Commonwealth of Massachusetts Special Town Meeting

Middlesex, ss:				
To: Constable of the Town of Ashby in said County:				
Greeting:				
In the name of the Commonwealth, you are hereby directed to notify and warn the inhabitants of the Town of Ashby, qualified to vote in elections and town affairs, to meet at the Elementary School Auditorium in said Ashby, Saturday, May 2, 2009 at 9:30 a.m. to act on the following articles:				
SPECIAL TOWN MEETING ARTICLES				
Article 1. To see if the Town will vote to transfer the sum of \$2,865 from the Legal Expenses account to the Prior Year Bills account for the purpose of paying for a prior year Library bill, or take any action thereon. Finance Committee action: √ Approved Disapproved No Action				
Brief Explanation: This article pays a bill dated before July 1, 2008.				
Article 2. To see if the Town will vote to transfer the sum of \$6,000 from the Legal Counsel Expenses account to the Fire Department Expenses account for the purpose of paying fire department expenses, or take any action thereon. Finance Committee action: Approved Disapproved No Action Brief Explanation: This article transfers funds into a previously under funded account.				
Article 3. To see if the Town will vote to transfer the sum of \$400 from the Tax Title account to the Treasurer Expenses account for the purpose of paying treasurer expenses, or take any action thereon. Finance Committee action: Approved Disapproved No Action				
Brief Explanation: This article transfers funds into a previously under funded account.				
Article 4. To see if the Town will vote to transfer the sum of \$2,200 from the Tax Title account to the Town Office Expenses account for the purpose of paying town office expenses, or take any action thereon. Finance Committee action: Approved Disapproved No Action				
Brief Explanation: This article transfers funds into a previously under funded account.				
Article 5. To see if the Town will vote to transfer the sum of \$46,262 from the Fund Balance Reserved for Extraordinary and Unforeseen Expenditures (formerly known as Overlay Surplus) to be used as an other financing source in the general fund for FY09, or take any action thereon. Finance Committee action: Approved Disapproved No Action Brief Explanation: This article offsets the revenue shortfall resulting from a decrease of \$46,262				
in the FY09 state aid.				

account the sum of \$9,827.47, the from the Legal Services account Winter Operations deficit, or take	wn will vote to transfer from the Public S e sum of \$4,900.86 from the Insurance act to the Winter Operations Deficit for the period and action thereon. ion: $\sqrt{\text{Approved}}$ Disapprov	ecount and the sum of \$410.54 purpose of paying down the
Brief Explanation: This a	rticle helps to cover the unusually high winte	er operations costs of FY09.
Ice Storm Expenses account for t	wn will vote to appropriate from Free Casche purpose of paying ice storm expenses ion: $$ Approved $$ Disappro	, or to take any action thereon.
_	osts of the December 11, 2008 ice storm exce unt in this article is an estimate of part of who	
places in said Ashby fourteen (1	serve this warrant by posting an attested 14) days at least before holding of said with your doings thereon, to the Town	meeting. Hereof, fail not, and
Given under our hands this	day of, 2009.	
Geoffrey Woollacott, Chair	Peter McMurray, Procurement	Dan Meunier, Clerk
	ASHBY BOARD OF SELECTMEN	
	e posted three (3) attested copies of the ast fourteen days before the time of said S	
Date:	William Da Constable of A	

Commonwealth of Massachusetts Annual Town Meeting

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Greeting:

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ANNUAL TOWN MEETING ARTICLES

Article official	ballot.	To see if the Town wi				•
	rmanc	e Committee action:		_Approveu _	Disapproveu	_ No Action
	position	xplanation: This article s that are not filled at the any other open position.	time of			
Article commit		To see if the Town wi	ll vote	to hear the rep	orts of the various tow	n officials and
		e Committee action:		_Approved _	Disapproved	_ No Action
						s if the Town Meeting will cluded in the Town Annual
Laws, o	tion of a	To see if the Town wirevenue, in accordance ny action thereon.	with C	Chapter 44, Seco	tions 23 to 27 of the M	lassachusetts General
	Financ	e Committee action:		_Approved _	Disapproved	_ No Action
		xplanation: This article ear if necessary to addres				n loans throughout the

Article 4. To see if the Town will vote to accept the following sums in trust; the income therefrom to be expended for the perpetual care of lots as follows:

Glenwood Cemetery

Amount	Name	Ave.	Lot	Section
\$200.00	A.Gadway & L.Senechal	B-Rear	29	Lyman
\$200.00 \$400.00	Susan Mahan Althea & Howard Sumner	D C	2A 31	Lyman Lyman
\$400.00	Judith & Mark Sumner	C	32	Lyman
\$400.00	Russ & Maryruth Ryan	B-Rear	30	Lyman
\$200.00	Elaine Tucker	E	2	Lyman
\$200.00	E. Lahtinen & C.Starzmann	D	3A	Lyman

\$200.00 \$200.00 \$400.00 \$400.00 \$400.00	Glen D. Tommaso Colin Bourn Judy & John Mikkola Lauri & Pirkko Lassila Elwin & Virginia Shepherd	D E E E D	4A 3 30 4 5A	Lyman Lyman Lyman Lyman Lyman
, or take any action ther Finance Comm	,	l Dica	nnroved	No Action
Brief Explanation: The Cemetery Commissioners are responsible to report all monies collected from the sale of lots for perpetual care during the year so that the voters at Town Meeting can formally accept the funds for the Town. Article 5. To see if the Town will vote to appropriate from available funds the sum of \$173,252 known as Chapter 90 to be used by the Highway Department in accordance with the Massachusetts General Laws, or take any action thereon. Finance Committee action: √ Approved Disapproved No Action				
Brief Explanation: This article asks the voters to formally accept the state funding granted to the Town for road work.				
Article 6. To see if the Town will vote to raise and appropriate the sums of money necessary to defray charges and expenses of the Town for the ensuing fiscal year, FY2010, beginning July 1, 2009 and ending June 30, 2010, with each item considered to be a separate appropriation as set forth below, and to fix the salaries of all elected officials, or take any action thereon. Finance Committee action: Approved Disapproved No Action				
Brief Explanation: This article refers the voters to the <u>detailed Town budget</u> included in this Warrant that has been proposed by the Finance Committee and the Board of Selectmen after careful deliberation.				

Article 7. To see if the Town will vote to appropriate the sum of \$21,079.06 to be expended by the Solid Waste Department to defray the operational expenses and other necessary charges of the Recycling Center and Transfer Station for the ensuing fiscal year, FY2010, beginning July 1, 2009 and ending June 30, 2010, or take any action thereon.

Description	FY10 Amount
Revenues:	
Loan Balance/Retained Earnings	\$ 2,319.00
Interest Income	\$ 536.42
Trash Disposal Fees Collected	\$ 10,014.27
Recyclable Fees Collected	\$ 4,304.57
Recyclable Sales	\$ 3,904.80
Hauler Permit Fees	\$ 0.00
Total Revenues:	\$ 21,079.06
Expenses:	
Salaries and Wages	\$ 3,800.00
General Operating Expenses	\$ 1,500.00
Trash Trucking Services	\$ 2,400.00
Trash Disposal Expenses	\$ 6,830.06
Recycling Expenses	\$ 4,230.00
Emergency Reserve	\$ 2,319.00
Total Expenses:	\$ 21,079.06

Finance Committee action:	$\sqrt{}$ Approved $\underline{}$	Disapproved	No Action

Brief Explanation: This article is the proposed annual budget of the Recycling Center and Transfer Station (RCTS) for FY10.

Article 8. To see if the Town will vote to appropriate from Free Cash the sum of \$3,720 to a Fire Department Grant Matching account for the purpose of matching an Assistance to Firefighters grant, or to take any action thereon. Finance Committee action: Approved Disapproved No Action
Brief Explanation: The Fire Department receives grants each year that requires the Town to appropriate a percentage of its funds to match those from the grantor.
Article 9. To see if the Town will vote to appropriate from Free Cash the sum of \$4,500 to the Technology and Systems account for the purpose of purchasing and installing a computer server for the local area network and related software, or to take any action thereon. Finance Committee action: Approved Disapproved No Action
Brief Explanation: The current ad hoc mail server for the town offices is inadequate to function as an application and file server as well. It has become unreliable and impedes business transactions on a regular basis.
Article 10. To see if the Town will vote to appropriate from Free Cash the sum of \$23,587.85 to the Unemployment Compensation account for the purpose paying unemployment benefits, or to take any action thereon. Finance Committee action: Approved Disapproved No Action
Brief Explanation: As of this time the budget can not cover two people currently in the employ of the Town. In the event that there must be a lay off the Town is required to pay for their unemployment.
Article 11. To see if the Town will vote to authorize the renewal of the Cemetery Burial and Foundations Revolving Fund in accordance with Massachusetts General Laws, Chapter 44, Section 53E½, to receive monies collected for burials, said funds to be expended to pay for said burials to be performed, for grave foundations and for general cemetery maintenance and improvements; with expenditures not to exceed \$10,000, or to take any action thereon. Finance Committee action: Approved Disapproved No Action
Brief Explanation: This motion asks the voters to renew their authority to the Cemetery Commissioners to maintain a revolving account for the specific purpose of maintaining the cemeteries.
Article 12. To see if the Town will vote to authorize a Library Books Revolving Fund in accordance with Massachusetts General Laws, Chapter 44, Section 53E½, to receive monies collected for book late fees and replacement fees, said funds to be expended to pay for book and media repairs, replacements, supplies and expenses; with expenditures not to exceed \$2,400, or to take any action thereon. Finance Committee action: Approved Disapproved No Action
Brief Explanation: This motion asks the voters to renew their authority to the Library Trustees to maintain a revolving account for the specific purpose of maintaining library books and media.
Article 13. To see if the Town will vote to transfer the care, custody, maintenance and control of the parcel of land located on Wheeler Road as described in Assessors Map 5, Parcel 34, Lot 9 and identified in the instrument recorded at the Middlesex South District Registry of Deeds in Book 18604 on Page 001 from the Town Treasurer for tax title purposes to the Conservation Commission for conservation purposes under Massachusetts General Laws Chapter 40, Section 8C, or to take any action thereon. Finance Committee action: Approved Disapproved No Action
Brief Explanation: All transfers of custody and control of town property from town treasurers, boards and commissions must be voted at Town Meeting. This article asks if the voters would authorize the Conservation Commission to hold this particular parcel for use as conservation land.

Article 14. To see if the Town will vote to transfer the care, custody, maintenance and control of the parcel of land located on Foster Road as described in Assessors Map 5, Parcel 45, Lot 0 and identified in the instrument recorded at the Middlesex South District Registry of Deeds in Book 24540 on Page 574

and for purposes of sale, or to take any ac			
Finance Committee action:	$\underline{\hspace{0.1cm}\sqrt{\hspace{0.1cm}}}$ Approved $\underline{\hspace{0.1cm}}$	Disapproved	No Action
Brief Explanation: Again, all transboards or commissions must be vote the Board of Selectmen to hold this p	d at Town Meeting. Th		
Article 15. To see if the Town will we Massachusetts General Laws, authorizing group accidental death and dismember medental and other health insurance for cert the Town be allowed to pay a subsidiary toward a premium for contributory group Town and their dependents, or to take an Finance Committee action:	g the Town to provide ent insurance, and greatin persons in the ser or additional rate over life and health insur- y action thereon.	e a plan of contribute oup general hospital, rvice of the Town an er the minimum spec- rance for employees	ory group life insurance, surgical, medical, d dependents, and, shall cified fifty percent in the service of the
Brief Explanation: This article is a health insurance to its employees an			o provide group
Article 16. To see if the Town will with Massachusetts General Laws, authoric compensation coverage on all elected and take any action thereon. Finance Committee action:	zing the Town to prod appointed officers,	ovide a plan to provide with the exception of	le workers f the Selectmen, or to
Brief Explanation: This article alloworker while in service to the Town.		any possible mishap o	f a nonpaid (volunteer)
Article 17. To see if the Town will we deleting the words "a copy of the Town Fown Report will be available on the Town any action thereon.	Report" and by addin wn Website, the Libr	g a sentence that star ary and the Town Cl	tes: "A copy of the lerk's Office", or take
Finance Committee action:	√_ Approved	Disapproved	No Action
Brief Explanation: This change wi Annual Town Report and the expens available to anyone who wishes to re	e of mailing one to eve		
Article 18. To see if the Town will we the Zoning By-Law for five years from the Finance Committee action:	•	Meeting, or take any	action thereon.
Brief Explanation: This continuati	on keeps the rate of de	velopment by-law in fo	orce.
Article 19. To see if the Town will v section in Article X:	vote to amend the To	wn By-Laws by inse	erting the following
Section 6. TRENCH SAFETY. Pursuan and incorporates by reference the regulation CMR 14.00 as same may be from time to permitting authority and may promulgate consistent with such state enactments. The	ions of the Division of time amended. The additional regulation	of Public Safety as p Building Inspector and for the administra	romulgated under 520 shall serve as the tion of this section

the cost of issuance and administration of said permit.

from the Town Treasurer for tax title purposes to the Board of Selectmen for general municipal purposes

Section 6.1 If the Building Inspector is notified of an unattended trench during a time when the permit holder is unavailable and the Building Inspector deems a condition at a trench site to be a threat to public safety, he may order that area around the trench be made safe for the general public and may further order the immediate shutdown of the site until such time as the condition has been corrected. The permit holder shall be assessed and be responsible to the Town for any cost incurred while making the area around the trench safe for the general public.

Section 6.2 Whenever a permit holder is making multiple trenches over the course of a single project, the Town may choose to issue a blanket permit allowing the permit holder to add to the list of trench locations as the permit holder becomes aware that a trench is required. The permit holder shall advise the Building Inspector in writing of the addition of each new trench.

, or take any action thereon.			
Finance Committee action:	$\sqrt{}$ Approved $\underline{}$	Disapproved	No Action

Brief Explanation: This article will create a Town by-law in order to have the ability to recover expenses related to the recently enacted trench safety law.

Article 20. To see if the Town will vote to amend the Zoning By-Law by inserting the following section:

Section 4.12 Small Wind Energy Systems

4.12.1 Purpose

The purpose of this By-law is to provide criteria which will help the Town of Ashby evaluate a small wind project. The criteria will be utilized by building inspectors charged with issuing building permits for Small Wind Energy Facilities (SWEF). Any proposed non-conforming small wind energy systems will be addressed through a special permit process under the review of the special permit granting authority.

4.12.1.1 Applicability

This section applies to small wind systems no greater than 60 kilowatts of rated nameplate capacity proposed to be constructed after the effective date of this section.

4.12.2 Definitions

Height: The height of a wind turbine measured from natural grade to the tip of the rotor blade at its highest point, or blade-tip height.

Rated Nameplate Capacity: The maximum rated output of electric power production equipment. This output is typically specified by the manufacturer with a "nameplate" on the equipment.

Small Wind Energy System: All equipment, machinery and structures utilized in connection with the conversion of wind to electricity. This includes, but is not limited to, storage, electrical collection and supply equipment, transformers, service and access roads, and one or more wind turbines, which has a rated nameplate capacity of 60 kW or less.

Wind turbine: A device that converts kinetic wind energy into rotational energy that drives an electrical generator. A wind turbine typically consists of a tower, nacelle body, and a rotor with two or more blades.

4.12.3 General Requirements

4.12.3.1 Special Permit Granting Authority

No wind facility less than 60 kilowatts of rated nameplate capacity shall be erected, constructed, installed or modified as provided in this section without first obtaining a permit from the Zoning Board of Appeals (ZBA). The construction of a SWEF shall be permitted in the all zoning districts subject to the issuance of a Special Permit, and provided that the use complies with all requirements set forth in sections 4.12.3, 4, 5 and 6. All such SWEF shall be constructed and operated in a manner that minimizes any adverse visual, safety, and environmental impacts. No special permit shall be granted unless the ZBA finds in writing that:

- (1) the specific site is an appropriate location for such use;
- (2) the use is not expected to adversely affect the neighborhood;
- (3) there is not expected to be any serious hazard to pedestrians or vehicles from the use;
- (4) no nuisance is expected to be created by the use; and
- (5) adequate and appropriate facilities will be provided for the proper operation of the use.

Such permits may also impose reasonable conditions, safeguards and limitations on time and use and may require the applicant to implement all reasonable measures to mitigate unforeseen adverse impacts of the SWEF, should they occur.

Wind monitoring or meteorological towers shall be permitted in all zoning districts subject to issuance of a building permit for a temporary structure.

4.12.3.2 Compliance with Laws, Bylaws and Regulations

The construction and operation of all such proposed SWEFs shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, environmental, electrical, communications, and FAA aviation requirements.

4.12.4 General Siting Standards

4.12.4.1 Setbacks

Wind turbines shall be set back a distance equal to the total height of the wind turbine from all inhabited structures, overhead utility lines, public road or right of way and at least twenty five (25) feet from property boundaries.

4.12.4.1.1 Setback Waiver

The building inspector may reduce the minimum setback distance if written permission is granted by the entity with care and control over the affected asset.

4.12.5 Design Standards

4.12.5.1 Appearance, Color and Finish

The wind generator and tower shall remain painted or finished the non-reflective color or finish that was originally applied by the manufacturer, unless approved in the building permit.

4.12.5.2 Lighting

Wind turbines shall be lighted only if required by the Federal Aviation Administration.

Lighting of other parts of the SWEF, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties.

4.12.5.3 Signage and Advertising

Signs and advertising shall be restricted to reasonable identification of the manufacturer or operator of the small wind energy facility and shall defer to the requirements of the Town of Ashby sign regulations.

4.12.6 Safety, Aesthetic and Environmental Standards

4.12.6.1 Unauthorized Access

Wind turbines or other structures part of a SWEF shall be designed to prevent unauthorized access. For instance, the tower shall be designed and installed so as to not provide step bolts or a ladder readily accessible to the public for a minimum height of 8 feet above the ground.

4.12.6.2 Noise

The SWEF and associated equipment shall conform to the provisions of the Department of Environmental Protection's, Division of Air Quality Noise Regulations (310 CMR 7.10), unless the Department and the Permit Granting Authority agree that those provisions shall not be applicable.

4.12.6.3 Land Clearing, Soil Erosion and Habitat Impacts

Clearing of natural vegetation shall be limited to that which is necessary for the construction, operation and maintenance of the SWEF and is otherwise prescribed by applicable laws, regulations, and bylaws.

4.12.7 Monitoring and Maintenance

4.12.7.1 System Conditions

The applicant shall maintain the SWEF in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and security measures.

4.12.8 Abandonment or Decommissioning

4.12.8.1 Removal Requirements

Any SWEF which has reached the end of its useful life or has been abandoned shall be removed. When the SWEF is scheduled to be decommissioned, the owner shall notify the Board of Selectmen and the ZBA by certified mail of the proposed date of discontinued operations and plans for removal. The owner/operator shall physically remove the SWEF no more than 90 days after the date of discontinued operations. This period may be extended at the request of the operator and at the discretion of the ZBA. "Physically Remove" shall include, but not be limited to:

- (1) Removal of all wind turbines, structures, shelters, machinery, equipment, security barriers and transmission lines from the site;
- (2) Disposal of all solid and hazardous waste in accordance with local and state waste disposal regulations; and
- (3) Restoration of the location of the SWEF to its natural condition, except the ZBA may allow the owner to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

4.12.8.2 Abandonment

Absent notice of a proposed date of decommissioning, the SWEF shall be considered abandoned when the facility fails to operate for more than 180 days without the written consent of the ZBA.

4.12.9 Term of Special Permit

A special permit issued for any SWEF shall be valid for 25 years, unless the Special Permit is extended or renewed upon a finding of satisfactory operation of the facility. Request for renewal must be submitted at least 180 days prior to expiration of the Special Permit. Upon the expiration of the Special Permit or any renewal thereof, the SWEF shall be removed by the owner in accordance with Section 4.11.8.1.

4.12.10. Application Process

	rr		
	The ZBA shall adopt rules and regulations relative to ap SWEF Special Permits.	plication procedures and	d requirements for
or tak	or take any action thereon. Finance Committee action: $\sqrt{}$ Approved	Disapproved	No Action
	Brief Explanation: This Zoning By-Law change would districts. Currently the Town allows wind turbines lar		
approposition amount the Lamount the Toamount Barn F	propriation shall be contingent upon the passage of a so te, under and pursuant to Massachusetts General Laws abling authority, and, if said ballot vote passes, to amen the May 2, 2009 Annual Town Meeting by increasing the nount of \$48,900.96, the Highway Department Wages an apployee Benefits account in the amount of \$27,374.64, the Land Use Agent Services account in the amount of \$6 mount of \$5,673.24, the EMT Stipends account in the anothe amount of \$2,592.87, the Band Concerts account in the amount of \$2,614.32, the Fire Department of Town Hall Expenses account in the amount of \$2,000 mount of \$2,900.25, the Highway Gas and Diesel account in Fuel account in the amount of \$2,778.50 for the purpose of	-called Proposition two Chapter 59, Section 21Cd the FY2010 operating he Police Department We count in the amount by the FICA account in the 4,094.28, the Firefighter amount of \$3,151.80, the lamount of \$3,902.3 Expenses account in the 00, the Library Building at in the amount of \$2,77	and one-half override C(g), or any other budget under Article 6 Vages account in the \$58,338.72, the amount of \$1,554.98, Stipends account in the EMS Expenses account 0, the Police Expenses amount of \$2,614.32, g Fuel account in the 78.50 and the Highway
	Brief Explanation: This article is required to restore provide midnight shift police officer coverage; two hig Agent services, Firefighter and EMT stipends to help a restore the partial Summer Band Concerts and address gasoline. This would add .49 cents to the tax rate per household (or .36 cents per day).	hway workers to make roa lefray their certification an s increases in the price of t	nd repairs, the Land Use and training expenses, theating and fuel oils and
	Finance Committee action:Approved	Disapproved _	√ No Action
	rticle 22. To see if the Town will vote to appropriate abilization Fund, or take any action thereon. Finance Committee action: $\sqrt{}$ Approved	•	

Brief Explanation: This article allows the Town Meeting to gather and total any monies that

were available and not appropriated at previous articles and direct that sum to the Stabilization Fund.

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And you are hereby directed to serve this warrant by posting an attested copy in at least three (3) public places in said Ashby seven (7) days at least before holding of said meeting. Hereof, fail not, and make due return of this warrant with your doings thereon, to the Town Clerk at the time and place of meeting aforesaid.			
Given under our hands this	day of	, 2009.	
Geoffrey Woollacott, Chair	Peter McMurray, Prod	curement	Dan Meunier, Clerk
ASHBY BOARD OF SELECTMEN			
By virtue of this precept, I h public places in said Ashby at			the foregoing warrant in three (3) Annual Town Meeting.
Dotos			
Date:		illiam Davis, Cor	nstable of Ashby