

# *Town Clerk*

# *Meeting Minutes*



*Oct. 18, 2010*

*Semi-Annual*

*Town Meeting*

Kim D. Hopewell  
Town Clerk

**TOWN CLERK MEETING MINUTES  
SEMI-ANNUAL TOWN MEETING  
OCTOBER 18, 2010**

Article 1 Section 3 of the Town of West Boylston's General Bylaws states that "One Hundred (100) legal voters, including the presiding officer and the clerk, shall constitute a quorum, provided that a number less than a quorum may vote an adjournment; and that not more than Seventy-five (75) shall be required to maintain a quorum once the meeting has been called to order by the Moderator and that a quorum of Seventy-five (75) be required to reconvene any adjourned session of any such meeting."

Kim D. Hopewell, Town Clerk informed town meeting floor that 100 registered voters were in attendance and that the quorum requirement as set out in the General Bylaws has been met. At 7:10 p.m. the meeting was called to order. Clerk Kim D. Hopewell announced that the elected Moderator was unavailable, and that (under the provisions of Mass. General Law Chapter 39 § 14) Town Meeting must elect a temporary Moderator for this meeting.

The Town Clerk asked for a motion to open nominations process. Kevin McCormick motioned, duly seconded by Christopher Rucho. Unanimously voted.

Town Clerk Hopewell announced that the nomination process was now open. Board of Selectmen Chair Kevin McCormick nominated Jonathan Meindersma of 20 Maple St., seconded by Christopher Rucho. Mr. Meindersma accepted the nomination. Seeing no other nominations before the floor, the Town Clerk asked for a motion to close nominations. Kevin McCormick motioned, duly seconded by Christopher Rucho. Unanimously voted.

Town Clerk Hopewell asked for a motion from the Board of Selectmen Chair to instruct the Clerk to cast one vote for the nominee. Kevin McCormick motioned, duly seconded by Christopher Rucho. Unanimously voted. Town Clerk Kim D. Hopewell cast one vote for Jonathan Meindersma. The oath of office was performed. Temporary Moderator Meindersma took over the meeting.

The following people were appointed as tellers by the Town Clerk;

Louise Howland	Barbara Deschenes
Pauline McCormick	Elaine Novia
John McCormick III	Barbara Mark
Michael Kittredge	Marcia Cairns

M.G.L. Ch. 39 § 15 accepted Oct. 20, 2008 Semi-Annual Town Meeting. General Bylaws Article I § 7 states: If a two-thirds vote of Town Meeting is required by statute, the Moderator may, at his or her discretion, decline to verify a voice vote by polling the voters or by dividing the meeting, and may record the vote as a two-thirds vote without taking such a count.

Following the Pledge of Allegiance, a moment of silence was conducted for all the members of the community who have passed and the servicemen and women who have made the ultimate sacrifice serving in the armed forces in Iraq, Afghanistan and around the world.

Upon a motion by Christopher Rucho and duly seconded by Kevin McCormick it was unanimously voted to waive the reading of the Warrant and refer it as subject matter only.

## **ARTICLE 1**

Motion- Steven Quist, second by John O'Brien

It was unanimously voted to hear special reports of the officers and standing committees of the town.

**Solid Waste Advisory Team-** Julianne de Rivera gave the following report:

- Due to the retirement of Janet Vignaly from the board, the Solid Waste Advisory Team is currently looking for new members.
- Single stream recycling started on July 1, 2010, the recycling rate has stayed the same for the town.
- The bag revenue has stayed the same.
- 2<sup>nd</sup> new contract signed with Allied Waste.
- The collection fee actually decreased by \$20,000, but the amount of trash generated has actually increased by about 17%.
- Recommendation was made to reduce, reuse and compost. Bins can be purchased at Home Depot or information may be obtained at realgoods.com or earth911.or.
- Clarification on bulky items; items must fit into the green trash bags, NOT tied to a big couch.

**Beaman Memorial Public Library** Director Louise Howland presented the following report:

The trustees have asked me to give a brief update concerning the town's application for a waiver of state requirements in order to retain the library's certification.

I completed the state aid application and found, as expected, that the library met all requirements for state aid and certification except one: the municipal appropriation requirement. At this point, the Town's budget for the library falls approximately \$54,000 below the state's minimum funding requirement.

Fortunately, the Town Administrator, the Select Board, the Finance Committee, the School Committee, and the people of this town worked very hard together to develop a budget for West Boylston as a whole that treated all departments fairly when making the necessary budget adjustments.

Because of these efforts and the vote of the state legislature allowing the Board of Library Commissioners to grant waivers as needed to eligible communities I feel strongly that our waiver application will be accepted in January and that we will receive our state aid and certification at that time. I will continue to provide updates as they are received.

**Parks and Recreation-** Jennifer Breen gave the following report:

The board is currently working with Leon Gaumond, Jr to start up a program for the town's residents.

The committee is currently working to hold a program for families on December 11<sup>th</sup> at the High School, one class being offered is Gingerbread house making.

January/February classes include; Gardening, a speaker from Tower Hill, a speaker from Mass. Horticultural Society. Other classes include; Toddler swim, Senior water aerobics, and Zumba etc.

For more information check the town web-site at [www.westboylston-ma.gov](http://www.westboylston-ma.gov) or contact Town Administrator Leon Gaumond, Jr.

**Town-Wide Planning-** Chair Leon Gaumond, Jr gave the following report:

The Town Wide Planning Committee would like to announce to Town Meeting that they are working on the five year update of the Town's Master Plan. They have worked on this project with no funds requested by the Town to support this project. The project is about 75% complete and should be presented to the Town in advance of the May Town Meeting. We would like to thank all of the members of the committee as well as all other town offices and committees for their diligence in completing this important document for the Town.

The TWPC reviewed the articles for the October town meeting on 10-18-10. The following articles were deemed to be consistent with the West Boylston Master Plan and are hereby recommended for approval:

**Article 4:** Amending the Zoning Bylaws to include cluster zoning: This is listed as a recommendation under the Open Space & Recreation Section as well as the Land Use Section.

**Article 14:** Vote to approve the land acquisition under the CPA: One of the goals of the Master Plan is to acquire open land by purchase or gift, and work with landowners to preserve sensitive resources through conservation measures.

**Article 15:** Installation of lights at Goodale Park: One of the recommendations under the Open Space & Recreation Section is to repair or reconstruct the tennis and basketball courts at Goodale Park and this project has been found to be consistent with that goal.

**Article 20:** Transfer funds to the Capital Fund: One of the recommendations of the Municipal Finance Section of the Master Plan is to include capital improvement funds in all yearly budgets.

**Municipal Buildings Advisory Committee-** Leon Gaumond, Jr. gave the following report:

The Municipal Buildings Advisory Committee continues to meet monthly to review and recommend a course of action to address our building needs. We are looking at various building options with a renewed focus on searching for a permanent home for our Town Offices and Senior Center as opposed to the more expensive option of renting space in the Town's industrial park. We intend to go out to bid once again for an existing building to meet our needs in the near future.

## **ARTICLE 2**

Recommendation- Historical Commission

Motion- Kevin McCormick, second by Christopher Rucho

**Amendment-** Motion to amend by Linda Isgro to delete any reference to "fifty (50)" through out the text of the proposed bylaw submission, and to replace all references with "one hundred100" This

change affected Sections 2.6, 2.6.3B, 3.1, and 3.3, second by William Chase. Unanimously voted.

After much debate this article, as amended, was overwhelmingly defeated.

This article would have voted to add the General Bylaws by the addition of Article XXXVII-Demolition Delay Bylaw as amended; full text as follows;

## **ARTICLE XXXVII– DEMOLITION DELAY BYLAW**

### **Section 1.                  Purpose**

This Bylaw is adopted for the purpose of protecting and preserving significant buildings within the Town that constitute or reflect distinctive features of the architectural or historical resources of the Town, and to encourage owners of such buildings to seek out alternative options to preserve, rehabilitate or restore such buildings rather than to demolish them, thereby promoting the public welfare and preserving the cultural heritage of the Town. To achieve these purposes, the West Boylston Historical Commission is authorized to advise the Building Inspector with respect to the issuance of permits for the demolition of significant buildings. The issuance of demolition permits for significant buildings is regulated as provided by this Bylaw.

### **Section 2.                  Definitions**

#### **2.1 Building**

Any structure having a roof intended for shelter, housing, or enclosure of any person, process, equipment, animals or goods.

#### **2.2 Commission**

The Town of West Boylston Historical Commission.

#### **2.3 Demolition**

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

#### **2.4 Demolition Permit**

The permit issued by the Building Inspector as required by the State Building Code for a demolition, substantial demolition or removal of a building.

#### **2.5 Preferably Preserved Building**

Any historically or architecturally significant building that the Commission determines is in the public interest to be preserved or rehabilitated rather than demolished.

#### **2.6 Significant Building**

Any building that, in whole or in part, is at least one hundred (100) years old

and

##### **2.6.1**

is listed on, or is a contributing building within an area listed on the National Register of Historic Places, or is the subject of a pending application for such listing, or is eligible for such listing; or

**2.6.2**

is included in any cultural or historic inventory prepared by the Commission; or

**2.6.3**

has been determined by vote of the Commission to be a significant building after a finding by the Commission that a building either:

**A** is importantly associated with one or more historic persons or events, or with broad architectural, cultural, political, economic or social history of the Town or the Commonwealth; or

**B** is historically or architecturally significant (in terms of period, style, method of building construction or association with a recognized architect or builder) either by itself or in the context of a group of buildings.

If a building is of unknown age, it shall be presumed to be at least one hundred (100) years old.

**Section 3. Procedure**

**3.1**

No permit for the demolition of a building that is, in whole or in part, at least one hundred (100) years old and meets specific criteria as listed in Section 2.6 Significant Building shall be issued other than in conformity with the provisions of this Bylaw, as well as in conformity with the provision of other laws and bylaws applicable to the demolition of buildings and issuance of permits generally.

**3.2 Application Contents**

Every application for a demolition permit for a building that is, in whole or in part, at least one hundred (100) years old shall be filed with the Building Inspector and shall contain the following information:

- a) the address of the building to be demolished;
- b) the owner's name, address and telephone number;
- c) a brief description of the type of building and the condition requiring issuance of the permit;
- d) the date of the building, established by the Board of Assessors, deed or documentation verifying the year of construction; and
- e) a brief description of the proposed reuse, reconstruction or replacement on the premises upon which the building is located.

**3.3**

Within seven (7) business days from the receipt of an application for a demolition permit of a building that is, in whole or in part, at least one hundred (100) years old, the Building Inspector shall forward a copy to the Commission. No demolition permit shall be issued at this time.

**3.4**

Within ten (10) business days after receipt by the Commission of the application for a demolition permit, the Commission shall make a Determination of Architectural or Historical Significance. Upon determination by the Commission that the building is not architecturally or historically significant, the Commission shall so notify the Building Inspector in writing. Upon receipt of such notification, or after the expiration of fifteen (15) business days from the date of submission to the Commission, if the Building Inspector has not received notification from the Commission, the Building Inspector may issue the demolition permit.

### **3.5**

Upon determination by the Commission that the building is historically or architecturally significant, the Building Inspector and the applicant shall be so notified in writing and a demolition permit shall not be issued. The commission shall hold a public hearing within twenty (20) business days of the Determination of Significance to determine whether the building should be preferentially preserved.

A public notice of time, place and purpose of the hearing shall be published by the Building Inspector at the expense of the applicant in a newspaper of general circulation in the Town not less than seven (7) days before the date of said hearing and shall be posted in a conspicuous place in the Town Hall for a period of not less than seven (7) days before said hearing.

### **3.6**

If, after a public hearing, the Commission determines that the significant building should not be preferentially preserved, the commission shall so notify the Building Inspector in writing within five (5) business days of the hearing and the Building Inspector may issue a demolition permit upon receipt of the written decision.

### **3.7**

If, after a public hearing, the Commission determines that the building should be preferentially preserved, the Commission shall so notify the Building Inspector in writing within five (5) business days of the hearing and no demolition permit shall be issued until twelve (12) months after the date of determination by the Commission.

### **3.8**

Notwithstanding anything contained in Paragraph 3.7, the Building inspector may issue a demolition permit for a preferentially preserved building at any time after receipt of written advice from the Commission to the effect that either:

- (a) the Commission is satisfied that there is no reasonable likelihood that either the owner or some other person or group is willing to purchase, preserve, rehabilitate or restore such building; or
- (b) the Commission is satisfied that, for up to (12) months, the owner has made continuing bona fide and reasonable efforts to locate a purchaser to preserve, rehabilitate or restore the subject building and that such efforts have been unsuccessful.

## **Section 4. Responsibility of Owners**

It shall be the responsibility of the owner of record, or any designee thereof, to assist in the facilitation of the implementation of the requirements of this Bylaw:

- (1) by providing information, allowing access to the property and securing the premises;

- (2) by participating in the investigation of preservation options; and
- (3) by actively cooperating in seeking alternatives with the Commission and any interested Parties.

#### **Section 5. Non-compliance**

Anyone who demolishes, removes, or relocates a building identified in Section 2.6 through Section 2.6.3 without complying fully with the provisions of this Bylaw, shall be subject to a fine of not more than \$300.00.

#### **Section 6. Emergency Demolition**

Nothing in this Bylaw shall restrict the Building Inspector from ordering the immediate demolition of any building in the event of imminent danger to the safety of the public.

### **ARTICLE 3 –**

Recommendation- Agricultural Commission, Bylaws Committee, Planning Board  
Motion- John O'Brien, second by Steven Quist

It was unanimously voted to amend the General Bylaws of the Town by adding the following:

## **ARTICLE XXXVIII – RIGHT TO FARM BYLAW**

#### **Section 1 Legislative Purpose and Intent**

The purpose and intent of the By-law is to state with emphasis the Right to Farm accorded to all citizens of the Commonwealth under Article 97 of the Amendments to the Massachusetts Constitution, and all state statutes and regulations thereunder including but not limited to Massachusetts General Laws Chapter 40A, Section 3, Paragraph 1; Chapter 90, Section 9, Chapter 111, Section 125A and Chapter 128 Section 1A. We the citizens of West Boylston restate and republish these rights pursuant to the Town's authority conferred by Article 89 of the Articles of Amendment of the Massachusetts Constitution, ("Home Rule Amendment").

This General By-law encourages the pursuit of agriculture, promotes agriculture-based economic opportunities, and protects farmland within the Town of West Boylston by allowing agricultural uses and related activities to function with minimal conflict with abutters and Town agencies. This By-law shall apply to all jurisdictional areas within the Town.

#### **Section 2 Definitions**

The word "farm" shall include any parcel or contiguous parcel of land, or water bodies used for the primary purpose of commercial agriculture, or accessory thereto.

The words "farming" or "agriculture" or their derivatives shall include, but not be limited to the following;

- Farming in all its branches and the cultivation and tillage of the soil;
- Dairying;
- Production, cultivation, growing, and harvesting of any agricultural, aquacultural, floricultural, viticultural, or horticultural commodities;

- Growing and harvesting of forest products upon forest land, and any other forestry or lumbering operations;
- Raising of livestock including horses;
- Keeping of horses as a commercial enterprise; and
- Keeping and raising of poultry, swine, cattle, ratites (such as emus, ostriches and rheas) and camelids (such as llamas and camels), and other domesticated animals for food and other agricultural purposes, including bees and fur-bearing animals.

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

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

### **Section 3 Right To Farm Declaration**

The Right to Farm is hereby recognized to exist within the Town of West Boylston. The above-described agricultural activities may occur on holidays, weekdays, and weekends by night or day and shall include the attendant incidental noise, odors, dust, and fumes associated with normally accepted agricultural practices. It is hereby determined that whatever impact may be caused to others through the normal practice of agriculture is more than offset by the benefits of farming to the neighborhood, community, and society in general. The benefits and protections of this By-law are intended to apply exclusively to those commercial agricultural and farming operations and activities conducted in accordance with generally accepted agricultural practices. Moreover, nothing in this Right to Farm By-law shall be deemed as acquiring any interest in land, or as imposing any land use regulation, which is properly the subject of state statute, regulation, or local zoning law.

### **Section 4 Disclosure Notification**

It is the policy of this community to conserve, protect and encourage the maintenance and improvement of agricultural land for the production of food, and other agricultural products, and also for its natural and ecological value. This By-law is intended to constitute disclosure notification is to inform buyers or occupants that the property they are about to acquire or occupy lies within a town where farming activities occur. Such farming activities may include, but are not limited to, activities that cause noise, dust and odors. Buyers or occupants are also informed that the buyer’s property within the Town may be impacted by commercial agricultural operations including the ability to access water services for such property under certain circumstances.

### **Section 5 Precedence**

In the event of conflict between this By-law and all other town regulations other than land use regulations, this By-law shall take precedence. In the event of conflict between this By-law and federal or state law, federal or state law shall take precedence respectively.

## **Section 6 Resolution of Dispute**

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

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

## **Section 7 Severability Clause**

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

## **ARTICLE 4 –**

Recommendation- Planning Bd, Town-Wide Planning, Bylaw Cmte, Agricultural Cmte  
Motion- Patrick McKeon, duly seconded by Lawrence Salate

Planning Board member Vincent Vignaly gave the following PowerPoint presentation:

### **Residential Cluster Development (RCD) Bylaw**

RCD is a form of subdivision design which protects open space, buffers abutting properties, provides flexible lot design, and does not increase the number of houses.

RCD is a recommendation in both the Town Master Plan and the Open Space and Recreation Plan.

#### **RCD Benefits**

- Town
  - Reduces infrastructure maintenance costs
  - Maintains community character
  - Provides vegetated perimeter buffer
  - Encourages network of trails and open space
  - Protects unique or fragile area
  - Reduces environmental impact of development
- Developer
  - Reduced infrastructure construction costs

- Adds amenities that enhance marketing/sales
- Decreases site development costs by designing with the terrain

### CASE STUDY

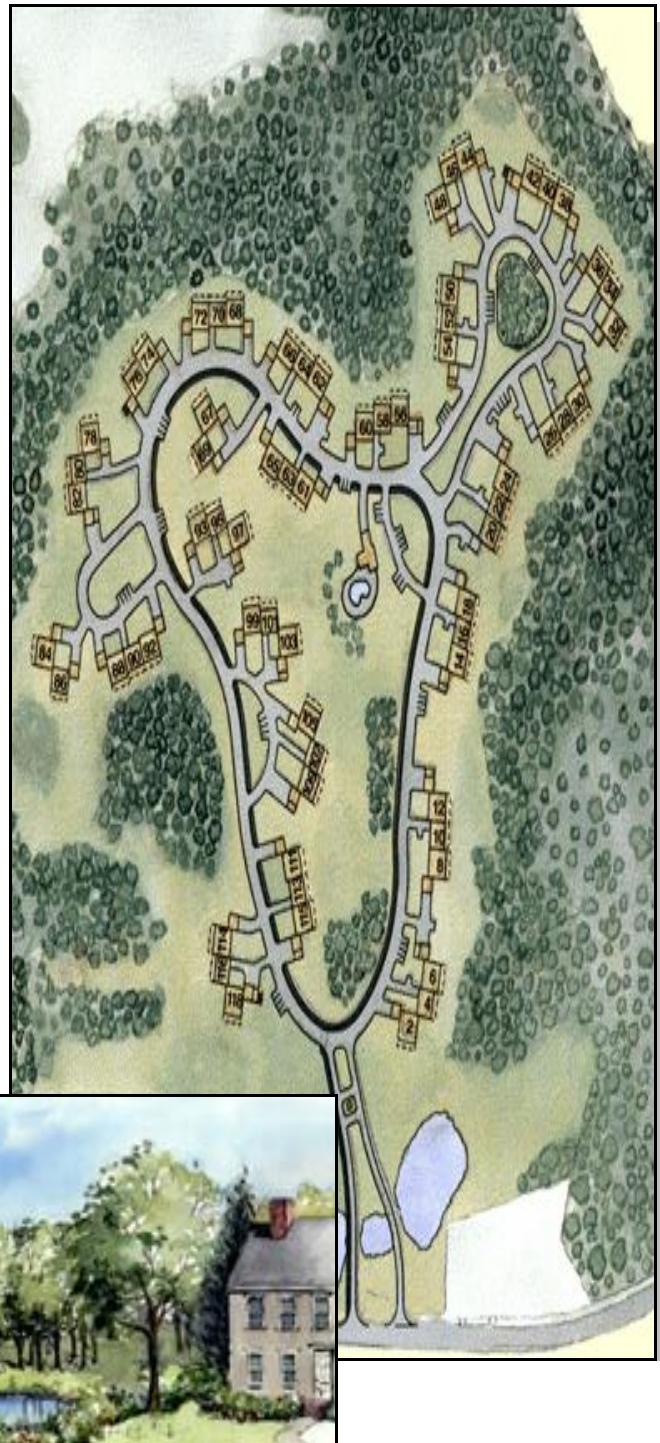
#### Caldwell Farm Newbury, MA

Caldwell Farm is a 66-unit housing project, 100 of the 125 acres being maintained as open space.

##### Lot Flexibility

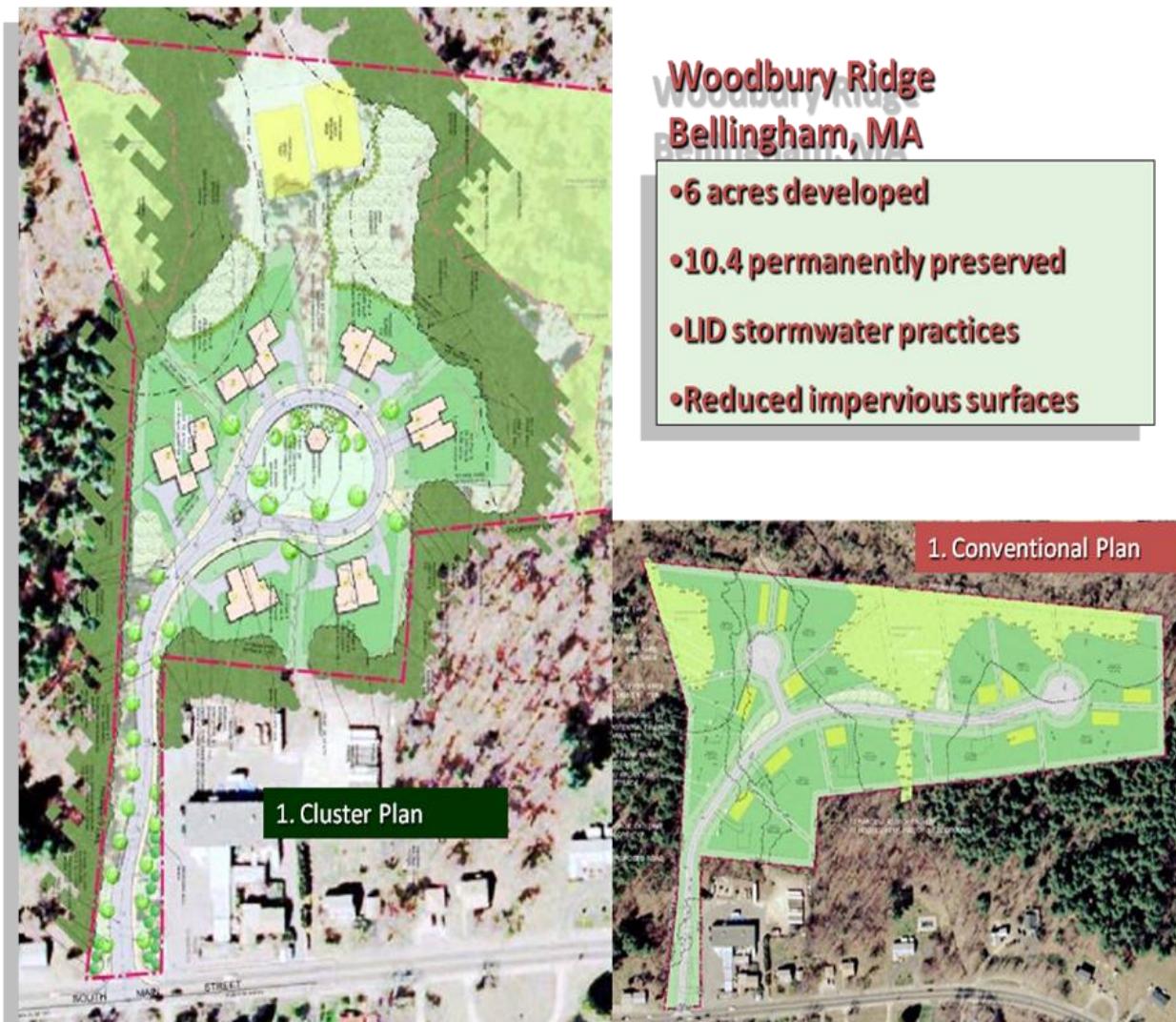
- Reduces minimum lot size to 5,000 sf (1/8 acre)
- Reduces minimum lot frontage to 50'
- Internal yard setbacks are 10'
- Increases perimeter building setback to 50' with 30' being a vegetated buffer screen

**And does not increase the number of houses allowed to be built on the property**

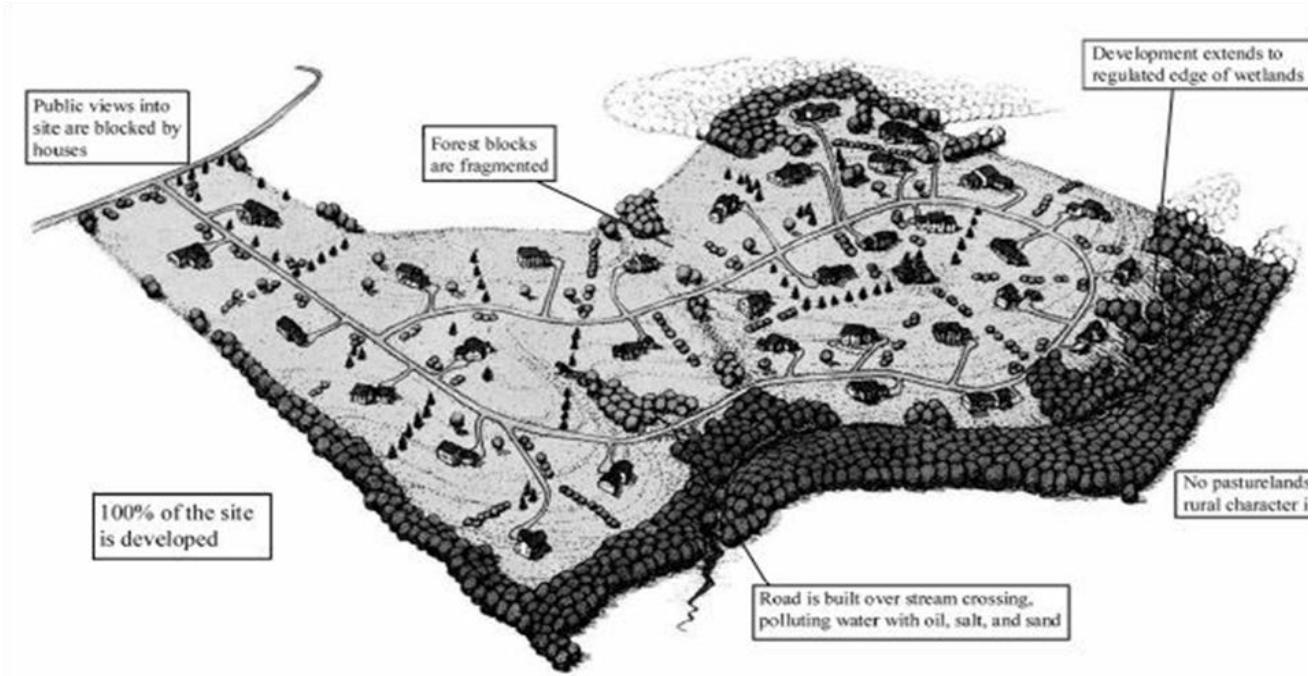


## Density Calculation

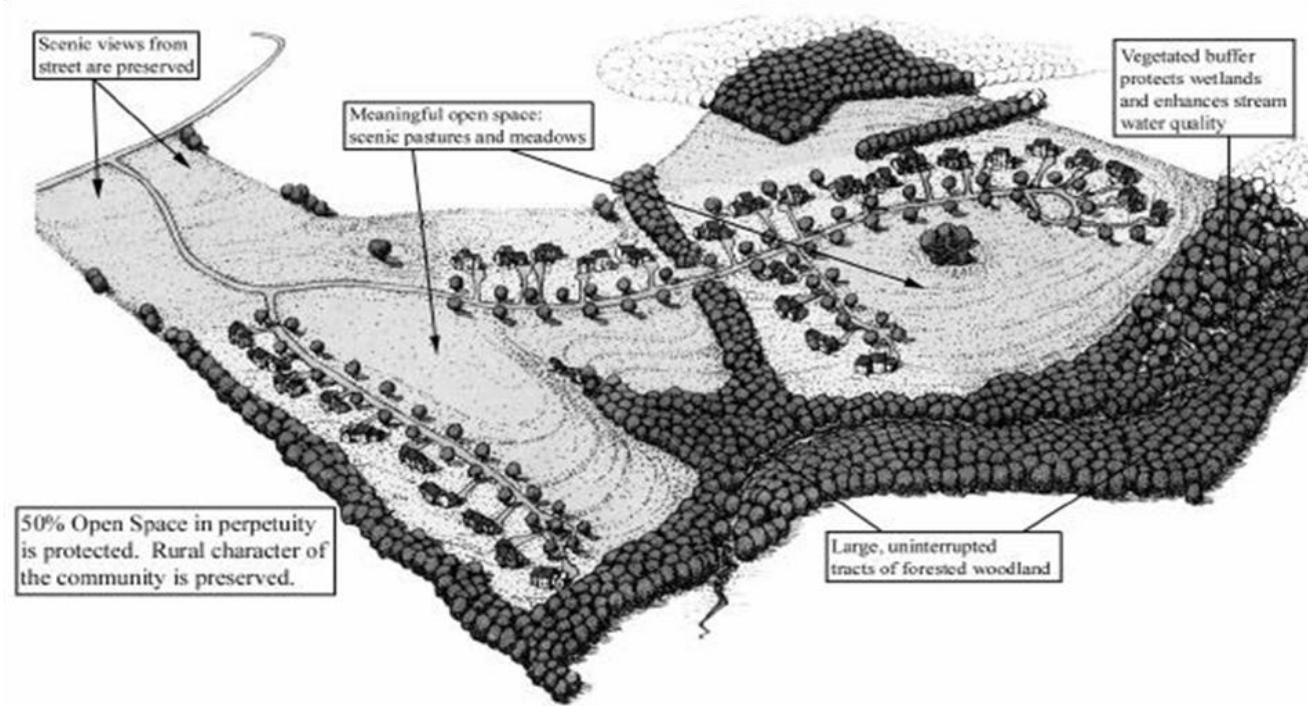
1. Applicants submit a Preliminary Subdivision Plan in compliance with Subdivision, Zoning and other regulatory requirements.
2. Planning Board (and its engineer) review to ensure feasible and adequate water, drainage, wastewater, and lot lines.
3. That plan sets the maximum number of units allowed on the tract.



## Conventional Subdivision



## RCD Subdivision



## **Benefits**

- Reduced construction costs
- Reduced Town maintenance costs
- Protected open space
- Vegetated perimeter screening/buffer
- Encourages network of trails and open space

## **5 Acre Minimum Tract Size**

Adoption of the bylaw does not require developers to use Residential Cluster Zoning; but provides an option for the design of new subdivisions.

## **Vote**

It was unanimously voted to amend the Zoning Bylaws of the Town by adding to Section 3 Use Regulations the following:

## **3.11. – RESIDENTIAL CLUSTER DEVELOPMENT**

### **3.11.A      Purpose**

The purpose of this Residential Cluster Development (RCD) By-law is to provide an alternative residential subdivision design concept to increase the supply of desirable housing in the Town of West Boylston, while maintaining or creating additional open spaces within the community.

Accordingly, the provisions of this section are intended to:

- (1) allow Residential Cluster Development in all zoning districts where residential use is allowed, subject to Subdivision Approval.
- (2) allow greater flexibility and creativity in the design of residential developments,
- (3) preserve the rural character while increasing the supply of attractive housing in the Town of West Boylston,
- (4) encourage the permanent protection and preservation of open space, agricultural and forestry land, and to protect natural and/or historical resources and vistas; and
- (5) encourage a greater diversity and distribution of housing to meet the needs of West Boylston residents and employees of the Town.

### **3.11.B      Definitions**

**Basic Density:** The number of residential dwelling units or lots (in a subdivision) as allowed in the zoning district without regard to this section and without waivers to the West Boylston Subdivision Regulations.

**Cluster Development:** A development pattern that arranges the layout of buildings in a compact area of the site so as to reserve a portion of the site for community open space or green space that is protected in perpetuity.

**Dwelling Unit:** A single habitable space with facilities which are used, arranged or designed to be occupied for living, sleeping, cooking and eating.

**Protected Open Space:** The portion of the tract(s) set aside in common ownership controlled by a Homeowners' Association and with a perpetual conservation restriction under G.L. c.184, §§31-32

held by the Town of West Boylston or by another governmental body or by a charitable corporation or trust. The Protected Open Space shall not consist of more than 50% of land that is considered wetland and/or contains slopes greater than 25%.

### **3.11.C      Applicability**

The provisions of this Section shall apply in all zoning districts where residential use is permitted. The tracts must have a minimum area of five (5) acres. The applicant shall follow the procedures stipulated in Section 3.11.E, and the West Boylston Subdivision Regulations. All requirements and procedures must be satisfied before a Building Permit may be issued.

### **3.11.D      Standards**

- 1) The maximum number of lots/dwelling units permitted within the RCD shall be based on the Basic Density unless granted a Special Permit under the Incentive Bylaw, Section 3.10 of the Zoning Bylaws.
- 2) The Protected Open Space shall be a minimum of forty (40) percent of the tract area.
- 3) A minimum vegetated buffer of 30 feet wide and 8 feet high shall be required along the perimeter of the development tract that borders public ways, Residential Districts or residential uses. This vegetated buffer shall provide visual screening during all seasons. Access ways shall be the only allowable openings. This vegetated buffer can be used as all or part of the Protected Open Space.
- 4) There shall be a minimum lot frontage of 50 feet for subdivided lots in the development tract.
- 5) Multi-family housing must be located where multi-family use is allowed according to Section 3.2.B Schedule of Use.
- 6) There shall be a minimum building setback of 50 feet from all tract perimeter boundaries.
- 7) There shall be a minimum 10 foot setback from internal lot lines.
- 8) There shall be a minimum lot size of 5,000 square feet. (Chapter 40A, Sec. 6).

### **3.11.E      Procedures**

All projects shall comply with the following procedures as applicable:

1. Pre-application Meeting: The applicant is encouraged to request a pre-application meeting with the West Boylston Planning Board to discuss the project proposal.
2. Submit Planning Board RCD Application Package: The applicant shall make a formal application that includes two design plans: one following conventional Preliminary Subdivision design (to determine the Basic Density), as well as the Residential Cluster Design subdivision to the West Boylston Planning Board. The applicant is required to comply with all other applicable Zoning and/or Subdivision Regulations not expressly specified in this section. Low impact development concepts and practices are strongly encouraged.

3. Planning Board Review: The Planning Board shall hold a public hearing regarding the application and follow the process in accordance with the Subdivision regulations. The Planning Board decision may require modifications, conditions and safeguards
4. Planning Board Decision: Following the close of the public hearing, the Planning Board shall issue Definitive Subdivision Plan Approval as the specific timeline of approval stipulates, and which shall contain conditions of approval.

### **3.11.F Administration and Enforcement**

1. **Authority:** The Planning Board shall be the authority to administer and enforce this section
2. **Legal restrictions:** All restrictive instruments shall be subject to prior review and approval by the Planning Board and no occupancy permits may be issued until the Planning Board, in consultation with Town Counsel, issues such approval. All Subdivision and/or Homeowner or Condominium documents and fees shall be subject to review and approval by the Planning Board and review and approve as to form by Town Counsel.
3. **Timing of commitments:** All contractual agreements with the Town and other documents necessary to ensure compliance with this Section shall be executed prior to and as a condition of the issuance of a Building Permit or occupancy permit, as may be specified herein.
4. **Timing of construction:** As a condition of the issuance of approval under this Section, the Planning Board may set a time schedule for the construction. When no schedule is specified as a condition of approval, all construction in the development must be completed within five (5) years of the date of approval.
5. The Planning Board may adopt regulations to facilitate the administration of this section.

### **3.11.G Conflict with Other By-laws**

The provisions of this by-law shall be considered supplemental to existing zoning by-laws. To the extent that a conflict exists between this by-law, and others, the provisions of this by-law shall apply.

### **3.11.H Severability**

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

## **ARTICLE 5-**

Motion- Christopher Rucho, second by Kevin McCormick

It was unanimously voted to Pass Over this article. This article would have amended Section 1.4C of the Zoning Bylaws by deleting the words "Board of Selectmen" and inserting "Inspector of Buildings" so that the bylaw would read;

### **1.4 Non-Conformity**

#### **C. Temporary Use**

The Inspector of Buildings may permit a non-conforming temporary building or use incidental to the development of a neighborhood; such permit to be issued for an initial period of not more than one year, and for renewal periods of not more than one year.

## **ARTICLE 6**

Recommendation- Housing Partnership, Affordable Housing Trust, Bylaws Committee, Planning Board

Motion- Steven Quist, second by Christopher Rucho

It was unanimously voted to amend the language in **Article XXXIV- HOUSING PARTNERSHIP COMMITTEE** by:

(a) Deleting the first sentence of **Section 1**, captioned “**Membership**,” and replacing it with the following sentences: “There is hereby established a Housing Partnership Committee of the Town of West Boylston. The Trustees of the West Boylston Affordable Housing Trust shall serve as the members of the Housing Partnership Committee.”

(b) Deleting the second and third sentences of **Section 5**, captioned “**Qualifications**,” and replacing it with the following sentence: “Each member of the Housing Partnership Committee shall serve for a term of two (2) years.”

## **ARTICLE 7**

Motioned by Barry Esteves and second by Christopher Rucho to accept Article 7 as printed in the warrant changing the reference to “Section 10” of Chapter 188 to “Section 42” of Chapter 188.

It was voted to accept Massachusetts General Laws Chapter 59, Section 5, Clause 56, pursuant to Section 42 of Chapter 188 of the Acts of 2010, whereby the West Boylston Board of Assessors may grant real and personal property tax abatement up to 100 per cent of the total tax assessed to members of the Massachusetts National Guard and to reservists on active duty in foreign countries for the fiscal year they performed such service subject to eligibility criteria to be established by the Board of Assessors, with the authority to grant such abatements to expire two years after acceptance unless extended by further vote of the Town Meeting.

## **ARTICLE 8**

Motion- Kevin McCormick, second Christopher Rucho

It was unanimously voted to amend Section 2 of Article 21, the Personnel Bylaw, by deleting the following from the first sentence of Section 2:

“There shall be a Personnel Board consisting of five (5) voters, one or two appointed each year for a term of three years each. The Personnel Board shall be appointed by the Board of Selectmen and shall consist of voters of the town who do not hold elective or appointed office and who are not employees of the town.”

### **And inserting:**

“There shall be a Personnel Board consisting of five (5) members, one or two appointed each year for a term of three years each. The Personnel Board shall be appointed by the Board of Selectmen and shall consist of four voters of the town who do not hold elective or appointed office and who are not employees of the town and one member shall be a non-union employee of the town.”

## **ARTICLE 9**

Motion- John O’Brien, second Kevin McCormick

It was voted to amend Section 5 Personnel Policy of Article 21, the Personnel Bylaw S. COMPASSIONATE LEAVE

**by deleting the following:**

'Up to three (3) days of absence with pay may be granted to full-time and part-time employees by the department head when death occurs in his or her "immediate family". Immediate family is defined as husband, wife, son, daughter, father, mother, father-in-law, mother-in-law, brother, sister, grandchild or any other person living with the employee.'

**And inserting,**

'Up to four (4) days of absence with pay may be granted to full-time and part-time employees by the department head when death occurs in his or her "immediate family". Immediate family is defined as husband, wife, son, daughter, father, mother, father-in-law, mother-in-law, brother, sister, grandchild or any other person living with the employee.'

**ARTICLE 10**

Recommendation- Board of Health

Motion- Christopher Rucho, second by Kevin McCormick

It was voted to create the position of Administrator/Inspector for the Board of Health to be classified at Grade 4 as a non-exempt and to amend Section 5, Part AA of Article 21, the Personnel Bylaw to read:

- Grade 4.**      Administrative Assistant to the Chief of Police  
                      Administrative Secretary for Streets and Parks  
                      Administrative Assessors  
***Administrator/Inspector for the Board of Health***  
                      Assistant Tax Collector  
                      Assistant Treasurer  
                      Dispatcher

**ARTICLE 11**

Recommendation- Board of Health

Motion- Steven Quist, second by Christopher Rucho

It was voted to change the classification of the Board of Health Secretary Grade 3 to Administrator/Inspector for the Board of Health Grade 4.

**ARTICLE 12**

Recommendation- Director of Public Works

Motion- Kevin McCormick, and second by Christopher Rucho to move the article as printed in the warrant deleting the words "or take any other action relative thereto", and deleting the words, "repaying the general fund and/or"

It was unanimously voted to transfer the sum of Twenty-Seven Thousand Nine Hundred Sixty-Three Dollars and Ninety-Six Cents (\$27,963.96) from the Sewer Enterprise Start-up Betterment Revenue Reserved Fund Balance to repay the Stabilization Fund for start-up costs.

## **ARTICLE 13**

Recommendation- Sewer Director

Motion- John O'Brien, second by Kevin McCormick

It was unanimously voted to transfer the sum of \$22,000 from the Sewer Enterprise Retained Earnings – Replacements Fund Balance established under the 1999 Inter-municipal Agreement with Holden to purchase a computer system for the woodland pumping station to be expended under the direction of the DPW Director by June 30, 2011.

## **ARTICLE 14**

Recommendation- Housing Authority, Historical Commission, Open Space Advisory Cmte

### **Article 14- Motion to split**

Motion- Patrick J Crowley of the Community Preservation Commission it was moved and seconded by Christopher Rucho that the article be divided as follows: That a separate motion be presented for each appropriation. Unanimously voted.

### **Motion 14A**

Motion - Patrick Crowley, second by Christopher Rucho.

I move that the town vote that \$25,000 be appropriated from the fund balance designated for Affordable Housing Purposes for replacement of roofs at the West Boylston Housing Authority.

### **Housing Authority Roofing Project**

West Boylston Housing Authority member Marcia Cairns gave the following PowerPoint presentation;



The Housing Authority is seeking \$25,000 to replace the shingles on the three buildings which are most in need of replacement, and in eminent danger of leaking.

This complex consists of 36 elderly/handicapped apartments and 18 two and three bedroom townhouse style family units, 33 of which were built in 1983.



These roofs are the original roofs put on the buildings when Orchard Knoll was built in 1982.

Orchard Knoll is the only true low income housing in West Boylston.

#### **Average Gross Income;**

**Elderly/Handicap-** \$16,456, average rent \$372 (includes utilities).



**Family Household-** \$11,994, average rent is \$244 (includes water and sewer)

This project will serve to preserve four Elderly Units and four Family Units.

**Orchard Knoll is governed by;**

The State Department of Housing and Community Development, and owned by the West Boylston Housing Authority



**Director of the West Boylston Housing Authority** Anita Sullivan issued the following report:

Hi, my name is Anita Sullivan and I am the Director of the West Boylston Housing Authority. I'd like to make a personal plea on behalf of myself, the Board, our residents, and our future residents. I think it's important to emphasize the fact that Orchard Knoll is a valuable asset of the Town. 93% of our residents were from West Boylston before they moved into Orchard Knoll. These apartments allow townspeople to remain in Town when they are looking to downsize, or for our families, when circumstances have left them without means to afford housing elsewhere in Town. Our elderly/disabled residents are paying rents which are 30% of their income including utilities; our families pay 27% and only water and sewer are included. They could not afford an apartment anywhere else in Town. I receive calls on a regular basis from townspeople looking for housing for their parents, or an aunt or their children or

themselves. We continue to provide truly affordable options for seniors and families who are able to continue to reside in “their” town BECAUSE or Orchard Knoll.

Ten percent of the Community Preservation funds are allocated for affordable housing, and we meet the guidelines for an approvable project. As you can see in the pictures we’ve presented the need for the reroofing is critical. The \$25,000 we are requesting will serve to preserve four family townhouses and four elderly units. This is truly an emergency need, one for which current funding is unavailable through the state. We truly would appreciate your support in utilizing these CPC funds, that are allocated for affordable housing for this worthwhile project.

#### **Vote 14A**

##### **Housing Authority Roofs;**

It was unanimously voted to appropriate the sum of \$25,000 from the fund balance designated for Affordable Housing Purposes for the replacement of roofs at the West Boylston Housing Authority.

#### **Motion14B**

##### **Beaman Cemetery Preservation**

Motion- Patrick Crowley, second Christopher Rucho

I move that the town vote that \$13,000 be appropriated from the fund balance designated for Historical Preservation to fund the conservation of the Beaman section of the Mount Vernon Cemetery.

#### **Vote 14B**

It was unanimously voted that the sum of \$13,000 be appropriated from the fund designated for Historical Preservation to fund the conservation of the Beaman section of the Mount Vernon Cemetery.

#### **Motion 14C**

##### **Kent Property Acquisition**

Motion- Patrick Crowley, second Vincent Vignaly

I move that the Town authorize the Board of Selectmen to acquire for open space purposes from the Greater Worcester Land Trust, by gift, purchase, or eminent domain, a parcel of land located on Lee Street, containing 5.39 acres and described more particularly in Land Court Document No. 73105, with the care, custody management and control of said parcel to be held by the Conservation Commission under the provisions of Section 8C of Chapter 40 of the General Laws, and appropriate and transfer the sum of \$70,000.00 from the Fund Balance Designated for Open Space for said acquisition and costs related thereto, and authorize the Board of Selectmen and/or the Conservation Commission to file on behalf of the Town any and all applications for funds in any way connected with the scope of this acquisition and execute any and all instruments to effectuate said purchase, and, further, authorize the Board of Selectmen and/or the Conservation Commission to convey to the Greater Worcester Land Trust and the West Boylston Water District a conservation restriction on said parcel in accordance with Chapter 184 of the General Laws, as required by Section 12(a) of Chapter 44B of the General Laws.

Open Space member Vincent Vignaly gave the following PowerPoint presentation;

Vincent Vignaly, Chairman of the Planning Board gave comment on the following PowerPoint presentation;

#### **KENT PROPERTY ACQUISITION 30 LEE STREET**

5.4 Acres next of Lee Street Well  
 Assessed value \$149,000  
 Appraised value \$140,000

	DCS GRANT	CPA	WB WATER DISTRICT	TOTAL
LAND COSTS	\$70,000	\$70,000	\$15,000	\$155,000
ACQUISITION COSTS	\$0	\$0	\$5,000	\$5,000
<b>TOTAL</b>	<b>\$70,000</b>	<b>\$70,000</b>	<b>\$20,000</b>	<b>\$160,000</b>

### CPA FUNDING

Currently \$83,000 is in an account designated Open Space. Limited ONLY for Open Space Projects.

### End Results

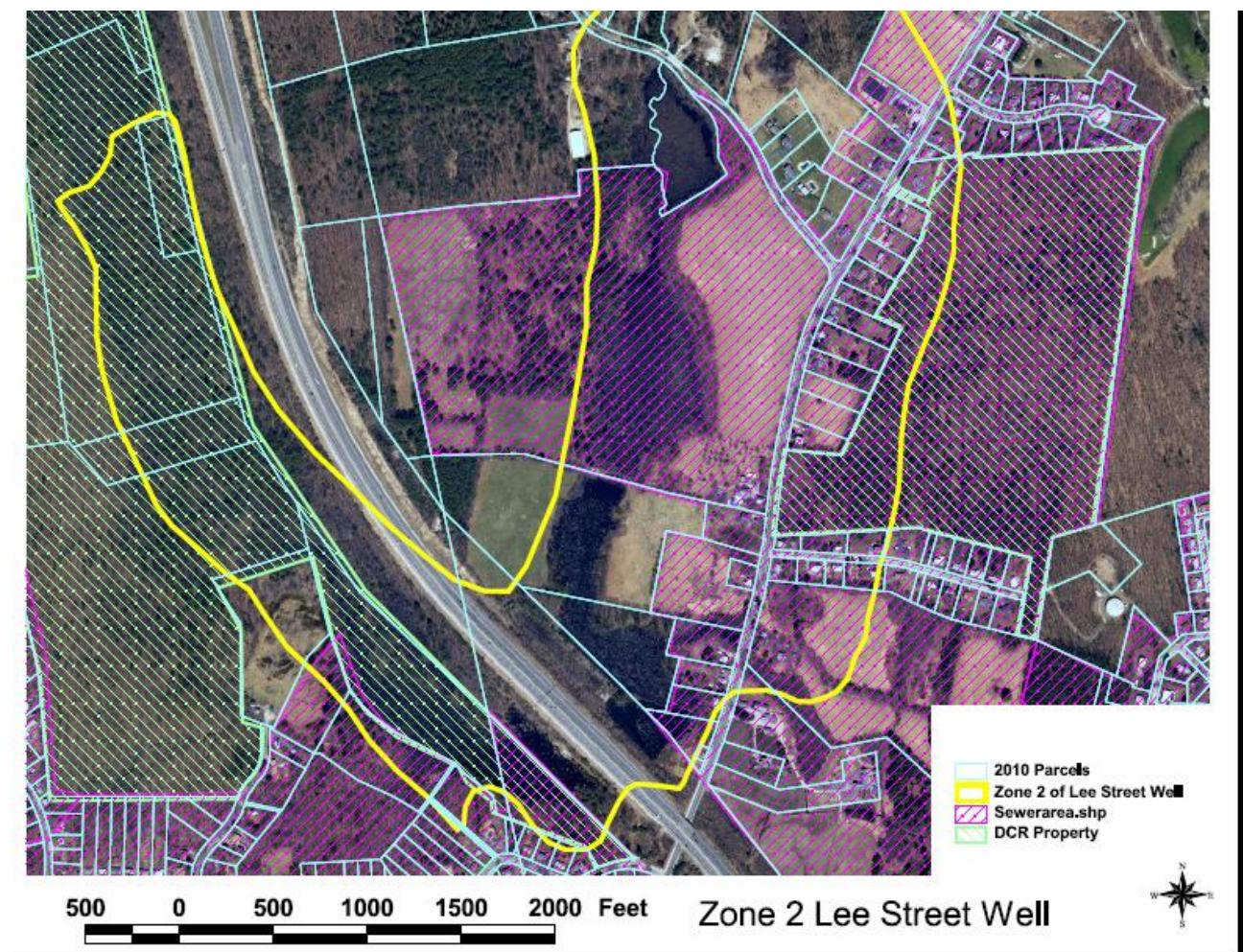
- Town to own land in fee
- WB Water District to monitor and maintain
- WB Water District and Greater Worcester Land Trust will co-hold a Water Protection Restriction to limit future activity
  - No buildings or impervious areas
  - No animals or motorized vehicles
- Passive recreation allowed to public lands
  - Walking, snowshoeing, cross-country skiing

### Justification

- Permanent protection of well head area
- Within 400' of Lee Street Well
- Passive recreations- walk, ski, snowshoe
- WB Master Plan
- WB Water District Plan
- WB Open Space and Recreation Plan

### Potential Partial Funding

- Application made by GWLT for Grant Funds
  - Division of Conservation Services, (DCS not DCR) Conservation Partnership Grant for \$70,000
  - Supported by Greater Worcester Land Trust, DCR-Water Supply, WB Water District, and OSIC
- Selection notice expected in October



West Boylston Water District Commissioner John Wilson issued the following report:

On behalf of the West Boylston Water District, I would like to thank the Town of West Boylston Community Preservation Committee and the Greater Worcester Land Trust for their efforts involving the land acquisition of the Kent Property on Lee Street. This property is located within the Zone II protection area of our Lee Street Well, above a medium to high yield aquifer, and it could be considered a potential threat to the source water if it is allowed to be developed. The District is prepared and interested in acquiring the rights to a Conservation Restriction on this property for the purpose of protecting the District's water supply. The acquisition of this property would help us in protecting a critical water resource for the Town of West Boylston and the Water District.

#### **Vote 14C**

#### **Kent Property Acquisition**

It was unanimously voted that the Town authorize the Board of Selectmen to acquire for open space purposes from the Greater Worcester Land Trust, by gift, purchase, or eminent domain, a parcel of land located on Lee Street, containing 5.39 acres and described more particularly in Land Court Document No. 73105, with the care, custody management and control of said parcel to be held by the Conservation Commission under the provisions of Section 8C of Chapter 40 of the General Laws, and

appropriate and transfer the sum of \$70,000.00 from the Fund Balance Designated for Open Space for said acquisition and costs related thereto, and authorize the Board of Selectmen and/or the Conservation Commission to file on behalf of the Town any and all applications for funds in any way connected with the scope of this acquisition and execute any and all instruments to effectuate said purchase, and, further, authorize the Board of Selectmen and/or the Conservation Commission to convey to the Greater Worcester Land Trust and the West Boylston Water District a conservation restriction on said parcel in accordance with Chapter 184 of the General Laws, as required by Section 12(a) of Chapter 44B of the General Laws.

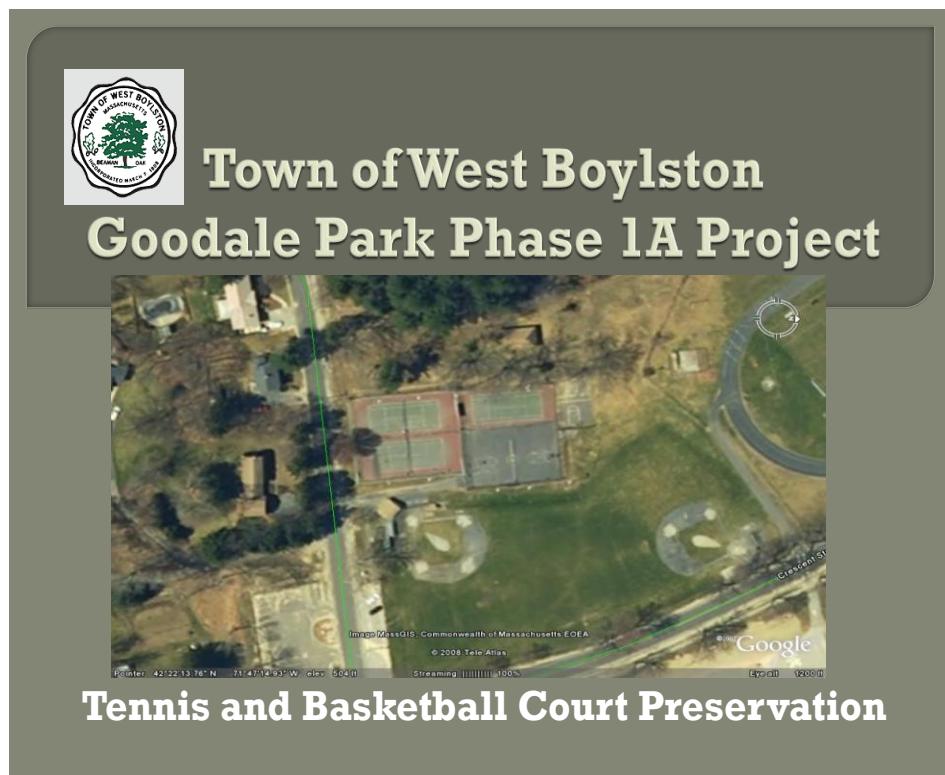
## **ARTICLE 15**

Recommendation- Parks Facilities Cmte, Open Space Advisory Committee, Town-Wide Planning, Finance Committee, Capital Investment Board

Motion- Christopher Rucho, second by Kevin McCormick

Patrick Inderwisch, Parks Facilities Cmte gave the following PowerPoint Presentation;

“Good evening Mr. Moderator and Residents. The Parks Facilities Committee has been working since Nov. 2006 on the Preservation of the Goodale Park Tennis and Basketball Project. As you all are aware, Town Meeting last May approved funding this project. The Project began construction in August and is approx. 70% complete. Anyone who has used these facilities in recent years knows that the courts were in deplorable condition and were in jeopardy of being closed due to structural and safety concerns. The Project not only preserves this asset of our Town, but addresses the drainage and erosion issues which were the underlying cause of the deterioration of the Courts. Tonight we ask for your support to complete this project and provide for its lighting.”



## **PROJECT TEAM:**

- Warner Larson, Inc., Landscape Architects
- Office of Allen M. Lieb Architects, PC, LTD
- Green Acres Landscape Construction  
General Contractor
- CSI Engineering, LLC  
Electrical Engineer
- Briggs Engineering and Testing  
Geotechnical Engineer
- Nitsch Engineering, Inc.  
Civil Engineer
- West Boylston Parks Facilities Committee

“PROJECT TEAM: Again, this is a list of the Project Team which was presented last May, with the addition of the General Contractor, Green Acres Landscape Construction. The other Team Members are Warner Larson Landscape Architects of Boston, Allen M. Lieb Architects of Lynnfield, CSI Engineering of Saugus, Briggs Engineering and Testing of Rockland and Nitsch Engineering of Boston. “

TENNIS COURTS



BASKETBALL COURTS



“PREVIOUS CONDITIONS: This was a view looking west showing major cracks within the courts. Each year, due to underlying subsurface conditions, the Courts cracked due to frost heaves and a lack of a proper drainage. The concrete bases, which encapsulate the steel poles that attach to the Tennis

Court nets, had actually heaved out of the ground.”

TENNIS COURTS



BASKETBALL COURTS



“CURRENT CONDITIONS: This is a view looking north at the new conditions of the tennis courts with the 1<sup>st</sup> course of pavement put down last week. To the right is a view of the basketball courts looking east, ready for pavement. “

STORM WATER RUNOFF, EROSION &  
DRAINAGE PROBLEMS



DETERIORATING FOUNDATIONS



“MORE PREVIOUS CONDITIONS: Here is an example of the deterioration of the old court’s foundation. Without proper drainage, storm water runoff contributed to the continual erosion problems. As you can see, the concrete base of the existing fence pole was exposed and the foundation was crumbling. Storm Water runoff and erosion impacted the areas below the courts near the Concession Stand.”

**NEW PERIMETER DRAIN, RETAINING  
WALL WITH SUBSURFACE DRAINAGE  
SYSTEM**



**NEW FOUNDATION, RETAINING WALL  
AND SUBSURFACE DRAINAGE SYSTEM**



**“CURRENT CONDITIONS:** Erosion and storm water runoff problems have been eliminated through the installation of retaining walls, a perimeter drain around all the courts and a subsurface drainage system. Additionally, elevation and grading changes have been made to assist with controlling storm water runoff and ponding in sensitive areas.”

**EROSION & FOUNDATION PROBLEMS**



**STORM WATER RUNOFF, EROSION ,  
DRAINAGE & FOUNDATION PROBLEMS**



“This is a view looking east and southeast at the previous conditions. Again, the foundation was exposed and there was significant soil erosion. Erosion impacted the surrounding terrain and passive open space areas.”

**INSTALLATION OF PERIMETER DRAIN AND SUBSURFACE DRAINAGE SYSTEM**



**NEW GRADING**



**“CURRENT CONDITIONS:** This is another view of the new perimeter drain system, the installation of erosion control matting and new grading contours to assist in controlling storm water runoff and eliminating the erosion problems.”

**INSTALLATION OF ENGINEERED LIGHT POLE BASE**



**ADDITIONAL ENGINEERED LIGHT POLE BASE**



**“CURRENT CONDITIONS:** These are photos of the installed engineered light pole bases. The tennis courts have 4 bases installed and the basketball courts have 2 installed. All bases were installed with electrical conduits and they are ready for the light poles, fixtures and wiring to be installed, if it is approved tonight.”

NEW ELECTRICAL SERVICE TO POWER  
LIGHTING



PROPOSED COMPLETED PROJECT  
RENDERING



“CURRENT CONDITIONS: Above, you can see the installed three phase electrical service, which will power the lighting for the courts. The project is on schedule and we anticipate substantial completion by the end of the month and project closeout by mid April after the court color surfacing has been completed. As the Committee said back in May, this project does not have any bells or whistles and has been built as proposed. We ask for your vote to support the funding for the installation of the electrical, light poles and fixtures to light the courts for generations to come and complete this project.”

It was voted to raise and appropriate the sum of \$70,000 for the install of lights at Goodale Park to be expended under the direction of the Parks Facilities Committee by June 30, 2011.

## **ARTICLE 16**

Recommendation- Police Chief, Finance Committee, Capital Investment Board  
Motion- Steven Quist, Christopher Rucho

It was voted to raise and appropriate the sum of \$33,000 for the purchase of police cruiser.

## **ARTICLE 17**

Recommendation- Finance Committee, IT, Assessors, Department of Public Works  
Motion- Kevin McCormick, second John O’Brien

It was unanimously voted to raise and appropriate the sum of \$10,000 for the purchase of an online GIS service to be expended by June 30, 2011.

## **ARTICLE 18**

Motion- John O'Brien, second Christopher Rucho

It was unanimously voted to Pass Over the article. This article would have raised and appropriated or transferred from available funds or from any unexpended balances of Fiscal Year 2011 appropriations, hitherto made, to Fiscal Year 2011 appropriation accounts.

## **ARTICLE 19**

Recommendation- Finance Committee, Capital Investment Committee, Town-Wide Planning Cmte  
Motion- Christopher Rucho, second Kevin McCormick

It was unanimously voted to transfer from Certified Free Cash the sum of \$150,000 to the Stabilization Fund.

## **ARTICLE 20**

Recommendation- Finance Committee, Capital Investment Committee, Town-Wide Planning Cmte  
Motion- Steven Quist, second Kevin McCormick

It was unanimously voted to transfer from Certified Free Cash the sum of \$240,498 to the Capital Investment Fund.

Motion and second to dissolve the meeting.

Meeting dissolved at 9:55 p.m.

Attest

Kim D. Hopewell  
Town Clerk