

**SPECIAL TOWN MEETING WARRANT
DECEMBER 8, 2020**

Article 1: Free Cash Transfer

Sponsor: Town Manager/Finance Director

To see if the Town will vote to transfer from Free Cash, a sum of money to be placed in the Stabilization Fund, OPEB Trust Fund, Special Education Special Purpose Stabilization Account, Capital Account, Capital Stabilization Account and/or FY21 budgetary line items as proposed, or pass any vote or take any action relative thereto.

Article 2: Adjust 2021 Budget

Sponsor: Town Manager/Finance Director

To see if the town will vote to raise and appropriate or transfer from available funds in the treasury a sum of money to be added to or to make adjustments to Article 2 of the June 2020 annual town meeting (fiscal year 2021 budget), or pass any vote or take any action relative thereto.

Article 3: Property Tax Exemptions

Sponsor: Board of Selectmen/Board of Assessors/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, 2020, or pass any vote or take any action relative thereto.

Article 4: Brave Act – Real estate tax exemption for surviving parents or guardians of certain soldiers, sailors, members of the National Guard and Veterans

Sponsor: Board of Selectmen/Board of Assessors/Town Manager

To see if the Town will vote to accept Clause Twenty-second H of M.G.L. ch. 59, sec. 5 to exempt from taxation certain real property of and occupied by parents or guardians of military personnel who were killed in action or injured in action that subsequently caused their death, or military personnel missing in

action and presumed dead, subject to residency requirements, to be effective for exemptions granted for any fiscal year beginning July 1, 2020, or pass any vote or take any action relative thereto.

Article 5: Brave Act – Reduction of property tax obligation of veteran in exchange for volunteer services

Sponsor: Board of Selectmen/Board of Assessors/Town Manager

To see if the Town will vote to accept M.G.L. ch. 59, sec 5N, regarding a program for reduction in Property Tax Obligations to allow veterans, or a spouse of a veteran in the case where the veteran is deceased or has a service-connected disability, in exchange for volunteer services up to \$1,500 in tax reduction to be effective for exemptions granted for any fiscal year beginning July 1, 2020, or pass any vote or take any action relative thereto.

Article 6: Land Taking: Take by eminent domain 12-16 Union Street

Sponsor: Board of Selectmen

To see if the Town will vote to purchase, take or otherwise acquire those certain parcels of land in Ashland, Middlesex County, Massachusetts, located on East Union Street and West Union Street, shown as Lot B and Lot C on a Plan of Land entitled: “Plan of Registered Land, 1 East Union Street and 12-16 Union Street (Route 135), Middlesex County, Ashland, Mass., Scale 1"=50', Date: December 5, 2019, Guerriere & Halnon, Inc. Engineering & Land Surveying” filed with the Middlesex South Registry District of the Land Court on February 24, 2020 and stamped 14371E and also in Book 2020 Plan 444 recorded on July 9, 2020 in Middlesex South Registry of Deeds including 3.82 acres as shown as Lot B on said Plan and 8.55 acres as shown as Lot C on said plan both on file with the Town Clerk; and to authorize the Board of Selectmen to enter into and negotiate all agreements necessary to effectuate same; and to pay for and fund said acquisition or taking along with all associated legal and engineering costs required to effectuate said taking, acquisition or purchase that the Town transfer sufficient funds from the Capital Stabilization account to the Capital Account account, 01930-58000, and take any other action relative thereto

Article 7: Zoning Bylaw Change: Create a Valentine Property Overlay District

Sponsor: Planning Board

To see if the Town will vote to amend section 282 of the Town of Ashland Zoning Bylaw as follows:

A. Add a new section 8.9:

SECTION 8.0 OVERLAY AND SPECIAL DISTRICT REGULATIONS

8.9 VALENTINE OVERLAY DISTRICT (VOD)

8.9.1. Purpose. The purpose of establishing the "Valentine Overlay District" (VOD) Zoning Bylaw is to promote economic development and the vitality of the corridor, preserve the historical and agricultural character of the district and foster a sense of community through its commercial uses. The benefits of the VOD accrue only to those parcels located entirely within the boundaries of the VOD. The VOD shall hereby be established as designated on the Zoning Map, dated December 3, 2020.

8.9.2. Relationship to Underlying District. The Valentine Overlay District shall overlay the underlying districts so that any parcel of land lying in the VOD also lies in one or more of the other zoning districts in which it was previously classified, as provided for in the Ashland Zoning Bylaws. The underlying zoning district permitted or allowed uses remain permitted or allowed. Any development proposed under the VOD bylaw shall not be subject to the regulations of the underlying zoning district, but shall adhere to the requirements herein.

8.9.3. Definitions. The definitions of terms used in this section shall be as set forth in Section 10 of this Bylaw.

8.9.4. Special Permit Granting Authority. The Planning Board is hereby designated as the Special Permit Granting Authority (SPGA) in the VOD. All Special Permit applications made pursuant to the VOD by-law shall conform to the standards and criteria and procedural provisions of the VOD by-law and all relevant procedural provisions in the current Ashland zoning by-laws. Said Special Permit may be issued subject to such conditions as the Planning Board may deem appropriate to protect the public interest and to ensure that development to the VOD will be consistent with the purpose of this Section and the controls set forth herein.

8.9.5. Special Permit Criteria. In addition to the general special permit criteria set forth in section 9.3.2 of this Bylaw the following criteria shall apply to any Special Permit application filed for development within the VOD hereunder:

1. Preservation and sympathetic design to the historic buildings and uses of the site;
 - a. This shall mean that the historical structures on the site are preserved, and the uses of the site have been informed by the historical uses including agriculture. Incorporating multiple uses from section 8.9.6.2 is encouraged.
2. Impact on pedestrian flow and safety and access for emergency vehicles;
 - a. This shall mean that access for pedestrian and vehicular visitors to the site, dependent on approved uses, is shown on plans, and creates a safe, welcoming community space.
3. Impact on the visual character of the neighborhood;
 - a. This shall mean that any expansion or addition of structures conforms to both the historical character of the district, as well as the residential character of the surrounding area.
4. No land shall be used or occupied in the district in any manner as to create any dangerous, noxious, injurious, or otherwise objectionable fire, explosion, radioactive or other hazard; noise, or vibration, smoke, dust or other form of air pollution; electrical or other disturbance; glare, liquid or

solid, refuse or wastes; conditions conducive to the breeding of insects, rodents, or other substance, conditions or element in a manner or in an amount as to affect adversely the surrounding areas. However, any use may be undertaken and maintained if it conforms to the VOD regulations in substance and intent.

5. The proposed use and any new construction shall preserve the rural character of the area as follows:

- a. The landscape shall be preserved in its natural state insofar as practicable by minimizing tree and soil removal.
- b. Proposed buildings shall be related harmoniously to the terrain and to other buildings in the vicinity.
- c. The distance between buildings shall be sufficient to provide adequate light and air in conformance with the State Building Code.
- d. Landscaping shall be in conformance to the Landscaping and screening requirements of Section 5.4.

8.9.6. Permitted Uses.

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| 8.9.6.1 Permitted Uses | | |
| Principal Uses: Residential Uses | | |
| Single-family dwelling | Y | Minimum lot size of 80,000 square feet |
| Two – family dwellings | N | |
| Multi-family dwellings | N | |
| Assisted Living Facility | N | |
| Cluster Development | N | |
| Senior Residential Community | N | |
| Commercial Uses | | |
| Non-exempt educational uses | SP | |
| Animal clinic or hospital; kennel | N | |
| Bed and Breakfast | SP | Not to exceed 8 rooms |
| Restaurant and catering services | SP | |
| Golf Course | N | |
| Boat Rental | N | |
| Commercial Kitchen | SP | |
| Function Hall | SP | |
| Wireless Communication Facility | SP | |
| Accessory Uses | | |
| Accessory scientific uses | SP | |
| Rooming and boarding not more than 2 persons | SP | |
| Home occupation | SP | |
| Adult day care | SP | |
| Child day care, small | SP | |

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| Child day care, large | SP | |
| Accessory family dwelling unit | SP | |

8.9.7 Dimensional Requirements. Notwithstanding any provision to the contrary contained in the Zoning By-Law, the following dimensional requirements shall be the sole dimensional restrictions governing a Valentine Overlay District (VOD):

1. Minimum Lot Size
 - a. Minimum Lot Size for non-residential, commercial use is 3 acres.
 - b. No portion of a street, as defined by the by-law may be included in computing the minimum lot size.
2. Lot Frontage. Minimum frontage shall be one hundred and fifty (150) feet.
3. Front Yard. The minimum front yard shall be twenty (20) feet.
4. Side Yard. The minimum side yard shall be twenty-five (25) feet.
5. Rear Yard. The minimum rear yard within any parcel shall be twenty-five (25) feet except where the rear lot line is contiguous to a residential area, in which case the buffer zone shall apply as noted in Buffering and Screening below.
6. Building/Structure Height. Except as otherwise specifically provided herein, the maximum height of any structure shall be thirty five (35) feet.
 - a. The SPGA may allow structures over thirty five (35) feet, if the developer can demonstrate to the SPGA's satisfaction, that the increased height is necessary for the historic preservation of the structure.

8.9.8. Buffering and Screening. In order to provide screening to the view of adjacent parcels outside of the Valentine Overlay District (VOD), no less than a distance of fifty (50) feet, from any structures shall be maintained and landscape greenery or other screening method(s) existing at the time of development shall remain undisturbed and/or shall be landscaped in accordance with a plan approved by the Planning Board. Remaining areas that support parking, internal drives, accessory structure building needs and emergency vehicle access, as approved by the Planning Board during the Site Plan Review process, shall have a twenty (20) foot buffer from the adjoining property line as described above.

8.9.9. Parking and Loading Requirements. Parking and loading requirements shall be in conformance with Sections 5.1 and 5.2. Special attention shall be given to location and number of access points to the streets, general interior circulation, separation of pedestrian and vehicular traffic, and arrangement of parking areas that are safe and convenient and do not detract from the design of the existing historic buildings, proposed buildings(s) or neighboring properties.

8.9.10 Administrative Procedures. All applications made pursuant to the VOD by-law shall be subject to Site Plan Review by the SPGA.

B. Amend section 10, Definitions, by inserting in the appropriate alphabetical order, as follows:

Section 10: Definitions

COMMERCIAL KITCHEN

A food preparation facility that satisfies the health code provision for places that prepare food for

consumption by the general public.

FUNCTION HALL

A building or portion thereof generally available to the public for hire or loan for the purpose of catering to banquets, weddings, receptions or similar functions. Such establishments may include full kitchen facilities and a catering use as defined in this section and may serve/dispense alcoholic beverages subject to the provisions of MGL c. 138.

C. Amend the Town of Ashland Zoning Map to show the Valentine Overlay District, covering the following parcels or portions of parcels as shown on the Assessor’s Map 19 Lot 101, Map 19 Lot 103 and Map 19 Lot 104 and which said zoning map amendment is on file with the Town Clerk.

Article 8: Authorization to sell or enter into lease agreement 125-139 West Union Street (Valentine Property) for Adaptive Reuse

Sponsor: Board of Selectmen/Valentine Committee

To see if the Town will vote to change the use, which is currently general municipal, of 125-139 West Union Street, more fully set forth on that certain plan by Guerriere and Hanlon dated December 2, 2014 and which is on file with the Town Clerk, to the purpose of conveyance and/or transfer and to authorize the Board of Selectmen to sell or enter into a lease agreement the length of which they deem appropriate, transfer or otherwise convey same, and take any legal action necessary to effectuate said conveyance, lease or transfer and to further authorize the Board of Selectmen to negotiate and execute any and all documents necessary to effectuate same including entering into a Development Deed Restriction, Historic Preservation and Conservation Restriction on portions of or all of the Property, as well as a restriction to prohibit development which would allow a Comprehensive Permit under G. L. c. 40B, or related multifamily development, as they deem appropriate, or pass any vote or take any action relative thereto.

Article 9: Accept boundary changes for 433 Chestnut

Sponsor: Board of Selectmen

To see if the Town will vote to authorize the Board of Selectmen to;

- a. 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 acquisition along with all associated legal and engineering costs necessary, of approximately 2,326 square feet of land +/- located along Chestnut Street, indicated as “Parcel A” as more fully set forth on the plan by JD Marquandant & Associates, dated January 21, 2020, on file in the Town Clerk’s office, the acquisition of said land having been determined to be necessary for the health and welfare of the inhabitants of Ashland and to be used for general municipal purposes under the care, custody and control of the Board of Selectmen;
- b. And further, to thereafter authorize the Board of Selectmen, to change the use of said parcel for the purpose of transfer or sale and thereafter to sell or transfer or otherwise dispose of said Parcel A as part of the sale of 433 Chestnut Street in furtherance of Article 7 of the November 20, 2019 Special Town Meeting, and take any legal action necessary to effectuate said conveyance or transfer and to further authorize the Board of Selectmen to negotiate and execute any and all documents necessary to effectuate same including entering into a Historic Preservation

Restriction on the Property, or pass any vote or take any action relative thereto.

Article 10: Land Taking: Accept an Easement at Independence Lane to Install a Boost Pump Station

Sponsor: Board of Selectmen

To see if the Town will vote to authorize the Board of Selectmen 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, an easement for the purpose of installation, construction and maintenance of a water booster pump station in that parcel of land located at Independence Lane including the land or a portion thereof shown as Parcel B on a plan by GLM Engineering and Consulting Services dated August 11, 1997 and recorded as Plan 763 of 1999 in the Middlesex Registry of Deeds, sheet 2 of 6 and Lot 10 on Land Court Plan 27039B, and which is on file with the Town Clerk, the acquisition of said easement having been determined to be necessary for the health and welfare of the inhabitants of Ashland and to be used for municipal purposes under the care custody and control of the Board of Selectmen ; or pass any vote or take any action relative thereto.

Article 11: Amend General Bylaws: Stormwater Fee Lien

Sponsor: Stormwater Advisory Committee

To see if the Town will vote to amend the Town of Ashland General Bylaws section 26-6, Municipal Charges Liens, by adding a new subparagraph (d) to section 26-6.C, as follows:

- d. **Charges, fines, penalties, and/or fees including interest and all costs to record said lien(s) in the Middlesex South Registry of Deeds for failure to pay stormwater fees.**

Article 12: Construction of the Trolley Brook Trail

Sponsor: Community Preservation Committee

To see if the Town will vote to appropriate up to \$120,000 in Community Preservation Act Open Space funds to allow the construction of the Trolley Brook Trail section of the Ashland Upper Charles Trail; and that to meet this appropriation, the sum of up to \$120,000 be transferred from the Community Preservation Fund, Open Space Account with the following stipulations: the Upper Charles Trail Committee shall obtain all required town board and town department permits and approvals prior to the disbursement of any funds, the Upper Charles Trail Committee shall enter into a grant agreement with the Community Preservation Committee prior to disbursement of any funds and unexpended funds as of

December 31, 2022 being returned to their funding sources, or pass any vote or take any other action thereon.

Article 13: Town Forest Enhancement Project
Sponsor: Community Preservation Committee

To see if the Town will vote to appropriate up to \$9,700 in Community Preservation Act Open Space funds to allow the Town Forest Committee to complete enhancement of the Town Forest including installing boundary markers, deer enclosures, and purchase and install additional rain garden plantings to preserve the overall health of the forest and create a model rain garden for the community; and that to meet this appropriation, the sum of up to \$9,700 be transferred from the Community Preservation Fund, Open Space Account with the following stipulations: the Town Forest Committee shall obtain all required town board and town department permits and approvals prior to the disbursement of any funds, the Town Forest Committee shall enter into a grant agreement with the Community Preservation Committee prior to disbursement of any funds and unexpended funds as of December 31, 2022 being returned to their funding sources, or pass any vote or take any other action thereon.

Article 14: Zoning Bylaw: Correct the Section that Outlines the Requirements for Design Review
Sponsor: Planning Board

To see if the Town will vote to amend the Town of Ashland Zoning Bylaw Chapter 282, Section 9, as follows (~~cross-out~~ are eliminations and **bold underline** is new language):

Section 9.6.3

#4. Properties with projects requiring design review per section 9.4.**1**.7 of Chapter 282 (Zoning) of the Town of Ashland Code..

