



# Town of Ashland

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WARRANT ARTICLES, INFORMATION AND  
RECOMMENDATIONS  
OF THE  
FINANCE COMMITTEE  
FOR THE  
MAY 7, 2025  
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 May 2, 2025 in order that reasonable accommodations may be made.*

**TOWN OF ASHLAND**  
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**ANNUAL TOWN MEETING WARRANT**  
**May 7, 2025**  
**Ashland High School**

**Article 1: Town Reports**  
**Sponsor: Select Board**

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

**Article 2: Transfer from General Stabilization Fund**  
**Sponsor: Town Manager**

To see if the Town will vote to transfer available funds from the General Stabilization fund to support the FY26 General Fund Budget, or pass any vote or take action relative thereto.

**Article 3: Transfer from Special Education Stabilization to General Fund**  
**Sponsor: Town Manager/Finance Director**

To see if the Town will transfer \$300,000 from the Special Education Stabilization Fund to the General Fund, Account #49700-49760, or pass any vote or take any action relative thereto.

**Article 4: Fiscal Year 2026 Budget**  
**Sponsor: Town Manager/Finance Director**

To see if the Town will vote to raise, appropriate and/or transfer from 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 5: Transfer to OPEB Trust**

**Sponsor: Town Manager/Finance Director**

To see if the Town will transfer **\$375,000** from OPEB Contribution Account **#01915-51709** to the OPEB Trust, Account **#88100-49710**, or pass any vote or take any action relative thereto.

**Article 6: Annual Consent Article - General**

**Sponsor: Select Board**

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 Select Board 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 G.L. c. 30B, § 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 Select Board or the School Committee, as appropriate;
4. Lease Purchase Agreements – To see if the Town will vote in accordance with the provisions of G.L. c. 44 §21C to authorize the Select Board to enter into lease purchase financing agreements to acquire equipment or improve a capital asset that may be financed by the issuance of debt under G. L. c. 44 or otherwise allowed by law, for a term up to the useful life of the property and to be procured in accordance with appropriate procurement laws;
5. Revolving Funds: To see if the Town will vote to fix the maximum amount that may be spent during FY 2026 beginning July 1, 2025 for the revolving funds established in the town bylaws for certain departments, boards, committees, agencies or officers in accordance with G.L. c. 44 §53E 1/2;
6. Grant Easements: To see if the Town will vote to authorize the Select Board 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 7: Annual Consent Article: Community Preservation Act**  
**Sponsor: Community Preservation Committee**

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

**Community Preservation Funds – FY26 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 2026, with each item to be considered a separate appropriation:

Appropriations:

From FY 2026 estimated revenues to Committee Administrative Expense \$72,747

Reserves:

From FY 2026 estimated revenues to Historic Resources Reserve \$138,218

From FY 2026 estimated revenues to Community Housing Reserve \$138,218

From FY 2026 estimated revenues to Open Space Reserve \$138,218

From FY 2026 estimated revenues to Undesignated Reserve \$967,528

**Community Preservation Funds – Oak Street Bond Payment** - To see if the Town will vote to appropriate \$131,150 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 2 of this Town Meeting; or pass any vote or take any other action relative thereto.

**Community Preservation Funds – H.S. Athletic Fields Bond Payment** - To see if the Town will vote to appropriate \$292,600 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 2 of this Town Meeting; or pass any vote or take any other action relative thereto.

d. **Community Preservation Funds – Warren Woods Bond Payment** - To see if the Town will vote to appropriate \$148,125 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	<u>\$47,400</u>
Open Space Reserve	<u>\$39,994</u>
Undesignated Reserve	<u>\$60,731</u>

**Community Preservation Funds – Valentine Estate** – To see if the Town will vote to appropriate \$45,936 in Community Preservation Act Funds to fund the bond payment for the purchase of land known as and numbered 125 through 133 West Union Street, Ashland, Middlesex County, Commonwealth of Massachusetts including the land shown as Parcel A., Lot 1, Lot 2, Lot 3 on a plan entitled “Plan of Land Ashland, MA” dated January 21, 1997 as revised December 14, 1998 by GLM Engineering Consultants, Inc., 1750 Washington Street, Holliston, MA recorded as Plan Number 148 of 1999 in Plan Book 29795, Page 18 including 7.67 acres +/- and which said expenditure and purchase was approved in Article 10 of the Annual Town Meeting May 2, 2018 and further that the bond payment be paid from the following CPA reserve accounts;

Open Space Reserve	<u>\$6,564</u>
Undesignated Reserve	<u>\$39,372</u>

or pass any vote or take any other action relative thereto.

**Article 8: Appropriate CPA Funds for the creation of the Ashland Arboretum**  
**Sponsor: Community Preservation Committee**

To see if the Town will vote to appropriate up to \$500,000 for the creation of the Ashland Arboretum and that to meet this appropriation, the sum of \$200,000 to be transferred from the Open Space and Recreation Fund and \$300,000 from the undesignated account from the Community Preservation Fund balance. With unexpended funds as of December 31, 2028 being returned to their funding source; or pass any vote or take any other action thereon.

**Article 9: Appropriate CPA Funds for the digitization documents for the Historic Preservation**

**Sponsor: Community Preservation Committee**

To see if the Town will vote to appropriate up to \$110,000 for the digitization of Town of Ashland records for historic preservation and that to meet this appropriation, the sum of \$110,000 be transferred from the Historical Resources Reserve account from the Community Preservation Fund balance. With unexpended funds as of December 31, 2028 being returned to their funding source; or pass any vote or take any other action thereon.

**Article 10: Appropriate CPA Funds for Additional funds for Dog Park Site Improvements**

**Sponsor: Community Preservation Committee**

To see if the Town will vote to appropriate up to \$60,000 for the Ashland Bark Park Site Improvements and that to meet this appropriation, the sum of \$60,000 be transferred from the Open Space and Recreation account from the Community Preservation Fund balance. With unexpended funds as of December 31, 2026 being returned to their funding source; or pass any vote or take any other action thereon.

**Article 11: Accept Section 40 Chapter 653 of the Acts of 1989**

**Sponsor: Town Manager**

To see if the Town will vote to accept the provisions of Section 40 Chapter 653 of the Acts of 1989 in order to allow the Town to tax in the current fiscal year all new construction built between January 1 and June 30 of that year; or take any action relative thereto.

**Article 12: Authorize a Water Treatment Capital Project**

**Sponsor: Town Manager/Finance Director/Director of Public Works**

To see if the Town will vote to appropriate, transfer, or otherwise provide an additional \$2,000,000 to the previously approved \$4,000,000 authorized in Article 11 of the 2024 Annual Town Meeting, for the engineering, design, construction and all costs incidental and related thereto in order to replace the existing 20+ year old Ozone system at the water treatment plant located at 229 Howe Street and to determine if this amount shall be paid for by borrowing and if so authorize the Town Treasurer, with the approval of the Select Board, to borrow said amount under and pursuant to G.L. c. 44, §7(1), or any other enabling authority, and to issue bonds or notes of the Town therefor or take any action relative thereto

**Article 13: Authorize Borrowing for Water Main Replacement Project**  
**Sponsor: Town Manager/Finance Director**

To see if the Town will appropriate, transfer, or otherwise provide an additional \$3,000,000, to the previously approved \$1,000,000 authorized in Article 5 of the 2024 Special Town Meeting to pay costs of engineering, design and construction related to various water main replacement projects, including the costs of roadway restoration and all other costs incidental or related thereto; to determine if this amount shall be paid for by borrowing and if so authorize the Town Treasurer, with the approval of the Select Board, to borrow said amount under and pursuant to G.L. c. 44, §7(1), or any other enabling authority, and to issue bonds or notes of the Town therefor, or take any other action related thereto.

**Article 14: Funding for I&I**  
**Sponsor: Town Manager/Finance Director**

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 14 and 16 Funding Allocation, 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 Select Board 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.

**Article 15: Bylaw: Establish a Local Historic District**  
**Sponsor: Historic Commission**

To see if the Town will vote to establish a Local Historic District, to be administered by an Historic District Commission as provided for under Massachusetts General Laws Chapter 40C, by amending the Town of Ashland bylaws by adding a new Chapter 32 entitled, Local Historic District, as follows:

Chapter 32 Local Historic District

The Town of Ashland hereby establishes a Local Historic District, to be administered by an Historic District Commission as provided for under Massachusetts General Laws Chapter 40C, as amended and as set forth below.

32-1. PURPOSE

The purpose of this bylaw is to aid in the preservation and protection of the distinctive characteristics and architecture of buildings and places significant in the history of the Town of Ashland, the maintenance and improvement of their settings and the encouragement of new building designs compatible with the existing architecture.

32-2. DEFINITIONS

The terms defined in this section shall be capitalized throughout this Bylaw. Where a defined term has not been capitalized, it is intended that the meaning of the term be the same as the meaning ascribed to it in this section unless another meaning is clearly intended by its context. As used in this Bylaw the following terms shall have the following meaning:

ALTERATION, TO ALTER – The act or the fact of rebuilding, reconstruction, restoration, replication, removal, demolition, and other similar activities.

BUILDING – A combination of materials forming a shelter for persons, animals or property.

CERTIFICATE – A Certificate of Appropriateness, a Certificate of Non-Applicability, or a Certificate of Hardship as set forth in this Bylaw.

COMMISSION – The Historic District Commission as established in this Bylaw.

CONSTRUCTION, TO CONSTRUCT – The act or the fact of building, erecting, installing, enlarging, moving and other similar activities.

DEMOLITION – Any voluntary act of pulling down, destroying, burning, removing, or razing of a building in whole or of more than 25% of any single façade or any significant architectural or structural feature visible from the exterior of the building, or commencing the work of total or substantial destruction with the intent of compelling the same; demolition does not include the mere replacement of roofing, siding, windows, or trim for maintenance or repair. For purposes

hereof, “significant architectural or structural features” include but are not limited to porticos, bay windows, roof lines, dormers, or other unique features of a building.

DISPLAY AREA – The total surface area of a SIGN, including all lettering, wording, designs, symbols, background and frame, but not including any support structure or bracing incidental to the SIGN. The DISPLAY AREA of an individual letter SIGN or irregular shaped SIGN shall be the area of the smallest rectangle into which the letters or shape will fit. Where SIGN faces are placed back to back and face in opposite directions, the DISPLAY AREA shall be defined as the area of one face of the SIGN.

DISTRICT – The Local Historic District as established in this Bylaw consisting of one or more DISTRICT AREAS.

DISTRICT AREA – A portion of land in the Town as listed in Section 13 (Appendices) of this Bylaw.

EXTERIOR ARCHITECTURAL FEATURE – Such portion of the exterior of a BUILDING or STRUCTURE as is open to view from a public way or ways (vegetation notwithstanding), including but not limited to architectural style and general arrangement and setting thereof, the kind and texture of exterior building materials, and the type and style of windows, doors, lights, signs and other appurtenant exterior fixtures.

PERSON AGGRIEVED – The applicant; an owner of adjoining property; an owner of property within the same DISTRICT AREA; an owner of property within 100 feet of said DISTRICT AREA; and any charitable corporation in which one of its purposes is the preservation of historic places, structures, BUILDINGS or districts.

SIGNS – Any symbol, design or device used to identify or advertise any place of business, product, activity or person.

STRUCTURE – A combination of materials other than a BUILDING, including but not limited to a SIGN, fence, wall, terrace, walk or driveway.

TEMPORARY STRUCTURE or BUILDING – A BUILDING not to be in existence for a period of more than two years. A STRUCTURE not to be in existence for a period of more than one year. The COMMISSION may further limit the time periods set forth herein as it deems appropriate.

### 32-3. DISTRICT

The DISTRICT shall consist of one or more DISTRICT AREAS as listed in Section 13 (Appendices) of this Bylaw.

### 32-4. COMMISSION

32-4.1 The DISTRICT shall be overseen by a COMMISSION consisting of five members, to be appointed by the Select Board, two members initially to be appointed for one year, two for two years, and one for three years, and each successive appointment to be made for three years.

32-4.2 The COMMISSION shall include, if possible, one member from two nominees solicited from the Ashland Historical Society, one member from two nominees solicited from the chapter of the American Institute of Architects covering Ashland; one member from two nominees of the Board of Realtors covering Ashland; and one property owner from within the DISTRICT AREA. If within thirty days after submission of a written request for nominees to any of the organizations herein named insufficient nominations have been made, the Select Board may proceed to make appointments as it desires.

32-4.3 The Select Board may appoint up to four alternate members to the COMMISSION. Each alternate member shall have the right to act and vote in the place of one regular member should such regular member be absent from a meeting or be unwilling or unable to act or vote. Said alternate members shall initially be appointed for terms of two or three years, and for three year terms thereafter.

32-4.4 Each member and alternate member shall continue to serve in office after the expiration date of his or her term until a successor is duly appointed.

32-4.5 Meetings of the COMMISSION shall be held at the call of the Chairman, at the request of two members and in such other manner as the COMMISSION shall determine in its Rules and Regulations.

32-4.6 Four members of the COMMISSION shall constitute a quorum.

#### 32-5. COMMISSION POWERS AND DUTIES

32-5.1 The COMMISSION shall exercise its powers in administering and regulating the CONSTRUCTION and ALTERATION of any STRUCTURES or BUILDINGS within the DISTRICT as set forth under the procedures and criteria established in this Bylaw. In exercising its powers and duties hereunder, the COMMISSION shall pay due regard to the distinctive characteristics of each BUILDING, STRUCTURE and DISTRICT AREA.

32-5.2 The COMMISSION may adopt, and from time to time amend, reasonable Rules and Regulations not inconsistent with the provisions of this Bylaw or M.G.L. Chapter 40C, setting forth such forms and procedures as it deems desirable and necessary for the regulation of its affairs and the conduct of its business, including requirements for the contents and form of applications for CERTIFICATES, fees, hearing procedures and other matters. The COMMISSION shall file a copy of any such Rules and Regulations with the office of the Town Clerk.

32-5.3 The COMMISSION, after a public hearing duly posted and advertised at least 14 business days in advance in a conspicuous place in Town Hall and in a newspaper of general circulation, may adopt and from time to time amend guidelines which set forth the designs for certain EXTERIOR ARCHITECTURAL FEATURES which are, in general, suitable for the issuance of a CERTIFICATE. No such design guidelines shall limit the right of an applicant for a CERTIFICATE to present other designs to the COMMISSION for approval.

32-5.4 The COMMISSION shall at the beginning of each fiscal year hold an organizational meeting and elect a Chairman, a Vice Chairman and Secretary, and file notice of such election with the office of the Town Clerk.

32-5.5 The COMMISSION shall keep a permanent record of its resolutions, transactions, decisions and determinations and of the vote of each member participating therein.

32-5.6 The COMMISSION shall undertake educational efforts to explain to the public and property owners the merits and functions of a DISTRICT.

32-5.7 The COMMISSION may, subject to appropriation or receipt of other monies, employ clerical and technical assistance and consultants and incur other expenses appropriate to the carrying on of its work and may accept money gifts and expend the same for such purposes.

#### 32-6. ALTERATIONS AND CONSTRUCTION PROHIBITED WITHOUT A CERTIFICATE

32-6.1 Except as this Bylaw provides, no BUILDING or STRUCTURE or part thereof within a DISTRICT shall be CONSTRUCTED or ALTERED in any way that affects the EXTERIOR ARCHITECTURAL FEATURES as visible from a public way, unless the COMMISSION shall first have issued a CERTIFICATE with respect to such CONSTRUCTION or ALTERATION.

32-6.2 No building permit for CONSTRUCTION of a BUILDING or STRUCTURE or for ALTERATION of an EXTERIOR ARCHITECTURAL FEATURE within a DISTRICT and no demolition permit for demolition or removal of a BUILDING or STRUCTURE within a DISTRICT shall be issued by the Town or any department thereof until a CERTIFICATE as required under this Bylaw has been issued by the COMMISSION.

#### 32-7. PROCEDURES FOR REVIEW OF APPLICATIONS

32-7.1 Any person who desires to obtain a CERTIFICATE from the COMMISSION shall file with the COMMISSION an application for a CERTIFICATE of Appropriateness, of Non-Applicability or of Hardship, as the case may be. The application shall be accompanied by such plans, elevations, specifications, material and other information, including in the case of demolition or removal a statement of the proposed condition and appearance of the property thereafter, as may be reasonably deemed necessary by the COMMISSION to enable it to make a determination on the application.

32-7.2 The COMMISSION shall determine within fourteen (14) business days of the filing of an application for a CERTIFICATE whether said application involves any EXTERIOR ARCHITECTURAL FEATURES which are within the jurisdiction of the COMMISSION.

32-7.3 If the COMMISSION determines that an application for a CERTIFICATE does not involve any EXTERIOR ARCHITECTURAL FEATURES, or involves an EXTERIOR ARCHITECTURAL FEATURE which is not subject to review by the COMMISSION under the provisions of this Bylaw, the COMMISSION shall forthwith issue a CERTIFICATE of Non-Applicability.

32-7.4 If the COMMISSION determines that such application involves any EXTERIOR ARCHITECTURAL FEATURE subject to review under this Bylaw, it shall hold a public hearing on the application, except as may otherwise be provided in this Bylaw. The COMMISSION shall hold such a public hearing within forty-five (45) days from the date of the filing of the application. At least fourteen (14) business days before said public hearing, public notice shall be given by posting in a conspicuous place in Town Hall and in a newspaper of general circulation in Ashland. Such notice shall identify the time, place and purpose of the public hearing. Concurrently, a copy of said public notice shall be mailed to the applicant, to the owners of all adjoining properties and of other properties deemed by the COMMISSION to be materially affected thereby, all as they appear on the most recent applicable tax list, to the Planning Board, to any person filing a written request for notice of hearings, such request to be renewed yearly in December, and to such other persons as the COMMISSION shall deem entitled to notice.

32-7.4.1 A public hearing on an application for a CERTIFICATE need not be held if such hearing is waived in writing by all persons entitled to notice thereof. In addition, a public hearing on an application for a CERTIFICATE may be waived by the COMMISSION if the COMMISSION determines that the EXTERIOR ARCHITECTURAL FEATURE involved, or its category, is so insubstantial in its effect on the DISTRICT that it may be reviewed by the COMMISSION without a public hearing. If the COMMISSION dispenses with a public hearing on an application for a CERTIFICATE, notice of such application shall be given to the owners of all adjoining property and of other property deemed by the COMMISSION to be materially affected thereby as above provided, and ten (10) days shall elapse after the mailing of such notice before the COMMISSION may act upon such application.

32-7.5 Within sixty (60) days after the filing of an application for a CERTIFICATE, or within such further time as the applicant may allow in writing, the COMMISSION shall issue a CERTIFICATE or a disapproval. In the case of a disapproval of an application for a CERTIFICATE, the COMMISSION shall set forth in its disapproval the reasons for such disapproval. The COMMISSION may include in its disapproval specific recommendations for changes in the applicant's proposal with respect to the appropriateness of design, arrangement, texture, material and similar features which, if made and filed with the COMMISSION in a subsequent application, would make the application acceptable to the COMMISSION.

32-7.6 The concurring vote of a majority of the members shall be required to issue a CERTIFICATE.

32-7.7 In issuing CERTIFICATES, the COMMISSION may, as it deems appropriate, impose certain conditions and limitations, and may require architectural or plan modifications consistent with the intent and purpose of this Bylaw.

32-7.8 If the COMMISSION determines that the CONSTRUCTION or ALTERATION for which an application for a CERTIFICATE of Appropriateness has been filed will be appropriate for or compatible with the preservation or protection of the DISTRICT, the COMMISSION shall issue a CERTIFICATE of Appropriateness.

32-7.9 If the CONSTRUCTION or ALTERATION for which an application for a CERTIFICATE of Appropriateness has been filed shall be determined to be inappropriate and therefore disapproved, or in the event of an application for a CERTIFICATE of Hardship, the COMMISSION shall determine whether, owing to conditions especially affecting the BUILDING or STRUCTURE involved, but not affecting the DISTRICT generally, failure to approve an application will involve a substantial hardship, financial or otherwise, to the applicant and whether such application may be approved without substantial detriment to the public welfare and without substantial derogation from the intent and purposes of this Bylaw. If the COMMISSION determines that owing to such conditions failure to approve an application will involve substantial hardship to the applicant and approval thereof may be made without such substantial detriment or derogation, the COMMISSION shall issue a CERTIFICATE of Hardship.

32-7.10 The COMMISSION shall send a copy of its CERTIFICATES and disapprovals to the applicant and shall file a copy of its CERTIFICATES and disapprovals with the office of the Town Clerk and the Building Commissioner. The date of issuance of a CERTIFICATE or disapproval shall be the date of the filing of a copy of such CERTIFICATE or disapproval with the office of the Town Clerk.

32-7.11 If the COMMISSION should fail to issue a CERTIFICATE or a disapproval within sixty (60) days of the filing of the application for a CERTIFICATE, or within such further time as the applicant may allow in writing, the COMMISSION shall thereupon issue a CERTIFICATE of Hardship Due to Failure to Act.

32-7.12 Each CERTIFICATE issued by the COMMISSION shall be dated and signed by its chairman or such other person designated by the COMMISSION to sign such CERTIFICATES on its behalf.

32-7.13 A PERSON AGGRIEVED by a determination of the COMMISSION may, within twenty (20) days of the issuance of a CERTIFICATE or disapproval, file a written request with the COMMISSION for a review by a person or persons of competence and experience in such matters, acting as arbitrator and designated by the regional planning agency. The finding of the

person or persons making such review shall be filed with the Town Clerk within forty-five (45) days after the request, and shall be binding on the applicant and the COMMISSION, unless a further appeal is sought in the Superior Court as provided in Chapter 40C, Section 12A. The filing of such further appeal shall occur within twenty (20) days after the finding of the arbitrator has been filed with the office of the Town Clerk.

### 32-8. CRITERIA FOR DETERMINATIONS

32-8.1 In deliberating on applications for CERTIFICATES, the COMMISSION shall consider, among other things, the historic and architectural value and significance of the site, BUILDING or STRUCTURE; the general design, proportions, detailing, mass, arrangement, texture, and material of the EXTERIOR ARCHITECTURAL FEATURES involved; and the relation of such EXTERIOR ARCHITECTURAL FEATURES to similar features of BUILDINGS and STRUCTURES in the surrounding area.

32-8.2 In the case of new CONSTRUCTION or additions to existing BUILDINGS or STRUCTURES, the COMMISSION shall consider the appropriateness of the scale, shape and proportions of the BUILDING or STRUCTURE both in relation to the land area upon which the BUILDING or STRUCTURE is situated and in relation to BUILDINGS and STRUCTURES in the vicinity. The COMMISSION may in appropriate cases impose dimensional and setback requirements in addition to those required by applicable statute or bylaw.

32-8.3 When ruling on applications for CERTIFICATES on solar energy systems as defined in Section IA of Chapter 40A, the COMMISSION shall consider the policy of the Commonwealth of Massachusetts to encourage the use of solar energy systems and to protect solar access.

32-8.4 The COMMISSION shall not consider interior arrangements or architectural features not subject to public view from a public way.

### 32-9. EXCLUSIONS

32-9.1 The COMMISSION shall exclude from its purview the following:

32-9.1.1 Temporary BUILDINGS, STRUCTURES or SIGNS subject, however, to conditions pertaining to the duration of existence and use, location, lighting, removal, and similar matters as the COMMISSION may reasonably specify.

32-9.1.2 Terraces, walks, driveways, sidewalks, and similar STRUCTURES, provided that any such STRUCTURE is substantially at grade level.

32-9.1.3 Storm windows and doors, screen windows and doors, and window air conditioners.

32-9.1.4 The color of paint.

32-9.1.5 The color of materials used on roofs.

32-9.1.6 Signs of not more than two (2) square feet in DISPLAY AREA in-connection with use of a residence for a customary home occupation or for professional purposes, provided only one such sign is displayed in connection with each residence and if illuminated is illuminated only indirectly; and one sign in connection with the nonresidential use of each BUILDING or STRUCTURE which is not more than six (6) square feet in DISPLAY AREA, consists of letters painted on wood without symbol or trademark and if illuminated is illuminated indirectly.

32-9.1.7 The reconstruction, substantially similar in exterior design, of a BUILDING, STRUCTURE or EXTERIOR ARCHITECTURAL FEATURE damaged or destroyed by fire, storm or other disaster, provided such reconstruction is begun within three years thereafter and carried forward with due diligence.

32-9.2 Upon request the COMMISSION shall issue a CERTIFICATE of Non-Applicability with respect to CONSTRUCTION or ALTERATION in any category not subject to review by the COMMISSION in accordance with the above provisions.

32-9.3 Nothing in this Bylaw shall be construed to prevent the ordinary maintenance, repair or replacement of any EXTERIOR ARCHITECTURAL FEATURE within a DISTRICT which does not involve a change in design, material or the outward appearance thereof, nor to prevent landscaping with plants, trees or shrubs, nor construed to prevent the meeting of requirements certified by a duly authorized public officer to be necessary for public safety because of an unsafe or dangerous condition, nor construed to prevent any CONSTRUCTION or ALTERATION under a permit duly issued prior to the effective date of this Bylaw.

### 32-10. CATEGORICAL APPROVAL

The COMMISSION may determine from time to time after a public hearing, duly advertised and posted at least fourteen (14) business days in advance in a conspicuous place in Town Hall and in a newspaper of general circulation in Ashland, that certain categories of EXTERIOR ARCHITECTURAL FEATURES, STRUCTURES or BUILDINGS under certain conditions may be CONSTRUCTED or ALTERED without review by the COMMISSION without causing substantial derogation from the intent and purpose of this Bylaw.

### 32-11. ENFORCEMENT AND PENALTIES

32-11.1 The COMMISSION shall determine whether a particular activity is in violation of this Bylaw or not, and the COMMISSION shall be charged with the enforcement of this Bylaw.

32-11.2 The COMMISSION, upon a written complaint of any resident of Ashland, or owner of property within Ashland, or upon its own initiative, shall institute any appropriate action or proceedings in the name of the Town of Ashland to prevent, correct, restrain or abate violation of this Bylaw. In the case where the COMMISSION is requested in writing to enforce this Bylaw against any person allegedly in violation of same and the COMMISSION declines to act, the

COMMISSION shall notify, in writing, the party requesting such enforcement of any action or refusal to act and the reasons therefore, within twenty one (21) days of receipt of such request.

32-11.3 Whoever violates any of the provisions of this Bylaw shall be punishable by a fine of up to \$100.00 for each offense. Each day during any portion of which such violation continues to exist shall constitute a separate offense.

32-11.4 The COMMISSION may designate the Building Commissioner of the Town of Ashland to act on its behalf and to enforce this Bylaw under the direction of the COMMISSION.

32-11.5 The COMMISSION shall notify the Building Commissioner in writing of any violation of the requirements of this ordinance or its determinations, rulings, and regulations with regard to a specific building or structure, and shall instruct said commissioner to make a permanent record of such violation in the corresponding property file maintained by the department of inspectional services as require by law. Prior to issuance of any building permit for the construction, reconstruction, alteration, renovation, repair, removal, demolition, or change of use or occupancy of any building or structure, said commissioner shall review the property file and ascertain whether a notice of unremediated violation of this ordinance is on record. To the extent allowed by law, including but not limited to the provisions of the state building code, 780 CMR 111.1 (6<sup>th</sup> ed) or its successor, unless the commissioner is satisfied there is no outstanding unremediated violation of this ordinance, he or she shall reject such an application for a building permit for such building or structure in writing, stating the reasons therefor.

#### 32-12. VALIDITY AND SEPARABILITY

The provisions of this Bylaw shall be deemed to be separable. If any of its provisions, sections, subsections, sentences or clauses shall be held to be invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Bylaw shall continue to be in full force and effect.

#### 32-13. APPENDICES

##### Appendix 1:

##### Ashland Center District

The Ashland Centre District shall be a DISTRICT AREA under this Bylaw. The location and boundaries of the Ashland Centre District are defined and shown on the Local Historic District Map of the Town of Ashland, included in this report and which is a part of this Bylaw. The map is based on the Town of Ashland GIS, SimpliCITY Municipal Software provided by People GIS as of August 25, 2024. The delineation of the DISTRICT AREA boundaries is based on the parcel boundaries then in existence and shown therein.

## **Article 16: \_ Land Taking for Multi Modal Trail**

### **Sponsor: Select Board**

To see if the Town will vote to authorize the Select Board 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, the following parcels of land: 81 Pond Street shown as Map 14 Block 22 Lot 0 consisting of 12.3 acres +/- and 0 Pond Street shown as Map 14 Block 22 Lot 6 including 2.74 acres +/- the acquisition of said property having been determined to be necessary for the health and welfare of the inhabitants of Ashland and to be used for general municipal purposes including multi modal trail under the care custody and control of the Select Board ; or pass any vote or take any action relative thereto.

## **Article 17: Zoning Bylaw: Accessory Dwelling Unit**

### **Sponsor: Planning Board**

**To amend the Town of Ashland zoning by law section 7.6 Accessory Family Dwelling Unit by omitting the existing section 7.6 and in its place add the following:**

### **7.6 ACCESSORY DWELLING UNIT**

7.6.1 Purpose. The purpose of this section is to permit Accessory Dwelling Units (ADUs) in single-family residential districts subject to the standards and procedures here and after set forth. It is also the intent to maintain the single-family character of neighborhoods containing ADUs. An ADU created under this bylaw shall be a Protected Use ADU. The As of Right permitting of ADUs is intended to:

1. Increase the Town's number of small residential rental units;
2. Increase the Town's number of affordable residential rental units;
3. Increase the Town's diversity of housing options.

7.6.2 Definitions. For the purpose of this bylaw, the following definition shall apply:

1. Accessory Dwelling Unit; A self-contained housing unit, inclusive of sleeping, cooking and sanitary facilities on the same Lot as a Principal Dwelling, subject to otherwise applicable dimensional and parking requirements, that:
  - a. maintains a separate entrance, either directly from the outside or through an entry hall or corridor shared with the Principal Dwelling sufficient to meet the requirements of the Building Code for safe egress;

- b. is not larger in Gross Floor Area than  $\frac{1}{2}$  the Gross Floor Area of the Principal Dwelling or 900 square feet, whichever is smaller; and
  - c. is subject to such additional restrictions as may be imposed by a municipality including, but not limited to, additional size restrictions, and restrictions or prohibitions on Short-term Rental as defined in M.G.L. c. 64G, § 1; provided, however, that no Municipality shall unreasonably restrict the creation or rental of an ADU that is not a Short-term Rental.
2. Dwelling Unit; A single housing unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.
  3. Gross Floor Area; The sum of the areas of all stories of the building of compliant ceiling height pursuant to the Building Code, including basements, lofts, and intermediate floored tiers, measured from the interior faces of exterior walls or from the centerline of walls separating buildings or dwelling units but excluding: crawl spaces, garage parking areas, attics, enclosed porches and similar spaces. Where there are multiple Principal Dwellings on the lot, the Gross Floor Area of the largest Principal Dwelling shall be used for determining the maximum size of an ADU.
  4. Principal Dwelling; A structure, regardless of whether it, or the Lot it is situated on, conforms to Zoning, including use requirements and dimensional requirements, such as setbacks, bulk, and height, that contains at least one Dwelling Unit and is, or will be, located on the same Lot as a Protected Use ADU.
  5. Protected Use ADU; An attached or detached ADU that is located, or is proposed to be located, on a Lot in a Single-family Residential Zoning District and is protected by M.G.L. c. 40A, § 3, provided that only one ADU on a lot may qualify as a Protected Use ADU. An ADU that is nonconforming to Zoning shall still qualify as a Protected Use ADU if it otherwise meets this definition.
  6. Short-term Rental; An owner-occupied, tenant-occupied or non-owner-occupied property including, but not limited to, an apartment, house, cottage, condominium or a furnished accommodation that is not a hotel, motel, lodging house or bed and breakfast establishment, where:
    - a. at least 1 room or unit is rented to an occupant or sub-occupant; and
    - b. all accommodations are reserved in advance; provided, however, that a private owner-occupied property shall be considered a single unit if leased or rented as such.

#### 7.6.3 General Requirements:

1. An ADU shall only be permitted in a zoning district that allows by-right single-family residential dwellings.
2. An ADU is only allowed as an accessory to single-family dwelling.
3. An ADU is allowed within, attached to, or detached from a single-family dwelling.
4. No more than one ADU shall be permitted for each principal dwelling unit, and not more than one ADU shall be permitted per lot.
5. The ADU and the principal dwelling unit shall remain on the same lot and shall not be divided into two (2) separate lots.
6. An ADU shall not be utilized as a short-term rental. Short-term rentals are prohibited in both the accessory and principal dwelling unit.

#### 7.6.4 Exterior Appearance and Size.

1. The ADU shall be limited to a maximum of fifty percent (50%) of the gross floor area of the principal dwelling unit or nine hundred (900) square feet, whichever is smaller.
2. The ADU shall be fully located within the dimensional setbacks of the zoning district.
3. Where the ADU has an entrance on the front facade of a dwelling, the ADU entrance shall be secondary in appearance to the entrance of the principal dwelling unit.
4. All stairways to an ADU located above the first floor shall be enclosed within exterior walls or be located on sides other than the street (front) side of the lot, unless otherwise required by applicable provisions of the State Building Code.
5. Driveways shall be designed in conformance with section 6.3 of Ashland's zoning bylaws with an exemption provided for section 6.3.5: Common Driveway Special Permit.

#### 7.6.5 Disposal of Sewage. Adequate provision shall be made for the supplying of water and the disposal of sewage.

1. If the principal dwelling unit is served by public water and sanitary sewer, the ADU shall be connected to public water and sanitary sewer. ADUs are recommended to have a separate water meter from the principal dwelling.
2. If public water and/or sanitary sewer is not available, the ADU shall be in accordance with the requirements of the Board of Health. Such determination shall be made prior to the issuance of a building permit.

#### 7.6.6 Parking. One (1) Parking space with the exception of properties within one-half (1/2) mile of a transit station as defined in 760 CMR 71.02, shall be provided with a designated off-street driveway area or garage.

#### 7.6.7 Permitting Regulations and Permit Review Authority

1. The Building Commissioner shall be the permit granting authority for an ADU.

2. Any new building or structure shall conform to all adopted state and town laws, bylaws, codes and regulations. No building shall be occupied until a certificate of occupancy has been issued by the Building Commissioner where required.

7.6.8 Nonconformities.

1. If an attached ADU is proposed for a pre-existing, non-conforming single-family primary residence, the requirements of Sections §3.3 of this Zoning Bylaw shall apply provided that, in the event a special permit is required, no such special permit may consider the ADU use or impose conditions on such use.

**Section 10.0 “Definitions” shall be amended by deleting the following definition:**

**~~Accessory family dwelling unit~~**

~~A dwelling unit contained within or an extension of a single family structure to accommodate an additional family related by blood, marriage or adoption or sixty (60) years of age or older. The "accessory family dwelling unit" shall be no greater than twenty five percent (25%) of the floor area of the principal dwelling or eight hundred (800) square feet in total floor area, whichever is greater.~~

**Article 18: Update Bylaw: Flood Plain  
Sponsor: Planning Board**

**To amend the Town of Ashland zoning bylaw section 8.1 FLOODPLAIN OVERLAY DISTRICT (FPOD) by omitting the existing section 8.1 and replacing it as follows:**

**8.1 FLOODPLAIN OVERLAY DISTRICT (FPOD)**

**8.1.1 The purpose of the Floodplain Overlay District (FPOD) is to:**

1. Ensure public safety through reducing the threats to life and personal injury
2. Eliminate new hazards to emergency response officials
3. Prevent the occurrence of public emergencies resulting from water quality, contamination, and pollution due to flooding
4. Avoid the loss of utility services which if damaged by flooding would disrupt or shut down the utility network and impact regions of the community beyond the site of flooding
5. Eliminate costs associated with the response and cleanup of flooding conditions

6. Reduce damage to public and private property resulting from flooding waters

8.1.2 Definitions.

National Flood Insurance Program (NFIP) definitions are found in Title 44 of the Code of Federal Regulations, section 59.1. The definitions below refer to their source; if the definition is from the MA building code, it is from the 9<sup>th</sup> Edition, which meets the minimum standards of the NFIP.

- A. DEVELOPMENT means any man-made change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials. [US Code of Federal Regulations, Title 44, Part 59]
- B. FLOOD BOUNDARY AND FLOODWAY MAP means an official map of a community issued by FEMA that depicts, based on detailed analyses, the boundaries of the 100-year and 500-year floods and the 100-year floodway. (For maps done in 1987 and later, the floodway designation is included on the FIRM.)
- C. FLOOD HAZARD BOUNDARY MAP (FHBM.) An official map of a community issued by the Federal Insurance Administrator, where the boundaries of the flood and related erosion areas having special hazards have been designated as Zone A or E. [US Code of Federal Regulations, Title 44, Part 59]
- D. FLOODWAY. The channel of the river, creek or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. [Base Code, Chapter 2, Section 202]
- E. FUNCTIONALLY DEPENDENT USE means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities. [US Code of Federal Regulations, Title 44, Part 59] Also [Referenced Standard ASCE 24-14]
- F. HIGHEST ADJACENT GRADE means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure. [US Code of Federal Regulations, Title 44, Part 59]
- G. HISTORIC STRUCTURE means any structure that is:
  - 1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the

Secretary of the Interior as meeting the requirements for individual listing on the National Register;

2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - a. By an approved state program as determined by the Secretary of the Interior, or
  - b. Directly by the Secretary of the Interior in states without approved programs.

[US Code of Federal Regulations, Title 44, Part 59]

H. NEW CONSTRUCTION. Structures for which the start of construction commenced on or after the effective date of the first floodplain management code, regulation, ordinance, or standard adopted by the authority having jurisdiction, including any subsequent improvements to such structures. *New construction includes work determined to be substantial improvement.* [Referenced Standard ASCE 24-14]

I. RECREATIONAL VEHICLE means a vehicle which is:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

[US Code of Federal Regulations, Title 44, Part 59]

J. REGULATORY FLOODWAY - see FLOODWAY.

K. SPECIAL FLOOD HAZARD AREA. The land area subject to flood hazards and shown on a Flood Insurance Rate Map or other flood hazard map as Zone A, AE, A1-30, A99, AR, AO, AH, V, VO, VE, or V1-30. [Base Code, Chapter 2, Section 202]

L. START OF CONSTRUCTION. The date of issuance for new construction and substantial improvements to existing structures, provided the actual start of

construction, repair, reconstruction, rehabilitation, addition, placement or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns.

Permanent construction does not include land preparation (such as clearing, excavation, grading or filling), the installation of streets or walkways, excavation for a basement, footings, piers or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Base Code, Chapter 2, Section 202]

- M. STRUCTURE means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. [US Code of Federal Regulations, Title 44, Part 59]
- N. SUBSTANTIAL REPAIR OF A FOUNDATION. When work to repair or replace a foundation result in the repair or replacement of a portion of the foundation with a perimeter along the base of the foundation that equals or exceeds 50% of the perimeter of the base of the foundation measured in linear feet, or repair or replacement of 50% of the piles, columns or piers of a pile, column or pier supported foundation, the building official shall determine it to be substantial repair of a foundation. Applications determined by the building official to constitute substantial repair of a foundation shall require all existing portions of the entire building or structure to meet the requirements of 780 CMR. [As amended by MA in 9th Edition BC]
- O. VARIANCE means a grant of relief by a community from the terms of a flood plain management regulation. [US Code of Federal Regulations, Title 44, Part 59]
- P. VIOLATION means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in §60.3 is presumed to be in violation until such time as that documentation is provided. [US Code of Federal Regulations, Title 44, Part 59]
- Q. Definitions of Flood Zones
  - These terms are defined in the US Code of Federal Regulations, Title 44, Part 64.3.*
  - 1. ZONE A means an area of special flood hazard without water surface elevations determined

2. ZONE AE means area of special flood hazard with water surface elevations determined
3. ZONE AH means areas of special flood hazards having shallow water depths and/or unpredictable flow paths between (1) and (3) feet, and with water surface elevations determined
4. ZONE AO means area of special flood hazards having shallow water depths and/or unpredictable flow paths between (1) and (3) ft. (*Velocity flow may be evident; such flooding is characterized by ponding or sheet flow.*)
5. ZONE A99 means area of special flood hazard where enough progress has been made on a protective system, such as dikes, dams, and levees, to consider it complete for insurance rating purposes. (Flood elevations may not be determined.) ZONES B, C, AND X means areas of minimal or moderate flood hazards or areas of future-conditions flood hazard. (*Zone X replaces Zones B and C on new and revised maps.*)

### 8.1.3 District Delineation.

The FPOD is herein established as an overlay district to all other districts. The FPOD includes all special flood hazard areas within Ashland designated as Zone A, AE, AH, AO, or A99 on the Middlesex Flood Insurance Rate Map (FIRM) dated July 8, 2025 issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program.

The exact boundaries of the FPOD shall be defined by the 1%-chance base flood elevations shown on the FIRM and further defined by the Middlesex Flood Insurance Study (FIS) report dated July 8, 2025. The FIRM and FIS report are incorporated herein by reference and are on file with the Department of Community Development and Health, Ashland Town Hall, 101 Main Street, Ashland, MA.

#### 1. Floodway encroachment

In Zones A and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge. In Zones A and AE, along watercourses that have a regulatory floodway designated on Ashland's Flood Boundary & Floodway Map encroachments are prohibited, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless it has been demonstrated through

hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

2. Base flood elevation data for subdivision proposals

All subdivision proposals or other developments greater than 50 lots or 5 acres shall comply with [44CFR 60.3(b)(3)]

If a subdivision fitting this size description is proposed in the FPOD where there are not already base flood elevations (BFEs) for each parcel, then the developer must provide BFEs for each parcel so that flood-resistant standards can be appropriately applied. The developer is responsible for providing the necessary technical data to support the base flood elevations shown on his/her design drawings.

3. Watercourse alterations or relocations in riverine areas

If alterations or relocation are proposed in riverine areas, the building commissioner in collaboration with the Department of Community Development and the Board of Health shall notify the following of any alteration or relocation of a watercourse:

- Adjacent Communities, especially upstream and downstream
- Bordering States, if affected
- NFIP State Coordinator  
Massachusetts Department of Conservation and Recreation
- NFIP Program Specialist  
Federal Emergency Management Agency, Region I

8.1.4 Use Regulations.

All development in the FPOD, including structural and nonstructural activities, whether permitted as a right or by special permit, must be in compliance with the Wetlands Protection Act (M.G.L. c. 131, s. 40), Wetlands Protection Bylaw (Ashland Town Code Chapter 280) and with the requirements of the Massachusetts State Building Code pertaining to construction in the floodplains.

The following uses, which have low flood damage potential, and cause no obstructions to flood flows shall be permitted, provided that they do not require structures, fill, or storage of materials or equipment:

1. Agricultural uses, such as farming, grazing, truck farming, horticulture, and the like.

2. Forestry and nursery use.
3. Outdoor recreational uses, including fishing, boating, play areas, and the like.
4. Conservation of water, plants and wildlife.
5. Wildlife management areas and foot, bicycle and/or horse paths.
6. Temporary nonresidential structures used in connection with fishing, growing, harvesting, storage or sale of crops raised on the premises.
7. Buildings lawfully existing prior to the adoption of these provisions.

#### 8.1.5 Special Permit.

No structure or building shall be erected, constructed, substantially improved, reconstructed or otherwise created or moved and no earth or other materials dumped, filled, excavated or transferred unless a special permit is granted by the Planning Board. Said Board may issue a special permit hereunder (subject to other provisions of this chapter) if the application is compliant with the following provisions:

1. The proposed use shall comply in all respects with the provisions of the underlying district in which the land is located.
2. Within ten (10) days of the receipt of the application, the Board shall transmit one (1) copy of the development plan to the Conservation Commission, Board of Health and Building Inspector. Final action shall not be taken until reports have been received from the above Boards or until thirty-five (35) days have elapsed.
3. All encroachments, including fill, new construction and substantial improvements to existing structures, and other development are prohibited in the floodway unless certification by a registered professional engineer is provided by the applicant demonstrating that such encroachment shall not result in any increase in flood levels during the occurrence of the one-hundred-year flood.
4. The Board may specify such additional requirement and conditions as it finds necessary to protect the health, safety and welfare of the public and the occupants of the proposed use.

#### 8.1.6 Permits are Required for all Proposed Development in the FPOD

The Town Ashland requires a permit for all proposed construction or other development in the FPOD, including new construction or changes to existing buildings, placement of manufactured homes, placement of agricultural facilities, fences, sheds, storage facilities or drilling, mining, paving and any other development that might increase flooding or adversely impact flood risks to other properties. A Special Permit granted by the Planning Board according to Section 8.1.5 above shall satisfy the requirement of this Section 8.1.6. All other proposed development described herein require a "FPOD Work Permit" which shall be issued by the Building Commissioner who shall create a form application and process for said FPOD Work Permit.

#### 8.1.7 Subdivision Application.

All subdivision proposals and development proposals in the FPOD shall be reviewed to assure that:

1. Such proposals minimize flood damage.
2. Public utilities and facilities are located and constructed so as to minimize flood damage.
3. Adequate drainage is provided.

#### 8.1.8 Assure that all necessary permits are obtained

The Town's permit review process includes the requirement that the proponent obtain all local, state and federal permits that will be necessary to carry out the proposed development in the FPOD. The proponent must acquire all necessary permits, and must demonstrate that all necessary permits have been acquired prior to beginning any site preparation or construction.

#### 8.1.9 Unnumbered A Zones

In A Zones, in the absence of FEMA BFE data and floodway data, the building department will obtain, review and reasonably utilize base flood elevation and floodway data available from a Federal, State, or other source as criteria for requiring new construction, substantial improvements, or other development in Zone A and as the basis for elevating residential structures to or above base flood level, for floodproofing or elevating nonresidential structures to or above base flood level, and for prohibiting encroachments in floodways.

#### 8.1.10 Recreational vehicles

In A and AE Zones, all recreational vehicles or camper to be placed on a site must be elevated and anchored in accordance with the zone's regulations for foundation and

elevation requirements or be on the site for less than 180 consecutive days or be fully licensed and highway ready.

#### 8.1.11 Requirement to submit new technical data

If the Town/City acquires data that changes the base flood elevation in the FEMA mapped Special Flood Hazard Areas, the Town/City will, within 6 months, notify FEMA of these changes by submitting the technical or scientific data that supports the change(s). Notification shall be submitted to:

- NFIP State Coordinator  
Massachusetts Department of Conservation and Recreation
- NFIP Program Specialist  
Federal Emergency Management Agency, Region I

#### 8.1.12 Variances

##### 1. Building code floodplain standards

The Town of Ashland will request from the State Building Code Appeals Board a written and/or audible copy of the portion of the hearing related to the variance and will maintain this record in the community's files.

Ashland shall also issue a letter to the property owner regarding potential impacts to the annual premiums for the flood insurance policy covering that property, in writing over the signature of a community official that:

- a. The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage, and
- b. Such construction below the base flood level increases risks to life and property.

Such notification shall be maintained with the record of all variance actions for the referenced development in the FPOD.

##### 2. Local Zoning Bylaws related to community compliance with the National Flood Insurance Program (NFIP)

A variance administered by the Board of Appeal, Section 9.2 of the from this Section 8.1 must meet the requirements set out by State law, and may only be granted if:

- a. Good and sufficient cause and exceptional non-financial hardship exist;
- b. The variance will not result in additional threats to public safety, extraordinary public expense, or fraud or victimization of the public; and

- c. The variance is the minimum action necessary to afford relief. The burden of proof is on the applicant to prove that the above three requirements are met when applying for a variance.

#### 8.1.13 Abrogation and greater restriction section

The floodplain management regulations found in this Floodplain Overlay District section shall take precedence over any less restrictive conflicting local laws, ordinances or codes.

#### 8.1.14 Disclaimer of liability

The degree of flood protection required by Section 8.1 is considered reasonable but does not imply total flood protection

#### 8.1.15 Severability section

If any paragraph, subsection, provision or portion of this Section 8.1 is deemed to be unconstitutional or invalid by a court, the remainder of the ordinance shall be effective.

#### 8.1.16 Designation of Community Flooding Administrator

1. The Town of Ashland hereby designates the position of Building Commissioner to be the official Floodplain Administrator for the Town.
2. The Floodplain Administrator shall be responsible for the enforcement of this Section 8.1 and granted the authority to issue violations and fines as they deem necessary following the below fine schedule:
  - First violation: \$100
  - Second Violation: \$200
  - Third Violation and thereafter: \$300
3. A violation will be defined as each violation of this Section 8.1 per day.
4. Violations and fines can be appealed to the Clerk Magistrate, Framingham District Court, Framingham, MA.

**Article 19: Update Bylaw: Site Plan Review**  
**Sponsor: Planning Board**

To amend the Town of Ashland zoning by law section 9.4.5.3 Procedures for Site Plan Review and Design Plan Review removing the strikethrough language and replace it with the following:

9.4.5 Procedures for Site Plan Review and Design Plan Review.

3. The Planning Board ~~may hold a fact-finding and public information meeting within thirty (30) days~~ **shall hold a public hearing within sixty-five (65) days** of the receipt of an application. **Notification shall be provided in compliance with M.G.L. Chapter 40A Section 11.** The applicant or his agent shall attend such a ~~meeting~~ **public hearing** in order to assist the Planning Board in responding to public questions and concerns. Failure to attend shall be deemed lack of compliance with the requirements of this chapter.

**Article 20: Update Bylaw: Dog Kennel Bylaw**  
**Sponsor: Town Clerk**

To see if the Town will vote to amend Chapter 87, Animal Control, section 87-8 of the Town of Ashland General Bylaws as follows (**underline and bold** new and ~~cross-out~~ removed):

**§ 87-8. Licensing Requirements.**

- (A) Every dog (6) months old or older kept in the Town of Ashland shall be duly registered, numbered, described and licensed.
- (B) Every person who becomes **an** owner or keeper of such a dog shall, within thirty (30) days of its becoming six (6) months old or thirty (30) days of becoming its owner or keeper, whichever shall last occur, shall obtain such license from the Licensing Authority. The ~~O~~**owner** or ~~K~~**keeper** shall submit an application on the form prescribed along with proof of vaccination or notarized letter from a licensed veterinarian stating that the dog has been vaccinated, or Board of Health Declaration that the dog is exempt from the vaccination requirement to the ~~L~~**licensing**.
- (C) The registering, numbering, describing and licensing of a dog shall be done by the Licensing Authority, and shall be subject to the conditions expressed therein that

the dog which is the subject of the license shall be controlled and restrained from killing, chasing or harassing livestock, fowls or wildlife.

- (D) The owner of a licensed dog shall cause it to wear around its neck or body a collar or harness of leather or other suitable materials, to which shall be securely attached a tag on a form ~~prescribed~~ **prescribed** and distributed by the Licensing Authority when a license is issued. Such tag shall state "Town of Ashland," the year of issue and tag number. The Licensing Authority shall maintain a record of the identifying numbers.
- (E) If any such tag is lost the owner shall secure a substitute tag issued by the Licensing Authority.
- (F) The Licensing Authority shall not grant any license until and unless a current rabies vaccination certificate or Board of Health Declaration that the dog is exempt from the vaccination requirement for the animal has been presented.
- (G) A transfer license from another location in Massachusetts shall be granted upon application provided that adequate proof is presented to the Licensing Authority at the time of application. Such application shall occur within thirty (30) days of establishing residency within Ashland.
- (H) The license fee for spayed or neutered dogs shall be \$15.00 and shall be \$20.00 for intact dogs. There shall be no license fee for persons over the age of seventy (70) years **or for service animals as defined by the Americans with Disabilities Act or regulations promulgated thereunder.**

#### § 87-9. Kennel Registration and Fees.

- (A) Any person maintaining a Commercial Boarding or Training Kennel, Commercial Breeder Kennel, Domestic Charitable Corporation Kennel, Personal Kennel, or Veterinary Kennel, upon application shall be issued a kennel license. Prior to the issuance of a kennel license, the Animal Control Officer may inspect the proposed facilities to insure they comply with any rules and regulations as they may relate to Kennels.
- (B) An owner or keeper of ~~less~~ **more** than four (4) dogs, three (3) months old or older, ~~who does not~~ **must** maintain a Kennel ~~may elect to secure a Kennel license in lieu of~~ **addition to** licensing each dog individually, ~~provided however that such owner or keeper shall be subject to all provisions of this bylaw relating to the maintenance, operation and licensing of Kennels as if he or she were maintaining a Kennel.~~
- (C) The Animal Control Officer may at any time inspect any Kennel located in the Town of Ashland, **and shall inspect each Kennel located in the Town at least once per year.**
- (D) Petitions or complaints against any such Kennel shall be filed with the Select Board. The Board, as well as the Town Manager, shall have investigatory powers over any such petitions or complaints. Said investigation shall be conducted by the Town Manager who,

within seven days after the filing of such petition or complaint, shall give notice to all parties of interest of a public hearing to be held before the Select Board within fourteen (14) days after the date of such notice. After such public hearing the Board may make an order either revoking or suspending such kennel license or otherwise regulating such Kennel, or dismissing said petition. Within ten days after receipt of such order, the holder of such license may bring a petition in the district court as outlined in G.L. c. 140, § 137C. Any person maintaining a Kennel after the license has been revoked, or while such license is suspended shall be punished as set forth in the penalty provision of this bylaw.

(E) ~~A kennel license shall be in lieu of any other license for a dog kept at a Kennel during any portion of the period for which the kennel license is valid.~~ **A kennel license may not be used in lieu of individual dog licenses.** A kennel licensee shall cause each dog kept in its Kennel to wear, while it is at large, a collar or harness of leather or other suitable material, to which a tag shall be securely attached. Such tags shall be provided to the kennel licensee by the Licensing Authority and shall state "Town of Ashland," the year of issue and kennel license number. **The Licensing Authority shall specify on the kennel license the maximum number of animals that may be maintained by a licensee following an initial inspection, or the kennel's first inspection after this policy becomes effective, and each annual inspection thereafter.**

(F) Failure to comply with this Section 87-9 shall result in a fine of not less than \$50.00 for the first offense and not less than \$100.00 for each offense thereafter in any twelve (12) month period **except a person maintaining a Kennel after a Kennel license has been revoked or suspended shall be assessed a fine by the Licensing Authority a fine of not more than \$250 for a first offense, by a fine of not less than \$500 for a second offense and by a fine of not more than \$1,500 for a third or subsequent offense.**

(G) Kennel owners/operators shall be subject to § 87-10 (Failure to License) of this bylaw.

**(H) List. The Licensing Authority shall keep a list of all kennels and their addresses. The Licensing Authority shall submit said list to the Department of Agricultural Resources prior to June 1st annually.**

**§ 87-12. Non-Criminal Disposition of Violation (Ch. 140, section 173A).**

Violations of any provision of this bylaw, or of any duly adopted and filed rules and regulations applicable to the control of animals, may be processed pursuant to G.L. c. 40, § 21D of the general laws of the commonwealth. Fines for violations shall be assessed according to the schedule listed

in section 87-21 hereunder.

If the owner of a dog fails to respond to a citation within twenty-one days, the Animal Control Officer shall forward a copy of the citation to the District Court where it shall be handled under the provisions of G.L. c. 40, § 21 D.

Enforcement of this bylaw under the Non-Criminal Disposition process shall be carried out by the Animal Control Officer, members of the Board of Health when so designated by the Board, any person having police powers, or other person so designated by the Town Manager shall have enforcement powers under this paragraph.

Each day or part thereof of violation of any provision of this bylaw or such rules and regulations, whether such violation is continuous or intermittent, shall constitute a separate and succeeding offense.

**§ 87-21. Fees (license/kennel), Penalties and/or Fines.**

The Licensing Authority shall determine fees for dog and kennel licenses pursuant to G.L. c. 40, § 22F, provided:

- i. the license fee for unneutered males/unspayed females shall be more than the license fee for neutered males/spayed females;
- ii. no fee shall be charged for a license issued for a service animal as defined by the Americans with Disabilities Act or regulation promulgated thereunder; and
- iii. no fee shall be charged for a kennel license issued to a Domestic Charitable Corporation Kennel.

(B) Non-criminal Disposition Fines for violations of any provision of this bylaw, except where otherwise indicated shall be:

First offense in any twelve (12) month period	\$25.00
Second and each subsequent offense in any twelve (12) month period	\$50.00
Each day of all said violations shall constitute a separate offense.	
Failure to obtain <b>dog</b> license (§ 87-10)	\$50.00 per license year
<b><u>Failure to obtain kennel license</u></b>	<b><u>\$500 for first offense</u></b>
	<b><u>\$1,000 for subsequent offenses</u></b>

(C) Exemption(s)  
Residents over seventy (70) years of age shall be exempt from the fees set forth in section

(A) above **for individual dog licenses**.

WARRANT - TOWN OF ASHLAND  
MAY 7, 2025 ANNUAL 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 in said Town, on WEDNESDAY, the Seventh day of May, in the year Two Thousand and Twenty-Five 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 16<sup>th</sup> day of April, in the year Two Thousand and Twenty-Five.

**SELECT BOARD**


Yolanda Greaves, Chair

Brandi E. Kinsman, Vice-Chair

Joseph J. Magnani, Jr., Clerk

Claudia Bennett

Makeda Keegan

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  
Ashland Public Library, 66 Front Street, Ashland, MA


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

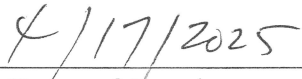
Precinct 3 – Ashland Convenience Store/Pizza Palace, 72 Union Street,  
Ashland, MA.

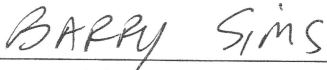
Precinct 4 – Ashland Cable Access Corp. (WACA TV), 200 Butterfield  
Drive, Ashland, MA

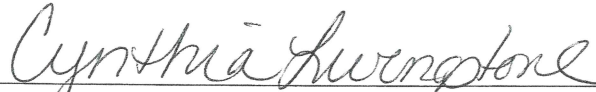
Precinct 5 – Shaw’s Supermarket, 307 Pond Street, Ashland, MA

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

  
\_\_\_\_\_  
Constable’s Signature

  
\_\_\_\_\_  
Date of Posting

  
\_\_\_\_\_  
Constable’s Name Printed

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