

## TOWN OF WEST BOYLSTON

### Town Clerk Meeting Minutes

#### OCTOBER 17, 2005 Semi-Annual Town Meeting

Article 1, Section 3 of the Town of West Boylston's General By-laws state; "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."

The Moderator was informed that 101 legal voters were in attendance and that the quorum requirements have been met.

Town meeting was called to order at 7:12 p.m.

The following people were sworn in as tellers:

Barbara Mard  
Edward Cairns  
Margaret Farwell  
John McCormick III  
Richard Butler

Marcia Cairns  
Susan Abramson  
Pauline McCormick  
Louise Howland

Following the pledge of allegiance, a moment of silence was conducted for all members of our community who have passed since our last meeting, and the members of the armed services who have given the ultimate sacrifice in Iraq, Afghanistan and around the world.

Upon a motion by Alexander Fallavollita and seconded by Allen Phillips, it was unanimously voted to accept the provisions of Massachusetts General Laws Chapter 39 § 15 for this town meeting.

A motion was made by Alexander Fallavollita and seconded by Allen Phillips to waive the reading of the Warrant and to strike the words "or take any other action relative thereto."

#### **ARTICLE 1 - AUTHORIZATION TO HEAR THE REPORTS OF OFFICERS AND COMMITTEES OF THE TOWN**

Motion- Alexander Fallavollita  
Second- Christopher Rucho  
Sponsor- Board of Selectmen

It was unanimously voted to hear special reports of the officers and standing committees of the town.  
The following reports were heard:

**Board of Health-** Chairman Robert Barrell recognized retiring BOH Secretary Elizabeth Dahlin for 8 years of dedicated service to the board from 1997-2005. In her absence Selectman Allen Phillips accepted the plaque on Mrs. Dahlin's behalf.

**Planning Board-** Chairwoman Karen Paré commented on the work that is currently in front of the board which includes the following: 5 site plan reviews, monitoring of 17 site plans and 4 subdivisions. Fifteen ANR plans have also been presented to the board for signatures. Mrs. Paré She also commented on upcoming issues regarding zoning changes, such as Village Zoning, mixed business uses, incentive zoning, and conservation restrictions. Mrs. Paré also noted that the Master Plan was approved by the Planning Board on Sept. 14, 2005 and that copies may be obtained at the Town Administrator's office as well as the Town Clerk's office. The Master Plan may be reviewed on the towns web-site as well. She expressed her gratitude to the members of the Town-wide Planning Committee.

**ARTICLE 2 – ADOPT RESOLUTION OF APPRECIATION FOR WORK OF TOWN WIDE PLANNING COMMITTEE ON THE MASTER PLAN FOR THE TOWN OF WEST BOYLSTON**

Motion- James Ryan  
Second- Allen Phillips  
Sponsor- Town Administrator

It was unanimously voted to adopt a resolution of appreciation for the work of the Town Wide Planning Committee in preparing the Master Plan.

Town Administrator Leon Gaumond, Jr. wished to acknowledge the hard work of Central Mass. Regional Planning Commission representative Bill Scanlon, Finance Committee representative and Vice Chairman of the TWPC Christopher Berglund, Clerk Charles Greenough, Planning Board Representative Elise Wellington, School Committee Representative Richard Baker, Town Employee Representative John McCormick III, Citizen Representatives Dr. Robert Tashjian, Barbara Wyatt, Joanne Dunne, Michelle Harris, Christopher Herbert, Susan Meola and all other past members who have dedicated countless hours of studies and surveys performed by the board.

**ARTICLE 3 - APPROPRIATION OR TRANSFER OF FUNDS FOR PUBLIC SHADE TREE PRUNING, LIMB CUTTING, TREE CUTTING AND CLEARING TO BE EXPENDED BY THE TREE WARDEN**

Motion- Allen Phillips  
Second- Alexander Fallavollita  
Sponsor- Board of Selectmen  
Finance Committee- recommends approval of this article

It was unanimously voted to transfer Twenty Thousand Dollars and No Cents (\$20,000.00) from Overlay Surplus to be expended by the Tree Warden with prior approval of the Board of Selectmen for the purpose of pruning, removing branches and limbs, and cutting and clearing public shade trees that are dead, dying, or deemed to be a public safety hazard; said activities to be undertaken by the Tree Warden in conformity with all applicable laws and permit requirements.

**ARTICLE 4 – APPROPRIATION OR TRANSFER OF FUNDS TO BE EXPENDED BY THE WEST BOYLSTON HISTORICAL COMMISSION**

Motion- Kevin McCormick  
Second- Alexander Fallavollita  
Sponsor- Historical Commissioners  
Finance Committee- recommends approval of this article  
Historical Commissioners- recommends approval of this article

It was unanimously voted to transfer the sum of Two Thousand Dollars and No Cents (\$2,000.00) from the Overlay Surplus to the West Boylston Historical Commission for expenses in connection with the placement of the Holbrook Chapel and the Mount Vernon Cemetery on the National Register of Historic Places.

**ARTICLE 5 – APPROPRIATION OR TRANSFER OF FUNDS TO THE CEMETERY DEPARTMENT'S SALARY AND WAGES BUDGET LINE ITEM**

Motion- Christopher Rucho  
Second- Kevin McCormick  
Sponsor- Cemetery Trustees  
Finance Committee- recommends approval of this article  
Cemetery Trustees- recommends approval of this article

It was unanimously voted to raise and appropriate the sum of One Thousand Fifty-five Dollars and No Cents (\$1,055.00) to the Fiscal Year 2006 Cemetery Salary and Wages Account, Budget Line Item #04-91-5100.

**ARTICLE 6 – APPROPRIATION OR TRANSFER OF FUNDS TO THE BUILDING INSPECTOR'S PURCHASED SERVICE BUDGET LINE ITEM**

Motion- Alexander Fallavollita  
Second- Allen Phillips  
Sponsor- Town Administrator  
Finance Committee- recommends approval of this article

It was unanimously voted to raise and appropriate the sum of Thirty Thousand Dollars and No Cents, (\$30,000.00) to the Fiscal Year 2006 Building Inspector Purchase of Services Account, Budget Line Item #02-41-6200.

#### **ARTICLE 7 – APPROPRIATION OF FUNDS TO THE BUILDING INSPECTOR'S SALARY BUDGET LINE ITEM**

Motion- James Ryan  
Second- Kevin McCormick  
Sponsor- Town Administrator  
Finance Committee- recommends approval of this article

Members of boards, committees, citizens and developers expressed their concerns regarding the need for the town to hire a state qualified full-time building inspector to properly inspect building projects and zoning enforcement issues throughout the town. Town Administrator Leon Gaumond, Jr. noted that the citizens may attend meetings of the Board of Selectmen's to discuss this matter in more depth, but the scope of this article is to fund the part-time building inspector's position until the end of this fiscal year.

After much debate it was voted by a majority to transfer the sum of Fifteen Thousand Dollars and No Cents (\$15,000.00) from Overly Surplus to the Fiscal Year 2006 Building Inspector Salary and Wages Account, Budget Line Item #02-41-5100.

#### **ARTICLE 8 - AUTHORIZATION TO AMEND THE TOWN OF WEST BOYLSTON'S GENERAL BYLAWS REGARDING A CAPITAL INVESTMENT BOARD**

Motion- Allen Phillips  
Second- Alexander Fallavollita  
Sponsor- Town Administrator  
Bylaw Committee- recommends approval of this article

It was moved to accept Article 8 as printed in the warrant amending Section A to read "In accordance with Chapter 117 of the Acts of 1995" and deleting the words "or take any other action relative thereto".

It was unanimously voted to amend the Town of West Boylston's General Bylaws amending Article IV OFFICE OF FINANCIAL MANAGEMENT by re-titling the existing Section 8 as Section 9 and inserting the following as Section 8:

#### **Section 8 - Capital Investment Board**

- (A) Section 2 of Chapter 117 of the Acts of 1995 established a board to be known as the Capital Investment Board comprised of seven (7) voters of West Boylston, of whom at least four shall be members of the Finance Committee. Said Board shall choose its own officers, set its own rules and shall serve without pay, except the clerk who may receive reasonable compensation for his/her services. The Clerk of this Board may or may not be a member of the Board. The Moderator shall appoint the members of this Board for a term of three years. The Moderator shall forthwith fill by appointment any vacancies that occur in this membership and said appointee shall serve for the remainder of his predecessor's term of office.
- (B) The Board shall consider matters relating to appropriations from the Capital Investment Fund, and may, but is not required to, make recommendations to the Town or any board, committee, or official thereof, relative to matters and establish policies relative to the funding of capital projects of the Town and set priorities and schedules for such capital projects. The Board may study proposed capital outlays involving the acquisition of land or an expenditure of \$20,000 having a useful life of at least five years. All officers, boards, and committees, including the Selectmen

and the School Committee, shall by September 1<sup>st</sup> each year give to such Board, on forms prepared by it, information concerning all projects anticipated by them to need Town Meeting action during the ensuing six years. The Board shall consider the relative need, timing, and cost of these expenditures and the effect each will have on the financial position of the Town.

- (C) The Board shall transmit its recommendations to the Town Administrator, as well as the appropriate officer, board, agency or department involved in proposed capital improvement. These shall constitute a Capital Improvement Program. The report of this program shall, as to items planned for the ensuing fiscal year, be given to the Town Administrator and Finance Committee for their review and possible inclusion in the budget. The text and tables of a capital program for the following five years shall be published with the Town Administrator's report. Such capital program after its adoption shall permit the expenditure on projects included therein of sums from departmental budgets for surveys, architectural or engineering advice, options, or appraisals; but no such expenditure shall be incurred on projects which have not been approved by the Town through the appropriations of sums in the current year or in prior years.
- (D) In accordance with Chapter 117 of the Acts of 1995, the Town of West Boylston hereby establishes and shall maintain a special fund to be known as the Capital Investment Fund. The Town may appropriate to the Capital Investment Fund by a majority vote at an annual or special town Meeting in any year an amount not exceeding ten percent of the amount raised in the preceding fiscal year by taxation of real estate and tangible personal property. The aggregate amount of said fund at any time shall not exceed ten percent of the equalized valuation of the Town, as defined in section one of Chapter 44 of the General Laws. Any interest shall be added to and become part of the Capital Investment Fund. The Treasurer of the Town shall be the custodian of the fund and may deposit proceeds in national banks or invest the proceeds by deposit in savings banks, cooperative banks or trust companies organized under the laws of the Commonwealth or invest the same in such securities as are legal for the investment of funds of savings banks under the laws of the Commonwealth or in federal savings and loan associations situated in the Commonwealth. The Capital Investment Fund may be appropriated at an annual or special Town Meeting by a two-thirds vote. Said fund may be appropriated for any purpose for which the Town would be authorized to borrow money under sections seven and eight of Chapter 44 of the General Laws, other than clauses (1) and (2) of Chapter 44 Section 8, and to pay the debt service on said projects, which are approved by the by the Capital Investment Board.

#### **ARTICLE 9 – AUTHORIZATION TO ENTER INTO A FIVE-YEAR CONTRACT WITH BFI WASTE SERVICES OF MASSACHUSETTS, LLC**

Motion- Kevin McCormick  
Second- James Ryan  
Sponsor- Board of Selectmen  
Finance Committee- recommends approval of this article

It was moved to accept Article 9 as printed in the warrant deleting the words "or take any other action relative thereto".

It was unanimously voted to authorize the Board of Selectmen to enter into a five-year contract for trash removal with an option for an additional five years with BFI Waste Services of Massachusetts, LLC.

#### **ARTICLE 10 – APPROPRIATION OR TRANSFER OF FUNDS TO THE FISCAL YEAR 2006 TRASH LINE ITEM**

Motion- Christopher Rucho  
Second- Allen Phillips  
Sponsor- Board of Selectmen  
Finance Committee- recommends approval of this article

It was unanimously voted to raise and appropriate the sum of Thirteen Thousand Dollars and No Cents (\$13,000.00) to the Fiscal Year 2006 Trash Removal and Tipping Fees Line Item #04-30-6200.

#### **ARTICLE 11 - APPROPRIATION OR TRANSFER OF FUNDS TO THE SCHOOL DEPARTMENT BUDGET**

Motion- Peter Desy

Second- Siobhan Bohannon

Sponsor- School Committee

Finance Committee- recommends articles 11 and 12 be combined, and to allow the School Committee to expend the money as they deem necessary

It was voted by a majority to raise and appropriate the sum of Fifty-Two Thousand Dollars and No Cents (\$52,000.00), to be expended by the School Department.

**ARTICLE 12 - APPROPRIATION TO FUND STUDIES AND/OR PREPARATION OF PLANS FOR ADDITION OF CLASSROOMS AND/OR OTHER INSTRUCTIONAL FACILITIES TO THE MIDDLE / HIGH SCHOOL AND/OR TO THE MAJOR VICTOR E. EDWARDS ELEMENTARY SCHOOL**

Motion- Peter Desy

Second- Lisa Bouchard

Sponsor- School Committee

Finance Committee- does not recommend approval of this article

School Committee- recommends approval of this article

A motion was made by Andrew Feland and second by David Eckhardt to table this article to allow the School Committee time to contact the architectural firm that drafted the plans for the schools recently completed renovations to obtain a copy of these plans. After much discussion and debate, Mr. Feland and Mr. Eckhardt unanimously withdrew their motion and second.

Article 12 was defeated by a majority vote.

This article would have allowed the town to transfer from Overlay Surplus the sum of Fifty Thousand Dollars and No Cents (\$50,000.00) to be expended by the School Committee for architectural, construction, engineering and related studies and analyses as to the addition of classrooms and/or other instructional facilities to the Middle/High School, 125 Crescent Street, and/or to the Major Victor E. Edwards Elementary School, 70 Crescent Street, which studies and analyses may include, but need not be limited to, design and engineering services, environmental evaluations, architectural, construction and condition evaluations, useful life determinations, surveys, cost calculations and projections, formulation of reports, and preparation of plans, drawings, specifications, and invitations for bids or requests for proposals related to any additions or acquisition of modular units recommended thereby.

**ARTICLE 13 – AUTHORIZATION FOR THE BOARD OF SELECTMEN TO FILE SPECIAL LEGISLATION RELATIVE TO ADMINISTRATIVE OVERSIGHT OF THE HIRING PROCESS IN THE TOWN OF WEST BOYLSTON**

Motion- Alexander Fallavollita

Second- Allen Phillips

Sponsor- Board of Selectmen

It was moved the Town vote to approve Article 13 as printed in the warrant deleting the words "or take any other action relative thereto".

It was voted by a majority to authorize the Board of Selectmen to petition the General Court for a special act as set forth below; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approve amendments to the bill before enactment by the General Court. The Board of Selectmen is hereby authorized to approve amendments that shall be within the scope of the general public objectives of this petition.

**An Act Relative to Administrative Oversight of the Hiring Process in the Town of West Boylston**

**Section One:** Section 4 of Chapter 23 of the Acts of 1995, "An Act Establishing a Board of Selectmen-Town Administrator Form of Government in the Town of West Boylston", is hereby amended by inserting, after the

conclusion of that section, a new paragraph as follows: - The appointment of all employees by the finance committee, board of appeals and personnel board, and any other multi-member body under the jurisdiction of the board of selectmen, must be approved by the board of selectmen. In order to receive the board of selectmen's approval, each multi-member body shall inform the board of selectmen, in writing, of its intent to post openings for such positions. If the board of selectmen concurs that such position may be filled, the multi-member body may proceed to fill the positions in accordance with the town by-laws, personnel policy, state statutes and provisions of this act. The multi-member body shall inform the selectmen, in writing, of all such appointments and such appointments shall be effective fifteen calendar days after receipt of such written notification unless said board of selectmen vote by at least a two-thirds majority vote of its membership to disapprove specifically designated appointments. The board of selectmen may consolidate and/or abolish employee positions as those positions are defined in this section, subject to the limitations of the general laws.

**Section Two:** Section 6 of Chapter 23 of the Acts of 1995, "An Act Establishing a Board of Selectmen-Town Administrator Form of Government in the Town of West Boylston", is hereby amended by inserting, at the conclusion of that section, a new paragraph, as follows: - The appointment of all employees by any of the multi-member bodies listed in this section must be approved by the town administrator. In order to receive the town administrator's approval, each multi-member body shall inform the town administrator, in writing, of its intent to post openings for such positions. If the town administrator concurs that such position may be filled, the multi-member body may proceed to fill the position in accordance with the town by-laws, personnel policy, state statutes and provisions of this act. The multi-member body shall inform the town administrator, in writing, of all such appointments and such appointments shall be effective fifteen calendar days after receipt of such written notification unless the town administrator disapproves the appointment in writing. The town administrator may, at his discretion and with the approval of the board of selectmen, consolidate and/or abolish employee positions as those positions are defined in this section, subject only to the limitations of the general laws.

**Section Three:** This act shall take effect upon passage.

## **ARTICLE 14 – AUTHORIZATION TO AMEND THE ZONING BYLAWS TO CREATE A CONTINUING CARE RETIREMENT COMMUNITY OVERLAY DISTRICT**

Motion- Karen Paré

Second- Elise Wellington

Sponsor- Planning Board

Planning Board- recommends approval of this article

Bylaw Committee- recommends approval of this article

It was moved the Town vote to approve Article 14 as printed in the warrant deleting the words "or take any other action relative thereto."

It was unanimously voted to amend the Zoning Bylaws by adding a new section, Section 2.9 Continuing Care Retirement Community Overlay District as follows:

### **2.9 Continuing Care Retirement Community Overlay District**

#### **A. Purpose**

This Continuing Care Retirement Community Overlay District is established by the Town of West Boylston in order to achieve the following purposes:

- 1) The provisions of a variety of housing choices for elderly persons.
- 2) The provisions of professional services routinely used by elderly persons.
- 3) The design of site plans and structures adapted to the needs of the elderly population.

#### **B. Applicability**

A Continuing Care Retirement Community (CCRC), as defined herein, may be allowed upon a grant of a Special Permit by the Planning Board upon any parcel of land situated within a General Residence District or in the Continuing Care Retirement Community Overlay District as shown on the Zoning Map.

### C. Definitions

For the purpose of this section of the by-law the following definitions shall apply:

- 1) **Elderly Person:** any person having reached the age of 55 years.
- 2) **Elderly Household:** any household having at least one person 55 years or older.
- 3) **Continuing Care Retirement Community (CCRC):** a development comprised of a dwelling or dwellings with residential services operated or sponsored as a coordinated unit by a corporation or organization, having among its principal purposes the provision of housing and associated services for persons 55 years or older.
- 4) **Coordinated Units:** a building or group of buildings under common management which provide housing and associated services which assist the elderly in maintaining an independent lifestyle.
- 5) **Associated Services:** a program of resident services primarily for the benefit of the residents of the CCRC.

### D. Types of Dwellings, Uses And Associated Services Permitted

- 1) A CCRC may contain any or all of the following housing types, attached or detached, in any combination:
  - a) **Detached single family;**
  - b) **Multi-family;**
  - c) **Congregate:** a structure which provides a range of housing and support services. The structure may contain, but is not limited to, the following uses:

dwelling units with kitchen facilities; bedrooms with a bathroom and sitting area or without kitchen facilities; common, social and recreational areas such as dining rooms, libraries, an indoor and outdoor recreation facilities and gardening areas;
  - d) **Assisted or Catered Living;** buildings or structures other than a hospital or nursing home/institution designed to accommodate assistance with one or more activities of daily living, such as dressing, eating, bathing, walking or toileting;
  - e) **Nursing care:** a facility which must be licensed by the Department of Public Health;
  - f) **Living quarters for support staff.**
- 2) A CCRC may contain any or all of the following uses and associated services, individually or in any combination, as part of dwellings or as separate structures, including, but not limited to:
  - a) Dining rooms, coffee shops and related kitchen areas and facilities;
  - b) Living rooms, libraries, music rooms, auditoriums, greenhouses;
  - c) Lounges, card rooms, meeting rooms, and other social and recreational areas;
  - d) Administrative offices, social service offices, educational uses;
  - e) Mail rooms, gift shops, convenience stores;

- f) Medical offices, diagnostic and treatment centers, wellness centers, exercise areas, home health care centers;
- g) Professional offices;
- h) Barbers, hairdressers, beauty salons;
- i) Banks and ATM banking machines;
- j) Home health care;
- k) Adult and child care services;
- l) Cleaning services;
- m) Other uses, services and activities incident to the operation of a CCRC.

#### **E. Design Objectives**

- 1) Structure and site designs which blend the scale of residential units, institutional structures and professional office space;
- 2) Minimization of traffic impacts and safe design of all ways, vehicular and pedestrian;
- 3) Maximization of preservation of natural features and the protection of wetlands, scenic vistas and open spaces;
- 4) Structure and site designs which meet the specific needs of the elderly;
- 5) Site plan design which visually emphasizes building design and landscaped areas and minimizes the visual impact of parking areas;
- 6) Site plan design which creates open space by using cluster principles. At least 25% of the site shall be preserved as open space and maintained as natural vegetation or landscaped areas. Use of open space, except for passive recreation, plantings, footpaths, and agriculture shall be prohibited. Easements may be granted for the installation of underground utilities, provided all disturbed areas be restored to a natural state after construction. A restriction, enforceable by the Town of West Boylston, shall be recorded to ensure that such land shall be kept in an open, natural or landscaped state and not built upon for residential use or developed for accessory use such as parking or roadways. A landscape management plan shall be developed with restrictions to provide for maintenance of the open areas in a manner which will ensure its suitability for its function, appearance, cleanliness, and for proper maintenance of drainage, utilities and the like.
- 7) Site and structure design shall provide suitable means of access and egress to dwellings for handicapped persons. Enclosed walkways and/or unenclosed walkways connecting all buildings shall be permitted.
- 8) Structures shall be located on the site so as to provide for the privacy of residents adjacent to the CCRC.

#### **F. Site Requirements**

- 1) Minimum Lot Size: No CCRC shall be allowed on a parcel of land containing less than 10 acres.
- 2) Maximum number of units allowed shall be calculated by the following formula:

Detached single-family: 5,500 square feet per/DU



Multi-family (4 units or less): 5,500 square feet per/DU

Multi-family (more than 4 units): 4,000 square feet per/DU

- 3) Notwithstanding the provisions of Section 4.3, the number of habitable buildings on a lot and the maximum number of dwelling units permitted per habitable building shall be determined by the Planning Board on a case by case basis.
- 4) Non-residential uses: the total area devoted to non-residential uses located in the buildings may not exceed twenty-five percent (25%) of the total area of the living areas.
- 5) The open space requirement is substituted for the more conventional rear and side yard requirements in order to provide flexibility in the protection of natural features; to maintain significant open space areas for the enjoyment of the residents; and to promote a variety of site plans tailored to the needs of the elderly.
- 6) While there are no yard requirements between buildings within the CCRC, all structures must conform to the Massachusetts Building Code with respect to building separation and fire walls.
- 7) Location and design of all structures shall be reviewed by the West Boylston Fire Chief with regard to accessibility of fire and other emergency vehicles.
- 8) No structure shall be more than thirty-five feet (35') in height measured from the average grade at the base of the building to the eave line.
- 9) Disposal areas shall be located in screened areas according to law standards contained in this zoning by-law.

#### **G. Roadway and Parking Requirements**

- 1) The following minimum parking standards shall apply to CCRC facilities approved under this section of the by-law. The Planning Board may waive the construction of parking until it is demonstrated that it is actually needed. Parking areas shall be designated as either to be constructed at the time of building construction or at a future date when it is demonstrated that it is needed. Where there is a mix of uses, the total parking area for the CCRC must equal or exceed the sum of the minimum requirements required by the following:
  - a) There shall be provided one parking space for each dwelling except as follows:
    - i.) **Congregate housing and assisted or catered living facilities:**  
One (1) parking space for every five (5) beds and one (1) parking space for each employee on the largest shift.
    - ii.) **Nursing care facility:**  
One (1) parking space for every twenty (20) beds and one (1) parking space for every employee on the largest shift.
    - iii.) **Congregate housing and assisted or catered living facilities:**  
One (1) parking space for every five (5) beds and one (1) parking space for each employee on the largest shift.
- 2) All other parking and screening provisions of the West Boylston Zoning By-laws shall apply unless changed by this section.
- 3) Roads and utilities shall be designed and constructed in conformance with the Town of West Boylston Site Plan review standards. The Planning Board may modify said standards if it determines that such action will more acceptably meet the purposes of this section.

#### **H. Sewage Disposal**

No special permit for a CCRC may be granted unless the proposed developer is or is to be connected to a municipal sewer system. No on site subsurface sewage disposal system shall be allowed.

## **I. Signs**

Signs will be regulated by Section 5.6 of the Zoning By-law.

## **J. Procedure**

- 1) Application, submission requirements, and procedures contained in Section 3.6 Site Plan Review shall be followed before a Special Permit for a Continuing Care Retirement Community may be granted.
- 2) Plans submitted in connection with this section may be drawn as may be appropriate to the size of the site, with the consent of the Planning Board.

## **ARTICLE 15 – AUTHORIZATION TO AMEND THE ZONING BYLAWS**

Motion- Karen Paré

Second- Elise Wellington

Sponsor- Planning Board

Planning Board- recommends approval of this article

Bylaw Committee- recommends approval of this article

It was moved that the Town vote to approve Article 15 as printed in the warrant deleting the words "or take any other action relative thereto."

It was unanimously voted to amend the Zoning Bylaws by striking in its entirety Section 3.8 Continuing Care Retirement Community.

## **ARTICLE 16 – AUTHORIZATION TO AMEND THE ZONING MAP**

Motion- Karen Paré

Second- Patricia Halpin

Sponsor- Planning Board

Planning Board- recommends approval of this article

Bylaw Committee- recommends approval of this article

It was moved the Town vote to approve Article 16 as printed in the warrant deleting the words "or take any other action relative thereto."

It was unanimously voted to amend the Zoning Map incorporated into its Zoning Bylaws by establishing a Continuing Care Retirement Community Overlay District, the boundaries of which shall include all land within the General Residence District and a certain parcel of land shown as "Continuing Care Retirement Community Overlay District" on a plan entitled "Proposed Amendment to the Continuing Care Retirement Community Overlay District" dated September 28, 2005, prepared by Heritage Design Group, bounded and described as follows:

**Southwesterly** by the corporate boundary between the City of Worcester and the Town of West Boylston;

**Northerly** by the centerline of Hartwell Street;

**Easterly** by the centerline of Shrewsbury Street.

## **ARTICLE 17 - AUTHORIZATION TO TRANSFER FUNDS TO THE STABILIZATION FUND**

Motion- James Ryan

Second- Alexander Fallavollita  
Sponsor- Board of Selectmen

It was unanimously voted to pass over this article which would have allowed the Town to raise and appropriate the sum of Fifty-Five Thousand Four Hundred and Twenty-Five dollars and no cents (\$55,425.00) to the Stabilization Fund.

A motion was made by Alexander Fallavollita and second by Kevin McCormick to adjourn the meeting. Unanimously voted, meeting adjourned at 9:12 p.m.

Attest:

Kim D. Hopewell  
Town Clerk

## CERTIFICATE OF VOTE

*At a legal meeting of the qualified voters of the Town of West Boylston held in the auditorium of the West Boylston Middle/High School on October 17, 2005 the following business was transacted:*

Article 1

Motion- Alexander Fallavollita  
Second- Christopher Rucho  
Sponsor- Board of Selectmen

It was unanimously voted to hear special reports of the officers and standing committees of the town.  
The following reports were heard:

**Board of Health-** Chairman Robert Barrell recognized retiring BOH Secretary Elizabeth Dahlin for 8 years of dedicated service to the board from 1987-2005. In her absence Selectman Allen Phillips accepted the plaque on Mrs. Dahlin's behalf.

**Planning Board-** Chairwoman Karen Paré commented on the work that is currently in front of the board which includes the following: 5 site plan reviews, monitoring of 17 site plans and 4 subdivisions. Fifteen ANR plans have also been presented to the board for signatures. Mrs. Paré She also commented on upcoming issues regarding zoning changes, such as Village Zoning, mixed business uses, incentive zoning, and conservation restrictions. Mrs. Paré also noted that the Master Plan was approved by the Planning Board on Sept. 14, 2005 and that copies may be obtained at the Town Administrator's office as well as the Town Clerk's office. The Master Plan may be reviewed on the towns web-site as well. She expressed her gratitude to the members of the Town-wide Planning Committee.

I hereby certify that the foregoing is a true copy of the vote taken at the Semi-Annual Town Meeting held on October 17, 2005 in the Town of West Boylston Massachusetts.

I hereby certify that a quorum was present at the Annual Town Meeting at which this action was taken.

Witness my hand and seal of the Town of West Boylston this day, Oct. 18, 2005.

Attest:

Kim D. Hopewell  
Town Clerk

## **CERTIFICATE OF VOTE**

*At a legal meeting of the qualified voters of the Town of West Boylston held in the auditorium of the West Boylston Middle/High School on October 17, 2005 the following business was transacted:*

Article 2

Motion- James Ryan

Second- Allen Phillips

Sponsor- Town Administrator

It was unanimously voted to adopt a resolution of appreciation for the work of the Town Wide Planning Committee in preparing the Master Plan.

Town Administrator Leon Gaumond, Jr. wished to acknowledge the hard work of Central Mass. Regional Planning Commission representative Bill Scanlon, Finance Committee representative and Vice Chairman of the TWPC Christopher Berglund, Clerk Charles Greenough, Planning Board Representative Elise Wellington, School Committee Representative Richard Baker, Town Employee Representative John McCormick III, Citizen Representatives Dr. Robert Tashjian, Barbara Wyatt, Joanne Dunne, Michelle Harris, Christopher Herbert, Susan Meola and all other past members who have dedicated countless hours of studies and surveys performed by the board.

I hereby certify that the foregoing is a true copy of the vote taken at the Semi-Annual Town Meeting held on October 17, 2005 in the Town of West Boylston Massachusetts.

I hereby certify that a quorum was present at the Annual Town Meeting at which this action was taken.

Witness my hand and seal of the Town of West Boylston this day, Oct. 18, 2005.

Attest:

Kim D. Hopewell  
Town Clerk

## **CERTIFICATE OF VOTE**

*At a legal meeting of the qualified voters of the Town of West Boylston held in the auditorium of the West Boylston Middle/High School on October 17, 2005 the following business was transacted:*

Article 3

Motion- Allen Phillips

Second- Alexander Fallavollita

Sponsor- Board of Selectmen

Finance Committee- recommends approval of this article

It was unanimously voted to transfer Twenty Thousand Dollars and No Cents (\$20,000.00) from Overlay Surplus to be expended by the Tree Warden with prior approval of the Board of Selectmen for the purpose of pruning, removing branches and limbs, and cutting and clearing public shade trees that are dead, dying, or deemed to be a public safety hazard; said activities to be undertaken by the Tree Warden in conformity with all applicable laws and permit requirements.

I hereby certify that the foregoing is a true copy of the vote taken at the Semi-Annual Town Meeting held on October 17, 2005 in the Town of West Boylston Massachusetts.

I hereby certify that a quorum was present at the Annual Town Meeting at which this action was taken.

Witness my hand and seal of the Town of West Boylston this day, Oct. 18, 2005.

Attest:

Kim D. Hopewell  
Town Clerk

## **CERTIFICATE OF VOTE**

*At a legal meeting of the qualified voters of the Town of West Boylston held in the auditorium of the West Boylston Middle/High School on October 17, 2005 the following business was transacted:*

Article 4

Motion- Kevin McCormick

Second- Alexander Fallavollita

Sponsor- Historical Commissioners

Finance Committee- recommends approval of this article

Historical Commissioners- recommends approval of this article

It was unanimously voted to transfer the sum of Two Thousand Dollars and No Cents (\$2,000.00) from the Overlay Surplus to the West Boylston Historical Commission for expenses in connection with the placement of the Holbrook Chapel and the Mount Vernon Cemetery on the National Register of Historic Places.

I hereby certify that the foregoing is a true copy of the vote taken at the Semi-Annual Town Meeting held on October 17, 2005 in the Town of West Boylston Massachusetts.

I hereby certify that a quorum was present at the Annual Town Meeting at which this action was taken.

Witness my hand and seal of the Town of West Boylston this day, Oct. 18, 2005.

Attest:

Kim D. Hopewell  
Town Clerk

## **CERTIFICATE OF VOTE**

*At a legal meeting of the qualified voters of the Town of West Boylston held in the auditorium of the West Boylston Middle/High School on October 17, 2005 the following business was transacted:*

Article 5

Motion- Christopher Rucho

Second- Kevin McCormick

Sponsor- Cemetery Trustees

Finance Committee- recommends approval of this article

Cemetery Trustees- recommends approval of this article

It was unanimously voted to raise and appropriate the sum of One Thousand Fifty-five Dollars and No Cents (\$1,055.00) to the Fiscal Year 2006 Cemetery Salary and Wages Account, Budget Line Item #04-91-5100.

I hereby certify that the foregoing is a true copy of the vote taken at the Semi-Annual Town Meeting held on October 17, 2005 in the Town of West Boylston Massachusetts.

I hereby certify that a quorum was present at the Annual Town Meeting at which this action was taken.

Witness my hand and seal of the Town of West Boylston this day, Oct. 18, 2005.

Attest:

Kim D. Hopewell  
Town Clerk



## **CERTIFICATE OF VOTE**

*At a legal meeting of the qualified voters of the Town of West Boylston held in the auditorium of the West Boylston Middle/High School on October 17, 2005 the following business was transacted:*

Article 6

Motion- Alexander Fallavollita

Second- Allen Phillips

Sponsor- Town Administrator

Finance Committee- recommends approval of this article

It was unanimously voted to raise and appropriate the sum of Thirty Thousand Dollars and No Cents, (\$30,000.00) to the Fiscal Year 2006 Building Inspector Purchase of Services Account, Budget Line Item #02-41-6200.

I hereby certify that the foregoing is a true copy of the vote taken at the Semi-Annual Town Meeting held on October 17, 2005 in the Town of West Boylston Massachusetts.

I hereby certify that a quorum was present at the Annual Town Meeting at which this action was taken.

Witness my hand and seal of the Town of West Boylston this day, Oct. 18, 2005.

Attest:

Kim D. Hopewell  
Town Clerk

## **CERTIFICATE OF VOTE**

*At a legal meeting of the qualified voters of the Town of West Boylston held in the auditorium of the West Boylston Middle/High School on October 17, 2005 the following business was transacted:*

Article 7

Motion- James Ryan

Second- Kevin McCormick

Sponsor- Town Administrator

Finance Committee- recommends approval of this article

Members of boards, committees, citizens and developers expressed their concerns regarding the need for the town to hire a state qualified full-time building inspector to properly inspect building projects and zoning enforcement issues throughout the town. Town Administrator Leon Gaumond, Jr. noted that the citizens may attend meetings of the Board of Selectmen's to discuss this matter in more depth, but the scope of this article is to fund the part-time building inspector's position until the end of this fiscal year.

After much debate it was voted by a majority to transfer the sum of Fifteen Thousand Dollars and No Cents (\$15,000.00) from Overly Surplus to the Fiscal Year 2006 Building Inspector Salary and Wages Account, Budget Line Item #02-41-5100.

I hereby certify that the foregoing is a true copy of the vote taken at the Semi-Annual Town Meeting held on October 17, 2005 in the Town of West Boylston Massachusetts.

I hereby certify that a quorum was present at the Annual Town Meeting at which this action was taken.

Witness my hand and seal of the Town of West Boylston this day, Oct. 18, 2005.

Attest:

Kim D. Hopewell  
Town Clerk

## **CERTIFICATE OF VOTE**

*At a legal meeting of the qualified voters of the Town of West Boylston held in the auditorium of the West Boylston Middle/High School on October 17, 2005 the following business was transacted:*

### **Article 8**

Motion- Allen Phillips

Second- Alexander Fallavollita

Sponsor- Town Administrator

Bylaw Committee- recommends approval of this article

It was moved to accept Article 8 as printed in the warrant amending Section A to read "In accordance with Chapter 117 of the Acts of 1995" and deleting the words "or take any other action relative thereto".

It was unanimously voted to amend the Town of West Boylston's General Bylaws amending Article IV OFFICE OF FINANCIAL MANAGEMENT by re-titling the existing Section 8 as Section 9 and inserting the following as Section 8:

### **Section 8 - Capital Investment Board**

- (E) Section 2 of Chapter 117 of the Acts of 1995 established a board to be known as the Capital Investment Board comprised of seven (7) voters of West Boylston, of whom at least four shall be members of the Finance Committee. Said Board shall choose its own officers, set its own rules and shall serve without pay, except the clerk who may receive reasonable compensation for his/her services. The Clerk of this Board may or may not be a member of the Board. The Moderator shall appoint the members of this Board for a term of three years. The Moderator shall forthwith fill by appointment any vacancies that occur in this membership and said appointee shall serve for the remainder of his predecessor's term of office.
- (F) The Board shall consider matters relating to appropriations from the Capital Investment Fund, and may, but is not required to, make recommendations to the Town or any board, committee, or official thereof, relative to matters and establish policies relative to the funding of capital projects of the Town and set priorities and schedules for such capital projects. The Board may study proposed capital outlays involving the acquisition of land or an expenditure of \$20,000 having a useful life of at least five years. All officers, boards, and committees, including the Selectmen and the School Committee, shall by September 1<sup>st</sup> each year give to such Board, on forms prepared by it, information concerning all projects anticipated by them to need Town Meeting action during the ensuing six years. The Board shall consider the relative need, timing, and cost of these expenditures and the effect each will have on the financial position of the Town.
- (G) The Board shall transmit its recommendations to the Town Administrator, as well as the appropriate officer, board, agency or department involved in proposed capital improvement. These shall constitute a Capital Improvement Program. The report of this program shall, as to items planned for the ensuing fiscal year, be given to the Town Administrator and Finance Committee for their review and possible inclusion in the budget. The text and tables of a capital

program for the following five years shall be published with the Town Administrator's report. Such capital program after its adoption shall permit the expenditure on projects included therein of sums from departmental budgets for surveys, architectural or engineering advice, options, or appraisals; but no such expenditure shall be incurred on projects which have not been approved by the Town through the appropriations of sums in the current year or in prior years.

- (H) In accordance with Chapter 117 of the Acts of 1995, the Town of West Boylston hereby establishes and shall maintain a special fund to be known as the Capital Investment Fund. The Town may appropriate to the Capital Investment Fund by a majority vote at an annual or special town Meeting in any year an amount not exceeding ten percent of the amount raised in the preceding fiscal year by taxation of real estate and tangible personal property. The aggregate amount of said fund at any time shall not exceed ten percent of the equalized valuation of the Town, as defined in section one of Chapter 44 of the General Laws. Any interest shall be added to and become part of the Capital Investment Fund. The Treasurer of the Town shall be the custodian of the fund and may deposit proceeds in national banks or invest the proceeds by deposit in savings banks, cooperative banks or trust companies organized under the laws of the Commonwealth or invest the same in such securities as are legal for the investment of funds of savings banks under the laws of the Commonwealth or in federal savings and loan associations situated in the Commonwealth. The Capital Investment Fund may be appropriated at an annual or special Town Meeting by a two-thirds vote. Said fund may be appropriated for any purpose for which the Town would be authorized to borrow money under sections seven and eight of Chapter 44 of the General Laws, other than clauses (1) and (2) of Chapter 44 Section 8, and to pay the debt service on said projects, which are approved by the by the Capital Investment Board.

I hereby certify that the foregoing is a true copy of the vote taken at the Semi-Annual Town Meeting held on October 17, 2005 in the Town of West Boylston Massachusetts.

I hereby certify that a quorum was present at the Annual Town Meeting at which this action was taken.

Witness my hand and seal of the Town of West Boylston this day, Oct. 18, 2005.

Attest:

Kim D. Hopewell  
Town Clerk

## **CERTIFICATE OF VOTE**

*At a legal meeting of the qualified voters of the Town of West Boylston held in the auditorium of the West Boylston Middle/High School on October 17, 2005 the following business was transacted:*

Article 9

Motion- Kevin McCormick

Second- James Ryan

Sponsor- Board of Selectmen

Finance Committee- recommends approval of this article

It was moved to accept Article 9 as printed in the warrant deleting the words "or take any other action relative thereto".

It was unanimously voted to authorize the Board of Selectmen to enter into a five-year contract for trash removal with an option for an additional five years with BFI Waste Services of Massachusetts, LLC.

I hereby certify that the foregoing is a true copy of the vote taken at the Semi-Annual Town Meeting held on October 17, 2005 in the Town of West Boylston Massachusetts.

I hereby certify that a quorum was present at the Annual Town Meeting at which this action was taken.

Witness my hand and seal of the Town of West Boylston this day, Oct. 18, 2005.

Attest:

Kim D. Hopewell  
Town Clerk

## **CERTIFICATE OF VOTE**

*At a legal meeting of the qualified voters of the Town of West Boylston held in the auditorium of the West Boylston Middle/High School on October 17, 2005 the following business was transacted:*

Article 10

Motion- Christopher Rucho

Second- Allen Phillips

Sponsor- Board of Selectmen

Finance Committee- recommends approval of this article

It was unanimously voted to raise and appropriate the sum of Thirteen Thousand Dollars and No Cents (\$13,000.00) to the Fiscal Year 2006 Trash Removal and Tipping Fees Line Item #04-30-6200.

I hereby certify that the foregoing is a true copy of the vote taken at the Semi-Annual Town Meeting held on October 17, 2005 in the Town of West Boylston Massachusetts.

I hereby certify that a quorum was present at the Annual Town Meeting at which this action was taken.

Witness my hand and seal of the Town of West Boylston this day, Oct. 18, 2005.

Attest:

Kim D. Hopewell  
Town Clerk

## **CERTIFICATE OF VOTE**

*At a legal meeting of the qualified voters of the Town of West Boylston held in the auditorium of the West Boylston Middle/High School on October 17, 2005 the following business was transacted:*

Article 11

Motion- Peter Desy

Second- Siobhan Bohannon

Sponsor- School Committee

Finance Committee- recommends articles 11 and 12 be combined, and to allow the School Committee to expend the money as they deem necessary

It was voted by a majority to raise and appropriate the sum of Fifty-Two Thousand Dollars and No Cents (\$52,000.00), to be expended by the School Department.

I hereby certify that the foregoing is a true copy of the vote taken at the Semi-Annual Town Meeting held on October 17, 2005 in the Town of West Boylston Massachusetts.

I hereby certify that a quorum was present at the Annual Town Meeting at which this action was taken.

Witness my hand and seal of the Town of West Boylston this day, Oct. 18, 2005.

Attest:

Kim D. Hopewell  
Town Clerk

## **CERTIFICATE OF VOTE**

*At a legal meeting of the qualified voters of the Town of West Boylston held in the auditorium of the West Boylston Middle/High School on October 17, 2005 the following business was transacted:*

### Article 12

Motion- Peter Desy

Second- Lisa Bouchard

Sponsor- School Committee

Finance Committee- does not recommend approval of this article

School Committee- recommends approval of this article

A motion was made by Andrew Feland and second by David Eckhardt to table this article to allow the School Committee time to contact the architectural firm that drafted the plans for the schools recently completed renovations to obtain a copy of these plans. After much discussion and debate, Mr. Feland and Mr. Eckhardt unanimously withdrew their motion and second.

Article 12 was defeated by a majority vote.

This article would have allowed the town to transfer from Overlay Surplus the sum of Fifty Thousand Dollars and No Cents (\$50,000.00) to be expended by the School Committee for architectural, construction, engineering and related studies and analyses as to the addition of classrooms and/or other instructional facilities to the Middle/High School, 125 Crescent Street, and/or to the Major Victor E. Edwards Elementary School, 70 Crescent Street, which studies and analyses may include, but need not be limited to, design and engineering services, environmental evaluations, architectural, construction and condition evaluations, useful life determinations, surveys, cost calculations and projections, formulation of reports, and preparation of plans, drawings, specifications, and invitations for bids or requests for proposals related to any additions or acquisition of modular units recommended thereby.

I hereby certify that the foregoing is a true copy of the vote taken at the Semi-Annual Town Meeting held on October 17, 2005 in the Town of West Boylston Massachusetts.

I hereby certify that a quorum was present at the Annual Town Meeting at which this action was taken.

Witness my hand and seal of the Town of West Boylston this day, Oct. 18, 2005.

Attest:

Kim D. Hopewell  
Town Clerk



## CERTIFICATE OF VOTE

*At a legal meeting of the qualified voters of the Town of West Boylston held in the auditorium of the West Boylston Middle/High School on October 17, 2005 the following business was transacted:*

### Article 13

Motion- Alexander Fallavollita  
Second- Allen Phillips  
Sponsor- Board of Selectmen

It was moved the Town vote to approve Article 13 as printed in the warrant deleting the words "or take any other action relative thereto".

It was voted by a majority to authorize the Board of Selectmen to petition the General Court for a special act as set forth below; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approve amendments to the bill before enactment by the General Court. The Board of Selectmen is hereby authorized to approve amendments that shall be within the scope of the general public objectives of this petition.

### **An Act Relative to Administrative Oversight of the Hiring Process in the Town of West Boylston**

**Section One:** Section 4 of Chapter 23 of the Acts of 1995, "An Act Establishing a Board of Selectmen-Town Administrator Form of Government in the Town of West Boylston", is hereby amended by inserting, after the conclusion of that section, a new paragraph as follows: - The appointment of all employees by the finance committee, board of appeals and personnel board, and any other multi-member body under the jurisdiction of the board of selectmen, must be approved by the board of selectmen. In order to receive the board of selectmen's approval, each multi-member body shall inform the board of selectmen, in writing, of its intent to post openings for such positions. If the board of selectmen concurs that such position may be filled, the multi-member body may proceed to fill the positions in accordance with the town by-laws, personnel policy, state statutes and provisions of this act. The multi-member body shall inform the selectmen, in writing, of all such appointments and such appointments shall be effective fifteen calendar days after receipt of such written notification unless said board of selectmen vote by at least a two-thirds majority vote of its membership to disapprove specifically designated appointments. The board of selectmen may consolidate and/or abolish employee positions as those positions are defined in this section, subject to the limitations of the general laws.

**Section Two:** Section 6 of Chapter 23 of the Acts of 1995, "An Act Establishing a Board of Selectmen-Town Administrator Form of Government in the Town of West Boylston", is hereby amended by inserting, at the conclusion of that section, a new paragraph, as follows: - The appointment of all employees by any of the multi-member bodies listed in this section must be approved by the town administrator. In order to receive the town administrator's approval, each multi-member body shall inform the town administrator, in writing, of its intent to post openings for such positions. If the town administrator concurs that such position may be filled, the multi-member body may proceed to fill the position in accordance with the town by-laws, personnel policy, state statutes and provisions of this act. The multi-member body shall inform the town administrator, in writing, of all such appointments and such appointments shall be effective fifteen calendar days after receipt of such written notification unless the town administrator disapproves the appointment in writing. The town administrator may, at his discretion and with the approval of the board of selectmen, consolidate and/or abolish employee positions as those positions are defined in this section, subject only to the limitations of the general laws.

**Section Three:** This act shall take effect upon passage.

I hereby certify that the foregoing is a true copy of the vote taken at the Semi-Annual Town Meeting held on October 17, 2005 in the Town of West Boylston Massachusetts.

I hereby certify that a quorum was present at the Annual Town Meeting at which this action was taken.

Witness my hand and seal of the Town of West Boylston this day, Oct. 18, 2005.

Attest:

Kim D. Hopewell  
Town Clerk

## CERTIFICATE OF VOTE

*At a legal meeting of the qualified voters of the Town of West Boylston held in the auditorium of the West Boylston Middle/High School on October 17, 2005 the following business was transacted:*

### Article 14

Motion- Karen Paré

Second- Elise Wellington

Sponsor- Planning Board

Planning Board- recommends approval of this article

Bylaw Committee- recommends approval of this article

It was moved the Town vote to approve Article 14 as printed in the warrant deleting the words "or take any other action relative thereto."

It was unanimously voted to amend the Zoning Bylaws by adding a new section, Section 2.9 Continuing Care Retirement Community Overlay District as follows:

### **2.9 Continuing Care Retirement Community Overlay District**

#### **K. Purpose**

This Continuing Care Retirement Community Overlay District is established by the Town of West Boylston in order to achieve the following purposes:

- 1) The provisions of a variety of housing choices for elderly persons.
- 2) The provisions of professional services routinely used by elderly persons.
- 3) The design of site plans and structures adapted to the needs of the elderly population.

#### **L. Applicability**

A Continuing Care Retirement Community (CCRC), as defined herein, may be allowed upon a grant of a Special Permit by the Planning Board upon any parcel of land situated within a General Residence District or in the Continuing Care Retirement Community Overlay District as shown on the Zoning Map.

#### **M. Definitions**

For the purpose of this section of the by-law the following definitions shall apply:

- 1) **Elderly Person:** any person having reached the age of 55 years.
- 2) **Elderly Household:** any household having at least one person 55 years or older.
- 3) **Continuing Care Retirement Community (CCRC):** a development comprised of a dwelling or dwellings with residential services operated or sponsored as a coordinated unit by a corporation or organization, having among its principal purposes the provision of housing and associated services for persons 55 years or older.
- 4) **Coordinated Units:** a building or group of buildings under common management which provide housing and associated services which assist the elderly in maintaining an independent lifestyle.

- 5) **Associated Services:** a program of resident services primarily for the benefit of the residents of the CCRC.

#### **N. Types of Dwellings, Uses And Associated Services Permitted**

- 1) A CCRC may contain any or all of the following housing types, attached or detached, in any combination:
- a) **Detached single family;**
  - b) **Multi-family;**
  - c) **Congregate:** a structure which provides a range of housing and support services. The structure may contain, but is not limited to, the following uses:  
  
dwelling units with kitchen facilities; bedrooms with a bathroom and sitting area or without kitchen facilities; common, social and recreational areas such as dining rooms, libraries, an indoor and outdoor recreation facilities and gardening areas;
  - d) **Assisted or Catered Living;** buildings or structures other than a hospital or nursing home/institution designed to accommodate assistance with one or more activities of daily living, such as dressing, eating, bathing, walking or toileting;
  - e) **Nursing care:** a facility which must be licensed by the Department of Public Health;
  - f) **Living quarters for support staff.**
- 2) A CCRC may contain any or all of the following uses and associated services, individually or in any combination, as part of dwellings or as separate structures, including, but not limited to:
- a) Dining rooms, coffee shops and related kitchen areas and facilities;
  - b) Living rooms, libraries, music rooms, auditoriums, greenhouses;
  - c) Lounges, card rooms, meeting rooms, and other social and recreational areas;
  - d) Administrative offices, social service offices, educational uses;
  - e) Mail rooms, gift shops, convenience stores;
  - f) Medical offices, diagnostic and treatment centers, wellness centers, exercise areas, home health care centers;
  - g) Professional offices;
  - h) Barbers, hairdressers, beauty salons;
  - i) Banks and ATM banking machines;
  - j) Home health care;
  - k) Adult and child care services;
  - l) Cleaning services;
  - m) Other uses, services and activities incident to the operation of a CCRC.

#### **O. Design Objectives**

- 1) Structure and site designs which blend the scale of residential units, institutional structures and professional office space;
- 2) Minimization of traffic impacts and safe design of all ways, vehicular and pedestrian;
- 3) Maximization of preservation of natural features and the protection of wetlands, scenic vistas and open spaces;
- 4) Structure and site designs which meet the specific needs of the elderly;
- 5) Site plan design which visually emphasizes building design and landscaped areas and minimizes the visual impact of parking areas;
- 6) Site plan design which creates open space by using cluster principles. At least 25% of the site shall be preserved as open space and maintained as natural vegetation or landscaped areas. Use of open space, except for passive recreation, plantings, footpaths, and agriculture shall be prohibited. Easements may be granted for the installation of underground utilities, provided all disturbed areas be restored to a natural state after construction. A restriction, enforceable by the Town of West Boylston, shall be recorded to ensure that such land shall be kept in an open, natural or landscaped state and not built upon for residential use or developed for accessory use such as parking or roadways. A landscape management plan shall be developed with restrictions to provide for maintenance of the open areas in a manner which will ensure its suitability for its function, appearance, cleanliness, and for proper maintenance of drainage, utilities and the like.
- 7) Site and structure design shall provide suitable means of access and egress to dwellings for handicapped persons. Enclosed walkways and/or unenclosed walkways connecting all buildings shall be permitted.
- 8) Structures shall be located on the site so as to provide for the privacy of residents adjacent to the CCRC.

**P. Site Requirements**

- 1) Minimum Lot Size: No CCRC shall be allowed on a parcel of land containing less than 10 acres.
- 2) Maximum number of units allowed shall be calculated by the following formula:
 

Detached single-family: 5,500 square feet per/DU

Multi-family (4 units or less): 5,500 square feet per/DU

Multi-family (more than 4 units): 4,000 square feet per/DU
- 3) Notwithstanding the provisions of Section 4.3, the number of habitable buildings on a lot and the maximum number of dwelling units permitted per habitable building shall be determined by the Planning Board on a case by case basis.
- 4) Non-residential uses: the total area devoted to non-residential uses located in the buildings may not exceed twenty-five percent (25%) of the total area of the living areas.
- 5) The open space requirement is substituted for the more conventional rear and side yard requirements in order to provide flexibility in the protection of natural features; to maintain significant open space areas for the enjoyment of the residents; and to promote a variety of site plans tailored to the needs of the elderly.
- 6) While there are no yard requirements between buildings within the CCRC, all structures must conform to the Massachusetts Building Code with respect to building separation and fire walls.

- 7) Location and design of all structures shall be reviewed by the West Boylston Fire Chief with regard to accessibility of fire and other emergency vehicles.
- 8) No structure shall be more than thirty-five feet (35') in height measured from the average grade at the base of the building to the eave line.
- 9) Disposal areas shall be located in screened areas according to law standards contained in this zoning by-law.

#### **Q. Roadway and Parking Requirements**

- 1) The following minimum parking standards shall apply to CCRC facilities approved under this section of the by-law. The Planning Board may waive the construction of parking until it is demonstrated that it is actually needed. Parking areas shall be designated as either to be constructed at the time of building construction or at a future date when it is demonstrated that it is needed. Where there is a mix of uses, the total parking area for the CCRC must equal or exceed the sum of the minimum requirements required by the following:
  - a) There shall be provided one parking space for each dwelling except as follows:
    - i.) **Congregate housing and assisted or catered living facilities:**  
One (1) parking space for every five (5) beds and one (1) parking space for each employee on the largest shift.
    - ii.) **Nursing care facility:**  
One (1) parking space for every twenty (20) beds and one (1) parking space for every employee on the largest shift.
    - iii.) **Congregate housing and assisted or catered living facilities:**  
One (1) parking space for every five (5) beds and one (1) parking space for each employee on the largest shift.
- 2) All other parking and screening provisions of the West Boylston Zoning By-laws shall apply unless changed by this section.
- 3) Roads and utilities shall be designed and constructed in conformance with the Town of West Boylston Site Plan review standards. The Planning Board may modify said standards if it determines that such action will more acceptably meet the purposes of this section.

#### **R. Sewage Disposal**

No special permit for a CCRC may be granted unless the proposed developer is or is to be connected to a municipal sewer system. No on site subsurface sewage disposal system shall be allowed.

#### **S. Signs**

Signs will be regulated by Section 5.6 of the Zoning By-law.

#### **T. Procedure**

- 1) Application, submission requirements, and procedures contained in Section 3.6 Site Plan Review shall be followed before a Special Permit for a Continuing Care Retirement Community may be granted.
- 2) Plans submitted in connection with this section may be drawn as may be appropriate to the size of the site, with the consent of the Planning Board.

I hereby certify that the foregoing is a true copy of the vote taken at the Semi-Annual Town Meeting held on

October 17, 2005 in the Town of West Boylston Massachusetts.

I hereby certify that a quorum was present at the Annual Town Meeting at which this action was taken.

Witness my hand and seal of the Town of West Boylston this day, Oct. 18, 2005.

Attest:

Kim D. Hopewell  
Town Clerk

## **CERTIFICATE OF VOTE**

*At a legal meeting of the qualified voters of the Town of West Boylston held in the auditorium of the West Boylston Middle/High School on October 17, 2005 the following business was transacted:*

Article 15

Motion- Karen Paré

Second- Elise Wellington

Sponsor- Planning Board

Planning Board- recommends approval of this article

Bylaw Committee- recommends approval of this article

It was moved that the Town vote to approve Article 15 as printed in the warrant deleting the words "or take any other action relative thereto."

It was unanimously voted to amend the Zoning Bylaws by striking in its entirety Section 3.8 Continuing Care Retirement Community.

I hereby certify that the foregoing is a true copy of the vote taken at the Semi-Annual Town Meeting held on October 17, 2005 in the Town of West Boylston Massachusetts.

I hereby certify that a quorum was present at the Annual Town Meeting at which this action was taken.

Witness my hand and seal of the Town of West Boylston this day, Oct. 18, 2005.

Attest:

Kim D. Hopewell  
Town Clerk



## **CERTIFICATE OF VOTE**

*At a legal meeting of the qualified voters of the Town of West Boylston held in the auditorium of the West Boylston Middle/High School on October 17, 2005 the following business was transacted:*

### **Article 16**

Motion- Karen Paré

Second- Patricia Halpin

Sponsor- Planning Board

Planning Board- recommends approval of this article

Bylaw Committee- recommends approval of this article

It was moved the Town vote to approve Article 16 as printed in the warrant deleting the words "or take any other action relative thereto."

It was unanimously voted to amend the Zoning Map incorporated into its Zoning Bylaws by establishing a Continuing Care Retirement Community Overlay District, the boundaries of which shall include all land within the General Residence District and a certain parcel of land shown as "Continuing Care Retirement Community Overlay District" on a plan entitled "Proposed Amendment to the Continuing Care Retirement Community Overlay District" dated September 28, 2005, prepared by Heritage Design Group, bounded and described as follows:

**Southwesterly** by the corporate boundary between the City of Worcester and the Town of West Boylston;

**Northerly** by the centerline of Hartwell Street;

**Easterly** by the centerline of Shrewsbury Street.

I hereby certify that the foregoing is a true copy of the vote taken at the Semi-Annual Town Meeting held on October 17, 2005 in the Town of West Boylston Massachusetts.

I hereby certify that a quorum was present at the Annual Town Meeting at which this action was taken.

Witness my hand and seal of the Town of West Boylston this day, Oct. 18, 2005.

Attest:

Kim D. Hopewell  
Town Clerk

## **CERTIFICATE OF VOTE**

*At a legal meeting of the qualified voters of the Town of West Boylston held in the auditorium of the West Boylston Middle/High School on October 17, 2005 the following business was transacted:*

Article 17

Motion- James Ryan

Second- Alexander Fallavollita

Sponsor- Board of Selectmen

It was unanimously voted to pass over this article which would have allowed the Town to raise and appropriate the sum of Fifty-Five Thousand Four Hundred and Twenty-Five dollars and no cents (\$55,425.00) to the Stabilization Fund.

I hereby certify that the foregoing is a true copy of the vote taken at the Semi-Annual Town Meeting held on October 17, 2005 in the Town of West Boylston Massachusetts.

I hereby certify that a quorum was present at the Annual Town Meeting at which this action was taken.

Witness my hand and seal of the Town of West Boylston this day, Oct. 18, 2005.

Attest:

Kim D. Hopewell  
Town Clerk