

**Commonwealth of Massachusetts
Annual 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 Ashby Elementary School, 911 Main Street in said Ashby, Saturday, May 6, 2017 at 9:30 a.m. to act on the following articles:

ANNUAL TOWN MEETING ARTICLES

Article 1. To see if the Town will vote to elect all other town officers not required to be on the official ballot.

Brief Explanation: *This article allows the voters at Town Meeting to elect officials to open positions that are not filled at the time of the Town Meeting. This typically consists of a Field Driver, but could be any other open position.*

Finance Committee action: Approved Disapproved No Action

Article 2. To see if the Town will vote to hear the reports of the various town officials and committees.

Brief Explanation: *In response to this motion, the Town Moderator usually asks if the Town Meeting will vote to dispense with the reading of all the annual reports that appear in the Town Annual Report.*

Finance Committee action: Approved Disapproved No Action

Article 3. To see if the Town will vote 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; or take any other action relative thereto.

Brief Explanation: *This article allows the Town Treasurer to take out short term loans throughout the fiscal year if necessary to address cash flow timing issues.*

Finance Committee action: Approved Disapproved No Action

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	Debra Gilligan	E	8	Lyman II
\$200.00	Kevin & Debra Gilligan	E	9	Lyman II
\$400.00	Mark Leger		68	Section I
\$400.00	Susan & William Clement	E	14 & 15	Lyman II
\$200.00	Margaret McCulloch	E	16	Lyman II
\$400.00	Susan Cudmore	E	17 & 18	Lyman II
\$400.00	Mark Lapham	C	31	Lyman
\$400.00	Ronald & Brenda Gilbert	E	27	Lyman II

or take any other action relative thereto.

Brief Explanation: *The Cemetery Commissioners must 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.*

Finance Committee action: **Approved** **Disapproved** **No Action**

Article 5. To see if the Town, pursuant to the provisions of Ch. 44, s. 53E ½, as most recently amended by the Municipal Modernization Act (Chapter 218 of the Acts of 2016), to amend the General By-laws by inserting a new by-law establishing various revolving funds, specifying the departmental receipts to be credited to each fund, the departmental purposes or programs for which each fund may be expended, and the entity authorized to expend each fund, such bylaw to provide as follows:

DEPARTMENTAL REVOLVING FUNDS

1. Purpose. This by-law establishes and authorizes revolving funds for use by the Town's Library and Cemetery Departments, under the provisions of MGL, Ch. 44, s. 53E ½.
2. Expenditure Limitations. The specified departments may incur liabilities against and spend monies from a revolving fund established and authorized by this by-law without appropriation, subject to the following limitations:
 - A. No liability shall be incurred in excess of the available balance of the fund.
 - B. The total amount spent during a fiscal year shall not exceed the amount authorized by Annual Town Meeting or any increase therein as may be later authorized by the Board of Selectmen and Finance Committee in accordance with G.L. c.44, §53E½.
3. Interest. Interest earned on monies credited to a revolving fund established by this by-law shall be credited to the general fund.
4. Procedures and reports. Except as provided in MGL, Ch. 44, s. 53E ½ and this by-law, the laws, rules, regulations, expenditures, policies and procedures that govern the receipt and custody of town monies and the expenditure and payment of town funds shall apply to the use

of a revolving fund established and authorized by this by-law. The Town Accountant shall include a statement on the collections credited to each fund, the encumbrances and expenditures charged to the fund, and the balance available for expenditure in the regular report the Town Accountant provides the department on appropriations made for its use.

5. Authorized Revolving funds.

5A. LIBRARY BOOKS REVOLVING FUND

5A.1. Fund name. There shall be a separate fund called the Library Books Revolving Fund authorized for use by the Library Trustees.

5A.1.2 Revenues. The Town Accountant shall establish the Library Books Revolving Fund as a separate account, and credit to said fund all of the monies collected for late book fees and replacement fees charged and received by the Library.

5A.1.3 Purposes and Expenditures. During each fiscal year the Library Trustees may incur liabilities against and spend monies from the Library Books Revolving Fund to pay for book and media repairs or replacements, supplies, and similar expenses.

5A.1.4 Fiscal Years. The Library Books Revolving Fund shall operate for fiscal years that begin on or after July 1, 2018.

5B. CEMETERY BURIAL AND FOUNDATIONS REVOLVING FUND

5B.1 Fund name. There shall be a separate fund called the Cemetery Burial and Foundations Revolving Fund.

5B.2 Revenues. The Town Accountant shall establish the Cemetery Burial and Foundations Revolving Fund as a separate account, and credit to said account the monies collected for burials and allied activities, charged and received by the Cemetery.

5B.3 Purposes and Expenditures. During each fiscal year the Cemetery Department may incur liabilities against and spend monies from the Cemetery Burial and Foundations Revolving Fund for burials to be performed, for grave foundations, and for general cemetery maintenance and improvements.

5B.4. Fiscal years. The Cemetery Burial and Foundation Revolving Fund shall operate for fiscal years that begin on or after July 1, 2018.

Or take any other action relative thereto.

Brief Explanation: *A recent amendment to the cited chapter of the General Laws require that municipalities cease the prior practice of renewing authorizations for departmental revolving funds every year, while retaining the requirement that Town Meeting annually set a cap on the amount that each revolving fund can spend without further authorization. Because the timing of this amendment presents some logistical challenges, the Department of Revenue has authorized municipalities to pass the requisite by-law (which will be effective July 1, 2018), while also proceeding with the traditional individual approvals and cap-setting. This article addresses the By-law; articles 6 and 7 address the requirements for the specific funds in FY18.*

Finance Committee action: **Approved** **Disapproved** **No Action**

Article 6. To see if the Town will vote to authorize the renewal of the Cemetery Burial and Foundations Revolving Fund in accordance with MGL Chapter 44, Section 53E½, to receive monies collected for burials, said funds to be expended by the Cemetery Commissioners to pay for said burials to be performed, for grave foundations, and for general cemetery maintenance and improvements with total expenditures not to exceed \$15,000; or take any other action relative thereto.

Brief Explanation: *This motion, as required by statute, asks the voters to renew the authority of the Cemetery Commissioners to maintain a revolving account for the specific purpose of maintaining the cemeteries.*

Finance Committee action: **Approved** **Disapproved** **No Action**

Article 7. To see if the Town will vote to authorize the renewal of the Library Books Revolving Fund in accordance with MGL Chapter 44, Section 53E½, to receive monies collected for book late fees, replacement fees, and library user fees collected from out of state patrons; said funds to be expended by the Library Trustees to pay for book and media repairs or replacements, supplies, and expenses with total expenditures not to exceed \$3,000; or take any other action relative thereto.

Brief Explanation: *This motion, as required by statute, asks the voters to renew the authority of the Library Trustees to maintain a revolving account for the specific purpose of maintaining library books and media.*

Finance Committee action: **Approved** **Disapproved** **No Action**

Article 8. To see if the Town will vote to appropriate all funds received from the state under the provisions under the "Chapter 90" program to provide for eligible road resurfacing and/or other improvement projects for Town roads; said sum to be 100% reimbursable by the Commonwealth under the provisions of the "Chapter 90" program; or take any other action relative thereto.

Brief Explanation: *This article asks the voters to formally accept the state funding granted to the Town for road work.*

Finance Committee action: **Approved** **Disapproved** **No Action**

Article 9. To see what sum of money the Town will vote to appropriate from available funds for the purpose of operating the Ashby Recycling Center & Transfer Station for FY2018, or take any other action relative thereto.

Brief Explanation: *This article is the proposed annual budget of the Recycling Center and Transfer Station (RCTS) for FY18; funding is derived from the funds generated by the RCTS, and does not come from the tax levy.*

Finance Committee action: **Approved** **Disapproved** **No Action**

Article 10. To see what sum of money the Town will vote to appropriate from available funds for the purpose of operating the Ashby PEG Access Department for FY18.

Brief Explanation: *This article is the proposed annual budget of the Public Education and Government Access Department for FY18; funding is derived from the funds generated by cable franchise fees and other cable-related revenues, and does not come from the tax levy.*

Finance Committee action: Approved Disapproved No Action

Article 11. To see what sum of money the Town will vote to raise and appropriate or transfer from available funds to defray the expenses of the Town for the fiscal year commencing July 1, 2017, and to set the salaries of elected officials; or take any other action relative thereto.

Brief Explanation: *This article will establish a departmentalized budget that has been proposed by the Finance Committee and the Board of Selectmen after careful deliberation.*

Finance Committee action: Approved Disapproved No Action

Amounts shown for prior fiscal years may include funds received through warrant articles, reserve fund transfers, etc. as well as transfers out and do not necessarily reflect budget amounts voted initially by Town Meeting.				
TOWN OF ASHBY		FY16	FY17	FY18
	<i>LINES</i>	<i>SPENT</i>	<i>BUDGET</i>	<i>FINCOM RECOMMEND</i>
<u>Administration</u>				
1	Salaries & Wages	\$ 52,691.41	\$ 53,481.78	\$ 54,284.01
2	Expenses	\$ 3,774.67	\$ 6,550.00	\$ 6,550.00
		\$ 56,466.08	\$ 60,031.78	\$ 60,834.01
<u>Town Administrator</u>				
3	Salaries & Wages	\$ 39,140.00	\$ 39,727.10	\$ 40,323.01
		\$ 39,140.00	\$ 39,727.10	\$ 40,323.01
<u>Finance Committee</u>				
4	Expense Budget	\$ 155.00	\$ 250.00	\$ 250.00
5	Reserve Fund	\$ 21,364.35	\$ 30,000.00	\$ 30,000.00
		\$ 21,519.35	\$ 30,250.00	\$ 30,250.00
<u>Town Accountant</u>				
6	Salaries & Wages	\$ 33,960.00	\$ 34,454.40	\$ 34,956.22
7	Clerical	\$ 2,496.85	\$ 4,100.00	\$ 4,100.00
	Expenses	\$ 2,669.24	\$ 24,524.00	\$ 24,567.00
		\$ 39,708.84	\$ 63,078.40	\$ 63,623.22
<u>Board of Assessors</u>				
10	Assessing Services	\$ 22,000.00	\$ 22,880.00	\$ 23,200.00
11	Wages	\$ 15,839.05	\$ 21,211.07	\$ 21,291.40
	Expenses	\$ 7,551.91	\$ 9,665.00	\$ 9,845.00
		\$ 45,390.96	\$ 53,756.07	\$ 54,336.40
<u>Treasurer</u>				
15	Salaries & Wages	\$ 26,382.36	\$ 26,763.10	\$ 27,149.55
	Expenses	\$ 20,902.04	\$ 18,620.78	\$ 19,525.00
		\$ 48,139.40	\$ 45,383.88	\$ 46,674.55
<u>Tax Collector</u>				
18	Salaries & Wages	\$ 39,797.51	\$ 40,519.44	\$ 40,612.23
18a	Wages	\$ 2,500.00	\$ 2,537.50	\$ 3,075.56
	Expenses	\$ 12,940.77	\$ 13,153.44	\$ 13,153.44
		\$ 55,358.88	\$ 56,210.38	\$ 56,841.23

<u>Legal Services</u>				
21	Expenses	\$ 35,950.34	\$ 32,000.00	\$ 32,000.00
		\$ 35,950.34	\$ 32,000.00	\$ 32,000.00
<u>Technology and Systems</u>				
22	Expenses	\$ 39,083.71	\$ 43,000.00	\$ 43,000.00
		\$ 39,083.71	\$ 43,000.00	\$ 43,000.00
<u>Town Clerk</u>				
23	Town Clerk Salary	\$ 32,077.40	\$ 32,558.56	\$ 33,046.94
24	Clerical	\$ 7,647.64	\$ 7,762.35	\$ 11,500.70
25	Election and Registrar Stipend	\$ 4,350.81	\$ 6,127.13	\$ 6,127.13
	Expenses	\$ 9,442.60	\$ 10,837.00	\$ 10,837.00
		\$ 53,518.45	\$ 57,285.04	\$ 61,511.77
<u>Town Reports</u>				
30	Expenses	\$ 1,272.33	\$ 1,600.00	\$ 1,600.00
		\$ 1,272.33	\$ 1,600.00	\$ 1,600.00
<u>Conservation Commission</u>				
31	Expenses	\$ 1,412.01	\$ 1,700.00	\$ 1,700.00
		\$ 1,412.01	\$ 1,700.00	\$ 1,700.00
<u>Planning</u>				
32	Expenses	\$ 750.00	\$ 875.00	\$ 1,075.00
		\$ 905.72	\$ 875.00	\$ 1,075.00
<u>Zoning</u>				
33	Zoning Bd Expense	\$ 128.24	\$ 580.00	\$ 580.00
		\$ 128.24	\$ 580.00	\$ 580.00
<u>Land Use</u>				
34	Agent Budget	\$ 8,496.25	\$ 10,000.00	\$ 10,000.00
	Expenses	\$ 1,235.16	\$ 1,699.77	\$ 1,724.76
		\$ 9,731.41	\$ 11,699.77	\$ 11,724.76
<u>Town Office</u>				
	Expenses	\$ 30,587.80	\$ 60,020.00	\$ 60,020.00
		\$ 30,819.43	\$ 60,020.00	\$ 60,020.00
<u>Town Clock</u>				
40	Stipend	\$ -	\$ 500.00	\$ 500.00
		\$ 250.00	\$ 500.00	\$ 500.00
<u>Municipal Buildings/Grounds</u>				
47	Wages/Stipend	\$ 4,003.60	\$ 4,005.00	\$ 4,060.46
	Expenses	\$ 10,635.40	\$ 16,100.00	\$ 31,100.00
		\$ 32,193.05	\$ 20,105.00	\$ 35,160.46
<u>Police</u>				
49	Police Chief Wages	\$ 88,923.00	\$ 90,701.46	\$ 92,515.49
50	Wages - Coverage	\$ 357,386.42	\$ 475,534.51	\$ 588,887.64
	Expenses	\$ 167,104.57	\$ 190,710.67	\$ 195,234.81
		\$ 621,463.43	\$ 756,946.64	\$ 876,637.94
<u>Fire</u>				
54	Chief Salary	\$ 46,139.52	\$ 57,019.71	\$ 30,914.83

55	Firefighters Wages	\$ 24,069.82	\$ 14,717.50	\$ 15,935.00
56	FF/EMT Wages	\$ 50,419.44	\$ 40,734.71	\$ 41,345.73
	Expenses	\$ 45,857.67	\$ 59,853.20	\$ 92,595.00
		\$ 179,205.54	\$ 180,325.12	\$ 188,790.56
Waste Oil				
62	Stipend	\$ 1,164.65	\$ -	\$ -
63	Expenses	\$ 949.77	\$ -	\$ -
		\$ 2,114.42	\$ -	\$ -
EMS				
64	Wages - Coverage	\$ 26,129.24	\$ 13,195.00	\$ 33,000.00
65	Stipend - training	\$ 4,173.70	\$ 8,760.00	\$ 8,760.00
	Expenses	\$ 42,326.89	\$ 43,930.00	\$ 45,882.00
		\$ 72,661.33	\$ 65,885.00	\$ 87,642.00
Emergency Management				
67(2)	Salaries & Wages	\$ 644.99	\$ 654.66	\$ 654.66
68	Expenses	\$ 991.84	\$ 1,300.00	\$ 1,800.00
		\$ 1,636.83	\$ 1,954.66	\$ 2,454.66
E-911				
69	Expenses	\$ 100.00	\$ 100.00	\$ 100.00
		\$ 100.00	\$ 100.00	\$ 100.00
Hazardous Waste Coord.				
69(2)	Stipend	\$ -	\$ -	\$ -
		\$ -	\$ -	\$ -
Building Inspector				
70	Salaries & Wages	\$ 10,948.43	\$ 11,112.66	\$ 11,279.35
71	Expenses	\$ -	\$ 907.74	\$ 907.74
		\$ 10,948.43	\$ 12,020.40	\$ 12,187.09
Plumbing Inspector				
72	Salaries & Wages	\$ 6,475.86	\$ 6,573.00	\$ 6,671.60
73	Expenses	\$ 52.50	\$ 165.00	\$ 165.00
		\$ 6,528.36	\$ 6,738.00	\$ 6,836.60
Electrical Inspector				
74	Salaries & Wages	\$ 6,535.86	\$ 41,576.00	\$ 22,000.00
75	Expenses	\$ 259.00	\$ 1,200.00	\$ 1,200.00
		\$ 6,794.86	\$ 42,776.00	\$ 23,200.00
Dog Officer				
76	Salaries & Wages	\$ 14,712.30	\$ 14,932.98	\$ 15,156.97
77	Expenses	\$ 1,107.00	\$ 1,500.00	\$ 1,500.00
		\$ 15,819.30	\$ 16,432.98	\$ 16,656.97
Emergency Dispatch				
78	Salaries & Wages	\$ 181,728.22	\$ 260,833.81	\$ 222,550.86
79	Expenses	\$ 3,753.09	\$ 8,894.04	\$ 9,460.10
		\$ 185,481.31	\$ 269,727.85	\$ 232,010.96
Monty Tech				

80	Assessment	\$ 358,061.00	\$ 336,371.00	\$ 307,788.00
		\$ 358,061.00	\$ 336,371.00	\$ 307,788.00
<u>NMRSD</u>				
	Assessment	\$ 3,123,301.00	\$ 3,359,356.00	\$ 3,610,086.00
		\$ 3,123,301.00	\$ 3,359,356.00	\$ 3,610,086.00
<u>Highway</u>				
83 (2)	Wages Supt.	\$ 62,126.72	\$ 63,772.45	\$ 64,729.04
84	Wages - Regular	\$ 152,059.27	\$ 165,073.84	\$ 165,077.28
85	Wages -Overtime	\$ 680.24	\$ 2,030.00	\$ 5,000.00
	Expenses	\$ 126,572.64	\$ 165,551.00	\$ 184,171.00
		\$ 367,563.58	\$ 396,427.29	\$ 418,977.32
<u>Snow & Ice</u>				
92	Winter Overtime	\$ 11,236.25	\$ 13,000.00	\$ 13,000.00
93	Winter Expenses	\$ 128,626.52	\$ 87,000.00	\$ 87,000.00
		\$ 139,862.77	\$ 100,000.00	\$ 100,000.00
<u>Street Lights</u>				
94	Expense	\$ 763.59	\$ 1,080.00	\$ 1,080.00
		\$ 763.59	\$ 1,080.00	\$ 1,080.00
<u>Tree Warden</u>				
95	Expenses	\$ 1,500.00	\$ 2,000.00	\$ 2,000.00
		\$ 1,500.00	\$ 2,000.00	\$ 2,000.00
<u>Cemetery</u>				
96	Wages - Coverage	\$ 7,133.15	\$ 9,064.61	\$ 9,200.58
97	Expense	\$ 1,680.14	\$ 2,000.00	\$ 2,000.00
		\$ 8,829.11	\$ 11,064.61	\$ 11,200.58
<u>Board of Health</u>				
	Expenses	\$ 14,438.78	\$ 18,355.76	\$ 18,877.99
		\$ 14,448.78	\$ 18,355.76	\$ 18,877.99
<u>Animal Inspector</u>				
102	Stipend	\$ 420.24	\$ 420.24	\$ 420.24
		\$ 420.24	\$ 420.24	\$ 420.24
<u>Council on Aging</u>				
103	Wages	\$ 2,250.00	\$ 2,359.88	\$ 2,396.30
103A	Expenses	\$ 1,681.36	\$ 1,775.00	\$ 1,775.00
		\$ 3,931.36	\$ 4,134.88	\$ 4,171.30
<u>Veterans' Services</u>				
104	Salaries & Wages	\$ 1,801.52	\$ 1,828.54	\$ 1,855.97
	Expenses	\$ 37,509.64	\$ 42,000.00	\$ 42,000.00
		\$ 39,311.16	\$ 43,828.54	\$ 43,855.97
<u>Library</u>				
107	Librarian Salary	\$ 25,152.00	\$ 26,000.00	\$ 27,300.00
108	Library Assistant Wages	\$ 19,615.88	\$ 19,592.91	\$ 24,039.50
	Expenses	\$ 42,445.58	\$ 46,177.00	\$ 46,817.00
		\$ 87,213.46	\$ 91,769.91	\$ 98,156.50
<u>Band Concerts</u>				

113	Expenses	\$ 7,500.00	\$ 7,500.00	\$ 7,500.00
113A	Police Detail Wages	Pd fr. Police Budget	\$ 1,074.00	\$ 1,157.52
		\$ 7,500.00	\$ 8,574.00	\$ 8,657.52
July 3rd				
114	Expenses	\$ 1,200.00	\$ 1,200.00	\$ 1,200.00
		\$ 1,200.00	\$ 1,200.00	\$ 1,200.00
Allen Field				
115	Expenses	\$ 1,311.45	\$ 1,900.00	\$ 1,900.00
		\$ 1,318.30	\$ 1,900.00	\$ 1,900.00
Town Common				
116	Expenses	\$ 3,945.80	\$ 4,650.00	\$ 4,650.00
		\$ 3,967.22	\$ 4,650.00	\$ 4,650.00
Debt Service				
118	Temporary Loan Interest	\$ -	\$ 1,000.00	\$ 1,000.00
		\$ -	\$ 1,000.00	\$ 1,000.00
Middlesex Retirement				
123	Middlesex Retirement System	\$ 163,640.00	\$ 173,361.00	\$ 147,365.00
		\$ 163,640.00	\$ 173,361.00	\$ 147,365.00
Unemployment				
124	Unemployment Compensation	\$ 5,400.33	\$ 10,000.00	\$ 10,000.00
		\$ 5,400.33	\$ 10,000.00	\$ 10,000.00
Employee Ins. Benefits				
125	Employee Benefits Expense	\$ 382,509.36	\$ 461,994.18	\$ 571,686.14
		\$ 382,509.36	\$ 461,994.18	\$ 571,686.14
Workers Compensation				
126	Insurance Not Health	\$ 6,716.36	\$ 11,000.00	\$ 11,000.00
		\$ 6,716.36	\$ 11,000.00	\$ 11,000.00
Insurance P & C				
127	Liability P&C, E,F&P	\$ 73,687.41	\$ 80,000.00	\$ 80,000.00
		\$ 73,687.41	\$ 80,000.00	\$ 80,000.00
FICA				
128	Employee Costs	\$ 21,844.38	\$ 25,010.00	\$ 25,510.20
		\$ 21,844.38	\$ 25,010.00	\$ 25,510.20
	Total	\$ 6,426,731.42	\$ 7,074,206.48	\$ 7,527,853.95

Setting of Elected Salaries:

- a. Town Clerk: \$33,046.94
- b. Town Collector: \$40,612.23 (Includes \$1,000 certification stipend)
- c. Town Treasurer: \$27,149.55 (Includes \$1,000 certification stipend)

Article 12. To see if the Town will vote to authorize the Board of Selectmen to dispose by sale or lease for a term in excess of three years, all or a portion of the property known as "Maja Hall," located at 47 Erickson Road, Ashby as shown on Assessor's Map No. 8 as Lot No. 7.1, upon such

terms and conditions as the Board of Selectmen shall determine to be in the best interest of the Town; and further to authorize the Board of Selectmen to execute such agreements and take such actions to effectuate the purposes of this article; or take any other action relative thereto.

Brief Explanation: *“Maja Hall” has variously been used by prior owners as a dance hall and VFW Post; under Town ownership, it has been leased/licensed as a clubhouse. The building was constructed in a seasonal/minimalist manner, and has no heating system or insulation, and probably requires a careful review of the electrical systems. The current licensee has advised the Town that it is surrendering the license, and will no longer bear any responsibility for the property. Before the building becomes an expense or a burden to the Town, the Selectmen are requesting authority to explore other uses and options for its disposition.*

Finance Committee action: Approved Disapproved No Action

Article 13. To see if the Town will vote to amend the Ashby Zoning Bylaw as follows: In section 6.1.2 add the word “marijuana,” following the words “sporting goods”; and in section 7.2.12 remove the word “(deleted)” and add “Indoor cultivation of marijuana.”; or take any other action relative thereto.

Brief Explanation: *Submitted by Planning Board*

Finance Committee action: Approved Disapproved No Action

Article 14. To see if the Town will vote to amend the Ashby Zoning Bylaw by adding a new Addendum, titled, “TEMPORARY MORATORIUM ON RECREATIONAL MARIJUANA ESTABLISHMENTS”, as follows:

“Temporary Moratorium on Recreational Marijuana Establishments:”

Section 1 Purpose

On November 8, 2016, the voters of the Commonwealth approved a law regulating the cultivation, processing, distribution, possession and use of marijuana for recreational purposes (new G.L. c. 94G, Regulation of the Use and Distribution of Marijuana Not Medically Prescribed). The law, which allows certain personal use and possession of marijuana, took effect on December 15, 2016 and (as amended on December 30, 2016; Chapter 351 of the Acts of 2016) requires a Cannabis Control Commission to issue regulations regarding the licensing of commercial activities by March 15, 2018 and to begin accepting applications for licenses on April 1, 2018. Currently under the Zoning Bylaw, a non-medical Marijuana Establishment (hereinafter, a “Recreational Marijuana Establishment”), as defined in G.L. c. 94G, §1, is not specifically addressed in the Zoning Bylaw. Regulations to be promulgated by the Cannabis Control Commission may provide guidance on certain aspects of local regulation of Recreational Marijuana Establishments. The regulation of recreational marijuana raises novel legal, planning, and public safety issues, and the Town needs time to study and consider the regulation of Recreational Marijuana Establishments and address such issues, as well as to address the potential impact of the State regulations on local zoning and to undertake a planning process to consider amending the Zoning Bylaw regarding regulation of Recreational Marijuana Establishments. The Town intends to adopt a temporary moratorium on the use of land and structures in the Town for Recreational Marijuana Establishments so as to allow sufficient time to address the effects of such structures and uses in the Town and to enact bylaws in a consistent manner.

Section 2 Definition

“Recreational Marijuana Establishment” shall mean a marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business”

Section 3

For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for a Recreational Marijuana Establishment and other uses related to recreational marijuana. The moratorium shall be in effect through May 5, 2018 or such time as the Town adopts Zoning Bylaw amendments that regulate Recreational Marijuana Establishments, whichever occurs earlier. During the moratorium period, Town shall undertake a planning process to address the potential impacts of recreational marijuana in the Town, and to consider the Cannabis Control Commission regulations regarding Recreational Marijuana Establishments, and shall consider adopting new Zoning Bylaws in response to these new issues.

Or take any other action relative thereto.

Brief Explanation: *Submitted by Mike McCallum*

Finance Committee action: **Approved** **Disapproved** **No Action**

Article 15. To see if the Town will vote to amend the Ashby Zoning Bylaw by inserting the following new text:

9.10 Village Center Compact Residential Development

9.10.1 Purpose. The purposes of this Village Center Compact Residential Development Bylaw are to:

1. Encourage a more compact development alternative in those parts of Ashby that are most suitable for such developments;
2. Provide for the public interest by the preservation of open space and natural landscape features in perpetuity;
3. Facilitate the goals of the Ashby Community Development Plan and the Open Space and Recreation Plan;
4. Minimize the amount of disturbance on tracts of land undergoing development;
5. Encourage innovative land-use and design techniques such as low-impact development (LID), green infrastructure, greenway and open space connections, vernacular architecture and contextual response;
6. Encourage a town village style of development, in which dwelling units are clustered around a common area designed for the enjoyment of residents while still adhering to the overall density required in the underlying zoning districts.

7. To provide for a mixture and diversity of housing types

9.10.2 Establishment

The Village Center Compact Residential Development Overlay District is hereby established and consists of those areas so designated and shown on the map designated as " Village Center Compact Residential Development Overlay District" on file with the Town Clerk and dated May 6, 2017.

9.10.3 Definitions

Affordable Dwelling Unit: A dwelling unit that is eligible to be included on the Commonwealth of Massachusetts' Department of Housing and Community Development's Subsidized Housing Inventory of low and moderate income housing units.

Condominium: A development in which there is separate and distinct ownership of individual dwelling units and joint ownership of common areas such as driveways, parking areas, wells and waste disposal.

Exclusive Use Area (EUA): In cases of condominium style of ownership the area under the control of each unit owner.

Homeowners Association: shall mean the corporation, trust, or association formed to benefit the unit owners and used by them to manage and regulate their affairs, including any commonly-owned land or facilities.

Low-Impact Development (LID) and Green Infrastructure: LID refers to decentralized, vegetative approaches to handling and treating stormwater runoff prior to its discharge. Examples include rain gardens, bioretention, grassed swales, etc. Green Infrastructure includes LID approaches but also covers such things as solar power and innovative approaches to wastewater management.

Open Space: Any land within a Village Center Development that is permanently protected from development and left in its natural state or used for agriculture.

Village Center Compact Residential Development: A residential development in which homes are clustered in groups around a common area and which adheres to certain design standards which seek to replicate a New England village as a series of dwellings and other buildings of traditional, vernacular architecture around a central green space.

9.10.4 Procedures. Village Center Compact Residential Developments must obtain a Special Permit from the Planning Board, in accordance with Section 12.3 of the Ashby Zoning Bylaws, as well as obtain Site Plan and/or Subdivision approval as the case may be, as described in the Ashby Zoning Bylaws, the Ashby Site Plan Regulations and/or the Ashby Subdivision Regulations.

9.10.5 Applicability and Development Standards

9.10.5.1 Where the standards and provisions of this section differ from the standards found elsewhere in the Ashby Zoning Bylaw, the provisions and standards of this section shall control.

9.10.5.2 Village Center Compact Residential Development is permitted only in the overlay district as shown on the map entitled: "Ashby Village Center Compact Residential Development Overlay District Zoning Map."

9.10.5.3 Village Center Compact Residential Development is permitted upon a single tract, in one ownership, with definite boundaries ascertainable from a recorded deed or recorded plan, which has an area of not less than eight (8) times the minimum lot area of the zoning district within which it is situated and at least the minimum frontage required for a lot in the district. The tract may be divided into lots and/or exclusive use areas to provide for siting for dwellings, common area and open space.

9.10.5.4 Tracts located in two underlying districts, and lots created by the division of such tract, shall be governed by the dimensional requirements of the district in which the frontage is located.

9.10.5.5 Each building lot or exclusive use area in the Village Center Compact Residential District shall have adequate and legally enforceable rights of access to a public street, or a private way that has been approved and constructed in accordance with the Board's Subdivision Rules and Regulations, which access may be provided for by a common driveway. The common driveway shall meet the following standard and have turn around area at the end of 100 feet diameter or such other size and configuration as may be approved by the Fire Chief.

One to Five Dwellings

Minimum right of way	40 feet
Gravel foundation minimum	12 inches
Surface Type	gravel
Surface width, minimum	18 feet
Maximum grade	8%
Minimum centerline radius	40 feet

More than Five Dwellings

Minimum right of way	40 feet
Gravel foundation minimum	12 inches
Surface Type bituminous concrete,	3 inches
Surface width, minimum	20 feet
Maximum grade	8%
Minimum centerline radius	40 feet

9.10.5.6 The overall density shall be no greater than the density permitted in the underlying district, except as otherwise permitted in accordance with this bylaw. The base number of residential dwelling units in a Village Center Compact Residential Development is calculated using the following formula based on the net square footage of the property. This formula takes into account site-specific development limitations that make some land less suitable for development than other land. This calculation involves two steps: 1. calculating the net square footage, and 2. dividing by the allowed density permitted in the underlying district.

Net Square Footage Calculation. The factors named below are included for net square footage calculation purposes only. To determine net square footage, subtract the following from the total (gross) square footage of the site:

- A) Half (50%) of the square footage of land with slopes of 20% or greater; (2,000 square feet or more of contiguous sloped area at least 10 (ten) feet in width); and
- B) The entire (100%) area of wetlands, riverfront areas, and floodplains regulated by state or federal law, and land subject to easements or restrictions prohibiting development, and Zone I and Zone A around public water supplies; and
- C) Ten (10%) percent of the remaining site area after the areas of A and B above are removed, to account for subdivision roads and infrastructure.
- D) Divide the resulting area calculation (in sq. ft.) by the residential lot size in the underlying zoning district to obtain the number of units. Partial numbers are rounded up or down with numbers with a decimal below point five (.5) being rounded down to the nearest whole number; and numbers with a decimal point equal to or greater than point five (.5) being rounded up to the nearest whole number.

9.10.6 Dimensional and Use Requirements. In order to achieve the compact style of development that is the hallmark of Village Center Compact Residential Development, dimensional standards are reduced from those of the underlying zoning district. However, the overall density of development cannot exceed that which is allowed in the underlying zoning district.

9.10.6.1 Dimensional Standards:

Minimum Lot Size (or Exclusive Use Area):	2,000 square feet
Minimum Frontage:	No minimum frontage
Minimum Lot Width at building line:	No minimum lot width
Minimum Side Yard Setback:	Minimum side yard ten (10) feet
Maximum Dwelling Unit Size:	1,500 square feet

9.10.6.2 Uses allowed in a Village Center Compact Residential Development include all the uses allowed in the underlying zoning district provided at least one half of the total square footage of the buildings in the development are devoted to residential use

9.10.6.3 Primary Conservation Areas, such as wetlands, riverfront areas, and floodplains regulated by state or federal law, are to be identified and delineated. Development is prohibited within Primary Conservation Areas unless permitted by the Planning Board and otherwise as required by law. Secondary Conservation Areas, including unprotected elements of the natural landscape such as steep slopes, upland buffers to wetlands, streams, and vernal pools, mature woodlands, prime farmland, meadows, wildlife habitats including corridors for wildlife movement, and cultural features such as historic and archaeological sites and scenic views, shall also be identified and delineated. Community Development Plan and Open Space and Recreation Plan conservation goals are to be considered when delineating such conservation areas. Land outside identified Primary and Secondary Conservation Areas is the Potentially Developable Area.

Conservation Areas and Potentially Developable Areas shall be delineated such that open space is contiguous to the extent feasible. Open space will still be considered contiguous if it is separated by a roadway with undeveloped frontage. The Planning Board may waive the contiguity requirement for all or part of the required open space where it is determined that allowing non-contiguous open space will promote the goals of this bylaw and/or protect identified Primary and Secondary Conservation Areas.

The Planning Board, in consultation with the Conservation Commission, shall study the delineation of conservation areas, may conduct field visits, and shall formally determine which land should be preserved as conservation areas and where development may be located. As part of its decision the Planning Board shall make written findings supporting this determination (the “conservation findings”). Once the Potentially Developable Area has been determined applicants shall lay out the components of the development within that area including rights of way, streets, any shared driveways approved via special permit, trails, sidewalks, and other infrastructure. Lot lines or areas of exclusive use shall be delineated as applicable..

9.10.7 Open Space Requirements

9.10.7.1 A Village Center Compact Residential Development must provide at least fifty percent (50%) of the total tract area as permanently protected open space. The Ashby Open Space and Recreation Plan considers open fields, existing trails, and agricultural land to be the most valuable type of open space to preserve when the parent parcel consists of several landscape types. Efforts should be made to achieve connectivity to existing trails and protected space to the extent possible. The open space shall have no structures or parking within it, unless such structures are part of an ongoing or proposed agricultural or forestry operation that is acceptable to the Planning Board.

9.10.7.2 Common open space in any approved Village Center Development shall be conveyed to one or more of the following:

1. a Land Trust or any other non-profit corporation approved by the Planning Board, the principal purpose of which is land preservation;
2. a Homeowners Association, as defined herein; or
3. the Town;

provided that such land is expressly accepted by the grantee for conservation and/or recreational use. The Planning Board may in addition require that such open space be made subject to covenants enforceable by any governmental body or by a charitable corporation or trust whose purposes include conservation of land or water areas to keep the dedicated common space open or in a natural state as approved by the Planning Board. All common open space shall be dedicated and recorded with covenants, as applicable, at, or prior to, the time the permit holder receives a Building Permit.

9.10.7.3 Uses of the Required Open Space: Shared or community water wells may be located in open space areas if needed to safely and adequately serve the residents of the Village Center Development. Areas cleared for installation of wells and stormwater management facilities, shall not, however, count towards the minimum required amount of permanently protected open space. The following additional standards apply to the minimum required common open space in a Village Center Development:

- a. Other than any area(s) devoted to wells, open space shall be maintained in a natural condition. It shall be appropriate in size, shape, dimension, location, and character to assure its use as a conservation, recreation, or agricultural area and serve as a visual and natural amenity for the development and the Town.
- b. At least 50% of the required open space shall be contiguous and linked as a unit, with links no less than fifty (50) feet wide. Open space that is contiguous to permanently protected lands outside the boundaries of the Village Center Development, such as town or state conservation lands, shall also be considered contiguous for the purpose of this bylaw.
- c. The location of the common open space shall be subject to approval by the Planning Board.
- d. The percentage of marginal or unbuildable areas that can count towards the minimum required amount of permanently protected open space shall be directly proportional (1:1) to the amount of such land in the parent parcel. For example, if 50% of the parent

parcel consists of marginal lands, then 50% of the minimum required amount of permanently protected open space can be marginal lands. Marginal or unbuildable lands consist of areas covered by wetlands and a fifty (50) foot buffer therefrom, rivers and a one-hundred (100) foot buffer therefrom, floodplains, and slopes greater than 25%.

- e. Existing rights of way and utility easements may not be counted towards the required percentage of minimum open space, unless the rights of way or easements are dedicated as trails.
- f. Though the open space will be primarily protected for its natural, cultural, and/or scenic resources, a small area, totaling no more than 10% of the required open space, can be set aside as a playground or other area for “active” recreation by the development’s residents and/or the town. The location and size of such active recreational area(s) shall be approved by the Planning Board prior to final action on the plan. Active recreational areas must be built and completed prior to the issuance of any certificates of occupancy for housing units in the Village Center Development.
- g. Section 4.2.6 of the Ashby Zoning Bylaw, which addresses minimum non-wetland area, shall not apply to lots in an approved Village Center Compact Residential Development.

9.10.8 Diversity of Dwelling Units

9.10.8.1 A mix of housing opportunities shall be provided in Village Center Developments. Such diversity may consist of:

- a. A mix in the number of bedrooms available or the gross floor area of dwelling units;
- b. A mix in the price or rental rates of the dwelling units;
- c. If all the dwelling units proposed in the Village Center Development are market-rate units, then only the basic density (same as underlying zoning) shall be permitted;

9.10.9 **Bonus Dwelling Units.** The Planning Board may authorize an increase in the number of dwelling units up to a maximum of one (1) bonus unit for one or more affordable dwelling units provided in the development or one bonus dwelling unit for an additional ten percent (10%) or more permanently protected open space based on total tract size that is provided above the minimum of 50% required by section 10.6 above.

9.10 .10 **Application Submittal Requirements.** Applications for a Village Center Compact Residential Development must meet all the applicable submittal requirements for a Special Permit and/or Site Plan Review as specified in Sections 12.3 and 12.5 of the Ashby Zoning Bylaw,

respectively, and the Site Plan Regulations; as well as for a Definitive Subdivision Plan in cases of subdivision. Additional submittal requirements may be specified in Regulations for Village Center Compact Residential Development that the Planning Board may adopt to assist in the administration of this section.

9.10.11 Regulations. In accordance with G.L. c.40A, §9, the Ashby Planning Board may adopt regulations to assist in the administration of this section. These regulations may address plan submittal requirements and the procedure for a submission and approval of permits under this Bylaw..

9.10.12 Planning Board Decision. A Special Permit shall be issued under this Bylaw only if the Planning Board finds that the Village Center Compact Development is in harmony with the general purpose and intent of this Bylaw and will provide public benefit to the Town in accordance therewith beyond that obtainable by adherence to the requirements of the Zoning Bylaw otherwise applicable in the underlying zoning district(s) in which the Village Center Compact Development is located. If a Special Permit is granted, the Planning Board shall impose as a condition of approval that copies of all recorded instruments be filed with the Planning Board prior to the issuance of any building permit. In addition, the Planning Board shall make the following findings for a special permit issued under this Bylaw:

9.10.12.1 That the natural terrain of the site and soil suitability for septic systems support the proposed Village Center Compact Development use of the property.

9.10.12.2 That the proposed Village Center Compact Development will be harmonious with the neighborhood and area in which it is situated.

9.10.12.3 That the Village Center Compact Development adequately provides for open space, dwelling unit placement, vehicular and pedestrian circulation, the location of and capacity for parking, and provisions for public safety.

Brief Explanation: *Submitted by Planning Board*

Finance Committee action: **Approved** **Disapproved** **No Action**

Article 16. To see if the Town will vote to amend the Ashby Zoning Bylaw by inserting the following new text:

4.7 Associate Planning Board Member

The position of Associate Planning Board member is hereby established providing for one associate member to be appointed by the Board of Selectmen, with the recommendation of the Planning Board, for a period of three years.

Brief Explanation: *Submitted by Planning Board*

Finance Committee action: Approved Disapproved No Action

Article 17. To see what sum of money the Town will vote to appropriate from available funds for deposit into the Stabilization Fund; or take any other action relative thereto.

Brief Explanation: *This article allows Town Meeting to deposit any or all monies available and not otherwise appropriated or committed into the Stabilization Fund.*

Finance Committee action: Approved Disapproved No Action

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 _____, 2017.

Janet Flinkstrom, Chair

Michael McCallum, Member

Mark Haines, Clerk

ASHBY BOARD OF SELECTMEN

By virtue of this precept, I have posted three (3) attested copies of the foregoing warrant in three (3) public places in said Ashby at least seven days before the time of said Annual Town Meeting.

Date: _____

Fred Alden, Police Chief