

- iv. Article 4: “The Finance Committee recommends that the town establish a Receipts Reserved Account and appropriate \$57,492 as set forth in the Article.”
- v. Article 5: “The Finance Committee recommends that the Town vote the make the following adjust to the following line items in the FY2017 budget:”
- vi. Article 6:
 - 1. Discussion: A historical property at the northern portion of the property is now available under the previously negotiated amount of \$290,000
 - 2. Finance Committee Members advised to watch/attend the upcoming BOS meeting to learn more about this property and Warrant Article
 - 3. FURTHER DISCUSSION HELD TO NEXT MEETING
- vii. Article 7: As drafted.
- viii. Article 8: “The Finance Committee recommends that the town vote to amend the bylaw as set forth in the article.”
- ix. Article 9: “The Finance Committee recommends that the town vote to amend the bylaw as set forth in the article.”
- x. Article 10: HELD – see below
- xi. Article 11: “The Finance Committee recommends that the town vote to amend the bylaw as set forth in the article.”
- xii. Article 12: “The Finance Committee recommends that the town vote to amend the bylaw as set forth in the article.”
- xiii. Article 13: “The Finance Committee recommends that the town vote to amend the bylaw as set forth in the article.”
- b. **VOTE** on the Finance Committee Recommendation for Articles 1-7, 8, 9 and 11-13.
 - i. The Chair moves to approve the recommendations noted above
 - ii. Second: Jonathan Moore
 - iii. Vote: 5-0 in favor
- c. Discussion of Warrant Article 8, Article 9 and Article 10; Wayne Bates and Town Administration
 - i. Water Policy Committee: prepare a bylaw that is fair to citizens and businesses.
 - ii. Clarification of definitions within the bylaw
 - iii. Update on penalties: how many fines have been issued? Quite a few enforcements by patrolling 3-4AM. Board of health controls bylaw for private wells, even those related to irrigation. List of private irrigation wells is available to DPW.
 - iv. Article 9 is completely new and describes how, when, and for how long we would open connection to MWRA. This is bylaw is proposed due to citizen questions posed at previous town meetings. Further explanation:
 - 1. Ashland wells are “shallow wells” and while they are underground wells, they are under heavy influence of surface water level.

2. When surface water is low, pumps run slower to avoid air intake and pump damage.
3. Re: #4- Is the routine maintenance automated or would require DPW work?
- v. Article 10: to approve funding for MWRA connection and MWRA entrance fee.
 1. Allows authorization for borrowing should outside funding sources not be adequate (see attachment).
 2. Total cost: \$3.359M (funding sources \$3.2M)
 - a. Hopkinton – inter-municipal agreement (IMA) between two towns
 - i. Water pumped out of system into water treatment; some water is pumped out to Hopkinton (approximately 20% of water goes to Hopkinton)
 - ii. Treatment plant 1999; inter-municipal agreement
 1. Hopkinton to pay for build and maintenance of facility in 1999
 2. Water draw paid for via cost-sharing
 3. Ashland is obligated to give Hopkinton 300,000-1,000,000/ day per the IMA (1999).
 4. New IMA with Hopkinton is being worked on.
 - b. Entrance fee- based on the anticipated per day use
 - i. Current estimate is 150,000 gallons/day
 1. Based on total use divided by 365 days.
 - ii. Hopkinton Entrance fee – estimated based on Hopkinton use of water.
 3. FURTHER DISCUSSION ON WARRANT ARTICLE 10 WILL BE HELD OVER TO THE NEXT FINANCE COMMITTEE MEETING
 - a. Request from the Finance Committee to explore options that may not include development of a new IMA with Hopkinton
5. Approve outstanding Minutes, if any.
 - a. Meeting minutes from the October 4, 2016 meeting were reviewed and discussed.
Moved to adopt minutes as recorded: Dan Conroy
Second: Maribeth Morrissey
Vote: 5-0 in favor
6. NEXT MEETING: November 17, 2016, 6PM
7. Adjourn:
Moved: The Chair moved to adjourn the meeting at 9:06
Second: Ryan Turncliff
Vote: 5-0 in favor

List of Documents Presented at Meeting

- Draft: Warrant Articles, Information and recommendations of the Finance Committee for the November 28, 2016 Special Town Meeting, Ashland High School
- Funding spreadsheet related to MWRA project

DRAFT

Backup of 11/9/16
Fincom minutes



"MOVING FORWARD TOGETHER"

RECEIVED
TOWN CLERK
ASHLAND, MA
2016 NOV 14 AM 8:08
[Handwritten signature]

**WARRANT ARTICLES, INFORMATION AND
RECOMMENDATIONS
OF THE
FINANCE COMMITTEE
FOR THE
NOVEMBER 28, 2016
SPECIAL TOWN MEETING
ASHLAND HIGH SCHOOL**

CONTENTS

Page

Index of Warrant Articles

Town Moderator Motions

Warrant with FinCom Recommendations

Town Meeting Vocabulary & Select Procedures

Warrant Article Index

Art #	Article Name	Article Sponsor	Page
1	Routine Reports		
2	Stabilization Funds		
3	Property Tax Exemption		
4	Creation of Receipts Reserved		
5	Adjust FY17 Appropriation		
6	Purchase of Property		
7	MWRA I&I Assistance		
8	Change Water Use Bylaw		
9	MWRA Supplemental Connection Bylaw		
10	Approve Connection and Entrance Fee		
11	Marijuana Moratorium		
12	Change of Height Restrictions		
13	Rate of Development Bylaw		

TOWN OF ASHLAND

**SPECIAL TOWN MEETING WARRANT
NOVEMBER 28, 2016**

**Article 1: Hear Town Reports
Sponsor: Routine**

To see if the town will hear any reports of town committees, or pass any vote or take any action relative thereto.

**Article 2: Stabilization Funds
Sponsor: Board of Selectmen**

To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money to be placed in the Stabilization Fund, OPEB Stabilization Fund, Special Education Special Purpose Stabilization Account, and/or Capital Account, or pass any vote or take any action relative thereto.

FINANCE COMMITTEE RECOMMENDS: that the Town so vote to transfer the sum of \$ 1,197,199 from Free Cash to the Stabilization Fund; and the sum of \$199,533 from Free Cash to the OPEB Stabilization fund and the sum of \$598,599 from Free Cash to the Capital Account .

MOTION: that the Town so vote to transfer the sum of \$ 1,197,199 from Free Cash to the Stabilization Fund; and the sum of \$199,533 from Free Cash to the OPEB Stabilization fund and the sum of \$598,599 from Free Cash to the Capital Account .

**Article 3: Property Tax Exemptions
Sponsor: Board of Selectmen**

To see if the Town will vote to adjust (the exemption amount and eligibility factors) for the property tax exemption for senior citizens under MGL Chapter 59, Section 5 Clause 41C½, to be effective for exemptions granted for any fiscal year beginning July 1, 2015, or pass any vote or take any action relative thereto.

FINANCE COMMITTEE RECOMMENDS: that the property tax exemption percentage be set at 8.5%. Based on preliminary valuation data from the Assessors, the amount would be \$516 per application, which approximates that amount given last year.

MOTION: That the Town vote to adjust (the exemption amount and eligibility factors) for the property tax exemption for senior citizens under MGL Chapter 59, Section 5 Clause 41C½ to 8.5%, to be effective for exemptions granted for any fiscal year beginning July 1, 2016.

Article 4: Creation of Receipts Reserved Account

To see if the Town will establish a Receipts Reserved for Appropriation Fund: Insurance Recovery in Excess of \$20,000. The fund shall be used exclusively for the purpose for which the insurance settlement was received. And to see if the Town will vote to appropriate \$57,492.09 from Receipts Reserved for Appropriate for Insurance Recovery in Excess of \$20,000 to the Kindergarten Revolving Fund for the purpose of reimbursing the Kindergarten Revolving Fund, or take any other action relative thereto.

FINANCE COMMITTEE RECOMMENDS:

Motion:

Article 5: Adjust Fiscal Year 2017 Appropriation

Sponsor: Board of Selectman

To see if the town will vote to raise and appropriate or transfer from available funds in the treasury a sum of money to be added to or to make adjustments to Article 3 of the May 2016 annual town meeting (fiscal year 2017 budget), or pass any vote or take any action relative thereto.

FINANCE COMMITTEE RECOMMENDS: that the Town so vote the following adjustments be made the following line items in the FY2016 budget:

Department	Dept. Account #	Amount
School	01300	680,932.00
Capital	01930	668,599.00
COA/Y&F/REC	01544	55,000.00
Conservation	01171	20,000.00
MIS	01155	40,000.00
Legal	01151	20,000.00
Economic Development	01182	36,828.00
Efficiency Program	01935	50,000.00
Worker's Compensation	01912	113,000.00

Motion: that the Town vote to make the following adjustments in the following line items in the FY2016 budget:

**Article 6: Approve Purchase of Property – Warren Conference Center
Sponsor: Board of Selectmen**

To see if the Town will vote to authorize the Board of Selectman to purchase, acquire, or take by eminent domain, and to raise and appropriate, either by appropriation, borrowing or otherwise, a sum of money to fund said purchase or taking along with all associated legal and engineering costs necessary, of approximately 60,000 square feet of land +/- located along Chestnut Street, indicated as "Land to be Purchased" which is a portion of Town of Assessor's Map 28, Lot 59 and Map 24, Lot 07 as more fully set forth on the plan by Schofield Brothers dated June 10, 1963, as modified, on file in the Town Clerk's office, the acquisition of said land having been determined to be necessary for the health and welfare of the inhabitants of Ashland and to be used for general municipal purposes under the care, custody and control of the Board of Selectman; or pass any vote or take any action relative thereto.

FINANCE COMMITTEE RECOMMENDS:

That the Board of Selectman be authorized to purchase, acquire, or take by eminent domain, and to raise and appropriate, either by appropriation, borrowing or otherwise, a sum of money to fund said purchase or taking along with all associated legal and engineering costs necessary, of approximately 60,000 square feet of land +/- located along Chestnut Street, indicated as "Land to be Purchased" which is a portion of Town of Assessor's Map 28, Lot 59 and Map 24, Lot 07 as more fully set forth on the plan by Schofield Brothers dated June 10, 1963, as modified, on file in the Town Clerk's office, the acquisition of said land having been determined to be necessary for the health and welfare of the inhabitants of Ashland and to be used for general municipal purposes under the care, custody and control of the Board of Selectman; and further that the Board of Selectmen is authorized to enter into all agreements and to execute any and all instruments as may be necessary on behalf of The Town of Ashland to affect said purchase or action in relation thereto and that the Board of Selectmen undertake any and all due diligence that they determine in the best interest of the Town; that the Town raise and appropriate, 290,000, and to meet said appropriation the Treasurer with approval of the Board of Selectmen is authorized to borrow said sum under M.G.L. Chapter 44 or any other enabling authority, _____ to fund said purchase or taking along with all associated legal and engineering costs necessary, (or transfer of money)

MOTION: That the Board of Selectman be authorized to purchase, acquire, or take by eminent domain, and to raise and appropriate, either by appropriation, borrowing or otherwise, a sum of money to fund said purchase or taking along with all associated legal and engineering costs necessary, of approximately 60,000 square feet of land +/- located along Chestnut Street, indicated as "Land to be Purchased" which is a portion of Town of Assessor's Map 28, Lot 59 and Map 24, Lot 07 as more fully set forth on the plan by Schofield Brothers dated June 10, 1963, as modified, on file in the Town Clerk's office, the acquisition of said land having been determined to be necessary for the health and welfare of the inhabitants of Ashland and to be used for general municipal purposes under the care, custody and control of the Board of Selectman; and further that the Board of Selectmen is authorized to enter into all agreements and to execute any and all instruments as may be necessary on behalf of The Town of Ashland to affect said purchase or action in relation thereto and that the Board of Selectmen undertake any and all due diligence that they determine in the best interest of the Town; that the Town raise and appropriate, 290,000, and to meet said appropriation the Treasurer with approval of the Board of Selectmen is authorized to borrow said sum under M.G.L. Chapter 44 or any other enabling authority,

_____ to fund said purchase or taking along with all associated legal and engineering costs necessary, (or transfer of money)

Article 7: MWRA I&I Local Assistance

Sponsor: Board of Selectmen

To see if the Town will appropriate a sum of money to make infiltration and inflow improvements to the Town's sewer system, including improvements for infiltration and inflow reduction purposes that are eligible for loans or other financial assistance through the Massachusetts Water Resources Authority's I/I Local Financial Assistance Program - Phase 9 Funding Allocation, for the fiscal year beginning July 1, 2016 through June 30, 2017, said funds to be expended under the direction of the Department of Public Works; to determine whether such amounts should be raised by taxation, borrowing, transfer from available funds or otherwise, and to authorize the Selectmen to apply for and accept, any grants that may be available to pay costs of such projects; or pass any vote or take any other action relative thereto.

FINANCE COMMITTEE RECOMMENDS: that the Town so vote to raise and appropriate or transfer a sum of \$413,950 to make infiltration and inflow improvements to the Town's sewer system, including improvements for infiltration and inflow reduction purposes that are eligible for loans or other financial assistance through the Massachusetts Water Resources Authority's I/I Local Financial Assistance Program - Phase 9 Funding Allocation, for the fiscal year beginning July 1, 2016 through June 30, 2017, said funds to be expended under the direction of the Department of Public Works; to determine whether such amounts should be raised by taxation, borrowing, transfer from available funds or otherwise, and to authorize the Selectmen to apply for and accept, any grants that may be available to pay costs of such projects

Motion: to raise and appropriate or transfer \$413,950 to make infiltration and inflow improvements to the Town's sewer system, including improvements for infiltration and inflow reduction purposes that are eligible for loans or other financial assistance through the Massachusetts Water Resources Authority's I/I Local Financial Assistance Program - Phase 9 Funding Allocation, for the fiscal year beginning July 1, 2016 through June 30, 2017, said funds to be expended under the direction of the Department of Public Works; to determine whether such amounts should be raised by taxation, borrowing, transfer from available funds or otherwise, and to authorize the Selectmen to apply for and accept, any grants that may be available to pay costs of such projects.

Article 8: Water Bylaw Change

Sponsor: Water Policy Committee

To see if the Town will vote to amend the Town of Ashland General Bylaws Section 270 as follows (**underline and bold** is proposed language and ~~cross-through~~ is proposed omitted language):

Chapter 270 Water Use Restrictions

§ 270-1. Authority.

This By-law is adopted by the Town under its police powers pursuant to the Home Rule Amendment of the Massachusetts Constitution, Article LXXXIX, to protect public health and welfare and its powers pursuant to M.G.L. c.40, §§ 21 et seq. and implements the Town's authority to regulate water use pursuant to M.G.L. c. 41, § 69B. This by-law also implements the Town's authority under M.G.L. c. 40, § 41A, conditioned upon a declaration of water supply emergency issued by the Department of Environmental Protection.

§ 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 pro-active 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 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.

§ 270-4. Declaration of State of Water Supply Conservation.

The Town, through its Board of Selectmen authorized to act as such, may declare a State of Water Supply Conservation upon a determination by a majority vote of the Board that a shortage of water exists of such a degree that conservation measures are appropriate to ensure an adequate supply of water to all water consumers or as stipulated by the Town of Ashland Water Management Act permit. Public notice of a State of Water Conservation shall be given before it may be enforced.

§ 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 restricted uses of municipally-supplied water shall be in effect year-round.

PERMANENT OUTDOOR WATER USE RESTRICTIONS

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

Property having odd address	Wednesday 7:00pm – Thursday 7:00am Saturday 7:00pm – Sunday 7:00am
Property having even address	Thursday 7:00pm – Friday 7:00am Sunday 7:00am – Monday 7:00am

- 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 § 270-11. 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 using municipally-supplied water is prohibited.
 - ~~iii. Ornamental Pools and Fountains: Operation of ornamental pools and fountains is prohibited.~~
 - iii. Washing of structures including but not limited to buildings, houses, sheds, driveways, sidewalks, decks, fences, or patios using municipally supplied water is prohibited.
 - iv. Swimming Pools: Filling and topping off of swimming pools larger than 300 gallons using municipally-supplied water is prohibited.
- b) 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.
 - iii. The Town, acting through the Board of Selectmen as water commissioners, retains the right to impose additional restrictions with due notice to residents.

§ 270-6. Public Notification of a State of Water Supply Conservation and State of Water Supply Emergency; Notification of DEP.

Notification of any provision, including any restriction, requirement or condition imposed by the Town as part of a State of Water Supply Conservation shall be published in a newspaper of general circulation within the Town, or by such other means reasonably calculated to reach and inform all users of water of the State of Water Supply Conservation. Notification of the State of Water Supply Conservation shall also be provided to the Massachusetts Department of Environmental Protection at the same time that notification is given.

Notification of a State of Water Supply Emergency declared by the Department shall be provided by furnishing a copy of the Notice to radio and television stations (as well as placing this information on the town website) (language regarding the town website was added at 5/11/05 ATM) serving the area served by the public water system as soon as possible, but no later than 48 hours after the public water system receives notice of the Department's declaration. Any restriction imposed under § 270-5 or in the Department declaration of emergency or Order shall not be effective until such notification is provided.

§ 270-7. Termination of State of Water Supply Conservation; Notice.

A State of Water Supply Conservation may be terminated by a majority vote of the Board of Selectmen upon a determination that the water supply shortage or restrictions no longer exists. Public notification of the termination of a State of Water Supply Conservation shall be given in the same manner as is required for notice of the Town's declaration of its State of Water Supply Conservation.

§ 270-8. State of Water Supply Emergency; Compliance with DEP Orders.

Upon notification to the public that the Department of Environmental Protection has issued a declaration of a State of Water Supply Emergency, no person shall violate any provision, restriction, requirement,

condition of any order approved or Issued by the Department for the purpose of bringing about an end to the State of Water Supply Emergency. The notice prescribed by this section shall be in writing and shall be published once in a newspaper of general circulation within the town where it is to be effective. Such notice shall summarize the provisions of the Declaration of Water Supply Emergency and the requirements and conditions thereof. Notice as prescribed by this section shall be sufficient for enforcement of the requirements of such Declaration on and after the date following newspaper publication.

§ 270-9. Penalties.

[Amended 5-1-2013 ATM, Art. 24]

The Town, through its Board of Selectmen, DPW Director, water superintendent, building inspector or local police may enforce this by-law (ordinance). ~~Any person violating this by-law (ordinance) shall be liable to the Town in the amount of \$200 per day for the first violation and for each subsequent day of use. Upon the fifth violation water shall be shut off. Any person violating §270-5 (Restricted water uses) shall be liable to the Town in the amount of \$50 for a first annual offense, \$100 for a second annual offense, and \$200 for all subsequent annual offenses. Any person violating §270-12 (Irrigation systems) shall be liable to the Town in the amount of \$50. Each day of non-compliance with §270-12 may constitute a new offense.~~ Fines shall be recovered by indictment, or on complaint before the District Court, or by non-criminal disposition in accordance with section 21D of chapter 40 of the general laws.

§ 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.
- g. 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~~ 10:00am to 2:00pm. 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.~~
- h. Handheld watering ~~of any gardens or land~~ used for food production during Stage 2 restrictions.
- i. Town athletic fields, including those fields under the control of the Ashland Public Schools, in accordance with the odd/even unattended watering schedule, upon application to, and approval by, the Board of Selectmen.
- j. Municipal projects for the beautification of Ashland or other projects within the public right of way required by zoning.

§ 270-11. Severability.

The invalidity of any portion or provision of this by-law shall not invalidate any other portion or provision thereof.

§ 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 **and existing** 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.~~

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.

~~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.~~

FINANCE COMMITTEE RECOMMENDATION:

Motion: To amend the Town of Ashland General Bylaws Section 270 as printed in the Warrant.

Article 9: MWRA Water Connection Bylaw
Sponsor: Water Policy Committee

To see if the Town will vote to amend the Town of Ashland General Bylaw Section 270 by adding a new Section 270-13 as follows:

§270-13 MWRA Supplemental Water Use

The connection of the Ashland water system to the Massachusetts Water Resources Authority (MWRA)

system via Southborough is for supplemental water and will be managed as such. Therefore, one or more of the following conditions shall be met before the Ashland Water Department is authorized to distribute supplemental MWRA water:

1. Hopkinton Reservoir at or below 293' for any period of time. This is the lowest reservoir level allowing safe operation of Ashland's wells.
2. Ashland has declared Stage 2 state of water supply conservation, and a 10PSI pressure decrease in Ashland's water distribution system (measured at the Russett Hill station) for a continuous period of 10 minutes. Such a pressure drop signifies distribution system damage, such as a water main rupture.
3. Ashland's water distribution system pressure has dropped below 20PSI (measured at the Russett Hill station) or the Cedar Street water tank drops below an elevation of 46.2' for any period of time. This pressure level signifies the lowest recommended level for fire protection.
4. Routine maintenance of the connection between Southborough and Ashland is required. Examples of routine maintenance include water system integrity, flushing to prevent stagnation, and water quality testing.

The Ashland Water Department shall notify the Town Manager, Board of Selectmen, Water Policy Committee, and general public via the Town website of the following events that supplemental MWRA water distribution has started, and which condition provided the authorization.

Furthermore, when distributing supplemental MWRA water, the Ashland Water Department shall provide the Town Manager, Board of Selectmen, Water Policy Committee, and general public via the Town website with weekly updates regarding connection status. These updates shall include, but are not limited to, the current level of the Hopkinton Reservoir, the total volume of supplemental MWRA water used during the current connection, and the expected duration of continued use.

A majority vote of the Board of Selectmen, at a public meeting, may authorize or disallow the distribution of supplemental MWRA water outside of the criteria described in this bylaw, or pass any vote or take any action relative thereto.

FINANCE COMMITTEE RECOMMENDATION:

Motion: To amend the Town of Ashland General Bylaws Section 270 by adding a new section 270-13 as printed in the Warrant.

Article 10: Approval/Funding for MWRA Connection and MWRA Entrance Fee
Sponsor: Water Policy Committee

To see if the Town will vote to appropriate funds sufficient to cover the cost the entrance fee for and the cost of the construction related to, the connection to the Massachusetts Water Resource Authority water supply and to meet this appropriation, see what sum the Town will raise by borrowing, transfer from available funds, or otherwise, or pass any vote or take any action relative thereto.

FINANCE COMMITTEE RECOMMENDATION:

Motion: That the Town appropriate _____ borrow??? etc.

Article 11: Marijuana Moratorium Bylaw

Sponsor: Board of Selectmen

To see if the Town will vote to amend the Town of Ashland Bylaws, Chapter 282, Zoning by adding a new Section 3.1.5, **TEMPORARY MORATORIUM ON MARIJUANA ESTABLISHMENTS, MARIJUANA RETAILERS AND OTHER SALE OR DISTRIBUTION OF MARIJUANA AND MARIJUANA PRODUCTS WHICH ARE NOT INCLUDED IN THE DEFINITION OF MEDICAL MARIJUANA TREATMENT CENTERS**, as follows:

Section 3.1.5(A). PURPOSE

By vote at the State election on November 8, 2016, the voters of the Commonwealth approved a law entitled the Regulation and Taxation of Marijuana Act (the "Act"), regulating the control and production and distribution of marijuana under a system of licenses, regulations. Currently under the Zoning Bylaw, a Marijuana Retailer or Establishment is not a permitted use in the Town and any regulations promulgated by the Cannabis Control Commission are expected to provide guidance to the Town in regulating marijuana sales and distribution. The regulation of marijuana raises novel and complex legal, planning, and public safety issues and the Town needs time to study and consider the regulation of Marijuana Retail or Distribution centers and address such novel and complex 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 Marijuana Retail sales and distribution and other uses related to the regulation of marijuana. The Town intends to adopt a temporary moratorium on the use of land and structures in the Town for Marijuana Retail and Distribution so as to allow the Town sufficient time to engage in a planning process to address the effects of such structures and uses in the Town and to enact bylaws in a manner consistent with sound land use planning goals and objectives.

Section 3.1.5(B). DEFINITIONS

"Marijuana", "Marijuana Establishment", "Marijuana Product", " Marijuana Retailer" shall have the meaning as set forth in the Act."

Section 3.1.6(C). TEMPORARY MORATORIUM

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 "Marijuana", "Marijuana Establishment", "Marijuana Product", and " Marijuana Retailer". The moratorium shall be in effect through December 31, 2017. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of marijuana in the Town, consider the Cannabis Control Commission regulations regarding "Marijuana", "Marijuana Establishment", "Marijuana Product", and " Marijuana Retailer" and related uses, and shall consider adopting new Zoning Bylaws to address the impact and operation of Marijuana Establishments and Marijuana Retailers and related uses.

AND

Further to amend the Table of Contents to add Section 3.1.5, Temporary Moratorium on Marijuana Establishments, Marijuana Retailers and other sale or Distribution of Marijuana and Marijuana Products which are not included in the definition of Medical Marijuana Treatment Centers:

Or pass any vote or take any action relative thereto.

FINANCE COMMITTEE RECOMMENDATION:

Motion: To amend the Town of Ashland Zoning Bylaws Section 282 by adding section 3.1.5, **TEMPORARY MORATORIUM ON MARIJUANA ESTABLISHMENTS, MARIJUANA RETALIERS AND OTHER SALE OR DISTRIBUTION OF MARIJUANA AND MARIJUANA PRODUCTS WHICH ARE NOT INCLUDED IN THE DEFINITION OF MEDICAL MARIJUANA TREATMENT CENTERS**, as printed in the Warrant.

Article 12: Change of Height Restrictions
Sponsor: Planning Board

To see if the Town will vote to amend Chapter 282 of the Town of Ashland Bylaws, Zoning, by making the following revisions to section 4.1.1, 4.1.12, and 8.5.7 as follows:

- (1) Amend Section 4.1.1 (Table of Dimensional Requirements) by amending the allowable height in the CD district to "N/A – 35";
- (2) Amend Section 4.1.12 (Notes to Table of Dimensional Requirements) by adding a new Note 11, as follows: "In the CD District, height may be increased to 45' upon issuance of a Special Permit by the Planning Board in accordance with Section 9.3 of this bylaw. In addition to the Special Permit criteria set forth in Section 9.3, the Board shall consider (i) the increase in height will result in another floor of the project, (ii) whether the applicant has made suitable accommodations for increased parking demand or has otherwise supplied suitable mitigation to offset project impacts and (iii) the applicant of a project conforms to the form-based code guidelines found in Section 8.5.7." And to reference such Note in the Table of Dimensional Requirements under height in the CD District.

And

- (3) Amend section 8.5.7 following the Table of Dimensional Requirements In The Ashland Downtown District, a new note, note number four (4), shall be inserted after note number three (3), as follows:
 4. In the Downtown Overlay District Sub-Area A, B or C, height for Dwelling structures may be increased to 45' upon issuance of a Special Permit by the Planning Board in accordance with Section 9.3 of this bylaw. In addition to the Special permit criteria set forth in Section 9.3, the Board shall consider (i) the increase in height will result in another floor of the project, (ii) whether the applicant has made suitable accommodations for increased parking demand or has otherwise supplied suitable mitigation to offset project impacts and (iii) the applicant of a project conforms to the form-based code guidelines found in this Section 8.5.7."

Or pass any vote or take any action relative thereto.

FINANCE COMMITTEE RECOMMENDATION:

Motion: To amend the Town of Ashland Zoning Bylaws Section 282 by by making the revisions to section 4.1.1, 4.1.12, and 8.5.7 as printed in the Warrant.

Article 13: Rate of Development Bylaw
Sponsor: Planning Board

To see if the Town will vote to amend the Town of Ashland Bylaws, Chapter 282, by adding a new Section 9.5 to its Zoning Bylaws, as follows:

9.5 Rate of Development Bylaw

9.5.1 Purpose: The Town of Ashland has experienced substantial and rapid growth in residential housing since the year 2000. Such growth arises from the development of both conventional residential subdivisions as well as multi-family development. Such rapid growth has placed considerable strain on municipal resources, ranging from sewer and water service, emergency services, roadway repairs, storm water management and educational services. Given the limitations on allowable tax levy under G.L. c. 59, the Town is disabled from funding adequate services to support its growing housing stock. Failing to provide adequate services poses adverse impacts to the health, safety and welfare of residents, including the inability: (1) to provide safe and adequate roadways and other infrastructure; (2) to ensure that schools are not over-crowded; and (3) to maintain adequate staffing and equipment for the Ashland police and fire departments. To allow the Town to implement adequate policies, regulations and bylaws; and to invest in necessary infrastructure, which will enable the Town to ensure that adequate municipal services may be provided to all residents, the provisions of this bylaw employ temporary restrictions on the issuance of building permits for residential developments.

9.5.2 Applicability: This bylaw shall apply to any development approved after the effective date of this bylaw of: (1) a residential subdivision of four or more lots; (2) four or more lots for residential development as shown on a plan endorsed "Approval Not Required" by the Planning Board; or (2) a multi-unit or duplex apartment or condominium project containing residential units in two or more buildings. Each such type of development shall be hereinafter referred to as a "Project".

9.5.3 Building Permit Limitation: Each such Project to which this Bylaw applies may receive only 25% of its the proposed building permits for the proposed buildings or lots approved in said Project in a given year. For example, for an eight-lot subdivision, only two building permits for single or two family buildings may be issued per year; and for a condominium or apartment complex containing eight buildings to be used for residential units, only two buildings per year may receive building permits. Each fraction of a unit or building shall be rounded down with a minimum of one.

9.5.4 Exceptions: By Special Permit issued by the Planning Board, exceptions may be made to the foregoing limitation. Said Special Permit shall be determined in accordance with the provisions of Section 9.3.

9.5.4.1 This section 9.5 shall not apply to any Project in the CD district.

9.5.5 Term: The terms of this Bylaw shall expire four years following its effective date.

or pass any vote or take any action relative thereto.

FINANCE COMMITTEE RECOMMENDATION:

9.6 **Motion:** To amend the Town of Ashland Zoning Bylaws Section 282 by adding a new Section 9.5, **Rate of Development Bylaw**, as printed in the Warrant.

Funding		Cost	
Sources	Amount	Description	Amount
MassWorks Grant	\$ 700,000.00	Construction (Southboro)	\$ 1,770,000.00
Megunko	\$ 1,500,000.00	Construction (Oversight & Site Supervision)	\$ 20,000.00
Hopkinton	\$ 1,000,000.00	Ashland System upgrade	\$ 470,000.00
		Meter and Pit Mainenance	\$ 100,000.00
		MWRA Entrance Fee (Ashland)	\$ 549,000.00
		MWRA Entrance Fee (Hopkinton)	\$ 450,000.00
Total	\$ 3,200,000.00	Total	\$ 3,359,000.00

Difference \$ (159,000.00)

Annual \$ (6,360.00) Not including interest

Other Costs

MWRA Consumption

Southboro (OM&R)