



**Town of Ashland**  
M A S S A C H U S E T T S

**WARRANT ARTICLES,**

**FOR THE**

**MAY 4, 2016**

*ANNUAL TOWN MEETING*  
*TOWN OF ASHLAND*

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**TOWN OF ASHLAND**  
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**ANNUAL TOWN MEETING WARRANT**  
**2016**

**Article 1: Hear Town Reports**  
**Sponsor: Board of Selectmen**

To see if the Town will hear the reports of the several town committees and to accept those as printed in the Annual Town Report, or pass any vote or take any action relative thereto.

**Article 2: Fiscal Year 2016 Supplemental Appropriation**  
**Sponsor: Board of Selectmen**

To see if the Town will vote to raise, appropriate and/or transfer from available funds in the treasury a sum of money to supplement the several appropriations voted under Article 3 of the May 2015 annual town meeting (fiscal year 2016 budget), or pass any vote or take any action relative thereto.

**Article 3: Transfer of funds from SPED Special Purpose Stabilization Fund to School Department Budget**  
**Sponsor: Board of Selectmen/School Committee**

To see if the Town will transfer **\$285,475** from the SPED Stabilization Fund, Account 84990-59610 to the SPED Out of District Placement Account, 0130306-53920; or pass any vote or take any action relative thereto.

**Article 4: Chapter 42: Change Capital Improvement Committee Bylaw**  
**Sponsor: Capital Improvement Committee**

To see if the Town will vote to amend Chapter 42 Section 2 of the General Bylaws as follows (**bold and underline** language is new):

Section 42.2 - Function

A. The function of this Committee shall be to study the town's need for **departmental** capital improvements **utilizing the town's capital general fund, capital stabilization account, water enterprise account or sewer enterprise account**, and to develop and maintain a program for **and provide a recommendation to the Town Manager** for the **prioritization**, planning, building, financing, and coordination of such improvements, except as otherwise provided by law; or pass any vote or take any action relative thereto.

**Article 5: Creation of Community and Economic Development Stabilization Account  
Sponsor: Board of Selectmen**

To see if the Town will vote in accordance with G.L. c. 40 sec. 5B, to create a Community and Economic Development Infrastructure Stabilization Account for the purpose of providing additional funding, as necessary, for matters related to Community and Economic Development; or pass any vote or take any action relative thereto.

**Article 6: Fiscal Year 2017 Budget  
Sponsor: Board of Selectmen**

To see if the Town will vote to raise and appropriate from available funds and/or transfer from \_\_\_\_\_, which are available funds in the treasury such sums of money as are necessary to defray charges and expenses of the town, including debt and interest, for the ensuing fiscal year, or pass any vote or take any action relative thereto.

**Article 7: Annual Consent Article - General  
Sponsor: Board of Selectmen**

To see if the Town will vote the following consent articles:

1. Grant Program Authorization - To see if the Town will vote to authorize the Board of Selectmen and/or the Town Manager to apply for, accept and enter into contracts from time to time for the expenditure of any funds allotted to Ashland by the Commonwealth of Massachusetts or the U. S. Government under any State or Federal grant program;

2. Road Contracts - To see if the Town will vote to authorize the Town Manager to enter into a contract with the Massachusetts Highway Department Commissioner or the Federal Government for the construction and maintenance of public highways in the Town of Ashland for the ensuing year;

3. Contracts in Excess of Three Years - To see if the Town will vote in accordance with the provisions of Massachusetts General Laws Chapter 30B, Section 12(b), to authorize the Town Manager or the Superintendent of Schools to solicit and award contracts for terms exceeding three years, including any renewal, extension or option, provided in each instance the longer term is determined to be in the best interest of the Town by a vote of the Board of Selectmen or the School Committee, as appropriate;

4. Establish Revolving Funds - To see if the Town will vote to establish the following revolving funds in accordance with MGL Chapter 44; Section 53E 1/2:

A. *Council on Aging* – the purpose of which shall be to pay for programs conducted by the Council on Aging for the benefit of Ashland senior citizens; provided however, that receipts to be deposited into said fund shall be monies paid by those who avail themselves of such programs for such programs; provided further, that the Director of Elder Affairs, with the advice of the Council on Aging shall be authorized to expend from this fund without appropriation; and, provided further, that expenditures in fiscal year 2017 shall not exceed receipts into the fund and in any case shall not exceed **\$25,000**;

B. *Community Center Rental and Maintenance Fund* - the purpose of which shall be to pay for expenses and maintenance incurred for the rental of said building; provided however, that receipts to be

deposited into said fund shall be monies paid by the renter and that such monies represent the cost of providing said building; provided further, that the Town Manager shall be authorized to expend from this fund without appropriation; and, provided further, that expenditures in fiscal year 2017 shall not exceed receipts into the fund and in any case shall not exceed **\$25,000**;

C. *Animal Control Revolving Account* - the purpose of which shall be to pay for expenses incurred for the care and capture of animals on behalf of the Town of Holliston; provided however, that receipts to be deposited into said fund shall be monies paid by the Town of Holliston and that such monies represent the cost of providing said service; provided further, that the Town Manager shall be authorized to expend from this fund without appropriation; and, provided further, that expenditures in fiscal year 2017 shall not exceed receipts into the fund and in any case shall not exceed **\$38,000**;

D. *Library Materials Replacement Fund* - the purpose of which shall be to acquire equivalent Public Library materials to replace items lost or damaged by those who borrow such materials; provided however, that receipts to be deposited into said fund shall be monies paid by the borrowers of the lost or damaged materials and that such monies represent the replacement cost of the materials; provided further, that the Library Director, with the approval of the Library Board of Trustees shall be authorized to expend from this fund without appropriation; and, provided further, that expenditures in fiscal year 2017 shall not exceed receipts into the fund and in any case shall not exceed **\$1,500**;

E. *Hazardous Waste Revolving Fund* - the purpose of which shall be to be able to continue the drop off program for TV's & Computers. These funds represent the drop off cost the resident will pay for the service. The Town Manager shall be authorized to expend from this fund without appropriation to provide payment for labor and cover costs of the collection and pick up of such items plus any other recycling/waste issues which occur and provide further, that expenditures in fiscal year 2017 shall not exceed monies in the fund and any case shall not exceed **\$15,000**;

F. *Planning Board* - the purpose of which shall be to pay for sidewalks; provided however, that receipts to be deposited into said fund shall be monies paid by those who avail themselves of such programs for such programs; provided further, that the Planning Board shall be authorized to expend from this fund without appropriation; and, provided further, that expenditures in fiscal year 2017 shall not exceed receipts into the fund and in any case shall not exceed **\$50,000**;

G. *High School Guidance Department* - the purpose of which shall be to pay for the institutional, per student cost for our students who take the PSAT and/or Advanced Placement (AP) tests and to pay for proctors during the exams; provided however, that receipts to be deposited into said fund shall be fees paid by those who will be taking the PSAT and/or AP exams; provided further that the High School Principal shall be authorized to expend from this fund without appropriation; and further, that expenditures in fiscal year 2017 shall not exceed receipts into the fund and in any case shall not exceed **\$40,000**.

H. *Food Establishment Programs* - the purpose of which shall be a self-supporting program which will collect fees for the services provided to pay for food establishment programs provided by the Board of Health for the delivery of routine inspections, investigations and reviews for food establishments, provided however, that receipts to be deposited into said fund shall be monies paid by those who avail themselves of such inspections, investigations and reviews for such programs, including the monies collected for food establishment permit fees; provided further, that the Director/Agent of the Board of Health, with the advice of the Board of Health, shall be authorized to expend from this fund without appropriation; and, provided further, that expenditures in fiscal year 2017 shall not exceed receipts into the fund and in any case shall not exceed **\$20,000**;

I. *Tobacco Control Programs* - the purpose of which shall be a self-supporting program which will collect fees for the services provided to pay for inspections and programs provided by the Board of Health

for the delivery of tobacco control comprehensive inspections at tobacco sales locations and for evidence based education programs that will benefit the residents of Ashland, provided however, that receipts to be deposited into said fund shall be monies paid by those who avail themselves of such programs, including the monies collected for tobacco sales permit fees; provided further, that the Director/Agent of the Board of Health , with the advice of the Board of Health, shall be authorized to expend from this fund without appropriation; and, provided further, that expenditures in fiscal year 2017 shall not exceed receipts into the fund and in any case shall not exceed **\$5,000**;

or pass any vote or take any action relative thereto.

**Article 8: Annual Authorization Article**  
**Sponsor: Board of Selectmen**

To see if the Town will vote to authorize the Board of Selectmen and the School Committee to grant easements for access, water, drainage, sewer and utility purposes on terms and conditions the Board and the Committee deem in the best interest of the Town; or pass any vote or take any action relative thereto.

**Article 9: Annual Consent Article: Community Preservation Act**  
**Sponsor: Community Preservation Committee**

To see if the Town will vote the following consent articles:

1. Adjust Fiscal Year 2016 CPA Appropriation – To see if the Town will vote to adjust the dollar amounts previously set-aside in FY16 in order to accurately reflect the increased state match of **38.20%** the town received. The additional monies to be accepted are as follows: Undesignated (General) Account: **\$215,153**; Open Space Account: **\$30,736**; Historic Resources Account: **\$30,736**; Community Housing Account: **\$30,736**;

2. Community Preservation Funds–FY17 Annual Appropriations – To see if the Town will vote to appropriate or reserve from the Community Preservation annual revenues in the amounts recommended by the Community Preservation Committee for committee administrative expenses, community preservation projects and other expenses in Fiscal Year 2017, with each item to be considered a separate appropriation:

Appropriations:

From FY 2017 estimated revenues to Committee Administrative Expenses **\$54,003**

Reserves:

From FY 2017 estimated revenues to Historic Resources Reserve **\$108,005**

From FY 2017 estimated revenues to Community Housing Reserve **\$108,005**

From FY 2017 estimated revenues to Open Space Reserve **\$108,005**

From FY 2017 estimated revenues to Undesignated Reserve **\$756,040**

3. Community Preservation Funds – Bond Payment - To see if the Town will vote to appropriate **\$200,112** in Community Preservation Act funds to fund the bond payment approved in Article 1 of the Special Town Meeting of November 26, 2007 that acquired by eminent domain a certain parcel of land off Oak Street, now or formerly owned by Stephanie A. and Kristen McCook consisting of 1,305,929 +/- sq. ft. and more particularly described as parcel #003D-005-000 on the Assessors Map and further defined in an Order of Taking by Eminent Domain filed with the Middlesex County Registry of Deeds Southern District on January 7, 2002, all in accordance with the Agreement for Judgment issued by the Superior

Court Department of the Trial Court, Civil Action No. MICV2003-02643 which amount supplemented the funds raised in its vote of Article 6 of the Fall Special Town Meeting of October 20, 1999, for the acquisition of the aforesaid parcel, from the Community Preservation Fund Undesignated Reserve Account, to be added to 01710 Debt Service passed in Article 3 of this Town Meeting; or pass any vote or take any other action relative thereto.

4. Community Preservation Funds – Bond Payment - To see if the Town will vote to appropriate **\$358,050** in Community Preservation Act funds to fund the bond payment approved in Article 11 of the Annual Town Meeting of May 4, 2011 to construct and equip athletic fields to be located at the Ashland High School and other ancillary uses and to pay for all related engineering and legal fees associated therewith from the Community Preservation Fund Undesignated Reserve Account, to be added to 01710 Debt Service passed in Article 3 of this Town Meeting.

5. Community Preservation Funds – Bond Payment - To see if the Town will vote to appropriate **\$181,875** in Community Preservation Act funds to fund the bond payment for the purchase of that certain parcel of land which was owned by Northeastern University and described as Assessors' Map 28, Lots 070 and 072, consisting of approximately 118.36 +/- acres, more or less, known as Warren Woods and which the Town acquired by deeds dated June 5, 2012 and recorded in Book 59237, Page 246 and Book 59237 Page 252 and which said expenditure and purchase was approved in Article 8 of the Special Town Meeting of November 29, 2010 and further modified by Article 5 of the Special Town Meeting of October 18, 2011, from the following FY 2014 CPA reserve accounts:

Historic Resources Reserve	<b><u>\$58,200</u></b>
Open Space Reserve	<b><u>\$49,106</u></b>
Undesignated Reserve	<b><u>\$74,569</u></b>

or pass any vote or take any action relative thereto.

**Article 10: Ashland Cemetery Improvements**  
**Sponsor: Community Preservation Committee**

To see if the Town will vote to appropriate up to **\$15,000** to enable the Town of Ashland, Historical Commission, to complete the restoration of 49 gravestones and the installation of signage at the Ashland Cemetery, located at 118 Main Street Rear (behind the Federated Church) under Chapter 44B, the Community Preservation Act, and that to meet this appropriation, the sum of up to **\$15,000** be transferred from the Historic Resources Reserve Account from the Community Preservation Fund balance, with unexpended funds as of June 30, 2019 being returned to their funding sources, or pass any vote or take any other action thereon.

**Article 11: Downtown Historic Signage**  
**Sponsor: Community Preservation Committee**

To see if the Town will vote to appropriate **\$12,000** to enable the Ashland Downtown Collaborative Committee, to fabricate and install 10 way-finding historic street signs within the downtown area, under Chapter 44B, the Community Preservation Act, and that to meet this appropriation, the sum of **\$12,000** be transferred from the Historic Resources Reserve Account from the Community Preservation Fund balance, with unexpended funds as of June 30, 2019 being returned to their funding sources, or pass any vote or take any action thereon.

**Article 12: Extension of sunset date for Improvements to and Development of Recreational Assets at Mindess School, Middle School and Stone Park**  
**Sponsor: Community Preservation Committee**

To see if the Town will vote to extend the existing sunset deadline by which to expend the Community Preservation Funds of June 30, 2016 as approved by Article 12 of the 2014 Annual Town Meeting, by one year, to now expire on June 30, 2017, in order to complete remaining project items, or pass any vote or take any other action thereon.

**Article 13: Amend the General Bylaws, Chapter 9, Community Preservation Committee Membership**  
**Sponsor: Community Preservation Committee**

To see if the Town will vote to amend Chapter 9, Community Preservation Committee as follows ( ~~strike throughs signify deletions and underlines signify additions~~):AUTHORITY 9-1 Pursuant to Massachusetts General Laws, Chapter 44B, there is hereby established a Community Preservation Committee (the "Committee") comprised of ~~seven (7)~~ nine (9) members appointed as described below and serving such terms as are prescribed herein.

MEMBERSHIP 9-2 [Amended 5-11-2005 ATM, Art. 14]

The Community Preservation Committee shall be comprised of the following members:

- a. one member of the Ashland Conservation Commission designated by the Commission;
- b. one member of the Ashland Historical Commission designated by the Commission;
- c. one member of the Ashland Planning Board designated by the Board;
- d. one member of the Ashland Housing Authority designated by the Authority;
- e. one member of the Ashland Open Space and Recreation Committee designated by the Committee;
- f. ~~one member of the Ashland Affordable Housing Committee designated by the Committee;~~ and ~~one~~ four members shall be voters in the Town of Ashland who hold no appointed or elected office identified above, nor are employees of the town, and shall be citizen of the community at large appointed At-Large by the Board of Selectmen.

TERMS OF OFFICE 9-3 [Amended 5-11-2005 ATM, Art. 14]

Each member of the Community Preservation Committee shall serve a term of ~~one (1) year~~ three (3) years, expiring on ~~June 30<sup>th</sup>~~ August 31<sup>st</sup>, or until the person no longer serves in the position or on the board or committee as set forth above, whichever is earlier. A member may be reappointed for one successive years term (not to exceed a total of 6 years), so long as the person remains a member of the respective Board, ~~committee~~ Commission, or Authority. If said member resigns from the designating ~~Board, Committee or Commission~~ or Authority, the member's term on the Committee shall be co-terminus.

At-Large members shall be appointed to the following initial terms: One (1) for a one year term, two (2) for two-year terms, and one (1) for a three-year term. All subsequent terms shall be for three years. Appointees shall serve three-year terms. There shall be a limit of two consecutive terms served by any individual. All other members shall serve a term determined by their designating bodies, not to exceed six years. All members, At-Large and otherwise, are eligible for reappointment per the terms identified herein. Should any appointing or designating authority fail to appoint a successor to a CPC member whose term is expiring, such member may continue to serve until the relevant authority names a successor. No At-Large or other member of the Community Preservation Committee shall serve more than six consecutive years at a time. A waiting period of one year shall be imposed on any member of the

Committee after serving six consecutive years.

A vacancy on the Committee shall be filled by the relevant appointing or designating authority.

#### PURPOSE 9-4

a. The Community Preservation Committee shall study the needs, possibilities and resources of the town regarding community preservation. The Committee shall consult with existing municipal boards, including the conservation commission, historical commission, planning board, open space committee and the housing authority in conducting such studies. As part of its study, the Committee shall hold one or more public informational hearings on the needs, possibilities and resources of the town regarding community preservation, notice of which shall be posted publicly and published for each of two weeks preceding the hearing in a newspaper of general circulation in the town.

b. The Committee shall make recommendations to the town meeting for the acquisition, creation and preservation of open space, for the acquisition and preservation of historical resources, for the acquisition, creation and preservation of land for recreation use, for the creation, preservation and support of community housing and for rehabilitation or restoration of such open space, historical resources, land for recreational use and community housing that is acquired or created as provided in this section. With respect to community housing, the Committee shall recommend, wherever possible, the reuse of existing buildings or construction of new buildings on previously developed sites.

c. The Committee may include in its recommendation to the town meeting a recommendation to set aside for later spending funds for specific purposes that are consistent with community preservation but for which sufficient revenues are not then available in the Community Preservation Fund to accomplish that specific purpose or to set aside for later spending funds for general purposes that are consistent with the community preservation.

#### MEETINGS & ACTIONS 9-5

a. The Community Preservation Committee shall be subject to the Open Meeting Law, so called (MGL Chapter 39, § 23A & B). It shall not meet or conduct business without the presence of a quorum. For the purposes of this chapter, a quorum shall constitute a majority of the CPC members then in office. ~~four (4) members.~~

b. The Committee shall approve its actions by majority vote of its members , except as otherwise required by law.

c. Recommendations to the town meeting shall include their anticipated costs.

#### OFFICERS 9-6

The Committee shall elect a Chairman and vice-chairman from among its members and shall elect a secretary who need not be a member of the Committee.

#### RULES & REGULATIONS 9-7

After having a public hearing and requesting recommendations from town boards and committees, the Committee shall adopt policies, rules and regulations for conducting its affairs and for carrying out its responsibilities.

#### REMOVAL OF A COMMITTEE MEMBER 9-8

Removal of a Committee member by their Designating Board, Commission, or Authority:

Any member of the Committee may, after a public hearing before the Designating Board, Commission, or Authority that appointed the said member, be removed for cause or dereliction of duty by a majority vote of such Board, Commission or Authority. Cause, or dereliction of duty, shall be defined as: a) the repeated failure to attend Committee meetings (i.e. missing half of the scheduled meetings of the Committee during any calendar year; b) the commission of an ethical violation (as finally determined by the State Ethics Commission); or c) a violation of the Open Meeting Law, (as finally determined by the

Office of the Attorney General and if in the opinion of the Appointing Committee said violation is pervasive and impairs the position of the appointee to adequately represent the Appointing Committee). Removal of a Committee member should be accomplished by a letter from the Designating Board, Commission, or Authority chairperson confirming the vote in favor of removal of their member from the Committee, and when known, the person who will be replacing them on the Committee.

or pass any vote or take any action relative thereto.

**Article 14: IT Services/ Schools and Municipal Govt.  
Sponsor: Board of Selectmen and School Committee**

To see if the Town will vote to accept G.L. c. 71 sec. 37M to allow the consolidation of management information systems between general municipal government and the school department, or pass any vote or take any action relative thereto.

**Article 15: Cable Franchise Fees  
Sponsor: Board of Selectmen**

To see if the Town of Ashland will accept the provisions of Chapter 44, § 53F½ of the Massachusetts General Laws establishing the PEG Access and Cable Related Fund as an enterprise fund effective fiscal year 2017, or pass any vote or take any action relative thereto.

**Article 16: Elect Member(s) to Ashland Redevelopment Authority  
Sponsor: Ashland Redevelopment Authority**

To see if the Town will elect a member(s) to the Ashland Redevelopment Authority pursuant to Chapter 340, Section 2 of the Town of Ashland Code, or pass any vote or take any action relative thereto.

**Article 17: Amend the Town Bylaw – Water Operations  
Sponsor: Water Policy Committee**

To see if the Town will amend Chapter 270, Water Use Restrictions, as follows (**bold** is new language, ~~strike-through~~ represents removed language)

**Chapter 270. Water Use Restrictions**

***§ 270-2. Purpose.***

The purpose of this by-law is to protect, preserve and maintain the public health, safety and welfare whenever there is in force a State of Water Supply Conservation or State of Water Supply Emergency by providing for enforcement of any duly imposed restrictions, requirements, provisions or conditions imposed by the Town or by the Department of Environmental Protection.

**This water by-law is for the purpose of setting fair and equitable water usage for the proactive conservation of water. It is intended to balance property rights with evolving issues of how and when the Town's residents use water.**

**This by-law is intended to work best in conjunction with a strong public education program**

related to conservative water use and local water issues.

**§ 270-3. Definitions.**

Agriculture shall mean farming in all its branches and agriculture, as defined at M.G.L. c. 128, § 1A. Outdoor watering shall mean any residential, municipal, industrial, or commercial ~~watering of use of municipally-supplied water for~~ decorative areas, lawns, trees or shrubbery.

**Handheld watering shall mean outdoor watering by means of a bucket, can, or handheld hose attachment with automatic shut off nozzle.**

**Unattended watering shall mean outdoor watering by means of a device that does not require a person to actively and continuously engage said device.**

**Irrigation system shall mean outdoor watering by means of a system connected to a pressurized water line and has the ability to automatically activate. Such systems may be permanently or temporarily installed with hoses and/or pipes partially or fully below grade.**

**Runoff shall mean outdoor watering resulting in a visible collection or stream of water on a street or sidewalk.**

Person shall mean any individual, corporation, trust, partnership, association, agency or authority, or other entity and any officer, employee, group or agent of such persons.

State of Water Supply Emergency shall mean a State of Water Supply Emergency declared by the Department of Environmental Protection under M.G.L. c.21G, § 15-17.

State of Water Supply Conservation shall mean a State of Water Supply Conservation declared by the Town pursuant to § 270-4 of this by-law.

Water Users or Water Consumers shall mean all persons using water from the Town's public water source irrespective of that person's responsibility for billing purposes for use of the water.

**§ 270-5. Restricted Water Uses**

[Amended 5-10-2006 ATM, Art. 14; 5-2-2007 ATM, Art. 19; 5-3-15 ATM, Art. 18]

The following ~~restrictions~~ **restricted uses of municipally-supplied water** shall be in effect year-round each year.

**PERMANENT OUTDOOR WATER USE RESTRICTIONS**

- ~~a) Odd/Even Outdoor Watering—No Monday watering: Outdoor watering on property having an odd numbered address is restricted to Wednesday and Saturday. Outdoor watering on property having an even numbered address is restricted to Thursday, and Sunday.~~
- ~~b) Lawn Watering: Watering of lawns restricted to the hours between 7:00 pm and 7:00 am. Watering shall be started on the day allowed and may run into the morning of the following day.~~
- ~~c) Beginning on May 2, 2013, there shall be no new in-ground irrigation systems permitted to be connected to the municipal water system. [Added 5-1-2013 ATM, Art. 23]~~
- ~~d) On or before July 1, 2016 all irrigation systems shall be equipped with rain-gauges and programmable timers set to operate the system within the hours allowed under this section. On or before July 1, 2017 all irrigation systems shall have a separate meter and backflow device.~~

- a) Handheld watering shall be allowed any day at any time.**
- b) Odd/even unattended watering schedule:**

<b>Property having odd address</b>	<b>Wednesday 7:00pm – Thursday 7:00am Saturday 7:00pm – Sunday 7:00am</b>
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Property having even address	Thursday 7:00pm – Friday 7:00am Sunday 7:00am – Monday 7:00am
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**c) Outdoor watering resulting in runoff is prohibited.**

In addition, a declaration of a State of Water Supply Conservation shall include one or more of the following restrictions, conditions, or requirements limiting the use of water as necessary to protect the water supply except for the exemptions as provided in § 270-110. The applicable restrictions, conditions or requirements shall be included in the public notice.

**CONDITIONAL OUTDOOR WATER USE RESTRICTIONS**

- a) STAGE 1 - Hopkinton Reservoir below 295.85 feet between the days of June 1 through August 31 each year.
  - i. **Unattended watering using municipally-supplied water is prohibited**
  - ii. Car washing: Car or vehicle washing is prohibited.
  - iii. ~~Automatic Sprinkler Use: The use of automatic sprinkler systems shall be limited to one weekend day (Saturdays or Sundays) as outlined in the permanent outdoor water use restrictions.~~
  - iv. Ornamental Pools & Fountains: Operation of ornamental pools and fountains is prohibited
  - v. Swimming Pools: Filling and topping off of swimming pools with water from the municipal system **larger than 300 gallons** is prohibited.
- a) STAGE 2 - Hopkinton reservoir below 295.35 or daily use over 5.90 mg.
  - i. All Stages 1 Restrictions.
  - ii. **Handheld watering using municipally-supplied water is prohibited**

The Town, acting through the Board of Selectmen as water commissioners, retains the right to impose additional restrictions with due notice to residents.

**§ 270-10. Exemptions.**

[Amended 11-14-2007 ATM, Art. 29]

The water use restrictions adopted under this by-law shall not apply to the specific uses outlined below provided the user meets any applicable eligibility criteria.

- a. Commercial agriculture;
- b. Water to sustain animal life;
- c. Swimming pools used as a primary means of exercise, therapy or rehabilitation located at a medical or rehabilitation facility;
- d. Commercial car or vehicle washing facilities;
- e. Washing of structures prior to the application of exterior coating such as paint.
- f. If required by health and safety regulations
- ~~a. Residents may request a watering permit for new lawns from May 1 through June 15 for a period not to exceed two weeks. The permit grants the resident permission to water between the hours of 7:00 PM and 7:00 AM daily.~~ **DPW may grant permits to allow unattended watering for a period not to exceed four weeks. The permit shall grant permission to water new lawns daily from 11:00am to 1:00pm and 7:00pm to 7:00am. The grounds for such a permit are as follows:**
  - i. **New lawns. This shall apply to land parcels with no existing lawn, or land parcels where a minimum of 50% of an existing lawn is to be replaced. These permits may be issued from April 1 through May 31 and September 15 through November 15 yearly.**
  - ii. **Title V compliance. This shall apply to land parcels requiring lawn growth for septic system installation or maintenance. These permits may be issued from April 1 through November 15.**

**iii. Municipal projects. This shall apply to any outdoor project funded partially or in full by the public. These permits may be issued from April 1 through November 15.**

- ~~g. Residents may request a watering permit in order to comply with Title V requirements for a period not to exceed two weeks. The permit grants the resident permission to water between the hours of 7:00 PM and 7:00 AM daily.~~
- h. Hand watering of any gardens or land used for food production during Stage 2 restrictions, between the hours of 7pm & 7am.

[Added 5-4-2011 ATM, Art. 15]

- i. Town athletic fields, including those fields under the control of the Ashland Public Schools, in accordance with the Odd/Even Outdoor **unattended** Watering schedule, and ~~between the hours of 7:00 PM and 9:00 AM~~, upon application to, and approval by, the Board of Selectmen;

[Added 5-4-2011 ATM, Art. 15]

**§ 270-12. Irrigation Systems.**

**On or before July 1, 2016 all existing irrigation systems shall be equipped with the following:**

- a. **Precipitation monitoring to prevent unattended watering during rain.**
- b. **Programmable timing to prevent operation outside of the odd/even unattended watering schedule defined in §270-5.**

**On or before July 1, 2017 all existing irrigation systems shall be equipped with the following:**

- a. **A dedicated irrigation water meter.**
- b. **A backflow prevention device compliant with 310 CMR 22.22.**

**All new irrigation system installations shall comply with the following:**

- a. **Permitting**
  - i. **Residents must apply for a permit from the Water Department for new irrigation system connections. A reasonable application fee must be paid in full prior to permit approval.**
  - ii. **Upon application approval, the Water Department will provide the applicant with literature regarding water-efficient landscaping and best practices for irrigation system maintenance.**
- b. **Equipment:**
  - i. **Precipitation monitoring to prevent unattended watering during rain.**
  - ii. **Programmable timing to prevent operation outside of the odd/even unattended watering schedule defined in §270-5.**
  - iii. **A dedicated irrigation water meter. A backflow prevention device compliant with 310 CMR 22.22.**

**Authorized agents of the Water Department shall have the right to inspect, for cause or at random, any municipally-connected irrigation system to confirm equipment compliance. Equipment violations and/or use of un-permitted irrigation systems are subject to penalties pursuant with §270-9.**

**Article 18: Purchase of Girl Scout Property**

**Sponsor: Board of Selectmen**

To see if the Town will vote to appropriate **\$450,000** from the water and sewer enterprise accounts for the cost of acquisition, by including all engineering, due diligence and legal costs related thereto, for the purchase of "Camp Winnetaska", including 19.603 acres +/- as more fully shown on that plan by Precision Land Surveying, Inc, 32 Turnpike Road, Southborough, MA and dated March 9, 2015 (one file with the Town Clerk)(and located at rear Olive Street, Ashland, MA, Town of Ashland Assessor's Map 27 Parcel 89) and buildings thereon and to authorize the Board of Selectmen to purchase, take or otherwise acquire said property and to negotiate and enter into and execute any and all agreements they determine in the best interest of the Town necessary to purchase said property.

**Article 19: Amend the Town Commercial Vehicle Bylaw**

**Sponsor: Board of Selectmen**

To see if the Town will vote to amend the Town's General Bylaws Chapter 265-5, Commercial Vehicles in Residential Districts, as follows: (**bold** and **underline** is new language, ~~strike-through~~ represents removed language)

In any residential district no person **or business** shall permit more than one commercial vehicle which shall not exceed a gross vehicle weight of one (1) ton, to be parked, stored, located, abandoned or otherwise left un-garaged on any one dwelling lot at any one-time **without a special permit from the Board of Selectmen**. In no event may a commercial vehicle be parked, stored, located, abandoned or otherwise left in the front yard of the premises.

**In any residential district no person or business shall permit any commercial vehicle with a Gross Vehicle Weight Rating greater than 10,000 pounds to be parked, stored, located, abandoned, on any one dwelling lot at any time without a special permit from the Board of Selectmen.**

**A special permit shall be based on a finding that the commercial vehicle(s) shall not be rendered objectionable or detrimental to the character of the residential neighborhood.**

**Any special permit issued hereunder shall be issued for a specific vehicle at a specific address and shall not be transferrable. Said special permit shall expire after five (5) years from the date issued.**

The provisions of this bylaw shall not apply to the temporary parking, storage, locating or otherwise leaving any commercial vehicle on a premises that is being used for construction, reconstruction, or maintenance at the premises, or for moving to or from the premises. This bylaw shall be enforced by the Police Department. Enforcement of this bylaw does not require a complaint filed by a resident. In addition, the Board of Selectmen shall have the authority, after notice and hearing, to issue an order removing any vehicle deemed to be in violation of this bylaw. Any such removal order shall be at the expense of the owner of the premises.

**The Board of Selectmen may adopt regulations relative to the implementation of this section 265-5 including an application process and fees associated therewith.**

or pass any vote or take any action relative thereto.

**Article 20: Donation Collection Bin Bylaw**  
**Sponsor: Board of Selectmen**

To see if the Town will vote to amend the Town of Ashland General Bylaws by adding a new Chapter 126, Donation Collection Bins/Storage Containers as follows:

**Chapter 126 Donation Collection Bins**

**126-1 Purpose and Intent:** This bylaw is enacted to promotes public safety, health and welfare, of the residents of the Town of Ashland, and to ensure a clean and attractive condition of the Town by regulating the location, method of maintenance, frequency of disposal and registration of "Donation Collection Bins."

**126-2 Definitions**

- A. Donation Collection Bin: A closed receptacle or container made of metal, wood, steel, fiberglass or similar material designed or intended for the donation, collection and temporary storage of clothing, shoes, textiles, books or other goods or materials, which is accessible to and allows the public to deposit said items without assistance, and which is owned, operated or controlled by an entity other than the owner or lessee of the lot on which it is located.
- B. Property Owner: The person or entity having legal title to real property and/or the person shown as the owner on the current assessment rolls of the Town.
- C. Person of Lawful Possession of Property: Party that has express or implied authority through employment, by contract or apparent authority to act for the Property Owner so as to bring the Owner into contractual relationships with other parties.
- D. Operator: Any person or legal entity that owns, operates or is otherwise in control of a Donation Collection Bin and that receives a permit to operate a Donation Collection Bin in the Town of Ashland.

**126-3 Permits, Standards and Prohibitions**

- A. It shall be unlawful for any person, firm or corporation to erect, place, maintain or operate a Donation Collection Bin within the Town of Ashland without first obtaining an annual permit from the Building Commissioner.
- B. A permit issued under this Bylaw shall be valid for one year and will be renewable for one-year periods. An application for license shall be provided on a yearly basis to the Building Commissioner.
- C. Only one Donation Collection Bin is allowed per property, which includes all contiguous land in common ownership.
- D. The Donation Collection Bin shall be appropriately located so as to not interfere with sight triangles, on-site circulation, required setbacks, landscaping, parking or any requirement of Chapter 282 regarding setbacks from property lines for the district in which it is located, and shall be placed on a concrete or other paved surface. The Donation Collection Bin shall be placed such that there is safe and convenient pedestrian and vehicular access to it. The Town shall not grant a permit to place, use or employ a Donation Collection Bin if it determines that the placement of the Donation Collection Bin is in violation hereof or notwithstanding compliance, would constitute a public safety hazard.

E. The Donation Collection Bin shall be of the type that is enclosed by use of a receiving door and locked so that the contents may not be accessed by anyone other than those responsible for the retrieval of the contents.

F. The front of every Donation Collection Bin shall display the name, address and telephone number of the owner and Operator of the bin.

G. Permittee must maintain the aesthetic presentation of the Donation Collection Bin in a neat and clean condition including fresh paint, readable signage and general state of good repair, free of trash, debris, refuse or like material.

H. Each Donation Collection Bin must be regularly emptied of its contents so that it does not overflow. Used clothing or other donated goods and materials may not be placed on the surrounding area and if they are must be removed immediately.

I. Permittee must provide the Property Owner or owner's agent with a telephone number for requests to respond to Donation Collection Bin maintenance complaints. Permittee must respond to Donation Collection Bin maintenance complaints within 24 hours of receiving notification during regular business hours.

J. If a Donation Collection Bin becomes damaged or vandalized, it shall be repaired, replaced or removed within 5 days of notice of such condition, unless the damage is such as to constitute a danger to persons or property in which case it shall be made safe within 24 hours of notice of such condition.

#### **126-4 Application for License**

A. Any person or entity desiring a Donation Collection Bin license under this Bylaw shall file an application with the Building Commissioner.

B. The application shall provide the following information:

1. Name, address, telephone number and name of contact person or persons of the organization applying for the permit and responsible for maintaining each Donation Collection Bin.

2. Proof that the applicant is a registered charitable 501(C)(3) organization and information pertaining to the applicant's status with the Commonwealth of Massachusetts. Or if applicant is a for-profit entity, information pertaining to the applicant's status with the Commonwealth of Massachusetts.

3. A description of the Donation Collection Bin, the address where the bin will be located, including a site plan showing the proposed location of the bin on the property as well as existing conditions on the property.

4. Written consent from the Property Owner or owner's agent or person of lawful possession (lessee) of the property where each such Donation Collection Bin shall be placed.

5. The regular interval schedule at which the Operator of person identified on the application collects the items donated and performs regular maintenance. The interval shall not exceed thirty (30) days.

C. The Building Commissioner shall deny a license application which does not comply with the requirements of this Bylaw or which she/he determines that the placement of the Donation Collection Bin, notwithstanding compliance herewith, would constitute a public safety hazard. Said denial shall be in writing and set forth the reasons for said denial.

#### **126-5 Fees Required**

A. The application fee for a Donation Collection Bin shall be \$150.00 for each bin. The license period for each Donation Collection Bin shall be January 1 through December 31 of each year.

B. The renewal application fee for a Donation Collection Bin shall be \$150.00 for each bin.

C. Upon the granting of a license, a permit (sticker) issued to the applicant shall be affixed to the Donation Collection Bin. The permit (sticker) shall be clearly placed on the same side as the chute used to deposit donated items.

#### **126-6 Applicability**

A. The provisions of the Bylaw shall apply to both existing and future Donation Collection Bins within the Town of Ashland. Property owners with existing Donation Collection Bins prior to the effective date of this Bylaw shall come into compliance as follows:

1. Within sixty (60) days of the effective date of this Bylaw, the Operator shall file an application for a license as required for each Donation Collection Bin. The application shall demonstrate how the existing bin complies with this Bylaw or show the proposed changes that shall be completed to achieve compliance. Within ninety (90) days after the effective date of this Bylaw, each existing Donation Collection Bin shall be brought into compliance with this Bylaw or removed by the Town.

#### **126-7 Violations, Penalties and Enforcement**

A. Any person or entity who violates any provision of this Bylaw shall be subject to a penalty (fine) of \$50.00 for the first offense and \$100.00 for each subsequent offense.

B. Each violation shall be deemed and taken to be separate and distinct violations. For every day which the Donation Collection Bin is not in compliance shall be considered a separate violation.

C. The Property Owner or owner's agent or person of lawful possession (lessee) in control of the property where the Donation Collection Bins being maintained and the Operator of the Donation Collection Bin in violation of this Bylaw shall be jointly and severally liable for each violation.

D. The Building Commissioner or his designee shall be responsible for the enforcement of this Bylaw.

or pass any vote or take any action relative thereto.

**Article 21: Amend the Zoning Bylaw – Ashland Downtown District**  
**Sponsor: Planning Board**

To see if the Town will vote to amend Chapter 282 (Zoning Bylaw) of the Town of Ashland Bylaws by making the following changes thereto (~~strikeouts indicate language removed~~, **underlines and bold indicate new language**):

That the Town of Ashland Zoning Bylaw, Chapter 282, Subsection 8.5.7 Dimensional Requirements, shall be amended as follows:

**Item A:**

In Subsection 8.5.7, the Table Of Dimensional Requirements In The Ashland Downtown District shall be replaced with a new table and accompanying renderings as follows:

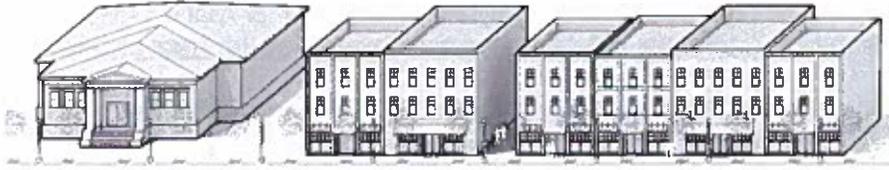
**Ashland Downtown District Sub-Area A**  
Mixed-Use + Dwellings



Examples of Encouraged Streetscape Facade Typologies

	Building Type	SITE CONFIGURATION				BUILDING CONFIGURATION		ARCHITECTURAL CHARACTER							
		Setbacks	Frontages	Lot Size	Parking	Yards	FAR	Height	Entrances	Roof	Windows	Materials	Access	Street Furniture	Landscaping
Required Features	Mixed-Use	Minimum: 0 ft Maximum: 15	Minimum: 100'	Minimum: 35,000 sq. ft.		Minimum side yard: 0' Minimum rear yard: 12'	2.0	Maximum: 4 stories							
	Dwellings	Minimum: 15 Maximum: 15	Minimum: 100'	Minimum: 35,000 sq. ft.		Minimum side yard: 0' Minimum rear yard: 12'	2.0	Maximum: 3 stories							
Examples of Encouraged Features	Mixed-Use + Dwellings				Located at the rear of property or below structure				Non-vehicle used entries, porches and porches	Gabled with mansard, asphalt shingles, slate or lava slate	Vertical ornament, double hung or apprentices, simulated divided lite style	Lap or shingle siding in wood or wood like materials, full or veneer masonry siding	Dormers, eave trim, window casings, shutters, other decorative trim	Benches, lighting	Street trees, planters

**Ashland Downtown District Sub-Area B**  
Mixed-Use + Dwellings



Examples of Encouraged Streetscape Facade Typologies

Building Type	SITE CONFIGURATION					BUILDING CONFIGURATION			ARCHITECTURAL CHARACTER					
	Setbacks	Frontages	Lot Size	Parking	Yards	FAR	Height	Entrances	Roof	Windows	Materials	Accents	Street Furniture	Landscaping
Mixed-Use	Minimum: 0 ft Maximum: 15'	Minimum: 35'	Minimum: 20,000 sq. ft.		Minimum side yard: 0' Minimum rear yard: 12'	1.5	Maximum: 4 stories							
Dwellings	Minimum: 0 ft Maximum: 15'	Minimum: 35'	Minimum: 20,000 sq. ft.		Minimum side yard: 0' Minimum rear yard: 12'	1.5	Maximum: 5 stories							
Mixed-Use + Dwellings				Located at the rear of property or below structure				Recessed entries, glass storefronts	Flat roof with parapet, cap and coping details	Vertical orientation, double hung or tripartite, simulated divided lite style	Masonry with decorative coursing, corner, bonding or rubrication	Canopies, lighting, masonry insets and sills, integrated signage	Benches, lighting	Street trees, planters

**Ashland Downtown District Sub-Area C**  
Mixed-Use + Dwellings



Typology A      Typology B      Typology C      Typology D      Typology E

Examples of Encouraged Streetscape Facade Typologies

Building Type	SITE CONFIGURATION					BUILDING CONFIGURATION			ARCHITECTURAL CHARACTER					
	Setbacks	Frontages	Lot Size	Parking	Yards	FAR	Height	Entrances	Roof	Windows	Materials	Accents	Street Furniture	Landscaping
Mixed-Use	Minimum: 0 ft Maximum: 15'	Minimum: 50'	Minimum: 8,000 sq. ft.		Minimum side yard: 0' Minimum rear yard: 12'	1.5	Maximum: 3 stories							
Dwellings	Minimum: 0 ft Maximum: 15'	Minimum: 50'	Minimum: 8,000 sq. ft.		Minimum side yard: 0' Minimum rear yard: 12'	1.5	Maximum: 3 stories							
Mixed-Use + Dwellings				Located at the rear of property, below structure or in attached or detached garages				Covered entrances with paneled doors, porches	Medium height pitched mansard, gable, or hip with architectural angular than gable, side of lot curb	Vertical orientation, double hung or tripartite, simulated divided lite style	Lap or shingle siding in wood or wood like material, full or vertical masonry siding	Downs, rake and eave trim, window casings, shutters, other decorative trim	Benches, lighting	Street trees, planters

**Item B:**

The last sentence of the first paragraph of Subsection 8.5.7 shall be amended as follows (~~crossed-out language~~ indicates removed language and **bolded underlined language** indicates added language):

The Planning Board may vary the dimensional and parking requirements of this section if, in its opinion, such change will result in an ~~improved design~~;

- 1. An improved design and/or a design which reflects the design characteristics depicted in the renderings below in the Table Of Dimensional Requirements In The Ashland Downtown District and/or;**

2. **A design which incorporates green roof technology, alternative energy generation technology, permeable pavement, and/or other sustainable technology.**

Item C:

In Subsection 8.5.7, following the Table of Dimensional Requirements In The Ashland Downtown District, a new note, note number three (3), shall be inserted after note number two (2), as follows (**bolded underlined language** indicates added language):

1. One additional floor may be added if the Planning Board agrees that this project fully meets the intent of the ADD zoning.
2. FAR (Floor Area Ratio). The total floor area of all principle buildings on a lot divided by the area of said lot.
3. **A building's first story shall not have a height in excess of 14 feet, measuring from the first floor to second floor, and all stories above the first story shall not have a height in excess of 12 feet, measuring from floor to floor. The highest point of a building shall not exceed 12 feet from the ceiling of the highest story.**

or pass any vote or take any action relative thereto.

**Article 22: Amend the Zoning Bylaw – Ashland Downtown District**  
**Sponsor: Planning Board**

To see if the Town will vote to amend Chapter 282 (Zoning Bylaw) of the Town of Ashland Bylaws by adding the following new subsection thereto (~~strikeouts indicate language removed~~, **underlines and bold indicate new language**):

That the Town of Ashland Zoning Bylaw, Chapter 282, shall be amended as follows:

A new subsection, Subsection 8.5.15, shall be added after Subsection 8.5.14, as follows:

**If, in the judgement of the Town Planner, the design(s) proposed in an application reflect the design characteristics encouraged in Subsection 8.5.7, the following stipulations shall take effect:**

1. **The Planning Board's maximum period of review and decision shall be ninety (90) days from the opening of a special permit public hearing and ninety (90) days from the opening of a meeting commencing a site plan review process, unless the review period is extended by mutual agreement of the Planning Board and applicant;**
2. **Planning Board special permit and site plan review processes shall be conducted concurrently;**
3. **A maximum of \$4,000.00 in up-front application fees shall be charged. This shall not include peer review fees.**

or pass any vote or take any action relative thereto.

**Article 23: Amend the Zoning Bylaw – Ashland Downtown District**  
**Sponsor: Planning Board**

To see if the Town will vote to amend Chapter 282 (Zoning Bylaw) of the Town of Ashland Bylaws by adding the following new subsection thereto (~~strikeouts indicate language removed~~, underlines and bold indicate new language):

That the Town of Ashland Zoning Bylaw, Chapter 282, Subsection 8.5.6 Ashland Downtown District Table of Uses Notes shall be amended as follows:

Item A:

In Subsection 8.5.6, note number one (1) from the Notes on Ashland Downtown District Table of Uses shall be amended and note numbers three (3) and four (4) shall be removed, as follows (~~crossed-out language indicates removed language~~ and **bolded underlined language** indicates added language):

Notes on Ashland Downtown District Table of Uses

1. Residential use is not allowed on the first floor of a building that faces a public street or way **unless a special permit is granted by the Planning Board. The Special Permit may be granted where the Planning Board determines that the proposed structure within which the residential use is proposed meets the design characteristics set forth in Subsection 8.5.7 and is in conformance with the six special permit criteria set forth in Subsection 9.3.2.**
2. Allowed as accessory use only.
3. ~~Maximum of ten (10) Housing Units per gross acre.~~
4. ~~Each Housing Unit must have a minimum of seven hundred (700) square feet of living space (i.e. total area including closets, bath) and a maximum of two (2) bedrooms per housing unit.~~

Item B:

In Subsection 8.5.6, note numbers three and four (3 and 4) in Columns A and B of the Multifamily Dwellings line in the Ashland Downtown District (ADD) Table of Uses shall be removed, as follows (~~crossed-out language indicates removed language~~):

ASHLAND DOWNTOWN DISTRICT (ADD)	A	B	C
Multifamily dwellings (3 or more dwellings)	<del>Y1,3,4</del>	<del>Y3,4</del>	SP

or pass any vote or take any action relative thereto.

**Article 24: Acceptance of Easement for Multi-Use Trail**  
**Sponsor: Planning Board**

To see if the Town will vote to accept an easement from Lodestar Energy LLC which is shown as "Proposed 50' Wide Multi Use Rail Trail / Public Bike Path Easement" including 1.428 +/- AC on a plan by Design Consultants, Inc., 120 Middlesex Ave., Somerville, MA 02145 and dated January 4, 2016 which said plan is on file with the Town Clerk, for the purpose of a Public Bike Path or Multi Use Rail Trail to be under the care, custody and control of the Board of Selectmen, or pass any vote or take any action relative thereto.