

TOWN OF STURBRIDGE SPECIAL TOWN MEETING WARRANT



**TANTASQUA REGIONAL HIGH SCHOOL
MONDAY, JANUARY 27, 2020 @ 7:00 P.M.**

ARTICLE 44 SENIOR CENTER FEASIBILITY STUDY AND COST ESTIMATE

To see if the Town will vote to appropriate from Free Cash the sum of EIGHTY-NINE THOUSAND ONE HUNDRED FIFTY AND 00/100 DOLLARS (\$89,150.00) to conduct a feasibility study and cost estimate of whether to renovate the existing Senior Center located at 480 Main Street or build a new center on the parcels at either 70 Cedar Street or 80 Route 15; 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. 6-0-0.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

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

Summary: This study will consider the viability of either renovating the existing Senior Center or building a new center on town properties. Those properties being evaluated are 70 Cedar Street (adjacent to the Recreation Center), and 80 Haynes Street (Old Route 15) otherwise known as the "Shephard Parcel". This is a comprehensive study which will provide a full cost estimate for construction and occupancy of renovating the existing center or building a new one. The total cost of the study will also include \$16,775.00 from a previous study.

ARTICLE 45
PURCHASE OF 501 MAIN STREET FOR THE DEVELOPMENT OF A PUBLIC
PARKING LOT
(2/3 vote required)

To see if the Town will vote to authorize the Board of Selectmen to acquire, by purchase, gift, and/or eminent domain and on such terms and conditions as the Board of Selectmen deems appropriate, for general municipal purposes, including, without limitation, for parking purposes, the parcel of land located at 501 Main Street, containing 0.53 acres, more or less, and described in a deed recorded with the Worcester District Registry of Deeds in Book 59787, Page 181, and as funding therefor and any and all costs incidental and related thereto, to appropriate from Free Cash the sum of TWO HUNDRED AND FORTY-FOUR THOUSAND AND 00/100 DOLLARS (\$244,000.00) and to authorize the Board of Selectmen to enter into all agreements and take all action necessary, convenient or appropriate to carry out such acquisition; 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. 5-1-1.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town vote to approve the article as written. 3-2-0.

Summary: The Commercial Tourist District Plan adopted by the Town in 2014 identified the need for additional parking along the Route 20 Corridor. A request for proposal was published by the Town in the summer of 2019, with the owners of 501 Main Street providing the only response. A purchase price of \$244,000.00 was agreed to which include the removal of all buildings prior to transfer to the Town. Note that another article is needed to appropriate funds to build the parking lot.

ARTICLE 46
DESIGN OF A PUBLIC PARKING LOT AT 501 MAIN STREET

To see if the Town will vote to appropriate from Free Cash the sum of FIFTEEN THOUSAND AND 00/100 DOLLARS (\$15,000) to design a public parking lot at 501 Main Street; or take any action relative thereto.

Final

Sponsor: Board of Selectmen

RECOMMENDATION OF THE FINANCE COMMITTEE:

That the Town vote to approve the article as written. 5-1-0.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town vote to approve the article as written. 3-2-0

Summary: These funds would be used to design the parking area including lighting and drainage in connection with Article 45.

ARTICLE 47
CONSTRUCTION OF AN AFFORDABLE SINGLE FAMILY HOME ON CEDAR STREET WITH COMMUNITY PRESERVATION ACT HOUSING FUNDS

To see if the Town will vote to appropriate from the Community Preservation Fund – Housing Fund Balance, the sum of TWO HUNDRED AND ONE THOUSAND SEVEN HUNDRED FIFTY-SIX AND 00/100 DOLLARS (\$201,756.00) for the construction of a single-family dwelling on property located at 226 Cedar Street and acquisition of a permanent restriction in such property preserving its use for affordable housing; or take any action relative thereto.

Sponsor: Housing Partnership Committee

RECOMMENDATION OF THE FINANCE COMMITTEE:

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

RECOMMENDATION OF THE BOARD OF SELECTMEN:

The Board of Selectmen voted to place the article on the warrant. 4-1-0.

RECOMMENDATION OF THE COMMUNITY PRESERVATION COMMITTEE:

That the Town vote to approve the article as written. 6-0-1.

Summary: An affordable single-family home at 226 Cedar Street will be constructed by Habitat for Humanity. These funds are 50% of the total construction cost of the home and will purchase an affordable housing restriction on the property.

ARTICLE 48
CENTER OFFICE BUILDING STORM WINDOW PROJECT

To see if the Town will vote to appropriate from Community Preservation Fund – Historic Preservation Fund Balance, the sum of TWO THOUSAND SIX HUNDRED AND 00/100 DOLLARS (\$2,600.00) to purchase and install storm windows in the Center Office Building; 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. 5-0-1.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

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

RECOMMENDATION OF THE COMMUNITY PRESERVATION COMMITTEE:

That the Town vote to approve the article as written. 6-0-1.

Summary: \$15,000 was appropriated for the installation of storm windows in the Center Office Building. However, there is a shortfall of \$2,600 to fund the project.

ARTICLE 49
CONVEYANCE OF THE TOWN-OWNED LAND AT 8 BROOKFIELD ROAD

To see if the Town will vote to authorize the Board of Selectmen to convey, upon such terms and for such consideration as it deems appropriate, the land or any interest therein located at 8 Brookfield Road. identified as Town Assessor's Parcel ID No. 173-02327-008 and believed to be more particularly described in that deed recorded with the Worcester District Registry of Deeds in Book 3712, Page 79, and to authorize the Board of Selectmen to enter into all agreements and execute any and all instruments necessary to carry out such disposition; 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. 4-2-0.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

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

Summary: This article seeks to give authorization to the Board of Selectman to enter into all agreements on the possible conveyance of 8 Brookfield Road without further Town Meeting vote.

ARTICLE 50
ACQUISITION OF THE PROPERTY AT 53 HOLLAND ROAD

To see if the Town will vote to authorize the Board of Selectmen to acquire for recreation purposes, by gift, purchase or eminent domain, the land or any portion thereof or interest therein known as 53 Holland Road, identified as Town Assessor's Parcel ID No. 348-02717-053 , and believed to be more particularly described in that deed recorded with the Worcester District Registry of Deeds in Book 4407 , Page 511, and as funding therefor and any and all costs incidental and related thereto, to appropriate from the Community Preservation Fund a sum of money, and to authorize the Board of Selectmen to enter into all agreements and take all action necessary, convenient or appropriate to carry out such acquisition, on such terms and conditions as the Board of Selectmen deems appropriate; or take any other action relative thereto.

Sponsor: Board of Selectmen

RECOMMENDATION OF THE FINANCE COMMITTEE:

The Finance Committee voted to take no action on the article. 6-0-0.

The Finance Committee voted no action due to the lack of an appraisal and purchase price on the property.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the article be placed on the warrant awaiting the results of the appraisal.

RECOMMENDATION OF THE COMMUNITY PRESERVATION COMMITTEE:

The Community Preservation Committee voted to approve a place holder motion in anticipation of having more information, primarily the results of the property appraisal, before approving a final article for the Town Meeting warrant.

Summary: The property located at 53 Holland Road bisects two town-owned parcels and is integral to full development of the Grand Trunk Trail. The Town seeks to acquire the property for recreation purposes.

ARTICLE 51
REPLACEMENT OF A ROOF TOP HVAC UNIT AT THE PUBLIC SAFETY
COMPLEX

To see if the Town will vote to appropriate from Free Cash the sum of SEVENTY-EIGHT THOUSAND DOLLARS (\$78,000.00) for the repair or replacement of the 30-ton rooftop HVAC unit (RTU) on the Public Safety Complex; 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. 5-2-0.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

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

Summary: The ten year old, 30-ton rooftop HVAC unit is damaged. The cost of repair is estimated to be over \$30,000. Therefore, the request is to have the option to replace the unit in its entirety for the estimated cost of \$78,000. This project exceeds \$50,000 and will need to be publicly bid in accordance with M.G.L. c. 149.

ARTICLE 52
AN ARTICLE TO AMEND THE ZONING BYLAW FOR CHANGES IN DEFINITIONS
(2/3 vote required)

To see if the Town will vote to amend the Zoning Bylaw, Chapter Two - Definitions, to delete the existing definition for “Commercial Recreation Facility” and insert the following definitions in the appropriate locations within Chapter Two; or take any action relative thereto:

Indoor Commercial Recreation Facility – Any establishment whose main purpose is to provide the general public with an amusement or entertainment activity. Uses may include but are not limited to arcade, arena, art gallery, art studio, art center, assembly hall, athletic and health clubs and facilities, auditorium, bowling alley, exhibit hall, gymnasium, museum, performance theater, pool or billiard hall, skating rink, swimming pools, tennis facilities, trampoline parks, and other similar uses. Such facility may also provide other regular organized or franchised events, such as children’s amusements, dance studios and instruction, music schools and instruction, martial arts studios and instruction, and other similar type uses. May include accessory uses such as snack bar, restaurant, retail sales, related sports, health and fitness items, and other support facilities.

Outdoor Commercial Recreation Facility – A recreational facility conducted for commercial purposes and primarily outside of a building with any of the uses included in

commercial indoor recreation and also including uses such as athletic fields, miniature golf, batting cages, equestrian centers, and other similar uses. May include accessory uses such as snack bar, restaurant, retail sales or related sports, health or fitness items and other support facilities. Shall not include motorsports, go-carts, other motorized commercial activities, firing ranges, or similar uses.

Craft Beverage Business with Tasting Room - A facility licensed under the relevant state and federal statutes for the production and distribution of malt, spirituous, or vinous beverages. Such establishment may include on-site sampling, the sale of permitted beverages produced on the premises to consumers for off-site consumption, and the sale of commercial goods branded by the establishment. A tasting room, not to exceed 50% of the building's gross square footage, that allows patrons to sample or consume beverages that are produced on premises is permitted as an accessory use. The establishment may also host marketing events, special events, and/or factory tours. May include facilities for customers to brew on-premises for personal consumption off-site as an accessory use.

Sponsor: Town Planning Board

RECOMMENDATION OF THE FINANCE COMMITTEE:

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

RECOMMENDATION OF THE BOARD OF SELECTMEN:

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

<p><i>Summary: Due to changes in Chapter 14 and 15 of the Zoning By-Laws, new definitions have been added to be consistent with the new uses in Chapter 14 – Special Use District.</i></p>
--

ARTICLE 53
AMENDING CHAPTERS 14 AND 15 OF THE ZONING BYLAWS
(2/3 vote required)

To see if the Town will vote to amend the Zoning Bylaw, Chapter Fourteen - Special Use District, Sections 14.01 and 14.02, to insert the underlined language and delete the strikethrough language, as follows, and further to delete Chapter Fifteen – Planned Unit Business Development (PUBD) of the Zoning Bylaw in its entirety; or take any action relative thereto:

CHAPTER FOURTEEN
SPECIAL USE DISTRICT (SU)
{Adopted 4-27-98; Article 60}

14.01 PERMITTED USES

- (a) Single family detached dwelling {Amended ATM June 5 & 12, 2017; Article 34}
- (a) Nursery, including display and sale of natural products
- (c) Religious, educational or governmental use
- (d) Walking, hiking, bicycling, roller skating, picnicking, cross-country skiing, snow shoeing, through the establishment of trails and other amenities.
- (e) Accessory uses customarily incidental to main use on the same premises.
- (f) Farm including agriculture, horticulture, and viticulture, provided that the lot is not less than five (5) acres, including facilities for the sale of produce, wine and dairy products, insofar as the majority of such products for sale have been produced by the owner of the land on which the facility is located.
- (g) Professional and Medical Offices
- (h) Laboratories for Research and Development

14.02 Exceptions which may be allowed by Special Permit from the Special Permit Granting Authority (SPGA) (Unless otherwise noted the Planning Board is the SPGA) in accordance with the regulations appearing in Section 24.09 of this bylaw:

- (a) Campgrounds
- ~~(b) Planned unit business developments (PUBD) in accordance with Section 15.01 of this bylaw (Planning Board acting as SPGA)~~
- ~~(e)(b)~~ Mobile retirement community {Amended ATM June 5 & 12, 2017; Article 35}
- ~~(d)(c)~~ Bed and breakfast ~~(Planning Board acting as SPGA)~~
- ~~(e)(d)~~ Hospital or medical treatment building
- ~~(f)(c)~~ Commercial Recreational Facilities subject to a Special Permit being issued by the ~~Planning Board~~
- (f) Indoor Commercial Recreational Facilities
- (f) Outdoor Commercial Recreational Facilities
- (g) Craft Beverage Business with Tasting Room
- (h) Microbrewery
- (i) Indoor Family Amusement Centers
- (j)

Building heights greater than 35' or three stories, pursuant to a determination of the Special Permit Granting Authority that the design, siting and scale of the proposed building is consistent with the location, scale and characteristics of the uses of the site and is in harmony with the surrounding properties and land uses.

~~(g)~~(k) Accessory Dwelling Unit (ZBA acting as SPGA)

~~(h)~~(l) Single family attached dwelling, provided that:

- (1) It is located within an Open Space Residential Development and meets the requirements outlined in Chapter 17 –Open Space Residential Development.
- (2) There is not less than twenty thousand (20,000) square feet of lot area per dwelling unit

~~(i)~~(m) Two family dwelling provided that:

- (1) It is located within an Open Space Residential Development and meets the requirements outlined in Chapter 17 –Open Space Residential Development.
- (2) There is not less than twenty thousand (20,000) square feet of lot area per dwelling unit.

~~(j)~~(n) Multi family dwelling provided that:

- (1) It is located within an Open Space Residential Development and meets the requirements outlined in Chapter 17 –Open Space Residential Development.
- (2) There is not less than twenty thousand (20,000) square feet of lot area per dwelling unit.

Sponsor: Town Planning Board

RECOMMENDATION OF THE FINANCE COMMITTEE:

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

RECOMMENDATION OF THE BOARD OF SELECTMEN:

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

Summary: The PUBD is being deleted, and additional allowed uses are being added to the Special Use District Bylaw and Planned Unit Development Bylaw. This will allow land to be developed for a variety of uses without the need for a large tract of land.

ARTICLE 54
PROPOSED AMENDMENTS TO CHAPTER NINETEEN OF THE ZONING BYLAW
(2/3 vote required)

To see if the Town will vote to amend the Zoning Bylaw, Chapter Nineteen – Intensity Regulations, as follows, or take any action relative thereto:

- a) Change the street setback requirement in the Special Use District from 100 feet to 50 feet;
- b) Delete the text of footnote 5 to the table and replace it with the following:

⁵ May be varied by Special Permit by the Planning Board

- c) Delete footnotes 6 and 7 from the table.

Sponsor: Town Planning Board

RECOMMENDATION OF THE FINANCE COMMITTEE:

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

RECOMMENDATION OF THE BOARD OF SELECTMEN:

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

Summary: The proposed amendments for Chapter 19 delete the dimensional requirements for PUBD and reduces the front set back to be consistent with other Commercial Districts, and allows greater maximum building heights by special permit.

ARTICLE 55
ELECTRONIC VOTING COMMITTEE

To create an ad hoc Electronic Voting Committee to investigate and report to the June, 2020 Annual town Meeting on the institution and implementation of electronic voting at all future Town Meetings. Said committee to be compromised of the Moderator, Town Clerk, IT Director, and two (2) voters to be appointed one (1) each by the Moderator and Town Clerk; or take any action relative thereto.

Sponsor: The Town Clerk and Town Moderator

RECOMMENDATION OF THE FINANCE COMMITTEE:

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

RECOMMENDATION OF THE BOARD OF SELECTMEN:

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

Summary: This article proposes a committee to investigate electronic voting at future Town Meetings.

ARTICLE 56

ADDITIONAL APPROPRIATION FISKE HILL WATER PUMP STATION

To see if the Town will vote to transfer from the Water Reserve Fund to the Fiske Hill Water Pump Station Project the amount of ONE HUNDRED THOUSAND AND 00/100 DOLLARS (\$100,000) for the purpose of renovating the Fiske Hill Water Pump Station, Account #29450-56717; 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. 5-0-0.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

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

Summary: An additional \$100,000.00 is needed to complete the renovation of the Fiske Hill Water Pump Station. \$850,000.00 was appropriated at the June 3, 2019 Town Meeting.

ARTICLE 57

UNPAID BILL OF A PREVIOUS YEAR
(9/10 vote required)

To see if the Town will vote to transfer from the Sewer Reserve Fund Balance the sum of THREE THOUSAND SIX HUNDRED FIFTEEN AND 12/100 DOLLARS (\$3,615.12) for the purpose of paying unpaid bills of a prior fiscal year; 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. 5-0-0.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

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

Summary: This article provides funding to pay an unpaid bill from FY19 for Chemical Costs and Pilot Testing for Zinc.

ARTICLE 58

ADDITIONAL FUNDING FOR CHEMICALS AND TESTING – SEWER

To see if the Town will vote to transfer from the Sewer Reserve Fund Balance the sum of TWENTY THOUSAND AND 00/100 DOLLARS (\$20,000.00) to the Chemicals and Testing Account #28440-55300; 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. 5-0-0.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

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

Summary: This article provides for additional funds for chemical costs due to zinc removal.