

**ANNUAL TOWN MEETING  
TANTASQUA REGIONAL HIGH SCHOOL  
TOWN WARRANT  
APRIL 27, 2009  
7:00 PM**

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**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 8-0.*

**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.

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**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 2010 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 2010; and further to reserve for future appropriation amounts as recommended by the Community Preservation Committee; a sum of money for the acquisition, creation and preservation of open space excluding land for recreational use, a sum of money for acquisition and preservation of historic resources, and a sum of a money for the creation, preservation and support of community housing, or take any action in relation thereto.

Sponsor: Community Preservation Committee

**RECOMMENDATION OF THE FINANCE COMMITTEE:**

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

**RECOMMENDATION OF THE BOARD OF SELECTMEN:**

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

**RECOMMENDATION OF THE COMMUNITY PRESERVATION COMMITTEE:**

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

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

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

**ARTICLE 3  
UTILIZATION OF FREE CASH**

To see if the Town will vote to authorize the Board of Assessors to use the amount of TWO-HUNDRED THOUSAND AND 00/100 DOLLARS (\$200,000.00) from free cash in determining the tax rate for the fiscal year beginning July 1, 2009; or take any action in relation thereto.

Sponsor: Board of Selectmen

**RECOMMENDATION OF THE FINANCE COMMITTEE:**

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

**RECOMMENDATION OF THE BOARD OF SELECTMEN:**

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

*Summary – Free cash is being used to reduce the tax rate for FY10. For the past few years, it has been used to offset operating costs, but the Town needs to return to having sufficient revenues to offset expenditures. The Free Cash balance before Town Meeting is \$1,031,821 or 4.5% of the General Fund Operating Budget (\$23,061,000). With the proposed uses in this Town Meeting Warrant, the Free Cash balance will be \$469,108 or 2.0 % of the General Fund Operating Budget.*

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

**ARTICLE 4  
TOWN BUDGET**

To see if the Town will vote to raise and appropriate a sum of money as may be necessary to pay the Town charges for the fiscal year beginning July 1, 2009 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, 2009; or take any action in relation thereto.

Sponsor: Board of Selectmen

**RECOMMENDATION OF THE FINANCE COMMITTEE:**

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

**RECOMMENDATION OF THE BOARD OF SELECTMEN:**

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

*Summary – This article is for the approval of the Town and School operating budgets for Fiscal Year 2010. The budgets are voted on separately and are categorized using the Uniform Massachusetts Accounting System (UMAS). Sturbridge votes appropriations by line item.*

**THE VOTE OF THE TOWN MEETING:** There was a substitute motion made by the Board of Selectmen to pass over the article. This motion was seconded. The vote of the Town Meeting was to approve the substitute motion as declared by the Moderator. It was, however, not unanimous. All of the budget items would be voted on at the continued Town Meeting to be held on Monday, June 8, 2009 at 7 pm at Tantasqua Regional High School. This was due to the fact that the Legislature had not yet approved a State budget and it was uncertain as to what local aid would be. On Monday, June 8, 2009, the Town Meeting continued and the vote of the Town Meeting was to approve the article as written as declared by the Moderator.

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**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 SEVENTY SEVEN THOUSAND FOUR HUNDRED FIFTY SIX AND 72/100 DOLLARS (\$777,456.72) for the expenses of the Water Department as follows:

Contract Operations	\$	404,697.72
Electricity	\$	90,485.00
Chemicals, Testing and Propane	\$	9,200.00
DPW Director	\$	10,129.00
Meter Maintenance	\$	5,500.00
Billing Expense	\$	4,900.00
Legal/Administrative Expense	\$	10,000.00
Debt Service	\$	132,695.00
Miscellaneous Equipment	\$	19,300.00
Short-term Interest	\$	50,000.00
Capital Replacement	\$	40,550.00
 Total:	 \$	 777,456.72

Or take any action in relation thereto.

Sponsor: Board of Selectmen/DPW Director

**RECOMMENDATION OF THE FINANCE COMMITTEE:**

*To amend the article to 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 EIGHTY THOUSAND ONE HUNDRED TWENTY TWO AND 89/100 DOLLARS (\$789,122.89) for the expenses of the Water Department as follows:*

<i>Contract Operations</i>	<i>\$</i>	<i>416,363.89</i>
<i>Electricity</i>	<i>\$</i>	<i>90,485.00</i>
<i>Chemicals, Testing and Propane</i>	<i>\$</i>	<i>9,200.00</i>
<i>DPW Director</i>	<i>\$</i>	<i>10,129.00</i>
<i>Meter Maintenance</i>	<i>\$</i>	<i>5,500.00</i>
<i>Billing Expense</i>	<i>\$</i>	<i>4,900.00</i>
<i>Legal/Administrative Expense</i>	<i>\$</i>	<i>10,000.00</i>
<i>Debt Service</i>	<i>\$</i>	<i>132,695.00</i>
<i>Miscellaneous Equipment</i>	<i>\$</i>	<i>19,300.00</i>
<i>Short-term Interest</i>	<i>\$</i>	<i>50,000.00</i>

<i>Capital Replacement</i>	\$	40,550.00
<i>Total:</i>	\$	789,122.89

*Or take any action in relation thereto. Voted 8-0.*

**RECOMMENDATION OF THE BOARD OF SELECTMEN:**

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

*Summary – This budget represents an increase from the FY09 budget of \$17,210 or an increase of 2.3%. The approval of this budget will result in an increase in the water rate from \$3.11 per 100 cubic feet to \$3.27 per 100 cubic feet (increase of \$0.16 or 5.1%). Budget increases are due to increased utility costs, debt service, a new line item for capital replacement and the CPI adjustment for the contracted operations.*

**VOTE OF THE TOWN MEETING:** There was a substitute motion to insert the number nine after the word eighty in the written portion of the article (to correct a typo) as written by the Finance Committee. This motion was seconded. The vote of the Town Meeting was to approve the article as corrected 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 FOUR THOUSAND SIX HUNDRED FIFTY AND 08/100 DOLLARS (\$1,204,650.08) for the expenses of the Sewer Department as follows:

Contract Operations	\$323,497.08
Electricity	\$233,500.00
Chemicals and Testing	\$51,554.00
DPW Director	\$10,130.00
Billing Expense	\$4,900.00
Legal/Administrative Expense	\$30,000.00
Debt Service	\$114,694.00
Southbridge Fees	\$150,000.00
Short-Term Interest	\$100,000.00
Liquid Sludge Handling	\$157,875.00
Miscellaneous Equipment	\$28,500.00
 Total:	 \$1,204,650.08

Or take any action in relation thereto.

Sponsor: Board of Selectmen/DPW Director

**RECOMMENDATION OF THE FINANCE COMMITTEE:**

*To amend the article to 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 THIRTEEN THOUSAND NINE HUNDRED SEVENTY FIVE AND 52/100 DOLLARS (\$1,213,975.52) for the expenses of the Sewer Department as follows:*

<i>Contract Operations</i>	<i>\$332,822.52</i>
<i>Electricity</i>	<i>\$233,500.00</i>

<i>Chemicals and Testing</i>	<i>\$51,554.00</i>
<i>DPW Director</i>	<i>\$10,130.00</i>
<i>Billing Expense</i>	<i>\$4,900.00</i>
<i>Legal/Administrative Expense</i>	<i>\$30,000.00</i>
<i>Debt Service</i>	<i>\$114,694.00</i>
<i>Southbridge Fees</i>	<i>\$150,000.00</i>
<i>Short-Term Interest</i>	<i>\$100,000.00</i>
<i>Liquid Sludge Handling</i>	<i>\$157,875.00</i>
<i>Miscellaneous Equipment</i>	<i>\$28,500.00</i>
 <i>Total:</i>	 <i>\$1,213,975.52</i>

*Or take any action in relation thereto. Voted 8-0.*

**RECOMMENDATION OF THE BOARD OF SELECTMEN:**

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

*Summary - This budget is an increase over the FY09 budget of \$1,562.08 or 0.1%. The approval of this budget will result in an increase in the water rate from \$3.79 per 100 cubic feet to \$4.43 per 100 cubic feet (increase of \$0.64 or 16.8%). Budget increases are due to a combination of increases in electricity, legal expenses, short-term interest and decreases in contract operations, chemicals and testing, Southbridge Fees and Miscellaneous Equipment. There is also a proposed rate increase for rate payers that pay a flat quarterly fee (as opposed to metered customers) from \$80 to \$108. This increase is to balance the average single family cost for metered customers (with an average single family home at 200 gpd).*

**VOTE OF THE TOWN MEETING:** The vote of the Town Meeting was to approve the article as recommended by the Finance Committee as declared by the Moderator; however, it was not unanimous.

**ARTICLE 7  
SEWER PROJECT DEBT**

To see if the Town will vote to transfer TWO HUNDRED NINETEEN THOUSAND SIX HUNDRED FIVE AND 00/100 DOLLARS (\$219,605.00) from the F/B Reserved for Phase II Betterment Account #28440-35825 to the Phase II Sewer Debt Account #28440-59100; THREE HUNDRED FIFTY NINE THOUSAND FIFTYAND 00/100 DOLLARS (\$359,050.00) from the F/B Reserved for Phase III Betterment Account #28440-35826 to the Phase III Sewer Debt Account #28440-59300; ONE HUNDRED SEVENTEEN THOUSAND FOUR HUNDRED FIFTY TWO AND 00/100 DOLLARS (\$117,452.00) from the F/B Reserved for Cedar Lake Betterment Account #28440-35827 to the Cedar Lake Sewer Debt Account #28440-59200; ONE HUNDRED FIFTY SEVEN THOUSAND FOUR HUNDRED FIFTY TWO AND 00/100 DOLLARS (\$157,452.00) from the F/B Reserved for Big Alum Betterment Account #28440-35823 to the Big Alum Sewer Debt Account #28440-59220; and SIXTY THREE THOUSAND FOUR HUNDRED SEVENTY TWO AND 00/100 (\$63,472.00) from the F/B Reserved for Woodside/Westwood Betterment Account #28440-35829 to the Woodside/Westwood Sewer Debt Account #28440-59230 for the purpose of paying the debt service due on these sewer projects for FY10, 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 8-0.*

**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 THOUSAND THREE HUNDRED SIXTY AND 00/100 DOLLARS (\$70,360.00) 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 NINETEEN THOUSAND TWO HUNDRED TWENTY FIVE AND 00/100 DOLLARS (\$119,225.00) 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 NINETY FIVE THOUSAND AND 00/100 DOLLARS (\$95,000.00) 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 8-0.*

**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 5-0.*

*Summary – This article provides the appropriation to pay the costs (from the Community Preservation Fund) for previously approved debt issuances for the acquisition of open space known as the Heins Farm, 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**  
**ZONING BYLAWS - CHAPTER SIXTEEN**  
**GROUNDWATER PROTECTION DISTRICT**  
*(2/3 Vote Required)*

To see if the Town will vote to amend the Zoning Bylaws, Chapter Sixteen, Groundwater Protection District by deleting Section 16.04 as follows:

16.04 Establishment and delineation of aquifers and recharge areas

For the purposes of this district, there are hereby established within the town certain groundwater protection areas, consisting of aquifers or recharge areas which are delineated on a map. This map is at a scale of one (1) inch to four hundred (400) feet and is entitled "Zone II Delineation for Well #1, Well #2 and Well #3 Sturbridge Water Department, Sturbridge, MA dated January 2002". This map is hereby made a part of this chapter and is on file in the office of the Town Clerk, Board of Selectmen, Town Planner and Public Works Department.

And replacing Section 16.04 with the following language:

16.04 Establishment and delineation of aquifers and recharge areas

For the purposes of this district, there are hereby established within the town a groundwater protection district, consisting of aquifers or recharge areas which are delineated on a map entitled "Town of Sturbridge, Massachusetts, Groundwater Protection District, November 2008." This map is hereby made a part of this chapter and is on file in the office of the Town Clerk, Board of Selectmen, Town Planner and Public Works Department.

Or take any action in relation thereto.

Sponsor: Planning Board

**RECOMMENDATION OF THE FINANCE COMMITTEE:**

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

**RECOMMENDATION OF THE BOARD OF SELECTMEN:**

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

**RECOMMENDATION OF THE PLANNING BOARD:**

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

*Summary – The Groundwater Protection District map had to be amended due to the new Well # 4 that will be installed this year. The installation of the new well expanded the protection district to include an area along the Route 15 – I 84 corridors. This proposed amendment will update the bylaw so that the most up to date map is referenced.*

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

**ARTICLE 10**  
**ZONING BYLAWS – TEMPORARY SIGN BYLAW**  
*(2/3 Vote Required)*

To see if the Town will vote to amend the Zoning Bylaws, Chapter Twenty Two in the following manner:

*Amend Section 22.30 from:*

“Permits for temporary signs may be issued by the Director of Inspections for a period of fourteen (14) days. Such permits are renewable, under special circumstances, for an additional fourteen (14) days. The fee for such renewal shall be the same as that for the initial issue of the permit.”

*To:*

“Permits for temporary signs for a single use property may be issued by the Building Inspector for a period of seven (7) days. Only one temporary sign at a time shall be allowed on any lot. In the case of multiple tenant properties only one sign permit shall be issued for the property. The sign message may be changed to enable tenants within the property to share a sign. When a multiple tenant property contains more than seven (7) tenants, the time period shall be extended by one day for each additional tenant (Example – a multiple tenant property containing eight (8) tenants would be eligible for permit for a period of eight (8) days). Such permits are renewable, under special circumstances, for an additional seven (7) days (or in the case of multiple tenant properties, the same number of days initially permitted). The fee for such renewal shall be the same as that for the initial issue of the permit.

- (a) Temporary sign permits shall not be granted for any property that is not in compliance with the Sign Bylaw of the Town of Sturbridge.
- (b) No more than nine (9) Temporary Sign Permits will be issued within a twelve (12) month period for any lot.”
- (c) All temporary signs must be removed within twenty-four (24) hours after the expiration of the permit.

*Amend Section 22.31 from:*

“All temporary signs must be removed within forty-eight (48) hours after the expiration of the permit.”

*To:*

“Temporary signs must be maintained in good condition. Any sign that has been damaged shall be replaced, repaired or restored.”

*Amend 22.33 from:*

“No more than three (3) Temporary Sign Permits will be issued to an applicant within a twelve month period for signs to be displayed for a particular activity or commercial enterprise.”

*To:*

“Temporary signs shall conform to all requirements of Zoning Bylaws, as amended, applicable to signs, as well as those requirements expressly applicable to temporary signs. In the event such requirements conflict, the requirements expressly applicable to temporary signs shall control. The following requirements apply expressly to temporary signs:

- (a) Temporary signs must be A-Frame style.
- (b) Signs shall be constructed of wood or plastic and shall be no less than 1/8” thickness;



- (c) Signs shall not be erected in such a manner as to restrict visibility in such a way as to hinder the safe entry of a vehicle from any driveway into the street;
- (d) Temporary signs may be placed only within the boundaries of the lot to which the permit applies;
- (e) Signs shall be sufficiently anchored, weighted or tethered so as to prevent the sign from moving, blowing over, or otherwise posing a safety hazard;
- (f) The color scheme and lettering style shall be consistent with the primary signs approved for the premises; or the signs may be white with black or red lettering;
- (g) External illumination of signs will only be permitted when requested at the time of application and only when the Building Inspector approves the method and location of the lighting.”

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 5-1.*

*Summary – The proposed change to the Temporary Sign Bylaw increases the number of temporary sign permits that may be granted in a one-year period and decreases the duration of each permit period. Additionally, placement and design standards have been incorporated into the bylaw.*

**VOTE OF THE TOWN MEETING:** There was a substitute motion made by Selectman Scott Garieri to make multiple changes in the number of temporary signs allowed. This motion was seconded. After lengthy discussion, a motion to move the question was made by Angela Cheng-Cimini; which was seconded and passed unanimously. A vote was taken and the substitute motion was defeated as declared by the Moderator. Therefore, returning to the main motion, the vote of the Town Meeting was to approve the original article by a 2/3<sup>rd</sup> majority as declared by the Moderator.

**ARTICLE 11  
ZONING BYLAWS – FLOOD PLAIN DISTRICT  
(2/3 Vote Required)**

To see if the Town will vote to amend the Zoning Bylaws, Chapter Three, Section 3.16 to delete 3.16 (m), (n), and (o) below and replace with a new 3.16 (m) and (n)

**Existing Language:**

- (m) In all A1 to A30 Zones, as shown on the Flood Insurance Rate Map (FIRM), new construction and substantial improvements to structures shall conform to the following:
  - (1) Residential structures shall have the lowest floor, including basement, elevated to or above the Base Flood Level.

- (n) Non-residential structures shall have the lowest floor including basement, elevated to or above the Base Flood Level or flood-proofed to or above that level.
- (o) When floodproofing is used, it shall be certified by a Registered Professional Engineer and Registered Architect to be adequate to withstand the forces associated with the Base Flood, and to be essentially water tight with walls substantially impermeable to the passage of water.

**Proposed Language:**

- (m) All buildings and structures as defined in 780 CMR 120.G201 (State Board of Building Regulations and Standards) including new or replacement manufactured homes erected or substantially improved in Flood Hazard Zones (A Zones) shall be designed and constructed in accordance with 780 CMR 120.G501 (as may from time to time be amended).
- (n) Base flood elevation data is required for subdivision proposals or other developments greater than 50 lots or five acres, whichever is the lesser, within unnumbered A Zones.

And, further to delete the existing Section 3.18 and replacing it with the following new Section 3.18:

**Existing Language:**

3.18 Notification of Watercourse Alteration

The following parties must be notified in the case of any alteration or relocation of a watercourse:

Adjacent Communities

NFIP State Coordinator  
 Mass Office of Water Resources  
 100 Cambridge Street  
 Boston, MA 02202

Bordering States (optional)

NFIP Program Specialist  
 FEMA Region I, Rm 462  
 McCormick P. O. & Court House  
 Boston, MA 02202

**Proposed Language:**

3.18 Notification of Watercourse Alteration

The following parties must be notified in the case of any alteration or relocation of a watercourse:

- Adjacent Communities
- Bordering States (optional)
- FIP State Coordinator  
 Massachusetts Department of Conservation and Recreation  
 251 Causeway Street, Suite 800  
 Boston, MA 02114-2104
- NFIP Program Specialist  
 Federal Emergency Management Agency, Region 1  
 99 High Street, 6<sup>th</sup> Floor  
 Boston, MA 02110

Or take any action in relation thereto.

Sponsor: Planning Board

**RECOMMENDATION OF THE FINANCE COMMITTEE:**

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

**RECOMMENDATION OF THE BOARD OF SELECTMEN:**

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

**RECOMMENDATION OF THE PLANNING BOARD:**

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

*Summary - These proposed changes were recommended by the Department of Conservation and Recreation after a National Flood Insurance Program Community Assistance Visit. These changes will update the bylaw by referencing the appropriate version and sections of the Massachusetts State Building Code. The changes also add the appropriate wording for Base Flood Elevation Data for subdivisions and correct the addresses for Notification of Watercourse Alteration.*

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

**ARTICLE 12  
ZONING BYLAWS – RELIGIOUS, EDUCATIONAL AND GOVERNMENTAL  
USES IN ALL ZONING DISTRICTS  
(2/3 Vote Required)**

To see if the Town will vote to amend the Zoning Bylaws, Chapters Eight, Nine, Ten and Thirteen to include the Religious, Educational and Governmental uses as allowed uses as follows:

Chapter Eight – Commercial Tourist District

Insert the following in Section 8.01 Permitted Uses:

- (l) Religious, educational or governmental use.

Chapter Nine – General Industrial District

Insert the following in Section 9.01 Permitted Uses:

- (i) Religious, educational or governmental use.

Chapter Ten – Industrial Park District

Insert the following in Section 10.01 Permitted Uses:

- (m) Religious, educational or governmental use.

Chapter Thirteen – Historic Commercial District

Insert the following in Section 13.01 Permitted Uses:

- (j) Religious, educational or governmental use.

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 6-1.*

**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 proposal would allow religious, educational or governmental uses in all zoning districts within the town. Currently, these uses are listed as permitted in all zoning districts except for the ones noted above. This issue came to light when conducting research for the Recreation Committee for its proposal to create a ball field and parking area on Route 15 within the Historic Commercial District. Currently religious and educational uses are exempt from zoning regulations (See Chapter 40A – Section 3), however, the general rule is that a municipality must comply with any provision of its zoning bylaw that applies to it.*

**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 13  
REMOVE MGL CITATION IN CHAPTER TWENTY FIVE – SITE PLAN  
REVIEW  
(2/3 Vote Required)**

To see if the Town will vote to amend the Zoning Bylaws, Chapter Twenty Five, Section 25.04 by deleting the following text (shown as strikethrough):

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.

Or take any action in relation thereto.

Sponsor: Planning Board

**RECOMMENDATION OF THE FINANCE COMMITTEE:**

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

**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 proposal deletes the language as recommended by the Attorney General’s office in its August 27, 2008 review of warrant articles from the Annual Town Meeting held on April 28, 2008. That letter states in part “No where does G.L. c. 40A, § 9, authorize a local board to issue rules and regulations for carrying out site plan review as provided by local law.” The reference to G.L. c. 40A, § 9, is confusing, vague, and may be without application. We strongly suggest that the Town amend this text at a future meeting.”*

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

**ARTICLE 14  
OPEN SPACE RESIDENTIAL DEVELOPMENT  
(2/3 Vote Required)**

To see if the Town will vote to amend the Zoning Bylaws by inserting a new Chapter Seventeen – Open Space Residential Development as follows:

**17.01 Purpose and Intent:**

- A. Open Space Residential Development (OSRD) is a creative land use technique that accommodates residential growth while preserving at least 50% of the parcel as meaningful open space in perpetuity. OSRD is the preferred form of residential development in the Town of Sturbridge and is permitted within the Rural Residential, Suburban Residential and Special Use Zoning Districts.
- B. The primary purposes for this bylaw are to encourage flexibility and creativity in the design of residential developments and to encourage a less sprawling and more efficient form of development that consumes less open land and conforms to existing topography and natural features better than traditional subdivisions. Appropriate OSRD will facilitate the permanent preservation of meaningful open space and help to maintain the Town’s traditional New England character and land use development pattern.

**17.02 Definitions:**

Active Recreation - Activities of a formal nature and often performed with others, requiring equipment and/or the use of motorized vehicles and taking place at prescribed places and sites.

Amenities - Natural or created features that enhance the aesthetic quality or visual appeal or makes more attractive or satisfying a particular property, place or area. Amenities may include gardens, parks, playgrounds, tennis courts, ball fields, club houses, trails, swimming pools and other similar items.

Basic Maximum Number – The number of dwelling units that would be allowed on a site using the standard Zoning Bylaw Provisions and/or Subdivision Rules and Regulations as determined by a Conventional Yield Plan.

Common Area – Any land area, other than Open Space, set aside for common ownership as a result of an OSRD, including areas for Common Facilities.

Hard Stormwater Management Techniques – Structural stormwater management techniques including, but not limited to, catch basins, subsurface piping, stormwater inlets, and subsurface leaching facilities. These techniques generally require heavy infrastructure and often result in significant alteration of the site hydrology.

Homeowner’s Association – A private non-profit organization (corporation, association, or other legal entity) established by the developer to manage, maintain, support, and finance the common facilities and common open space of an OSRD, and to enforce certain covenants and restrictions.

Low Income Household – These households shall be defined as those in the ‘Very Low Income’ affordability range as published annually by the Department of Housing and Urban Development. Although this figure is generally considered to be 50% of the Area Median Income (AMI), the Planning Board recognizes that this calculation may vary depending upon the subsidy program applied to the unit.

Moderate Income Household – These households shall be defined as those in the ‘Low Income’ affordability range as published annually by the Department of Housing and Urban Development. Although this figure is generally considered to be 80% of the Area Median Income (AMI), the Planning Board recognizes that this calculation may vary depending upon the subsidy program applied to the unit.

Passive Recreation - Activities that involve inactive or less energetic activities, such as walking, sitting and picnicking, etc. These activities have less potential impact on surrounding land uses.

Soft Stormwater Management Techniques – Non-structural stormwater management techniques that use passive surface pre-treatment of stormwater in conjunction with decentralized recharge to achieve a low impact design that attempts to mimic predevelopment hydrologic conditions to the greatest practicable extent.

**17.03 Applicability:**

- A. The Planning Board may grant a Special Permit for an Open Space Residential Development for any parcel or contiguous parcels in the same ownership within the Rural Residential, Suburban Residential or Special Use Districts provided that the total land area is at least ten (10) acres. The Planning Board may determine that two or more parcels separated by a road or other man-made feature are “contiguous” for the purpose of this section, if they will serve as a singular resource and effectively satisfy the Purpose and Intent of this bylaw. An applicant for an OSRD Special Permit will be required to file plans showing both a conventional residential subdivision and an open space residential development in accordance with the provisions of this Bylaw.

**17.04 Pre-Application Procedures:**

- A. Pre- Application Conference:
  - (1) A pre-application meeting between Planning and other staff and the applicant is strongly encouraged. At the pre-application meeting, the applicant may outline the proposed development including both conventional and OSRD models to receive preliminary feedback prior to a complete design of the project. This pre-application meeting will help to promote better communications and will help to avoid misunderstandings about the bylaw, the procedures used, or any other applicable bylaw or regulation.
  - (2) The applicant is also encouraged to request a pre-application review at a regular business meeting of the Planning Board. If the applicant chooses to request a pre-application meeting, the Planning Board may, at its discretion, invite other Town boards to attend the pre-application review. The purpose of a pre-application review is to minimize the applicant’s

costs of engineering and other technical experts, and to commence discussions with the Planning Board at the earliest possible stage in the development. At the pre-application review, the applicant may outline the proposed development including both conventional and OSRD models, seek preliminary feedback from the Planning Board and/or its technical experts, and set a timetable for submittal of a formal application.

- (3) The applicant is encouraged to request a site visit by the Planning Board and/or its agents in order to facilitate pre-application review of the Special Permit. If a site visit is requested, the Planning Board may, at its discretion invite other Town Boards to attend the site visit.

B. Pre-Application Submittals. In order to facilitate review of the Special Permit at the pre-application stage, applicants should submit the following information:

- (1) Site Context Map. This map shall illustrate the parcel in connection to its surrounding neighborhood. Based upon existing data sources and field inspections, it shall show various kinds of major natural resource areas or features that cross parcel lines or that are located on adjoining lands. This map enables the Planning Board to understand the site in relation to what is occurring on adjacent properties.
- (2) Existing Conditions/Site Analysis Map. This map familiarizes officials with existing conditions on the property. Based upon existing data sources and field inspections, this base map shall show current zoning district boundaries including Flood Plain and Water Protection Districts and shall locate and describe noteworthy resources that should be protected through sensitive subdivision layouts. These resources shall include wetlands, riverfront areas, floodplains and steep slopes, but may also include mature, non-degraded woodlands, hedgerows, farmland, unique or special wildlife habitats, historic or cultural features (such as old structures or stone walls), unusual geologic formations and scenic views into and out from the property. Where appropriate, photographs of these resources should accompany the map. By overlaying this plan onto a development plan, the parties involved can clearly see where conservation priorities and desired development overlap/conflict.
- (3) Other Information. In addition, applicants may submit any additional information or documentation that may be helpful to the Planning Board.

C. Design Criteria - The design process and criteria outlined in Sections 17.06 and 17.07 shall be discussed by the parties at the pre-application conference and site visit.

### **17.05 Application for Special Permit:**

The Planning Board, acting as the Special Permit Granting Authority (SPGA), may authorize an OSRD Special Permit pursuant to the procedures developed below.

- A. Application. An application for a Special Permit shall be submitted on the appropriate forms to the Planning Department. Applicants for OSRD shall also file with the Department fifteen copies of the Concept Plan. The Concept Plan shall include a Conventional Yield Plan and an OSRD Plan (See Subsections A (1) and (20) of this Section prepared by an interdisciplinary team including a Registered Civil Engineer, Registered Land Surveyor, and a Registered Landscape Architect. The applicant shall also submit both the Site Context Map and Existing Conditions/Site Analysis Map prepared according to Section 17.04. B. above. Additional information reasonably necessary to make the determinations and assessments cited herein shall be provided, including existing site contour maps and existing current soils maps.

B. Conventional Yield Plan. The Basic Maximum Number of allowable dwelling units shall be derived from a Conventional Yield Plan. The Conventional Yield Plan shall show a conventional development conforming to the applicable Zoning Bylaw provisions and Subdivision Rules and Regulations to show the maximum number of lots (or dwelling units) that could be placed upon the site under a conventional approach. The proponent shall have the burden of proof with regard to the Basic Maximum Number of units resulting from the design and engineering specifications shown on the Conventional Yield Plan. The Conventional Yield Plan shall contain, at a minimum, the following information:

- (1) Parcel boundaries, north point, date, legend, title “Conventional Yield Plan,” and scale.
- (2) The name and address of the record owner or owners, the applicant, and the design engineer and/or land surveyor that prepared the plan.
- (3) The names of all abutters as determined from the most recent Assessors’ records.
- (4) The names, approximate location, and widths of adjacent streets.
- (5) The locus of the land shown on the plan at a scale of one thousand feet to the inch (1” = 1,000’).
- (6) Existing topography at 2-foot contour intervals.
- (7) Map of soils using NRCS soils mapping.
- (8) All on-site local, state, and federal regulatory resource boundaries and buffer zones shall be clearly identified, and all wetland flag locations shall be numbered and placed upon the Yield Plan.
- (9) Lot lines with approximate areas and frontage dimensions, or unit placements and proposed common areas.
- (10) Location and extent of parking, landscaping, stormwater management, water supply and wastewater management service areas that would be required to accommodate the use.
- (11) If available, the location and results of any test pit investigations for soil profiles, percolation rates and determination of seasonal high ground water levels.

C. OSRD Plan. The OSRD Plan shall address the general features of the land, and give approximate configurations of the proposed lots, of open space, and roadways. The OSRD Plan shall incorporate the Four-Step Design Process, according to Section 6 below, and the Design Standards, according to Section 7 below, when determining a proposed design for the development. In addition to those requirements for a Conventional Yield Plan listed in Section 4.A (1), an OSRD Plan shall contain the following information:

- (1) Topography at two-foot intervals and approximate location of any wetlands (as defined by MGL Chapter 131, Section 40 and by Sturbridge Conservation Commission Regulations) to include any abutting parcels within two hundred (200’) feet.
- (2) The location of existing landscape features, including forests, farm fields, meadows, wetlands, riverfront areas, water bodies, archaeological and historic structures or points of interest, rock outcrops, boulder fields, stone walls, cliffs, high points, major land views, forest glades, major tree groupings, noteworthy tree specimens, and habitats of endangered or threatened wildlife, as identified as primary and secondary resources



according to Section 6.A. Proposals for all site features to be preserved, demolished, or altered shall be noted on the OSRD Plan.

- (3) The location, names, widths and condition of adjacent streets, approaching or near the proposed development and the proposed lines of streets, ways, driveways, easements and any parcel of land intended to be dedicated for public use or to be reserved by deed covenant for use of all property owners in the development, or parcels of land or lots to be used for any purpose other than private residential shall be so designated within the development in a general manner.
- (4) Proposed roadway grades.
- (5) Official soil percolation tests for the purpose of siting wastewater treatment options shall be required as determined by the Planning Board. However, a narrative explanation shall be prepared by a Massachusetts Certified Professional Engineer detailing the proposed wastewater systems that will be utilized by the development and its likely impacts on-site and to any abutting parcels of land. For example, the narrative will specify whether individual on-site or off-site systems, shared systems, alternative to Title V systems, or any combination of these or other methods will be utilized. Additionally, the narrative shall describe potential flows and shall explain how the proposal will meet Massachusetts Department of Environmental Protection (MADEP) and local standards for wastewater systems whether individual or shared.
- (6) A narrative explanation prepared by a Massachusetts Certified Professional Engineer proposing systems for stormwater drainage and likely impacts onsite and to any abutting parcels of land. For example, the narrative will specify whether Soft or Hard Stormwater Management Techniques will be used and the number of any detention/retention basins or infiltrating catch basins. It is not intended to include specific pipe sizes. Any information needed to justify this proposal should be included in the narrative. The proposed system of drainage, including existing natural waterways in a general manner shall be shown on the plan and accompanied by a conceptual landscaping plan.
- (6) A narrative explanation prepared by a Massachusetts Certified Professional Engineer, detailing the proposed drinking water supply system.
- (7) A narrative explanation of the proposed quality, quantity, use and ownership of the open space. Proposed Open Space Parcels shall be clearly shown on the plan. Additionally, the proposed Open Space Parcels shall be shown on a plan in relation to other existing protected lands within the Town. Applicants shall contact the Planning Department for electronic and/or paper copies of the most recent Protected Lands mapping for this purpose.
- (8) All proposed landscaped and buffer areas shall be noted on the plan and generally explained in a narrative.
- (9) A list of all legal documents necessary for implementation of the proposed development, including any Conservation Restrictions land transfers and Master Deeds with an accompanying narrative explaining their general purpose.
- (10) A narrative indicating all requested waivers, reductions, and/or modifications as permitted within the requirements of this bylaw.

(11) A narrative providing preliminary findings, in a general way, of the environmental impact analysis if expected to be required\*.<sup>1</sup>

- D. Procedures. Whenever an application for an OSRD Special Permit is filed with the Planning Department, the Department shall forward, within five (5) working days of the filing of the completed application, copies of the application, accompanying development plan, and other documentation, to the Board of Health, Conservation Commission, Building Inspector, DPW Director, Police Chief, and Fire Chief, for their consideration, review, and report. The applicant shall furnish the copies necessary to fulfill this requirement. Reports from other boards and officials shall be submitted to the Planning Board within thirty-five (35) days of receipt of the reviewing party of all of the required materials; failure of these reviewing parties to make recommendations after having received copies of all such required materials shall be deemed a lack of opposition thereto. In the event that the Planning Board opens the public hearing on the application prior to the expiration of the thirty-five-day period, the Planning Board shall continue the public hearing to permit the formal submission of reports and recommendations within that thirty-five-day period.
- E. Site Visit. Whether or not conducted during the pre-application stage, the Planning Board may conduct a site visit during the public hearing. At the site visit, the Planning Board and/or its agents shall be accompanied by the applicant and/or its agents.
- F. Other Information. The submittals and permits of this section shall be in addition to any other requirements of the Subdivision Control Law or any other provisions of this Zoning Bylaw. To the extent permitted by law, the Planning Board shall coordinate the public hearing required for any application for an OSRD Special Permit with the public hearing required for approval of a Definitive subdivision plan.

#### **17.06 Design Process:**

- A. Design process. As part of submitting an application for approval of an OSRD Special Permit, applicants are required to demonstrate to the Planning Board that the following Design Process was performed by a multi-disciplinary team of which one member must be a certified Landscape Architect and considered in determining the layout of proposed streets, house lots, and open space as shown on the OSRD plan.
- (1) **Step One: Identifying Conservation Areas.** Identify preservation land by two steps. First, Primary Conservation Areas (such as wetlands, riverfront areas, and floodplains regulated by state or federal law) and Secondary Conservation Areas (including unprotected elements of the natural landscape such as steep slopes, mature woodlands, prime farmland, lands adjacent to other protected lands as depicted on the current Protected Lands Map for the Town of Sturbridge, meadows, wildlife habitats and cultural features such as historic and archeological sites and scenic views) shall be identified and delineated. Second, the Potentially Developable Area will be identified and delineated. To the maximum extent feasible, the Potentially Developable Area shall consist of land outside identified Primary and Secondary Conservation Areas.
  - (2) **Step Two: Locating House Sites.** Locate the approximate sites of individual houses within the Potentially Developable Area and include the delineation of private yards and shared amenities, so as to reflect an integrated community, with emphasis on consistency with the Town's historical development patterns. The number of homes enjoying the amenities of the development should be maximized.

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<sup>1</sup> An Environmental Impact Analysis is required for any subdivision proposing five or more dwelling units. See the Town of Sturbridge Subdivision Regulations for detailed information.

- (3) Step Three: Aligning the Streets and Trails. Align streets in order to access the house lots. Additionally, new trails should be laid out to create internal and external connections to existing and/or potential future streets, sidewalks, and trails.
- (4) Step Four: Lot Lines. Draw in the lot lines.

### **17.07 Design Standards:**

The following General and Site Specific Design Standards shall apply to all OSRD Plans, and shall govern the development and design process:

#### **A. General Design Standards.**

- (1) The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal. Any grade changes shall be in keeping with the general appearance of the neighboring developed areas. The orientation of individual building sites shall be such as to maintain maximum natural topography and cover. Topography, tree cover, surface water buffers, and natural drainage ways shall be treated as fixed determinants of road and lot configuration rather than as malleable elements that can be changed to follow a preferred development scheme.
- (2) Streets shall be designed and located in such a manner as to maintain and preserve natural topography, significant landmarks, and trees; to minimize cut and fill; and to preserve and enhance views and vistas on and off the subject parcel.
- (3) All open space (landscaped and usable) shall be designed to add to the visual amenities of the area by maximizing its visibility for persons passing the site or overlooking it from nearby properties.
- (4) The removal or disruption of historic, traditional or significant uses, structures, or architectural elements shall be minimized insofar as practicable, whether these exist on the site or on adjacent properties.

#### **B. Site Specific Design Standards**

- (1) Housing Types. An OSRD Project shall consist of single or two-family residential housing only as may be allowed in the underlying zoning district.
- (2) Parking. Each dwelling unit for single and two family homes shall be served by two (2) off street parking spaces per unit. Parking spaces in front of garages may count in this computation. For dwelling units with fewer than two bedrooms, the applicant shall provide one and one half (1.5) parking spaces per unit. Calculations for parking spaces in these developments shall be rounded up to the nearest integer where necessary. The Planning Board may choose to modify these requirements during the review process in response to conditions specific to an individual proposal.
- (3) Drainage. The Planning Board shall encourage the use of Soft Stormwater Management Techniques and other Low Impact Development techniques that reduce impervious surface and enable ground infiltration where possible.
- (4) Screening and Landscaping. All structural surface stormwater management facilities shall be accompanied by a conceptual landscape plan.

- (5) Buffers. A buffer of 100' shall be provided along public ways and along the perimeter of the property where it abuts residentially zoned and occupied properties. The Planning Board may waive, reduce or increase this requirement where it determines that a different requirement is required to accomplish the objectives of this section. Applicants are encouraged to review potential buffer areas during the pre-application conference referenced in Section 4 (A.) 1 of this bylaw.
- (6) On-site Pedestrian and Bicycle Circulation. Walkways, trails, and bicycle paths shall be provided to link residences with recreation facilities (including parkland and open space) and adjacent land uses where appropriate.
- (7) Disturbed Areas. Every effort shall be made to minimize the area of disturbed areas of the tract. A disturbed area is land not left in its natural vegetated state.
- (8) Common Driveways. The Planning Board may authorize the use of common driveways to provide access to no more than 3 individual lots of land within an OSRD provided that the following conditions are met:
- (a) A common driveway shall have a minimum roadway width of sixteen (16) feet to a maximum of twenty (20) feet, in addition to an easement of sufficient width to assure proper drainage and maintenance.
  - (b) A common driveway shall not exceed 75 feet in length.
  - (c) The slope or grade of a common drive shall in no place exceed 8% grade or be less than 0.5% grade, except with the written approval of the DPW Director.
  - (d) The common drive shall intersect a public way at an angle of not less than 80 degrees.
  - (e) Alignment and sight distances should be sufficient to support a design speed of 15 mph.
  - (f) The common driveway shall lie entirely within the lots being served.
  - (g) The common driveway, at its intersection with the street, must provide a leveling-off area with a slope no greater than 1% for the first 20 feet and a slope no greater than 5% for the next 30 feet.
  - (h) There shall be a minimum of 50 feet between the entrances of any two common driveways onto any road.
  - (i) The common driveway shall be constructed of a minimum 15" gravel base, with an oil and stone top layer of 1½" consisting of three successive layers of ¾" crushed traprock stone, ½" crushed traprock stone and ¼" crushed traprock stone, with a crown sufficient for drainage; *or* of a top layer of bituminous concrete with a 3" minimum thickness; *or* of any other paving materials (stone pavers, porous pavers, etc.) with the approval of the DPW Director. Drainage shall be by sheet runoff to drainage swales adequate to dispose of surface runoff. Culverts will be installed if deemed necessary by the Planning Board.
  - (j) A common driveway shall have adequate sight distance at its intersection with a public or private road, and shall not create traffic safety hazards to its users or the public.
  - (k) The common driveway shall access the property over the frontage of at least one of the lots being served by the driveway.
  - (l) The common driveway shall provide the only vehicular egress/access to the lots being serviced.
  - (m) Permanent signs, sufficiently readable from the road to serve the purpose of emergency identification, indicating the street number address assigned to each lot served by the common driveway shall be installed within ten (10) feet of the intersection of the common driveway with the street, as well as within ten (10) feet of the

intersection of an individual lot driveway with the common driveway. This requirement is in addition to those for individual homes.

- (n) Common driveway design shall to the greatest extent possible minimize adverse impact to wetlands, farmland, or other natural resources; allow reasonable, safe, and less environmentally damaging access to lots characterized by slopes or ledges; and result in the preservation of rural character through reduction of number of access ways; and retention of existing vegetation and topography.
- (o) Frontage along the length of a common driveway shall in no way be used to satisfy frontage requirements as specified in the Zoning Bylaw.

These standards may be waived when, in the opinion of the Planning Board, such action is in the public interest and not inconsistent with the purpose and intent of the Zoning Bylaw.

### **17.08 Open Space Requirements:**

#### **A. Required Open Space**

- (1) A minimum of fifty percent (50%) of the area of the parcel shall be provided as open space. Roadway rights-of-way and drainage areas shall not count toward the area to be provided as open space. The percentage of the minimum required open space that can be wetland shall not exceed the percentage of wetland for the entire site under existing conditions as shown on the OSRD Plan. A sample calculation follows:

*Sample Calculation:*

Existing Conditions –

12 acre site (3 acres of wetland) = 25% wetland coverage

Open Space Requirements –

50% Open Space = 6 acres (25% wetland coverage = 1.5 acres)

The Open Space would include 4.5 acres of upland and 1.5 acres of wetland.

#### **B. Open Space Design Requirements**

- (1) The location of open space provided through this bylaw shall be consistent with the policies contained in the Master Plan and the Open Space and Recreation Plan of the Town. The open space should be of a quality that both protects the environment and promotes community. The following design requirements shall apply to open space and lots provided through this bylaw:
  - (a) Open space shall be planned as large, contiguous areas whenever possible. Long thin strips or narrow areas of open space (less than one hundred (100) feet wide) shall occur only when necessary for access, as vegetated buffers along wetlands or the perimeter of the site, or as connections between open space areas. The Planning Board may allow non-contiguous open space within the boundaries of the site when it is determined that the proposed open space areas promote the goals of this bylaw and/or will protect identified primary and/or secondary conservation areas and/or when the Planning Board determines that the size, shape and location of such parcels (within the proposed development) are suitable for the designated uses. Where feasible, these parcels shall be linked by trails.

- (b) Open space shall be arranged to protect valuable natural and cultural environments such as stream valleys, wetland buffers, un-fragmented forestland and significant trees, wildlife habitat, open fields, scenic views, trails, and archeological sites, and to avoid development in hazardous areas such as flood plains and steep slopes. The development plan shall take advantage of the natural topography of the parcel, and cuts and fills shall be minimized.
- (c) Where the proposed development abuts or includes a body of water, reasonable access shall be provided to shorelines where appropriate.
- (d) The maximum number of dwelling units compatible with standard practices in design shall abut the open space and all homeowners within the Open Space Residential development shall have reasonable physical and visual access to the open space through internal roads, sidewalks or paths. Such access may be limited where the Planning Board finds that resource areas are vulnerable to trampling or other disturbance.
- (e) Open space shall be provided with adequate access, by a strip of land at least twenty (20) feet wide, suitable for a footpath, from one or more streets in the development.
- (f) Where a proposed development abuts land held for conservation purposes, the development shall be configured to minimize adverse impacts to abutting conservation land. Trail connections shall be provided where appropriate.

C. Allowable Uses of Open Space:

- (1) Purpose - Open space shall be used solely for recreation, conservation, agriculture or forestry purposes by residents and/or the public. Where appropriate, multiple use of open space is encouraged. At least one-half (1/2) of the required open space may be required by the Planning Board to be left in a natural state. The proposed use of the open space shall be specified in the application. If several uses are proposed, the plans shall specify what uses will occur in what areas. The Planning Board shall have the authority to approve or disapprove particular uses proposed for the open space.
  - (a) Protected Lands – The Planning Board may require that up to one half of the minimum required open space remain in its natural state.
  - (b) Recreation Lands - Where appropriate to the topography and natural features of the site, the Planning Board shall require that at least ten percent (10%) of the open space or two (2) acres (whichever is less) shall be of a shape, slope, location and condition to provide an informal field for group recreation or community gardens for the residents of the subdivision.
  - (c) Leaching Facilities and or wells and well fields - If not connected to public sewerage and/or public water, and subject to the approval of the Board of Health, the Massachusetts Department of Environmental Protection, or as otherwise required by law, the Planning Board may permit a portion of the open space to be used for components of sewage disposal system and/or wells or well fields serving the subdivision, where the Planning Board finds that such use will not be detrimental to the character, quality, or use of the open space, wetlands or water bodies, and enhances the site

plan. The Planning Board shall require adequate legal safeguards and covenants, to be included in the deeds to the lots in the Open Space Residential Development, that such facilities shall be adequately maintained by the lot owners within the development.

- (d) Accessory Structures - Up to five percent (5%) of the open space may be set aside and designated to allow for the construction of structures and facilities accessory to the proposed use of the open space including parking.
- (e) Agriculture and Forestry - Agriculture, horticulture, floriculture, viticulture, or forestry are allowed as accessory uses to the OSRD, provided, if the land is not conveyed to the Town, the owner shall submit a long-term management plan for the use of the land, including, as appropriate, sustainable forestry or agricultural processes, pesticide, insecticide, fertilizer, and animal waste management plans, and other issues pertaining to the stewardship of the land. The Planning Board shall review and approve the plan in making its decision.

#### D. Ownership of Open Space

##### (1) Ownership Options

At the developer's option and subject to approval by the Planning Board, all areas to be protected as open space shall be either:

- (a) Conveyed to the Town to be placed under the care, custody and control of the Town of Sturbridge or the Town of Sturbridge Conservation Commission, and be accepted by it for open space use. Land conveyed to the Town may be opened to public use.
- (b) Conveyed to a non-profit organization, the principal purpose of which is the conservation or preservation of open space, with a conservation restriction as specified in Section V.K.7.b below. Such organization shall be approved by the Planning Board as a non-profit conservation organization.
- (c) Conveyed to a corporation or trust owned or to be owned by the owners of lots or residential units within the development (i.e. "homeowners association") and placed under a conservation restriction. If such a corporation or trust is utilized, ownership thereof shall pass with conveyance of the lots or residential units. The developer is responsible for the maintenance of the open space and other facilities to be held in common until such time as the homeowners association is legally and practically capable of assuming such responsibility. Thereafter, the members of the association shall share the cost of maintaining the open space. The Planning Board shall require the applicant to provide documentation that the Homeowners Association is an automatic (mandatory) association that has been established prior to the conveyance of any lots within the subdivision.

##### (2) Permanent Restriction

- (a) In any case where open space is not conveyed to the Town, a permanent conservation or agricultural preservation restriction in accordance with M.G.L. Chapter 184, §§31-33, approved by the Planning Board and Board of Selectmen and enforceable by the Town, conforming to the standards of the Massachusetts Executive Office of Environmental Affairs, Division of Conservation

Services, shall be recorded to ensure that such land shall be kept in an open or natural state and not be built for residential use or developed for accessory uses such as parking or roadways except as permitted by this bylaw and approved by the Planning Board. It is the applicant's duty to timely secure approvals of such restriction as required by G.L. c.184, §32. Restrictions shall provide for periodic inspection of the open space by the Town. Such restriction shall be submitted to the Planning Board for review prior to approval of the project, and shall be recorded at the Registry of Deeds/Land Court simultaneously with the recording of the OSRD special permit. A management plan may be required by the Planning Board which describes how existing woods, fields, meadows or other natural areas shall be maintained in accordance with good conservation practices.

(3) Encumbrances

- (a) All areas to be set aside as open space shall be conveyed free of any mortgage interest, security interest, liens or other encumbrances inconsistent with using and maintaining the open space as such in perpetuity.

(4) Maintenance of Open Space

- (a) In any case where open space is not conveyed to the Town, the Town shall be granted an easement over such land sufficient to ensure its perpetual maintenance as conservation or recreation land and to allow the Town to enter the property for the purposes of inspecting the maintenance of the property. Such easement shall provide that in the event the trust or other owner fails to maintain the open space in reasonable condition, the Town may, after notice to the lot owners and public hearing, enter upon such land to maintain it in order to prevent or abate a nuisance. The cost of such maintenance by the Town shall be assessed against the properties within the development and/or to the owner of the open space. The Town may file a lien against the lot or lots to ensure payment of such maintenance expenses.

(5) Monumentation

- (a) Where the boundaries of the open space are not readily observable in the field, the Planning Board may require placement of surveyed bounds sufficient to identify the location of the open space.

**17.09 Dimensional Standards:**

- A. Number of Dwelling Units - The maximum number of dwelling units for an OSRD shall be determined by a Conventional Yield Plan. For the purposes of determining the number of OSRD dwelling units, each conceptual conventional lot must meet the requirements of a buildable lot for a dwelling unit as defined in the zoning district in which the OSRD is located and meet all other applicable requirements of the Zoning Bylaw and the Subdivision Regulations. Except as set forth below, in no case shall the number of dwelling units permitted exceed that which would be permitted under a conventional ("grid") subdivision that complies with the Town Zoning Bylaw and the Subdivision Rules and Regulations of the Planning Board and any other applicable laws and regulations of the Town or the state.



### **17.10 Reduction of Dimensional Requirements:**

- A. Applicants may propose to modify lot size, unit placement, shape, and other dimensional requirements otherwise applicable to the OSRD, subject to the following:
- (1) Frontage – No lot within an OSRD shall have less than fifty (50) feet of frontage. This frontage requirement shall apply only to lots fronting on proposed internal roadways. However, the Planning Board may waive this minimum frontage requirement where it is determined that such reduced lot (s) will further the goals of this bylaw.
  - (2) Setbacks – Every dwelling unit fronting on the proposed roadways shall be set back a minimum of twenty (20) feet from the front property line, and ten (10) feet from any rear or side lot line. In no event shall individual dwelling units be closer than thirty (30) feet to each other.
  - (3) Lot Size – The minimum lot size shall be no less than 1/3 the square footage otherwise required in the Zoning District in which the subdivision is located or 10,000 square feet whichever is greater.

### **17.11 Increases in Permissible Density:**

The Planning Board may award a density bonus to increase the number of dwelling units beyond the Basic Maximum Number for an OSRD Plan. The density bonus for the OSRD shall not, in the aggregate, exceed twenty percent (20%) of the Basic Maximum Number. Computations shall be rounded down to the nearest integer when determining this bonus. The applicant must demonstrate that the land is suitable to support the additional bonus units (i.e. the parcel has suitable soils to support on-site systems, ample public sewer service is available, soil types and topography can support additional units, adequate water supply is available, etc.).

#### **A. Open Space, Recreation, Prime Lands Density Bonus**

- (1) For each additional ten percent (10%) of the site (over and above the required 50%) set aside as open space, a bonus of five percent (5%) of the Basic Maximum Number may be awarded. A bonus may only be awarded when the additional open space has no higher a percentage of wetlands than what is allowed for the mandatory 50% open space under 17.08 (A.).
- (2) For the construction of passive and/or active recreation facilities that are available for public use, one (1) dwelling unit may be added per two (2) acres of recreation land or per two thousand five hundred (2,500 feet of trail: however, this density bonus shall not exceed five percent (5%) of the Basic Maximum Number. For the purpose of this Section the term “trail” shall be defined as a linear corridor suitable for use for recreation and/or transportation designed to accommodate the expected users of the trail system. The Planning Board shall have final approval of the location, alignment, width and surface type of the proposed trail. An applicant wishing to receive a density bonus for trail construction is strongly encouraged to submit preliminary trail design plans as early in the process as possible.
- (3) For every five (5) acres of prime agricultural soils or active farmland preserved at the site, one dwelling unit may be added as a density bonus; provided that this density bonus shall not exceed five percent (5%) of the Basic Maximum Number.

B. Historic Preservation

- (1) For every historic structure preserved and subject to a historic preservation restriction, one (1) dwelling unit may be added to the Basic Maximum Number.

C. Alternative Energy

- (1) For every four dwelling units in which alternative renewable energy (i.e. solar power, wind power, hydroelectric power, and other sources deemed acceptable by the Planning Board) supplies at least fifty percent (50%) of the total annual energy requirements for heating and hot water for that dwelling unit, one dwelling unit may be added as a density bonus; provided that this density bonus shall not exceed five percent (5%) of the Basic Maximum Number.

D. Affordable Housing

- (1) A density bonus may be permitted when the proposed subdivision provides permanently affordable housing opportunities, whether within the Open Space Residential Subdivision or elsewhere in Sturbridge. When located within the Open Space Residential Subdivision, affordable units shall be developed concurrently with the market rate units.
- (2) For every two dwelling units restricted in perpetuity to occupancy by Moderate Income Households, or for every one dwelling unit restricted in perpetuity to occupancy by Low Income Households provided under this section, one additional market rate dwelling unit may be permitted, up to a maximum five percent (5%) of the Basic Maximum Number. Affordable housing units may be used toward density bonuses only if they can be counted towards the Town's affordable housing inventory as determined by the Massachusetts Department of Housing and Community Development. The applicant shall provide documentation demonstrating that the unit(s) shall count towards the community's affordable housing inventory to the satisfaction of the Planning Board.

**17.12 Decision of the Planning Board:**

A. Review and Decision

With respect to materials submitted, time limits for action and other such procedural matters, the Planning Board shall act in accordance with the procedures specified in the Town of Sturbridge Rules and Regulations governing Special Permits – Planning Board adopted December 2, 2002 and as may from time to time be amended, and in accordance with MGL Chapter 40A, Sections 9 and 11 regarding submittal, review and decision. Where this bylaw requires additional submittals, those items shall also be submitted.

B. Approval Criteria

- (1) Findings: The Planning Board may approve the development upon finding that it complies with the purposes and standards of the Open Space Residential Development bylaw and those standards for the issuance of special permits set forth in Section 24.09 of the Zoning Bylaws and G.L. c.40A, §9, and is superior in design to a conventional subdivision with regard to protection of natural features and scenic resources of the site. The Planning Board shall consider the following criteria in making its decision:
  - (a) Upland open space as required by this Bylaw has been provided and generally conforms to the Design Requirements in Section IV.K.5 of this Bylaw.

- (b) Approximate building sites have been identified and are not located closer than fifty (50) feet to wetlands and water bodies.
  - (c) Proposed streets have been aligned to provide vehicular access to each house in a reasonable and economical manner. Lots and streets have been located to avoid or minimize adverse impacts on open space areas and to provide views of and access to the open space for the lots.
  - (d) All lots and structures meet the applicable dimensional requirements of Section IV.K.4 of this Bylaw.
- (2) The Planning Board's findings, including the basis of such findings, shall be stated in the written decision of approval, conditional approval or denial of the application for special permit.

C. Conditions

The Planning Board shall impose conditions in its decision as necessary to ensure compliance with the purposes of this Bylaw. Approval of an Open Space Residential Development shall be conditioned upon Definitive Subdivision approval as applicable. Lands made subject to an OSRD special permit may not be further divided so as to increase the number of lots, or alter the ways, common areas, or open space provided for by such special permit, without a modification of the special permit.

D. Time Limit

- (1) A Special Permit under this Section shall lapse if substantial use or construction has not commenced within two (2) years from the date the special permit decision is filed with the Town Clerk, not including appeals periods, except for good cause shown. An extension of time may be granted by the Planning Board upon application by the owner/applicant prior to the expiration and upon review of the circumstances and a finding of good cause.

E. Relationship to Subdivision Control Law

Nothing contained herein shall exempt a proposed subdivision from compliance with other applicable provisions of this Bylaw or the Subdivision Rules and Regulations of the Planning Board, nor shall it affect the right of the Board of Health and of the Planning Board to approve, condition or disapprove a subdivision plan in accordance with the provision of such Rules and Regulations and of the Subdivision Control Law. To the extent possible, the application for approval of an Open Space Residential Development and a definitive subdivision application shall be processed and administered contemporaneously. An application for an OSRD shall be followed by an application for a Definitive Subdivision Plan, as necessary.

**17.13 Severability:**

If any provision of this Bylaw is held invalid by a court of competent jurisdiction, the remainder of the Bylaw shall not be affected thereby. The invalidity of any section or sections or parts of any section or sections of this Bylaw shall not affect the validity of the remainder of the Sturbridge Zoning Bylaw.

Or take any action in relation thereto.

Sponsor: Planning Board

**RECOMMENDATION OF THE FINANCE COMMITTEE:**

*That the Town vote to approve the article as written. Voted 8-0-1.*

**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 5-0.*

*Summary – This bylaw would allow an alternative to conventional subdivision design and is one of the tools that can help to minimize residential sprawl in communities. This flexible approach to subdivision design provides for a greater level of natural resource protection while allowing greater flexibility with regard to lot sizes and setbacks. Less land clearing occurs, the amount of impervious surface is reduced and at least 50% of the entire parcel is preserved as permanently protected open space.*

**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 15  
ZONING BYLAWS - ACCESSORY DWELLING UNIT  
(2/3 Vote Required)**

To see if the Town will vote to amend the Zoning Bylaws by adding a new Chapter Eighteen – Accessory Dwelling Units as follows:

**CHAPTER EIGHTEEN  
ACCESSORY DWELLING UNITS**

18.01 Accessory Dwelling Units

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

18.02 General Description

An accessory dwelling unit shall mean a separate housekeeping unit, complete with its own sleeping, cooking and sanitary facilities, that is contained within the structure of a single-family dwelling or attached accessory structure as specified in this section, but functions as a separate unit. This bylaw is not intended for revolving short term rentals.

18.03 Purpose

The purpose of the Accessory Dwelling Unit Bylaw is to:

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

- (e) Legalize conversions to encourage compliance with the State Building Code.

#### 18.04 Accessory Dwelling Unit Standards

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

- (a) The accessory unit shall clearly be a subordinate part of the single family dwelling. It shall be no greater than 600 square feet or twenty percent of the total square footage of the existing home, whichever is less.
- (b) The accessory unit will be a complete, separate housekeeping unit that functions as a separate unit from the original unit.
- (c) Only one accessory unit shall be created. This accessory unit shall be either within the single-family dwelling or the attached accessory structure.
- (d) The lot on which the single-family house is located must meet the minimum lot size requirement and must comply with other applicable zoning requirements for its district.
- (e) The owner(s) of the residence in which the accessory unit is located shall occupy at least one of the dwelling units on the premises except for bonafide temporary absences.
- (f) The accessory dwelling unit shall be designed so that the appearance of the building remains that of a single family residence as much as feasibly possible. Where feasible, any new entrances shall be located on the side or rear of the building. Any exterior changes made must conform to the single family character of the neighborhood.
- (g) An addition to the original building is permitted provided that the addition does not increase the floor area or volume of the original building by more than twenty (20) percent or 600 square feet whichever is less, and the addition will not alter the character of the building.
- (h) At least 1.5 off-street parking spaces per dwelling unit are available for use by the owner-occupant(s) and tenant(s). Parking spaces shall be located to the side or the rear of the structure, to the extent feasible. The maximum number of on site parking spaces shall be five.
- (i) A Sanitarian or Professional Engineer, registered in the Commonwealth of Massachusetts, has certified that the existing or proposed improvements to new or existing sewage disposal systems are adequate and in accordance with 310 CMR 15.000, The State Environmental Code, Title 5.
- (j) The construction of any accessory apartment must be in conformity with the State Building Code.

#### 18.05 Application Procedure

- (a) The procedure for the submission and approval of a Special Permit for an Accessory Dwelling Unit in Owner-Occupied, Single Family Dwellings shall be the same as prescribed in Section 24.09 of the Sturbridge Zoning Bylaw, and the Rules and Regulations for Special Permit that have been adopted and amended from time to time by the SPGA, except that the application shall include a notarized letter of application from the owner(s) attesting that he/she will occupy one of the dwelling units on the premises.

- (b) Upon receiving a Special Permit, the owner(s) must file for the subject property a Declaration of Covenants at the Worcester District Registry of Deeds. The Declaration shall state that the right to rent a temporary accessory unit ceases upon transfer of title. A time-stamped copy of the recorded Declaration shall be provided to the SPGA.
- (c) In order to provide for the development of housing units for disabled and handicapped individuals, the SPGA will allow reasonable deviation from the stated conditions where necessary to install features that facilitate access and mobility for disabled persons.

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

- (a) The temporary Special Permit for an accessory unit in an owner-occupied, single family dwelling shall terminate upon the sale of property or transfer of title of the dwelling, unless the SPGA has approved a transfer of the Special Permit to the new owner.
- (b) The new owner(s) must apply for transfer of a Special Permit for an accessory unit in an owner occupied, single family dwelling and shall submit a notarized letter of application attesting that he/she/they will occupy one of the dwelling units on the premises and a written request to the SPGA stating that conditions at the time of the original application remain unchanged. Minor changes may be approved without a hearing.
- (c) Upon receiving the transferred Special Permit, the new owner(s) must file for the subject property a Declaration of Covenants at the Worcester District Registry of Deeds. The Declaration shall state that the right to rent a temporary accessory unit ceases upon transfer of title. A time-stamped copy of the recorded Declaration shall be provided to the SPGA.

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

- (a) Statement of Intent

To ensure that accessory units or conversions in existence before the adoption of this Accessory Unit Bylaw are in compliance with the State Building Code.

- (b) Application Procedure

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

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

18.08 Required Renewal

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

for a Special Permit for an accessory apartment, pursuant to the Special Permit requirements of this bylaw.

Or take any action in relation thereto.

Sponsor: By Petition

**RECOMMENDATION OF THE FINANCE COMMITTEE:**

*That the Town vote to approve the article as written. Voted 6-2-1.*

**RECOMMENDATION OF THE BOARD OF SELECTMEN:**

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

**RECOMMENDATION OF THE PLANNING BOARD:**

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

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

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

**ARTICLE 16  
ZONING BYLAWS – ACCESSORY USE BY SPECIAL PERMIT  
(2/3 Vote Required)**

To see if the Town will vote to amend the Zoning Bylaws, Chapter Five; Chapter Six and Chapter Fourteen by adding the following new sections:

- 5.02 (m) Accessory Dwelling Unit
- 6.02 (h) Accessory Dwelling Unit
- 14.20 (f) Accessory Dwelling Unit

Or taken any action in relation thereto.

Sponsor: Planning Board

**RECOMMENDATION OF THE FINANCE COMMITTEE:**

*That the Town vote to approve the article as written. Voted 6-2-1.*

**RECOMMENDATION OF THE BOARD OF SELECTMEN:**

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

**RECOMMENDATION OF THE PLANNING BOARD:**

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

*Summary – This article would add Accessory Dwelling Units as exceptions allowed by Special Permit in the Rural Residential, Suburban Residential and Special Use Zoning Districts.*

**VOTE OF THE TOWN MEETING:** There was a substitute motion made by the Board of Selectmen that read, “To amend this article by changing the reference to 14.20(f) to 14.20(g) and to otherwise approve the article as written.” This motion was seconded and passed. The vote of the Town Meeting was to approve the article as amended by a 2/3rds majority as declared by the Moderator.

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**ARTICLE 17**  
**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 on Route 15, as shown on Assessors Map 50, Parcel 680 containing 6.4± acres; and a portion of a parcel shown on Assessors Map 47, Parcel 650 containing 103± acres, from Rural Residential (RR) to Commercial District; or take any action in relation thereto.

Sponsor:       By Petition

**RECOMMENDATION OF THE FINANCE COMMITTEE:**

*That no action be taken on the article. Voted 7-0-1.*

*The Finance Committee recommends the Town take no action on this article. The primary reason for rejecting the article is the advent of a new Master Plan for the Town. A new Master Plan will give all of the Town's boards and committees a better picture of how Sturbridge residents would like to see the town grow especially in areas such as Route 15. Currently, the Master Plan is scheduled to be completed by the end of 2010.*

**RECOMMENDATION OF THE BOARD OF SELECTMEN:**

*That no action be taken on the article. Voted 4-1.*

**RECOMMENDATION OF THE PLANNING BOARD:**

*That the Town vote to approve the article as written. Voted 4-3.*

*Summary – This proposal will change a portion of the property owned by New England Land & Lumber located on the westerly side of Route 15 and abutting the Holland town line from Rural Residential to Commercial.*

**VOTE OF THE TOWN MEETING:** There was a substitute motion made by the Board of Selectmen “To approve the article as written.” This motion was seconded. After lengthy discussion, a motion to move the question was made; seconded and passed. The vote of the Town Meeting was to defeat this article.

**ARTICLE 18**  
**SEWER BYLAWS - 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.
- (B) The amount determined using the formula in 5.60 (A) shall then be reduced by 33% which shall be set aside as flow reserved for economic development that may be allocated for commercial or industrial uses as may be approved by the Board of Selectmen acting as the Sewer Commissioners.
- (C) The remaining 67% of the annual flow allocation determined using Sections 5.60 (A) & (B) above shall be further allocated as follows:
  - 40% shall be allocated for residential connections or system extensions to service residential developments. 10% of annual residential flow will be set aside for affordable housing units.
  - 60% shall be allocated for commercial or industrial connections or system extensions to service commercial developments.
- (D) Any remaining flow from the three categories in 5.60 (C) shall be set aside and banked for that category in ensuing years. Affordable housing projects will have priority over all other uses and flow banked for any category from previous years may be allocated for an affordable housing project.
- (E) Any single proposal that would exceed the total flow available from the undesignated flow in Section 5.60 (B) and the use category flows in Section 5.60 (C) shall not be approved by the Board of Selectmen, but may be approved by two-thirds vote of Town Meeting. Any flow amounts approved by Town Meeting that exceed the annual allocation shall then be subtracted from the available flow for all categories in the following year.
- (F) The following amounts will be reserved for each study area within the future sewer shed as shown on Figure 5-6 of the Comprehensive Wastewater Management Plan completed by Tighe & Bond dated March 2007:

Area 3	46,500
Area 6	4,800
Area 7	14,400
Area 8	12,000
Area 10	26,800
Area 11	18,300
Area 12	2,700

Sponsor: Town Administrator/DPW Director

**RECOMMENDATION OF THE FINANCE COMMITTEE:**

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

**RECOMMENDATION OF THE BOARD OF SELECTMEN:**

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

*Summary – The purpose of this article is to amend the Sewer Bylaws to ensure that the connections to the new wastewater plant would be limited to 80% of the permitted capacity of the plant through the full repayment of debt issued for construction. The article reserves 33% of the available flow for economic development projects and 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. It also restricts the total amount of flow that can be allocated within any specific study area from the Comprehensive Wastewater Management Plan.*

**VOTE OF THE TOWN MEETING:** There was a substitute motion submitted by Charles Blanchard. This motion was seconded. The motion read, “That Sections 5.60 (E) and (F) be amended as follows:

(E) Any single proposal that would exceed the total flow available from the undesignated flow in Section 5.60 (B) and the use category flows in Section 5.60 (C) shall require a 4/5ths vote of the Board of Selectmen, acting as Sewer Commissioners. Any flow amounts approved by the Selectmen under this Section that exceed the annual allocation shall then be subtracted from the available flow for all categories in the following year.

And that Section 5.60 (F) be struck in its entirety.” The substitute motion carried. The vote of the Town Meeting was to approve the article as amended as declared by the Moderator.

## **ARTICLE 19**

### **WATER BYLAWS – OUTDOOR WATER RESTRICTION**

To see if the Town will vote to amend the Water Bylaws and Regulations by adding a new Chapter Four – Outdoor Water Restriction as follows:

- 4.01 The following restrictions on nonessential outdoor water use shall be in effect in the Town of Sturbridge:
- (A) Whenever stream flows fall below a mean daily streamflow of 0.50 cubic feet per square mile (cfsm) for three (3) consecutive days between May 1<sup>st</sup> and September 30<sup>th</sup>. Stream flow shall be measured at the USGS Quinebaug River Gauge Station near Southbridge #01123600 (Quinebaug River Gauge). At the Quinebaug River Gauge, 0.50 cfsm is equal to 47.2 cubic feet per second.
- 4.02 At such times that the conditions above exist, the following nonessential outdoor water restrictions shall be in place:
- (A) No nonessential outdoor water use is allowed, except that sprinklers may be used for lawn watering outside the hours of 9 AM to 5 PM one (1) day per week.
  - (B) Once implemented, the restrictions shall remain in place until streamflow at the Quinebaug River Gauge meets or exceeds 0.50 cfsm (13.95 cfs) for seven (7) consecutive days.
- 4.03 Penalties
- (A) Violation of this bylaw shall be enforced through the Non-Criminal Disposition process outlined in Chapter Nine of the Town of Sturbridge General Bylaws.
  - (B) Violation of this Bylaw shall be: First Offense – Written Warning; Second and Subsequent Offenses \$25 per day.

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 8-0.*

**RECOMMENDATION OF THE BOARD OF SELECTMEN:**

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

*Summary – The Town’s Water Management Act Permit requires the Town to institute an outdoor watering restriction during times of low flow in the Quinebaug River or by date (approximately Memorial Day through Labor Day). The Selectmen approved a policy this past year using the river flow option and there was no need to institute the watering ban. The MADEP has indicated that the Town needs to adopt a permanent bylaw and that a penalty for violations needed to be established.*

**VOTE OF THE TOWN MEETING:** The vote of the Town Meeting was unanimous in approving the article as written as declared by the Moderator. At the continuation of the Annual Town Meeting on June 8, 2009, there was a motion to reconsider made by the Board of Selectmen. The motion read, “To correct the reference in Section 4.02 (B) of the Water Bylaws to replace 13.95 cfs with 47.2cfs.” The motion was seconded and the vote of the Town Meeting was unanimous in approving the reconsidered article as amended as declared by the Moderator.

**ARTICLE 20**

**GENERAL BYLAWS – ENFORCEMENT**

To see if the Town will amend the General Bylaws, Chapter Nine, Section 2.00 to add the following new section:

Violation of Water Bylaws, Chapter Four – Outdoor Water Restriction

Enforcing Agent: DPW Director or Water Plant Operator

Penalty: First Offense – Written Warning; Second and Subsequent Offenses - \$25.00 per day.

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 8-0.*

**RECOMMENDATION OF THE BOARD OF SELECTMEN:**

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

*Summary – This amendment is necessary if the previous article is approved.*

**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 21  
REVALUATION**

To see if the Town will vote to transfer from free cash and appropriate SIXTY FIVE THOUSAND AND 00/100 DOLLARS (\$65,000.00) to a Revaluation Account #11412-57610 for the purpose of conducting the state mandated triennial revaluation; or take any action in relation thereto.

Sponsor: Board of Assessors

**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 5-0.*

*Summary – The last triennial revaluation article was in 2006 for FY07. This article is for the revaluation to be undertaken during FY10 for the new values to be used for the FY11 tax 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 22  
RECREATION FIELD DESIGN**

To see if the Town will vote to transfer from free cash and appropriate the sum of SEVENTY TWO THOUSAND ONE HUNDRED SEVEN AND 00/100 DOLLARS (\$72,107.00) for the design of new recreational multi-use sports fields; or take any action in relation thereto.

Sponsor: Recreation Committee

**RECOMMENDATION OF THE FINANCE COMMITTEE:**

*That the Town vote to approve the article as written. Voted 7-0-1.*

**RECOMMENDATION OF THE BOARD OF SELECTMEN:**

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

*Summary – This article would pay the cost of engineering and developing cost estimates for additional recreation fields on property owned by the Town on Route 15 and behind the Town's Public Works Department. The Recreation Committee has been studying field needs for various youth activities for the past two years and is moving forward with a plan that would provide additional multi-use fields to meet the Town's recreation needs.*

**VOTE OF THE TOWN MEETING:** The vote of the Town Meeting was to approve the article as written as declared by the Moderator. However, the vote was not unanimous.

**ARTICLE 23**

**STURBRIDGE NURSERY SCHOOL IMPROVEMENTS**

To see if the Town will vote to transfer from free cash and appropriate the sum of TWELVE THOUSAND EIGHT HUNDRED AND 00/100 DOLLARS (\$12,800.00) to the Nursery School Purchase of Services Account #11982-52000 for the purpose of roof repairs, treatment for carpenter ants and front entry rebuild; or take any action in relation thereto.

Sponsor: Sturbridge Nursery School Cooperative

**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 5-0.*

*Summary – This article would provide funding for various improvements and operating costs associated with the Sturbridge Nursery Cooperative School as described in the article. The breakdown of costs are slate roof repair (\$2,300); Carpenter Ant Treatment (\$750); and front entry rebuild (\$9,750). The building is owned by the Town, but operated by the Cooperative Nursery School.*

**VOTE OF THE TOWN MEETING:** The vote of the Town Meeting was to approve the article as written as declared by the Moderator. It was not, however, unanimous.

**ARTICLE 24**

**ACCEPTANCE OF MGL CH. 61, §2A**

To see if the Town will vote to accept the provisions of Section Two A of Chapter Sixty One of the General Laws which taxes classified forest land as open space instead of commercial property, to be effective for taxes assessed for fiscal year 2010 beginning on July 1, 2009; or take any action in relation thereto.

Sponsor: Board of Assessors

**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 5-0.*

*Summary – The acceptance of this statute would classify forest land for tax purposes as open space.*

**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 25**

**ACCEPTANCE OF MGL CH. 61A, §4A**

To see if the Town will vote to accept the provisions of Massachusetts General Laws, Chapter 61A, § 4A which taxes classified agricultural or horticultural land as open space instead of commercial property, to be effective for taxes assessed for fiscal year 2010 beginning on July 1, 2009; or take any action in relation thereto.

Sponsor: Board of Assessors

**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 5-0.*

*Summary – If accepted this would assess agricultural and horticultural land as open space.*

**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 26  
ACCEPTANCE OF MGL CH. 61B, §2A**

To see if the Town will vote to accept the provisions of MGL, Chapter 61B, § 2A, which taxes classified recreational land as open space instead of commercial property, to be effective for taxes assessed for fiscal year 2010 beginning on July 1, 2009; or take any action in relation thereto.

Sponsor: Board of Assessors

**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 5-0.*

*Summary – This article would tax recreational land as open space as opposed to commercial property.*

**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 27  
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>Authorized to Expend Funds</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	Recreation Committee	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	Fire Chief	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	Council on Aging	10,000.00
Planning Department	GIS support services	Mapping services	Town Planner	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.	Conservation Commission	20,000.00
Board of Health	Payment for staff required to service large events such as festivals and fairs, initial restaurant consultations and restaurant inspections beyond two per year	Temporary permits and licenses, fines levied by the Board of Health and fees for initial restaurant consultations and excess food service inspections	Board of Health	10,000.00

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 7-0.*

**RECOMMENDATION OF THE BOARD OF SELECTMEN:**

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

**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 28  
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 7-0.*

**RECOMMENDATION OF THE BOARD OF SELECTMEN:**

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

*Summary – Each year, the Town sets aside the equivalent of \$20,000 from ambulance collections to assist the town in replacing 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 \$65,813.*

**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 29**

**STURBRIDGE TOURIST ASSOCIATION**

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

1.90 Sturbridge Tourist Association

1.91 Purpose

- (A) To have creative and budgetary oversight of the Hotel/Motel tax percentage that is placed in the Sturbridge Tourist Association Revolving Fund for the promotion of tourism. These funds are to be used for the marketing and implementation of tourism for the benefit of Sturbridge.
- (B) Maintain fiscal control by accepting and distributing, as necessary, the monies appropriated by the Annual Town Meeting for the purpose of planning, promoting and implementing tourism in Sturbridge. An amount approved by the Town Meeting shall be designated as broadly as possible to be dispersed by the Committee as outlined below.
- (C) The Sturbridge Tourist Association shall propose a budget that provides a minimum of the following:
  - 30% of the budget toward tourist related events and activities in Sturbridge.
  - 60% of the budget toward the promotion of Sturbridge tourism and Sturbridge businesses directly involved in the tourism industry.
  - Up to 5% of the budget on grounds maintenance at the Chamber of Commerce and the Route 20 Public Restroom maintenance (as a % contribution to the grounds maintenance budget shared equally with the Chamber of Commerce whose offices reside at the Tourist Information Center). If for any reason the Tourist Information Center no longer resides at this location, this percentage may change appropriately by vote of the STA.
  - Up to 5% of the budget on operating expenses for the Tourist Information Center, such as Customer Service Desk staff (excluding back office personnel), telephone and internet (as a % contribution to the operating expenses shared by the Sturbridge Townships).

(D) Goals



- (1) Aid and support Sturbridge businesses directly involved in the Sturbridge tourism industry.
  - (2) Promote, expand and facilitate tourism in Sturbridge keeping in mind the general character of the Town and its natural resources.
  - (3) Promote and revitalize the Tourist/Commercial Zone and the Historic Zone as the primary designated area for Tourism.
  - (4) In order to fulfill its obligations to the tourism industry and businesses in Sturbridge, it may, as necessary, request and conduct studies to understand the tourist climate, request/submit articles for review and inclusion in the Town Meeting Warrant with relation to it's mandated purpose, and approach Town Boards for permits necessary to implement its events/promotions and products.
  - (5) Develop goals and a vision for tourism in Sturbridge keeping in mind the general character of the Town and its natural resources, the Tourist/Commercial and Historic Zones, and the best interest of Sturbridge tourist-related businesses.
- (E) Shall meet quarterly at a minimum to review projects, budget and requests from Sturbridge Townships and other groups.

### 1.91<sup>2</sup> Creation and Establishment

There is hereby created and established a Sturbridge Tourist Association (STA) which shall consist of five (5) voting members. The Town Administrator shall appoint all members, subject to the confirmation of the Board of Selectmen, as follows:

One (1) member from a Hotel/Motel/Inn/B & B, owner or authorized representative, for an initial term of one (1) year and thereafter for a term of three (3) years.

One (1) member from a Hotel/Motel/Inn/B & B, owner or authorized representative, for an initial term of two (2) years and thereafter for a term of three (3) years.

One (1) member from a Hotel/Motel/Inn/B & B, owner or authorized representative, for an initial term of three (3) years.

One (1) member from Old Sturbridge Village, as designated by OSV, for a term of three (3) years.

One (1) member from a tourist related business (retail, restaurant or similar tourist related activity) located within either the Tourist Commercial Zone or the Historic Zone in Sturbridge, owner or authorized representative, for an initial term of one (1) year and thereafter for a term of three (3) years.

All members will operate in a tourist related business physically located within the geographic boundary of Sturbridge.

Or take any action in relation thereto.

Sponsor: By Petition

### **RECOMMENDATION OF THE FINANCE COMMITTEE:**

*That the Town vote to amend the article as follows:*

- *Amend 1.91(D)(3) to read, "Promote and revitalize the Commercial Tourist Zone and the Historical Commercial Zone as the primary designated area for tourism."*
- *Amend 1.91(D)(4) to change the word "it's" to "its".*
- *Amend 1.91(D)(5) to read, "Develop goals and a vision for tourism in Sturbridge keeping in mind the general character of the Town and its natural resources, the*

<sup>2</sup> As submitted on the petition, if approved, a substitute motion should change this to 1.92.

*Commercial Tourist and Historical Commercial Zones and the best interest of Sturbridge tourist-related businesses.”*

- *Amend the second 1.91 to read as 1.92 and then to amend this section as follows:*
  - *Amend the first sentence to read, “There is hereby created and established a Sturbridge Tourist Association (STA) which shall consist of seven (7) voting members.”*
  - *Under the fifth category of appointees to read, “Two (2) members from a tourist related business (retail, restaurant or similar tourist related activity) located within either the Commercial Tourist Zone or the Historical Commercial Zone in Sturbridge, owner or authorized representative, for an initial term of one (1) year and thereafter for a term of three (3) years.”*
  - *Add a sixth category of appointees that reads, “One (1) Sturbridge resident for an initial term of two (2) years and thereafter for a term of three (3) years.”*

*And to otherwise approve the article as written. Voted 5-1.*

#### **RECOMMENDATION OF THE BOARD OF SELECTMEN:**

*That the Town vote to amend the article as follows:*

- *Amend 1.91(D)(3) to read, “Promote and revitalize the Commercial Tourist Zone and the Historical Commercial Zone as the primary designated area for tourism.”*
- *Amend 1.91(D)(4) to change the word “it’s” to “its”.*
- *Amend 1.91(D)(5) to read, “Develop goals and a vision for tourism in Sturbridge keeping in mind the general character of the Town and its natural resources, the Commercial Tourist and Historical Commercial Zones and the best interest of Sturbridge tourist-related businesses.”*
- *Amend the second 1.91 to read as 1.92 and then to amend this section as follows:*
  - *Amend the first sentence to read, “There is hereby created and established a Sturbridge Tourist Association (STA) which shall consist of seven (7) voting members.”*
  - *Under the fifth category of appointees to read, “Two (2) members from a tourist related business (retail, restaurant or similar tourist related activity) located within either the Commercial Tourist Zone or the Historical Commercial Zone in Sturbridge, owner or authorized representative, for an initial term of one (1) year and thereafter for a term of three (3) years.”*
  - *Add a sixth category of appointees that reads, “One (1) Sturbridge resident for an initial term of two (2) years and thereafter for a term of three (3) years.”*

*And to otherwise approve the article as written. Voted 5-0.*

*Summary – The Sturbridge Tourist Association was initially established by Article 71 of the Annual Town Meeting of 1986 and by Section 5 of Chapter 635 of the Acts of 1986 by the State Legislature. Both of these actions referred to a “Sturbridge Tourist Association” but did not indicate appointment authority. The vote of the 1986 Town Meeting stated, “To authorize the Sturbridge Tourist Association to annually recommend to the Board of Selectmen, for insertion into the Annual Town Meeting Warrant, programs and projects that tend to promote or strengthen the Town as an attractive center for tourism and conventions. Since that time, there has been no formal appointment of a Sturbridge Tourist Association and the budget for SATA (it has come to be known as the Sturbridge Area Tourist Association) has been recommended by a sub-committee of the Central Massachusetts South Chamber of Commerce. This article would establish an appointment process similar to other town Boards and Committees and would establish parameters for the expenditure of funds.*

**VOTE OF THE TOWN MEETING:** There was a substitute motion presented by Patricia Affenito that read, “To vote to further amend the recommendation of the Finance Committee as follows:

- Amend section 1.91 (C) to read:  
 “The Sturbridge Tourist Association shall propose a budget that provides the following:
  - Funding for the promotion of tourism with a portion directly for the marketing of all Sturbridge businesses involved in tourism.
  - Funding for multiple tourist related events and activities in Sturbridge
  - Funding for the Route 20 Public Restrooms and the grounds maintenance of the Tourist Information Center.
  - Funding for the operating expenses of the Tourist Information Center, such as the Customer Service Desk staff, telephone and internet.
- Remove section 1.91 (D) (3) and renumber the remaining goals.

After lengthy discussion, there was a motion to move the question which was seconded and passed. The vote of the Town Meeting was to approve the Finance Committee recommended; then amended article as declared by the Moderator.

### **ARTICLE 30**

#### **STURBRIDGE TOURIST ASSOCIATION REVOLVING FUND**

To see if the Town will vote pursuant to MGL Ch. 44, §53E½ to establish a revolving fund for the Sturbridge Tourist Association.

Programs and purposes for which the revolving fund may be expended:

- All and any costs associated with the planning, promoting or implementing Sturbridge tourist related events/activities.
- All and any costs associated with the promotion of Sturbridge tourism and Sturbridge businesses directly involved in the tourism industry.
- A portion of the operating costs associated with the Tourist Information Center building and staff.

Department receipts which shall be credited to the revolving fund:

- Grants obtained for the purpose of promoting tourism in Sturbridge and tourism activities in Sturbridge.
- Revenue generated through Sturbridge Tourist Association funded tourist events and promotions, including but not limited to vendor/business inclusion fees, admission fees and vendor promotion fees.
- Program fees.
- Donations.

Authorization to expend from such fund:

- The Sturbridge Tourist Association (STA) has the sole discretion to disperse funds for the purposes outlined herein.

Limit on the total amount which may be expended from such fund in the ensuing year:

- The STA may expend any amount up to \$20,000 at any one time on any one item without the approval of Town Meeting.
- Any amount over \$20,000 at any one time on any one item and up to the balance in the Fund shall be expended with the approval at Town Meeting.

Sponsor:       By Petition

#### **RECOMMENDATION OF THE FINANCE COMMITTEE:**

*That the Town vote to amend the article as follows:*

- Under the section on Department receipts which shall be credited to the revolving fund – delete the first bullet which reads, “Grants obtained for the purpose of promoting tourism in Sturbridge and tourism activities in Sturbridge.”
- Under the section on the Limit on the total amount which may be expended from such fund in the ensuing year to amend the first bullet to read, “The STA may expend any amount up to \$20,000 without further approval of Town Meeting.” And to delete the second bullet in its entirety.

And to otherwise approve the article as written. Voted 6-0.

**RECOMMENDATION OF THE BOARD OF SELECTMEN:**

That the Town vote to amend the article as follows:

- Under the section on Department receipts which shall be credited to the revolving fund – delete the first bullet which reads, “Grants obtained for the purpose of promoting tourism in Sturbridge and tourism activities in Sturbridge.”
- Under the section on the Limit on the total amount which may be expended from such fund in the ensuing year to amend the first bullet to read, “The STA may expend any amount up to \$20,000 without further approval of Town Meeting.” And to delete the second bullet in its entirety.

And to otherwise approve the article as written. Voted 5-0.

*Summary – This article would establish a revolving fund for revenues received by the Sturbridge Tourist Association outside of the Hotel/Motel tax portion that is allotted to the fund. The article also designates spending limitations on the funds.*

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

**ARTICLE 31  
STURBRIDGE TOURIST ASSOCIATION**

To see if the Town will vote to transfer and appropriate from the Hotel/Motel Special Account to the Sturbridge Tourist Association Account the sum of EIGHTY NINE THOUSAND FIVE HUNDRED FORTY TWO AND 00/100 DOLLARS (\$89,542.00) for the following items:

Fulfillment (telephone, postage, internet)	\$	15,000.00
Advertising, Printing, Promotion & Production	\$	46,042.00
Special Events/Community Support	\$	10,000.00
Group Tour	\$	4,000.00
General Grounds/Maintenance	\$	4,500.00
Route 20 Restrooms	\$	7,000.00
Chamber Support	\$	3,000.00
 Total	 \$	 89,542.00

Or take any action in relation thereto.

Sponsor: Sturbridge Area Tourist Association

**RECOMMENDATION OF THE FINANCE COMMITTEE:**

*To see if the Town will vote to transfer and appropriate from the Hotel/Motel Special Account to the Sturbridge Tourist Association Account the sum of EIGHTY NINE THOUSAND FIVE HUNDRED FORTY TWO AND 00/100 DOLLARS (\$89,542.00) for the following items:*

<i>Administration</i>	\$	4,477.00
<i>Advertising, Printing, Promotion &amp; Production</i>	\$	44,771.00
<i>Sturbridge Special Events/Community Support</i>	\$	26,863.00
<i>Maintenance</i>	\$	4,477.00
<i>Unclassified</i>	\$	8,954.00
<i>Total</i>	\$	89,542.00

*Or take any action in relation thereto. Voted 6-0-1.*

**RECOMMENDATION OF THE BOARD OF SELECTMEN:**

*To see if the Town will vote to transfer and appropriate from the Hotel/Motel Special Account to the Sturbridge Tourist Association Account the sum of EIGHTY NINE THOUSAND FIVE HUNDRED FORTY TWO AND 00/100 DOLLARS (\$89,542.00) for the following items:*

<i>Administration</i>	\$	4,477.00
<i>Advertising, Printing, Promotion &amp; Production</i>	\$	44,771.00
<i>Sturbridge Special Events/Community Support</i>	\$	26,863.00
<i>Maintenance</i>	\$	4,477.00
<i>Unclassified</i>	\$	8,954.00
<i>Total</i>	\$	89,542.00

*Or take any action in relation thereto. Voted 4-1.*

*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 recommended by the Finance Committee as declared by the Moderator. The vote, however, was not unanimous.

**ARTICLE 32  
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 NINE THOUSAND FIVE HUNDRED FORTY TWO AND 25/100 DOLLARS (\$89,542.25) for the following items:

Flower Barrels	\$	2,400.25
Landscaping at Senior Center	\$	500.00
John Deere Mower For Parks	\$	2,400.00
Library Landscaping	\$	2,500.00
Tree Maintenance	\$	6,800.00
Town Common Tree Maintenance	\$	3,500.00
Tree Planting	\$	1,000.00
Street Landscaping	\$	2,000.00
Public Restroom Maintenance	\$	5,000.00
Motorola Portable Radios	\$	1,520.00
Leather Cases	\$	110.00
Speaker Microphones	\$	130.00
Circle D Portable Lights	\$	1,300.00

Police Motorcycle Purchase	\$ 14,900.00
Special Event Overtime	\$ 10,000.00
AED Defibrillator (Water Tight Case)	\$ 235.00
Forest Stewardship Plan	\$ 6,500.00
Cedar Lake Water Treatment	\$ 1,700.00
Town Common Event Sign	\$ 400.00
Cedar Lake Recreation Area Benches	\$ 1,250.00
Summer Concert Series	\$ 4,000.00
Cedar Lake No Swimming Signs	\$ 250.00
Recreation Area Swim Flags	\$ 77.59
Skating Rink (Replacement Liner)	\$ 445.64
Lifeguard Umbrella/Megaphone	\$ 462.12
Walkie Talkie	\$ 151.65
Trail Construction and Grant Match	\$ 14,010.00
Sidewalk Maintenance	\$ 6,000.00
	\$ 89,542.25

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 7-0.*

**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 unanimous in approving the article as written as declared by the Moderator.

**ARTICLE 33  
CAPITAL IMPROVEMENT PLAN**

To see if the Town will vote to transfer from free cash and appropriate the sum of ONE HUNDRED FORTY ONE THOUSAND THREE HUNDRED SEVENTY FIVE AND 00/100 DOLLARS (\$141,375.00) 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, 2009:

Police	Cruiser	33,000
Police	Cruiser	33,000
Townwide	ADA Accessibility Issues as per Compliance Plan	20,000
Finance	MUNIS upgrade	14,000
Finance	Computers (5)	9,000
DPW	3/4 ton 4 wheel drive pick up - replace 1997	30,375
Police	Evidence Bar Code System & Computer	2,000

Total:

141,375

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 6-0-1.*

**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. The vote, however, was not unanimous.

**ARTICLE 34**

**LANDFILL CLOSURE ACCOUNT APPROPRIATION**

To see if the Town will vote to transfer from the Landfill Closure Account and appropriate the sum of TWO HUNDRED THOUSAND AND 00/100 DOLLARS (\$200,000.00) for the purpose of closing the current operating cell of the landfill, including costs incidental and related thereto, or take any action in relation thereto.

Sponsor: Capital Planning Committee

**RECOMMENDATION OF THE FINANCE COMMITTEE:**

*To see if the Town would amend the dollar amount in the article to \$210,000 and otherwise approve the article as written. Voted 8-0.*

**RECOMMENDATION OF THE BOARD OF SELECTMEN:**

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

*Summary – This article appropriates funds that have been set aside for the past decade to assist in closing the current operating cell of the landfill and were intended to pay part of the cost of closure. Revenues from the Recycling Center have been deposited into this account and will continue to be deposited into this account to provide part of the funding when the landfill reaches its final closure date 15-20 years from now.*

**VOTE OF THE TOWN MEETING:** The vote of the Town Meeting was to approve the article as recommended by the Finance Committee as declared by the Moderator. The vote, however, was not unanimous.

**ARTICLE 35**  
**NON-BINDING OPINION QUESTION – DAMS AT FORMER CAMP**  
**ROBINSON CRUSOE**

To see what the Town’s opinion’s is in regard to removal of the dams at the former Camp Robinson Crusoe property to remove the ponds and restore Hamant Brook through a grant from the Division of Fisheries and Wildlife.

Sponsor: Board of Selectmen

**RECOMMENDATION OF THE FINANCE COMMITTEE:**

*Recommendation to provided at Town Meeting. Voted 8-0. At Town Meeting, the Finance Committee recommended the removal of the dams. Voted 6-0.*

*Since the official site walk was held two weeks after the printing deadline of our Report, the Finance Committee will deliver our recommendation at the Town Meeting.*

**RECOMMENDATION OF THE BOARD OF SELECTMEN:**

*Recommendation to provided at Town Meeting. Voted 5-0.*

*Summary – The Town was approached by the Division of Fisheries and Wildlife to see whether there was interest in removing the dams at the former Camp Robinson Crusoe property and restoring Hamant Brook as a cold water trout hatchery. The Board of Selectmen has met several times with state officials and other Town officials and interested residents and have heard “pros” and “cons” of removing the dams. Removal of the dams would be paid for by a grant from a fund set aside by the Millenium Power Plant that can only be used for improving water quality in the Quinebaug River. If the dams remain, there will be ongoing maintenance and repairs of the dams which the Town Engineer (CME Associates) will be providing an estimated cost of needed repairs prior to Town Meeting. Proponents argue that removal of the dams would have the effect of improving water quality in the Quinebaug River. Opponents argue the ponds are valuable from an aesthetic and recreation point of view. Because the decision either way will be permanent, the Board of Selectmen is seeking a broad-based non-binding question to better gauge public opinion on this issue.*

**VOTE OF THE TOWN MEETING:** The non-binding vote of the Town Meeting was 62 for; 62 against, as declared by the Moderator.

**ARTICLE 36**  
**CHARTER CHANGE – DATE OF TOWN MEETING**

To see if the Town will vote to amend the Town Charter, Section 3-3 to delete the words, “last Monday in April” to “first Monday in June”; 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 8-0.*



**RECOMMENDATION OF THE BOARD OF SELECTMEN:**

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

*Summary – Our current Town Charter calls for the Town Meeting to be held at the end of April, it is during the Annual Town Meeting that the Budget is considered. The current General Bylaws requires that certain dates be met in order to provide the Board of Selectmen and Finance Committee sufficient time to consider the budget and warrant articles prior to the Annual Town Meeting.*

*The Governor’s budget is due (by statute) by the last day of January. The conflicts between the release of the Governor’s budget and the Town’s schedule requires that the annual budget be completed and distributed to the Board of Selectmen and Finance Committee two weeks before the Governor releases any state aid figures.*

*This article seeks to move the Annual Town Meeting date five weeks later and the following articles seek to amend the General Bylaws to change the deadlines for other documents to ensure the initial budget is as accurate as possible.*

**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 37**

**GENERAL BYLAW AMENDMENT – TOWN MEETING**

To see if the Town will vote to amend the General Bylaws, Chapter One as follows:

Section 1.01

**From:**

“The Annual Town Meeting for the election of Town Officers shall be held on the second Monday in April. The Annual Town Meeting for the transaction of business shall be held on the last Monday in April.”

**To:**

“The Annual Town Meeting for the election of Town Officers shall be held on the second Monday in April. The Annual Town Meeting for the transaction of business shall be held on the first Monday in June.”

Section 1.07

**From:**

“1.07 Town Meeting Requirements – All town officers, boards, committees, commissions, employees and all other parties submitting warrant articles for consideration at Town Meeting shall be required to comply with the following:

- (a) The Planning Board shall prepare all Zoning Bylaw articles, hold a public hearing and forward the Planning Board’s recommendations on said amendments to the Town Administrator no later than the end of January of the year in which the Annual Town Meeting that will consider the proposed articles.
- (b) All other warrant articles to be considered by the Annual Town Meeting shall be submitted to the Town Administrator no later than January 15th of the year in which the Annual Town Meeting will consider said articles.

- (c) The Town Administrator shall draft and prepare the warrant for the Board of Selectmen's consideration no later than the last day of January of the year in which the Annual Town Meeting will consider said warrant.
- (d) The Board of Selectmen shall close the warrant at their first meeting in the February of the year in which the Annual Town Meeting will consider said articles. Petitioned warrant articles will be accepted until the Board of Selectmen closes said warrant.
- (e) Articles to be submitted for a Special Town Meeting held on the same date as the Annual Town Meeting shall be submitted to the Town Administrator no later than the end of the second week in February of the year in which the Annual Town Meeting will consider said articles. The Town Administrator shall prepare a Special Town Meeting warrant and forward it to the Board of Selectmen no later than the Selectmen's first meeting in March preceding said Special Town Meeting. The Selectmen shall close said Special Town Meeting warrant at their first meeting in March preceding said Special Town Meeting.
- (f) The Board of Selectmen and Finance Committee shall conclude their deliberations and include their recommendations to the Annual Town Meeting on both the Annual and Special Town Meeting warrants no later than the end of March of the year in which the Annual Town Meeting will consider said warrant.
- (g) The Board of Selectmen may, by majority vote, re-open the Town Meeting warrant at any time to add or remove articles until such time that the warrant is posted."

**To:**

- 1.07 Town Meeting Requirements – All town officers, boards, committees, commissions, employees and all other parties submitting warrant articles for consideration at Town Meeting shall be required to comply with the following:
- (a) The Planning Board shall prepare all Zoning Bylaw articles, hold a public hearing and forward the Planning Board's recommendations on said amendments to the Town Administrator no later than the end of February of the year in which the Annual Town Meeting that will consider the proposed articles.
  - (b) All other warrant articles to be considered by the Annual Town Meeting shall be submitted to the Town Administrator no later than February 15th of the year in which the Annual Town Meeting will consider said articles.
  - (c) The Town Administrator shall draft and prepare the warrant for the Board of Selectmen's consideration no later than the last day of February of the year in which the Annual Town Meeting will consider said warrant.
  - (d) The Board of Selectmen shall close the warrant at their first meeting in the March of the year in which the Annual Town Meeting will consider said articles. Petitioned warrant articles will be accepted until the Board of Selectmen closes said warrant.
  - (e) Articles to be submitted for a Special Town Meeting held on the same date as the Annual Town Meeting shall be submitted to the Town Administrator no later than the end of the second week in March of the year in which the Annual Town Meeting will consider said articles. The Town Administrator shall prepare a Special Town Meeting warrant and forward it to the Board of Selectmen no later than the Selectmen's first meeting in April preceding said Special Town Meeting. The Selectmen

shall close said Special Town Meeting warrant at their first meeting in May preceding said Special Town Meeting.

- (f) The Board of Selectmen and Finance Committee shall conclude their deliberations and include their recommendations to the Annual Town Meeting on both the Annual and Special Town Meeting warrants no later than the last Friday of April of the year in which the Annual Town Meeting will consider said warrant.
- (g) The Board of Selectmen may, by majority vote, re-open the Town Meeting warrant at any time to add or remove articles until such time that the warrant is posted.

Sponsor: Town Administrator

**RECOMMENDATION OF THE FINANCE COMMITTEE:**

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

**RECOMMENDATION OF THE BOARD OF SELECTMEN:**

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

*Summary – Consistent with the previous article, this article would “push back” the deadline dates for various items submitted as part of the Town Meeting planning process to put the Town more in sync with the State Budget cycle. Finance Committee Handbooks would be available at the end of May, not at the Annual Town Election, but this would also allow newly elected Selectmen opportunity to review items that go before Town Meeting. Under the current practice, new Selectmen take office and have only one meeting before the Annual Town Meeting.*

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