

**TOWN OF STURBRIDGE
ANNUAL TOWN MEETING WARRANT ARTICLES
TANTASQUA REGIONAL HIGH SCHOOL**

JUNE 7, 2021

7:00 pm



ARTICLE 1
TOWN REPORTS

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

Sponsor: Board of Selectmen

RECOMMENDATION OF THE FINANCE COMMITTEE:

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

RECOMMENDATION OF THE BOARD OF SELECTMEN:

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

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

ARTICLE 2
COMMUNITY PRESERVATION COMMITTEE REPORT

To see if the Town will vote to hear and act on the report of the Community Preservation Committee on the Fiscal Year 2022 Community Preservation budget and to appropriate from the Community Preservation Fund a sum of money to meet the administrative expenses and all other necessary and proper expenses of the Community Preservation Committee for Fiscal Year 2022; and further to reserve for future appropriation amounts as recommended by the Community Preservation Committee: a sum of money for the acquisition, creation and preservation of open space, a sum of money for acquisition and preservation of historic resources, and a sum of a money for the creation, preservation and support of community housing; or take any action relative thereto.

Sponsor: Community Preservation Committee

RECOMMENDATION OF THE FINANCE COMMITTEE:

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

RECOMMENDATION OF THE BOARD OF SELECTMEN:

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

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

ARTICLE 3
COMMUNITY PRESERVATION ADMINISTRATION FUNDS

To see if the Town will vote to appropriate from the Community Preservation Fund Undesignated Fund Balance the sum of FIFTEEN THOUSAND AND 00/100 DOLLARS (\$15,000.00) to be allocated for the purpose of operating and administrative expenses in FY2022 for the Community Preservation Committee (CPC); or take any action relative thereto.

Sponsor: Community Preservation Committee

RECOMMENDATION OF THE FINANCE COMMITTEE:

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

RECOMMENDATION OF THE BOARD OF SELECTMEN:

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

RECOMMENDATION OF THE COMMUNITY PRESERVATION COMMITTEE:

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

Summary: These funds would be used to provide operating and administrative expenses for the Community Preservation Committee, including legal expenses, appraisal reports, general office supplies, CPA Coalition Dues, informational brochures and postage relating to locations, features and uses of CPA parcels. Any unused funds appropriated shall revert to the CPA Undesignated Fund Balance at the close of the fiscal year.

ARTICLE 4
COMMUNITY PRESERVATION DEBT SERVICE

To see if the Town will vote to transfer from the Community Preservation Fund-Undesignated Fund Balance, the sum of:

- EIGHTY THOUSAND AND 00/100 DOLLARS (\$80,000.00) for the purpose of paying the debt service for the OSV Land Acquisition;
- FORTY-SIX THOUSAND FOUR HUNDRED AND 00/100 DOLLARS (\$46,400.00) for the purpose of paying the debt service for the Heins Farm Acquisition;
- NINETY-EIGHT THOUSAND SIX HUNDRED FIFTY AND 00/100 DOLLARS (\$98,650.00) for the purpose of paying the debt service for the Town Hall/Center Office renovation project;
- TWENTY-SEVEN THOUSAND NINE HUNDRED FIFTY AND 00/100 DOLLARS (\$27,950.00) for the purpose of paying the debt service for the Recreation Court project;

or take any action relative thereto.

Sponsor: Finance Director

RECOMMENDATION OF THE FINANCE COMMITTEE:

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

RECOMMENDATION OF THE BOARD OF SELECTMEN:

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

<p><i>Summary: This article provides the appropriation to pay the costs for previously approved debt issuances for the acquisition of open space known as the Heins Farm, Old Sturbridge Village parcels, the renovation of the Town Hall and Center Office Building and the Recreation Court Project.</i></p>
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ARTICLE 5
COMMUNITY PRESERVATION COMMUNITY-WIDE HISTORIC PRESERVATION
PLAN

To see if the Town will vote to appropriate from the Community Preservation Fund Historic Fund Balance the sum of TWENTY THOUSAND AND 00/100 DOLLARS (\$20,000.00) for the purpose of matching grant funds for the Historical Commission to undertake a Community-wide Historic Preservation Plan; or take any action relative thereto.

Sponsor: Community Preservation Committee

RECOMMENDATION OF THE FINANCE COMMITTEE:

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

RECOMMENDATION OF THE BOARD OF SELECTMEN:

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

RECOMMENDATION OF THE COMMUNITY PRESERVATION COMMITTEE:

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

Summary: The Sturbridge Historical Commission would like to undertake a community-wide historic preservation plan and has received a \$15,000 State Historic Preservation Grant. The Community Preservation Funds would be used in part as matching funds to the grant.

ARTICLE 6
COMMUNITY PRESERVATION DRAPER-MILLS MONUMENT RESTORATION

To see if the Town will vote to appropriate from the Community Preservation Fund Historic Fund Balance the sum of SEVENTEEN THOUSAND FIVE HUNDRED DOLLARS (\$17,500.00) for the purpose of historic preservation and restoration of the Draper-Mills Cemetery Monument in the North Cemetery, including all costs incidental and related thereto; or take any action relative thereto.

Sponsor: Community Preservation Committee

RECOMMENDATION OF THE FINANCE COMMITTEE:

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

RECOMMENDATION OF THE BOARD OF SELECTMEN:

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

RECOMMENDATION OF THE COMMUNITY PRESERVATION COMMITTEE:

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

Summary: The Draper-Mills monument was damaged by a tree limb in a wind storm. This amount is to fund the repair to the monument.

ARTICLE 7
COMMUNITY PRESERVATION GRAVESTONE RESTORATION

To see if the Town will vote to appropriate from the Community Preservation Fund Historic Fund Balance the sum of NINE THOUSAND FIVE HUNDRED AND 00/100 DOLLARS (\$9,500.00) for the purpose of North Cemetery and/or Old Burial Ground historic preservation and restoration work, including all costs incidental and related thereto; or take any action relative thereto.

Sponsor: Community Preservation Committee

RECOMMENDATION OF THE FINANCE COMMITTEE:

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

RECOMMENDATION OF THE BOARD OF SELECTMEN:

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

RECOMMENDATION OF THE COMMUNITY PRESERVATION COMMITTEE:

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

<p><i>Summary: The purpose of this article is to fund the gravestone/monument conservation services for the North Cemetery and Old Burial Ground.</i></p>

ARTICLE 8
COMMUNITY PRESERVATION RECREATIONAL TRAILS MASTER PLAN

To see if the Town will vote to appropriate from the Community Preservation Fund Undesignated Fund Balance the sum of ELEVEN THOUSAND AND 00/100 DOLLARS (\$11,000.00) for the purpose of updating the Recreational Trails Master Plan, including all costs incidental and related thereto; or take any action relative thereto.

Sponsor: Community Preservation Committee

RECOMMENDATION OF THE FINANCE COMMITTEE:

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

RECOMMENDATION OF THE BOARD OF SELECTMEN:

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

RECOMMENDATION OF THE COMMUNITY PRESERVATION COMMITTEE:

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

Summary: In 2012, the Sturbridge Recreation Master Trails Plan Subcommittee coordinated the preparation of a trails Master Plan for the town. It is a comprehensive look at the trail system and includes dozens of resources needed for implementation. One important element that is lacking in the master plan is a map showing how the various town properties and trails are connected, either physically or ecologically. This update will bring the plan up to date, to be more useful and valuable.

ARTICLE 9
COMMUNITY PRESERVATION STREETER BEACH ENTRY ROAD
FEASIBILITY STUDY AND DESIGN

To see if the Town will vote to appropriate from the Community Preservation Fund Undesignated Fund Balance the sum of THIRTY-FIVE THOUSAND AND 00/100 DOLLARS (\$35,000.00) to fund the feasibility study, design and permitting of a new entry driveway for the Streeter Beach Recreation Area for recreational purposes; or take any action relative thereto.

Sponsor: Community Preservation Committee

RECOMMENDATION OF THE FINANCE COMMITTEE:

That the Town vote to approve the article as written. Voted: 5-2-0.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

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

RECOMMENDATION OF THE COMMUNITY PRESERVATION COMMITTEE:

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

Summary: Streeter Road was abandoned by the Town in 1957. This new driveway would be designed and constructed to provide access to the beach area and not interfere with the traffic at the adjacent parcel. The overall goal is to reopen Streeter Beach to the public by leasing the site from the Army Corp of Engineers.

ARTICLE 10
COMMUNITY PRESERVATION TRAIL CONSTRUCTION

To see if the Town will vote to appropriate from the Community Preservation Fund Undesignated Fund Balance the sum of TWENTY-FOUR THOUSAND AND 00/100 DOLLARS (\$24,000.00) for the purpose of funding signage, materials, and labor for trail construction on Community Preservation Act purchased parcels for recreational purposes; or take any action relative thereto.

Sponsor: Community Preservation Committee

RECOMMENDATION OF THE FINANCE COMMITTEE:

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

RECOMMENDATION OF THE BOARD OF SELECTMEN:

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

RECOMMENDATION OF THE COMMUNITY PRESERVATION COMMITTEE:

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

Summary: Funds will be used for the purpose of funding trail construction including bridges, materials, supplies, permitting, equipment and labor, on the following properties: Leadmine, Plimpton, Long Pond, Heins and Riverlands.

ARTICLE 11
TOWN BUDGET

To see if the Town will vote to raise and appropriate a sum of money as may be necessary to pay the Town charges for the fiscal year beginning July 1, 2021 and vote to fix salary and compensation of all elected officials of the Town in accordance with the provisions of Massachusetts General Laws, Chapter 41, Section 108, effective July 1, 2021; or take any action relative thereto.

Sponsor: Board of Selectmen

RECOMMENDATION OF THE FINANCE COMMITTEE:

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

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town vote to approve the article as written. Voted: 3-0-0.

Summary: This article is for the approval of the Town and School operating budgets for Fiscal Year 2022.

ARTICLE 12
ROAD CONSTRUCTION, REPAIRS AND MAINTENANCE

To see if the Town will vote to raise and appropriate to the Road Construction, Repairs and Maintenance Account ONE HUNDRED FIFTY THOUSAND DOLLARS 00/100 (\$150,000.00) in order to fund road construction, repairs and maintenance of town roads as determined by the DPW Director; or take any action relative thereto.

Sponsor: Board of Selectmen

RECOMMENDATION OF THE FINANCE COMMITTEE:

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

RECOMMENDATION OF THE BOARD OF SELECTMEN:

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

Summary: The Town funds road repair and maintenance through an annual warrant article which does not expire at the end of the Fiscal Year to provide the Department of Public Works with greater flexibility in meeting the needs of the community.

ARTICLE 13
PUBLIC ACCESS DEPARTMENT

To see if the Town will vote to appropriate from the PEG Access and Cable Related Fund the sum of TWO HUNDRED FIFTY-TWO THOUSAND SIX HUNDRED FORTY-ONE DOLLARS AND 00/100 (\$252,641.00); or take any action relative thereto.

Estimated budget for FY22 is:

Salaries/Wages	\$ 81,582.00
Longevity	\$ 300.00
Employee Benefits	\$ 22,269.00
Operating Expenses	\$ 21,750.00
Capital	\$126,740.00
Total	<u>\$252,641.00</u>

Sponsor: Board of Selectmen

RECOMMENDATION OF THE FINANCE COMMITTEE:

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

RECOMMENDATION OF THE BOARD OF SELECTMEN:

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

Summary: This proposed budget provides for the operations of the Town’s cable access service. Funds for this article are provided via a surcharge on each cable bill. Also, the Town Hall and Center Office Building meeting rooms are in need of a technology update. Both these rooms are still using older analog technology. This capital project will update these facilities to digital technology. A digital signal will improve the picture quality that is sent to Charter to broadcast town meetings. The Cable Access Department would also like the ability to “Go Live” anywhere. This could be beneficial at outdoor venues such as the Town Common and Recreation Fields.

ARTICLE 14
STURBRIDGE TOURIST ASSOCIATION

To see if the Town will vote to transfer and appropriate from the Hotel/Motel Special Account to the Sturbridge Tourist Association Account the sum of ONE HUNDRED NINETEEN THOUSAND SEVEN HUNDRED EIGHTY-FIVE DOLLARS AND 00/100 (\$119,785.00); or take any action relative thereto.

Estimated budget for FY22 is:

Community Support	\$ 19,422.00
Marketing	\$ 63,490.00
Salaries/Wages	\$ 29,665.00
Employee Benefits	\$ 7,208.00
Total	<u>\$119,785.00</u>

Sponsor: Board of Selectmen

RECOMMENDATION OF THE FINANCE COMMITTEE:

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

RECOMMENDATION OF THE BOARD OF SELECTMEN:

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

Summary: The revenues come from a 6% hotel/motel tax which is split with 67.5% going to the General Fund, 16.25% used for funding the Sturbridge Tourist Association and 16.25% used for the Betterment Committee. This budget is available for marketing the community for tourism, as well as partial funding for the Economic Development/Tourism Coordinator position.

ARTICLE 15
BETTERMENT COMMITTEE

To see if the Town will vote to transfer and appropriate from the Hotel/Motel Special Account to the Betterment Account the sum of ONE HUNDRED NINETEEN THOUSAND SEVEN HUNDRED EIGHTY-FIVE AND 00/100 DOLLARS (\$119,785.00)for the following items:

Requested By	Item	Amount
Polly Currier	Flower Barrels	\$ 2,200.00
Recreation	Plantings (Bloom Committee)	\$ 575.00
Library	Beautification Joshua Hyde Library	\$ 3,800.00
Town Planner	Wayfinding Streetscape Improvements	\$10,000.00
Finance Director	Beautification at Town Hall and Center Office Building	\$ 2,500.00
Tree Warden	Tree Planting - Arbor Day Program	\$ 1,910.00

Recreation	Town Offices & Library Decorations	\$ 4,000.00
DPW	Sidewalk Maintenance	\$10,250.00
Tree Warden	Tree Maintenance (town-wide)	\$10,000.00
Tree Warden	Town Common Tree Maintenance	\$ 7,322.00
Tree Warden	Main Street Tree and Park Maint.(Street Landscaping)	\$ 2,000.00
Police Department	Special Event Overtime (Police)	\$10,000.00
Police Department	Recon Power Bike – Recon Interceptor	\$ 5,369.00
Fire Department	Protective Firefighting Gear	\$13,500.00
Fire Department	Special Events Overtime (Fire)	\$ 7,300.00
Recreation	Cedar Lake (Town Beach) Water Treatment	\$ 1,795.00
Recreation	Town Common Summer Concert Series	\$ 4,000.00
Recreation	Decorations for Town Common	\$ 4,445.00
Recreation	Turner’s Field – Infield Rehab	\$ 6,819.00
SLAC	Great Pond Weed & Safety Program	\$ 6,000.00
Recreation	Funding for Special Events in the Community	\$ 6,000.00
Total:		\$119,785.00

or take any action relative thereto.

Sponsor: Board of Selectmen

RECOMMENDATION OF THE FINANCE COMMITTEE:

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

RECOMMENDATION OF THE BOARD OF SELECTMEN:

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

Summary: The revenues come from a 6% hotel/motel tax which is split with 67.5% going to the General Fund, 16.25% used for funding the Sturbridge Tourist Association and 16.25% used for the Betterment Committee. Betterment Committee funds are utilized for public safety, recreation and the beautification of the community.

ARTICLE 16
CAPITAL IMPROVEMENT PLAN

To see if the Town will vote to transfer from Free Cash and appropriate the sum of FIVE HUNDRED TWELVE THOUSAND ONE HUNDRED SEVENTY-NINE AND 00/100 DOLLARS (\$512,179.00), to transfer from the WATER RESERVE FUND BALANCE and appropriate the sum of NINETEEN THOUSAND NINE HUNDRED SEVENTY-FIVE AND 00/100 DOLLARS (\$19,975.00), and to transfer from the SEWER RESERVE FUND BALANCE and appropriate the sum of NINETEEN THOUSAND NINE HUNDRED SEVENTY-FIVE AND 00/100 DOLLARS (\$19,975.00) for the purpose of funding the following items, including the

payment of all costs incidental and related thereto, for the Capital Improvement Plan to be undertaken for the Fiscal Year beginning July 1, 2021;

Department	Item	Amount
Facilities	Fire Alarm (Nursery School)	\$20,000.00
Fire	Holmatro Rescue Tool	\$41,500.00
IT	Copier (Center Office Building)	\$ 8,000.00
DPW	3/4 ton pickup truck with plow	\$39,950.00
IT	Copier (Library)	\$ 9,600.00
DPW	Two (2) Ground Speed Control Spreader Systems	\$12,000.00
Facilities	Fencing/Signage (Animal Control)	\$ 6,500.00
Facilities	Lift Operators Replacement (DPW)	\$15,000.00
Facilities	Lightning Protection (Town Buildings)	\$97,000.00
DPW (Water/Sewer)	3/4 ton pickup truck with plow	\$39,950.00
Fire	Ford Explorer	\$52,750.00
Police	Six (6) Rifles & Magazines	\$ 6,852.00
IT	Interior Security Camera System (TH, COB)	\$27,300.00
Fire	Apparatus Technology Upgrades	\$76,527.00
DPW	Skid-Steer Loader with attachments	\$49,000.00
Facilities	Basement Archival Storage (COB)	\$20,200.00
Facilities	Rehabilitation of Building (North Cemetery)	\$30,000.00

Total \$552,129.00

or take any action relative thereto.

Sponsor: Board of Selectmen

RECOMMENDATION OF THE FINANCE COMMITTEE:

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

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town vote to approve the article as written. Voted: 3-0-0.

Summary: This budget funds a portion of the highest rated capital needs of the Town. The Capital Plan as presented is consistent with the Comprehensive Fiscal Policies approved by the Selectmen and Finance Committee. Under this policy, capital expenditures rated as high priorities but costing under \$5,000.00 are included in department budgets; capital expenditures over \$5,000.00 and under \$100,000.00 are included in this article to be funded using free cash; and capital expenditures over \$100,000.00 are included and recommended as short-term borrowing or raise and appropriate articles.

ARTICLE 17
AMBULANCE STABILIZATION FUND

To see if the Town will vote to raise and appropriate the sum of THIRTY THOUSAND AND 00/100 DOLLARS (\$30,000.00) to the Ambulance Stabilization Fund for the purpose of reserving funds for the future purchase of an ambulance, including the payment of all costs incidental and related thereto; or take any action relative thereto.

Sponsor: Board of Selectmen

RECOMMENDATION OF THE FINANCE COMMITTEE:

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

RECOMMENDATION OF THE BOARD OF SELECTMEN:

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

<p><i>Summary: Each year, the Town sets aside a sum of money to assist the Town in replacing its ambulances on a seven-year schedule. If approved, the approximate balance in the Ambulance Stabilization Fund will be \$218,282.00.</i></p>
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ARTICLE 18
OPEB TRUST FUND

To see if the Town will vote to raise and appropriate the sum of ONE HUNDRED THOUSAND AND 00/100 DOLLARS (\$100,000.00) to the Other Post-Employment Benefits Liability Trust Fund Account; or take any action relative thereto.

Sponsor: Board of Selectmen

RECOMMENDATION OF THE FINANCE COMMITTEE:

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

RECOMMENDATION OF THE BOARD OF SELECTMEN:

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

<p><i>Summary: The Government Accounting Standards Board (GASB) has determined that Other Post-Employment Benefits (OPEB) are part of the compensation that employees earn each year notwithstanding that such benefits are not tendered until after employment has ended. These benefits include health insurance, prescription or other related benefits provided to eligible retirees. GASB-45 mandates that municipalities account for and, eventually, fund these benefits. The fund was established and capitalized with \$100,000.00 at the 2011 Annual Meeting. In accordance with the Town's financial policies, an annual contribution of not less than \$50,000.00 should be allocated to the fund until such time as the actuarially</i></p>
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calculated OPEB liability of \$22.5 million dollars is realized. If approved, Sturbridge will have approximately \$1,248,364.00 in the fund.

ARTICLE 19
TAX RATE RELIEF

To see if the Town will vote to authorize the Board of Assessors to use FOUR HUNDRED FIFTY THOUSAND AND 00/100 DOLLARS (\$450,000.00) from Free Cash to support the tax rate for the fiscal year beginning on July 1, 2021; or take any action relative thereto.

Sponsor: Board of Selectmen

RECOMMENDATION OF THE FINANCE COMMITTEE:

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

RECOMMENDATION OF THE BOARD OF SELECTMEN:

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

Summary: The Town has historically utilized available Free Cash to reduce the tax rate when finances have allowed.

ARTICLE 20
REVALUATION/INTERIM ADJUSTMENTS

To see if the Town will vote to raise and appropriate TEN THOUSAND AND 00/100 DOLLARS (\$10,000.00) to the Revaluation/Interim Adjustments Account; or take any action relative thereto.

Sponsor: Board of Selectmen

RECOMMENDATION OF THE FINANCE COMMITTEE:

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

RECOMMENDATION OF THE BOARD OF SELECTMEN:

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

Summary: This article provides annual funding for property revaluations and interim adjustments that the town is required to perform in accordance with Massachusetts General Law.

ARTICLE 21
REVOLVING FUNDS – SPENDING LIMITS FY22

To see if the Town will vote pursuant to the provisions of Chapter 44, Section 53E½, to set the FY22 spending limits for certain revolving funds as follows:

<u>Revolving Fund:</u>	<u>Maximum Expenditure:</u>
Recreation	\$30,000.00
HazMat Cleanup	\$20,000.00
Board of Health	\$20,000.00
BOH: Pay-As-You-Throw Program	\$20,000.00
Senior Center	\$10,000.00
Planning Department	\$10,000.00
Public Lands	\$20,000.00
Sturbridge Tourist Association	\$20,000.00
CPR	\$ 5,000.00
House Numbering	\$ 5,000.00

or take any action relative thereto.

Sponsor: Board of Selectmen

RECOMMENDATION OF THE FINANCE COMMITTEE:

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

RECOMMENDATION OF THE BOARD OF SELECTMEN:

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

Summary: The departmental revolving fund statute, G.L. c. 44, 53E 1/2, was amended by the Municipal Modernization Act in 2016, which eliminated the caps on the amount that could be spent from the revolving funds. At the Special Town Meeting in February 26, 2018, the revolving fund bylaw was adopted per the Municipal Modernization Act; however, Town Meeting must continue to vote annually on or before July 1 on the amount that may be spent from each fund during the upcoming fiscal year.

ARTICLE 22
WATER DEPARTMENT

To see if the Town will vote to raise and appropriate, through the fixing and collection of just and equitable prices and rates set by the Board of Selectmen (acting as Water Commissioners), a sum of ONE MILLION THREE HUNDRED NINETY THOUSAND NINE HUNDRED THREE AND 00/100 DOLLARS (\$1,390,903.00) for the expenses of the Water Department; or take any action relative thereto.

Estimated budget for FY22 is:

Contract Operations \$ 690,467.00

Electricity	\$ 85,000.00
Perchlorate Testing	\$ 10,000.00
DPW Director	\$ 14,300.00
Meter Maintenance	\$ 10,000.00
`Billing Expense	\$ 5,400.00
Debt Service	\$ 402,536.00
Miscellaneous	\$ 41,500.00
Capital Replacement	\$ 81,700.00
Reserve Account	\$ 50,000.00
Total:	\$1,390,903.00

Sponsor: Board of Selectmen

RECOMMENDATION OF THE FINANCE COMMITTEE:

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

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town vote to approve the article as written. Voted: 3-0-0.

Summary: This budget covers the operating expenses for providing public water in Sturbridge. The current rate for water service will remain unchanged.

ARTICLE 23
SEWER DEPARTMENT

To see if the Town will vote to raise and appropriate, through fixing and collection of just and equitable prices and rates set by the Board of Selectmen (acting as Sewer Commissioners) a sum of TWO MILLION FOUR HUNDRED TWO THOUSAND NINE HUNDRED NINETY-TWO AND 00/100 DOLLARS (\$2,402,992.00) and to transfer the sum of THREE HUNDRED FORTY-TWO THOUSAND AND 00/100 DOLLARS (\$342,000.00) from the Sewer Reserve Fund Balance, for a total sum of TWO MILLION SEVEN HUNDRED FORTY-FOUR THOUSAND NINE HUNDRED NINETY-TWO AND 00/100 DOLLARS (\$2,744,992.00) for the expenses of the Sewer Department; or take any action relative thereto.

Estimated budget for FY22 is:

Contract Operations	\$ 895,007.00
Electricity	\$ 210,000.00
Chemicals	\$ 15,000.00
DPW Director	\$ 14,300.00
Billing Expense	\$ 4,900.00
Debt Service	\$ 866,625.00
Southbridge Fees	\$ 200,000.00
Liquid Sludge Handling	\$ 200,000.00
Miscellaneous	\$ 166,160.00

Capital Replacement	\$ 123,000.00
Reserve Account	\$ 50,000.00
Total:	\$2,744,992.00

Sponsor: Board of Selectmen

RECOMMENDATION OF THE FINANCE COMMITTEE:

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

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town vote to approve the article as written. Voted: 3-0-0.

Summary: This budget covers the operating expenses for providing public sewer in Sturbridge. The current rate for sewer service will remain unchanged.

ARTICLE 24
SEWER PROJECT DEBT

To see if the Town will vote to transfer the sum of:

- FIFTEEN THOUSAND TWO HUNDRED SIXTY-THREE AND 00/100 DOLLARS (\$15,263.00) from the F/B Reserved for Sewer Betterments to the Phase II Sewer Debt Account #28440-59100;
- TWO HUNDRED EIGHT THOUSAND FIVE HUNDRED EIGHTY-EIGHT AND 00/100 DOLLARS (\$208,588.00) from the F/B Reserved for Sewer Betterments to the Phase III Sewer Debt Account #28440-59300;
- ONE HUNDRED THIRTY-NINE THOUSAND SEVEN HUNDRED SEVENTY-FIVE AND 00/100 DOLLARS (\$139,775.00) from the F/B Reserved for Sewer Betterments to the Big Alum Sewer Debt Account #28440-59220; and
- FIFTY-THREE THOUSAND FIVE HUNDRED SEVENTY-FIVE AND 00/100 DOLLARS (\$53,575.00) from the F/B Reserved for Sewer Betterments to the Woodside/Westwood Sewer Debt Account #28440-59230;

for the purpose of paying debt service due on these sewer projects for FY22; or take any action relative thereto.

Sponsor: Finance Director

RECOMMENDATION OF THE FINANCE COMMITTEE:

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

RECOMMENDATION OF THE BOARD OF SELECTMEN:

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

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

ARTICLE 25
PIPE COATINGS MAINTENANCE PROGRAM

To see if the Town will vote to transfer from the Sewer Reserve Fund Balance the sum of TWO HUNDRED SIXTY THOUSAND AND 00/100 DOLLARS (\$260,000.00) for the first year of a three year program to repaint and reseal tanking and piping at the wastewater treatment facility, including all costs incidental and related thereto; or take any action relative thereto.

Sponsor: Board of Selectmen

RECOMMENDATION OF THE FINANCE COMMITTEE:

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

RECOMMENDATION OF THE BOARD OF SELECTMEN:

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

Summary: This program will provide for the stripping and recoating of both tertiary clarifiers as well as the interior steel tank and associated with tank # 1. All mechanical components within these tanks will need to be stripped clean and then primed and two coats of sealer applied.

ARTICLE 26
DESIGN AND PERMITTING FOR A NEW WASTEWATER PUMP STATION AND
FORCE MAIN TO SERVICE THE FISKE HILL AREA

To see if the Town will vote to transfer from the Sewer Reserve Fund Balance the sum of TWO HUNDRED THOUSAND DOLLARS AND 00/100 DOLLARS (\$200,000.00) for the design and permitting of a new wastewater pump station and force main to service the Fiske Hill area of Town, including all costs incidental and related thereto; or take any action relative thereto.

Sponsor: Board of Selectmen

RECOMMENDATION OF THE FINANCE COMMITTEE:

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

RECOMMENDATION OF THE BOARD OF SELECTMEN:

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

Summary: The Town wants to design and permit a new sewer pump station and force main to provide sewer service to the Fiske Hill area of Town. Currently, that area of Town is served through contract by the Town of Southbridge. This study will also review the adequacy of the Hobbs Brook pump station.

ARTICLE 27
INFLOW AND INFILTRATION STUDY AND REPAIRS

To see if the Town will vote to transfer from the Sewer Reserve Fund Balance the sum of NINETY THOUSAND AND 00/100 DOLLARS (\$90,000.00) for funding the ongoing Inflow and Infiltration improvement program for the municipal sewer system, including all costs incidental and related thereto; or take any action relative thereto.

Sponsor: Board of Selectmen

RECOMMENDATION OF THE FINANCE COMMITTEE:

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

RECOMMENDATION OF THE BOARD OF SELECTMEN:

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

Summary: This study is a mandatory program of the Department of Environmental Protection (DEP) involving every wastewater collection system in Massachusetts. This program requires that all our collection systems be examined to identify necessary repairs. This is year two of a recurring annual cost for the next ten years and will keep the Town in compliance with the DEP regulations.

ARTICLE 28
TAX INCREMENT FINANCING AGREEMENT AND PROJECT CERTIFICATION:
RLS COMPLETE REGIONAL, LLC

To see if the Town will vote to approve and certify the Local Incentive Application submitted for a 83,000 square feet or greater cold storage facility including 5,000 square feet of office space and mechanical rooms located at 90 Charlton Road, as shown on the Project Certification Application, and to authorize the Board of Selectmen to enter into a Tax Increment Financing Agreement, pursuant to the provisions of G.L. Chapter 40, section 59, with RLS Complete Regional, LLC, or its acceptable designee, all in substantially the form submitted to this Town Meeting, a copy of which has been placed on file with the Town Clerk, such approval serving to confirm the information contained in the Project Certification Application that (1) the project as proposed is consistent with the Town's economic development objectives and can reasonably be expected to benefit

significantly from the Tax Increment Financing Agreement; (2) the project will not overburden the Town’s infrastructure and utilities servicing the Economic Opportunity Area; and (3) the project, as described in the Project Certification Application, will have a reasonable chance of increasing employment opportunities; and to authorize designation of the project as a certified project for a term of ten (10) years and a tax increment financing plan of not more than ten (10) years providing for real estate tax exemptions at the following exemption rate on the added value resulting from the project:

Year	Percentage
1 st Year	100%
2 nd Year	90%
3 rd Year	80%
4 th Year	70%
5 th Year	60%
6 th Year	50%
7 th Year	40%
8 th Year	30%
9 th Year	20%
10 th Year	10%

or take any action relative thereto.

Sponsor: Board of Selectmen

RECOMMENDATION OF THE FINANCE COMMITTEE:

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

RECOMMENDATION OF THE BOARD OF SELECTMEN:

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

Summary: This article would authorize the Board of Selectmen to offer a TIF to RLS Complete Regional, LLC cold storage facility or acceptable designee, for purposes of facilitating the construction of an 83,000 square feet or greater cold storage facility including 5,000 square feet of office space and mechanical rooms located at 90 Charlton Road.

ARTICLE 29

EMERGENCY SERVICES RADIO SYSTEM EVALUATION AND TECHNICAL SUPPORT FOR IMPLEMENTATION OF A NEW INTEROPERABLE RADIO SYSTEM

To see if the town will vote to transfer from Free Cash the sum of ONE HUNDRED SEVENTY THOUSAND AND 00/100 DOLLARS (\$170,000.00) for technical support and owner’s representation for the evaluation, configuration, purchase, and implementation of a new public safety radio system; or take any action relative thereto.

Sponsor: Board of Selectmen

RECOMMENDATION OF THE FINANCE COMMITTEE:

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

RECOMMENDATION OF THE BOARD OF SELECTMEN:

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

Summary: The Town's current public safety radio system was built several decades ago and is not sufficient for current operations. Moreover, there are portions of the town where the system has areas that are not serviced. The funds requested will hire a consultant to evaluate the needs of a new system which will include police, fire, public works, public schools, and emergency dispatch, evaluate current and potential radio tower sites, and develop specifications for a new system to meet the needs of the community. This consultant will also serve as the town's representative during the bidding and implementation process.

ARTICLE 30
EASEMENT TO NATIONAL GRID/MASS. ELECTRIC FOR UTILITY POLE /ANCHOR
AND GUY-WIRE, 65 WHITTEMORE ROAD

To see if the Town will vote to authorize the Board of Selectmen to grant to the Massachusetts Electric Company and/or National Grid, and to Verizon New England Inc., a perpetual easement to construct, maintain, operate, and repair, for the transmission of electricity and intelligence, utility poles, anchors, guys and related equipment and appurtenances in, on, and under the Town-owned property located at 65 Whittemore Road on such terms and conditions and for such consideration as the Board deems to be in the best interests of the Town, or take any action relative thereto.

Sponsor: Board of Selectmen

RECOMMENDATION OF THE FINANCE COMMITTEE:

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

RECOMMENDATION OF THE BOARD OF SELECTMEN:

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

Summary: National Grid has installed a new pole on town property at this location under a license issued by the Board of Selectmen. National Grid has requested the Town grant an easement to provide a more permanent authorization for the location of the pole and related equipment on Town property.

ARTICLE 31
ACCEPTANCE OF EXTENSION OF HILLSIDE DRIVE
(2/3 Vote Required)

To see if the Town will vote to accept as a public way an extension of the roadway known as Hillside Drive, as such extension has been heretofore laid out by the Board of Selectmen in the location depicted as “Parcel A 12,879 Sq. Ft.” on the plan entitled: “Lot Division Plan of Land in Sturbridge, MA, prepared for Charles B. McDevitt Revocable Trust & Nancy A. McDevitt Revocable Trust (Owners)”, dated March 5, 2018, prepared by Roger Woods & Co., recorded with the Worcester District Registry of Deeds in Plan Book 933, Plan 112, a copy of which has been placed on file with the Town Clerk, and to authorize the Board of Selectmen to acquire, by purchase, gift, eminent domain or otherwise, interests in land sufficient to provide for the use and maintenance of said way for all purposes for which public ways are used in the Town of Sturbridge, or take any action relative thereto.

Sponsor: Board of Selectmen

RECOMMENDATION OF THE FINANCE COMMITTEE:

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

RECOMMENDATION OF THE BOARD OF SELECTMEN:

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

RECOMMENDATION OF THE PLANNING BOARD:

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

<p><i>Summary: The owner has completed the necessary improvements to the road for acceptance by the Town as a public way.</i></p>

ARTICLE 32
EASEMENT ON 77 FARQUHAR ROAD

To see if the Town will vote to authorize the Board of Selectmen to acquire, by purchase, gift, eminent domain or otherwise, for general municipal purposes, any and all interests held by others in land of the Town located at 75 Farquhar Road and identified as Assessors’ Parcel # 270-03454-075, and further to authorize the Board of Selectmen to grant to the owners of 77 Farquhar Road, identified as Assessors’ Parcel # 270-03453-077, permanent or temporary easements in said Town property appurtenant to the use of 77 Farquhar Road in the location more or less shown on the plan entitled: “Plan of Land (Easement Plan) of Map 3453, Lot 77 & Map 3454, Lot 75, Owner: The Lataille Family Trust & the Town of Sturbridge, 77 Farquhar Road, Town of Sturbridge, Worcester County, Commonwealth of Massachusetts”, dated April 28, 2021, prepared by Levesque Geomatics Inc., a copy of which has been placed on file with the Town Clerk, which acquisition and conveyance may be made on such terms and conditions and for such consideration as the Board deems to be in the best interests of the Town. The easement is described as follows:

**SURVEYOR'S DESCRIPTION
PROPOSED ACCESS EASEMENT**

LAND IN STURBRIDGE, WORCESTER COUNTY, COMMONWEALTH OF MASSACHUSETTS BEING A CERTAIN PARCEL OF LAND, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT, SAID POINT BEING ON THE EASTERLY SIDE OF FARQUHAR ROAD, SAID POINT BEING THE NORTHEASTERLY CORNER OF THE PREMISES HEREIN DESCRIBED, SAID POINT ALSO BEING DISTANT 489.60 FEET ON A BEARING OF SOUTH 11 DEGREES 51 MINUTES 54 SECONDS WEST FROM A STONE BOUND FOUND BEING THE SOUTHWESTERLY CORNER OF LOT 1, PLAN BOOK 589, PLAN 6 AND BEING DISTANT 517.23 FEET ON A BEARING OF SOUTH 60 DEGREES 5 MINUTES 39 SECONDS WEST FROM AN ARMY CORPS OF ENGINEERING BOUND BEING THE SOUTHEASTERLY CORNER OF LOT 2 ON PLAN BOOK 589, PLAN 6 AND FROM SAID POINT RUNNING, THENCE;

THE FOLLOWING 9 COURSES AND DISTANCES ALONG A PROPOSED EASEMENT LINE THROUGH MAP 3454, LOT 75 (N/F LANDS OF TOWN OF STURBRIDGE):

- 1 SOUTH 34 DEGREES 45 MINUTES 48 SECONDS EAST, A DISTANCE OF 44.84 FEET TO AN IRON ROD SET, THENCE;
- 2 SOUTH 88 DEGREES 15 MINUTES 38 SECONDS EAST, A DISTANCE OF 81.55 FEET BY THE FACE OF AN EXISTING BARN FOUNDATION TO THE FOUNDATION CORNER, THENCE;
- 3 NORTH 3 DEGREES 2 MINUTES 2 SECONDS EAST, A DISTANCE OF 30.18 FEET TO ANOTHER BARN FOUNDATION CORNER, THENCE;
- 4 NORTH 0 DEGREES 54 MINUTES 20 SECONDS EAST, A DISTANCE OF 27.38 FEET TO AN IRON ROD SET, THENCE;
- 5 SOUTH 89 DEGREES 5 MINUTES 40 SECONDS EAST, A DISTANCE OF 59.38 FEET TO AN IRON ROD SET, THENCE;
- 6 SOUTH 2 DEGREES 16 MINUTES 5 SECONDS WEST, A DISTANCE OF 39.27 FEET TO A AN IRON ROD SET, THENCE;
- 7 SOUTH 30 DEGREES 26 MINUTES 19 SECONDS WEST, A DISTANCE OF 44.63 FEET TO AN IRON ROD SET, THENCE;
- 8 NORTH 88 DEGREES 15 MINUTES 38 SECONDS WEST, A DISTANCE OF 130.65 FEET TO AN IRON ROD SET, THENCE;

9 NORTH 33 DEGREES 26 MINUTES 38 SECONDS WEST, A DISTANCE OF 40.11 FEET TO AN IRON ROD SET ON THE EASTERLY SIDE OF FARQUHAR ROAD, THENCE;

ALONG THE EASTERLY SIDE OF FARQUHAR ROAD NORTH 13 DEGREES 55 MINUTES 37 SECONDS EAST, A DISTANCE OF 18.90 FEET TO A POINT, THENCE;

STILL ALONG THE EASTERLY SIDE OF FARQUHAR ROAD, NORTH 39 DEGREES 14 MINUTES 14 SECONDS EAST, A DISTANCE OF 6.04 FEET TO A POINT AND PLACE OF BEGINNING.

CONTAINING AN EASEMENT AREA OF 6,819 SQUARE FEET

THE ABOVE-DESCRIBED PROPERTY IS SHOWN ON PLAN PREPARED BY LEVESQUE GEOMATICS, INC, DATED APRIL 28, 2021 AND IS TO BE RECORDED AT THE WORCESTER DISTRICT REGISTRY OF DEEDS.

or take any action relative thereto.

Sponsor: Trails Committee

RECOMMENDATION OF THE FINANCE COMMITTEE:

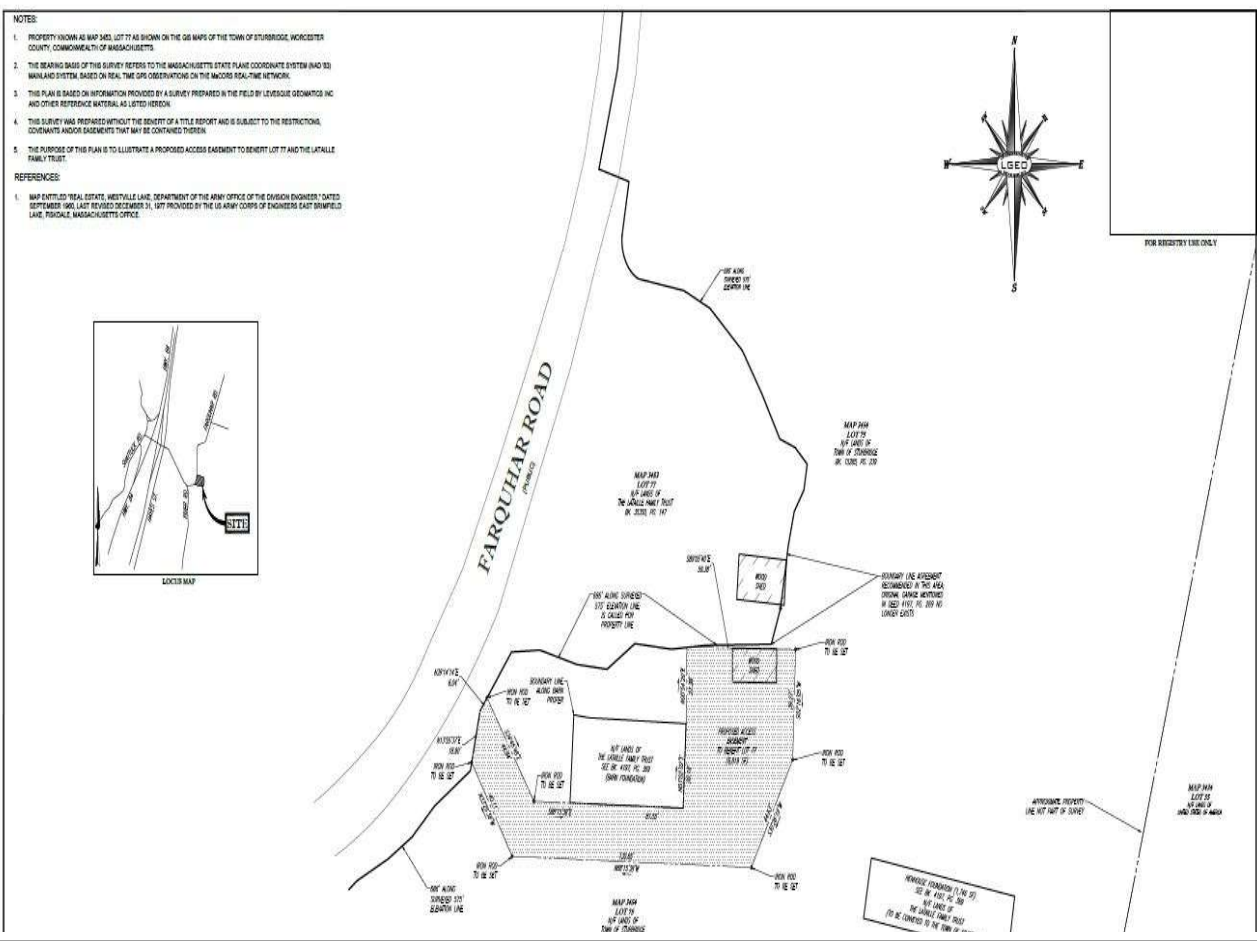
That the Town vote to approve the article as written. Voted: 7-0-0.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

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

Summary: In designing a section of the Grand Trunk Trail over a portion of the town owned property at 77 Farquhar Road, it was discovered at the time this property was acquired by the US Army Corps of Engineers for construction of the Westville Lake flood control project, an easement was acquired over parcel # 270-03453-077, which was acquired by the town after nonpayment of taxes for the parcel. However, the clarity of access to the structures was not defined, the easement now defines that access to the portion of parcel.

The Town acquired 75 Farquhar Rd. for back taxes, and the Conservation Commission requested it be preserved as open space. The Grand Trunk Trail is proposed to travel through this parcel with the approval of the Conservation Comm. In completing deed research, it was determined that when the Corps of Engineers initially acquired a flowage easement on this property, building footprints existed and #77 Farquhar Rd. was allowed undefined access to three building footprints (Barn, Woodshed, and Chicken coop). With the town tax taking, this access was never delineated until, with the engineering for the GTT, a need to travel over the "chicken coop" building footprint was preferred due to wetland setback and environmental concerns. The Latille family has agreed to this delineation of building footprint access to the "barn" and "Woodshed" and has agreed to give up any access to the "Chicken coop" allowing for construction of the trail, and going forward limiting their access on this parcel to that area immediate to the "Barn" and "wood shed."



ARTICLE 33
MINISTERIAL AMENDMENTS TO THE TOWN CHARTER
(2/3 Vote Required)

To see if the Town will vote, pursuant to G.L. c. 43B, §10, to amend the Town Charter to make ministerial and clerical amendments and grammatical corrections thereto, and further to amend the provisions concerning the insertion of warrant articles and the calling of special town meetings by petition to be consistent with the General Laws, all as set forth in the Final Draft of the Code of the Town of Sturbridge, dated 3-19-2021, a complete copy of which has been placed on file with the Town Clerk and is available for viewing on the Town's website at: https://www.sturbridge.gov/sites/g/files/vyhlf3881/f/uploads/codification-charter_0.pdf, such amendments to take effect upon their adoption by the voters of Sturbridge, or take any action relative thereto.

Sponsor: Board of Selectmen

RECOMMENDATION OF THE FINANCE COMMITTEE:

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

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town vote to approve the article as written. Voted: 3-0-0.

<p><i>Summary: This article authorizes changes only of a ministerial, clerical, and grammatical nature to the Town Charter and further authorizes adjustments making the Charter consistent with Massachusetts General Laws.</i></p>
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ARTICLE 34
MINISTERIAL AMENDMENTS AND RECODIFICATION OF THE GENERAL BYLAWS

To see if the Town will vote to amend its General Bylaws by making ministerial and clerical amendments and grammatical corrections thereto, and by re-codifying and re-captioning the complete General Bylaws, and further to make certain substantive amendments, all as set forth in the Final Draft of the Code of the Town of Sturbridge, dated March 19, 2021, a complete copy of which has been placed on file with the Town Clerk and is available for viewing on the Town's website at: https://www.sturbridge.gov/sites/g/files/vyhlf3881/f/uploads/codification-general_bylaws_0.pdf; provided, however, that all general bylaws currently in force and not included in the Code shall be repealed, but such repeal shall not apply to or affect any personnel bylaw, or take any action relative thereto.

Sponsor: Board of Selectmen

RECOMMENDATION OF THE FINANCE COMMITTEE:

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

RECOMMENDATION OF THE BOARD OF SELECTMEN:

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

Summary: The Town has been working with General Code Publishers to clean up and re-codify all of the bylaws of the Town. This article will adopt the recodification.

ARTICLE 35
ACCEPTING THE PROVISIONS OF G.L. c. 60, SECTION 3F ESTABLISHING A
STURBRIDGE VETERANS ASSISTANCE FUND

To see if the Town will vote to accept the provisions of General Laws Chapter 60, Section 3F, to establish a Sturbridge Veterans Assistance Fund, which statute allows municipalities to design and designate a place on its municipal tax bills, or the motor vehicle excise tax bills, or to mail with such tax bills a separate form, whereby the taxpayers may voluntarily check off, donate and pledge an amount which shall increase the amount otherwise due, for the purpose of providing support for veterans and their dependents in need of immediate assistance with food, transportation, heat and oil expenses; or take any action relative thereto.

Sponsor: Veteran's Agent

RECOMMENDATION OF THE FINANCE COMMITTEE:

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

RECOMMENDATION OF THE BOARD OF SELECTMEN:

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

Summary: This article provides for the creation and implementation of a Sturbridge Veterans Assistance Fund. The funds and any interest shall be used to provide support for veterans, military members and their families in need of immediate assistance with food, transportation, heat and oil and other emergency expenses. The town's veteran's agent shall: (i) establish an application process for veterans and their dependents to obtain assistance; (ii) establish standards for acceptable documentation of veteran status or dependent status; and (iii) establish financial eligibility criteria for determining need and amount of assistance for eligible applicants. The Veteran's Agent shall be responsible for reviewing each applicant and fairly applying the eligibility and level-of-need standards. 100% of such contributions would be used only to benefit qualified applicants.

ARTICLE 36
MINISTERIAL AMENDMENTS AND RECODIFICATION OF ZONING BYLAWS
(2/3 VOTE REQUIRED)

To see if the Town will vote to amend its Zoning Bylaws by making ministerial and clerical amendments and grammatical corrections thereto, and by re-codifying and re-captioning the complete Zoning Bylaws, and further, to amend the Zoning Bylaws to make certain substantive

amendments, all as set forth in the Final Draft of the Code of the Town of Sturbridge, dated March 19, 2021, a complete copy of which has been placed on file with the Town Clerk and is available for viewing on the Town's website at: https://www.sturbridge.gov/sites/g/files/vyhlf3881/f/uploads/codification_zoning_bylaws_0.pdf provided, however, that all zoning bylaws currently in force and not included in the Code shall be repealed, or take any action relative thereto.

Sponsor: Planning Board

RECOMMENDATION OF THE FINANCE COMMITTEE:

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

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town vote to approve the article as written. Voted: 3-0-0.

RECOMMENDATION OF THE PLANNING BOARD:

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

Summary: The Town has been working with General Code Publishers to clean up and re-codify all of the bylaws of the Town. This article will adopt the recodification.

ARTICLE 37
AMENDMENT TO THE ZONING BYLAWS FOR ACCESSORY DWELLINGS
(2/3 VOTE REQUIRED)

To see if the Town will vote to amend the Zoning Bylaws, Chapter Eighteen Accessory Dwelling Units, by inserting the underlined language and deleting the strikethrough language as shown below or take any action relative thereto:

~~CHAPTER EIGHTEEN~~ **ARTICLE XI**
ACCESSORY DWELLING UNITS
{Adopted 4-27-09; Article 15}

18.01 ~~ACCESSORY DWELLING UNITS~~ **§ 300-11.1 Special permit required.**

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

18.02 **§ 300-11.2. GENERAL DESCRIPTION:**

An accessory dwelling unit is a second dwelling unit located on the same lot as the principal dwelling unit, either within the principal dwelling or in an accessory structure. The accessory dwelling unit shall be subordinate in size to the principal dwelling and shall be a separate housekeeping unit, complete with ~~unit on a lot located within the principal dwelling or in an accessory structure. The accessory dwelling unit shall be a shall mean a separate housekeeping unit, complete with its own sleeping, cooking and sanitary facilities. , that is~~

~~contained within the structure of a single family dwelling or attached accessory structure as specified in this section, but functions as a separate unit.~~ This bylaw is not intended for revolving short term rentals.

18.03 § 300-11.3. PURPOSE:

The purpose of the Accessory Dwelling Bylaw is to:

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

18.04 § 300-11.4. ACCESSORY DWELLING UNITS STANDARDS:

The SPGA may authorize a Special Permit for a use known as an Accessory Dwelling Unit within the principal single family dwelling, or in an accessory structure located on the same lot as the principal dwelling unit ~~in Owner Occupied, Single Family Dwellings,~~ provided that the following standards and criteria are met:

- A. The accessory unit shall clearly be a subordinate in size part of to the single family dwelling. ~~It shall be no greater than 600 square feet or twenty percent of the total square footage of the existing home, whichever is less.~~
- B. The accessory unit will be a complete, separate housekeeping unit that functions as a separate unit from the original unit.
- C. Only one accessory unit shall be created. This accessory unit shall be either within the single family dwelling or ~~the attached~~ an accessory structure.
- D. ~~The lot on which the single family house is located must meet the minimum lot size requirement and must comply with other applicable zoning requirements for its district.~~
- D. The owner(s) of the property on which the accessory dwelling unit is located either within the principle single family dwelling, or in an accessory structure on the same lot, ~~residence in which the accessory unit is located~~ shall occupy at least one of the dwelling units on the premises except for bonafide temporary absences.
- E. When the ~~The~~ accessory dwelling unit is located within the principal single family dwelling, the unit shall be designed so that the appearance of the building remains that of a single family residence as much as feasibly possible. Where feasible, any new entrances shall be

located on the side or rear of the building. Any exterior changes made must conform to the single family character of the neighborhood.

- F. When the accessory dwelling unit is created in an accessory structure located on the same lot as the principal dwelling unit, the exterior appearance shall be visibly compatible with the primary dwelling and the character of the neighborhood.
- G. An addition to the original building is permitted provided ~~that the addition does not increase the floor area or volume of the original building by more than twenty (20) percent or 600 square feet whichever is less, and~~ the addition will not alter the character of the building.
- H. ~~At least 1.5 off-street parking spaces per dwelling unit are available for use by the owner occupant(s) and tenant(s).~~ **Parking shall be provided as required by § 300-16.11 of this bylaw.** Parking spaces shall be located to the side or the rear of the structure, to the extent feasible. ~~The maximum number of on-site parking spaces shall be five.~~
- I. A Sanitarian or Professional Engineer, registered in the Commonwealth of Massachusetts, has certified that the existing or proposed improvements to new or existing sewage disposal systems are adequate and in accordance with 310 CMR 15.000, The State Environmental Code, Title 5.
- J. The construction of any accessory apartment must be in conformity with the State Building Code.

18.05 § 300-11.5. APPLICATION PROCEDURE:

- A. The procedure for the submission and approval of a Special Permit for an Accessory Dwelling Unit in Owner-Occupied, Single Family Dwellings shall be the same as prescribed in ~~Section 24.0 § 300-18.2B(2)~~ of the Sturbridge Zoning Bylaw, and the Rules and Regulations for special permit that have been adopted and amended from time to time by the SPGA, except that the application shall include a notarized letter of application from the owner(s) attesting that he/she will occupy one of the dwelling units on the premises.
- ~~B. Upon receiving a Special Permit, the owner(s) must file for the subject property a Declaration of Covenants at the Worcester District Registry of Deeds. The Declaration shall state that the right to rent a temporary accessory unit ceases upon transfer of title. A time-stamped copy of the recorded Declaration shall be provided to the SPGA.~~
- B.** In order to provide for the development of housing units for disabled and handicapped individuals, the SPGA will allow reasonable deviation from the stated conditions where necessary to install features that facilitate access and mobility for disabled persons.

18.06 TRANSFER OF OWNERSHIP OF A DWELLING WITH AN ACCESSORY DWELLING UNIT

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

18.07 § 300-11.6. ACCESSORY UNITS IN EXISTENCE BEFORE THE ADOPTION OF THE ACCESSORY DWELLING UNIT BYLAW

A. Statement of Intent

The purpose of this section is to ensure that accessory units or conversions in existence before the adoption of this Accessory Unit Bylaw are in compliance with the State Building Code.

B. Application Procedure

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

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

~~**18.08 REQUIRED RENEWAL** A Special Permit for an accessory dwelling unit shall be two (2) years. At the end of each two (2) year period, renewal shall be granted upon receipt of a new application, accompanied by the appropriate filing fee as listed on the Town of Sturbridge Fee Schedule, and certification by the owner to the Zoning Board of Appeals that the property remains the principal residence of the owner, and that all other conditions met at the time of the original application remain unchanged. The ZBA in its discretion may require a 92 new Special Permit and demonstration of compliance with all the conditions necessary for a Special Permit for an accessory apartment, pursuant to the Special Permit requirements of this bylaw.~~

Sponsor: Planning Board

RECOMMENDATION OF THE FINANCE COMMITTEE:

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

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town vote to approve the article as written. Vote: 3-0-0.

RECOMMENDATION OF THE PLANNING BOARD:

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

Summary: The proposed changes will update the ADU Bylaw to offer greater opportunities for development. The current size limitation and the lack of the option to create a unit in a detached accessory structure are both listed as regulatory constraints in the recently completed Housing Production Plan. The ability to have more flexibility for ADU’s was raised by residents as an issue at both housing Forums and in the survey conducted during this planning process. Nearly 20% of respondents indicated that the ability to have an ADU or “granny flat” was very important. Additionally, 72% of respondents believed that housing for seniors was most needed in Sturbridge. Participants at the Housing Forums noted the ability to create housing for an aging parent or even a younger child was very important.

The proposed changes will:

- *Remove the size limitation and noted that it must be subordinate to the primary dwelling;*
- *Add the possibility of creating a unit in a detached accessory structure (in addition to attached accessory structure already contained in the bylaw);*
- *Remove the language on declaration of covenants, transfer of ownership, and renewals-this is fairly dated language that has not been enforced due to the costs of creating such a unit.*

An Accessory Dwelling Unit will still be subject to the Special Permit process with the Zoning Board of Appeals.

ARTICLE 38
AMENDMENTS TO THE STURBRIDGE ZONING BYLAWS ADDING FAST FOOD
ESTABLISHMENTS TO THE VILLAGE GATEWAY DISTRICT
(2/3 VOTE REQUIRED)

To see if the Town will vote to amend the Zoning Bylaws, **Article VI, § 300-6.4 B**, to insert the following:

(7) Fast Food Establishment

or take any action relative thereto.

Sponsor: Planning Board

RECOMMENDATION OF THE FINANCE COMMITTEE:

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

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town vote to approve the article as written. Voted 3-0-0.

RECOMMENDATION OF THE PLANNING BOARD:

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

Summary: This amendment will allow for Fast Food Restaurant within the Village Gateway District. However, all other standards will remain in place such as architectural and design requirements as well as drive thru standards.

ARTICLE 39
AN ARTICLE AMENDING THE ZONING BYLAWS OF THE TOWN OF STURBRIDGE
TO AMEND THE DEFINITION OF FAST CASUAL DINING
(2/3 VOTE REQUIRED)

To see if the Town will vote to amend the definition of “Fast Casual Restaurant” in the Zoning Bylaws, **Article II Chapter 2**, to delete the strikethrough language as follows, or take any action relative thereto:

Fast Casual Restaurant - An establishment ~~that is at least 4,000 square feet in area~~, which serves food or beverages for immediate consumption either on the premises, or to be taken out for consumption elsewhere. A Fast Casual Restaurant is usually characterized as an establishment in which food is cooked on a customer-demand basis, payment is required prior to consumption, and seating or other physical accommodations for on-premises customer dining, with limited or no table service (no waiters or waitresses), is provided (or – that does not offer full table service, but promises a higher quality of food with fewer frozen or processed ingredients than other fast food restaurants). Examples of this type of facility may include, but are not limited to, establishments selling sandwiches, salads, soups, fresh baked breads and other freshly prepared dishes. May include a drive thru window either by Special Permit or by right as noted elsewhere in this bylaw {**Amended ATM June 5 & 12, 2017 Article 30**}

Sponsor: Planning Board

RECOMMENDATION OF THE FINANCE COMMITTEE:

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

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town vote to approve the article as written. Voted: 3-0-0.

RECOMMENDATION OF THE PLANNING BOARD:

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

Summary: This amendment will allow for Fast Food Restaurant within the Village Gateway District. However, all other standards will remain in place such as architectural and design requirements as well as drive thru standards.

Also, the proposal deletes the minimum square footage for a Fast Casual Restaurant to be more in line with the current practice of smaller restaurant sizes in general.

ARTICLE 40
AN ARTICLE AMENDING THE ZONING BYLAWS OF THE TOWN AS THEY
REGULATE THE FLOODPLAIN
(2/3 VOTE REQUIRED)

To see if the Town will vote to amend Chapter Three, Establishment of Districts by inserting the underlined information and deleting the strikethrough information as shown below, or take any action relative thereto:

~~CHAPTER THREE~~ **ARTICLE III**
ESTABLISHMENT OF DISTRICTS
{Adopted 3-1-65; Article 46}

3.01 §300-3.1 TYPES OF DISTRICTS

For the purposes of this Bylaw, the Town of Sturbridge is hereby divided into the following types of districts:

RURAL RESIDENTIAL	(RR)	
SUBURBAN RESIDENTIAL	(SR)	
COMMERCIAL	(C)	
COMMERCIAL II	(C2)	{Amended 4-27-92; Article 53}
GENERAL INDUSTRIAL	(GI)	
INDUSTRIAL PARK	(IP)	
COMMERCIAL/TOURIST	(CT)	
HISTORICAL COMMERCIAL	(HC)	{Amended 4-27-98; Article 80}
SPECIAL USE	(SU)	{Amended 4-27-98; Article 81}
VILLAGE GATEWAY DISTRICT	(VGD)	{Amended 6-3-13; Article 4 & 5}
WIRELESS COMMUNICATION	(WC)	{Amended 4-27-98; Article

OVERLAY		104}
MEDICAL MARIJUANA OVERLAY	(MMOD)	{Added ATM 6-2-14; Article
DISTRICT		21}
<u>FLOODPLAIN DISTRICT</u>	<u>(FP)</u>	<u>{Amended 4-26-82; Article</u>
		<u>23}</u>

3.02 §300-3.2 LOCATION OF DISTRICTS

Said districts are hereby located and bounded as shown on a map entitled "Zoning Map of Sturbridge, Massachusetts", dated February 1, 1965 and the "Town of Sturbridge - Overlay District Map" originally dated January 9, 1998 and most recently revised as per the date in the Foreword of this bylaw. Said maps and explanatory matter are hereby declared to be a part of this Bylaw. {Amended 4-28-86; Article 99} & {Amended 4-27-98; Article 130}

3.03 §300-3.3 DISTRICT BOUNDARIES

The location of the boundary lines of the districts shown on the Zoning Map shall be determined as follows:

3.04 A. DISTRICT BOUNDARY LINES ON WAYS. Where the said boundary lines are shown on said map within the street lines of public or private ways, the center lines of such ways shall be the boundary lines.

3.05 B. DISTRICT BOUNDARY LINES ON LOT LINES. Where the said boundary lines are shown approximately on the location of property or lot lines, and the exact location of property, lot or boundary lines is not indicated by means of figures, then the property or lot lines shall be the boundary lines.

3.06 C. DISTRICT BOUNDARY LINES OUTSIDE OF STREET LINES. In the absence of specific dimensions, the distance of the boundary back from the street lines (and running parallel to the street) is assumed to be the distance which, when multiplied by the frontage requirement for the district, will produce the minimum lot size allowed for the district. {Amended 4-29-74; Article 38}

3.07 D. DISTRICT BOUNDARY LINES ON WATERWAYS. Where said boundary lines follow a waterway, the said boundary line shall be as shown on the Zoning Map and shall be deemed to be at the limit of the jurisdiction of the Town, in those cases where the Zoning District Boundary Line is also a Town Boundary Line.

3.08 E. LOCATION OF DISTRICT BOUNDARY LINES. In cases which are not governed by other provisions of this section, the location of said boundary lines shall be determined by the distances in feet, if given, from other lines upon said map, or, if the distances are not given, then by the scale of the map.

3.09 F. DETERMINATION OF DISTRICT BOUNDARY LINES. Whenever any uncertainty exists as to the exact location of a district boundary line, the location of such lines shall be determined by the Board of Selectmen, provided however, that any person aggrieved by their decision may appeal to the Zoning Board of Appeals.

3.10 § 300-3.4 FLOODPLAIN DISTRICT

A Flood Plain District is hereby established as an overlay district to all other districts.
{Amended 4-26-82; Article 23}

3.11 A. FLOODPLAIN DISTRICT DEFINITIONS. Where not expressly defined in the Zoning Bylaws, terms used in this Section shall be interpreted as defined below:

DEVELOPMENT - any man-made change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials. [US Code of Federal Regulations, Title 44, Part 59]

FLOODWAY - The channel of the river, creek or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. [Base Code, Chapter 2, Section 202]

FUNCTIONALLY DEPENDENT USE - a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities. [US Code of Federal Regulations, Title 44, Part 59] Also [Referenced Standard ASCE 24-14]

HIGHEST ADJACENT GRADE - the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure. [US Code of Federal Regulations, Title 44, Part 59]

HISTORIC STRUCTURE - any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or\
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (a) By an approved state program as determined by the Secretary of the Interior; or
 - (b) Directly by the Secretary of the Interior in states without approved programs.

[US Code of Federal Regulations, Title 44, Part 59]

NEW CONSTRUCTION - Structures for which the start of construction commenced on or after the effective date of the first floodplain management code, regulation, ordinance, or standard adopted by the authority having jurisdiction, including any subsequent improvements to such structures. New construction includes work determined to be substantial improvement. [Referenced Standard ASCE 24-14]

RECREATIONAL VEHICLE - a vehicle which is:

(1) Built on a single chassis;

(2) 400 square feet or less when measured at the largest horizontal projection;

(3) Designed to be self-propelled or permanently towable by a light duty truck; and

(4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

[US Code of Federal Regulations, Title 44, Part 59]

REGULATORY FLOODWAY - see FLOODWAY.

SPECIAL FLOOD HAZARD AREA - The land area subject to flood hazards and shown on a Flood Insurance Rate Map or other flood hazard map as Zone A, AE, A1-30, A99, AR, AO, AH, V, VO, VE or V1-30. [Base Code, Chapter 2, Section 202]

START OF CONSTRUCTION

(1) The date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns.

(2) Permanent construction does not include land preparation (such as clearing, excavation, grading or filling), the installation of streets or walkways, excavation for a basement, footings, piers or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual “start of construction” means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Base Code, Chapter 2, Section 202]

STRUCTURE - for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. [US Code of Federal Regulations, Title 44, Part 59]

SUBSTANTIAL REPAIR OF A FOUNDATION - When work to repair or replace a foundation results in the repair or replacement of a portion of the foundation with a perimeter along the base of the foundation that equals or exceeds 50% of the perimeter of the base of the foundation measured in linear feet, or repair or replacement of 50% of the piles, columns or piers of a pile, column or pier supported foundation, the building official shall determine it to be substantial repair of a foundation. Applications determined by the building official to constitute substantial repair of a foundation shall require all existing portions of the entire building or structure to meet the requirements of 780 CMR. [As amended by MA in 9th Edition BC]

VARIANCE - a grant of relief by a community from the terms of a flood plain management regulation. [US Code of Federal Regulations, Title 44, Part 59]

VIOLATION - the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in §60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided. [US Code of Federal Regulations, Title 44, Part 59]

3.12 ~~The purposes of the Flood Plain District are to protect the public health, safety and general welfare, to protect human life and property from the hazards of periodic flooding, to preserve the natural flood control characteristics and the flood storage capacity of the flood plain, and to preserve and maintain the ground water table and water recharge areas within the flood plain. {Amended 4-26-82; Article 23}~~

B. The purpose of the Floodplain Overlay District is to:

(1) Ensure public safety through reducing the threats to life and personal injury

(2) Eliminate new hazards to emergency response officials

(3) Prevent the occurrence of public emergencies resulting from water quality, contamination, and pollution due to flooding

(4) Avoid the loss of utility services, which if damaged by flooding would disrupt or shut down the utility network and impact regions of the community beyond the site of flooding

(5) Eliminate costs associated with the response and cleanup of flooding conditions

(6) Reduce damage to public and private property resulting from flooding waters

3.13 ~~The general boundaries of the Flood Plain District includes all special flood hazard areas within the Town of Sturbridge designated as Zone A and AE, on the Worcester County Flood Insurance Rate Maps (FIRMs) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Worcester County FIRM that are wholly or partially within the Town of Sturbridge are panel numbers 25027C0745E, 25027C0761E, 25027C0762E, 25027C0763E, 25027C0764E, 25027C0766E, 25027C0767E, 25027C0768E, 25027C0769E, 25027C907E, 25027C0909E, 25027C0917E, 25027C0919E, 25027C0926E, 25027C0927E, 25027C0928E, 25027C0929E, 25027C0931E, 25027C0932E, 25027C0933E, 25027C0936E and 25027C0940E dated July 4, 2011. The exact boundaries of the District may be defined by the 100 year base flood elevations shown on the FIRM and further defined by the Worcester County Flood Insurance Study (FIS) report dated July 4, 2011. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board and Director of Inspections, and the Conservation Commission. {Amended 6-06-11; Article 23}~~

C. The Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas within the Town of Sturbridge designated as Zone A, AE, AH, AO, or A99 on the Worcester County Flood Insurance Rate Map (FIRM) dated July 16, 2014 issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The exact boundaries of the District shall be defined by the 1%-chance base flood elevations shown on the FIRM and further defined by the Worcester County Flood Insurance Study (FIS) report dated July 16, 2014. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board and Director of Inspections, and the Conservation Commission.

3.14 **D.** Within Zone A, where the one hundred (100) year flood elevation is not provided on the FIRM, the applicant shall obtain any existing flood elevation data, and it shall be reviewed by the Planning Board. If the data is sufficiently detailed and accurate, it shall be relied upon to require compliance with this Bylaw and the State Building Code. {Amended 4-26-82; Article 23}

3.15 **E.** The Flood Plain District is established as an overlay district to all other districts. All development, including structural and non-structural activities, whether permitted by right or by special permit, must be in compliance with M.G.L., Ch. 131 § 40 and with the requirements of the Massachusetts State Building Code pertaining to construction in the flood plain as well as the DEP Wetlands Protection Regulations, DEP Inland Restriction, DEP Coastal Wetlands Restriction and the DEP Minimum Requirements for the Subsurface Disposal of Sanitary Sewage. {Amended 4-26-82; Article 23} & {Amended 4-24-95; Article 41}

3.15.1 (1) Designation of community Floodplain Administrator. The Town of Sturbridge hereby designates the position of Town Planner to be the official floodplain administrator for the Town.

3.15.2 (2) Permits are required for all proposed development in the Floodplain Overlay District. A permit is required for all proposed construction or other development in the floodplain overlay district, including new construction or changes to existing buildings, placement of manufactured homes, placement of agricultural facilities, fences, sheds, storage facilities or drilling, mining, paving and any other development that might increase flooding or adversely impact flood risks to other properties.

3.15.3 (3) Assure that all necessary permits are obtained. Sturbridge's permit review process includes the use of a checklist of all local, state and federal permits that will be necessary in order to carry out the proposed development in the floodplain overlay district. The proponent must acquire all necessary permits, and must submit the completed checklist demonstrating that all necessary permits have been acquired.

3.15.4 (4) Variances to building code floodplain standards

(a) The Town will request from the State Building Code Appeals Board a written and/or audible copy of the portion of the hearing related to the variance, and will maintain this record in the community's files.

(b) The Town shall also issue a letter to the property owner regarding potential impacts to the annual premiums for the flood insurance policy covering that property, in writing over the signature of a community official that:

[1] The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and

[2] Such construction below the base flood level increases risks to life and property.

(c) Such notification shall be maintained with the record of all variance actions for the referenced development in the floodplain overlay district.

3.15.5 (5) Variances to local Zoning Bylaws related to community compliance with the National Flood Insurance Program (NFIP). A variance from these floodplain bylaws must meet the requirements set out by State law, and may only be granted if:

(a) Good and sufficient cause and exceptional non-financial hardship exist;

(b) The variance will not result in additional threats to public safety, extraordinary public expense, or fraud or victimization of the public; and

(c) The variance is the minimum action necessary to afford relief.

3.16 F. The following uses of low flood damage potential and causing no obstructions to flood flows shall be allowed provided they are permitted in the underlying district and they do not require structures, fill, or storage of materials or equipment.

(a) Agricultural uses.

(b) Forestry and nursery uses.

- (c) Outdoor recreational uses.
- (d) Conservation and wildlife management areas.
- (e) Temporary, non-residential structures used in connection with growing, harvesting, storage or sale of crops raised on the premises.
- (f) Buildings lawfully existing prior to the adoption of these provisions.

{Amended 4-26-82; Article 23}

3.17 G. No structure or building shall be erected, constructed, substantially improved, moved, or otherwise created; no earth or other materials dumped, filled, evacuated, or transferred unless a special permit is granted by the Planning Board. Said Board may issue a special permit hereunder (subject to the applicable provisions of this Bylaw) if the application is compliant with the following provisions:

~~(a)~~ (1) The proposed use shall comply in all respects with the provisions of the underlying district.

(2) Review and reports.

~~(b)~~ (a) Within ten (10) days of receipt of the application, the Board shall transmit one copy of the development plan to each of the following:

- 1) [1] Board of Health
- 2) [2] Town Engineer/DPW Director {Amended 4-27-98; Article 105}
- 3) [3] Conservation Commission
- 4) [4] Director of Inspections; and if concerned
- 5) [5] Fire Chief
- 6) [6] Police Chief
- 7) [7] Board of Selectmen

(b) Final action shall not be taken until reports have been received from the above Boards or thirty-five (35) days have elapsed and a properly published and posted public hearing has been held. **{Amended 4-26-82; Article 23}**

~~(c) All encroachments, including fill, new construction, substantial improvement to existing structures, and other developments are prohibited unless certification by a registered professional engineer is provided by the applicant demonstrating that the encroachment shall not result in any increase in flood levels during the occurrence of the one hundred (100) year flood. {Amended 4-26-82; Article 23}~~

(3) Watercourses with or without designated regulatory floodways.

(a) In Zones A, A1-30, and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

(b) In Zones A1-30 and AE, along watercourses that have a regulatory floodway designated on the Sturbridge FIRM, encroachments are prohibited in the regulatory floodway which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

- (d) (4) The Board may specify such additional requirements and conditions it finds necessary to protect the health, safety, and welfare of the public and the occupants of the proposed use. **{Amended 4-26-82; Article 23}**
- ~~(e) All other necessary permits including State and Federal permits must be received prior to any construction, alteration or other development. In situations involving a river, the developer must show proof of notification to adjacent communities and the State Coordinating Office prior to any alterations or relocation of a watercourse and submit copies to the Federal Insurance Administration of said notifications. **{Amended 4-26-82; Article 23}**~~
- (f) (5) No building, development or substantial improvement shall be allowed in a Floodway. **{Amended 4-26-82; Article 23}**
- (g) (6) The flood-carrying capacity shall be maintained within any altered or relocated portion of any watercourse. **{Amended 4-26-82; Article 23}**
- (h) (7) A minimum of ninety-eight (98) percent of the natural surface and underground flood storage volume of the site shall be maintained. **{Amended 4-26-82; Article 23}**
- ~~(i) All new construction and substantial improvements shall be constructed with flood-resistant materials and methods, and anchored to prevent floatation and lateral movement. **{Amended 4-26-82; Article 23}**~~
- (j) (8) Safe and permanent access shall be maintained by the owner from the nearest public way to any proposed building in the flood plain. **{Amended 4-26-82; Article 23}**
- (k) (9) All new or reconstructed water, sewer, drainage and other utilities shall be designed and located to avoid their impairment, promote safety and minimize flood damage. Approval of the Board of Health shall be required for sewer and drainage systems. **{Amended 4-26-82; Article 23}**
- ~~(l) The Director of Inspections shall be furnished with:
 - 1) The elevation in relation to mean sea level of the lowest habitable floor including basement.~~

2) (10) If the structure has been flood-proofed, the Director of Inspections shall be furnished with the elevation to which the structure has been flood-proofed floodproofed.

{Amended 4-26-82; Article 23}

{m} (11) All buildings and structures as defined in 780 CMR 120.G201 (State Board of Building Regulations and Standards) including new or replacement manufactured homes erected or substantially improved in Flood Hazard Zones (A Zones) shall be designed and constructed in accordance with 780 CMR 120.G501 (as may from time to time be amended). {Amended 4-27-09; Article 11}

{n} (12) Base flood elevation data is required for subdivision proposals or other developments greater than 50 lots or five acres, whichever is the lesser, within unnumbered A Zones. {Amended 4-27-09; Article 11}

{o} (13) Subdivision Proposals. All subdivision proposals and development proposals in the floodplain overlay district shall be reviewed to assure that:

a. (a) Such proposals minimize flood damage.

b. (b) Public utilities and facilities are located & constructed so as to minimize flood damage.

c. (c) Adequate drainage is provided.

{p} (14) Unnumbered A Zones. In A Zones, in the absence of FEMA BFE data and floodway data, the building department will obtain, review and reasonably utilize base flood elevation and floodway data available from a Federal, State, or other source as criteria for requiring new construction, substantial improvements, or other development in Zone A as the basis for elevating residential structures to or above base flood level, for floodproofing or elevating nonresidential structures to or above base flood level, and for prohibiting encroachments in floodways.

{q} (15) AO and AH zones drainage requirements. Within Zones AO and AH on the FIRM, adequate drainage paths must be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

{r} (16) When floodproofing is used, it shall be certified by a Registered Professional Engineer and Registered Architect to be adequate to withstand the forces associated with the Base Flood, and to be essentially water tight with walls substantially impermeable to the passage of water. {Amended 4-26-82; Article 23}

H. Trailer coach and mobile home parks; recreational vehicles.

3.18 (1) No Trailer Coach Parks or Mobile Home Parks will be permitted in the Flood Plain District. **{Amended 4-26-82; Article 23}**

3.18.1 (2) Recreational Vehicles. In A1-30, AH, and AE Zones, all recreational vehicles to be placed on a site must be elevated and anchored in accordance with the zone's regulations for foundation and elevation requirements or be on the site for less than 180 consecutive days or be fully licensed and highway ready.

3.19 I. NOTIFICATION OF WATERCOURSE ALTERATION

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

(1) Adjacent Communities

(2) Bordering States (optional)

(3) FIP State Coordinator

Massachusetts Department of Conservation and Recreation
251 Causeway Street, Suite 800
Boston, MA 02114-2104

(4) NFIP Program Specialist

Federal Emergency Management Agency, Region 1
99 High Street, 6th Floor
Boston, MA 02110

{Amended 4-27-09; Article 11}

3.20 J. REQUIREMENT TO SUBMIT NEW TECHNICAL DATA. If the Town acquires data that changes the base flood elevation in the FEMA mapped Special Flood Hazard Areas, the Town will, within 6 months, notify FEMA of these changes by submitting the technical or scientific data that supports the change(s.)

(1) Notification shall be submitted to:

FEMA Region I Risk Analysis Branch Chief
99 High St., 6th floor, Boston, MA 02110

(2) And copy of notification to:

Massachusetts NFIP State Coordinator
MA Dept. of Conservation & Recreation
251 Causeway Street, Boston, MA 02114

3.21 K. ABROGATION AND GREATER RESTRICTION SECTION. The floodplain management regulations found in this Floodplain Overlay District section shall take precedence over any less restrictive conflicting local laws, ordinances or codes.

3.22 L. DISCLAIMER OF LIABILITY. The degree of flood protection required by this bylaw is considered reasonable but does not imply total flood protection.

3.23 M. SEVERABILITY SECTION. If any section, provision or portion of this bylaw [ordinance] is deemed to be unconstitutional or invalid by a court, the remainder of the ordinance shall be effective.

Sponsor: Planning Board

RECOMMENDATION OF THE FINANCE COMMITTEE:

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

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town vote to approve the article as written. Voted: 3-0-0.

RECOMMENDATION OF THE PLANNING BOARD:

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

Summary: The Planning Board has been reviewing proposed zoning bylaw revisions for the Floodplain District as recommended by the Joy Duperault, CFM, State NFIP Coordinator & Deputy Hazard Mitigation Officer for the Dept. of Conservation & Recreation, Flood Hazard Management Program. Her office has been reviewing the Floodplain Bylaw for every City and Town in the Commonwealth to be sure the Bylaw is current. These are the changes that have been recommended to bring this bylaw up to date.

ARTICLE 41
AMENDING THE GENERAL BYLAWS OF THE TOWN OF STURBRIDGE LIMITING
THE EXEMPTIONS TO THE EARTH REMOVAL BYLAW

To see if the town will amend Chapter 148 Earth Removal of the Town's General Bylaws by adding the underlined language and deleting the strikethrough language shown below, or take any action relative thereto:

Chapter 148 - EARTH REMOVAL

§ 148-1. Permit required; exceptions.

The removal of sand, earth or gravel and the processing and treating of said materials shall be conducted only by a permit issued by the Board of Selectmen. This bylaw is being applied in conjunction with Chapter 300, Zoning, Article XII, of the Town bylaws. This bylaw shall not apply to such operations which are incidental to and in connection with the construction of a building on a lot.

§ 148-2. Exceptions.

A. This chapter shall not apply to the following:

- (1) The excavation of a foundation or site preparation for a new structure, for which a valid building permit is in force, provided the amount of material to be removed will not exceed 5,000 cubic yards.

- (2) The grading and/or landscaping in connection with the construction of a new structure as approved by the Planning Board.
 - (3) The construction or reconstruction of a residential driveway if otherwise permitted.
 - (4) The excavation and grading in connection with construction of a subdivision as approved by the Planning Board.
 - (5) The removal of less than 50 cubic yards in a twelve-month period.
 - (6) The grading in connection with a bona-fide agriculture operation.
- B. The Board of Selectmen may approve the removal of sand, gravel or earth in excess of 50 cubic yards but not to exceed 2,000 cubic yards on a one-time basis under the following conditions:
- (1) The application must be accompanied by a plan or plans showing:
 - (a) The property lines.
 - (b) The area to be excavated.
 - (c) The distance from the property lines to the area to be excavated.
 - (d) The approximate contours before and after excavating.
 - (2) The excavation is to be at least 20 feet from the lot lines unless the Board of Selectmen deems otherwise.

§ 148-3. Permit for removal.

The Board of Selectmen may, after public hearing for which notice has been given by publication and posting as provided in MGL c. 40A, grant a permit for the removal of more than 50 cubic yards in a twelve-month period.

§ 148-4. Application contents.

Any application for a permit for the removal of sand, earth or gravel or for the processing and treating of said materials shall be accompanied by a site plan depicting the land to be affected by such operation. In addition to complying with the minimum site plan requirements of § 148-2, the site plan shall indicate the following:

- A. Contours at intervals of not more than 10 feet;
- B. A placement of at least four inches of compacted topsoil over all excavated, filled or otherwise disturbed surfaces and seeding with a perennial cover crop, reseeded as necessary to ensure uniform growth and soil surface stabilization;
- C. Finished grades are not to exceed a slope of one foot vertical to two feet horizontal; and
- D. Existing removal area(s) and the proposed area(s) for removal in the immediate future.

§ 148-5. Conditions.

Any permit granted for the removal of sand, earth or gravel or for the processing and treating of said materials shall contain the following mandatory conditions:

- A. Removal and processing operations shall not be conducted closer than 50 feet to a public street or to any property line, except in the case of dams, swimming pools or where retaining walls are to be constructed.
- B. All equipment, except mobile equipment, for sorting, washing, crushing, grading, drying, processing and treating, or other operation machinery, shall not be used closer than 100 feet to any public street or to any adjoining property lines.
- C. Any access to excavated area or areas in the process of excavation shall be adequately posted with KEEP OUT - DANGER signs.
- D. Any work or bank that slopes more than 30° downward adjacent to a public street shall be adequately fenced at the top.
- E. A substantial fence shall be provided enclosing the excavation or quarry where any excavation

or quarry will extend under original ground level or will have a depth of 10 feet or more and create a slope of more than one foot vertical to two feet horizontal. Such fence shall be located 10 feet or more from the edge of the excavation or quarry, and shall be at least six feet in height.

- F. Adequate provision is to be made for drainage during and after the completion of operations.
- G. Adequate lateral support shall be maintained for all adjacent properties.
- H. The use of explosives shall be done in accordance with the regulations for storage and handling of explosives as published by the Massachusetts Department of Fire Services and the Sturbridge Fire Department.
- I. Provision shall be made for the adequate control of dust during operation.
- J. Finished grades shall not exceed a slope of one foot vertical to two feet horizontal.
- K. It is recognized that the land reuse of a removal site is in the public interest. Therefore, land reuse plan(s) must be submitted to the Board of Selectmen for approval, subject to the regulations set forth in the following paragraphs:
 - (1) The Board of Selectmen may require that up to three approved alternative future land reuse plans be submitted for such land as is used for the extraction of earth, sand, gravel and rock.
 - (2) Said land reuse plan and its implementation applies to the conversion of the abandoned site and its planned reuse, including landscaping and erosion control. It is, therefore, required that any land reuse plan correspond to a situation which could reasonably occur in the immediate future zero to five years, and be revised as necessary as the existing physical character of the removal area changes.
 - (3) The land reuse plan or any part thereof which reasonably applies to an area which has been abandoned from removal use shall be put into effect within one year of the abandonment of said operation.
 - (4) A bond in an amount stated by the Board of Selectmen shall be posted to ensure the satisfactory implementation of the reuse plan.

§ 148-6. Impact on property value.

Excavation and grading shall be executed in such a manner as not to result in holes, depressions, stagnant water, soil erosion, drainage or sewerage problems or other conditions which would depress the land values or impair the property for use for which it has been zoned.

- § 148-7. Equipment storage.

Unless the property to be graded is located in an industrial district, no earth excavating machinery or trucks shall be stored within 300 feet of any property line or street line, and no machinery for sorting, grading, crushing or for other processing of the excavated material shall be erected, except a temporary shelter for machinery or office.

§ 148-8. Site restoration.

After excavation or removal, the premises shall be cleared of debris, a top layer of topsoil of at least four inches in depth shall be spread over the finished subgrade, and the final surface shall conform to the proposed finished contours and grades. No areas shall be excavated in such manner that the finished grade is below the water table.

§ 148-9. Performance bond.

A performance bond, in form and amount specified by the Board of Selectmen, shall be filed with the Treasurer of the Town of Sturbridge, and said bond shall specify the time within which the work under the permit is to be completed and shall guarantee satisfactory performance of the work.

§ 148-10. Expiration and revocation of permits.

- A. Expiration. Any permit issued by the Board of Selectmen as herein described shall expire within two years of the date of the permit, but may be renewed by the Board of Selectmen for an additional period of time if the Board deems such action satisfactory.
- B. Revocation. The Board of Selectmen may revoke the permit and may take other action as shall be necessary either against the permittee or surety in the bond, to cause completion of the work forthwith in accordance with the terms of the application and permit, if the work of excavating, removal, grading or regrading is not being performed in accordance with said forms.

§ 148-11. Violations and penalties.

The Board may revoke or suspend at any time any permit issued hereunder for violation of any provisions or conditions of this bylaw. Penalties for violation of any provision or conditions of this bylaw shall be provided under MGL c. 40, § 21, Clause 17.

Sponsor: Board of Selectmen

RECOMMENDATION OF THE FINANCE COMMITTEE:

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

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town vote to approve the article as written. Voted: 3-0-0.

Summary: This General Bylaw amendment will limit the exceptions to the Bylaw in sections 300-12.2A of the Bylaw to 5,000 cubic yards, and 300-12.2(B) for projects approved by the Planning Board.

ARTICLE 42

AN ARTICLE AMENDING THE GENERAL BYLAWS OF THE TOWN PROVIDING FOR THE KEEPING OF POULTRY AND OTHER FOWL IN THE TOWN

To see if the Town will vote to amend the General Bylaws, **Chapter 115** Animal Control Bylaw in the following manner;

Insert the following new definitions in **§ 115-1**.

Poultry and other fowl –For the purpose of this bylaw shall be limited to chicken, hen, turkey, goose, duck, Rock Cornish hens, pheasant, and squab.

And also to add a new section **§ 115-8** Poultry and other fowl as shown below:

§115-8. POULTRY AND OTHER FOWL

- A. **Purpose & Intent:** The purpose of this bylaw is to provide a permitting process for the keeping of poultry or other fowl for personal use and to allow this use in a manner that minimizes the impact on the character of neighborhoods, on property values, and to

protect public health and safety. This bylaw is intended to further the objectives of and to act in concert with any existing federal, state and local laws concerning the keeping of poultry or other fowl and the abatement and prevention of nuisances, sources of filth and causes of sickness within the Town. Nothing in this bylaw is intended to limit or restrict the authority of the Board of Health, the Animal Control Officer or the Health Agent to act in accordance with any other law within their jurisdiction, including but not limited to the authority of the Board of Health to abate nuisances.

- B. No persons shall kept poultry or other fowl in the Town of Sturbridge without an annual permit for the keeping of poultry or other fowl issued by the Animal Control Officer.
- C. The Animal Control Officer may limit the total number of poultry or other fowl allowed per lot according to the lot size table below. The keeping of poultry and other fowl on a lot less than .5 acre (21,780 square ft.) is prohibited. Special consideration for lots less than .5 acre may be granted by the Animal Control Office on a case by case basis.
- D. Coops, hutches or other such buildings used to house poultry and other fowl shall be situated not less than fifteen (15) feet from all property lines. All such structures shall be of durable construction and shall be designed to allow for adequate cleaning so as to prevent the harborage of rodents and insects. The owner shall provide for tightly covered and vermin-proof storage of dry animal feed.
- E. Except as provided herein or further limited by the Animal Control Office after inspection of the lot, the number of poultry permitted is as follows:

<u>Lot Size</u>	<u>Maximum # of Poultry</u>
<u>Less than .5 acre (21,780 square ft.) Special consideration may be granted.</u>	<u>0</u>
<u>Equal or greater than .5 acre (21,780 square ft.) but less than 1 acre (43,560 square ft.)</u>	<u>10</u>
<u>Equal or greater than 1 acre (43,560 sq. ft.) but less than 2 acres (65,340 sq. ft.)</u>	<u>20</u>
<u>Equal or greater than 2 acres (65,340 sq. ft.)</u>	<u>30</u>

- F. The keeping of poultry and other fowl shall comply with applicable local, state and federal wetlands regulations and stormwater management regulations. There shall be no construction of any structure or alteration of land within a protected resource area, and or any unlawful discharges of pollution (i.e. fecal waste) into the wetland or buffer zone area. Coops and poultry runs shall not be constructed within 50 ft. of wells and wetlands.
- G. Odor Control:
 - a. (1) Odors from poultry and other fowl, manure, or other poultry-related substances shall not be perceptible at the property boundaries.
 - b. (2) Waste must be composted with carbonaceous material such as hay, bedding, or leaves. If the weather is too cold, or composting is otherwise not possible,

waste must be stored in a sealed container until disposal.

- c. (3) All structures used to house poultry and other fowl shall be cleaned regularly and maintained in such a manner as to prevent the build-up of manure or soiled bedding. Fenced enclosures and/or runs shall be limed and tilled as needed to prevent noxious odors. No trash, rubbish or debris shall be stored or allowed to accumulate in an area used for raising or keeping of poultry or other fowl.

H. Predator and Pest Control:

- a. (1) Poultry and Fowl feed must be stored securely in a rodent-proof container.
 - b. (2) Leftover feed must be properly stored in a manner to secure it from rodents or other pests.
 - c. (3) Manure Storage: All manure, soiled bedding material or waste shall be contained in an area at least fifteen (15) feet from all property lines of the lot where the poultry or fowl are kept and at least one hundred (100) feet from potable water wells, and fifty (5) feet from wetland and other waterbodies that contribute to public water supplies.
- I. Poultry and other fowl shall be confined to the permit holder's property only at all times. At no time shall poultry be allowed to roam onto abutting properties or roadways.
- J. Poultry runs shall be situated not less than fifteen (15) feet from adjoining property lines.

§ 115-9. Exempt Agricultural Use

Nothing in this section is intended to regulate the keeping, raising, or breeding of livestock as part of a commercial agricultural enterprise on two (2) or more acres meeting the requirements of MGL Chapter 40A, Section 3.

or take any action relative thereto.

Sponsor: Board of Selectmen

RECOMMENDATION OF THE FINANCE COMMITTEE:

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

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town vote to approve the article as written. Voted: 3-0-0.

Summary: The proposed changes would allow the keeping of backyard poultry or other fowl provided that the requirements are met. Currently, the keeping of poultry or fowl is limited to parcels that meet the agricultural exemption stated in the Massachusetts General Laws, which is either two or five acres. The changes would allow an appropriate number of poultry or fowl on the lot and would allow the Animal Inspector to issue a permit for the keeping of such animals. The scope of the Article limits ownership to the

poultry and fowl named, among a sizable number of winged animals, in recognition of their respective adult sizes, behaviors and natural habitats and of the humane laws.

ARTICLE 43
CLEANWATER (STORMWATER) COMPLIANCE PROGRAM
MASSACHUSETTS SMALL MUNICIPAL SEPARATE STORM SEWER (MS4)
GENERAL PERMIT COMPLIANCE PROGRAM

To see if the Town will vote to transfer from Free Cash the sum of THIRTY-TWO THOUSAND AND 00/100 DOLLARS (\$32,000.00) for costs associated with requirements of the U.S. Environmental Protection Agency's (EPA's) National Pollutant Discharge Elimination System (NPDES) Massachusetts Small Municipal Separate Storm Sewer (MS4) General Permit; or take any action relative thereto.

Sponsor: Board of Selectmen

RECOMMENDATION OF THE FINANCE COMMITTEE:

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

RECOMMENDATION OF THE BOARD OF SELECTMEN:

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

Summary: This article will provide funding for required Municipal Separate Storm Sewer (MS4) compliance tasks to be completed during FY22 as required by the 2016 General Permit. Note: MS4 refers to the Department of Public Works' permit to discharge stormwater. It is a permit that the Department of Public Works possesses from the Department of Environmental Protection.

ARTICLE 44
RECREATION – SITE PLAN AND CONCEPT PLAN
58 CEDAR STREET, 60 CEDAR STREET, 70 CEDAR STREET, AND 3 NEW BOSTON
ROAD

To see if the Town will vote to transfer from Free Cash the sum of SEVENTY-FIVE THOUSAND AND 00/100 DOLLARS (\$75,000.00) to design a vision plan/concept plan for the Recreation Area at 58, 60, and 70 Cedar St for consideration of Recreation amenities including option of a Dog Park at 3 New Boston Road Extension; or take any action relative thereto:

Sponsor: Recreation Committee

RECOMMENDATION OF THE FINANCE COMMITTEE:

That the Town vote to approve the article as written. Voted: 5-3-0.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

To place the article. Voted: 5-0-0.

Summary: The current design of the multipurpose field at 60 Cedar St has led Recreation to the need to present to the Town a comprehensive plan of the Cedar Recreation Area. This funding will address the additional site work needed for 60 Cedar Street as recommended by Planning and Conservation to move the project forward. This funding will also create a vision plan/concept plan for Cedar Recreation Area. The engineering will include borings, renderings, cost estimates, traffic impact assessment, and will provide three conceptual options to the community. Lastly, this funding will also review a parcel identified at 3 New Boston Road Extension for a potential Dog Park. These plans will benefit Recreation and the community by putting together a comprehensive plan for Recreation's needs.

ARTICLE 45
MAPLE STREET WATER LINE REPLACEMENT
(2/3 Vote Required)

To see if the Town will vote to appropriate a sum of money to pay costs of water line replacement, including the payment of all costs incidental and related thereto, to determine whether this amount shall be raised by taxation, transfer from available funds, borrowing or otherwise provided, or take any action relative thereto.

Sponsor: Board of Selectmen

RECOMMENDATION OF THE FINANCE COMMITTEE:

That the Town appropriates ONE MILLION ONE HUNDRED THOUSAND AND 00/100 DOLLARS (\$1,100,000.00) to pay costs of water line replacement, including the payment of all costs incidental and related thereto; that to meet this appropriation, the Treasurer, with the approval of the Selectmen, is authorized to borrow said amount under and pursuant to G.L. c. 44, §8(5), or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefore. Any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with G.L. c. 44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

Voted: 6-0-0.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town appropriates ONE MILLION ONE HUNDRED THOUSAND AND 00/100 DOLLARS (\$1,100,000.00) to pay costs of water line replacement, including the payment of all costs incidental and related thereto; that to meet this appropriation, the Treasurer, with the approval of the Selectmen, is authorized to borrow said amount under and pursuant to G.L. c. 44, §8(5), or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefore. Any premium received upon the sale of any bonds or notes approved by this vote, less any

such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with G.L. c. 44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

Voted: 5-0-0.

Summary: The water lines on Maple Street need replacement. The Town plans to borrow the money needed for the replacement. Payment on the bonds will come from the water fund.