTARY SCHOOL RENOVATION - \$17.9M
(2/3 Vote Required)

To see if the Town will vote to borrow, contingent on the passage of a ballot question in accordance with paragraph (k) of Section 21C of Chapter 59 of the General Laws, and appropriate the sum of \$17,900,000 or such other amount as the Town Meeting may approve for the purpose of finalizing the design and renovating, constructing, equipping and furnishing Burgess Elementary School per the Plan identified as **Option H**, which includes the full renovation of 49,100 square feet (*the 1972 open classroom building*), the partial renovation of 52,600 square feet (*the 1950, 1958, 1963, 1968 and 1972 Kindergarten wings*) the new building construction of 6,600 square feet and site improvements; and authorize the Board of Selectmen to take all steps necessary, including executing documents and entering contracts, to complete the Option H Renovation and New Construction of Burgess Elementary School, upon such terms and conditions as the Board of Selectmen deem to be in the best interest of the Town; or act any other way thereon.

Sponsor: Burgess School Building Committee

RECOMMENDATION OF THE FINANCE COMMITTEE:

That the Town take no action on the article. Voted 6-1.

The Finance Committee voted no action on this article because we feel it would seriously compromise our ability to get any state aid. This project is phase one of a two phase project. The goal is to provide staff and students with one fully renovated building to work in after phase one and then apply for state aid for the second building in phase two. However, state aid is entirely dependent on the condition of your buildings, the worse the condition the quicker the aid. Once we complete phase one, we'll have one "like new" building when asking for aid for the second phase. We fear the State will put us near the bottom of the aid list as a result.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town take no action on the article. Voted 4-1.

Summary – This article would approve a renovation of the 1972 open space classroom area and a small section of new construction for administrative offices at Burgess Elementary School at a cost of \$17,900,000. For this debt issuance, the School Building Committee is recommending that the debt service be for a period of 10 years. Based upon this term, the estimated cost for the average single family home is \$545 the first year reducing to \$405 the final year. The total principal and interest payments over the 10 year term would be \$21.8 million.

If the term for this project were extended to 20 years, the estimated cost for the average single family home would be \$370 the first year reducing to \$203 the final year. The total principal and interest payments over the 20 year term would be \$26.4 million.

VOTE OF THE TOWN MEETING: The vote of the Town Meeting was that the Town take no action on this article.

**ARTICLE 16
TREE COMMITTEE BYLAW**

To see if the Town will vote to amend the General Bylaws, Chapter One to add the following new Section entitled "Tree Warden Advisory Committee":

Section 1.90 PURPOSE

The Town of Sturbridge establishes the following Bylaws for the protection and preservation of Town Trees (trees on public land and town parks, including Shade Trees as defined in By-Law, trees protected by the Scenic Roads By-Law and Chapter 87 of the General Laws):

Section 1.91 CREATION AND ESTABLISHMENT OF TREE COMMITTEE

There is hereby created and established a Tree Committee which shall consist of a minimum of five (5) voting members appointed by the Town Administrator for three year terms.

Section 1.92 PURPOSE AND MISSION OF TREE COMMITTEE

It is the purpose of this Committee to:

- (A) Protect and maintain Town Trees in order to promote environmental, aesthetic, historical and community values.
- (B) To continue renewing Town Trees by replanting for the benefit of future generations in Sturbridge.

- (C) To execute projects suggested by the Tree Warden and/or the Tree Committee consistent with protecting and maintaining Town Trees for the purposes described in (B) above.
- (D) Work towards sound policy formulation, administration, management, representation and advocacy regarding Town Trees and all matters related thereto.
- (E) Assist the Tree Warden in the completion of a yearly inventory of Town Trees; Identifying all "Heritage Trees" - A public shade tree specifically designated by the Department of Environmental Management, Urban Forestry Program, upon recommendation by the Town Tree Warden to be a heritage tree. Heritage trees may qualify for state funds for maintenance under this program. A tree may qualify as a heritage tree if it meets one or more of the following criteria:
 - (a) Old Age - 100 years or greater; Size - 32 inches diameter or greater;
 - (b) Species rarity;
 - (c) Association with specific historical event or person;
 - (d) Healthy abnormality; e.g., shape, etc.;
 - (e) Scenic enhancement; e.g., trees around Sturbridge Common;
 - (f) Wildlife value.

1.93 DUTIES AND RESPONSIBILITIES

It shall be the responsibility of the Committee to aid the Tree Warden to study, investigate, counsel and develop and/or update and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets and in other public areas.

The Committee, shall consider, investigate, make finding, report and recommend upon any special matter of question coming within the scope of its work.

1.94 OPERATION

The Committee shall choose its own officers, make its own rules and regulations and keep minutes of its meetings. The Committee shall meet at least four times a year. A majority of the Voting Members shall be a quorum for the transaction of business.

1.95 INTERFERENCE WITH THE TREE COMMITTEE

It shall be unlawful for any person to prevent, delay or interfere with the Tree Committee or any of its agents, while engaging in and about the gathering of information, planting, cultivating mulching, pruning, spraying, or removing of any trees on public grounds, as authorized in this Bylaw.

1.96 REVIEW BY SELECTMEN

Any person may appeal any decision to the Selectmen.

Sponsor: Tree Warden

RECOMMENDATION OF THE FINANCE COMMITTEE:

To amend the article by removing Section 1.96 and to otherwise approve the Article as written. Voted 5-0.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town vote to approve the article as written. Voted 4-0.

Summary – This Bylaw creates an Advisory Committee to assist the Tree Warden in his duties.

VOTE OF THE TOWN MEETING: The vote of the Town Meeting was to approve the article as recommended by the Finance Committee; that is, to amend the article by removing Section 1.96 and to otherwise approve the article as written.

ARTICLE 17
ZONING BYLAWS – SITE PLAN REVIEW
(2/3 Vote Required)

To see if the Town will vote to amend the Zoning Bylaws, Chapter Twenty-Five, Site Plan Review by deleting the current Chapter in its entirety and replacing it with a new re-written Chapter 25 as shown below:

25.01 PURPOSE AND INTENT, AND ADMINISTRATION

- (a) The purpose of the Site Plan Review hereby established is to protect the safety, public health, convenience and general welfare of the current and future inhabitants of the Town by providing a comprehensive review of plans for those uses and structures that have a significant impact upon the character of the Town; upon traffic, utilities, property values and sanitation. Factors to be considered are the placement of buildings, utilities, surface and ground water drainage, wetlands, water supply, parking, loading, landscaping, lighting, dust, noise control, access to the development, acceptable sanitary conditions and provision for open space. It is intended to ensure that the design and layout of those developments or uses so subject to this procedure in this Bylaw will constitute suitable development and will not result in a detriment to the neighborhood or to the environment. It is also intended hereby to assist those wishing to build projects in the Town, by providing them with the necessary information about all of the Town's requirements affecting their project prior to the start of any construction or the issuance of any permits.
- (b) The Site Plan Review is to be administered by the Planning Board for the Town of Sturbridge.
- (c) It is further the intent of the Site Plan Review that any final site plan filed with the Planning Board shall receive the approval of said Board if the plan conforms to the standards established herein and to the reasonable rules and regulations of the Planning Board made in conformity with this Bylaw. It is to be noted, however, that, where maximums are stated in this Bylaw, the Planning Board acting hereunder may deny granting the maximum (e.g. height, maximum lot coverage, etc.), in view of the criteria and standards set hereby. Similarly, where minimums are stated in this bylaw, the Planning Board acting hereunder can make increased requirements (e.g. parking spaces, screening, landscaping, etc.) if in its opinion in applying the criteria and standards set hereby, the proposed plan warrants exceeding such minimums.

25.02 APPLICABILITY

All uses, other than single family and two family dwellings, horticultural nursery, farm, tree farm, professional office when office and residence of the professional are both located in the same residential building when the property is located in a residential zone, and accessory uses customarily incidental to these uses, shall be subject to the Site Plan Review described herein. **{Amended 4-27-87; Article 49}**

25.03 GENERAL REQUIREMENTS

(a) FINAL SITE PLAN

No person shall undertake a use, construction, or alteration of any structure that is subject to the provisions of the Site Plan Review, unless they have first submitted to the Planning Board for its approval a final site plan of such proposed use or alteration. Once approved by the Planning Board, the Planning Board shall issue a permit therefor, and such plan shall not be changed in any material respect, without being amended or modified in the same manner as provided for obtaining initial approval. No building or use permit shall be issued by the Director of Inspections for any use subject to the Site Plan Review procedure, and no construction or site preparation shall be started until a decision of the Planning Board approving the final site plan has been filed with the Town Clerk. An applicant for Site Plan Review may not attach conditions to its submittal of plans for review, and any site plan so submitted may be rejected as not being in conformance with these bylaws. There shall be only one (1) final site plan in effect for a tract at any point in time. The Planning Board shall not approve multiple final site plans for all or any portion of a tract subject to Site Plan Review. Although final site plans may be approved for all or part of a project on a tract to accommodate phasing thereof, any subsequent changes in such previously approved final site plan may only be accomplished by amending or modifying the prior approval, including by substituting or replacing previously approved plans or portions thereof. Notwithstanding any other provisions in these Bylaws, once a building permit is issued for development under plans approved by the Planning Board under Site Plan Review for all or any part of a tract, all further development of the remainder of such tract shall be subject to this Site Plan Review, regardless of the zoning classifications applicable to such tract at the time of site plan approval, prior thereto, or effective thereafter.

(b) CONTENT OF FINAL SITE PLAN AND OTHER SUBMITTALS

In addition to any other requirements that the Planning Board may reasonably make, a final site plan shall show all existing and proposed buildings, existing and proposed contour elevations, structures, parking spaces, driveway openings, driveways service areas, facilities for sewage, refuse and other waste disposal, and for surface water drainage, wetlands, surface water, areas subject to the one hundred (100) year flood, maximum ground water elevation, location of aquifers, private or public wells and drinking water supplies in relation to the site, and landscaping features, such as fences, walls, planting areas, walks and lighting, both existing and proposed, and location, type, size and detail of all signs.

The site plan shall also show the relation of the above features to adjacent ways and properties. The site plan shall also show all contiguous land owned by the applicant or by the owner(s) of the property that is a subject of the application. In addition to the foregoing, the applicant shall submit material dealing with pollution of surface or ground water, soil erosion, increased runoff, changes in ground water level, and flooding as it affects the site and the project, and the plans as such other submittal shall indicate the measures proposed to deal with and mitigate such environmental impacts.

Similar submittals and materials regarding design features intended to integrate the proposed new development into the existing landscape, to enhance aesthetic assets, and to screen objectionable features from neighbors shall also be presented. The applicant shall further submit in writing, a traffic study, that shall project traffic flow patterns into and upon the site for both vehicles and pedestrians, and an estimate of the projected number of motor vehicle trips to and from the site for an average day and for peak hours, and for peak seasons, as well as the existing patterns and existing ways for passage of traffic and pedestrians. The

Planning Board reserves the right to request additional traffic information that it deems necessary when making development decisions.

Except for building permits, any other permits or approvals required from Town agencies are to be included as part of this submittal or an explanation for their absence satisfactory to the Planning Board shall be submitted. Failure to provide such permits or approvals shall not be due to failure by the applicant to apply to the appropriate agency for their grant.

25.04 PROCEDURE

The Planning Board shall adopt such rules and regulations for carrying out its duties under this section as a Special Permit Granting Authority in accordance with M.G.L., Ch. 40A §9, these Bylaws, and the Constitution of the Commonwealth of Massachusetts. The Planning Board may in any particular case, where such action is allowed by law, in the public interest and not inconsistent with the purpose and intent of this Site Plan Review, waive strict compliance with its rules and regulations. The Planning Board may waive the requirement for Site Plan Review where there is a change in use or occupancy and no substantial construction or improvements to the site will occur. The waiver may be granted only after a finding by the Planning Board that the proposed use will not substantially affect existing drainage, vehicular and pedestrian circulation patterns, and any of the other standards or criteria provided for hereafter in this section, and that sufficient parking exists to serve the new proposed use. The Planning Board shall require an application for Waiver of Site Plan that shall at a minimum include a narrative describing the prior use of the site, the nature of the proposed use, and its impact. The Planning Board may provide for a schedule of examination fees in connection with the Site Plan Review and/or Waiver of Site Plan Review herein provided.

(a) SUBMISSION OF PLANS

Although preliminary plans may be discussed informally with the Planning Board, only one plan submission is required. An application for final site plan approval and/or Waiver of Site Plan Review shall be made by filing an application with the Planning Board in accordance with the Rules and Regulations governing such submissions. The applicant shall file a copy of such application with the Town Clerk for his/her information and records.

(b) APPROVAL OR DISAPPROVAL

NOTICE AND HEARINGS

Before approval, approval subject to conditions, or disapproval of final site plan is given, except where disapproval is mandated by failure of the site plan to comply with applicable bylaws, a public hearing shall be held by the Planning Board in the manner set forth in M.G.L., Ch. 40A §11. The Planning Board shall file its decision with the Town Clerk and send notice of such action by registered or certified mail, postage prepaid, to the applicant. In the event of a disapproval, the Planning Board shall state in detail how the plan does not conform with legal requirements, or the requirement of this Site Plan Review. Reconsideration of applications shall be in accordance with M.G.L., Ch. 40A, § 16. {Amended 4-25-88; Article 125}

(c) FAILURE TO ACT

Failure of the Planning Board to take final action upon an application for the Site Plan Review within ninety (90) days following the close of a public hearing shall be deemed to be approval of such application. However, the public hearing procedure need not be concluded in one sitting, and it may be continued or extended as the Planning Board determines to be necessary for it to receive further information to enable it to render its decision in the matter.

(d) RIGHT TO APPEAL

Any person aggrieved by a decision of the Planning Board may appeal to the Superior Court in accordance with M.G.L., Ch. 40A §17.

25.05 CRITERIA FOR APPROVAL

In reviewing a site plan application the Planning Board shall take into consideration the health, safety and welfare of the public in general and the immediate neighborhood in particular, and may prescribe reasonable conditions and safeguards to ensure the accomplishment of the following general objectives:

- (a) That the subject and adjoining premises are protected against serious detriment by provisions for the safe carrying and discharge of surface water drainage, buffers against light, sight, sound, dust and vibration, and that the development of the site will preserve sensitive environmental features such as steep slopes, wetlands and large rock outcroppings, public scenic views and historically significant features and the quality of light and air;
- (b) That there are provisions for convenience and safety of vehicular and pedestrian movement within the site and on adjacent streets, by the provision of pedestrian access ways that are adequate in number, width, grade, alignment and visibility, by appropriately locating driveway openings in relation to traffic, access by emergency vehicles, and, when necessary, compliance with other regulations for the handicapped, minors and the elderly, and by the provision of an adequate amount of, and safe configuration of off-street parking and loading spaces in relation to the proposed uses of the premises to prevent on-street and off-street traffic congestion;
- (c) That there is a harmonious relationship of structures and open spaces to the natural landscape, existing buildings and other community assets in the area and that the project will be in harmony with the surrounding neighborhood; and that the general landscaping of the site complies with the purpose and intent of this by-law; that existing trees are preserved to the maximum extent possible; that refuse and storage areas are suitably screened during all seasons from the view of adjacent residential areas and public rights-of-way;
- (d) That lighting of the site shall be adequate at ground level for the protection and safety of the public in regard to pedestrian and vehicular circulation; that the glare from the installation of outdoor lights and illuminated signs is properly shielded from the view of adjacent property and public rights-of-way;
- (e) That all utility systems are suitably located, adequately designed and properly installed to serve the proposed uses, and to protect the property from adverse pollution and that there is the provision of adequate methods for disposal of wastes;
- (f) Mitigation of adverse impacts on the Town's resources including the effect on the water supply and distribution system, sewage collection and treatment systems, fire protection, and streets.
- (g) Compliance with all provisions of the zoning bylaws.

The Planning Board may require such appropriate conditions, limitations, and safeguards that determines are necessary to assure the project meets the criteria of (a)-(g) above.

25.06 STANDARDS FOR SITE PLAN REVIEW

The following performance standards shall be utilized by the Planning Board in addition to any specific standards prescribed elsewhere in these Bylaws, or in the rules and regulations of the Planning Board, in reviewing all site plans.

These standards are to provide guidance to the applicant in the preparation of his/her plan, as well as guidelines for review. These are not intended to be

exhaustive, and specific additional standards may be applied for a project if, in the opinion of the Planning Board, such are reasonably necessary. These standards are not intended to discourage creativity, invention, or innovation but are intended to encourage good design, and exemplary projects, offering solutions to all problems of a site where possible. The issues and concerns represented by the standards below must be addressed to the satisfaction of the Planning Board in the Final Site Plan.

(a) RELATIONSHIP TO OTHER PLANS

The proposed development shall take into consideration all existing local and regional plans for the community.

(b) PRESERVATION OF LANDSCAPE

Development of the site should, to the extent practicable, occur in such a manner that natural features are preserved and areas of environmental sensitivity are avoided. The landscape shall be preserved in its natural state, insofar as practicable by minimizing tree and soil removal and any grade changes shall be in keeping with the general appearance of the neighboring developed areas. Where tree coverage does not exist or has been removed, new planting may be required. Finished site contours shall depart only minimally from the character of the natural site and the surrounding properties.

(c) RELATION OF BUILDING TO ENVIRONMENT AND SURROUNDINGS

Proposed uses and structures shall be integrated into the existing terrain and surrounding landscape by minimizing use of wetlands, steep slopes, and hilltops; protecting visual amenities and scenic views; preserving unique natural or historical features; minimizing tree, vegetation and soil removal; and minimizing grade changes. All buildings and other structures shall be sited to minimize disruption of the topography. Design features shall maintain neighborhood character, enhance aesthetic assets and screen objectionable features from neighbors and roadways. Strict attention shall be given to proper functional, visual and spatial relationship of all structures, landscaped elements and paved areas.

(d) CIRCULATION

With respect to vehicular and pedestrian circulation, including entrances, ramps, walkways, drives and parking, special attention shall be given to location and number of access points to the public streets (especially in relation to existing traffic controls), width of interior drives, and access points, general interior circulation, separation of pedestrian, bicycle and vehicular traffic, access to community facilities and arrangement of parking areas that are safe and convenient and, insofar as practicable, do not detract from the use and enjoyment of proposed buildings and structures and the neighboring properties. The arrangement of access points, service roads, driveways, parking areas, lighting and pedestrian walkways shall be designed in a manner that maximizes the convenience and safety of pedestrian and vehicular movement within the site and in relation to adjacent ways.

(e) SURFACE WATER DRAINAGE

Special attention shall be given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system, nor obstruct the flow of vehicular or pedestrian traffic, and will not create puddles in paved areas. All surface water drained from roofs, streets, parking lots and other site features shall be disposed of in a safe and efficient manner that shall not create problems of water runoff or erosion of or from the site in question, or onto other sites.

Insofar as possible, natural drainage courses, swales properly stabilized with plant material or paving when necessary, and drainage impounding

areas, shall be utilized to dispose of water on the site through natural percolation, to a degree equivalent to that prior to development. Also, appropriate control measures shall be employed that includes maximum slope requirements, slope stabilization measures including seeding of exposed areas to replace vegetative cover.

Applicants are encouraged to incorporate “green techniques” into project designs in an effort to improve water quality by minimizing impervious surfaces and run-off. The use of non-traditional paving materials such as pavers or porous pavement is encouraged to be incorporated into project design whenever feasible. Additionally, other Best Management Practices for stormwater management such as the collection of roof runoff, use of rain gardens, the promotion of vegetation rather than turf in non-paved areas, and minimizing soil disruption and similar construction methods should be explored whenever feasible.

(f) GROUND WATER RECHARGE AND QUALITY PRESERVATION

Ground Water Recharge shall be maximized and ground water quality shall be protected. Various techniques may be required to maximize recharge, such as perforated drainpipes, pervious pavement, reduction of paved areas, reduction of building area, or reduction of building coverage, etc.; or to improve quality, such as installing grease traps or gas/oil separators.

Where ground water elevation is close to the surface, extra site grading precautions may be required to maintain the protective function of the over burden.

(g) UTILITIES

The placement of electric, telephone, or other utility lines and equipment, such as water or sewer shall be underground; and so located as to provide no adverse impact on the ground water levels, and to be coordinated with other utilities. The proposed method of sanitary sewage disposal and solid waste disposal from all buildings shall be indicated precisely on the plans.

(h) ADVERTISING

All signs and outdoor advertising features shall be reviewed as an integral element in the design and planning of all development on the site. As a minimum, all signs and advertising devices shall be in conformance with the Zoning Bylaw, Chapter Twenty-Two, and the provisions thereof shall be administered by the Planning Board.

(i) OTHER SITE FEATURES

Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures, and similar accessory areas and structures shall be designed with such setbacks, screen plantings, or other screening methods to prevent their being a hazard or being incongruous with the existing or contemplated environment and the surrounding properties. With respect to personal safety, all open and enclosed spaces shall be designed to facilitate building evacuation and to maximize accessibility by fire, police and other emergency personnel and equipment.

(j) OPEN SPACE

All open space (landscaped and usable) shall be so designed as to add to the visual amenities of the vicinity by maximizing its visibility to persons passing the site or overlooking it from nearby properties. Attention should be paid to connectivity of open space in an effort to provide natural corridors for wildlife and walking paths, as well as social and recreational needs and the need for neighborhood meeting places and sports fields. The plan for open space should be consistent with the Open Space Plan adopted by the Town. Pedestrian paths, excluding standard sidewalks, should be counted toward open space.

(k) BONDS

As a condition of the Site Plan Approval to be granted hereunder, the Planning Board may require that one or more performance bonds be posted with the Treasurer of the Town to guarantee completion in strict accordance with the plans and drawings submitted of all public improvements to be made for a use permitted under this Chapter, in the same manner as now required under the Sturbridge Subdivision Regulations. It may require that a single comprehensive bond be posted to guarantee completion of all such improvements. It may also require that an amount be included for land restoration not having to do with the construction of public improvements. The amount for land restoration shall be \$10,000 per acre, or such other amount as determined by the Town Engineer.

The amount of the security required shall be established by a preliminary estimate from the proponent's engineer, confirmed or added to by the Town Engineer. The Town Engineer's estimate shall be final, unless modified by a majority vote of the members of the Planning Board.

The method of securing performance shall be: a bond, a letter of credit, a tri-party agreement with a financial institution acceptable to the Board, or a bank passbook. A covenant is acceptable only before construction is initiated, at which time the financial surety must be posted. Projects large enough to reasonably be built in phases may establish financial surety only for those phases on which construction is initiated, maintaining covenant provisions on the remaining phases.

The Planning Board may derive use of the secured funds in the event that the proponent does not complete all public improvements within two (2) years of the date of approval. All approvals of site plans for which performance surety is required shall be conditioned on the completion of public improvements within two (2) years of the date of approval.

One or more extensions may be granted for sufficient cause, not to exceed one (1) year in length. At the time of granting of the extension the amount of any secured funds shall be reviewed to determine if it remains sufficient to cover current costs. If the funds are determined to be insufficient, such additional funds as required shall be added to the total of secured funds.

In any case, should public improvements not be completed within the permitted time, the project approval shall be null and void, with further action by the Planning Board not required. Any project having become void by this means shall lose zoning protection from the provisions of M.G.L., Ch. 40A, § 6. **{Amended 4-29-91; Article 58}**

(l) START OF CONSTRUCTION

Construction on a site must be started or substantial activity commenced on the site within one (1) year from the date of Final Site Plan approval. Site preparation alone shall not be deemed to constitute start of construction. Approval of the Final Site Plan may be extended for one (1) additional year at the discretion of the Planning Board, after the receipt of a written request from the owner or his designated agent, and for good cause shown. If one (1) year has elapsed from the date of approval, and no extensions have been granted, or if so granted, then at the end of such one (1) year extension no construction has been started, the Final Site Plan approval shall become null and void without requiring any further action by the Planning Board. **{Amended 4-30-90; Article 35}**

(m) CERTIFICATE OF OCCUPANCY: DESIGNER'S CERTIFICATE

No Certificate of Occupancy shall be issued for any structure or parcel subject to Site Plan Review unless it, and all of its related facilities, substantially conforms to the approval Final Site Plan. The applicant shall submit to the Director of Inspections, with a copy to the Planning Board, a written certification from a professional engineer, architect, professional

land surveyor, or licensed landscape architect (preferably the one who prepared the Final Site Plan) that the work has been completed substantially in accord with the approved Final Site Plan. The applicant shall also present an As Built Plan to the Planning Board. The Director of Inspections shall deny the issuance of a Certificate of Occupancy if such certification is not so provided. A Certificate of Occupancy, issued by the Director of Inspections, for any activity requiring site plan approval shall constitute a certificate that such construction was performed and completed in compliance with an approved Final Site Plan. The Director of Inspections may issue a Temporary Certificate of Occupancy, for a period of up to one (1) year, with no extension after that, if all the work but certain plantings have been performed. A Permanent Certificate of Occupancy must be issued within one (1) year of the issuance of a Temporary Certificate, if the certification above outlined is given. Failure to obtain a Permanent Certificate of Occupancy within one (1) year extension shall result in forfeiture of all existing permits and authorization. **{Amended 4-27-92; Article 32}**

If a Permanent Certificate of Occupancy was issued in disregard of the requirements for certification by a professional engineer, architect, or licensed landscape architect, it shall be null and void, but if issued with certification, it shall be conclusive evidence of completion of Final Site Plan.

Prior to issuance of a Certificate of Occupancy, all documents required as a prerequisite to said Certificate that grant easements or other rights to the Town shall be recorded in the Registry of Deeds or filed with the appropriate agencies, and proof thereof submitted to the Director of Inspections.

25.07 LANDSCAPING, SCREENING AND BUFFERS

(a) PURPOSE

The Town of Sturbridge recognizes the important aesthetic, ecological and economic values associated with appropriate landscaping and buffering. This section is intended to establish minimum standards for landscaping in the town as a way to reduce the environmental degradation that can be associated with development in a community. Appropriate landscaping will enhance the community's visual character and protect property values while stabilizing soils, reducing dust and erosion, providing storm water management and facilitating groundwater recharge. This Section seeks to promote the retention and use of existing vegetation as well as to encourage the establishment of new vegetation for aesthetic, health, wildlife and environmental reasons. Appropriate screening and buffer standards will promote the compatibility of land uses by reducing the visual, noise and lighting impacts of specific development on users of the site and abutting users by providing attractive and functional screening between various land uses.

(b) PROPERTIES SUBJECT TO LANDSCAPING, SCREENING AND BUFFERS

These requirements shall apply to all projects that require Site Plan Approval. These standards shall not apply to landscaping installed by homeowners at single-family residences.

(c) PLAN SUBMITTAL REQUIREMENTS

The landscaping plan may incorporate a variety of materials including plant materials such as trees, shrubs, ground covers, perennials, and annuals, and other materials such as rocks, water features, walls, fencing, street furniture such as benches and seating areas, art, or other landscape elements.

Unless determined otherwise by the Planning Board the following submittals are required at the time of application:

- (1) Each application shall contain a brief narrative describing the project and the proposed landscaping, screening and buffers and other design elements.
 - (2) Plans for projects with over 1,000 square feet of landscaping area shall be prepared by a certified landscape architect, horticulturist, or arborist and shall be submitted with each site plan application, unless an exception is granted by the Planning Board. Plans for smaller projects may be prepared by a person familiar with the proposed species of plants, their planting requirements and maintenance requirements. Such plan shall create a total pattern for the site, integrating the various elements of each site's design and creating a pleasant site character. The landscaping plan shall be designed to achieve architectural and environmental enhancement in the following areas:
 - (a) Buffering of parking, screening of storage areas, and unsightly objects such as public utilities and substations.
 - (b) Creating buffer zones between residential, commercial and industrial areas.
 - (c) Erosion control and storm water management.
 - (d) Noise barriers.
 - (e) Streetscape enhancement, blending or improving existing and abutting landscape.
 - (f) Improving the relationship of site to structure through the use of shade, screening, accent, and foundation plantings.
 - (3) Landscaping plans shall include botanical and common names of plant materials, symbols, size, quantity and spacing of materials.
 - (4) The name, address, phone number and certification of the person or firm who prepared the plan.
 - (5) The plans shall include the planting details for the installation of trees and shrubs. Planting details shall comply with Landscaping Details found in Appendix 3 of the Rules and Regulations Governing the Subdivision of Land adopted June 18, 2002 as may be amended from time to time.
 - (6) The plans shall include the details for the erosion control measures to be utilized during construction.
 - (7) The plans shall include the plant protection detail on the site plan as well as the location, type and caliper of any existing mature trees and plantings to remain, to be relocated or to be removed. If mature trees are removed due to grading or other reasons, replacement specimen size trees may be required.
- (d) **PRESERVATION OF EXISTING LANDSCAPE**
- The existing landscape shall be preserved in its natural state, insofar as practicable by minimizing tree and soil removal and any grade changes shall be in keeping with the general appearance of the neighboring developed areas. Where tree coverage does not exist or has been removed, new planting may be required. Finished site contours shall depart only minimally from the character of the natural site and the surrounding properties.
- (e) **TOPSOIL**
- Topsoil removed during the course of construction shall be redistributed on all regraded surfaces so as to provide at least six (6) inches of even cover to all disturbed areas of the development and shall be stabilized by seeding or planting.
- (f) **REMOVAL OF DEBRIS**

All stumps and other tree parts, litter, brush, weeds, excess or scrap building materials or other debris shall be removed from the site and disposed of in accordance with the law. No tree stumps, or portions of tree trunks and limbs shall be buried anywhere on site. All dead or dying trees, standing or fallen, shall be removed from the site.

(g) PROTECTION OF EXISTING PLANTINGS

Maximum efforts should be made to save healthy specimens. No material or temporary soil deposits shall be placed within four feet of shrubs or within the protected root zone of trees (please refer to Section 6.83 of the Sturbridge General Bylaws for a listing of Protected Root Zones) designated on the landscape plan to be retained. Protective barriers or tree wells shall be installed around each plant and/or group of plants that are to remain on the site. Barriers shall not be supported by the plants that they are protecting, but shall be self supporting. The barriers shall be at least four (4) feet high and constructed of a durable material that will last until construction is completed. Snow fences and silt fences are examples of acceptable barriers.

(h) EROSION CONTROL FOR SLOPES

All newly graded slopes at a gradient of 4:1 or greater; in excess of three (3) feet vertical height shall be landscaped with groundcover which is known to have binding characteristics to control erosion. Groundcover shall be planted at a rate to achieve complete coverage in the first year. Jute matting, or other similar erosion control material, shall be installed on all slopes. Hydro seed may be substituted for groundcover plantings if it is shown that the hydro seed area will achieve 100% coverage in the first year. All slope plantings shall be complete prior to requesting final inspection by the Department.

(i) ADDITIONAL LANDSCAPING

In non-residential developments, all areas of the site not occupied by buildings and required improvements shall be landscaped by the planting of grass and/or other ground cover, shrubs, and trees as part of the landscape plan approved by the Planning Board.

(j) LANDSCAPE TREES

Generally, as used in this bylaw, Landscape, Street or Shade trees shall refer to a species of tree that normally grows to a mature height of 40 feet or more, while understory tree refers to a species that normally grows from 15 to 35 feet. Where this bylaw specifies a certain number of trees to be used it is referring to Street or Shade trees. Understory trees may be substituted for up to a maximum of 50% of the number of trees required, provided, however, that two understory trees shall be provided for each landscape tree replaced. (See Tree List)

Dead trees and shrubs shall be replaced in one (1) growing season.

(1) Landscape tree selection:

- (a) Trees are encouraged for all new developments. Tree selections may be made from the approved Street Tree list which may be found in the Town of Sturbridge Landscaping Guide (1990) as may be amended from time to time.
- (b) In established neighborhoods with an existing mature street tree patterns, street trees should be selected to match the existing street trees in the vicinity.
- (c) Landscape trees shall not be planted where their growth will interfere with the utility lines or entrances.
- (d) Landscape trees shall be planted at approximately fifty foot intervals and shall be planted not closer than five (5) feet and not more than twenty (20) feet from the right of way

line unless otherwise approved by the Planning Board and DPW Director.

- (2) Tree Size
 - (a) No new landscape trees installed per these regulations shall be less than two (2) inch caliper. Caliper is to be measured in all cases at breast height
 - (b) To encourage the retention of healthy existing large street or landscape trees, every existing landscape tree with a six (6) inch caliper and eighteen (18) foot height may be counted as two trees toward the tree requirements. Any landscape tree with at least an eight (8) inch caliper and thirty (30) foot height may be counted as three (3) trees toward the tree requirements.

(k) SELECTION OF MATERIALS

Landscape materials should be selected and sited to produce a hardy and drought-resistant landscape area. Selection should include consideration of soil type and depth, the amount of maintenance required, spacing, exposure to sun and wind, the slope and contours of the site, and compatibility with existing native vegetation preserved on the site. Native plant species shall be used in environmentally sensitive sites. Plants listed by the Commonwealth of Mass as invasive shall not be used.

(l) PLANTING SPECIFICATIONS

(1) Shrubs and ground cover

All required ground cover plants and shrubs must be of sufficient size and number to meet the required standards within 3 years of planting. Mulch (as a ground cover) must be confined to areas underneath plants and is not a substitute for ground cover plants.

(2) Trees

Trees may be deciduous or coniferous. Deciduous trees at the time of planting must be fully branched, have a minimum diameter of 2 (two) inches, measured 4 1/2 feet above the ground, and have a minimum height of 8 feet. Evergreen trees at the time of planting must be fully branched and a minimum of 6 feet in height. All nursery stock shall be inspected by the landscape professional who submitted the plan, prior to plant installation, and certified that it is of good quality, with proper structure, free of wounds and injury.

(m) SCREENING AND BUFFERING

The intent of screening and buffering is to provide a means of separation between uses or development. Screening or buffering is meant to mitigate or reduce the incompatibility between different land uses through the use of landscaping or other features. The degree or intensity of the screening or buffering is dependent on the level of incompatibility between the adjacent uses.

- (1) Screening may include the use of such materials as: decorative fencing or walls, shrubs, trees and other plant materials. Soft landscaping should be provided in conjunction with fences or walls to provide a more visually appealing development.
- (2) Shrub planting beds, fencing, berming or a combination thereof, should be selectively arranged to provide for the buffering of off-street parking facilities as viewed from the street or as may be specifically required.
- (3) Screening is required for garbage pick-up areas and buffering is required for parking lots within any commercial and industrial districts.

- (4) Where commercial and industrial uses are adjacent to residential use, a combination of fence, wall and evergreen screen, must be provided along the rear and/or side lot line, or an area of at least 50' shall remain undisturbed and contain sufficient vegetation, in the opinion of the Planning Board, to provide a visual buffer from adjoining properties.
- (5) Plant materials used for screening purposes shall be sufficiently large and planted in such fashion that a year round screen at least eight feet in height shall be produced within three (3) growing seasons. All plantings shall be installed according to accepted horticultural standards.

(n) WHEN REQUIRED

Every development shall provide sufficient buffering when topographical or other barriers do not provide reasonable screening and when the Planning Board determines that there is a need to (1) shield neighboring properties from any adverse external effects of a development; or (2) to shield the development from negative impacts of adjacent uses such as streets; and (3) to soften the appearance and enhance the aesthetics of commercial and multiple dwelling construction projects.

(o) AMOUNT OF BUFFERING REQUIRED

Buffering and landscaping of the front setback area shall be required. Parking spaces, driveways, buildings, structures, and storage materials shall not be allowed within the front setback, and the area of the front setback shall be a buffer, and landscaped as such. Landscaping of the frontage buffer shall consider the need for proposed or future sidewalk installations. The buffer shall allow for necessary access to the site, but driveways shall otherwise not be allowed in the buffer.

- (1) Buffers will be required for side and rear lot lines according to the following:

Where the abutting land use is a same or similar use, and of similar intensity, a buffer strip of ten feet in width shall be required along the side and rear lot lines.

Where more intensive land uses abut less intensive land uses, or the abutting land use is a dissimilar use, a buffer strip twenty-five feet in width shall be required along the side and rear lot lines. As necessary, the Planning Board may require a buffer strip of greater width to protect adjacent property from the adverse effects of a proposed use.

Parking lots, garbage collection and utility areas, and loading and unloading areas shall be screened around their perimeters by a buffer strip a minimum of five feet wide.

The Planning Board may waive any of the requirements noted above in confining sites. The applicant shall request such waivers in writing at the time of application. The applicant should note that requesting a waiver does not imply that a waiver will be granted.

- (2) Design

Arrangement of plantings in buffers shall provide maximum protection to adjacent properties and avoid damage to existing plant material. If planted berms are used, the minimum top width shall be four (4) feet and the maximum side slope shall be 2:1.

(p) PARKING LOT LANDSCAPING REQUIREMENTS

- (1) Buffering

- (a) Parking spaces, driveways, buildings, structures, and storage materials shall not be allowed within the front

setback, and the area of the front setback shall be a buffer, and landscaped as such. Landscaping of the frontage buffer shall consider the need for proposed or future sidewalk installations. The buffer shall allow for necessary access to the site, but driveways shall otherwise not be allowed in the buffer.

- (b) Buffers will be required for the side and rear lot lines according to the standards noted above.

(2) Interior Parking Lot Landscaping

Interior areas of parking lots (exclusive of buffer areas) shall be landscaped according to the following percentage of total parking lot areas:

Lots under 20 parking spaces	0.0%
Lots equal to or over 20 spaces	5.0%
Lots equal to or over 100 spaces	7.5%
Lots equal to or over 200 spaces	10.0%

The landscaping shall be located in bermed/protected areas, such as along walkways, in center islands, at the ends of bays, or between parking stalls. A mixture of hardy ornamental or deciduous shade trees must be planted. A minimum of one (1) shade tree is required for every ten (10) parking spaces.

No landscaping island shall be less than ten (10) feet wide. No landscaping strip separating parking bays shall be less than eight (8) feet wide. Only hardy ground cover or mulch shall be placed within a two (2) foot area under any potential car over-hang, to avoid the burning of landscape plantings. In no case shall a tree be set back less than four (4) feet from paved areas.

The Planning Board encourages the use of large planting islands (over 600 square feet) to be located throughout the lot and planted with shade trees, low shrubs and/or ground cover. Uninterrupted parking rows should generally not exceed 10 spaces, but in no case should they exceed 15 spaces.

The location of landscaping islands shall not interfere with the need to conduct fire fighting operations. All landscape plans shall require the approval of the Fire Department for this purpose. Interior and bermed landscape areas cannot be designated as snow storage areas; sufficient open lawn area shall be provided for this purpose.

Where quality woodland exists, the Planning Board requires that it be preserved in the prescribed buffer areas along the perimeter of the lot, and additional evergreen shrubs shall be required if needed.

(3) Additional Parking Requirements for Lots Over 200 Spaces

Parking lots over 200 spaces shall consider the creation of multiple, separated parking areas. These areas shall be separated by landscaping elements and/or differences in grade, and shall be naturally screened from one another.

Separate pedestrian walkways shall be provided to allow safe movement within the lots. These walkways should generally be oriented perpendicular to and between parking bays. Adjacent to the walks, trees should be planted. These plantings will aid in the identification of the walkway locations within the lot and also aid in providing shade for the pedestrian. The following guidelines apply to the development of walkways within large parking lots:

- (a) One walkway can serve as a collector for up to four (4) bays of parked cars.

- (b) The walkway should be a minimum of four (4) feet wide.
 - (c) All walkways should be raised to a standard sidewalk height and should be constructed of different paving material than the parking lot, and should be handicap accessible.
 - (d) A 5 year landscape maintenance plan detailing the maintenance and replacement of defective plantings, commencing the year the site has received its final occupancy permit, shall be submitted as part of the application.
- (q.) TREE PRESERVATION AND CARE DURING CONSTRUCTION
- (1) Installation and Maintenance
 - (a) All trees, shrubs and groundcovers should be free of insects, pests, or fungus disease or the effects of previous infestations. They should have normally well developed branch systems and a vigorous and fibrous root system which is not root or pot bound.
 - (b) All trees, shrubs, and groundcovers which have been planted and which due to accident, disease, or other cause, fail to show a healthy growth within one year must be replaced.
 - (c) All landscaped areas shall be regularly watered, fertilized, weeded, and otherwise kept in good condition in accordance with the approved 5 year plan.
 - (d) Trees and shrubs should be trimmed or pruned to prevent blocking or interference with the following:
 - i. Sight distance views.
 - ii. Pedestrian or motor vehicle access.
 - iii. Installation, maintenance or repair of any public utility or fire land.
 - iv. Damage to property line fences or structure on adjoining properties.
- (r) EXCEEDING STANDARDS
- Landscaping materials that exceed the standards may be substituted for the minimums so long as all fence or vegetation does not obstruct vision of pedestrian or automobile traffic.
- (s) COMPLYING WITH THE STANDARDS
- It is the applicant's responsibility to show that the landscaping materials proposed will comply with the regulations of this Chapter.
- (t) ALTERNATIVE METHODS OF COMPLIANCE
- (1) Alternate landscaping plans, plant materials, or planting methods may be used where unreasonable or impractical solutions would result from the application of landscaping requirements, or where necessary to protect existing vegetation. Such situations may result from streams, natural rock formations, topography, or other physical conditions; or from lot configuration, utility easements, or unusual site conditions. This does not pertain to self-created design issues that are not related to the items listed above.
 - (2) The Planning Board may approve an alternate plan which proposes different plant materials or methods provided that quality, effectiveness, durability, and performance are equivalent to that required by this bylaw.

(u) PLANT MATERIAL SUBSTITUTION

Due to seasonal planting problems and/or the lack of plant availability, approved Landscape Plans may require minor revisions. The Town Planner and the Tree Warden may approve minor revisions to the planting plans if:

- (1) There is no reduction in the quantity of plant material.
- (2) There is no significant change in size or location of plant materials.
- (3) The new plans are of the same general category (i.e. Shade Tree, Ornamental Tree, Evergreen, or Shrub) and have the same general design characteristics and growth habits (mature height, crown spread) as the materials being replaced.
- (4) The need for substitution was not caused by project proponent due to a lack the proper scheduling and purchase of plant material

25.08 LANDSCAPING BONDS

A bond will be required for the value of the landscaping improvements and may be provided as a separate bond from the one required for the Site Plan requirements. No bond for landscaping shall be released until one year after all plantings have been installed and inspected or at the termination of any required long term maintenance plans.

25.09 FINAL APPROVAL

Upon completion of the landscaping improvements, the developer, contractor, or landscape architect shall submit a letter to the Planning Department stating that all landscaping was installed according to Town standards and per the specifications and details of the approved plans. This letter shall also note any changes that were made during installation. Receipt of this letter and final inspection by the Department or its designee shall be required prior to final occupancy being granted for the project.

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 4-0-1.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town vote to approve the article as written. Voted 4-0.

RECOMMENDATION OF THE PLANNING BOARD:

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

Summary – This bylaw will re-write the Site Plan Approval Bylaw. All of the changes proposed in this section are intended to provide greater clarity for applicants as to what is required as part of site plan approval. Changes proposed include the following:

- *Clarifies when a Waiver of Site Plan may be granted by the Planning Board and specifies submittal criteria;*
- *Updated criteria for approval to provide a more comprehensive explanation to applicants as to what site standards will have to be met;*
- *Added a section encouraging applicants to incorporate “green techniques” into site design;*
- *Provides an exemption from the current requirement that landscape plans be prepared by a Certified Landscape Architect or Arborist for small projects involving 1,000 square feet or less of landscaped area;*
- *Reorders the bylaw so that all landscaping, screening and buffering criteria is in one section making it easier to follow; and*
- *Inserts new sections on planting specifications, selection of materials, tree preservation and care, alternative methods of compliance, plant material substitution and bonding. These are all things that the Tree Warden and Town Planner require when reviewing site plans currently, however they were not specifically written within the bylaw. This clarifies requirements for applicants and should help to streamline the review process.*

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 – PUBD BYLAW
(2/3 vote required)

To see if the Town will vote to amend the Zoning Bylaws, Chapter 15, Planned Unit Business Development in the following manner:

Insert a new sub-section (i) in Section 15.06 as noted below:

15.06 General categories of allowed uses within the PUBD are as follows:

- (a) Executive offices
- (b) Laboratories for research and development
- (c) Professional and medical offices
- (d) Light industrial operations
- (e) Public recreational facilities
- (f) Hotel/Motel
- (g) Commercial recreational facilities
- (h) Limited residential uses that are appropriate in relation to the proposed non-residential uses in terms of the public health, safety and welfare and Sturbridge’s housing needs.
- (i) Retail uses may be permitted as part of an overall PUBD when the products offered for sale will be consistent with or complementary to, the overall theme of the PUBD. The ratio of the gross floor area of all retail uses within the PUBD to the total gross floor area of all other buildings within the PUBD shall not exceed 25% or 100,000 square feet whichever is less. Within the maximum permitted retail area there may be only one store with a maximum of 40,000 square feet. When a PUBD contains

retail, the overall development must contain a mixture of at least three (3) of the allowed general categories noted above.

This listing of allowed uses does not imply that the Town of Sturbridge would approve any mixture of these uses, unless it is clearly proven that the said mixture is compatible and that there will be no negative impacts on the environment, workers, residents, abutters or the community.

And further to insert the following as Section 15.30 (k):

That an appropriate phasing plan has been developed to ensure construction of all components of the PUBD. A phasing plan must be submitted as part of the application for review and approval by the Board. The Board shall have authority to condition occupancy of the development upon substantial completion of any or all components of the PUBD.

Or take any action in relation thereto.

Sponsor: Planning Board

RECOMMENDATION OF THE FINANCE COMMITTEE:

That the Town take no action on the article. Voted 5-2-1.

The Finance Committee feels the Town should focus on filling up the various empty retail spaces on Route 20 and 131 to get rid of that "abandoned building look" before we start steering any new retailers to other sections of Town where there is no real critical need. Second, considering the Master Plan and Rt. 15 Plan, we felt we should be respectful of those efforts that concluded residents would prefer retail on Route 20 and 131 and would like Route 15 to be focused on office complexes. We are completely aware that no office complex has come forward with any interest in Route 15. We are also aware that the Town has done virtually nothing in that time to market ourselves to this type of development. We feel introducing retail is not the preferred way to kick-start the effort. The Town now has a very enthusiastic, newly formed Economic Development Committee that intends to market Sturbridge.

From more of a global perspective, we feel there is a need for an updated, comprehensive town-wide plan. If you read the Report of the Finance Committee, we recommend an update of the Master Plan with the FY10 budget. A revised Master Plan could, and should, layout a blue-print that would expedite business development in a well-reasoned, beneficial manner. In addition, the Town has a limited amount of commercial/industrial land and to sacrifice some for retail purpose did not seem prudent at this time.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town take no action on the article. Voted 4-0.

RECOMMENDATION OF THE PLANNING BOARD:

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

Summary – This proposal will allow limited retail only as part of a Planned Unit Business Development (PUBD) that contains at least three of the general categories noted above. This proposal will not allow retail as a stand alone operation.

VOTE OF THE TOWN MEETING: A substitute motion was presented by Mr. Scott Garieri which was then seconded. Lengthy discussion ensued and finally a motion was made to move the article. This was seconded and passed. The vote of the Town Meeting was 209 in favor; 135 against. The motion was defeated as it required a 2/3rds majority to pass.

ARTICLE 19
SPECIAL USE DISTRICT AMENDMENT
(2/3 Vote Required)

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

(f) Commercial Recreational Facilities (Planning Board acting as SPGA)

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 6-0-1.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town vote to approve the article as written. Voted 4-0.

RECOMMENDATION OF THE PLANNING BOARD:

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

<p><i>Summary – This article would add Commercial Recreational Facilities as a use by special permit in the Special Use District which is on Route 15 from the Quinebaug River south to River Road. “Commercial Recreational Facilities” are defined in the next article.</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 20
COMMERCIAL RECREATIONAL FACILITIES
(2/3 Vote Required)

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

Commercial Recreational Facilities – A recreational facility operated as a business and open to the general public for a fee. Uses limited to: miniature golf, museums, riding stables, bowling alleys, movie theater, live theater, indoor theater, indoor musical center, athletic fields, golf course and indoor skating rink, and outdoor or indoor athletic facility.

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 6-0-1.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town vote to approve the article as written. Voted 4-0.

RECOMMENDATION OF THE PLANNING BOARD:

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

Summary – This article adds, “and outdoor or indoor athletic facility” to the existing definition of Commercial Recreational Facilities.

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
SPECIAL USE DISTRICT SIGNAGE
(2/3 Vote Required)**

To see if the Town will vote to amend the Zoning Bylaws, Chapter Fourteen, to add a new Section 14.04 – Signage to read as follows:

14.04 Signage – With the approval of the Board of Selectmen, one sign that conforms to all requirements of the Zoning Bylaw shall be allowed to be located within the Town Right-of-Way for an approved non-residential use in the Special Use District. Minimal clearing will be allowed to provide visual access to the sign. Sign design and details shall be approved by the Design Review Committee.

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 4-0-1.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town vote to approve the article as written. Voted 4-0.

RECOMMENDATION OF THE PLANNING BOARD:

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

Summary – This article would allow businesses that locate on Route 15 within the Special Use District to place a sign within the Town Right of Way. This issue came to light when a business sought to locate on Route 15 and would have had to place their sign approximately 90 feet off the road due to the wide Right-of-Way on this road.

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 22
ZONING MAP AMENDMENT
(2/3 Vote Required)

To see if the Town will vote to amend the Zoning Map to change the zoning district designation for certain parcels of land, located at Schoolhouse Road (Burgess School Road), as shown on Assessors Map 24, Parcels 36, 38, 40, 44 and 46, from a Commercial District (C) to a Suburban Residential District (SR) and to change Map 24, Parcel 34 from part Commercial District (C) and part Suburban Residential District to all Suburban Residential District (SR); 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 4-0-1.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town vote to approve the article as written. Voted 4-0.

RECOMMENDATION OF THE PLANNING BOARD:

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

Summary – This proposal will change seven parcels that are currently zoned commercial and part residential to all residential. All parcels are currently being used for residential purposes and are not suitable for commercial use. See the map on Page 52 for the area to be rezoned.

VOTE OF THE TOWN MEETING: A substitute motion was made by the Town Administrator. It read, “That the Town vote to amend the Zoning Map to change the zoning district designation for certain parcels of land, located at Schoolhouse Road (Burgess School Road), as shown on Assessors Map 24, Parcels 36, 38, 40, 42, 44 and 46, from a Commercial District (C) to a Suburban Residential District (SR) and to change Map 24, Parcel 34 from part Commercial District (C) and part Suburban Residential District to all Suburban Residential District (SR).” The motion was seconded. The vote of the Town Meeting was unanimous in approving the article as amended.

ARTICLE 23
ZONING MAP AMENDMENT
(2/3 Vote Required)

To see if the Town will vote to amend the Zoning Map to change the zoning to change the zoning district designation for certain parcels of land, located on the corner of Stallion Hill Road and Route 20, as shown on the Assessors Map 24, Parcel 57-412, from part Commercial Tourist (CT) District and Suburban Residential (SR) District to all Commercial Tourist 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 4-0-1.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town vote to approve the article as written. Voted 4-0.

RECOMMENDATION OF THE PLANNING BOARD:

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

Summary – This article would take a parcel on the corner of Stallion Hill Road and Route 20 that is split between Commercial Tourist District and Suburban Residential and make the entire parcel Commercial Tourist. See the map on page 53 for the area to be rezoned. This proposal changes a parcel from part residential and part Commercial Tourist to all Commercial Tourist. This is a minor change being proposed only for consistency of zoning in that area.

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

ARTICLE 24
ZONING BYLAW AMENDMENT – PUBD BYLAW
(2/3 vote required)

To see if the Town will vote to amend the Zoning Bylaws of the Town of Sturbridge in the following manner:

Amend Chapter Fifteen – Planned Unit Business Development (PUBD) by inserting a new section 15.06 (i) that states:

- (i) Retail uses may be permitted as part of an overall PUBD when the products offered for sale will be consistent with or complementary to, the overall theme of the PUBD. The ratio of the gross floor area of all retail uses within the PUBD to the total gross floor area of all other buildings within the PUBD shall not exceed 25% or 100,000 square feet whichever is less. Within the maximum permitted retail area there may be only one store with a maximum of 40,000 square feet. When a PUBD contains retail, the overall development must contain a mixture of at least three (3) of the allowed general categories noted above.

And by inserting a new Section 15.30 (k) that states:

That an appropriate phasing plan has been developed to ensure construction of all components of the PUBD. A phasing plan must be submitted as part of the application for review and approval by the Board. The Board shall have authority to condition occupancy of the development upon substantial completion of any or all components of the PUBD.

Or take any action in relation thereto.

Sponsor: By Petition

RECOMMENDATION OF THE FINANCE COMMITTEE:

That the Town take no action on the article. Voted 4-0-1.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town take no action on the article. Voted 4-0.

RECOMMENDATION OF THE PLANNING BOARD:

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

Summary – This article is identical to Article 18, but was submitted by petition.

VOTE OF THE TOWN MEETING: There was a substitute motion for this article, but it was withdrawn. The vote of the Town Meeting was that no action be taken on this article.

ARTICLE 25

COMMUNITY PRESERVATION – RECREATION

To see if the Town will vote to appropriate from the Community Preservation Act (CPA) undesignated funds, the sum of SIXTY-SIX THOUSAND AND 00/100 DOLLARS (\$66,000.00) for the purpose of purchasing playground equipment for the Cedar Lake Recreation Area; 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 5-0.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town vote to approve the article as written. Voted 4-0.

RECOMMENDATION OF THE COMMUNITY PRESERVATION COMMITTEE:

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

Summary – One of the allowed uses of CPA funds is the creation of parks and playgrounds. The Cedar Lake Recreation Area is in need of new playground equipment.

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

ARTICLE 26

COMMUNITY PRESERVATION – OPERATING AND ADMINISTRATIVE EXPENSE

To see if the Town will vote to appropriate from the Community Preservation Act (CPA) Undesignated Balance, 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); or take any action in relation thereto.

Sponsor: Community Preservation Committee

RECOMMENDATION OF THE FINANCE COMMITTEE:

To see if the Town will vote to appropriate from the Community Preservation Act (CPA) Undesignated Balance, the sum of TEN THOUSAND AND 00/100 DOLLARS (\$10,000.00) 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. Voted 7-0.

The Finance Committee modified this article because we felt the CPC budget should be treated the same as all other Town department/committee budgets. All other departments submit their budget with justification for all money requested by showing us exactly what they expect their expenses to be. We understand the goal of the CPC was to make this money last several years but no other department/committee is given a lump sum in one year to cover expenses until the money runs out. Like all other departments/committees, they may find it difficult to predict the coming year's expenses but a reasonable effort must be made. If they underestimate, they can simply come back to Town meeting for additional funds as do all other departments.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town vote to approve the article as written. Voted 3-1.

RECOMMENDATION OF THE COMMUNITY PRESERVATION COMMITTEE:

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

Summary – These funds would be used to provide operating and administrative expenses for the Community Preservation Committee, including legal expenses, appraisal reports and general office supplies. In FY08 there was a similar article, but it included the words “that any unused funds appropriated shall revert back to the CPA Undesignated Fund Balance”. This article would appropriate \$30,000 which would be available for the next several years until fully expended.

VOTE OF THE TOWN MEETING: The Finance Committee made a substitute motion which read, “*To see if the Town will vote to appropriate from the Community Preservation Act (CPA) Undesignated Balance, the sum of FIFTEEN THOUSAND AND 00/100 DOLLARS (\$15,000.00) 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. Voted 5-3.* The substitute motion was seconded and the vote of the Town Meeting was unanimous in approving the amended article.

**ARTICLE 27
COMMUNITY PRESERVATION – PRODUCTION AND POSTAGE OF
INFORMATION MATERIAL**

To see if the Town will vote to appropriate from the Community Preservation Act (CPA) Undesignated Balance, the sum of FIVE THOUSAND AND 00/100 DOLLARS (\$5,000.00) of annual CPA funds to be allocated for the purpose of production and postage of informational literature; or taken any action in relation thereto.

Sponsor: Community Preservation Committee

RECOMMENDATION OF THE FINANCE COMMITTEE:

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

The Community Preservation Committee (CPC) would like to produce a tri-fold brochure identifying the parcels of open space land it has acquired with the intention of sending it to each household. While the Finance Committee feels this is a good idea, we recommend another method of delivery. The CPC could author a press release that directs people to find this information on the Town’s website.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town vote to approve the article as written. Voted 4-0.

RECOMMENDATION OF THE COMMUNITY PRESERVATION COMMITTEE:

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

Summary – These funds would be used to develop informational literature aimed at educating the public on CPA funded recreational and historic features of our town, as well as site specific detail of our CPA acquired parcels. The literature will be distributed in a mailing (in tax bills if possible) to residents, as well as available at Town Hall, the Chamber of Commerce, Hotels/Motels, local eateries and OSV (if allowed).

VOTE OF THE TOWN MEETING: The vote of the Town Meeting was that no action be taken on this article.

ARTICLE 28

ACCEPTANCE OF MGL CH. 258, §13

To see if the Town will vote to accept the provisions of Section Thirteen of Chapter Two Hundred and Fifty Eight of the General Laws which provides that the Town shall indemnify and save harmless municipal officers, elected or appointed, from personal financial loss and expense including reasonable legal fees and costs, if any, in an amount not to exceed one million dollars, arising out of any claim, demand, suit or judgment by reason of any act or omission except an intentional violation of civil rights of any person under any law, if the official at the time of such act or omission was acting within the scope of his official duties or employment; 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 5-0.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town vote to approve the article as written. Voted 4-0.

Summary – The Town currently indemnifies Town officials, however, the Town has not accepted the State Law that allows the Town to indemnify officials, therefore the acceptance of this law is necessary to protect public officials from personal liability in the performance of their duties.

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

ARTICLE 29

ACCEPTANCE OF MGL CH. 148, §26H

To see if the Town will vote to accept the provisions of Massachusetts General Laws, Chapter 148, § 26H which states that under the provisions of this section, every lodging house or boarding house shall be protected throughout with an adequate system of automatic sprinklers in accordance with the provisions of the state building code; or take any action in relation thereto.

Sponsor: Fire Chief

RECOMMENDATION OF THE FINANCE COMMITTEE:

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

RECOMMENDATION OF THE BOARD OF SELECTMEN:

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

Summary – If accepted this section of state law would require that all existing “lodging or boarding” houses have automatic sprinkler systems.

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

ACCEPTANCE OF MGL CH. 148, §26I

To see if the Town will vote to accept the provisions of MGL, Chapter 148, § 26I, which states that any building hereafter constructed or substantially rehabilitated so as to constitute the equivalent of new construction and occupied in whole or in part for residential purposes and containing not less than four dwelling units including, but not limited to, lodging houses, boarding houses, fraternity houses, dormitories, apartments, townhouses, condominiums, hotels, motels and group residences, shall be equipped with an approved system of automatic sprinklers in accordance with the provisions of the state building code; or take any action in relation thereto.

Sponsor: Fire Chief

RECOMMENDATION OF THE FINANCE COMMITTEE:

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

RECOMMENDATION OF THE BOARD OF SELECTMEN:

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

Summary – This article would require that all of the listed facilities that were substantially renovated install sprinkler systems for fire suppression.

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

ACCEPTANCE OF MGL CH. 148, §26E

To see if the Town will accept the provisions of MGL, Chapter 148, § 26E, which states that one and two family dwellings occupied in whole or part for residential purposes and not regulated by §26A or §26B shall be equipped with approved smoke detectors; or take any action in relation thereto.

Sponsor: Fire Chief

RECOMMENDATION OF THE FINANCE COMMITTEE:

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

RECOMMENDATION OF THE BOARD OF SELECTMEN:

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

Summary – This article would mandate that all one and two family homes have smoke detectors.

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

**ARTICLE 32
ACCEPTANCE OF MGL CH. 148, §26G**

To see if the Town will vote to accept the provisions of MGL Ch. 148, §26G which states that every building of more than seventy-five hundred gross square feet in floor area or every addition of more than seventy-five hundred gross square feet in floor area shall be protected throughout with an adequate system of automatic sprinklers in accordance with the provisions of the state building code; provided, however that in the case of said addition, such an adequate system shall be installed in the said addition only; or take any action in relation thereto.

Sponsor: Fire Chief

RECOMMENDATION OF THE FINANCE COMMITTEE:

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

RECOMMENDATION OF THE BOARD OF SELECTMEN:

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

Summary – The acceptance of this statute would require all buildings over 7,500 to be sprinklered for fire protection.

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

**ARTICLE 33
BOARD OF HEALTH MUTUAL AID**

To see if the Town will vote in accordance with MGL Ch. 40, § 4A, to authorize the Board of Health to enter into intermunicipal agreements with one or more other governmental units to provide public health services which the Board of Health is authorized to perform, in accordance with an Intermunicipal Mutual Aid Agreement to be entered into between the Town and various governmental units; or take any action in relation thereto.

Sponsor: Board of Health

RECOMMENDATION OF THE FINANCE COMMITTEE:

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

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town vote to approve the article as written. Voted 4-0.

Summary – This article would authorize the Board of Health to enter into intermunicipal agreements on public health emergencies in our area. The Towns of Auburn, Millbury, Leicester, Southbridge and Charlton have joined through an intermunicipal agreement. It is anticipated that these are the Towns Sturbridge would enter into an intermunicipal agreement for public health services.

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

**ARTICLE 34
ACCEPTANCE OF MGL CH. 41, §19K**

To see if the Town will vote to accept the provisions of Chapter 41, Section 19K of the Massachusetts General Laws, added by Chapter 170 of the Acts and Resolves of 1999. Said act provides that a Town Clerk who has completed the necessary courses of study and training and has been awarded a certificate by the Massachusetts Town Clerks Association as a Certified Municipal Clerk shall receive in addition to regular annual compensation an amount equal to ten (10) percent of such regular annual compensation, but not more than \$1,000 per year and to act on anything relating thereto.

Sponsor: By Petition

RECOMMENDATION OF THE FINANCE COMMITTEE:

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

Although there are arguments why a certified Town Clerk could be better for the Town, the Town Clerk position does not require certification. Moreover, the Town Clerk became certified knowing the Town did not offer bonuses for certification. Now, that certification has been attained, the Town Clerk would like the Town to reward her when the Town paid for her to attend the courses necessary to become certified.

In addition, the Finance Committee finds it inappropriate to offer a bonus to a position that does not require certification since the Town does not even award bonuses to positions that do require certification, like the Building Inspector.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town take no action on the article. Voted 4-0.

Summary – If accepted, this article would pay the Town Clerk a bonus of \$1,000 on top of her regular salary for being a certified municipal clerk.

VOTE OF THE TOWN MEETING: The vote of the Town Meeting was that no action be taken on this article.

**ARTICLE 35
ACCEPTANCE OF MGL CH. 41, §19K AND §108P AND CH. 59, §21A**

To see if the Town will vote to accept the provisions of Sections 19K and 108P of Chapter 41 and Section 21A of Chapter 59 of the General Laws, to provide additional compensation for town clerks, municipal collectors and treasurers, and assessors upon certification; and transfer from available funds a sum of money to fund the additional compensation provided for under the aforesaid statues [sic] for the current fiscal year, and to act on anything relating thereto.

Sponsor: By Petition

RECOMMENDATION OF THE FINANCE COMMITTEE:

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

Please see Article 34 for the explanation for taking no action on this article. Even though this article includes additional positions, the same rationale applies.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

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

Summary – This article is similar to the previous article, but cites additional sections and includes treasurers, collectors and assessors in the bonus calculation.

VOTE OF THE TOWN MEETING: The vote of the Town Meeting was that no action be taken on this article.

**ARTICLE 36
WATER DEPARTMENT CAPITAL BUDGET**

To see if the Town will vote to transfer and appropriate from the Water Fund Reserve the sum of FIVE HUNDRED TEN THOUSAND AND 00/100 DOLLARS (\$510,000.00) to the Water Department FY09 Capital Account #28440-58108; for the purpose rehabilitating the Stallion Hill Water Tank and purchasing radio meter readers for water meters; 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 5-0.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town vote to approve the article as written. Voted 4-0.

Summary – As started in FY08, smaller capital budget items for the water and sewer departments are recommended as a separate Water Capital Budget and Sewer Capital Budget and the appropriation will come from the fund balance in the special revenue funds. This appropriation will pay the cost of rehabilitating the Stallion Hill Water Tank, estimated at \$466,000.00 and purchasing radio readers for the water meter reading system estimated at \$44,000.00. The current balance in the Water Fund Reserve is \$2,409,319. The balance if this article is approved will be \$1,899,319.

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
WOODSIDE CIRCLE/WESTWOOD DRIVE DEBT PAYMENT**

To see if the Town will vote to transfer and appropriate from the Sewer Fund Reserve the sum of SIXTY FOUR THOUSAND EIGHT HUNDRED EIGHTY EIGHT AND 00/100 DOLLARS (\$64,888.00) to the Sewer Department FY09 Woodside Circle/Westwood Drive Debt Service Account #28440-59230; for the purpose of paying the initial debt service payment due on the Woodside Circle/Westwood Drive Sewer Project; 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 5-0.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town vote to approve the article as written. Voted 4-0.

Summary – As with other sewer projects, there is a debt service payment due prior to the betterment assessments being issued on these properties. In the past, this debt service has been paid from the Sewer Operating Budget. In an effort to keep this budget from spiking in FY09 to pay this debt, it is recommended to fund it separately through this article. As betterment assessment revenues are received, the Sewer Reserve will be reimbursed the full amount of this expenditure.

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

**ARTICLE 38
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
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
Public Lands	Development and implementation of forestry management plans, trail development & maintenance, signage, trail maps, construction of foot bridges, purchase of supplies and development of access for public use, educational purposes and general maintenance of open space parcels owned by the Town.	Forestry management and donations.	20,000.00

Or take any action in relation thereto.

Sponsors: Recreation Committee, Fire Department, Council on Aging, Town Planner and Conservation Commission

RECOMMENDATION OF THE FINANCE COMMITTEE:

That the Town vote to approve the article as written. Voted 4-0-1.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town vote to approve the article as written. Voted 4-0.

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 to approve the article as written as declared by the Moderator.

**ARTICLE 39
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 5-0.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town vote to approve the article as written. Voted 4-0.

Summary – Each year, the Town sets aside the equivalent of \$20,000 from ambulance collections to assist the town in replacing its ambulances on a seven year schedule. These funds will be set aside until a new ambulance is purchased. The current balance in this account is \$44,357.60.

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
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 EIGHTY EIGHT THOUSAND FIFTY TWO AND 72/100 DOLLARS (\$88,052.72) for the following items:

Fullfillment (telephone, postage, internet)	12,000.00
Advertising, Printing, Promotion & Production	44,552.00
Special Events/Community Support	13,000.00
Group Tour	4,000.00
General Grounds Maintenance	4,500.00
Route 20 Restrooms	7,000.00
Chamber Support	3,000.00
	88,052.00

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 4-0-1.

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 to approve the article as written as declared by the Moderator.

**ARTICLE 41
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 EIGHTY EIGHT THOUSAND FIFTY TWO AND 72/100 DOLLARS (\$88,052.72) for the following items:

Public Restroom	Chamber	5,000.00
Flower Barrels	Citizens Group	2,500.00
Senior Center Landscaping	COA	200.00
Library Landscaping	Library	2,500.00
Street Landscaping	Tree Warden/Citizen Group	3,320.00
Tree Maintenance	Tree Warden	6,740.00
Town Common Tree Maintenance	Tree Warden	3,000.00
Tree Planting	Tree Warden	1,000.00
Street Pole Banners	Citizens Group	13,000.00
Police Motorcycle (1 Yr Lease)	Police	4,500.00
Off Road Vehicle for Trails	Police	15,000.00
AED Defibrillator for Rec Area	Recreation Committee	1,910.00
Trail Construction Grant	Trail Committee	8,000.00
Trail Development, Signage, Etc	Town Administrator	3,351.96
Cedar Lake Water Treatment	Recreation Committee	1,700.00
Summer Concert Series	Recreation Committee	4,000.00
Rec Area Signs	Recreation Committee	109.85
Speed Bumps for Rec Area	Recreation Committee	635.52
Buoys	Recreation Committee	298.00
Floats	Recreation Committee	49.90
Tree Lights for Town Common	Recreation Committee	350.00
Skating Rink	Recreation Committee	2,427.49
Storage Unit	Recreation Committee	2,460.00
Sidewalk Maintenance	DPW	6,000.00
		88,052.72

Or take any action in relation thereto.

Sponsor: Betterment Committee

RECOMMENDATION OF THE FINANCE COMMITTEE:

That the Town vote to approve the article as written. Voted 4-0-1.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town vote to approve the article as written. Voted 4-0.

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: The vote of the Town Meeting was to approve the article as written as declared by the Moderator.

**ARTICLE 42
CAPITAL IMPROVEMENT PLAN**

To see if the Town will vote to transfer from free cash and appropriate the sum of ONE HUNDRED NINETY FOUR THOUSAND FOUR HUNDRED AND 00/100 DOLLARS (\$194,400.00) 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, 2008:

Police Cruisers (2)	Police Department	62,000.00
Ambulance Computers	Fire Department	35,000.00
Computers (8)	Finance Department	14,400.00
Fire Department Computers	Fire Department	16,000.00
1 Ton 4-Wheel Drive Pickup	Public Works	47,000.00
Envelope Stuffer	Finance Department	20,000.00
	Total:	194,400.00

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 4-0-1.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town vote to approve the article as written. Voted 4-0.

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 to approve the article as written as declared by the Moderator.

ARTICLE 43
CAPITAL BUDGET – DEBT ISSUANCE
(2/3 Vote Required)

To see if the Town will vote to appropriate the sum of FOUR HUNDRED FORTY SIX THOUSAND AND 00/100 DOLLARS (\$446,000.00) to purchase a Fire Pumper Truck and a DPW Dump Truck, including costs incidental and related thereto, and to determine whether the appropriation shall be raised by borrowing or otherwise; or take any action in relation thereto.

Sponsor: Capital Planning Committee

RECOMMENDATION OF THE FINANCE COMMITTEE:

That the sum of FOUR HUNDRED FORTY SIX THOUSAND AND 00/100 DOLLARS (\$446,000.00) be and hereby is appropriated to pay costs of purchasing a Fire Pumper Truck and a DPW Dump Truck, including the payment of all other costs incidental and related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Selectmen, is hereby authorized to borrow said amount under and pursuant to Chapter 44, Section 7(9) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor. Voted 5-0.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the sum of FOUR HUNDRED FORTY SIX THOUSAND AND 00/100 DOLLARS (\$446,000.00) be and hereby is appropriated to pay costs of purchasing a Fire Pumper Truck and a DPW Dump Truck, including the payment of all other costs incidental and related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Selectmen, is hereby authorized to borrow said amount under and pursuant to Chapter 44, Section 7(9) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor. Voted 4-0.

<p><i>Summary – In keeping with the Town’s Fiscal Policies, capital items that exceed \$100,000 are purchased with a short-term (5-year) debt issuance. The Fire Department Pumper Truck is planned to replace a 1981 Fire Truck that has steel water tanks that have rusted out. The DPW Dump Truck will replace a 1986 Dump Truck.</i></p>
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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
SOUTH POND WEED TREATMENT

To see if the Town will vote to transfer from free cash and appropriate the sum of (\$10,000) TEN THOUSAND DOLLARS for the purpose of treating invasive weeds in Quacumquasit Lake (South Pond) most notable the Sturbridge end where invasive weeds are most extensive in 3 locations, 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 4-0.

Summary – This article would spend \$10,000 from free cash to treat weeds in South Pond.

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

**ARTICLE 45
SEWER SERVICE AREA BYLAW AMENDMENT**

To see if the Town will vote to amend the Sewer Bylaws, Section 5.53 New Lots as follows:

From:

“Sewer Extensions to new streets, subdivisions or lots created and recorded in the Worcester Registry of Deeds after December 31, 2001 shall not be permitted except by approval of the Director of Public Works and by majority vote of the Board of Selectmen, acting as Sewer Commissioners. Sewer extensions to new lots shall expire two (2) years after the extension is approved by the Board of Selectmen if work has not been substantially initiated, as determined by the Board of Selectmen unless an extension has been granted by the Board of Selectmen. All sewer extensions shall require a public hearing with the public hearing notification printed in the newspaper designated by the Town, at least two weeks prior to the hearing.”

To:

“Sewer Extensions to new streets, subdivisions or lots created and recorded in the Worcester Registry of Deeds after December 31, 2001 shall not be permitted except by approval of the Director of Public Works and by majority vote of the Board of Selectmen, acting as Sewer Commissioners, **and by a 2/3rd favorable vote at Town Meeting.** Sewer extensions to new lots shall expire two (2) years after the extension is approved by the Board of Selectmen if work has not been substantially initiated, as determined by the Board of Selectmen unless an extension has been granted by the Board of Selectmen. All sewer extensions shall require a public hearing with the public hearing notification printed in the newspaper designated by the Town, at least two weeks prior to the hearing.”

Or take any action related thereto.

Sponsor: Board of Selectmen

RECOMMENDATION OF THE FINANCE COMMITTEE:

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

The Finance Committee voted no action on this article because we felt it would make obtaining a sewer extension permit unreasonably difficult. With Town meetings happening generally only twice each year, that would mean any sewer extension permits would have to wait as long as 6 months for approval. Passage of this article would cause unnecessary delays for homeowners and businesses in obtaining sewer connections. The Town could easily lose valuable opportunities.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town take no action on the article. Voted 3-2.

Summary - This would modify the requirement to extend sewer service from a public hearing and vote by the Board of Selectmen to include a 2/3rd vote of Town Meeting, similar to the Town of Essex Bylaw that it was modeled after.

VOTE OF THE TOWN MEETING: The vote of the Town Meeting was that no action be taken on this article.

**ARTICLE 46
SUBMISSION FOR SPECIAL LEGISLATION**

To see if the Town will vote to authorize the Board of Selectmen to submit the wording from Article 45 of the Annual Town Meeting of April 28, 2008 to the state legislature, requesting special legislation confirming this article; or take any action in relation thereto.

Sponsor: Board of Selectmen

RECOMMENDATION OF THE FINANCE COMMITTEE:

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

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town vote to approve the article as written. Voted 4-0.

Summary – The original Sewer Service Area Bylaw required special legislation, Article 45 would make that Bylaw more restrictive and would also require special legislation.

VOTE OF THE TOWN MEETING: The vote of the Town Meeting was that no action be taken on this article.
