

WARRANT - TOWN OF ASHLAND  
NOVEMBER 16, 2022 SPECIAL TOWN MEETING



COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS:

TO: a Constable of the Town of Ashland, in said county:

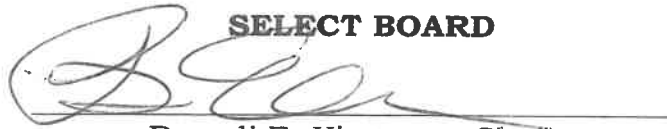
GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby required to notify the legal voters of the Town of Ashland to meet at the Ashland High School, 65 East Union Street in said Town, on Wednesday, the Sixteenth day of November, in the year Two Thousand and Twenty-Two at 7:00 PM to act upon the following Articles of the Town Warrant.

Hereof fail not and make due return of this warrant by your doing thereon to the Town Clerk, at or before the time of the meeting aforesaid.

Given under our hands, at Ashland, on the 26th day of October in the year Two Thousand and Twenty-Two.

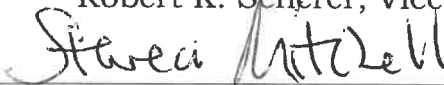
**SELECT BOARD**



Brandi E. Kinsman, Chair



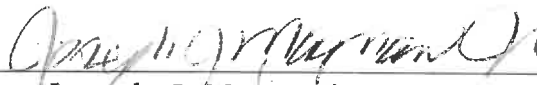
Robert K. Scherer, Vice-Chair



Steven Mitchell, Clerk

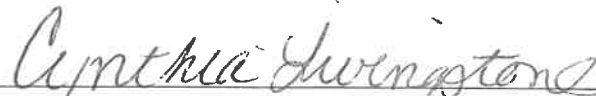


Yolanda Greaves



Joseph J. Magnani, Jr.

ATTEST:



Cynthia T. Livingstone, Ashland Town Clerk

POSTING CERTIFICATION

I, the undersigned, a Constable for the Town of Ashland, MA, do hereby certify that I have posted copies attested by the Town Clerk of the within warrant at least seven days before the time of said Town Meeting at the following places:

Precinct 1 – Ashland Town Hall, 101 Main Street, Ashland, MA

Precinct 2 - Ashland Fish & Game, 3 Ponderosa Road, Ashland, MA

Precinct 3 – Ashland Convenience Store/Pizza Palace, 72 Union Street, Ashland, MA.

Precinct 4 – Ashland Cable Access Corp. (WACA TV), 200 Butterfield Drive, Ashland, MA

Precinct 5 – Shaw’s Supermarket, 307 Pond Street, Ashland, MA

Precinct 6 – Ashland Community Center, 162 West Union St., Ashland

  
Constable’s Signature

10/28/2022  
Date of Posting

Barry Sim's  
Constable’s Name Printed

ATTEST: Cynthia Livingstone  
Cynthia T. Livingstone, Ashland Town Clerk



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

***Smart. Safe. Sustainable.***

**WARRANT ARTICLES, INFORMATION AND  
RECOMMENDATIONS  
OF THE  
FINANCE COMMITTEE  
FOR THE  
NOVEMBER 16, 2022  
SPECIAL TOWN MEETING  
ASHLAND HIGH SCHOOL**

**ADA ADVISORY**

***Anyone in need of special arrangements for the Town Meeting, please contact the Office of the Select Board at (508) 881-0100 by October 28, 2022 in order that reasonable accommodations may be made.***

## Warrant Article Index

<b>Art #</b>	<b>Article Name</b>	<b>Article Sponsor</b>	<b>Maj</b>
<b>1</b>	<b>Free Cash Transfer</b>	<b>Town Mgr/Fin Director</b>	<b>SM</b>
<b>2</b>	<b>Property Tax Exemption</b>	<b>BOA/SB/Town Mgr</b>	<b>SM</b>
<b>3</b>	<b>Amend Bylaw: Demolition Delay for Historically or Architecturally Significant Property</b>	<b>Historical Commission</b>	<b>SM</b>
<b>4</b>	<b>Accept Gift Nancy Drive/Eliot Street:</b>	<b>Select Board</b>	<b>2/3</b>
<b>5</b>	<b>Adopt Brave Act provision 22G</b>	<b>Select Board</b>	<b>SM</b>
<b>6</b>	<b>Authorize Funding for Improvements to Middle School Athletic Fields</b>	<b>CPC</b>	<b>SM</b>
<b>7</b>	<b>Zoning Bylaw: Building Moratorium</b>	<b>Town Mgr/Select Board</b>	<b>2/3</b>

**SPECIAL TOWN MEETING WARRANT  
NOVEMBER 16, 2022  
7:00 PM  
ASHLAND HIGH SCHOOL**

**Article 1: Free Cash Transfer**  
**Sponsor: Town Manager/Finance Director**

To see if the Town will vote to transfer from Free Cash, the following amounts, to be placed in the Stabilization Fund, OPEB Trust Fund, Special Education Special Purpose Stabilization Account, and/or Capital Account, or pass any vote or take any action relative thereto.

	Amount
General Stabilization Fund	\$80,000
OPEB Trust Fund	\$533,325
Capital (Deferred from May Town Meeting)	\$806,000
Valentine Barn Restoration Project	\$188,423
Mindess School Building Project	\$250,000
Comprehensive Plan	\$250,000
<b>Total</b>	<b>\$ 2,107,749</b>

**Article 2: Property Tax Exemptions**  
**Sponsor: Board of Assessors/Select Board/Town Manager**

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, 2022, or pass any vote or take any action relative thereto.

**Article 3: Amend Bylaw: Demo Delay**  
**Sponsor: Historical Commission**

To see if the Town will vote to amend Chapter 125, Demolition Delay Bylaw, of the Town of Ashland General Bylaws as follows (**bold and underline** new and ~~cross-out~~ removed):

Chapter 125 Demolition Delay ByLaw for Historically or Architecturally Significant Buildings  
§ 125-1 Intent and Purpose.

~~This bylaw is enacted for the purpose of protecting and preserving significant buildings within the Town of Ashland which constitute or reflect distinctive features of the architectural or historical resources of the Town, and to encourage the owners of such buildings to seek out alternative options to preserve, rehabilitate or restore such buildings rather than to demolish them, thereby promoting the public welfare and preserving the cultural heritage of the Town. The intent of the by-law is not necessarily to permanently prevent demolition, but rather, to provide an opportunity to develop preservation solutions, and to allow time to explore economic opportunities which may allow for preservation for properties threatened with demolition. The by-law is intended to encourage owners to seek out persons who might be willing to purchase, preserve, rehabilitate or restore such buildings rather than demolish them, and to limit the detrimental effect of demolition on the historical architectural resources of the Town.~~ To achieve these purposes, the Ashland Historical Commission is authorized to advise the Inspector of Buildings with respect to the issuance of permits for the demolition of significant buildings. The issuance of demolition permits of significant buildings is regulated as provided by this bylaw.

§ 125-2 Procedure.

1. No permit for the demolition of a building which, in whole or in part **that is 70 or more years old having been built before January 1, 1940** shall be issued other than in conformity with the provisions of this bylaw, as well as in conformity with the provisions of other laws and bylaws applicable to the demolition of buildings and the issuance of permits generally.
2. Application Contents -- Every application for a demolition permit for a building **that is 70 or more years old having been built before January 1, 1940** shall be filed with the Inspector of Buildings and shall contain the following information:
  - a. the address of the building to be demolished;
  - b. the owner's name, address and telephone number;
  - c. a brief description of the type of building and the condition requiring the issuance of the permit;
  - d. the date of the building as established by the Board of Assessors, deed or documentation verifying the year of construction; and,
  - e. a brief description of the proposed reuse, reconstruction or replacement on the premises upon which the building is located.
3. Within seven **Business Days** ~~working days~~ from receipt of an application for a demolition permit for a building **that is 70 or more years old having been built before January 1, 1940**, the Inspector of Buildings shall forward a copy to the Commission. No demolition permit shall be issued during this time.

4. Within ~~20 working days~~ **25 Business Days** after receipt of the application for a demolition permit by the Commission, the Commission shall make a Determination of Architectural and/or Historical Significance. Upon determination by the Commission that the building is not architecturally and/or historically significant, the Commission shall notify the Inspector of Buildings in writing. Upon receipt of such notification, or after the expiration of ~~20 working days~~ **25 Business Days** from the date of submission to the Commission **without such notification being received from the Commission**, the Inspector of Buildings may issue the demolition permit.

[Amended 5-2-2012 ATM, Art. 17]

5. Upon determination by the Commission that the building is architecturally and/or historically significant, the Inspector of Buildings and the applicant shall be so notified in writing, and the demolition permit shall not be issued. The Commission shall hold a public hearing within ~~20 working days~~ **25 Business Days** of the Determination of Significance to determine whether the building should be preferentially preserved. Public notice of the time and place of the hearing shall be published by the Inspector of Buildings at the expense of the applicant in a newspaper of general circulation in the Town not less than seven **calendar** days before the date of said hearing and shall be posted in a conspicuous place in the Town Hall for a period of not less than seven **calendar** days before the date of said hearing. **The applicant shall provide any relevant architectural plans, elevations, site plans, photographs, or materials to assist the Commission make its required determinations.**

[Amended 5-2-2012 ATM, Art. 17]

6. If, after a public hearing, the Commission determines that the significant building should not be preferentially preserved, the Commission shall notify the Inspector of Buildings, in writing, within five **Business Days** ~~working days~~ of the hearing and the Inspector of Buildings may issue a demolition permit upon receipt of the written decision.

7. If, after a public hearing, the Commission determines that the significant building should be preferentially preserved, the Commission shall so notify the Inspector of Buildings, in writing, within five **Business Days** ~~working days~~ of the hearing, and no demolition permit may be issued until ~~nine~~ **twelve** months after the date of the determination by the Commission.

[Amended 5-2-2012 ATM, Art. 17]

8. Notwithstanding anything contained in paragraph 7 above, the Inspector of Buildings may issue a demolition permit for a preferably preserved building at any time after receipt of written **notification** advise from the Commission to the effect that either:

[Amended 5-2-2012 ATM, Art. 17]

a. the Commission is satisfied that there is no reasonable likelihood that either the owner or some other person or group is willing to purchase, preserve, rehabilitate or restore such building, ~~or~~ **and**

b. the Commission is satisfied that for at least ~~nine~~ **twelve** months the owner has made continuing, bona fide and reasonable efforts to locate a purchaser to preserve, rehabilitate or restore the subject building, and that such efforts have been unsuccessful. **For further clarity continuing, bona fide and reasonable efforts shall be to provide the historic commission with a list of efforts the applicant intends to make to fulfill this requirement within 30 days**



**of being issued a determination of twelve month demotion delay due to preferentially preserved status. This list should include preferably five separate planned attempts and must satisfy no less than three separate planned attempts to show the applicant is looking for someone to purchase, preserve, rehabilitate or restore such building. The applicant will also be required to provide two written updates, one at four months and one at 8 months, to the historic commission showing the status of the reasonable efforts being fulfilled prior to the end of the twelve month demolition delay period.**

§ 125-3Responsibility of Owners.

It shall be the responsibility of the owner of record or the owner's designee to assist in the facilitation of the above process by providing information, allowing access to the property and securing the premises, for participating in the investigation of preservation options and for actively cooperating in seeking alternatives with the Commission and any interested parties.

§ 125-4Emergency Demolition.

Nothing in this bylaw shall restrict the Inspector of Buildings from immediately ordering the immediate demolition of any building in the event of imminent danger to the safety of the public.

§ 125-5Enforcement and Remedies.

The Commission and/or the Inspector of Buildings are each specifically authorized to institute any and all actions and proceedings, in law or equity, as they may deem necessary and appropriate to obtain compliance with the requirements of this bylaw or to prevent any threatened violation thereof. No building permit shall be issued with respect to any premises upon which a significant building has been voluntarily demolished in violation of this bylaw for a period of ~~two~~ **three** years after the date of the completion of such demolition. As used herein, "premises" refers to the parcel of land upon which the demolished significant building was located and all adjoining parcels of land under common ownership or control.

§ 125-6Historic District Act.

Nothing in this bylaw shall be deemed to conflict with the provisions of the "Historic District Act" (MGL Chapter 40C). If any of the provisions of this bylaw do so conflict, the Act shall prevail.

§ 125-7Severability.

In case any section, paragraph or part of this bylaw is for any reason declared invalid or unconstitutional by any court, every other section, paragraph and part shall continue in full force and effect.

§ 125-8through § 125-98. Reserved.

§ 125-9Definitions.

Building shall mean any combination of materials forming a shelter for persons, animals or property.

**Business Days shall mean all calendar days Monday to Thursday, excluding all State and Federal Holidays.**

Commission shall mean the Ashland Historical Commission.

Demolition shall mean any act of pulling down, destroying, removing or razing a building or commencing the work of total or substantial destruction with the intent of completing the same.

Demolition Permit shall mean the permit issued by the Inspector of Buildings as required by the State Building Code for a demolition, substantial demolition or removal of a building.

Historically or Architecturally Significant Building shall mean any building, in whole or in part, which **is 70 or more years old** ~~was built prior to January 1, 1940,~~ and:

a. which is listed on, or is a contributing building within an area listed on the National Register of Historic Places, or which is the subject of a pending application for such listing, or is eligible for such listing; or,

b. has been determined by vote of the Commission to be a significant building after a finding by the Commission that a building either

i. is importantly associated with one or more historic persons or events, or with the broad architectural, cultural, political, economic or social history of the Town or the Commonwealth, or

ii. is historically or architecturally significant (in terms of period, style, method of building construction or association with a recognized architect or builder) either by itself or in the context of a group of buildings.

Inspector of Buildings shall mean the person occupying the office of Inspector of Buildings or otherwise authorized to issue demolition permits.

Preferentially Preserved shall mean any historically or architecturally significant building which the Commission determines to be in the public interest to be preserved or rehabilitated rather than to be demolished

#### **Article 4: Accept Gift Parcel, 0 Nancy Drive/Eliot Street Sponsor: Select Board**

To see if the Town will vote to purchase, take, accept as a gift or otherwise acquire, the land located at 0 Nancy Drive, Ashland, Massachusetts and as shown on the Town of Ashland Assessor's Map 26 Lot 162, including 4,561 square feet more or less, for the purpose of the accessing the park that will be constructed at the former site of Cadillac Paint to be under the care, custody and control of the Select Board, and to authorize the Select Board to negotiate and execute any and all documents necessary to effectuate same, or pass any vote or take any action relative thereto

## **Article 5: Adopt Provision from the BRAVE Act**

### **Sponsor: Select Board**

To see the Town accept the provisions of M.G.L. c. 59, § 5, Clause Twenty-second G (inserted by Chapter 218 of the Acts of 2018 known as an Act Relative to Veterans' Benefits, Rights, Appreciation, Validation, and Enforcement ("BRAVE Act")), signed into law August 28, 2018, which provides for a property tax exemption for any real estate that is the domicile of a person but is owned by a trustee, conservator or other fiduciary for the person's benefit if the real estate would be eligible for exemption under clause Twenty-second, Twenty-second A, Twenty-second B, Twenty-second C, Twenty-second D, Twenty-second E, or Twenty-second F if the person were the owner of the real estate, or pass any vote or take any other action relative thereto.

## **Article 6: Fund Improvements to Middle School Ball Fields**

### **Sponsor: CPC**

To see if the Town will vote to appropriate \$185,000 in Community Preservation Act to fund improvements at Middle School fields to include the replacement of the scoreboards, dugouts, benches and install batting cages for baseball, softball and athletic field turf areas; \$185,0000 the Open Space Account, said funds to be available until December 31, 2024 at which time any unexpended funds will be returned to their funding sources, or pass any vote or take any other action relative thereto.

## **Article 7: Temporary Multi-dwelling building moratorium**

### **Sponsor: Town Manager/Select Board**

To see if the Town will vote to amend the Town of Ashland Zoning Bylaw, Chapter 282, by deleting section 9.7 as the section has expired and in its place add the following:

#### **9.7 Multifamily Building Moratorium**

9.7.1 Purpose: Since 2010 the Town of Ashland has experienced substantial and rapid growth in residential housing. In 2010, the Town of Ashland had 6,581 units, and in 2020 that number had grown to 7,495. At least 544 of those units are multifamily rental developments. Between 2020 and 2022 another 180 multifamily housing units have been permitted. There are currently three applications including 494 multifamily units pending before the Ashland Planning Board. 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 multifamily residential developments.

9.7.2 Applicability: This bylaw shall prohibit any development for which a building permit has not been issued or a complete special permit application has not yet been submitted for approval as of November 16, 2022 for any new Multi Family Dwelling project or any Mixed Use project which includes Multi Family Dwellings all as defined herein on any one or more lots in any district by right or by special permit.

9.7.3 Term: The terms of this Bylaw shall expire at midnight at the end December 31, 2024.