



# Town of Ashland

M A S S A C H U S E T T S

*Smart. Safe. Sustainable.*

**WARRANT ARTICLES, INFORMATION, AND  
RECOMMENDATIONS  
OF THE  
FINANCE COMMITTEE**

**FOR THE  
MAY 1, 2024  
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 April 26, 2024 in order that reasonable accommodations may be made.*

**Warrant Article Index**

<b>Art #</b>	<b>Article Name</b>	<b>Article Sponsor</b>	<b>Maj</b>
<b>1</b>	<b>Town Reports</b>	<b>Select Board</b>	
<b>2</b>	<b>FY25 Budget</b>	<b>Town Manager</b>	<b>SM</b>
<b>3</b>	<b>OPEB Trust Contribution</b>	<b>Town Manager/Finance Director</b>	<b>SM</b>
<b>4</b>	<b>Transfer from SPED Stabilization</b>	<b>Town Manager/Finance Director</b>	<b>SM</b>
<b>5</b>	<b>Annual Consent Article</b>	<b>Select Board</b>	<b>2/3</b>
<b>6</b>	<b>Annual Consent CPC</b>	<b>CPC</b>	<b>SM</b>
<b>7</b>	<b>CPC Funding: Painting Historic Section of Library</b>	<b>CPC</b>	<b>SM</b>
<b>8</b>	<b>Authorize the Select Board to Accept a Gift of Land</b>	<b>Town Manager</b>	<b>2/3</b>
<b>9</b>	<b>Reauthorize Borrowing for Fire Truck and Middle School Lockers</b>	<b>Town Manager/Finance Director</b>	<b>2/3</b>
<b>10</b>	<b>Reauthorize Public Safety Building Borrowing</b>	<b>Town Manager</b>	<b>2/3</b>
<b>11</b>	<b>Authorize Borrowing: Modernization of Water Treatment Plant (Ozone System)</b>	<b>Town Manager/Finance Director</b>	<b>2/3</b>
<b>12</b>	<b>Amend Bylaw: Demolition Delay for Historically or Architecturally Significant Property</b>	<b>Historical Commission</b>	<b>SM</b>
<b>13</b>	<b>Amend Bylaw: Accept Specialized Stretch Code</b>	<b>Sustainability</b>	<b>SM</b>
<b>14</b>	<b>Zoning Bylaws: MBTA Communities*</b>	<b>Planning Board</b>	<b>2/3</b>

**\*Note:** At its meeting on April 25th the Planning Board voted to keep their public hearing on this matter open to provide more time to actively work on the bylaw changes and at this time has no recommendation to give Town Meeting. MGL requires that all zoning articles must have a public hearing which closes and a recommendation by the Planning Board in order to be considered by Town Meeting. Since that hasn't happened, Town Meeting can't consider the article and it will be withdrawn.

### **Moderator's Motions**

1. That this meeting dispenses with the reading of the warrant and of the Constable's return of service of that warrant and that the Moderator not be required to read warrant articles verbatim, but may refer to them by number and subject matter.
2. That the moderator may extend the floor to Town management and staff and other non-voters provided that they must first be recognized by the Moderator.
3. That the Moderator, pursuant to G.L. c. 39 § 15 be allowed to declare a two-thirds vote rather than taking a standing count.
4. That once final action has been taken on an article and the next order of business has been taken up, or the session of the meeting has been adjourned, the matter may not again be taken under consideration at that town meeting unless, in the best judgment of the Moderator, a significant error or omission occurred in the language or the process of the original action on the article, or a significant change of circumstances has occurred, such that there is a clear likelihood that the outcome could change upon reconsideration or that reconsideration would be in the Town's best interest.

**TOWN OF ASHLAND**  
\*\*\*\*\*  
**ANNUAL TOWN MEETING WARRANT**  
**May 1, 2024**  
**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: Fiscal Year 2025 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.

**MOTION: That the Town approves the balanced budget of \$94,027,947**

DEPT. #	DEPARTMENT	2023 ACTUAL TOTAL	2024 ATM BUDGET TOTAL	2025 PROPOSED BUDGET	\$ CHANGE	% CHANGE
01123	TOWN MANAGER	620,579	610,524	635,366	24,842	4.07%
01138	CENTRAL PURCHASING	78,661	72,500	74,500	2,000	2.76%
01139	TELECOMMUNICATIONS	80,707	90,000	90,000	-	0.00%
01151	TOWN COUNSEL	208,635	200,000	200,000	-	0.00%
01155	DATA PROCESSING	570,023	633,799	681,001	47,202	7.45%
01161	TOWN CLERK	152,640	164,326	169,274	4,948	3.01%
01162	ELECTIONS/TOWN MEETING	32,666	52,365	52,350	(15)	-0.03%
01163	BOARD OF REGISTRARS	10,921	13,650	13,650	-	0.00%
01180	HUMAN RESOURCES	269,102	275,200	290,128	14,928	5.42%
<b>SUBTOTAL: ADMINISTRATION</b>		<b>2,023,934</b>	<b>2,112,364</b>	<b>2,206,269</b>	<b>93,905</b>	<b>4.45%</b>
01135	TOWN ACCOUNTANT	161,188	176,810	176,277	(533)	-0.30%
01141	ASSESSORS OFFICE	238,772	260,225	249,361	(10,864)	-4.17%
01145	TREASURER	183,853	203,875	207,940	4,065	1.99%
<b>SUBTOTAL: FINANCE</b>		<b>583,813</b>	<b>640,910</b>	<b>633,578</b>	<b>(7,332)</b>	<b>-1.14%</b>
01171	CONSERVATION COMMISSION	76,313	84,757	87,077	2,321	2.74%
01172	OPEN SPACE COMMITTEE	-	450	450	-	0.00%
01175	PLANNING BOARD	179,689	197,325	203,405	6,080	3.08%
01241	INSPECTION SERVICES DEP	170,903	200,831	172,305	(28,526)	-14.20%
<b>SUBTOTAL: DEVELOPMENT SERVICES</b>		<b>426,905</b>	<b>483,363</b>	<b>463,237</b>	<b>(20,126)</b>	<b>-4.16%</b>
01210	POLICE DEPT.	3,639,119	4,235,255	4,410,121	174,866	4.13%
01220	FIRE DEPARTMENT	2,791,052	2,702,214	2,718,771	16,557	0.61%
<b>SUBTOTAL: PUBLIC SAFETY</b>		<b>6,430,171</b>	<b>6,937,468</b>	<b>7,128,892</b>	<b>191,424</b>	<b>2.76%</b>
01510	HEALTH DEPARTMENT	184,691	209,014	214,606	5,592	2.68%
01541	COUNCIL ON AGING	155,500	164,426	184,599	20,173	12.27%
01542	RECREATION	68,000	72,531	80,739	8,208	11.32%
01543	VETERAN'S SERVICES	97,834	132,850	132,850	-	0.00%
01544	PREVENTION & HUMAN SERVICES	151,758	216,147	225,462	9,315	4.31%
01610	PUBLIC LIBRARY	434,183	435,944	467,628	31,684	7.27%
<b>SUBTOTAL: HEALTH &amp; HUMAN SERVICES</b>		<b>1,091,966</b>	<b>1,230,911</b>	<b>1,305,884</b>	<b>74,973</b>	<b>6.09%</b>

01192	PUBLIC BUILDINGS/PROPERTY MAINT.	505,060	622,731	678,177	55,446	8.90%
01421	DPW ADMINISTRATION	96,202	159,454	126,293	(33,161)	-20.80%
01422	HIGHWAY	651,121	702,050	698,749	(3,301)	-0.47%
01423	SNOW & ICE REMOVAL	593,879	285,200	285,200	-	0.00%
01424	HIGHWAY-STREETLIGHTING	37,316	45,000	45,000	-	0.00%
01429	HIGHWAY COMBINED FUEL	182,511	182,000	182,000	-	0.00%
01491	CEMETERY, PARKS & TREES	242,472	281,287	331,270	49,983	17.77%
<b>SUBTOTAL: PUBLIC WORKS</b>		<b>2,308,561</b>	<b>2,277,721</b>	<b>2,346,689</b>	<b>68,968</b>	<b>3.03%</b>
01300	SCHOOL DEPARTMENT	37,676,524	40,211,608	41,859,543	1,647,935	4.10%
01399	KEEFE TECH VOC SCHOOL	1,126,966	1,350,000	1,287,576	(62,424)	-4.62%
<b>SUBTOTAL: EDUCATION</b>		<b>38,803,490</b>	<b>41,561,608</b>	<b>43,147,119</b>	<b>1,585,511</b>	<b>3.81%</b>
	EXCLUDED DEBT	3,060,549	3,136,261	2,917,650	(218,611)	-6.97%
	NON EXCLUDED DEBT	3,057,013	4,801,046	4,321,883	(479,163)	-9.98%
<b>01710</b>	<b>TOTAL DEBT</b>	<b>6,117,562</b>	<b>7,937,307</b>	<b>7,239,533</b>	<b>(697,774)</b>	<b>-8.79%</b>
<b>01930</b>	<b>CAPITAL PROJECTS</b>	<b>1,684,388</b>	<b>-</b>	<b>2,690,000</b>	<b>2,690,000</b>	
	Valentine Project			430,000		
	Land Acquisition			700,000		
	Sidewalks			465,000		
	Field Replacement			1,000,000		
	Small Business Assistance			95,000		
01911	EMPLOYEE RETIREMENT	3,784,723	3,973,251	4,152,712	179,461	4.52%
01912	WORKERS COMPENSATION	228,694	357,000	255,000	(102,000)	-28.57%
01913	UNEMPLOYMENT COMPENSATION	22,372	60,000	25,000	(35,000)	-58.33%
01915	GROUP HEALTH INSURANCE	7,016,741	7,129,002	7,948,447	819,445	11.49%
01945	OTHER INSURANCE	665,151	750,000	1,051,494	301,494	40.20%
<b>Subtotal: BENEFITS &amp; INSURANCE</b>		<b>11,717,681</b>	<b>12,269,253</b>	<b>13,432,653</b>	<b>1,163,400</b>	<b>9.48%</b>
<b>01960</b>	<b>SALARY CONTINGENCY</b>	<b>-</b>	<b>275,000</b>	<b>275,000</b>	<b>-</b>	<b>0.00%</b>
<b>01132</b>	<b>RESERVE FUND</b>	<b>-</b>	<b>450,000</b>	<b>450,000</b>	<b>-</b>	<b>0.00%</b>
<b>TOTAL GENERAL FUND</b>		<b>71,188,471</b>	<b>76,175,904</b>	<b>81,318,854</b>	<b>5,142,950</b>	<b>6.75%</b>
<b>6000</b>	<b>WATER ENTERPRISE</b>	<b>2,937,886</b>	<b>3,136,512</b>	<b>3,373,555</b>	<b>237,043</b>	<b>7.56%</b>
<b>6100</b>	<b>SEWER ENTERPRISE</b>	<b>6,115,617</b>	<b>6,600,945</b>	<b>6,446,155</b>	<b>(154,790)</b>	<b>-2.34%</b>
<b>6200</b>	<b>TRASH COLLECTION</b>	<b>1,654,007</b>	<b>1,785,721</b>	<b>1,864,668</b>	<b>78,947</b>	<b>4.42%</b>
<b>6300</b>	<b>FIELD MANAGEMENT</b>	<b>84,856</b>	<b>131,638</b>	<b>130,954</b>	<b>(684)</b>	<b>-0.52%</b>
<b>6400</b>	<b>CABLE ACCESS</b>	<b>438,653</b>	<b>545,000</b>	<b>500,000</b>	<b>(45,000)</b>	<b>-8.26%</b>
<b>6500</b>	<b>STORMWATER</b>	<b>315,508</b>	<b>342,460</b>	<b>393,761</b>	<b>51,301</b>	<b>14.98%</b>
<b>TOTAL ALL FUNDS</b>		<b>82,734,998</b>	<b>88,718,180</b>	<b>94,027,947</b>	<b>5,309,767</b>	<b>5.98%</b>

- a. For the General Fund, that the following amounts be transferred from the respective accounts:

Account Name	Balance in Account	FY25 Transfer
EMS Revolving	\$996,885	\$200,000
Sale of Cemetery Lots	\$32,715	\$30,000
Dog Licenses	\$28,744	\$25,000
Recreation Revolving	\$775,934	\$12,976

And that the balance be raised and appropriated \$76,312,218

And,

- b. For the Water Enterprise Fund that \$3,373,555 be raised through the water rates;
- c. For the Sewer Enterprise Fund that \$6,446,155 be raised through the sewer rates;
- d. For the Rubbish Collection Enterprise Fund that \$1,864,668 be raised through the solid waste rates;
- e. For the Fields Management Enterprise Fund that \$130,954 be raised through fees for field usage;
- f. For the Cable Access Enterprise Fund, that \$500,000 be raised through cable franchise fees;
- g. For the Stormwater Enterprise Fund that \$393,761 be raised through stormwater rates.

And,

- h. For the Economic Development Special Revenue Fund that \$306,710 be appropriated from available meals tax funds.

**Fincom Recommendation:** The Finance Committee recommends the Town adopt a balance fiscal year 2025 budget as detailed in the motion above.

**Article 3: Transfer to OPEB Trust**  
**Sponsor: Town Manager/Finance Director**

To see if the Town will transfer \$350,000 from OPEB Contribution Account #01915-51709 to the OPEB Trust, Account #88100-49710, or pass any vote or take any action relative thereto.

**MOTION: That the Town will transfer \$350,000 from OPEB Contribution Account #01915-51709 to the OPEB Trust, Account #88100-49710**

**Fincom Recommendation:** The Finance Committee recommends the Town transfer \$350,000 from OPEB Contribution Account #01915-51709 to the OPEB Trust, Account #88100-49710

**Article 4: Transfer from Special Education Stabilization to General Fund**

**Sponsor: Town Manager/Finance Director**

To see if the Town will transfer **\$250,000** from the Special Education Stabilization Fund to the General Fund, Account **#49700-49760**, or pass any vote or take any action relative thereto.

**MOTION: That the Town will transfer \$250,000 from the Special Education Stabilization Fund to the General Fund, Account #49700-49760**

**Fincom Recommendation:** The Finance Committee recommends the Town transfer \$250,000 from the Special Education Stabilization Fund to the General Fund, Account #49700-49760

**Article 5: 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. or take any other action relative thereto.

5. Revolving Funds: To see if the Town will vote to Amend the General Bylaw section 26-5(D)(A)(1)(A) Table as set forth below to change the “Community Center” title to “Town Building Rental”, and then to fix the maximum amount that may be spent during FY 2025 beginning July 1, 2024 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, or take any other action relative thereto.

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.

**MOTION: That the Town approve Article 5 as set forth in the Warrant and amend the General Bylaw section 26-5(D)(A) as follows and further the Town set the maximum amount that may be spent on revolving funds in subsection 5 of Article 5 as follows:**

Fund	Revenue Source	Authority to Spend Funds	Use of Funds	Fiscal Year
<b>Town Building Rental (Previously Senior Center Rental)</b>	<b>Rent or Rental fees for any use of Town Property including Senior Center, Main Street Fire Station, and any other future Town properties that collect rental or use fees</b>	<b>Recreation Director, Assistant Town Manager, Town Manager</b>	<b>Costs associated with maintaining the buildings and properties that collect fees or rent</b>	<b>2025 and subsequent years</b>

<b>FUND DESCRIPTION</b>	<b>USE OF FUNDS</b>	<b>Maximum Amount of Expenditure From Fund</b>
<b>Senior Program Revolving</b>	<b>The purpose of which shall be to pay for programs conducted by the Council on Aging for the benefit of Ashland senior citizens</b>	<b>Expenditures shall not exceed receipts into the fund and in any case shall not exceed \$25,000</b>
<b>Town Building Rental</b>	<b>The purpose of which shall be to pay for expenses and maintenance incurred for the rental of said building</b>	<b>Expenditures shall not exceed receipts into the fund and in any case shall not exceed \$75,000</b>
<b>Town of Holliston Animal Control Revolving</b>	<b>The purpose of which shall be to pay for expenses incurred for the care and capture of animals on behalf of the Town of Holliston</b>	<b>Expenditures shall not exceed receipts into the fund and in any case shall not exceed \$114,000</b>
<b>Library Materials Replacement</b>	<b>The purpose of which shall be to acquire equivalent Public Library materials to replace items lost or damaged by those who borrow such materials</b>	<b>Expenditures shall not exceed receipts into the fund and in any case shall not exceed \$5,000</b>
<b>Hazardous Waste Revolving</b>	<b>The purpose of which shall be to be able to continue to drop off programs for TV's &amp; Computers</b>	<b>Expenditures shall not exceed monies into the fund \$10,000</b>
<b>Sidewalk Construction Fund</b>	<b>The purpose of which shall be to pay for sidewalks</b>	<b>Expenditures shall not exceed receipts into the fund and in any case shall not exceed \$50,000</b>

<p><b>Guidance Revolving Fund</b></p>	<p>The purpose of which shall be to pay for the institutional, per student cost for our students who take the PSAT and/or Advanced Placement (AP) tests and to pay for proctors during the exams</p>	<p>Expenditures shall not exceed receipts into the fund and in any case shall not exceed \$50,000</p>
<p><b>Food Inspection Program</b></p>	<p>The purpose of which shall be a self-supporting program which will collect fees for the services provided to pay for food establishment programs provided by the Board of Health for the delivery of routine inspections, investigations and reviews for food establishments</p>	<p>Expenditures shall not exceed receipts into the fund and in any case shall not exceed \$20,000</p>
<p><b>Electrical, Plumbing, &amp; Gas Inspections Revolving Fund</b></p>	<p>The purpose of which shall be a self-supporting program which will collect fees charged and received by the Building Department for electrical, plumbing and gas inspections and permits. During each fiscal year, the Building Department may incur liabilities against and spend monies from the Revolving Fund for salaries or wages of for inspectors performing electric, plumbing or gas inspections, education, contractual services and any other expenses in connection with the operation of the inspectional services program</p>	<p>Expenditures shall not exceed receipts into the fund and in any case shall not exceed \$150,000</p>

<p><b>Tobacco Program Revolving</b></p>	<p><b>The purpose of which shall be a self-supporting program which will collect fees for the services provided to pay for inspections and programs provided by the Board of Health for the delivery of tobacco control comprehensive inspections at tobacco sales locations and for evidence based education programs that will benefit the residents of Ashland</b></p>	<p><b>Expenditures shall not exceed receipts into the fund and in any case shall not exceed \$10,000</b></p>
<p><b>Ambulance Revolving</b></p>	<p><b>The purpose of which shall be to pay for the costs of providing ambulance and emergency response services.</b></p>	<p><b>Expenditures shall not exceed receipts into the fund and in any case shall not exceed \$900,000</b></p>
<p><b>Recreation Revolving</b></p>	<p><b>The purpose of which shall be to support the cost of providing recreation programs throughout the year.</b></p>	<p><b>Expenditures shall not exceed receipts into the fund and in any case shall not exceed \$500,000</b></p>
<p><b>Vaccination Clinic Revolving</b></p>	<p><b>The purpose shall be to create a self-supporting program which will pay for the costs associated with running the regional vaccination clinics.</b></p>	<p><b>Expenditures shall not exceed receipts into the fund and in any case shall not exceed \$30,000</b></p>

**Fincom Recommendation:** The Finance Committee recommends the Town approve Article 5 as set forth in the Warrant and amend the General Bylaw section 26-5(D)(A) as follows and further the Town set the maximum amount that may be spent on revolving funds in subsection 5 of Article 5.

**Article 6: Annual Consent Article: Community Preservation Act**  
**Sponsor: Community Preservation Committee**

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

- a. **Community Preservation Funds – FY25 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 2025, with each item to be considered a separate appropriation:

Appropriations:

From FY 2025 estimated revenues to Committee Administrative Expense \$55,370

Reserves:

From FY 2025 estimated revenues to Historic Resources Reserve \$ 105,203

From FY 2025 estimated revenues to Community Housing Reserve \$ 105,203

From FY 2025 estimated revenues to Open Space Reserve \$ 105,203

From FY 2025 estimated revenues to Undesignated Reserve \$ 736,422

- b. **Community Preservation Funds – Oak Street Bond Payment** - To see if the Town will vote to appropriate \$140,650 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.
- c. **Community Preservation Funds – H.S. Athletic Fields Bond Payment** - To see if the Town will vote to appropriate \$300,475 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 **\$151,250** in Community Preservation Act funds to fund the bond payment for the purchase of that certain parcel of land which was owned by Northeastern University and described as Assessors 'Map 28, Lots 070 and 072, consisting of approximately 118.36 +/- acres, more or less, known as Warren Woods and which the Town acquired by deeds dated June 5, 2012 and recorded in Book 59237, Page 246 and Book 59237 Page 252 and which said expenditure and purchase was approved in Article 8 of the Special Town Meeting of November 29, 2010 and further modified by Article 5 of the Special Town Meeting of October 18, 2011, from the following FY 2014 CPA reserve accounts;

Historic Resources Reserve	<b><u>\$ 49,250</u></b>
Open Space Reserve	<b><u>\$ 41,555</u></b>
Undesignated Reserve	<b><u>\$ 63,102</u></b>

e. **Community Preservation Funds – Valentine Estate** – To see if the Town will vote to appropriate **\$46,286** 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	<b><u>\$ 6,614</u></b>
Undesignated Reserve	<b><u>\$ 39,672</u></b>

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

**MOTION: That the Town approve the CPC Consent Article as set forth in Article 6.**

**Fincom Recommendation:** The Finance Committee recommends the Town approve the CPC Consent Article as set forth in Article 6.

**Article 7: Appropriate Funds for Preserving the Library Interior Painting**  
**Sponsor: Community Preservation Committee**

To see if the Town will vote to appropriate \$40,000 in Community Preservation Act funds to fund improvements at to paint the interior of the Library to preserve the historic library; \$40,000 from the Undesignated Reserve, said funds to be available until December 31, 2026 at which time any unexpended funds will be returned to their funding sources, or pass any vote or take any other action relative thereto.

**MOTION: That the Town votes to appropriate \$40,000 in Community Preservation Act funds to fund improvements and to paint the interior of the Library to preserve the historic library; \$40,000 from the Undesignated Reserve, said funds to be available until December 31, 2026 at which time any unexpended funds will be returned to their funding sources.**

**Fincom Recommendation:** The Finance Committee recommends the Town votes to appropriate \$40,000 in Community Preservation Act funds to fund improvements and to paint the interior of the Library to preserve the historic library; \$40,000 from the Undesignated Reserve, said funds to be available until December 31, 2026 at which time any unexpended funds will be returned to their funding sources.

**Article 8: Authorize the Select Board to Accept Gift of Land**  
**Sponsor: Town Manager**

To see if the Town will accept a gift of real property from the Hopkinton Land Trust shown as Town of Ashland Assessors Map 18 Lot 0142 to be for conservation purposes and the property shown as Town of Ashland Assessors Map 18 Lot 0067 and Map 18 Lot 0074 and Map 18 Lot 0100 under the care, custody and control of the Select Board and to further authorize the Select Board to execute any documents to effectuate this transaction, or taken any action related thereto.

**MOTION: That the Town will accept a gift of real property from the Hopkinton Land Trust shown as Town of Ashland Assessors Map 18 Lot 0142 to be for conservation purposes to be under the care custody and control of the Select Board and the property shown as Town of Ashland Assessors Map 18 Lot 0067 and Map 18 Lot 0074 and Map 18 Lot 0100 for general municipal purposes all of the foregoing properties to be under the care, custody and control of the Select Board and to further authorize the Select Board to execute any documents to effectuate this transaction.**

**Fincom Recommendation:** The Finance Committee recommends that the Town will accept a gift of real property from the Hopkinton Land Trust shown as Town of Ashland Assessors Map 18 Lot 0142 to be for conservation purposes to be under the care custody and control of the Select Board and the property shown as Town of Ashland Assessors Map 18 Lot 0067 and Map 18 Lot 0074 and Map 18 Lot 0100 for general municipal purposes all of the foregoing properties to be under

the care, custody and control of the Select Board and to further authorize the Select Board to execute any documents to effectuate this transaction.

**Article 9: Reauthorize the Fire Truck and Middle School Locker Project Borrowing  
Sponsor: Town Manager/Finance Director**

To see if the Town will vote to amend the motion taken under Article 4 of the May 4, 2022 Annual Town Meeting, to increase the appropriation for the Fire Tower Truck Project and the Girls and Boys Middle School Locker Room Project, to determine whether this appropriation shall be raised by borrowing or otherwise; or to take any other action relative thereto.

**MOTION: That the Town will amend the vote taken under Article 4 of the May 4, 2022 annual town meeting to increase the borrowing amount of the projects by \$264,092.27; that the total appropriation for the following Capital Projects be \$1,964,092.27 as follows:**

Girls and Boys Locker Rooms, Middle School	\$200,000
Fire Tower Truck	\$1,764,092.27;

**and that to meet this appropriation, the Treasurer is authorized, with the approval of the Select Board, to borrow a total amount of \$1,700,000 under and pursuant to G.L. c.44, §7(1), or any other enabling authority, and to issue bonds or notes of the Town therefore, and to reallocate \$264,092.27 of excess bond proceeds previously borrowed for the projects described below, which amounts are no longer needed to pay costs of the projects for which they were initially borrowed.**

2017 PA System Mindess (in middle school)	School	75,050.00
2017 Tech Upgrades APS	IT	3,040.51
2018 Bathroom renovations at the Mindess School	School	75,344.05
2018 Howe Street sidewalk	DPW	109,223.54
2018 Boiler replacement at the Warren School &	School/Facilities	1,407.17
2019 2 New Modulares at Warren School	School	27.00

**Fincom Recommendation:** The Finance Committee recommends that the Town will amend the vote taken under Article 4 of the May 4, 2022 annual town meeting to increase the borrowing amount of the projects by \$264,092.27; that the total appropriation for the following Capital Projects be \$1,964,092.27 as set forth in the article and motion above.

**Article 10: Reauthorize Public Safety Building Bond**  
**Sponsor: Town Manager**

To see if the Town will reauthorize the borrowing approved for the construction for the Public Safety Building in Article 1 at the January 24, 2021 Special Town Meeting and Article 9 at the November 28, 2018 Special Town Meeting and reauthorized in Article 2 at the December 21, 2021 Special Town Meeting to include the land acquisition related to the Public Safety Building, or pass any vote or take any other action relative thereto.

**MOTION: That Town reauthorize the borrowing approved for the construction for the Public Safety Building in Article 1 of the January 24, 2021 Special Town Meeting and Article 9 at the Special November 28, 2018 Town Meeting and reauthorized in Article 2 at the December 21, 2021 Special Town Meeting to include the land acquisition related to the Public Safety Building.**

**Fincom Recommendation:** The Finance Committee recommends that the Town reauthorize the borrowing approved for the construction for the Public Safety Building in Article 1 of the January 24, 2021 Special Town Meeting and Article 9 at the Special November 28, 2018 Town Meeting and reauthorized in Article 2 at the December 21, 2021 Special Town Meeting to include the land acquisition related to the Public Safety Building.

**Article 11: 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 \$4,000,000 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 related thereto

**MOTION: That the Town appropriate \$4,000,000 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 authorize the Town Treasurer, with the approval of the Selectboard, 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 therefore.**

**Fincom Recommendation:** The Finance Committee recommends that the Town appropriate \$4,000,000 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 authorize the Town Treasurer, with the approval of the Selectboard, 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 therefore.

**Article 12: Update Bylaw: Demolition Delay for Historically or Architecturally Significant Buildings**

**Sponsor: Historical Commission**

To see if the Town will vote to amend section 125 of the General Bylaws, Demolition Delay Bylaw for Historically or Architecturally Significant Buildings, as follows (underline and bold new and ~~strike through~~ removed):

**Section 125-5**

The Commission and/or the Inspector of Buildings are each specifically authorized to institute any and all actions and proceedings, in law or equity, as they may deem necessary and appropriate to obtain compliance with the requirements of this bylaw or to prevent any threatened violation thereof.

- a.** No building permit shall be issued with respect to any premises upon which a significant building has been voluntarily demolished in violation of this bylaw for a period of three years after the date of the completion of such demolition. As used herein, "premises" refers to the parcel of land upon which the demolished significant building was located and all adjoining parcels of land under common ownership or control.
- b.** If the building or premises changes ownership, the new owner must resubmit a request for a Demolition Permit and the Demo Delay Process will be repeated per Chapter 125.
- c.** After 3 years from the date of determination, in the absence of an accepted plan by the Planning Board the Demo Delay Process must be repeated per Chapter 125, regardless of ownership.

Or take any other action related thereto.

**MOTION: That the Town amend section 125-5 of the General Bylaws as outlined in Article 12.**

**Fincom Recommendation:** The Finance Committee defers to Town Meeting

**Article 13: Update Bylaw: Accept Specialized Stretch Code**  
**Sponsor: Sustainability Committee**

To see if the Town will vote to amend Section 98.7 of the General Bylaws of the Town of Ashland Bylaws, entitled “Stretch Energy Code” as follows (underline and bold new, ~~cross-out~~ removed):

- a. Section 98.7 change the title to the following: “Stretch Energy Code and Specialized Energy Code”
- b. Add a new Section 98.8 as follows: Specialized Energy Code: The Specialized Energy Code shall be adopted for the purpose of regulating the design and construction of buildings for the effective use of energy and reduction of greenhouse gas emissions, pursuant to the entirety of 225 CMR 22 and 23 including Appendices RC and CC, including future editions, amendments or modifications thereto, with an effective date of September 1, 2023.
- c. Change the existing numbered Section 98.8 Enforcement to 98.9.

or take any other action relative thereto.

**MOTION: That the Town amend Section 98.7 of the General Bylaws as outlined in Article 13 with a change in the effective date to January 1, 2025.**

**Fincom Recommendation:** The Finance Committee defers to Town Meeting.

**NOTE: The warrant was posted with the incorrect effective date, the date has been corrected in the Motion.**

**Article 14: Zoning Bylaws: MBTA Communities**  
**Sponsor: Planning Board/Select Board**

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

**A. Add a new section 8.9.**

**§ 8.9 MBTA Communities Pond Street Multi-Family Overlay District (PSMFOD)PSMFOD**

### 1) Purpose

The purpose of the MBTA Communities Pond Street Multi-Family Overlay District (PSMFOD) is to allow **Dwelling, Multifamily** as of right in accordance with Section 3A of the Zoning Act (Massachusetts General Laws Chapter 40A).

### 2) Establishment and Applicability

This PSMFOD is an overlay district having a land area of approximately  7  acres in size that is superimposed over the underlying zoning district(s) and is shown on the Zoning Overlay and Resource Districts Map.

- (a) **Applicability of PSMFOD.** An applicant may develop multi-family housing located within the PSMFOD in accordance with the provisions of this Section  8.9 .
- (b) **Underlying Zoning.** The PSMFOD is an overlay district superimposed on all underlying zoning districts. The regulations for uses, dimensions, and all other provisions of the Zoning Bylaw governing the respective underlying zoning district(s) shall remain in full force, except for uses allowed as of right in the PSMFOD. Uses that are not identified in this  § 8.9  are governed by the requirements of the underlying zoning district(s). Within the boundaries of the PSMFOD, a developer may elect either to develop a Project in accordance with the requirements of this Section  8.9 , or to develop in accordance with requirements of the regulations for uses, dimensions, and all other provisions of the Zoning Bylaw governing the underlying zoning district.
- (c) **Relationship of PSMFOD to Other Zoning Provisions.** Notwithstanding any other provision of this bylaw to the contrary, including any other provision which requires a special permit for development on property which is included in this Overlay District, no development undertaken pursuant to this Section  8.9  shall require a permit under zoning other than the Site Plan Review as set **forth** in Section 9.4 -9.6 of this bylaw.

### 3) Definitions

For purposes of this Section -- the following definitions shall apply. Otherwise, section 10 shall apply.

- (a) **Affordable Housing Restriction.** A use or deed restriction acceptable in form and substance to Massachusetts Executive Office of Housing and Livable Communities (HLC) and the Town that imposes restrictions on Affordable Housing Units to make such units affordable to Income Eligible Households which meets the requirements of HLC's Local Initiative Program (LIP) or any successor program established by HLC for purposes of Subsidized Housing Inventory (SHI) eligibility; and causes the Affordable Housing Units to be eligible for inclusion on the SHI. An Affordable Housing Restriction shall run with the land in perpetuity or for the maximum period of time allowed by law, and be enforceable under the provisions of Chapter 184, §§ 26, 31, and 32 of the Massachusetts General Laws.
- (b) **Affordable Housing Unit.** A housing unit in a development subject to this bylaw that is required to be sold or rented to, as applicable, and occupied by an Income Eligible Household.

- (c) **Applicant.** A person, business, or organization that applies for a building permit, Site Plan Review, or Special Permit.
- (d) **Area Median Income (AMI).** The area median household income as determined by the U.S. Department of Housing and Urban Development (HUD), adjusted for household size, for the metropolitan area that includes the Town.
- (e) **As of right.** Development that may proceed under the Zoning in place at time of application without the need for a special permit, variance, zoning amendment, or other discretionary zoning approval.
- (f) **Building coverage.** The maximum area of the lot that can be attributed to the footprint of the buildings (principal and accessory) on that lot. Building Coverage does not include surface parking.
- (g) **HLC.** The Massachusetts Executive Office of Housing and Livable Communities, or any successor agency.
- (h) **Income Eligible Household.** A household of one or more persons whose annual income does not exceed 80% of AMI and meets the applicable requirements established by HLC's LIP.
- (i) **Local Initiative Program (LIP).** A program administered by HLC pursuant to 760 CMR 56.00 to develop and implement local housing initiatives that produce low- and moderate-income housing, with or without a comprehensive permit issued pursuant to Chapter 40B, §§ 20 through 23 of the Massachusetts General Laws.
- (j) **Lot.** An area of land with definite boundaries that is used or available for use as the site of a building or buildings.
- (k) **MBTA.** Massachusetts Bay Transportation Authority.
- (l) **Mixed-use development.** Development containing a mix of residential uses and non-residential uses, including, commercial, institutional, industrial, or other uses.
- (m) **Dwelling, Multi-Family.** A building designed for, or containing, three (3) or more residential dwelling units.
- (n) **Open space.** Contiguous undeveloped land within a parcel boundary
- (o) **Parking, surface.** One or more parking spaces without a built structure above the space. A solar panel designed to be installed above a surface parking space does not count as a built structure for the purposes of this definition.
- (p) **Residential dwelling unit.** A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.
- (q) **Section 3A.** Section 3A of the Massachusetts General Laws Chapter 40A, the Zoning Act.
- (r) **Site plan review authority.** The Planning Board shall have authority over site plan review
- (s) **Subsidized Housing Inventory (SHI).** The list compiled by HLC containing the count of eligible low- or moderate-income housing by a city or town pursuant to 760 CMR 56.00, Chapter 40B of the Massachusetts General Laws, and applicable HLC guidelines.
- (t) **Sub-district.** An area within the PSMFOD that is geographically smaller than the PSMFOD district and differentiated from the rest of the district by use, dimensional standards, or development standards.

#### 4) Permitted Uses

(a) **Uses Permitted as of Right.** The following uses are permitted as of right within the PSMFOD:

01) **Dwelling, Multifamily**

02) Commercial Uses as allowed by the underlying zoning, when part of a mixed-use development.

#### 5) Prohibited Uses

(a) Age restricted housing (~~see conflicts below~~)

#### 6) Dimensional Requirements

(a) Minimum Lot Size

a. Minimum Lot Size is 30,000 sf. of "buildable lot area". The lot must contain the "buildable lot area" in a single, contiguous site within the boundaries of the PSMFOD.

b. No portion of a street, as defined by the by-law may be included in computing the minimum required "buildable lot area".

(b) Minimum Lot Frontage. Minimum lot frontage is one hundred fifty (150') feet with at least one means of ingress/egress.

(c) Density. One residential dwelling unit per 2,000 sf. of "buildable lot area."

(d) Setbacks and Yard Regulations for Buildings.

a. Following are the setback requirements:

i. Required front setback distance: no minimum and no maximum.

ii. Required side yard width: 10 feet minimum.

iii. Required rear yard depth: Minimum 15 feet

(e) Display/Storage. No storage or permanent display of goods, products, materials or equipment, vending machines or similar commercial devices shall be located nearer to the line of any street than the permitted setback distance for a building on the lot.

(f) Height Regulations. Building heights up to four (4) stories are allowed in the PSMFOD.

(g) Common Open Land.

- a. The developer is encouraged to have Common Open Land for use by the general public. The Common Open Land shall have a shape, dimension, character and location suitable to assure its use for park or open space purposes by the general public.
  - b. Any required takings for Right of Way (ROW) improvements including sidewalks along a public street, will not impact the minimum required "buildable lot area" for the development and may be included in the Common Open Land calculation if said land is transferred to the Town or State, as appropriate, free of charge.
- (h) Parking Requirements.** In the PSMFOD, off street parking shall be provided as follows:
- a. For dwelling units, one (1) parking space per each studio or one bedroom unit and one and one half (1 1/2) parking spaces per each unit having two bedrooms or more.
  - b. For non-residential uses, one parking space for each two hundred and fifty (250) square feet of gross floor area. For the purpose of this section, "gross floor area" means the total floor area contained within exterior walls, but does not include basement space used for heating and utilities, storage or for automobile parking.
  - c. Uses not listed in this section shall comply with the parking space requirements of the Ashland Zoning Bylaws.
  - d. In the case of mixed uses, the parking spaces required shall be the sum of the requirement for the various individual uses, computed separately in accordance with this section. Parking spaces for one use shall not be considered as providing the required parking spaces for any other use unless it can be clearly demonstrated to the Planning Board that the need for parking occurs at different times, in which event the Planning Board may waive this requirement.
  - e. Off-street parking facilities and connecting drives between such facilities and the street shall be designed to ensure the safety and convenience of persons traveling within or through the parking area, and between the parking facility and the street. The provisions of Section 5.1 of the Ashland Zoning By-laws, entitled: "Off Street Parking Requirements," shall be considered the minimum criteria for evaluating such design.

## **8) Affordability Requirement**

### **(a) Applicability**

- 1) Any proposed multi-family residential or mixed-use development containing ten (10) or more dwelling units on any parcel or contiguous parcel(s) comprising a proposed site within the PSMFOD shall be subject to the requirements of this section.

(b) Mandatory Provision of Affordable Units

- 1) As a condition of approval for a development subject to this section, a project shall contribute at least 12.5% of the total housing units in the development subject to this bylaw as Affordable Housing Units constructed or rehabilitated on the locus subject to the development under this Section 97-4.G.(6). The requirement of 12.5% shall apply provided the Town receives approval from EOHLC for the 12.5% requirement. If the Town does not receive said approval, the requirement shall be 10%.
- 2) For purposes of this article, any calculation of required Affordable Housing Units that results in the fractional or decimal equivalent of one-half (0.50) or above shall be increased to the next highest whole number. Nothing in this bylaw shall preclude a developer from providing additional affordable units, or greater affordability, or both, than the minimum requirements.
- 3) As a condition for the approval of a project, all Affordable Housing Units shall be subject to an Affordable Housing Restriction. The Affordable Housing Restriction shall be approved by Town Counsel and HLC prior to the Permit Granting Authority issuing their decision hereunder. No building permit shall issue for the project prior to the Restriction being recorded at the Middlesex South Registry of Deeds and a copy provided to the Planning Board and the Building Commissioner.
- 4) Affordable Housing Units shall be sold or rented, as applicable, to Income Eligible Households at sales prices or rents that are affordable to Income Eligible Households pursuant to an Affordable Housing Restriction.

**9) Site Plan Review**

- (a) **Applicability.** Site Plan Review is required for all multi-family or mixed-use projects in the PSMFOD. An application for Site Plan Review shall be reviewed by the Planning Board in accordance with Section 9.4-9.6 of this bylaw.
- (b) **Requirements.** As part of any application for Site Plan Review for a project within the PSMFOD, the Applicant must adhere to Section 9.4-9.6 of this Zoning Bylaw.
- (c) **Decision.** Final action shall be made in accordance with section 9.4.12 of this bylaw.

**B. Amend Section 8.6 Wildwood Mixed Use Special District as follows (underline and bold new ~~cross-out~~ removed):**

**8.6 WILDWOOD MIXED USE SPECIAL DISTRICT**

**8.6.1 Purpose.** The Wildwood Mixed Use Special District in Ashland is established to:

1. Allow for a high aesthetic design standard for development that encourages interaction among activities located within this district, to enhance business vitality, and encourage residential uses in conjunction with commercial activities in a park like setting in order to create an active street life, and reduce vehicular traffic;
2. Encourage a blend of land uses that are compatible and create a livable community that

includes **Dwelling, Multifamily or Apartment**, senior housing, continuing care facilities, retail, offices, light industrial, commercial, and municipal uses;

3. Promote opportunities for a mixture of uses within buildings in this district;
4. Encourage a more pedestrian-friendly environment;
5. Promote the development of flexible space for small and emerging businesses within the buildings in this district;
6. Preserve the district's unique natural setting with its wetland, scenic, and historic assets by encouraging the development of open spaces and civic areas to accommodate workers, residents, student populace, pedestrians, shoppers, and others;
7. Advocate the originality, flexibility, and innovation in site design and development within the district;
8. Facilitate the integration of physical design and promote a high level of aesthetic design quality for architecture and landscaping within this district; and,
9. Ensure that the appearance and effects of buildings and uses are harmonious with the character of the area in which they are located.

8.6.2 Location. This district is to be applied to the area referenced on the Zoning Map as the Wildwood Mixed Use Special District.

8.6.3 Area Requirements. The minimum land required for the Wildwood Mixed Use Special District shall be 50 acres.

8.6.4 Table of Uses. Within the Wildwood Mixed Use Special District (WMUSD), the following listed development types of light industrial, commercial, residential, municipal/recreational and miscellaneous uses shall be allowed as designated.

Y = Permitted

SP = Conditionally Permitted  
with Special Permit

N = Not Permitted

The location of each development component type shall be depicted on the Use Plan on file with the Town Clerk for the Wildwood Mixed Use Special District, which use plan provides for five (5) areas of development (hereinafter, such areas are referred to as "Area A," "Area B," "Area C," "Area D," "Area E," and "Area MBTA" and which designations correspond to the development areas noted on the aforementioned Use

Plan). The Permitted Uses and the Area on the Use Plan where such uses shall be permitted are as follows:

**WILDWOOD USE TABLE**

Land Use Area Uses	Per Use Plan					<u>MBTA</u>
	A	B	C	D	E	
<b>(1) Light Industrial Uses</b>						
Research offices and laboratories, including testing, provided such testing complies with the performance standards set forth in this section. This section shall include chemical, electronics, photography & film, medical & dental, metallurgy, pharmaceutical & X-ray; limited to 10,000 sq. ft.	Y	Y	N	Y	Y	<u>N</u>
Research offices and laboratories, including testing, provided such testing complies with the performance standards set forth in this section. This section shall include chemical, electronics, photography & film, medical & dental, metallurgy, pharmaceutical & X-ray; greater than 10,000 sq. ft.	SP	Y	N	Y	Y	<u>N</u>
Services associated with permitted light industrial uses.	N	Y	N	Y	Y	<u>N</u>
Light manufacturing research; assembly, testing and repair of components, including electronic components; communication equipment; guidance & control equipment; data processing equipment; computer hardware and/or software; and measuring	SP	Y	N	Y	Y	<u>N</u>

instruments

Light manufacturing, processing and/or assembly of the following or similar products: food products; medical equipment; apparel; woodworking shops; furniture; fabricated metal products; stone, clay and glass products; optical devices; photographic equipment; and, filing and labeling machinery.	SP	Y	N	Y	Y	<u>N</u>
--	----	---	---	---	---	----------

Parking in compliance with the Zoning By-Law to service a use permitted herein, except that the Planning Board by Special Permit may permit modifications of the parking requirements on a case-by-case basis.	Y	Y	Y	Y	Y	<u>Y</u>
--	---	---	---	---	---	----------

Accessory scientific use	N	N	N	N	N	<u>N</u>
--------------------------	---	---	---	---	---	----------

Sewerage treatment facility	SP	SP	SP	SP	SP	<u>N</u>
-----------------------------	----	----	----	----	----	----------

Uses and structures customarily accessory and incidental to primary use.	Y	Y	Y	Y	Y	<u>N</u>
--	---	---	---	---	---	----------

**(2) Commercial Uses**

Business or professional offices which are limited to offices for accountants, attorneys, engineers, architects, medical and dental offices, and general and corporate offices; limited to 3,000 sq. ft.	Y	Y	N	N	Y	<u>Y</u>
--	---	---	---	---	---	----------

Business or professional offices which are limited to offices for accountants, attorneys, engineers, architects, medical and dental offices and general and corporate	SP	Y	N	Y	Y	<u>SP</u>
---	----	---	---	---	---	-----------

offices; over 3,000 sq. ft.

Service industries such as repair of appliances, tooling, printing, blueprinting and bookbinding.	SP	N	N	Y	Y	<u>SP</u>
Food preparation and eating facilities; limited to 3,000 sq. ft.	Y	Y	N	Y	Y	<u>Y</u>
Food preparation and eating facilities; over 3,000 sq. ft.	SP	Y	N	Y	Y	<u>SP</u>
Personal service establishments, such as hair care, laundry, photography studio; limited to 3,000 sq. ft.	Y	Y	N	Y	Y	<u>Y</u>
Parking in compliance with the Zoning By-law to service a use permitted herein, except the Planning Board by Special Permit may permit modifications of the parking requirements on a case-by-case basis.	Y	Y	Y	Y	Y	<u>Y</u>
Short term automobile rental.	SP	Y	N	Y	Y	<u>SP</u>
Retail sales, services and boutiques; limited to 3,000 sq. ft.	SP	SP	N	Y	Y	<u>SP</u>
Retail sales, services and boutiques; over to 3,000 sq. ft.	SP	SP	N	Y	Y	<u>SP</u>
Retail home furnishings, home improvement and miscellaneous material and equipment stores which operate totally within principal structures and require no outside storage or display of products or materials; limited to 3,000 sq. ft.	Y	Y	N	Y	Y	<u>Y</u>

Restaurant; limited to 3,000 sq. ft.	Y	Y	N	Y	Y	<u>Y</u>
Restaurant; over 3,000 sq. ft.	SP	Y	N	Y	Y	<u>SP</u>
Restaurant, fast food	N	N	N	N	N	<u>N</u>
Catering service; limited to 3,000 sq.ft.	Y	Y	N	Y	Y	<u>Y</u>
Catering service; over 3,000 sq.ft.	SP	Y	N	Y	Y	<u>SP</u>
Hotel, motel	SP	SP	N	SP	SP	<u>SP</u>
Indoor commercial recreation facility	SP	Y	N	Y	Y	<u>SP</u>
Financial institutions without drive-up window.	Y	Y	N	Y	Y	<u>Y</u>
Financial institutions with drive-up window	N	SP	N	SP	N	<u>N</u>
Business schools	N	N	N	N	N	<u>N</u>
Cinema, theater, auditorium	N	Y	N	Y	Y	<u>N</u>
Continuing care residential community or components thereof	Y	Y	N	Y	Y	<u>Y</u>
Rest home or nursing home	Y	Y	N	Y	Y	<u>Y</u>
Accessory scientific use	N	N	N	N	N	<u>N</u>
Other drive-up services associated with any commercial or industrial use.	N	N	N	SP	N	<u>N</u>
Health club or clinic.	SP	SP	Y	Y	SP	<u>SP</u>
Outdoor commercial recreation	N	SP	N	SP	SP	<u>N</u>

other than campgrounds

Uses and structures customarily accessory and incidental to the primary use.	Y	Y	Y	Y	Y	<u>Y</u>
--	---	---	---	---	---	----------

Sewerage treatment facility	SP	SP	SP	SP	SP	<u>SP</u>
-----------------------------	----	----	----	----	----	-----------

Day care facilities limited to 3,000 sq. ft.	Y	Y	Y	Y	Y	<u>Y</u>
--	---	---	---	---	---	----------

Day care facilities over 3,000 sq. ft.	Y	Y	Y	Y	Y	<u>Y</u>
--	---	---	---	---	---	----------

**(3) Residential Uses**

Age restricted attached (as defined in § 8.4.3).	Y	Y	N	SP	SP	<u>N</u>
--	---	---	---	----	----	----------

(3) Residential Uses

Age restricted mixed use building — defined as including one, a portion of a building containing more than one (1) dwelling unit used for occupancy by individuals living independently of each other containing at least one (1) dwelling unit owned or occupied by at least one (1) person who is fifty-five (55) years of age, or older; and no more than one (1) additional occupant who may be under fifty-five (55) years of age, unless otherwise qualifying as a handicapped adult; two, a portion of the building for occupancy of commercial uses	Y	Y	N	SP	SP	<u>N</u>
---	---	---	---	----	----	----------

Age restricted, multifamily (as defined in § 8.4.3).	Y	N	N	SP	SP	<u>N</u>
--	---	---	---	----	----	----------

Dwelling, multifamily	Y	N	N	SP	SP	<u>Y</u>
-----------------------	---	---	---	----	----	----------

Dwelling, multifamily in a mixed use building – defined as including one, a portion of a building containing more than one (1) dwelling unit; two, a portion of the building for occupancy of commercial uses.	Y	Y	N	SP	SP	<u>Y</u>
Public housing for the elderly.	Y	N	N	N	N	<u>Y</u>
<del>Affordable housing (defined as housing meeting affordability standards of the Commonwealth of Massachusetts Department of Housing and Community Development).</del>	<del>Y</del>	<del>N</del>	<del>N</del>	<del>Y</del>	<del>Y</del>	<del><u>Y</u></del>
Uses and structures customarily accessory and incidental to the primary use.	Y	Y	Y	Y	Y	<u>Y</u>
Sewerage treatment facility	SP	SP	SP	SP	SP	<u>SP</u>
Dwelling, single family [excluded in a CDA as defined in § 8.6.6.10(a)]	N	N	N	N	Y	<u>N</u>
<b>(4) Municipal Uses</b>						
Municipal school, other municipal buildings and 24-hour municipal use.	Y	Y	Y	Y	Y	<u>Y</u>
Municipal community center and recreation buildings.	Y	Y	Y	Y	Y	<u>Y</u>
Municipal fields	Y	Y	Y	Y	Y	<u>Y</u>
Municipal cemetery.	Y	Y	Y	N	N	<u>Y</u>
Municipal golf courses and related	Y	Y	Y	Y	Y	<u>Y</u>

facilities.

Municipal tennis facilities and swimming pool.	Y	N	Y	Y	Y	<u>Y</u>
Civic area	Y	Y	Y	Y	Y	<u>Y</u>
Uses and structures customarily accessory and incidentals to the primary use.	Y	Y	Y	Y	Y	<u>Y</u>
Sewerage treatment facility.	SP	SP	SP	SP	SP	<u>SP</u>

**(5) Miscellaneous Uses**

Residential uses above the ground floor of commercial buildings.	Y	Y	N	Y	Y	<u>Y</u>
Uses exceeding 20,000 sq. ft. except where they are designed to be compatible with the intended pedestrian oriented character of the zone.	N	SP	N	SP	SP	<u>N</u>

8.6.5 Prohibited Uses. The following uses shall be prohibited in all land use areas:

1. Truck or trailer storage with the exception of storing and garaging company vehicles or allowable vehicles of residential units;
2. Commercial self-storage other than an accessory use;
3. Automobile or truck service or repair station;
4. Automobile or motor vehicle body restoration shops, painting, repair;
5. Automobile or motor vehicle car washing;
6. Animal hospital; animal sales;
7. Adult entertainment;
8. Drive-in theatres or racetracks (defined as a measured course where animals or machines [which include non-motorized vehicles and motorized vehicles] are entered in competition against one another or against time, including tracks used only in the training of animals and

exclusive of educational facilities);

9. Mobile homes;
10. Recycling collection facilities;
11. Junkyards or wrecking yards;
12. Refining or storage of petroleum;
13. Stockyards, animal slaughterhouses or rendering plants;
14. Metal smelting;
15. New or used car or truck sales;
16. Earth recycling facilities, including the processing of contaminated soils and the processing of earth materials to produce asphalt or cement products;
17. The processing of soils or minerals, including, but not limited to, mining, importing and stockpiling of such materials;
18. No use shall be permitted that violates that performance standards set forth in this section.

#### 8.6.6 Dimensional Requirements.

1. Lot Area. Individual lots within the Wildwood Mixed Use Special District shall require a minimum of forty thousand (40,000) square feet, except as hereinafter noted. In Area "D" and "Area E" individual single-family dwellings lots shall require a minimum of thirty thousand (30,000) square feet.
2. In "Area A" only, non-senior residential dwellings will require a minimum lot area not less than 5,000 square feet per dwelling unit, plus one thousand square feet per bedroom for a maximum of two (2) bedrooms under the following percentages of development area of that which is buildable in "Area A" only: maximum of 75% "multifamily dwelling" uses (just residential) and or open space and minimum of 25% mixed uses with commercial (nonresidential use on first floor of the mixed use buildings) and/or commercial. Computations for additional housing units in mixed use structures on the second floor or higher shall be calculated at 600 sq. ft. per unit with a maximum of two bedrooms.
3. At least 10% of all housing units in "Area A" shall be affordable as defined by the Commonwealth. ~~No single building shall contain more than 25% affordable housing.~~
4. **Area MBTA Affordability Requirements:**

- a. As a condition of approval for a development subject to this section, a project shall contribute at least 10% of the total housing units in the development subject to this bylaw as Affordable Housing Units constructed or rehabilitated on the locus subject to the development under this Section 97-4. G. (6).
  - b. For purposes of this article, any calculation of required Affordable Housing Units that results in the fractional or decimal equivalent of one-half (0.50) or above shall be increased to the next highest whole number. Nothing in this bylaw shall preclude a developer from providing additional affordable units, or greater affordability, or both, than the minimum requirements.
  - c. As a condition for the approval of a project, all Affordable Housing Units shall be subject to an Affordable Housing Restriction. The Affordable Housing Restriction shall be approved by Town Counsel and HLC prior to the Permit Granting Authority issuing their decision hereunder. No building permit shall issue for the project prior to the Restriction being recorded at the Middlesex South Registry of Deeds and a copy provided to the Planning Board and the Building Commissioner.
  - d. Affordable Housing Units shall be sold or rented, as applicable, to Income Eligible Households at sales prices or rents that are affordable to Income Eligible Households pursuant to an Affordable Housing Restriction.
5. Senior residential dwellings require a lot area not less than four thousand square feet per dwelling, plus one thousand fifty square feet per bedroom for two bedrooms.
  6. Frontage. The minimum frontage shall be one hundred fifty (150) feet.
  7. Front Yard. Front yard shall be no less than (25) feet except as noted below.
    - (a) In "Area A," "Area D" and "Area E" there will be no front yard setback for commercial and mixed-use buildings.
    - (b) In "Area B," for commercial or mixed-use projects, the front setback shall not exceed fifteen feet for fifty percent of the linear frontage of the building, except areas contiguous with the structure and used for outdoor dining or courtyards shall be exempt from this requirement. This setback shall not be used for parking.
    - (c) In residential only areas the front yard shall not be less than twenty-five feet. In areas where are two front yards on one lot, the permit granting authority may waive set back requirements.
  7. Side Yards - shall not be less than twenty-five (25) feet. Multiple buildings on the same lot shall not be closer than twenty feet apart.
  8. Rear yard. Shall not be less than 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 Landscaping.

9. Height. The height for buildings in the Wildwood Mixed Use Special District shall be as stated below. In no event shall any building exceed five stories in height.
  - (a) For buildings containing only commercial uses or only residential units in "Area A," no building or structure shall exceed a height of three stories unless allowed under Special Permit conditions of this section.
  - (b) For buildings containing both commercial and residential uses in the same building, in **"Area MBTA", "Area A, "Area D" and "Area E"** no building or structure shall exceed a height of ~~five~~ **four** stories.
  - (c) For buildings containing only residential uses in "Area D" and "Area E", no building or structure shall exceed a height of three stories unless allowed under the Special Permit conditions of this section.
10. Dwelling Unit Requirements Applicable to Multifamily Dwellings in Area "D".
  - (a) Provisions for **Dwelling, Multifamily or Apartment**— A multifamily project is limited to 115 units, except as noted hereinafter, and must have 15% of the units as affordable units. A multifamily project must set aside a minimum sized area of 80,000 square feet for commercial development (the "Commercial Development Area" or "CDA"). This CDA will have frontage along Waverly Street, can be a separate lot from the multifamily project or can be incorporated into the multifamily project. The CDA can be used for a mixed-use building (where the first floor is a commercial use and floors above include residential units). As part of the CDA an additional 25 multifamily units are permitted to be constructed. These units can be within the CDA in a mixed use building or outside of the CDA as part of the multifamily project that triggered the CDA. Waivers of dimensional requirements may be granted by the permit granting authority for the multifamily project and the CDA. Unit affordability will be determined by the ~~standards of the Commonwealth of Massachusetts~~ **EOHLC (Executive Office of Housing and Livable Communities) to be included in the Subsidized Housing Inventory (SHI)**. Affordable units constructed will be spread among the market rate units in a project.
  - (b) Bedroom Limitation — A maximum of 15% of the units in a multifamily development can be three bedroom units. The remaining units in a multifamily development must be either one or two bedroom units. The Applicant shall provide for the same proportion of one, two or three bedroom dwelling units for affordable housing units as for non-affordable units within the development.
11. Dwelling Unit Requirements Applicable to Multifamily Dwellings in Area "E".
  - (a) Provisions for multifamily dwellings units - A multifamily project is limited to a maximum of eight (8) units .9 acres of land, and must have 15% of the units as affordable units.

Waivers of dimensional requirements may be granted by the permit granting authority for the multifamily project. Unit affordability will be determined by the standards of the Commonwealth of Massachusetts. Affordable units constructed will be spread among the market rate units in a project.

- (b) Bedroom Limitations - A maximum of 15% of the units in a multifamily development can be three bedroom units. The remaining units in a multifamily development must be either one or two bedroom units. The Applicant shall provide for the same proportion of one, two or three bedroom dwelling units for affordable housing units as for non-affordable units within the development.

## **12. Dwelling Unit Requirements Applicable to Multifamily Dwellings in Area “MBTA”**

### **(a) There shall be no restrictions or limits on the bedroom counts in any multifamily dwelling in Area “MBTA”.**

- 8.6.7 Buffering and Landscaping. For the purposes of this section, the term "buffer zone" shall be defined as a no-disturb zone. No headstones or burial plots are to be allowed in the buffer zone. There shall be no cutting of vegetation in the buffer zone without the express written approval of the Planning Board. Underground public utilities shall be allowed in the buffer zone.
1. There shall be at least a one hundred foot buffer zone along the eastern and southern perimeter of the Wildwood Mixed Use Special District as depicted on the Design Concept Plan. There shall be a 50 foot buffer zone for any commercial, mixed use, or municipal use abutting a residential property along the south side of East Union Street. Only commercial and/or mixed uses with commercial and residential components shall be constructed within three hundred (300) feet from the easterly right-of-way line of Chestnut Street, except that multifamily dwelling buildings shall be allowed within the area between the southern boundary of the Property and the road shown as Great Bend Circle on the subdivision plans endorsed by the Planning Board on July 13, 2000 and recorded with the Middlesex County (Southern District) Registry of Deeds as Plan 1187 of 2000.
  2. Within the required setbacks set forth in this section with the exception of s. 8.6.7.1, above, there shall be no development, other than for access driveways essentially perpendicular to the street, and no removal of trees having trunk diameter of six (6) inches or greater, except as essential for access and safe visibility for exiting vehicles and to remove unhealthy trees and approved by the Planning Board.
  3. Required yards abutting a public way and required side and rear yards shall be maintained or landscaped so as to provide a dense planting of trees and shrubs with an effective height of at least six (6) feet.
  4. Landscaping shall be in conformance to the landscaping and screening requirements Section 5.0.

8.6.8 Parking and Loading Requirements. Parking and loading requirements shall be in conformance with Sections 5.1 and 5.2 and the noise bylaw (Chapter 204 of the Ashland Code). Modification in the reduction of the number of parking spaces shall be allowed by Special Permit of the Planning Board.

8.6.9 Walkways. For public convenience, a pedestrian and/or bicycle way shall connect various uses and otherwise provide appropriate circulation or continuity to an existing pedestrian or bicycle circulation system. These uses include, but are not limited to, residential, parking, transit, bicycling, recreation and commercial. All land uses shall be interconnected by walkways and paths within the Wildwood Mixed Use Special District.

8.6.10 Lighting.

1. All outdoor lighting shall be designed so as not to adversely impact surrounding uses while also providing sufficient level of illumination for access and security purposes. Such lighting shall not blink, flash, oscillate or be of unusually high intensity or brightness.
2. Parking areas shall be illuminated to provide appropriate visibility and security during hours of darkness.
3. Any outdoor lighting fixture shall be shielded so that it does not produce a strong, direct light beyond the property boundaries, and shall be directed toward the object to be illuminated. Light shall be directed away from residences.
4. An exterior lighting plan is required including the following items plus any additional information required by the Planning Board if needed to determine compliance with these provisions.
5. A lighting plan showing existing and proposed exterior lighting, including building and ground lighting; locations, supports, mounting heights and orientation of all luminaries.
6. For all luminaries, descriptions and diagrams of physical configuration and photometric data, such as those available from manufacturers, indicating fixtures, lamps, reflectors and filter and showing the angle of light cut-off and light distribution patterns.
7. To avoid lighting impacts, outdoor lighting fixtures excluding municipal school outdoor recreational facilities (which are also subject to review by the Planning Board) shall be mounted no higher than fifteen (15) feet except for taller fixtures as requested and approved in writing by the Planning Board which shall be directed inward to the extent feasible, or otherwise oriented and shielded to avoid glare on adjoining premises and planting or other screening used to block headlight glare from drives and parking lots onto adjacent properties and roadway.

8.6.11 Performance Standards. The performance standards set forth in Sections 8.6.12 to 8.6.15 are designed to encourage a high standard of development by providing assurance that uses within the Wildwood Mixed Use Special District shall be compatible with neighboring land

uses in the vicinity.

#### 8.6.12 Nuisance Standards.

1. Noise levels shall be in conformance with the noise bylaw. (Chapter **204** of the Ashland Code.)
2. Commercial uses shall be prohibited from 24 hour operation. Said uses shall be designed to operate with limited hours of operation from 6:00 AM to midnight so that neighboring residents are not exposed to offensive noise, especially from traffic or late-night activity. No amplified music shall be audible to neighboring residents.
3. Common walls between residential and nonresidential uses shall be constructed to minimize the transmission of noise and vibration.

#### 8.6.13 Vibration, Smoke, Heat, Glare, and Odor Standards.

1. Vibration shall not be discernible to any human's sense of feeling for three (3) minutes in any one (1) hour for a total of 15 minutes in any one day, or producing an acceleration of more than one-tenth (0.1) G.
2. Heat, glare or electrical disturbance shall not be discernible from the outside of any structure.
3. Smoke shall not be visible beyond a shade darker than No. 1 on the Ringelmann Smoke Chart.
4. Air pollution shall not be detectable for any emission of solid or liquid particles in concentrations exceeding three-tenths (0.3) grains per cubic foot of the conveying gas or air at any point.
5. Emissions shall not endanger human health, or cause damage to animals, vegetation or property, or cause spillage at any point beyond the boundaries of the lot.
6. Odor shall not be detectable by the human senses without the aid of instruments beyond the structure boundaries of the lot.

#### 8.6.14 Security.

1. Residential units shall be designed to ensure the security of residents, including, but not limited to, the provisions of separate and secured entrances and exits.
2. Nonresidential and residential uses located on the same floor shall have common entrance hallways or common balconies.

#### 8.6.15 Miscellaneous Standards.

1. The landscape shall be preserved in its natural state insofar as practicable by minimizing tree and soil removal.
2. Proposed buildings shall be related harmoniously to the terrain and to other buildings in the vicinity.
3. The distance between buildings shall be sufficient to provide adequate light and air in conformance with the State Building Code.
4. 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 proposed building or neighboring properties.

8.6.16 Requirements for Submission of a Site Development Plan. The submission of a Site Development Plan shall meet all criteria set forth in this section and for Site Plan Review in Section 9.4 except that the Special Permit Granting Authority shall be the Planning Board within the Wildwood Mixed Use Special District. Application procedure for residential uses which is additional to other requirements set forth in this chapter. Applicants shall submit to the Planning Board at least five copies of the following:

1. An application.
2. A site plan prepared by a registered architect, landscape architect and civil engineer, showing existing and proposed topography, proposed structures, drives, parking, landscaping and screening, utilities, drainage and reserved open space.
3. A ground floor plan, sections and elevations of all proposed buildings.
4. Materials indicating the proposed number of dwelling units, distinguishing units by number of bedrooms and any special occupancies (elderly or handicapped); form of tenure and subsidies anticipated; rent or sales prices, including any commitments for price ceilings; methods of water supply and sewerage disposal; time schedule for construction of units and improvements; service improvements proposed at the developer's and those anticipated at the town's expense; and means, if any, of providing for design control.
5. Analysis of the consequences of the proposed development, evaluating the following impacts at a level of detail appropriate to the number of units proposed.
6. Natural environment: groundwater and surface water quality, groundwater level, stream flows, erosion and siltation, vegetation removal (especially unusual species and mature trees) and wildlife habitats.
7. Public services: traffic safety and congestion, need for water or sewer system improvements, need for additional public recreation facilities and need for additional school facilities.

8. Economics: municipal costs and revenues, local business activity and local jobs.
9. Social environment: rate of town population growth and range of available housing choice.
10. Visual environment: visibility of buildings and parking
11. A site analysis shall also be submitted, consisting of a series of site analysis the same scale as the site plan, each on a separate sheet, indicating analysis of hydrologic systems, vegetative cover, slope and land form, soils and geology and such other characteristics as the applicant deems advisable.
12. Architectural design of buildings and sign design.

8.6.17 Decision. The approval of the Site Development Plan shall include such **reasonable** conditions and findings as deemed necessary by the Planning Board which shall be consistent with this Section, any covenant granted by the property owner with respect to the property comprising the Wildwood Mixed Use Special District and the Site and Design Rules and Regulations of the Planning Board. The approval by the Planning Board of any Site Development and Use Plan shall be binding upon the proponent, subject to the proponent's rights of appeal under state and local laws and regulations.

8.6.18 Security and Work Performed.

1. Before issuance of the permit, a security pursuant to state laws in the amount determined by the Planning Board shall have been posted in the name of the Town assuring construction of access, utilities and drainage and cleanup following such construction in compliance with this chapter.
2. Work covered under the above security shall be done under notification and inspection rules as established in the Ashland Planning Board's Subdivision Regulations (Chapter **344** of the Ashland Code) and the bond shall not be released until all work has been inspected and found to comply with all applicable laws and requirements.
3. The site shall be so designed that access ways, utilities and drainage serving each structure meet the standards of the Ashland Planning Board's Subdivision Regulations (Chapter **344** of the Ashland Code); visibility of parking areas shall be minimized from public ways or from adjacent premises: lighting of parking areas avoids glare on adjoining premises; major topographic changes and removal of existing trees is avoided; and effective use is made of topography, landscaping and building placement to protect, to the degree feasible, the character of the environs. The Planning Board may waive requirements of the Ashland Planning Board's Subdivision Regulations for a project.
4. Multifamily dwellings shall be so designed and located that egress does not create a hazard on any street or create substantial increase in traffic on any street other than a principal street.

5. Multifamily dwellings shall be allowed only if connected to a municipal sewer system.
- 8.6.19 Development Scheduling. Upon authorization of multifamily use, the Planning Board shall establish an annual limit for the number of dwelling units to be authorized taking into consideration the needs which the housing will serve, the ability of the Town to provide services in a timely manner, and the financial, fiscal, and social impacts, and feasibility consequences of the scheduling.

**C. Amend Section 8.4 Rail Transit District as follows (underline and bold new and cross out-removed):**

**8.4 RAIL TRANSIT DISTRICT (RTD)**

8.4.1 Purpose. The Rail Transit District (the "District" or sometimes hereinafter referred to as a "RTD") use in Ashland, associated with the MBTA Rail Station and abutting open land, is established to provide a coordinated, high aesthetic standard for the development of high technology, research and development, incubator establishments, offices, all of a non-nuisance-type and have provision for retail and **Dwelling, Multifamily or Apartment** and age restricted housing components (rental and owner occupied). In addition, the purpose of this District is to promote a neo-traditional transit-oriented private and public development initiative which departs from the standard low-density, auto-oriented suburban residential growth of the past. The distinctive principle for this development's initiative is envisioned to provide:

1. features and site layouts that are conducive to walking, biking and transit riding;
2. pedestrian friendliness, alternative suburban living/working environments;
3. a better approach to revitalization and diversification of lands;
4. capability for better public safety, economic growth and public amenities; and
5. a lesser impact on the capability for providing associated Town services.

In addition, development shall strive to preserve the District's natural setting with its wetland, scenic and historic assets by properly relating improvements to the District's parcels and surrounding development. Development shall be compatible and complementary to the proposed coordinated roadway network serving such rail station and West Union Street. The District shall also encourage originality, flexibility and innovation in site design and development, specific to the intended use, including architecture and landscaping.

8.4.2 Location. This District designation is to be applied to the land area parcels described on (Exhibit "A" - Use Plan) annexed hereto and also referenced on the Zoning Map as a "Rail Transit District." For the purposes of this Section, when a special permit is required, the special permit granting authority shall be the Planning Board.

8.4.3 Area Requirements. The minimum land required for Rail Transit District (RTD) shall be one hundred fifty (150) acres and shall be contiguous to a commuter rail passenger station. For the purpose of this requirement, official streets shall not be deemed to divide acreage.

8.4.4 Permitted Uses. Within a Rail Transit District (RTD), the following listed development component-types of light industry, commercial and residential uses shall be allowed as designated. The location of each development component-type shall be depicted on the Use Plan on file with the Town Clerk for the Rail Transit District, which Use Plan provides for six (6) areas of development (hereinafter, such areas are referred to as "Area A"; "Area B"; "Area C"; "Area D"; "Area E"; and "Area F," which designations correspond to the development areas noted on the aforementioned Use Plan). The permitted uses and the Area on the Use Plan where such uses shall be permitted are as follows:

1. In addition to those uses listed, any other use compatible with the above uses which meet the standards and criteria set forth in this Section is allowed. Application for determination for an approved use shall include a site development plan with a detailed description of the use, approximate number of employees and residents, and the estimated volume of traffic to be generated, particularly trucks, as well as the criteria set forth in Section 9.4.

**Rail Transit Use Table**

<b>Permitted Light Industry Component Use:</b>	<b>Area Per Use Plan:</b>					
<b>Use:</b>	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>	<b>F</b>
(a) Research offices and laboratories, including testing, provided such testing complies with the performance standards set forth in this section. This shall include theoretical and applied research in all the sciences, product development and testing, engineering development, and marketing development. Uses shall include: biochemical, chemical, electronics, film and photography, medical and dental, metallurgy, pharmaceutical and X-ray	N	N	Y	Y	Y	N
(b) Services associated with permitted light industrial use.	N	N	Y	Y	Y	N

### Rail Transit Use Table

Permitted Light Industry Component Use:	Area Per Use Plan:					
	A	B	C	D	E	F
Use:						
(c) Manufacture, research, assembly, testing and repair of components' devices, equipment and systems and parts and components including electronic components, communication equipment, guidance and control equipment, data processing equipment, computer hardware and/or software and measuring instruments.	N	N	Y	Y	Y	N
(d) Light manufacturing, processing and/or assembly of the following or similar products: food products, medical equipment, apparel, wood working shops, furniture, fabricated metal products, and stone, clay and glass products, optical devices, photographic and graphic equipment, and filing and labeling machinery	N	N	Y	Y	Y	N
(e) Parking in compliance with § 5.1 to service a use permitted in this component.	N	N	Y	Y	Y	N
(f) Accessory scientific use in compliance with § 3.2.4	N	N	Y	Y	Y	N
(g) Uses and structures (including without limitation, a sewerage treatment facility) customarily accessory and incidental to the primary uses.	Y(2)	Y(2)	Y	Y	Y	Y(2)
h. Alternative energy and renewable energy manufacturing facilities	N	Y	N	Y	Y	N
i. Alternative energy and renewable energy	N	Y	N	Y	Y	N

### Rail Transit Use Table

Permitted Light Industry Component Use:	Area Per Use Plan:					
	A	B	C	D	E	F
Use:						
research and development facilities						
<b>Permitted Commercial Component Uses</b>	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>	<b>F</b>
(a) Business or professional offices which are limited to offices for accountants, attorneys, engineers, architects, medical and dental offices, and general and corporate offices	N	N	Y	Y	Y	N
(b) Service industries, such as the repair of appliances, tooling, printing, blue printing, bookbinding, and food services	N	N	Y	Y	Y	N
(c) Wholesale industries, such as distribution and/or storage or warehousing of products similar to those listed in this subsection.	N	N	Y	Y	Y	N
(d) Retail sales and services, except motor vehicle sales, service stations and motor vehicle body repair/restoration/paint facilities	N	N	Y	Y	Y	N
(e) Restaurant	N	N	Y	Y	Y	N
(f) Catering Service.	N	N	Y	Y	Y	N
(g) Indoor commercial recreation.	N	N	Y	Y	Y	N
(h) Financial institutions without drive-up window.	N	N	Y	Y	Y	N
(i) Municipal use not elsewhere more specifically cited.	Y	Y	Y	Y	Y	Y

### Rail Transit Use Table

Permitted Light Industry Component Use:	Area Per Use Plan:					
	A	B	C	D	E	F
<b>Use:</b>						
(j) Parking in compliance with § 5.1 to service a use permitted in this component (provided, however, that the Planning Board by Special Permit may permit modifications of the parking requirements on a case by case basis).	Y	Y	Y	Y	Y	N
(k) Accessory scientific use in compliance with § 3.2.4.	N	N	Y	Y	Y	N
(l) Outdoor commercial recreation other than campgrounds.	N	N	Y	Y	Y	N
(m) Theaters and cinemas	N	N	Y	Y	Y	N
(n) Day Care Facilities	Y	N	Y	Y	Y	N
(o) Accessory uses shall be allowed as follows:						
(i) Uses and structures (including, without limitation, a sewerage treatment facility) customarily accessory and incidental to the primary use.	Y(2)	Y(2)	Y	Y	Y	Y(2)
(ii) Food preparation and eating facilities	N	N	Y	Y	Y	N
(iii) Day care facilities	Y	N	Y	Y	Y	N
(iv) Recreational facilities	Y	Y	Y	Y	Y	N
<b>Permitted Residential component uses:</b>	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>	<b>F</b>

### Rail Transit Use Table

Permitted Light Industry Component Use:	Area Per Use Plan:					
	A	B	C	D	E	F
<b>Use:</b>						
(a) Age Restricted, Attached	Y	N	Y	Y	Y	N
(b) Age Restricted, Multifamily	Y	N	Y	Y	Y	N
(c) Age Restricted, Detached	Y	N	Y	Y	Y	N
(d) <b><u>Dwelling, Multifamily or Apartment</u></b>	<del>N</del> <u>Y</u>	N	N	N	Y	N
(e) Continuing Care Residential Community (CCRC) or components thereof in conformance with § 7.4	N	N	Y	Y	Y	N
(f) Rest Home and/or Nursing Homes	N	N	Y	Y	Y	N
(g) Municipal recreational use.	N	N	Y	Y	Y	N
(h) Public Housing for the elderly.	N	N	Y	Y	Y	N
(i) Uses and structures (including, without limitation, a sewerage treatment facility) customarily accessory and incidental to the primary use.	Y(2)	Y(2)	Y	Y	Y	Y(2)
<b>Permitted Residential Component Uses</b>	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>	<b>F</b>
(a) Public Parks	N	Y	Y	Y	Y	N
(b) Community Centers and public recreation buildings.	N	Y	Y	Y	Y	N
(c) Recreation centers and facilities.	Y 1	Y	Y	Y	Y	N

**Rail Transit Use Table**

<b>Permitted Light Industry Component Use:</b>	<b>Area Per Use Plan:</b>					
	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>	<b>F</b>
<b>Use:</b>						
(d) Education uses on land not owned by the Commonwealth of Massachusetts or any of its agencies, subsidiaries or bodies politic, by a religious sect or denomination, or by a nonprofit educational group	N	Y	Y	Y	Y	N
(e) Golf courses and related facilities.	Y	Y	Y	Y	Y	Y
(f) Tennis clubs, swimming pools, health clubs and similar facilities, including membership clubs, public or private	Y(1)	Y	Y	Y	Y1	N
(g) Places and buildings for public assembly.	Y(1)	Y	Y	Y	Y(1)	N
(h) Uses and structures (including, without limitation, a sewerage treatment facility) customarily accessory and incidental to the primary use.	Y(2)	Y(	Y	Y	Y	Y(2)

(1) only as accessory to the principal use

(2) no sewage treatment structures may be located in such area, but such area may be used for transmittal purposes (i.e., underground piping and leaching)

**8.4.5 Prohibited Uses.** Specific prohibited uses in the Rail Transit District (RTD) shall be:

1. Truck or trailer sales, with the exception of storing or garaging company motor vehicles.
2. Drive-in theaters or race tracks.
3. Mobile homes.

4. Junkyards or wrecking yards.
5. Refining or storage of petroleum.
6. Stockyards, animal slaughterhouses, or rendering plants.
7. Metal smelting.
8. New or used car sales.
9. Earth recycling facilities, including the processing of contaminated soils, unless required by law, and the processing of earth materials to produce asphalt or cement products.
10. The processing of soils or minerals, including, but not limited to, mining, importing and stockpiling of such materials.
11. Single Family Dwelling, Attached (Non Age Restricted, Attached).
12. Single Family Dwelling, Detached (Non Age Restricted, Detached).
13. No use shall be permitted that causes or results in dissemination of dust, smoke, gas or fumes, odor, noise, vibration or excessive light under standards set forth in the performance criteria in this chapter; or inhibits the comfort, peace, enjoyment, health or safety of the community or the abutting areas or tends to their disturbance or annoyance under standards set forth in the performance criteria in this chapter.

8.4.6 Dimensional Requirements. Notwithstanding any provision to the contrary contained in the Zoning By-Law and except as otherwise specified in Section 8.4.14, below, the following dimensional requirements shall be the sole dimensional restrictions governing a Rail Transit District (RTD):

1. Lot Frontage. Minimum development parcel frontage shall be one hundred and fifty (150) feet.
2. Lot Area. Individual development component parcels within the Rail Transit District (RTD) shall require a minimum area of 30,000 square feet, except such area which is calculated to meet the requirements of Section 8.4.6.6, below, site area requirements for Transit Village Community (hereinafter referred to as, a "TVC").
3. Under Sized Lot Areas. Lots may be established with less than 30,000 square feet in area under Special Permit conditions of this chapter if determined by the Planning Board that such lot meets all other dimensional regulations of this Section.
4. Building Area. Age Restricted, Attached; Age Restricted. Detached and Age Restricted Multifamily, Dwelling and Dwelling Multifamily, ~~For-Rent~~ Unit Requirements in a Rail Transit District (RTD). Determined based upon the total cumulative land area of the

applicable Areas (~~A~~, C, D or E) as specified in the formula set forth herein, at a density of: (i) 10 units per acre for Age Restricted, Attached; Age Restricted, Detached; and Age Restricted, Multifamily; and (ii) **twenty two (22)** (~~20~~) units per acre for Dwelling Multifamily, ~~For Rent~~ (**permitted in Area A and E only**). Written computation of the foregoing density shall be provided at the time of the filing of a Site Plan Application with the Planning Board.

5. Building Separation. There shall be a minimum of twenty (20) foot separation between abutting buildings (side to side) in a Rail Transit District (RTD).
6. Area Requirements. Minimum area requirements shall be determined by computation to include total number and distribution of proposed residential dwelling units and wetland use restrictions. The following formula shall determine the number of residential dwelling units permitted per acre in a Rail Transit District:

Allowed Units Per Acre (as provided by this By-Law) x Usable Acres (as defined below) = Number of Permitted Residential Dwelling Units

Usable Acres = Total Acres shall mean: (i) for the Transit Village Community (TVC) the aggregate area in Area A, Area E and Area F combined; and (ii) the aggregate area in Area B, Area C and Area D combined, as the case may be.

[- 10% exclusion for Open Space]

[- the lesser of (i) 20% exclusion for Impervious Surfaces; or (ii) actual Impervious Surfaces)]

[- Wetlands (90% of Wetlands as determined by Conservation Commission or other applicable authority unless such Wetlands are situated in the perimeter of the Rail Transit District area or included as part of design elements in any golf course in which event the area of such qualifying Wetlands shall not be deducted or wetland areas which are part of EPA Operable Unit I and Operable Unit III).]

7. Front Yard. The minimum front yard within any development component parcel shall be twenty-five (25) feet with parking restricted to no closer than ten (10) feet from rights-of-ways, except in a Transit Village Community (TVC) where parking shall be permitted to directly abut rights-of-ways.
8. Side Yard. The minimum side yard within any development component parcel shall be twenty-five (25) feet. Notwithstanding anything to the contrary contained herein, in no event shall Dwelling Multifamily, ~~For Rent~~; Age Restricted Multifamily, Age Restricted, Attached; or Age Restricted, Detached with a height in excess of two (2) stories above

grade (3 stories at the rear of the building if the slope of the land permits) be located within 200 feet of the property line of the residential properties which abut Area F and which are outside the Rail Transit District (RTD).

9. Rear Yard. The minimum rear yard within any development component parcel shall be thirty (30) feet. Notwithstanding anything to the contrary contained herein in no event shall Dwelling, Multifamily, ~~For Rent~~, Age Restricted, Multifamily; Age Restricted, Detached, or Age Restricted, Attached with a height in excess of two (2) stories above grade (3 stories at the rear of the building if the slope of the land permits) be located within 200 feet of the property line of the residential properties which abut Area F and which are outside the Rail Transit District (RTD).
10. Lot Coverage. The maximum development coverage in a Rail Transit District (RTD) shall not result in aggregate Open Space being less than 30%. Such lot coverage restriction may be waived if appropriate and in keeping with reasonable land uses as determined by the Planning Board when considering Site Plan Review Criteria.
11. Building/Structure Height. Except as otherwise specifically provided herein, the maximum height of any Dwelling Multifamily, ~~For Rent~~ structure) in a Rail Transit District (RTD) shall be three (3) stories above grade (four stories at the rear of the building if the slope of the land permits) and the maximum height of any Age Restricted, Attached, Age Restricted, Detached, and Age Restricted, Multifamily building and any accessory structure related to such age restricted dwelling building shall not exceed two (2) stories above grade (three stories at the rear of the building if the slope of the land permits). The maximum height of any commercial building permitted in a Rail Transit District (RTD) shall be thirty (30) feet. The maximum height may be increased to fifty (50) feet within the Rail Transit District (RTD) upon the grant of a Special Permit and in accordance with the State Building Code.

8.4.7 Buffering and Screening. In order to obstruct the view of adjacent land use parcels outside of the Rail Transit District (RTD), within a distance of fifty (50) feet, minimum, of side and rear yard boundaries, in place landscape greenery or other screening method(s) existing at the time of development shall remain undisturbed or shall be landscaped in accordance with a plan approved by the Planning Board. In the event that a golf course is developed in Area A, Area F and Area E, the open space of the golf course may serve a buffer space for purposes of this By-Law. Area F (100 feet in width) depicts a minimum buffer for abutting residential properties which are not part of a Rail Transit District (RTD). This buffer (Area F) shall be left in an open and natural state except for landscaping approved as part of the Site Plan for such development in Area A or any golf course open space constructed thereon. If such buffering/screening is deemed insufficient, it may be supplemented as determined by the Planning Board during the Site Plan Review process. Remaining non-buffeted/screened yard areas shall remain unoccupied, except to support parking, internal drives, accessory structure building needs and emergency vehicle access, as deemed by the Planning Board during the Site Plan Review process.

8.4.8 Parking and Loading Requirements. Except in a TVC which shall be governed by Section

8.4.14.12.a, below, parking and loading requirements shall be in conformance with Sections 5.1 and 5.2.

8.4.9 Performance Standards. The performance standards set forth in Sections 8.4.10 to 8.4.12 are designed to encourage a high standard of development by providing assurance that uses within the Rail Transit District (RTD) shall be compatible with neighboring land uses in the vicinity, as deemed by the Planning Board.

8.4.10 Nuisance Standards.

1. Vibration shall not be discernible to any human's sense of feeling for three (3) minutes in any one (1) hour or producing an acceleration of more than one tenth (0.1) G.
2. Heat, glare or electrical disturbance shall not be discernible beyond the boundaries of the lot.
3. Smoke shall not be visible beyond a shade darker than No. 1 on the Ringelmann Smoke Chart.
4. Air pollution shall not be detectable for any emission of solid or liquid particles in concentrations exceeding three tenths (0.3) grains per cubic foot of the conveying gas or air at any point.
5. Emissions shall not endanger human health, nor cause damage to animals, vegetation or property, or cause spillage at any point beyond the boundaries of the lot.
6. Odor shall not be detectable by the human senses without the aid of instruments beyond the boundaries of the lot.

8.4.11 Open Space. Open Space for the aggregate area of the Rail Transit District shall equal not less than thirty percent (30%) of the total area of the Rail Transit District (RTD) and not less than ten percent (10%) in Area A and Area F, combined; Area C; Area D; and Area E.

8.4.12 Miscellaneous Standards.

1. The landscape shall be preserved in its natural state insofar as practicable by minimizing tree and soil removal.
2. Proposed buildings shall be related harmoniously to the terrain and to other buildings in the vicinity.
3. The distance between buildings shall be sufficient to provide adequate light and air in conformance with the State Building Code.
4. 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 proposed building or neighboring properties.

5. Landscaping shall be in conformance to the Landscaping and screening requirements of Section **5.4**.

8.4.13 Requirements of a Site Development Plan. The submission of a parcel Site Development Plan (refer to § **10.0**, Definitions) shall meet all criteria set forth in this Section as well as Section **9.4**.

8.4.14 Transit Village Community (TVC). A Transit Village Community (TVC) may be located in Area A and Area E and shall consist of ~~for profit, luxury (market driven)~~ apartment-type residences ("Dwelling, Multifamily, ~~For Rent~~") and age restricted residences (Age Restricted, Attached; Age Restricted, Detached; **and/or** Age Restricted Multifamily), supplemented by accessory service structures and amenities described herein, may be situated in and be a part of a Rail Transit District (RTD) to promote a convenient and consolidated residential community. The following general requirements shall apply to the TVC.

1. Uses in a TVC shall be authorized upon Site Plan approval by the Planning Board as regulated by Section **9.4**, except such approval shall be determined only after public hearing, with formal hearing notice to abutters and parties in interest, and that any proposal shall be further in compliance with the following provisions, as determined by the Planning Board.
2. The proposed use shall be served by water and sewer services (municipal and/or private) unless the Planning Board, with advice from the Ashland Board of Health and/or the Department of Public Works, deems that alternative services shall meet the long term needs of such proposed use and the Town of Ashland.
3. The site, when utilized for the purposes of this Section and combined with any other use or uses allowed in the Rail Transit District, is of sufficient size, shape, topography and location to be capable of accommodating such multiple uses.
4. Building and Dwelling Unit Requirements in a TVC. The number of dwelling units permitted shall be determined in accordance with the formula set forth in Section 8.4.6.6, above, based upon the total cumulative land area of Area A, Area E and Area F at a density of: (i) 10 units per acre for Age Restricted, Attached; Age Restricted, Detached; and Age Restricted, Multifamily units; and; (ii) **twenty two (22) (20) units** per acre in **Area A and E** for Dwelling Multifamily, ~~For Rent units (provided, notwithstanding anything to the contrary contained herein, such units in the Transit Village Community (TVC) shall be limited to no more than two Bedrooms as provided herein)~~. Written computation of the foregoing density shall be provided at the time of the filing of a Site Plan Review Application with the Planning Board, based upon the following standards.
5. Maximum height and separation.

- a. The maximum height of each residential development building shall be:
  - (i) For Dwelling Multifamily, ~~For Rent~~ three stories above grade (four stories at the rear of the building if the slope of the land permits); and
  - (ii) For Age Restricted, Attached; Age Restricted, Detached and Age Restricted, Multifamily and accessory buildings related thereto, two stories above grade (three stories at the rear of the building if the slope of the land permits); and
- b. There shall be a minimum of a twenty (20) foot separation between abutting (side to side) buildings [within a Transit Village Community (TVC)].
- ~~6. The number of Bedrooms in each Dwelling, Multifamily, For Rent dwelling unit shall be limited to two (2). A one bedroom unit shall be permitted to have one Bedroom in addition to the kitchen living/dining room, study (as defined below) and bathrooms. A two bedroom unit shall be permitted to have two Bedrooms in addition to kitchen living/dining room, Study and bathrooms.~~
- 7. Allowable Accessory Buildings, Structures and Preferred Amenities. Customary accessory structures shall be allowed, as determined by the Inspector of Buildings. Such accessory arrangements shall be depicted on the Site Plan if contemplated prior to Site Plan approval.
- 8. Common Open Space. A clubhouse(s), swimming pool(s), tennis court(s), storage and maintenance structures and other accessory structures shall be allowed, as determined by the Inspector of Buildings after initial Site Plan approval, if in keeping with parcel development coverage. Such accessory arrangements shall be depicted on the Site Plan if contemplated prior to Site Plan approval.
- 9. Preferred Amenities. Green space, the creation of outdoor areas which may include, but are not limited to, sitting areas with tables, gazebo(s), trellises, paved and level walking/biking paths, planters and individual/community garden space(s).
- 10. Allowable accessory service structure-types in a TVC shall be:

appliance repair outlets	day-care centers	ice cream parlors
art galleries	delicatessens	instruction studios
bakery outlets	dry cleaner outlets laundromats	
bank ATM	florist outlets	snack bars

bookstore outlets      food vendors      specialty food shops  
collectible shops      gift shops      tailor/cleaner outlets

or other use having externally observable attributes similar to the above shall be allowed, as determined by the Inspector of Buildings after initial Site Plan approval.

11. **Building Design Criteria.** All buildings and structures shall be designed, located and constructed to afford the following:
  - a. compatibility of architectural styles, scales, building materials and colors within the development;
  - b. variations of facade, roof lines and interior layouts of dwelling units;
  - c. harmonious relationship of buildings and structures to each other with adequate light, air, circulation, privacy and separation; and,
  - d. the capability for constant surveillance, orientation and recognition (to this end, and in lieu of providing conventional streetlighting, individual building front yards and other areas along roadways not fronting buildings and approaches to common-use buildings and structures, shall be provided with architecturally, compatible, street-level type lamp post lighting necessary to provide safety, security and visual indications, as determined by the Planning Board).
12. **Additional Physical Requirements.** Paved sidewalks shall be located and constructed to the bounds of the development from interior roadways to provide pedestrian access to neighboring streets and abutting parcels, if practical, as determined by the Planning Board. Road signs shall be provided to indicate "Private Way," or other appropriate wording, to temper unnecessary intrusion of off-site traffic.
  - a. 1.8 parking spaces per each dwelling unit meeting the dimensional requirements of a Parking Space defined in Section 5.1.
13. **Special Requirements.** All improvements to the development parcel, including rights-of-ways and dwelling unit/common areas and utility services, except as agreed to by the Town of Ashland when considering access for municipal emergency response vehicles, shall be considered private and developer owned. During construction and after completion of the development, the developer/owner shall be responsible for the maintenance of all dwelling units and other structures/appurtenances, rights-of-way, drives, walkways, parking area(s) and all snow plowing, landscaping, maintenance, trash removal and maintenance/repair of other common elements and facilities serving the residents. The Town of Ashland shall not be responsible, therefore, unless so agreed.

**14. Transit Village Community (TVC) RTD Districts Areas A and E Affordability Requirements:**

- a. **As a condition of approval for a development subject to this section, a project shall contribute at least 10% of the total housing units in the development subject to this bylaw as Affordable Housing Units constructed or rehabilitated on the locus subject to the development under this Section 97-4. G. (6).**
- b. **For purposes of this article, any calculation of required Affordable Housing Units that results in the fractional or decimal equivalent of one-half (0.50) or above shall be increased to the next highest whole number. Nothing in this bylaw shall preclude a developer from providing additional affordable units, or greater affordability, or both, than the minimum requirements.**
- c. **As a condition for the approval of a project, all Affordable Housing Units shall be subject to an Affordable Housing Restriction. The Affordable Housing Restriction shall be approved by Town Counsel and HLC prior to the Permit Granting Authority issuing their decision hereunder. No building permit shall issue for the project prior to the Restriction being recorded at the Middlesex South Registry of Deeds and a copy provided to the Planning Board and the Building Commissioner.**
- d. **Affordable Housing Units shall be sold or rented, as applicable, to Income Eligible Households at sales prices or rents that are affordable to Income Eligible Households pursuant to an Affordable Housing Restriction.**

8.4.15 Decision. The Planning Board may impose additional conditions not inconsistent with this and other Sections of the Zoning By-Laws and all appropriate State and Federal laws.

**D. Amend Section 9.4.5.3, Procedures for Site Plan Review and Design Review as follows (underline and bold new and cross-out removed):**

Section 9.4.5.3 Procedures for Site Plan Review and Design Plan Review shall be amended as follows:

3. The Planning Board **shall** ~~may~~ hold a ~~fact-finding and public information meeting~~ **public hearing** within thirty ~~(30)~~ **45** days of the receipt of an application. **Notice shall be given in accordance with section M.G.L. Chapter 48 Section 11.** The applicant or his agent shall attend such a meeting 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.

Section 9.4.12 Final Action. The Planning Board's final action shall consist of shall be amended as follows:

1. ~~A stamped determination that the proposed project will constitute a suitable development~~

and is in compliance with the criteria set forth in this chapter; and

- ~~2. Written approval subject to any conditions, modifications and restrictions as the Planning Board may deem necessary, filed with the Town Clerk; or~~
- ~~3. A written denial of the application stating reasons for such denial and the specific changes required in the site plan in order to receive site plan approval. Any such denial shall refer to the site plan review criteria that are inadequately met in the plan and the expected negative impacts thus resulting.~~
1. Approval based on a determination that the proposed project complies with the criteria and design standards set forth in this section and section 9.4.12 of the Zoning Bylaw
2. Approval subject to any reasonable site plan and design performance conditions, modification, and restrictions the Planning Board may deem necessary to ensure the health, safety, and general welfare of the community.
3. Disapproval of the application for the reasons of an incomplete application.

**E. Amend the Town of Ashland Zoning Map to add the new Pond Street Multifamily Overlay District as shown on the proposed Map dated March 25, 2024 and on file with the Town Clerk.**

Or take any other action related thereto.

**MOTION: That the Town approve Article and amend the Zoning Bylaw by adding a new section 8.9, amending section 8.6, amending section 8.4, amending section 9.4.5.3 and amending the zoning map all as set forth in Article 14.**

**FinCom Recommendation:** The Finance Committee defers to Town Meeting.

**NOTE:** At its meeting on April 25th the Planning Board voted to keep their public hearing on this matter open to provide more time to actively work on the bylaw changes and at this time has no recommendation to give Town Meeting. MGL requires that all zoning articles must have a public hearing which closes and a recommendation by the Planning Board in order to be considered by Town Meeting. Since that hasn't happened, Town Meeting can't consider the article and it will be withdrawn.

## TOWN MEETING VOCABULARY

<b>Abatement</b>	A reduction or elimination of a real or personal property tax, motor vehicle excise, a fee, charge, or special assessment imposed.
<b>Available Funds</b>	Balances in the various fund types that represent non-recurring revenue sources. Examples include free cash, stabilization funds, overlay surplus, and enterprise retained earnings.
<b>Bond</b>	A means to raise money through the issuance of debt.
<b>Bond Authorization</b>	The action of town meeting authorizing the executive branch to raise money through the sale of bonds in a specific amount and for a specific purpose. Once authorized, issuance is by the treasurer upon signature of the selectmen.
<b>Cherry Sheet</b>	An annual statement from the Massachusetts Department of Revenue detailing estimated reimbursements and charges to the Town. Its name derives from the fact that it was once written on cherry colored paper. In this manner the Town receives its share of various state funds and aid accounts, and is charged its share of running state government. Although the Cherry Sheet is required to be distributed by the first of March of each year, in actuality it is sent after the Legislature has passed the budget, which may not occur until June or July.
<b>Citizens' Petitions</b>	10 citizens for an Annual Town Meeting or 100 citizens for a Special Town Meeting may submit a petition requesting that a specific article be included in the next Town Meeting warrant for consideration. 200 citizens may submit a petition calling the Board of Selectmen to set a Town Meeting within 45 days.
<b>Community Preservation Act</b>	Permits towns accepting its provisions to establish a restricted fund from which monies can be appropriated only for a) the acquisition, creation and preservation of open space; b) the acquisition, preservation, rehabilitation, and restoration of historic resources; and c) the acquisition, creation and preservation of land for recreational use; d) the creation, preservation and support of community housing; and e) the rehabilitation and restoration of open space, land for recreational use and community housing that is acquired or created using monies from the fund.
<b>Community Preservation</b>	A special revenue fund established to receive all monies collected to support the

<b>Fund</b>	community preservation program, including but not limited to, tax surcharge receipts, proceeds from borrowings, and funds received from the State.
<b>Debt Exclusion</b>	A community may vote at an election to exclude debt service payments for a particular capital project from the levy limit. The amount necessary to cover each year's principal & interest is added to the levy limit for the life of the debts.
<b>Enterprise Fund</b>	An enterprise fund is a separate accounting and financial reporting mechanism for municipal services for which a fee is charged in exchange for goods or services. With an enterprise fund, all costs of service delivery--direct, indirect, and capital costs—are identified. This allows the community to recover total service costs through user fees if it chooses. Enterprise accounting also enables communities to reserve the "surplus" or net assets unrestricted generated by the operation of the enterprise rather than closing it out to the general fund at year-end. We have sewer, water and trash enterprise accounts.
<b>Exemption</b>	Established by statute, it is a discharge from the obligation to pay all or a portion of a property tax. The exemption is available to particular categories of property or persons upon the timely submission and approval of an application to the assessors. Properties exempt from taxation include hospitals, schools, houses of worship, and cultural institutions. Persons who may qualify for exemptions include disabled veterans, blind individuals, surviving spouses, and seniors.
<b>Fiscal Year</b>	The Fiscal Year starts July 1 <sup>st</sup> of each year and ends June 30 <sup>th</sup> the following year.
<b>Free Cash</b>	Remaining, unrestricted funds from operations of the previous fiscal year including unexpended free cash from the previous year, actual receipts in excess of revenue estimates shown on the tax recapitulation sheet, and unspent amounts in budget line-items. Unpaid property taxes and certain deficits reduce the amount that can be certified as free cash. The calculation of free cash is based on the balance sheet as of June 30, which is submitted by the community's accountant. This amount is certified annually by the Massachusetts Department of Revenue and thereafter is available for appropriation by a Town Meeting.
<b>Levy Limit</b>	The amount of property taxes that can be raised in accordance with Proposition 2½ formulas. The levy may be raised by 2½% plus new construction.

<b>Local Receipts</b>	Income derived by the Town from Motor Vehicle excise taxes, fees, licenses and permits, penalties & interest on taxes, etc.
<b>New Construction</b>	New growth and increases to property independent of market inflation are added to the levy limit in addition to the 2½% inflation increase allowed under Proposition 2½.
<b>Omnibus Budget</b>	For convenience, all recommended appropriations for operating expenses of the various Town departments and boards are gathered together in one article called the Omnibus Budget. The period covered by the Omnibus Budget is the upcoming Fiscal Year, and money not spent during this period reverts to Free Cash. No department or board can overspend its budget.
<b>Overlay</b>	An account established annually to fund anticipated property tax abatements, exemptions and uncollected taxes in that year. The overlay reserve need not be funded by the normal appropriation process, but rather is raised on the tax rate recapitulation sheet.
<b>Override</b>	A vote by a community at an election to permanently increase the levy limit. An override question on the election ballot must state a purpose for the override and the dollar amount.
<b>Raise and Appropriate</b>	A type of funding for Town expenditures voted at Town Meetings. The funds are raised through taxes, local receipts, and state reimbursements. Funds raised and appropriated in warrant articles are available until a time set by the article or until voted out by a subsequent Town Meeting.
<b>Reserve Fund</b>	A fund, established by each Town Meeting, for extraordinary or unforeseen expenses in the upcoming fiscal year. The Finance Committee alone may transfer money from this fund, thus eliminating the need for frequent Special Town Meetings. The fund may not exceed 5% of the preceding year's tax levy.
<b>Revolving Account</b>	Allows a community to raise revenues from a specific service and use those revenues without appropriation to support the service.
<b>Stabilization Fund</b>	A fund designed to accumulate amounts for capital and other future spending purposes, although it may be appropriated for any lawful purpose. It retains its own investment income. A two-thirds vote is required on any vote relative to this Fund. This fund serves as the Town's primary "rainy day" fund.

**Town of Ashland**  
**Selected Town Meeting Procedures**

**Amending an Article:** Any time after a main motion has been made and seconded, but before being voted on, it is possible to amend the main motion using the following procedures:

1. Proceed to a microphone and wait to be recognized by the Moderator.
2. Announce your intent to amend the motion verbally and submit a copy of the amended motion in writing to the Moderator. The motion to amend must include your name as sponsor. Any increase in appropriation must include a funding source.
3. The Moderator will ask for a second to the motion to amend.
4. If passed, the motion to amend will be opened for discussion and then must be voted on by Town Meeting separately from the main motion.
5. A simple majority is required to pass a motion to amend.
6. More than one motion to amend can be made to a main article, but each must be presented and voted on one at a time. A motion to amend must be made before the main motion is voted on.
7. After all motions to amend are voted, the main motion (or as amended) must be voted on.

**Necessary Majorities \***

Unless noted otherwise, a simple majority is required to pass a motion.

A 2/3 majority is required for all borrowing, land acquisitions or transfers and all zoning by-laws.

A 4/5 majority is required at Annual Town Meeting for unpaid bills of prior fiscal years.

A 9/10 majority is required at Special Town Meetings for unpaid bills of prior years.

Only votes cast will be counted in determining the percentage of votes in favor of a motion. If there are 170 voters present and 100 vote yes, 50 vote no and 20 do not vote, the results shall be interpreted as 100 yes votes out of 150 votes or 66.67% in favor.

\* Please note that these vote majorities are for example only and there may be other types of votes which fall under each of the categories listed above.

