



Town of Ashland

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

Smart. Safe. Sustainable.

WARRANT ARTICLES AND INFORMATION

FOR THE

NOVEMBER 19, 2024

7:00 PM

SPECIAL TOWN MEETING

ASHLAND HIGH SCHOOL

ADA ADVISORY

Anyone in need of special accommodations for the Town Meeting, please contact the Office of the Select Board at (508) 881-0100 (Option 5) by 4:00 pm on November 12, 2024 in order that reasonable accommodations may be made.

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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.

**SPECIAL TOWN MEETING WARRANT
NOVEMBER 19, 2024
7:00 PM
ASHLAND HIGH SCHOOL**

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

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

Motion: That the Town transfers \$2,792,803 from Free Cash to the following accounts: \$50,000 to the General Stabilization Fund; \$822,841 to the OPEB Trust Fund; \$210,000 to the SPED Stabilization Fund; \$1,709,962 to the Capital Account;, as shown in the table below

Account	Amount	Account Number
General Stabilization Fund	\$50,000	84980-49710
OPEB Trust Fund	\$822,841	88100-49710
SPED Stabilization Fund	\$210,000	84980-49715
Capital	\$1,709,962	01930-58000
Total	\$2,792,803.00	

Finance Committee Recommendation: The Finance Committee recommends the Town transfers \$2,792,803 from Free Cash to the following accounts: \$50,000 to the General Stabilization Fund; the sum of \$822,841 to the OPEB Trust Fund; \$210,000 to the SPED Stabilization Fund; \$1,709,962 to the Capital Account

Article 2: Budget Amendment
Sponsor: Town Manager/Finance Director

To see if the Town will vote to raise and appropriate or transfer from available funds in the treasury a sum of money to be added to or to make adjustments to Article 2 of the May 2024 annual town meeting (fiscal year 2025 budget), or pass any vote or take any action relative thereto.

Motion: That the Town increase the FY 25 Capital Outlay appropriation by \$1,033,925 from \$2,690,000 to \$3,723,925

Finance Committee Recommendation: The Finance Committee recommends that the Town increase the FY25 Capital Outlay appropriation from \$2,690,000 to \$3,723,925, in order to obligate all remaining ARPA funds by December 31, 2024.

Article 3: Property Tax Exemptions

Sponsor: Board of Assessors/Select Board/Town Manager

To see if the Town will vote to adjust (the exemption amount and eligibility factors) for the property tax exemption for senior citizens under MGL Chapter 59, Section 5 Clause 41C1/2, to be effective for exemptions granted for any fiscal year beginning July 1, 2024, or pass any vote or take any action relative thereto.

Motion: That the Town adjust (the exemption amount and eligibility factors) for the property tax exemption for senior citizens under MGL Chapter 59, Section 5 Clause 41C1/2 to 12% to be effective for exemptions granted for any fiscal year beginning July 1, 2024

Finance Committee: The Finance Committee recommends that the Town adjust (the exemption amount and eligibility factors) for the property tax exemption for senior citizens under MGL Chapter 59, Section 5 Clause 41C1/2 to 12% to be effective for exemptions granted for any fiscal year beginning July 1, 2024.

Article 4: Correction of Article Authorization for the Select Board to Accept Gift of Land

Sponsor: Town Manager

To see if the Town will correct the Vote of Article 8 of the 2024 Annual Town Meeting to read instead as follows (**underline and bold new** and ~~cross-out~~ removed): 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~~ **27** 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 correct the Vote of Article 8 of the 2024 Annual Town Meeting by changing the reference from Map 18 Lot 0100 to Map 27 Lot 0100.

Finance Committee Recommendation: That the Town correct the Vote of Article 8 of the 2024 Annual Town Meeting by changing the reference from Map 18 Lot 0100 to Map 27 Lot 0100.

Article 5: Authorize Borrowing for Water Main Replacement Project
Sponsor: Town Manager/Finance Director

To see if the Town will appropriate \$1,000,000 to pay costs of engineering, design and construction related to various water main replacement projects, including the costs of roadway restoration and all other costs incidental or related thereto; to determine whether this amount shall be raised by appropriation, transfer from available funds, borrowing or otherwise provided, or take any other action related thereto.

Motion: That the Town appropriate \$1,000,000 to pay costs of engineering, design and construction related to various water main replacement projects, including the costs of roadway restoration and all other costs incidental or related thereto, and that to meet this appropriation, the Town Treasurer, with the approval of the Select Board, is authorized to borrow said amount under and pursuant to G.L. c. 44, §8(4), or any other enabling authority, and to issue bonds or notes of the Town therefor.

Finance Committee Recommendation: The Finance Committee recommends that the Town appropriate \$1,000,000 to pay costs of engineering, design and construction related to various water main replacement projects, including the costs of roadway restoration and all other costs incidental or related thereto, and that to meet this appropriation, the Town Treasurer, with the approval of the Selectboard, is authorized to borrow said amount under and pursuant to G.L. c. 44, §8(4), or any other enabling authority, and to issue bonds or notes of the Town therefor.

Article 6: CPA Funding to Conduct a Feasibility Study with the City of Framingham for the Waushakum Pond Restoration Study
Sponsor: CPC

To see if the Town will vote to appropriate up to \$18,750 for the Waushakum Pond Restoration Study and that to meet this appropriation, the sum of up to \$18,750 be transferred from the Undesignated Funds from the Community Preservation Fund balance, and with unexpended funds as of December 31, 2027 being returned to their funding source; or pass any vote or take any other action thereon.

Motion: That the Town appropriate up to \$18,750 for the Waushakum Pond Restoration Study and that to meet this appropriation, the sum of up to \$18,750 be transferred from the Undesignated Funds of the Community Preservation Fund balance, and with unexpended funds as of December 31, 2027 being returned to their funding source.

Finance Committee Recommendation: The Finance Committee recommends the Town vote to appropriate up to \$18,750 for the Waushakum Pond Restoration Study and that to meet this appropriation, the sum of up to \$18,750 be transferred from the Undesignated Funds of the Community Preservation Fund balance, and with unexpended funds as of December 31, 2027 being returned to their funding source; or pass any vote or take any other action thereon.

CPC Recommendation: CPC has recommended this project.

Article 7: Accept New Bylaw: Blight

Sponsor: Select Board/Board of Health/Building Commissioner

To see if the Town will vote to amend the Town of Ashland General bylaws by adding a new Chapter 266, to the Town General Bylaws as follows:

Chapter 266 Blight Bylaw

§ 266-1 Purpose.

The purpose for adopting this Blight Bylaw is in recognition of the fact that it is in the best interest of the Town, as well as the health, safety and wellbeing of its citizens, for the Town to have tools effective at remedying conditions that may be regarded as Blighted Properties (as herein defined), including but not limited to, properties which are essentially abandoned, in violation of multiple aspects of the state and/or local building and sanitary codes, susceptible to vandalism, not secured against trespass, or susceptible to the accumulation of trash, litter, un-shoveled snow or overgrowth which impedes or impairs egress on adjoining sidewalks, all of which contributes to the decline of neighborhoods, and in the case of abandoned buildings or structures, risks encouraging temporary occupancy of such abandoned buildings or structures by transients, drug users or persons engaged in criminal activity, and thus adversely affects the health, safety, and wellbeing of the Town's residents and places a burden on the Town's resources in the way of monitoring and/or securing Blighted Properties. By and through this Blight Bylaw, the Town seeks to (a) prohibit Property Owners from allowing, creating maintaining, or causing to be created or maintained Blighted Properties and to (b) correct existing Blight by facilitating rehabilitation, reconstruction, demolition, or reuse of Blighted Properties, as appropriate under the circumstances, and to thus provide for the creation of safe, sanitary housing or commercial facilities which promote the best interests of the Town and its citizens in lieu of the aforementioned adverse impacts, and thus preserves or improves property values.

§ 266-2 Scope.

The scope for the application of this Blight Bylaw shall be all properties within the definition of Blight and Blighted Properties herein provided, including but not limited to, residential properties, unimproved parcels, and commercial properties, regardless of whether such properties may be rented or owner occupied.

§ 266-3 Definitions.

The terms "Blight" or "Blighted Property(ies)" as used herein are defined as real property within the Town, or a building or structure located thereon, or part of such a building or structure, whether commercial or residential, whether occupied or unoccupied, upon or within which a condition exists which seriously impairs the value, condition, strength, durability, or appearance of the same, including but not limited to the following:

1. Lack of adequate maintenance as documented by the Enforcement Officer (herein defined) based upon a consideration of a totality of circumstances, including but not limited to, complete or partial abandonment, any property which is overgrown with grass that is greater than 12” in height, weeds or other unkempt vegetation, the presence of one or more rotting or otherwise unsafe trees per the decision of the Ashland Tree Warden, the presence of broken, missing or boarded, windows or doors, collapsing or missing walls, roofs, or floors, missing or significantly deteriorating siding, dangerously deficient foundation or otherwise dangerously deficient structural elements per the decision of the Building Department, rotted trim and sheathing, significant visible rodent or insect infestation, visible fire damage, one or more deteriorated accessory structures as determined by the Ashland Building Department, or the accumulation of garbage, trash, refuse, debris or inoperable/neglected motor vehicles, boats, motorcycles, or machinery which has or have not been promptly disposed of.
2. A fire hazard as documented by the Fire Department.
3. A Property which is no longer habitable or occupiable for the purpose for which the completed structure was originally intended, particularly where such condition is on account of damage from fire, wind, natural disaster, or physical deterioration.
4. A Property which is vacant and not registered with the Building Department as specified hereunder; or
5. Where an Enforcement Officer or his/her designated agents determine that the building, structure, or property is in a condition which poses a serious threat to the health, safety, or wellbeing of the Town or its citizens.

The term “Enforcement Officer” as used herein shall mean one or more of the following: the Building Commissioner, the Director of Public Health, the Police Chief, the Fire Chief, or a designated agent of one or more of the foregoing.

The term “Owner” as used herein shall mean any individual or legal entity (including but not limited to a corporation, limited liability company, trust, voluntary association, nonprofit entity, or joint venture) which alone or together with another has the following relationship with respect to a property, building, structure, or portion thereof: (a) holds legal title; (b) has care, charge, or control in any capacity, including but not limited to, as an agent, executor, personal representative, trustee or guardian; (c) is a lessee pursuant to a written lease agreement, tenancy at will, or other legal or de facto right of occupancy; or (d) is court-appointed or otherwise vested with possession or control of a Property.

The term “Property(ies)” as used herein shall mean any property, building, structure, or portion thereof upon which exists a condition of Blight.

§ 266-4 Blighted Conditions Prohibited.

It shall be a violation of this Blight Ordinance to create a condition of Blight, regardless of whether the same is done intentionally, negligently, or without fault of the Owner, and regardless of

whether direct or indirect impacts on other Properties or persons are identifiable. The Owner of a Blighted Property shall, without prompting by the Town, a municipal official, or any private party, have the legal obligation to promptly rectify any and all conditions of Blight of which the Owner is aware or reasonably should be aware.

§ 266-5 Administration.

An Enforcement Officer shall have authority to enter, examine, or survey a Property at any reasonable time and place where there is reason to believe a condition of Blight exists and to cite violations there for consistent with the provisions enumerated herein.

1. An Enforcement Officer making entry upon a Property shall provide written notice of the entry consistent with notice required under the Enforcement Officer's applicable jurisdiction (i.e., laws, regulations, and ordinances regarding public safety, fire prevention, structural integrity, sanitary conditions and the like, as applicable), or to the extent the entry of the Enforcement Officer is not otherwise governed by an applicable law, regulations, or ordinance regarding notice, then the Enforcement Officer may give not less than 48 hours' written notice, delivered either in-hand or by posting at the Property, provided however, that nothing herein may be deemed to limit the rights of police, fire, or other officials to inspect or gain entry to a Property as otherwise provided for pursuant to applicable law or regulation.

2. Following receipt of a complaint that one or more Properties may constitute a condition within the definition of Blight, an Enforcement Officer shall investigate the same.

3. After completing an investigation pursuant to sub-paragraph (b) below, if an Enforcement Officer discovers one or more violations of this Blight Bylaw, the Enforcement Officer may serve a citation for the violation(s) upon all Owners as follows:

(a) The Enforcement Officer may require that the Owner(s) take such action(s) as the Enforcement Officer deems necessary to correct the cited violations, within such time as the Enforcement Officer deems necessary, in a manner not inconsistent with applicable law; and

(b) A first citation may be a warning only, but second and subsequent violations may be assessed by a fine of \$300 for each violation, such that each day upon which a violation persists without correction may be treated as a separate violation; enforcement under this section shall be via the noncriminal disposition procedure set forth within M.G.L. c. 40, § 21D.

4. If a property owner is unable to take immediate action in order to restore the property to compliance, the property owner may request to submit a detailed restoration plan to the Enforcement Agent within 7 days after the notification of the violation. If accepted by the Enforcement Agent, the property owner will have one year to bring the property back into compliance.

5. In the event an Owner fails to take corrective action as directed by an Enforcement Officer, to provide a plan and timeline to rectify the situation, the Town may elect to take such corrective action as is necessary to bring the Property or Properties at issue into compliance with applicable law or regulation, at the Town's expense, or alternatively, may seek the appointment of a receiver in a Court of competent jurisdiction, provided however, that the Town shall provide reasonable notice of the same to the Owner which shall be done by in-hand deliver or certified mail not less than 30 days in advance of the Town taking such action, except in the case of emergency (in which case such notice shall be to an extent which is reasonable and practicable under the circumstances). If the Town elects to act under this subsection, the Owner shall be liable to the Town for all costs to the Town, including but not limited to, the Town's court costs and reasonable attorneys' fees, which amounts shall constitute a lien against the Property or Properties at issue. Nothing herein shall be deemed to limit the Town's right to record such a lien against one or more Properties in the Registry of Deeds to the extent the same may be done consistent with applicable law, nor shall any of the provisions of this Bylaw be deemed to limit any rights otherwise available to the Town or an Enforcement Officer pursuant to applicable law, regulation; or ordinance, as the remedies authorized hereunder are cumulative in nature and shall be in addition to (and not in lieu of) such other rights and remedies available to the Town in law or in equity.

§ 266-6 Appeals.

Any person or persons aggrieved by any order issued under this Blight Bylaw may appeal to the Board of Health in writing within 10 days of receipt of the order, upon receipt of any such notice of appeal, the Board or Health shall inform the appealing party, the occupant(s) of all Properties involved and any other interested parties known to the Board of Health (the Board of Health need not investigate further than the four corners of the appeal paperwork submitted and any attachments or exhibits thereto) of the date, time, and place of the hearing and of their right to inspect and copy the Enforcement Officer's order, supporting evidence, and related public documents or records (if any). Upon rendering its decision, the Board of Health shall reduce the same in writing, file a copy of the same with the Town Clerk, and forthwith provide a copy of the same to the appellant. Any appellant aggrieved by such a decision of the Board of Health may, within 60 days of the Board's decision being filed with the Town Clerk, appeal the decision in a court of competent jurisdiction.

§ 266-7 Registration of Vacant Properties.

All vacant Properties within the Town shall, within 30 days of being vacant, and between December 1 and December 31 of each year thereafter, register such Property with the Building Department on a form to be made available through the Building Department containing the Owner's name, mailing address, physical address (if different), telephone number, an email address, and if none of the physical addresses so provided are within a 30-mile radius of the Town, the name, address, telephone number, and email address for a local agent who may be contacted concerning access, security, maintenance, emergency, or other similar matters relating to the Property or Properties in question. Upon application, a registration fee of \$300 shall be due and owing to the Town, collectable by the Treasurer/Collector's office, which amount shall continue

to be due and owing on an annual basis for so long as the Property or Properties in question continue to remain vacant. Failure to timely register hereunder shall constitute a violation of this Blight Bylaw and shall be imposed as a municipal charges lien pursuant to M.G.L. c. 40, § 58. The fact that a Property is vacant and registered hereunder shall in no way be construed as negating an Owner's obligation to maintain compliance with the Massachusetts State Building and Sanitary Codes and other applicable laws and regulations, including but not limited to, the obligation to post 24-hour contact information as required by applicable law.

§ 266-8 Severability.

The invalidity of any section or provision of this Blight Bylaw shall not invalidate any other section or provision thereof, nor shall it invalidate any permit, approval or determination which previously has been issued.

Or take any other action relative thereto.

Motion: That the Town amend the Town of Ashland General bylaws by adding a new Chapter 266, to the Town General Bylaws as printed in Article 7 of the Warrant.

Finance Committee Recommends: The Finance Committee defers its recommendation to Town Meeting

**Article 8: Accept New Zoning Bylaw: MBTA Communities
Sponsor: Planning Board and Amend Zoning Map**

To see if the Town will vote to amend the Town of Ashland Zoning bylaws, chapter 282 by adding a new section 8.9 and to amend the Zoning Map to include a new MBTA Communities Multi-family Overlay District, including subdistricts as follows:

Section 8.9 MBTA Communities Multi-Family Overlay District (MCMOD)

1. Purpose

The purpose of the MBTA Communities Multi-Family Overlay District (MCMOD) 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 MCMOD is an overlay district having a land area of approximately **56** acres in size that is superimposed over the underlying zoning district(s) and shown and labeled on the Town of Ashland Zoning Map.

- A. **Applicability of MCMOD.** An applicant may develop multi-family housing located within the MCMOD in accordance with the provisions of this Section 8.9.
- B. **Underlying Zoning.** The MCMOD 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 MCMOD. Uses that are not identified in this Section 8.9 are governed by the requirements of the underlying zoning district(s). Within the boundaries of the MCMOD, 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. If using MCMOD zoning, a project must follow all provisions of the underlying Overlay District or Special District as set forth under Section 8.0 and listed in Section 8.9.4, unless otherwise specifically noted in Section 8.9.
- C. **Relationship of MCMOD 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 as modified by Section 8.9.9 hereof.

3. Definitions

For purposes of this Section 8.9, 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 dwelling 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. **Age Restricted Housing.** Developments that dedicate most of their units to people who are a certain age.
- D. **Applicant.** A person, business, or organization that applies for a building permit, Site Plan Review, or Special Permit.

- E. **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.
- F. **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.
- G. **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.
- H. **HLC.** The Massachusetts Executive Office of Housing and Livable Communities, or any successor agency.
- I. **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.
- J. **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.
- K. **Lot.** An area of land with definite boundaries that is used or available for use as the site of a building or buildings.
- L. **MBTA.** Massachusetts Bay Transportation Authority.
- 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. **Section 3A.** Section 3A of the Massachusetts General Laws Chapter 40A, the Zoning Act.
- P. **Permit Granting Authority.** The Planning Board shall be the Permit Granting Authority hereunder.
- Q. **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.
- R. **Sub-District.** An area within the MCMOD that is geographically smaller than the MCMOD district and differentiated from the rest of the district by use, dimensional standards, or development standards.
4. **Sub-Districts.** There are five (5) sub-districts in the MCMOD, all of which are shown on the Town of Ashland Zoning Map. The subdistricts and their corresponding underlying zoning are as follows:
- Sub-district "A" – Memorial Drive
Underlying zoning: Rail Transit District, Section 8.4

- Sub-district “B” – Pleasant Street
Underlying zoning: Ashland Downtown District (ADD), Section 8.5
- Sub-district “C” – Main Street
Underlying zoning: Ashland Downtown District (ADD), Section 8.5
- Sub-district “D” – Chestnut Street
Underlying zoning: Wildwood Mixed Use Special District, Section 8.6
- Sub-district “E” – Pond Street
Underlying zoning: Pond Street Mixed Use Overlay District, Section 8.8

5. Permitted Uses

A. **Uses Permitted as of Right.** The following uses are permitted as of right within all Sub-Districts of MCMOD:

1. Dwelling, Multifamily.

6. Prohibited Uses

- A. Age restricted housing.
- B. Housing with limitations on the size of the units, the number of bedrooms, the size of bedrooms, and/or the number of occupants.

7. Dimensional Requirements

A. Dimensional Standards and Density Allowed in MCMOD:

Sub-District	Frontage (Min)	Front Yard (Min)	Side Yard (Min)	Rear Yard (Min)	Height	Units per Acre
A	150'	25'	25'	30	3 Stories (Max 38 feet) and 4 Stories at rear of building if slope permits	21
B	100'	15'	15'	12'	3 Stories (Max 38 feet)	15
C	100'	15'	15'	12'	3 Stories (Max 38 feet)	15
D	150'	25'	25'	25'	4 Stories (Max 51 feet)	30
E	150'	None	10'	15'	4 Stories (Max 51 feet)	22

B. Common Open Land.

1. 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.

C. Parking Requirements. In the MCMOD, off street parking shall be provided as given below. Parking shall not be reduced by underlying zoning.

1. 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.

D. Exceptions:

1. Renewable Energy Installations. The Permit Granting Authority may waive the height and setbacks in Section 8.9.7 (Dimensional Requirements) to accommodate the installation of solar photovoltaic, solar thermal, living, and other eco-roofs, energy storage, and air-source heat pump equipment. Such installations shall not create a significant detriment to abutters in terms of noise or shadow and must be appropriately integrated into the architecture of the building and the layout of the site. The installations shall not provide additional habitable space within the development.

8. Affordability Requirement

A. Applicability

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

B. Mandatory Provision of Affordable Units.

1. As a condition of approval, projects in Sub-Districts A, B, C and D shall contribute at least 12.5% of the total dwelling units in the development as Affordable Housing Units. Sub-District E shall contribute 10% of the total dwelling units in the development as Affordable Housing Units. The 12.5% requirement is dependent in approval from EOHLC, if the Town does not receive said approval, the requirement shall be 10% for all sub-districts.
2. For the 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 of 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 Permit Granting Authority 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 projects in the MCMOD. An application for Site Plan Review shall be reviewed by the Permit Granting Authority 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 MCMOD, the Applicant must adhere to Section 9.4-9.6 of this Zoning Bylaw.
- C. **Decision.** Final Action of the Permit Granting Authority shall include one of the following:
 1. Approval based on a determination that the proposed project complies with the criteria and design standards set forth in this section of the Zoning Bylaw.
 2. Approval subject to any reasonable site plan and design performance conditions, modification, and restrictions the Permit Granting Authority 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.

AND to amend the Town of Ashland zoning map by adding a new MBTA Communities Multi-family Overlay District, including subdistricts, as is filed with the Town Clerk; or take any action relative thereto.

Motion: That the Town amend the Town of Ashland Zoning bylaws, Chapter 282 by adding a new section 8.9 and to amend the Zoning Map to include a new MBTA Communities Multi-family Overlay District as shown in Article 8

Finance Committee Recommendation: The Finance Committee defers its recommendation to Town Meeting

**Article 9: Authorize Purchase of Open Space Land for the Town Forest
Sponsor: Town Forest Committee/Town Manager**

To see if the Town will vote to authorize the Select Board to purchase, acquire, or take by eminent domain, the property of the United Church of Christ [UCC] consisting of approximate 52 acres +/-, located at 0 Winter Street, shown as Parcel 1 on a Plan of Land in Ashland, Massachusetts, prepared by Schofield Brothers Inc., dated February 14, 1985, recorded with the Middlesex South Registry of Deeds in Book 16212 Page END, and which is a portion of the land as more fully described in a deed recorded in the Middlesex South Registry of Deed Book 7615 Page 235, dated July 26, 1950, (the "Property") on file in the Town Clerk's office, to be used for conservation and passive open space purposes as part of the Town Forest meaning and intending to dedicate this land as Article 97 Land so called under the Constitution of the Commonwealth of Massachusetts, and to be under the care, custody and control of the Select Board, and to pay for said acquisition along with legal and engineering costs required to effectuate said purchase of the Property and in addition pay for a Conservation Restriction therefore, that the town authorize the Town to borrow, appropriate or transfer a sum of money and further that the Select Board shall be authorized to enter into and purchase a Conservation Restriction for said Property as

well as for any other parcel which comprises the Town Forest, so called, or take any action relative thereto.

Motion: That the Town authorize the Select Board to purchase, acquire, or take by eminent domain, the property of the United Church of Christ [UCC] consisting of approximate 52 acres +/-, located at 0 Winter Street, shown as Parcel 1 on a Plan of Land in Ashland, Massachusetts, prepared by Schofield Brothers Inc., dated February 14, 1985, recorded with the Middlesex South Registry of Deeds in Book 16212 Page END, and which is a portion of the land as more fully described in a deed recorded in the Middlesex South Registry of Deed Book 7615 Page 235, dated July 26, 1950, (the “Property”) on file in the Town Clerk’s office, to be used for conservation and passive recreation and open space purposes as part of the Town Forest meaning and intending to dedicate this land as Article 97 Land so called under the Constitution of the Commonwealth of Massachusetts, and to be under the care, custody and control of the Select Board, and to pay for said acquisition along with legal and engineering costs required to effectuate said purchase of the Property and granting of a Conservation Restriction therefore, and further that the town transfer sufficient funds from the Capital Account set forth in Article 2 of this Town Meeting to accomplish said purchases and further that the Select Board shall be authorized to enter into and grant a Conservation Restriction for said Property as well as for any other parcel which comprises the Town Forest, so called, or take any action relative thereto.

Finance Committee Recommendation: The Finance Committee recommends that the Town authorize the Select Board to purchase, acquire, or take by eminent domain, the property of the United Church of Christ (UCC) consisting of approximately 52 acres +/-, located at 0 Winter Street, for the purposes described above.

Funding Notes: Purchase Price, related costs and Conservation Restriction Costs to be paid as follows:

Purchase Price:	\$1,400,000
Proposed Funding Source:	\$250,000 Sudbury Valley Trustees
	\$550,000 ARPA funds
	\$600,000 Grants Awarded and Capital Account

TOWN MEETING VOCABULARY

Abatement	A reduction or elimination of a real or personal property tax, motor vehicle excise, a fee, charge, or special assessment imposed.
Available Funds	Balances in the various fund types that represent non-recurring revenue sources. Examples include free cash, stabilization funds, overlay surplus, and enterprise retained earnings.
Bond	A means to raise money through the issuance of debt.
Bond Authorization	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.
Cherry Sheet	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.
Citizens' Petitions	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.
Community Preservation Act	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.

Community Preservation Fund	A special revenue fund established to receive all monies collected to support the community preservation program, including but not limited to, tax surcharge receipts, proceeds from borrowings, and funds received from the State.
Debt Exclusion	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.
Enterprise Fund	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.
Exemption	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.
Fiscal Year	The Fiscal Year starts July 1 st of each year and ends June 30 th the following year.
Free Cash	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.
Levy Limit	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.

Local Receipts	Income derived by the Town from Motor Vehicle excise taxes, fees, licenses and permits, penalties & interest on taxes, etc.
New Construction	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.
Omnibus Budget	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.
Overlay	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.
Override	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.
Raise and Appropriate	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.
Reserve Fund	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.
Revolving Account	Allows a community to raise revenues from a specific service and use those revenues without appropriation to support the service.
Stabilization Fund	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.

POSTING CERTIFICATION

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

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

Precinct 1 – Ashland Public Library, 66 Front Street, Ashland, MA

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

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

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

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

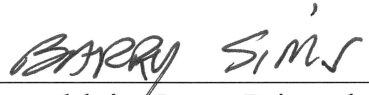
Precinct 6 – Ashland Community Center, 162 West Union St., Ashland



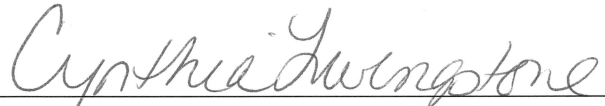
Constable’s Signature

10/17/2024

Date of Posting



Constable’s Name Printed

ATTEST: 

Cynthia T. Livingstone, Ashland Town Clerk

WARRANT - TOWN OF ASHLAND
NOVEMBER 19, 2024 SPECIAL TOWN MEETING

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS:

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

GREETINGS:

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

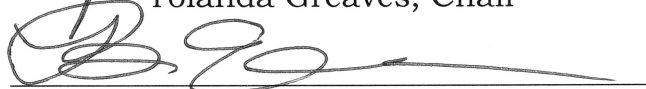
Hereof fail not and make due return of this warrant by your doing thereon to the Town Clerk, at or before the time of the meeting aforesaid.

Given under our hands, at Ashland, on the 16th day of October in the year Two Thousand and Twenty-Four.

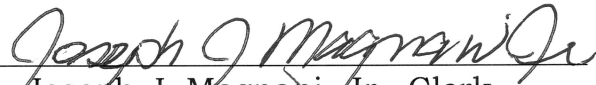
SELECT BOARD



Yolanda Greaves, Chair



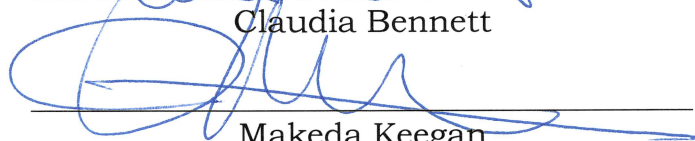
Brandi E. Kinsman, Vice-Chair



Joseph J. Magnani, Jr., Clerk

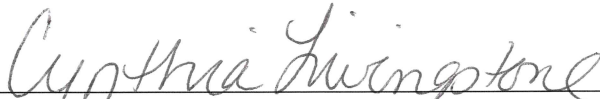


Claudia Bennett



Makeda Keegan

ATTEST:



Cynthia T. Livingstone, Ashland Town Clerk