

**RESULTS OF ANNUAL TOWN MEETING**  
May 6, 2006

The warrant was returned to the Town Clerk at 8:55 AM.

With a quorum present, the Moderator Peter Rourke called the meeting to order at 10: 04 AM. The rules of the meeting were read. The warrant showed it had been properly served.

The motion was made and seconded to waive the reading of the warrant, and so voted.

The motion was made and seconded to allow the moderator to declare a two-thirds vote, and so voted.

ANNUAL TOWN MEETING ARTICLES

**Article 1.** The motion was made and seconded to elect all other town officers not required to be on the official ballot.

VOTE: UNANIMOUS

**Article 2.** The motion was made and seconded to hear the reports of the various town officials and committees.

Letter submitted by Anne Foresman and read by Moderator Peter Rourke correcting an error on the dedication page of the Annual Report for Alan Foresman.

VOTE: PASSED

**Article 3.** The motion was made and seconded to authorize the Treasurer to borrow funds as necessary in anticipation of revenue, in accordance with Chapter 44, Sections 23 to 27 of the Massachusetts General Laws.

VOTE: UNANIMOUS

**Article 4.** The motion was made and seconded to accept the following sums in trust; the income there from to be expended for the perpetual care of lots as follows:

*Glenwood Cemetery*

<u>Amount</u>	<u>Name</u>	<u>Ave.</u>	<u>Lot</u>	<u>Section</u>
\$ 200.00	John B. Hewitt	BR	24	Lyman
\$ 400.00	Paul & Gloria Fors	BR	25	Lyman

VOTE: UNANIMOUS

**Article 5.** The motion was made and seconded to appropriate from available funds the sum of \$139,915 Chapter 90 bond issues to be used by the Highway Department in accordance with the Massachusetts General Laws.

VOTE: UNANIMOUS

**Article 6.** The motion was made and seconded to raise and appropriate the sum of \$31,245.86 from Free Cash in order to defray charges and expenses of the Town for the ensuing fiscal year, FY2007, beginning July 1, 2006 and ending June 30.

VOTE: UNANIMOUS

**Article 7.** The motion was made and seconded to raise and appropriate the sums of money necessary to defray charges and expenses of the Town for the ensuing fiscal year, FY2007, beginning July 1, 2006 and ending June 30, 2007, with each item considered to be a separate appropriation as set forth below, and to fix the salaries of all elected officials in the following amounts, including the sums of:

- \$ 541,789.35 for General Government
- \$ 719,361.14 for Protection of Persons and Property
- \$2,639,619.90 for Education
- \$ 388,524.78 for Public Works & Facilities
- \$ 32,359.54 for Human Services
- \$ 48,643.82 for Culture & Recreation
- \$ 352,020.27 for General Government Expenses

For a total sum of \$4,722,318.80 for the FY2007 operating budget.

The motion was made and seconded to amend the budget as follows: Line 110, Board of Health Chair Stipend, change from \$0 to \$2000. Line 111, Board of Health members Stipend, change from \$0 to \$800. Line 2, Town Clerical Staff Wages, change from \$50,818.94 to \$48,018.94.

VOTE ON AMENDMENT: DEFEATED

VOTE ON ORIGINAL ARTICLE: PASSED

**Article 8.** The motion was made and seconded to appropriate the following sums of money to be expended by the Solid Waste Department as and for the Budget of the Solid Waste Department in order to defray the operational expenses and other necessary charges of the Recycling Center and Transfer Station for the ensuing fiscal year, FY2007, beginning July 1, 2006 and ending June 30, 2007, with each item considered to be a separate appropriation as set forth below.

<b>Description</b>	<b>FY07 Amount</b>
<i>Revenues:</i>	
Loan Balance	\$ 24,079.39
Interest Income	\$ 1,080.00
Trash Disposal Fees	\$ 10,000.00
Recyclable Fees	\$ 2,473.00
Recyclable Sales	\$ 1,233.00
Hauler Permit Fees	\$ 7,634.00
<i>Total Revenues:</i>	\$ 46,499.39
<i>Expenses:</i>	
Trucking Services	\$ 2,600.00
Trash Disposal Expenses	\$ 7,000.00
Recycling Expenses	\$ 3,625.00
Salaries and Wages	\$ 4,800.00
General Operating Expenses	\$ 4,395.00
Emergency Reserve	\$ 24,079.39
<i>Total Expenses:</i>	\$ 46,499.39

VOTE: PASSED

**Article 9.** The motion was made and seconded to establish a position of Library Assistant and to raise and appropriate the sum of \$11,232 to a library assistant wages account for the purpose of staffing and funding a library assistant position.

VOTE: YES-50 NO-42 PASSED

**Article 10.** The motion was made and seconded to postpone Article 10 indefinitely.

VOTE TO POSTPONE ARTICLE INDEFINITELY: DEFEATED

The motion was made and seconded to appropriate from Available Funds the sum of \$1,200 to the July 3<sup>rd</sup> Band account for the purpose of paying the July 3<sup>rd</sup> band expenses.

VOTE: PASSED

**Article 11.** The motion was made and seconded to appropriate from Free Cash the sum of \$1,670 to the Fire Equipment Replacement account for the purpose of purchasing fire hoses.

VOTE: UNANIMOUS

**Article 12.** The motion was made and seconded to appropriate from Free Cash the sum of \$512 to the Fire Department Expenses account for the purpose of purchasing fire RIT pack upgrades.

VOTE: UNANIMOUS

**Article 13.** The motion was made and seconded to appropriate from Free Cash the sum of \$16,000 to the Technology and Systems account for the purpose of purchasing accounting software.

VOTE: PASSED

**Article 14.** The motion was made and seconded to postpone Article 14 indefinitely.

VOTE: UNANIMOUS

**Article 15.** The motion was made and seconded to raise and appropriate the sum of \$81,250 under and pursuant to Massachusetts General Laws Chapter 59, Section 21C(g), or any other enabling authority, which appropriation shall be contingent upon the passage of a Proposition two and one-half override vote, for the purpose of paying for town operations.

VOTE: YES- 58 NO-32 PASSED

**Article 16.** The motion was made and seconded to raise and appropriate the sum of \$348,092 under and pursuant to Massachusetts General Laws Chapter 44, Section 7, Subsection 9 or any other enabling authority, which appropriation shall be contingent upon the passage of a Proposition two and one-half override vote for a capital expenditure for one year, for the purpose of paying for the purchase of a new fire truck.

VOTE: UNANIMOUS

**Article 17.** The motion was made and seconded to accept a gift of land for conservation purposes, devised to the Town under the will of Rose Moller, Worcester Probate Court docket # 84P 2497-E1, said land recorded in the Middlesex South District Registry of Deeds, Book 44252, Page 413, and shown on Assessors' Map 11, Parcel 114, Lot 0.

VOTE: UNANIMOUS

**Article 18.** The motion was made and seconded to authorize the Board of Health to enter into an intermunicipal agreement with one or more governmental units to provide public health services which the Board of Health is authorized to perform in accordance with Massachusetts General Laws, Chapter 40, Section 4A.

VOTE: UNANIMOUS

**Article 19.** The motion was made and seconded to amend the Town By-Laws, Article IX, Section 2 to include the following:

No motor boat or other motorized water craft shall be operated at any time upon the body of water known as Little Watatic Pond located in the northwest quadrant of the Town and bisected by West State Road (Route 119), with the exception of boats powered by battery-operated electric trolling motors, at speeds no greater than 3 knots. Whoever violated this by-law shall be punished by a fine of three hundred dollars per occurrence for each violation.

VOTE: PASSED

**Article 20.** The motion was made and seconded to designate all Town roads as scenic roads.

VOTE: YES- 45 NO-33 PASSED

**Article 21.** The motion was made and seconded to amend the Zoning By-Law by adding the following Article:

#### 4.10 Inclusionary Housing

4.10.01 Purpose and Intent: The purpose of this bylaw is to outline and implement a coherent set of policies and objectives for the development of affordable housing in tandem with various initiative programs developed by state, county and local government. It is intended that the affordable housing units that result from this bylaw/ordinance be included on the Town's Subsidized Housing Inventory ("SHI") as kept by the Department of Housing and Community Development ("DHCD"). It is intended that this by-law provide a mechanism to compensate for those decreases in the Town's percentage of affordable housing stock that are directly caused by increases in the Town's overall housing stock.

#### 4.10.02 Definitions:

4.10.02.1 Local housing fund. An account established by: (a) the Town for the specific purpose of creating affordable housing, including use by the Town Housing Authority for the purchase of land or units, or the development of new or rehabilitation of existing dwelling units for affordable housing occupants; or (b) a housing trust or community development corporation designated by the Town and created under the laws of the Commonwealth of Massachusetts.

4.10.02.2 Affordable housing unit. A dwelling unit available at a cost of no more than 30% of gross household income of households at or below 70% of the Applicable area median income as reported by the U.S. Department of Housing and Urban Development ("HUD") and/or DHCD

4.10.02.3 Qualified affordable housing unit purchaser or tenant. An individual or family with household income that does not exceed 80% of the median income, with adjustments for household size, as reported by HUD and/or DHCD.

#### 4.10.03 Applicability:

4.10.03.1 Division of Land. The division of land into ten (10) or more lots shall require a special permit from the Planning Board. A special permit shall be required whether said lots are created at one time or are the accumulation of 10 or more lots from land held in single ownership. A special permit shall be required for "conventional" or "grid" divisions allowed by G.L. c.41 sect. 81-L and sect. 81-U, as well as those divisions that do not require subdivision approval per G.L. c. 41, §81P.

4.10.03.2 Multi-family Units. The construction of ten (10) or more multi-family dwelling units, whether on one or more contiguous parcels, held in common ownership on May 6, 2006, shall require a special permit from the Planning Board.

#### 4.10.04 Mandatory Provision of Affordable Units:

4.10.04.1 The Planning Board shall, as a condition of approval of any development referred to in Sections 4.10.03.1 and 4.10.03.2, require that the applicant for special permit approval comply with the obligation to provide affordable housing pursuant to this bylaw/ordinance and more fully described in Section 4.10.05. Any special permit granted hereunder shall contain a condition that no construction shall commence on the subject land until the affordable units created thereby are eligible for inclusion on the Town's SHI

4.10.05 Provision of Affordable Units:

4.10.05.1 The Planning Board shall deny any application for a special permit for development under this bylaw if the applicant for special permit approval does not comply, at a minimum, with the following requirements for affordable units:

4.10.05.1(a). At least ten (10) percent of the units in a division of land or multiple unit development subject to this bylaw shall be established as affordable housing units in any one or combination of methods provided for below:

1. constructed or rehabilitated on the locus subject to the special permit; or
2. constructed or rehabilitated on a locus different than the one subject to the special permit.

The applicant may offer, and the Planning Board may accept, any combination of the Section 4.10.05.1(a)(1)-(2) requirements provided that in no event shall the total number of units or land area provided be less than the equivalent number or value of affordable units required by this bylaw/ordinance.

4.10.06 Provisions Applicable to Affordable Housing Units On- and Off-Site:

4.10.6.1 Siting of affordable units. All affordable units constructed or rehabilitated under this bylaw shall be situated within the development so as not to be in less desirable locations than market-rate units in the development and shall, on average, be no less accessible to public amenities, such as open space, as the market-rate units.

4.10.6.2 Minimum design and construction standards for affordable units. Affordable housing units within market rate developments shall be integrated with the rest of the development and shall be compatible in design, appearance, construction and quality of materials with other units. The features of affordable units shall comply in all respects to any minimum design and construction standards set forth in the Guidelines promulgated by DHCD.

4.10.6.3 Timing of construction or provision of affordable units or lots. Where feasible, affordable housing units shall be provided coincident to the development of market-rate units, but in no event shall the development of affordable units be delayed beyond the schedule noted below:

<b>Market-rate Unit %</b>	<b>Affordable Housing Unit %</b>
Up to 30%	None required
30% plus 1 unit	At least 10%
Up to 50%	At least 30%
Up to 75%	At least 50%
75% plus 1 unit	At least 70%
Up to 90%	100%

Fractions of units shall not be counted.

4.10.6.4 Local preference. To the extent permitted by law, the Planning Board may require that Ashby residents shall be given preference for 70 (seventy) percent of the affordable housing created under this bylaw. Ashby residents shall include current residents, current residents' child or parent, the spouse or domestic partner of current residents' child or parent and any person employed at least 30 hours per week in Ashby. This preference shall not supercede any law or regulation to prevent discrimination.

4.10.6.5 Marketing Plan for Affordable Units. Applicants under this bylaw/ordinance shall submit a marketing plan or other method approved by the Planning Board for its approval, which describes how the affordable units will be marketed to potential home buyers or tenants. If applicable, this plan shall include a description of the lottery or other process to be used for selecting buyers or tenants. The plan shall be in conformance with DHCD rules and regulations , and shall be subject to the prior review and approval of Town Counsel.

4.10.07 Provision of Affordable Housing Units Off-Site:

4.10.07.1 As an alternative to the requirements of Section 4.10.06, an applicant subject to the bylaw/ordinance may develop, construct or otherwise provide affordable units equivalent to those required by Section 4.10.05 off-site. All requirements of this bylaw/ordinance that apply to on-site provision of affordable units, shall apply to provision of off-site affordable units. In addition, the location of the off-site units to be provided shall be approved by the Planning Board as an integral element of the special permit review and approval process.

4.10.08 Preservation of Affordability; Restrictions on Resale:

4.10.8.1 Each affordable unit created in accordance with this bylaw shall have limitations governing its resale. The purpose of these limitations is to preserve the long-term affordability of the unit and to ensure its continued availability for affordable income households. The deed restriction must be deemed acceptable to DHCD and Town Counsel prior to the issuance of any building or occupancy permits and shall be recorded at the Middlesex County Registry of Deeds or the Land Court and shall be in force for the longest period allowed by law, unless the Planning Board determines that a shorter period of affordability will facilitate the development of affordable housing.

4.10.8.2 The Special Permit Granting Authority shall require, as a condition for special permit approval under this By-Law, that the deeds to the affordable housing unit contain a restriction requiring that any subsequent renting or leasing of said affordable housing unit shall not exceed an amount that is deemed affordable for a household earning no more than 70% of the area median income, as determined by the DHCD.

The Special Permit Granting Authority shall require, as a condition for special permit approval under this By-Law, that the applicant comply with the mandatory set-asides and accompanying deed restrictions on affordability.

4.10.9 Conflict with Other Bylaws: The provisions of this bylaw shall be considered supplemental of existing zoning bylaws. To the extent that a conflict exists between this bylaw and others, the more restrictive bylaw, or provisions therein, shall apply.

4.10.10 Severability: If any provision of this bylaw is held invalid by a court of competent jurisdiction, the remainder of the bylaw shall not be affected thereby. The invalidity of any section or sections or parts of any section or sections of this bylaw shall not affect the validity of the remainder of the Ashby's zoning bylaw.

4.10.11 Regulations: The Planning Board may adopt regulations for the orderly administration of this by-law.

VOTE:

UNANIMOUS

**Article 22.** The motion was made and seconded to appropriate \$1300 to the Stabilization Fund.

VOTE: UNANIMOUS  
The motion was made and seconded to dissolve the Annual Town Meeting at 12:59 PM, and so voted.

Lorraine Pease  
ASHBY TOWN CLERK