



Town of Ashland

MASSACHUSETTS

Smart. Safe. Sustainable.

**WARRANT ARTICLES, INFORMATION AND
RECOMMENDATIONS
OF THE
FINANCE COMMITTEE
FOR THE
NOVEMBER 14, 2017
SPECIAL TOWN MEETING
ASHLAND HIGH SCHOOL**

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Moderator's Motions

1. That this meeting dispense 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 14, 2017**

**Article 1: Hear Report of Town Manager
Sponsor: Routine**

To see if the town will hear any report of the Town Manager, or pass any vote or take any action relative thereto.

**Article 2: Free Cash Allocations
Sponsor: Board of Selectmen**

To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money to be placed in the Stabilization Fund, OPEB Stabilization Fund, Special Education Special Purpose Stabilization Account, Capital Account, and/or FY18 budgetary line items as proposed, or pass any vote or take any action relative thereto.

FINANCE COMMITTEE RECOMMENDS: Per the town's free cash and stabilization fund policy that the Town so vote to transfer the sum of \$410,000.00 from Free Cash to the Stabilization Fund; and the sum of \$378,227.40 from Free Cash to the OPEB Trust Fund and the sum of \$632,530.60 from Free Cash to the Capital Account, and \$250,000 from Free Cash to the following FY18 Line Item: 0130080 for the purposes of funding full-day kindergarten.

MOTION: that the Town so vote to transfer the sum of \$410,000.00 from Free Cash to the Stabilization Fund; and the sum of \$378,227.40 from Free Cash to the OPEB Trust Fund and the sum of \$632,530.60 from Free Cash to the Capital Account, and \$250,000 from Free Cash to the following FY18 Line Item: 0130080.

**Article 3: Transfer of OPEB Stabilization Fund Balance to OPEB Trust
Sponsor: Finance Director**

To see if the Town will vote to transfer the balance of the OPEB Stabilization Fund to the OPEB Trust Fund; or pass any vote or take any action relative thereto.

FINANCE COMMITTEE RECOMMENDS: Given that the Town has now established an OPEB Trust Fund, the OPEB Stabilization is no longer needed and therefore the sum of \$456,122.67 should be transferred to the OPEB Trust Fund from the OPEB Stabilization account.

MOTION: that the Town so vote to transfer the sum of \$456,122.67 from the OPEB Stabilization account to the OPEB Trust Fund.

**Article 4: Property Tax Exemptions
Sponsor: Board of Selectmen**

To see if the Town will vote to adjust (the exemption amount and eligibility factors) for the property tax exemption for senior citizens under MGL Chapter 59, Section 5 Clause 41C½, to be

effective for exemptions granted for any fiscal year beginning July 1, 2017, or pass any vote or take any action relative thereto.

FINANCE COMMITTEE RECOMMENDS: that the property tax exemption percentage be set at the percentage recommended by the Board of Assessors.

MOTION: That the Town vote to adjust (the exemption amount and eligibility factors) for the property tax exemption for senior citizens under MGL Chapter 59, Section 5 Clause 41C½ to 10.5%, to be effective for exemptions granted for any fiscal year beginning July 1, 2017.

Article 5: Adjust Fiscal Year 2018 Appropriation
Sponsor: Board of Selectman

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 5 of the May 2017 annual town meeting (fiscal year 2018 budget), or pass any vote or take any action relative thereto.

FINANCE COMMITTEE RECOMMENDS: that the Town so vote the following adjustments be made the following line items in the FY2018 budget:

Dept.	Account	Original Appropriation	Adjusted Appropriation	Amount
Veteran's Services	01543	89,105.00	94,705.00	5,600.00
School	01300	29,078,500.00	29,256,514.20	178,014.20
Inspections	01241	190,523.00	241,214.80	50,691.80
Legal	01151	210,000.00	230,000.00	20,000.00
Fields	6300	98,320.00	111,320.00	13,000.00

Motion: that the Town vote to raise and appropriate \$267,306 and make the following adjustments in the line items in the FY2018 budget as follows:

Dept.	Account	Original Appropriation	Adjusted Appropriation
Veteran's Services	01543	89,105.00	94,705.00
School	01300	29,078,500.00	29,256,514.20
Inspections	01241	190,523.00	241,214.80
Legal	01151	210,000.00	230,000.00
Fields	6300	98,320.00	111,320.00

**Article 6: Approve Purchase of Property – Oregon Road Parcel 1
Sponsor: Board of Selectmen**

To see if the Town will vote to authorize the Board of Selectman to purchase, acquire, or take by eminent domain, and to raise and appropriate, either by appropriation, borrowing or otherwise, a sum of money to fund said purchase or taking along with all associated legal and engineering costs necessary, of approximately 30.59 acres +/-, located at Map 3 Lot 144 an as more fully described in a deed recorded in the Middlesex South Registry of Deeds Book 13873 Page 254 located off of Oregon Road, as more fully set forth on the sketch plan dated October 18, 2017 and titled Article 6, Oregon Road Parcel 1, on file in the Town Clerk’s office, the acquisition of said land having been determined to be necessary for the health and welfare of the inhabitants of Ashland and to be used for open space purposes under the care, custody and control of the Board of Selectman; or pass any vote or take any action relative thereto.

FINANCE COMMITTEE RECOMMENDS: that the Board of Selectmen be authorized to purchase or acquire the property consisting of approximately 30.59 acres +/-, located at Map 3 Lot 144 and as more fully described in a deed recorded in the Middlesex South Registry of Deeds Book 13873 Page 254 located off of Oregon Road as more fully set forth on the sketch plan dated October 18, 2017 and titled Article 6, Oregon Road Parcel 1, on file in the Town Clerk’s office and to pay for said acquisition along with all associated legal and engineering costs required to effectuate said purchase that the town raise and appropriate \$825,213.60 and that to meet said appropriation authorize the Town Treasurer, with the approval of the Board of Selectmen, to borrow said sum under M.G.L. Chapter 44, or any other enabling authority.

MOTION: that the Board of Selectmen be authorized to purchase, acquire or take by eminent domain the property consisting of approximately 30.59 acres +/-, located at Map 3 Lot 144 and as more fully described in a deed recorded in the Middlesex

South Registry of Deeds Book 13873 Page 254 located off of Oregon Road as more fully set forth on the sketch plan dated October 18, 2017 and titled Article 6, Oregon Road Parcel 1, on file in the Town Clerk's office to be under the care, custody and control of the Board of Selectman to be used for open space purposes and to pay for said acquisition along with all associated legal and engineering costs required to effectuate said purchase that the town raise and appropriate \$825,213.60 and that to meet said appropriation authorize the Town Treasurer, with the approval of the Board of Selectmen, to borrow said sum under M.G.L. Chapter 44, or any other enabling authority, and further that the Board of Selectmen be permitted to enter into any and all agreements necessary to effectuate the purpose of this Article.

Article 7: Approve Purchase of Property – Oregon Road Parcel 2
Sponsor: Board of Selectmen

To see if the Town will vote to authorize the Board of Selectman to purchase, acquire, or take by eminent domain, and to raise and appropriate, either by appropriation, borrowing or otherwise, a sum of money to fund said purchase or taking along with all associated legal and engineering costs necessary, of approximately 3.699 acres +/-, located at Map 3 Lot 143 an as more fully described in a deed recorded in the Middlesex South Registry of Deeds Book 31739 Page 368 located off of Oregon Road, and as more fully set forth on the sketch plan dated October 18, 2017 and titled Article 7, Oregon Road Parcel 2, on file in the Town Clerk's office, the acquisition of said land having been determined to be necessary for the health and welfare of the inhabitants of Ashland and to be used for open space purposes under the care, custody and control of the Board of Selectman; or pass any vote or take any action relative thereto.

FINANCE COMMITTEE RECOMMENDS: that the Board of Selectmen be authorized to purchase or acquire the property consisting of approximately 3.699 acres +/-, located at Map 3 Lot 143 an as more fully described in a deed recorded in the Middlesex South Registry of Deeds Book 31739 Page 368 located off of Oregon Road as more fully set forth on the sketch plan dated October 18, 2017 and titled Article 7, Oregon Road Parcel 2, on file in the Town Clerk's office and to pay for said acquisition along with all associated legal and engineering costs required to effectuate said purchase that the town raise and appropriate \$99,786.40 and that to meet said appropriation authorize the Town Treasurer, with the approval of the Board of Selectmen, to borrow said sum under M.G.L. Chapter 44, or any other enabling authority.

MOTION: that the Board of Selectmen be authorized to purchase, acquire or take by eminent domain the property consisting of approximately 3.699 acres +/-, located at Map 3 Lot 143 and as more fully described in a deed recorded in the Middlesex South Registry of Deeds Book 31739 Page 368 located off of Oregon Road as more fully set forth on the sketch plan dated October 18, 2017 and titled Article 7, Oregon Road Parcel 2, on file in the Town Clerk's office to be under the care, custody and control of the Board of Selectman to be used for open space purposes and to pay for said acquisition along with all associated legal and engineering costs required to effectuate said purchase that the town raise and appropriate \$99,786.40 and that to meet said appropriation authorize the Town Treasurer, with the approval of the Board of Selectmen, to borrow said sum under M.G.L. Chapter 44, or any other

enabling authority and further that the Board of Selectmen be permitted to enter into any and all agreements necessary to effectuate the purpose of this Article.

**Article 8: Approve Acquisition of Property – 409-415 Elliot Street / Cadillac Paint
Sponsor: Board of Selectmen**

To see if the Town will vote to authorize the Board of Selectman to purchase, acquire, or take by eminent domain, and to raise and appropriate, either by appropriation, borrowing or otherwise, a sum of money to fund said purchase or taking along with all associated legal and engineering costs necessary, of approximately 2.90 acres +/- as more fully described in a deed recorded in the Middlesex South Registry of Deeds Book 908 page 26 and 26 Certificates 155575 and 155576 noted as parcel B1 and B2 on a plan No 16860 and located on Town of Ashland Assessor's Map 26 Block 163 and as more fully set forth on the sketch plan by dated October 18, 2017, and titled Article 8 Cadillac Paint, on file in the Town Clerk's office, the acquisition of said land having been determined to be necessary for the health and welfare of the inhabitants of Ashland and to be used for park and playground purposes under the care, custody and control of the Board of Selectman; or pass any vote or take any action relative thereto.

FINANCE COMMITTEE RECOMMENDS: That the Town authorize the Board of Selectman to purchase, acquire, or take by eminent domain, approximately 2.90 acres +/- as more fully described in a deed recorded in the Middlesex South Registry of Deeds Book 908 page 26 and 26 Certificates 155575 and 155576 noted as parcel B1 and B2 on a plan No 16860 and located on Town of Ashland Assessor's Map 26 Block 163 and as more fully set forth on the sketch plan dated October 18, 2017, and titled Article 8 Cadillac Paint, on file in the Town Clerk's office and further provided that the acquisition of said land having been determined to be necessary for the health and welfare of the inhabitants of Ashland and to be used for park and playground purposes under the care, custody and control of the Board of Selectman and further provided that the lien held by the Massachusetts Department of Environmental Protection is waived;

Motion: That the Town authorize the Board of Selectman to purchase, acquire, or take by eminent domain, approximately 2.90 acres +/- as more fully described in a deed recorded in the Middlesex South Registry of Deeds Book 908 page 26 and Certificates 155575 and 155576 noted as parcel B1 and B2 on a plan No 16860 and located on Town of Ashland Assessor's Map 26 Block 163 and as more fully set forth on the sketch plan dated October 18, 2017, and titled Article 8 Cadillac Paint, on file in the Town Clerk's office the acquisition of said land having been determined to be necessary for the health and welfare of the inhabitants of Ashland and to be used for park and playground purposes under the care, custody and control of the Board of Selectman.

**Article 9: Community Preservation / Town Forest Committee
Sponsor: Community Preservation Committee**

To see if the Town will vote to appropriate up to \$40,050 in Community Preservation Act

Recreation funds to allow the Ashland Town Forest Committee to complete a series of projects in the Ashland Town Forest. Improvements will include: establishing trail access from the town-owned Oak Street (Clark) property; installation of bridges, kiosks and signage; creation of a 5-car parking area off Oregon Road; purchase of trail supplies and all-terrain utility vehicle; and construction of utility shed, and that to meet this appropriation, the sum of up to \$40,050 be transferred from the Community Preservation Fund, General Undesignated Reserve Account balance with the following stipulations: the Town Forest Committee shall obtain all required town board and town department permits and approvals prior to the disbursement of any funds, the Town Forest Committee shall enter into a grant agreement with the Community Preservation Committee prior to disbursement of any funds, and ongoing funding for maintenance of the Town Forest shall not be provided by the CPA and must be sought elsewhere. All unexpended funds as of June 30, 2021 being returned to their funding sources, or pass any vote or take any other action thereon.

FINCOM RECOMMENDATION: The Finance Committee recommends that the Town vote to make the appropriation and transfer set forth in Article 9.

MOTION: That the Town appropriate up to \$40,050 in Community Preservation Act Recreation funds to allow the Ashland Town Forest Committee to complete a series of projects in the Ashland Town Forest. Improvements will include: establishing trail access from the town-owned Oak Street (Clark) property; installation of bridges, kiosks and signage; creation of a 5-car parking area off Oregon Road; purchase of trail supplies and all-terrain utility vehicle; and construction of utility shed, and that to meet this appropriation, the sum of up to \$40,050 be transferred from the Community Preservation Fund, General Undesignated Reserve Account balance with the following stipulations: the Town Forest Committee shall obtain all required town board and town department permits and approvals prior to the disbursement of any funds, the Town Forest Committee shall enter into a grant agreement with the Community Preservation Committee prior to disbursement of any funds, and ongoing funding for maintenance of the Town Forest shall not be provided by the CPA and must be sought elsewhere. All unexpended funds as of June 30, 2021 being returned to their funding sources.

**Article 10: Community Preservation / Conservation Restriction / Oak Street
Sponsor: Board of Selectmen**

To see if the Town will vote to authorize the Board of Selectmen to enter into a Conservation Restriction with the Sudbury Valley Trustees Inc., a Massachusetts Non-Profit Corporation having its usual place of business at 18 Wolbach Road, Sudbury, Massachusetts 01776, on the property known as the Oak Street Clark Property, (Parcel ID as of May 24, 2017: 014/007.0-0243-0000.0) said parcel being more particularly described in an Order of Taking recorded with the Middlesex South District Registry of Deeds in Book 34511, Plan 522, and shown on a plan recorded with said Registry as Plan 17 in Book 2002 and containing 28.43 +/- acres (1,236,395 +/- sq. ft.) which said property is under the care custody and control of the Board of Selectmen by authority of Article 1 of the Ashland Special Town Meeting vote of November 26, 2007, said Conservation Restriction to be made pursuant to Sections 31, 32 and 33 of Chapter 184 of the General Laws of Massachusetts, and to enter into or execute any other documents necessary

to effectuate same; or pass any vote or take any action relative thereto.

FINCOM RECOMMENDATION: The Finance Committee recommends/does not recommend that the Town vote to approve Article 10.

MOTION: That the Town authorize the Board of Selectmen to enter into a Conservation Restriction with the Sudbury Valley Trustees Inc., a Massachusetts Non-Profit Corporation having its usual place of business at 18 Wolbach Road, Sudbury, Massachusetts 01776, on the property known as the Oak Street Clark Property, (Parcel ID as of May 24, 2017: 014/007.0-0243-0000.0) said parcel being more particularly described in an Order of Taking recorded with the Middlesex South District Registry of Deeds in Book 34511, Plan 522, and shown on a plan recorded with said Registry as Plan 17 in Book 2002 and containing 28.43 +/- acres (1,236,395 +/- sq. ft.) which said property is under the care custody and control of the Board of Selectmen by authority of Article 1 of the Ashland Special Town Meeting vote of November 26, 2007, said Conservation Restriction to be made pursuant to Sections 31, 32 and 33 of Chapter 184 of the General Laws of Massachusetts, and to enter into or execute any other documents necessary to effectuate same.

Article 11: Rail Transit District Multi Modal Path Easement
Sponsor: Board of Selectmen and Planning Board

To see if the Town will vote to accept an easement from Ashland Transit Apartments Owner LLC, which is shown as the "Trail Easement" on a plan entitled "Trail Easement Exhibit" prepared by Kelly Engineering Group, Inc., and dated May 1, 2017 and on file with the Town Clerk, for the purpose of a Public Bike Path or Multi Use Rail Trail to be under the care, custody and control of the Board of Selectmen, and to authorize the Board of Selectmen to negotiate and execute any and all documents necessary to effectuate same, or pass any vote or take any action relative thereto.

FINCOM RECOMMENDATION: The Finance Committee defers to Town Meeting.

MOTION: That the Town accept an easement from Ashland Transit Apartments Owner LLC, which is shown as the "Trail Easement" on a plan entitled "Trail Easement Exhibit" prepared by Kelly Engineering Group, Inc., and dated May 1, 2017 and on file with the Town Clerk, for the purpose of a Public Bike Path or Multi Use Rail Trail to be under the care, custody and control of the Board of Selectmen, and to authorize the Board of Selectmen to negotiate and execute any and all documents necessary to effectuate same.

Article 12: MBTA Access Road Easement
Sponsor: Board of Selectmen and Planning Board

To see if the Town will vote to accept an easement from Steven A. Hickey, Trustee, Apple Ridge Realty Trust ("Apple Ridge"), u/d/t recorded in the Middlesex Registry of Deeds Book 22694 Page 358 for that parcel of land located adjacent to the MBTA Access Road for the purpose of a

sidewalk easement over an existing utility easement which the Town holds and as more fully set forth on a plan entitled Conceptual Layout Revised Entryway Redesign dated March 20, 2017 by GCG Associates, Inc., and which is on file with the Town Clerk, to be under the care, custody and control of the Board of Selectmen, and to authorize the Board of Selectmen to negotiate and execute any and all documents necessary to effectuate same, or pass any vote or take any action relative thereto.

FINCOM RECOMMENDATION: The Finance Committee recommends that the Town vote to approve Article 12.

MOTION: That the Town accept an easement from Steven A. Hickey, Trustee, Apple Ridge Realty Trust ("Apple Ridge"), u/d/t recorded in the Middlesex Registry of Deeds Book 22694 Page 358 for that parcel of land located adjacent to the MBTA Access Road for the purpose of a sidewalk easement over an existing utility easement which the Town holds and as more fully set forth on a plan entitled Conceptual Layout Revised Entryway Redesign dated March 20, 2017 by GCG Associates, Inc., and which is on file with the Town Clerk, to be under the care, custody and control of the Board of Selectmen, and to authorize the Board of Selectmen to negotiate and execute any and all documents necessary to effectuate same.

Article 13: Zoning Change
Sponsor: Planning Board

To see if the Town will vote to amend the Town of Ashland General Bylaws Section 282, Zoning, as follows (underline and bold is proposed language and ~~cross-through~~ is proposed omitted language):

A. Off Street Parking Requirements Section 5.1 as follows:

5.1.7 Special Permit. The ~~Planning Board~~ **Special Permit Granting Authority (SPGA)** may authorize by special permit fewer parking spaces than are required by this Section for a use ~~to be constructed~~ when the ~~Board~~ **SPGA** determines that special circumstances render a lesser provision adequate for all parking needs. In consideration of a request for fewer parking spaces, the ~~Board~~ **SPGA** shall consider the following:

1. that the hours of operation and parking demand, or the uses which are proposed to share parking spaces are sufficiently different so as not to require the use of parking spaces at the same time; or
2. that the uses which are proposed to share parking spaces are expected to remain in place and the sharing of parking spaces can be expected to continue for the foreseeable future.

The Planning Board **SPGA** may require that the spaces to be un-constructed shall be delineated on the site plan and indicated as future parking spaces. All or part of said spaces shall be constructed if so required by the Board **SPGA** at a future date or may be constructed by the property owner/tenant at any time without prior Board **SPGA** approval.

The SPGA shall be the Planning Board unless an applicant is before the Board of Appeals for a Special Permit or Variance and also requires relief from the number of parking spaces required and Site Plan Review is not required, then the Board of Appeals may act as the SPGA instead of the Planning Board.

B. Loading Requirements Section 5.2 as follows:

- 5.2.8 Special Permit. Any loading requirement set forth herein may be reduced upon the issuance of a special permit by the Planning Board **SPGA** if the Board **SPGA** finds that the reduction is not inconsistent with public health and safety, or that the reduction promotes a public benefit. **The SPGA shall be the Planning Board unless an applicant is before the Board of Appeals for a Special Permit or Variance and also requires relief from Loading Requirements and Site Plan Review is not required, then the Board of Appeals may act as the SPGA instead of the Planning Board for the purposes of this Section.**

C. General Landscaping Requirements Section 5.4 as follows:

- 5.4.7 Special Permit. By special permit, the Planning Board **SPGA** may authorize a reduction in the requirements of this section, where such reduction will not result in substantial detriment. **The SPGA shall be the Planning Board unless an applicant is before the Board of Appeals for a Special Permit or Variance and also requires relief from General Landscape Requirements and Site Plan Review is not required, then the Board of Appeals may act as the SPGA instead of the Planning Board for the purposes of this Section.**

D. Site Alteration Special Permit Section 5.8 as follows:

- 5.8.5 **Special Permit. Special Permits will be issued in accordance to M.G.L. Chapter 40A Section 11 Section. The SPGA shall be the Planning Board for the purposes of this section.** Review. The maximum period of review and decision for Site Alteration Special Permit shall be sixty (60) days, unless the review period is extended by written mutual agreement of the Planning Board and applicant. The Planning Board shall hold a fact finding and public information meeting within thirty (30) days of the receipt of the application and a completed submission. The applicant or his/her agent shall attend the public information 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 section.

or pass any vote or take any action relative thereto.

FINCOM RECOMMENDATION: The Finance Committee defers to Town Meeting.

MOTION: That the Town approve the following amendments to the Town of Ashland General Bylaws Section 282, Zoning:

- A. Off Street Parking Requirements Section 5.1 subsection 5.1.7 Special Permit.
- B. Loading Requirements Section 5.2 subsection 5.2.8.
- C. General Landscaping Requirements Section 5.4 subsection 5.4.7
- D. Site Alteration Special Permit Section 5.8 subsection 5.8.5

All as written in the Warrant.

Article 14: Acceptance of G.L.c. 138 sec. 33B Hours for sale of alcohol
Sponsor: Board of Selectmen

To see if the Town will vote to accept Section 33B of G.L. c. 138 and allow the local licensing authority to authorize licensees under section 12 of G.L. c. 138 to sell alcoholic beverages between the hours of 10:00 a.m. and 12:00 noon on Sundays, the last Monday in May and on Christmas day or on the day following when said day occurs on Sunday or pass any vote or take any action relative thereto.

FINCOM RECOMMENDATION: The Finance Committee defers to Town Meeting.

MOTION: That the Town accept Section 33B of G.L. c. 138 and allow the local licensing authority to authorize licensees under section 12 of G.L. c. 138 to sell alcoholic beverages between the hours of 10:00 a.m. and 12:00 noon on Sundays, the last Monday in May and on Christmas day or on the day following when said day occurs on Sunday.

Article 15: Amend the Town of Ashland Bylaws / Plastic Bag Ban
Sponsor: Sustainability Committee

To see if the Town will vote to amend the Town of Ashland General Bylaws by adding new Division 2 Part II Chapter 183 and Chapter A352-1 Fee Schedule as follows:

A.

Chapter §183- 1 Findings and Purpose

The production and use of thin-film single-use plastic checkout bags have significant impacts on the environment, including, but not limited to: harming marine and terrestrial animals through ingestion and entanglement; polluting and degrading the terrestrial and marine environments; creating a burden to solid waste collection and recycling facilities; clogging storm drainage systems; and requiring the use of non-renewable fossil fuel in their manufacture and composition.

The purpose of this bylaw is to protect the Town's unique natural beauty and irreplaceable natural resources by eliminating the usage of thin-film single-use plastic checkout bags by all establishments in the Town of Ashland.

§ 183-2 Definitions

CHECKOUT BAG: Any bag that is provided at the point of sale to a customer of an Establishment for use to transport or carry away purchases, such as merchandise, goods or food, except as otherwise exempted under this bylaw.

ESTABLISHMENT - Any business selling goods, articles, food or personal services to the public, including public eating establishments and take-out restaurants.

PRODUCT BAG - A bag integrated into the packaging of the product.

RECYCLABLE PAPER BAGS - Paper bags with or without handles provided at the point of sale to a customer of an Establishment for use to transport or carry away purchases, such as merchandise, goods or food, etc. and that (1) are one hundred percent (100%) recyclable, and (2) contain a minimum of forty percent (40%) postconsumer recycled paper content.

REUSABLE [CHECKOUT] BAG: A bag, with stitched handles, that is 4.0 mils or thicker, is specifically designed for multiple uses and is made of cloth, fabric, or other durable, washable materials.

THIN-FILM SINGLE-USE BAGS: Plastic bags, typically with handles, with a thickness less than 4.0 mils which are intended for single-use transport of purchased products.

§ 183-3 Use Regulations

- A. Thin-film single-use plastic bags shall not be distributed, used, or sold for checkout or other purposes at any Establishment within the Town of Ashland.
- B. If an Establishment provides or sells checkout bags to customers, the bags must be one of the following: 1. Recyclable paper bag; or 2. Reusable checkout bag.
- C. Customers are encouraged to bring their own reusable or biodegradable shopping bags to stores. Establishments are strongly encouraged to make reusable checkout bags available for sale to customers at a reasonable price.

§183- 4 Exemptions and Alternatives

- A. The following are exempt and not subject to the provisions of this chapter:
 - (1) Thin plastic bags used to protect newspapers upon delivery;
 - (2) Laundry or dry-cleaning bags;
 - (3) Thin film bags, typically without handles, used to contain produce, meat, or fish
 - (4) Bags sold in packages containing multiple bags intended to be used for home food storage, garbage, waste, pet waste or yard waste;
 - (5) Product bags;
 - (6) Town Pay-As-You-Throw trash bags;
- B. Nothing in this chapter prohibits customers from using bags of any type that they bring into an Establishment themselves or from carrying away goods that are not placed in a bag. Customers are encouraged to bring their own reusable bags to the aforesaid Establishments.
- C. Establishments may and are strongly encouraged to distribute reusable bags and boxes to customers with or without charge and educate their staff to promote Reusable Bags and post signs encouraging customers to use washable Reusable Bags.

§ 183-5 Inspections and Enforcement

- A. Enforcement of this bylaw shall be the responsibility of the Town Manager or his/her designee.
- B. Any enforcing person shall have the right to enter any Establishment during regular business hours, without a search or inspection warrant, to make reasonable inspection to ascertain whether there is compliance with the provisions of this chapter. Upon finding a violation of this chapter an enforcing person shall issue a written warning notice to the operator of the Establishment that a violation has occurred and the potential penalties that will apply for future violations.
- C. Any Establishment providing bags in violation of this bylaw shall be subject to a non-criminal disposition fine as specified in Appendix A of the Regulations for Enforcement of Town Bylaws under M.G.L. Chapter 40, §21D and the Bylaw for Non-Criminal Disposition of Violations adopted under Article 47 of the 1984 Town Meeting, as amended. Any such fines shall be paid to the Town of Ashland.
- D. Non-payment of fines may result in the suspension, revocation, or denial of other Town issued license(s) or permits in accordance with G.L. c. 40, §57.

§183-6 Severability and Effective Date

- A. If any provision of this bylaw shall be held to be invalid by a court of competent jurisdiction, then such provision shall be considered separately and apart from the remaining provisions of this bylaw, which shall remain in full force and effect.
- B. This bylaw shall take effect six (6) months following approval of the bylaw by the Town of Ashland and the Attorney General or on July 1, 2018, whichever is later. This will allow time for Establishments to use their existing inventory of thin-film plastic checkout bags and to convert to alternative packaging materials.

**B.
Chapter A352-1 Fee Schedule**

Bylaw	Fine Schedule	Fine Allowed	Enforcement Agency
Plastic Bag Reduction Bylaw	1st offense	Warning	Town Manager’s Designee
	2nd offense	\$50.00	
	3rd & each subsequent offense	\$100.00	

or take any other action relative thereto.

FINCOM RECOMMENDATION: The Finance Committee recommends that the Town vote to approve Article 15.

MOTION: That the Town Approve Article 15 as printed in the warrant and amend Town of Ashland General Bylaws by adding new Division 2 Part II Chapter 183 “Plastic Bag Ban” and amend the Fee Schedule in Chapter A352-1 all as presented.

Article 16: Amend the Chapter 153 of the Town of Ashland Bylaws / Town Forest

Sponsor: Town Forest Committee

To see if the Town will vote to amend Chapter 153, Forest, of the Town of Ashland Bylaws as follows (~~cross-out~~ is omitted language and **underline and bold** in new language):

Section 153-2 Rules for Use.

B. Groups using the forest must be based in **authorized in writing by the Ashland Town Forest Committee. Any commercial use must be authorized in writing** ~~or be sponsored~~ by the Ashland Town Forest Committee.

C. There shall be no camping in the forest unless authorized in writing by the Ashland Town Forest committee nor shall there be fires without the permission of the **Ashland Town Forest Committee and the** Ashland Fire Department.

E. Hunting and trapping are prohibited **without permission in writing of the Ashland Town Forest Committee.**

F. There shall be no removal of soil, live trees or plants, and stone walls are to remain intact **without permission in writing of the Ashland Town Forest Committee.**

G. Selective cutting of firewood will be done under the written permission of the Town Forest Committee. ~~Cutting will be permitted to Ashland residents only.~~ The wood cannot be sold **without written authorization of the Ashland Town Forest Committee** and must be used in Ashland residents **residences** only. Cutting will be controlled for the purpose of improving the natural growth throughout the forest.

Section 153-4 Promulgation of additional rules and regulations.

The Town Forest Committee is authorized to promulgate the rules and regulations for the **protection, management,** use and enjoyment of the Ashland town forest and, upon filling with the Town clerk, those rules and regulations shall become effective.

or pass any vote or take any action relative thereto.

FINCOM RECOMMENDATION: The Finance Committee defers to Town Meeting.

MOTION: That the Town Approve Article 16 as printed in the warrant and amend Town of Ashland General Bylaws Chapter 153, Town Forest, as presented except paragraph G shall be as follows.

G. Selective cutting of firewood will be done under the written permission of the Town Forest Committee. ~~Cutting will be permitted to Ashland residents only.~~ The wood cannot be sold **without written authorization of the Ashland Town Forest Committee** and must be used in Ashland residents ~~only.~~ **Priority will be given to Ashland residents.** Cutting will be controlled for the purpose of improving the natural growth throughout the forest.

Article 17: Marijuana Moratorium Bylaw Extension

Sponsor: Board of Selectmen

To see if the Town will vote to amend Section 3. 1. 6(C) to Chapter 282 of the Town of Ashland Bylaw, entitled "**Temporary Moratorium**" to extend the moratorium from July 1, 2018 to December 31, 2018 as follows (strike through deleted language, underline and bold new language).

For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for "Marijuana", "Marijuana Establishment", "Marijuana Product", and "Marijuana Retailer". The moratorium shall be in effect through ~~July 1, 2018~~ **December 31, 2018**. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of marijuana in the Town, consider the Cannabis Control Commission regulations regarding Marijuana, "Marijuana Establishment", "Marijuana Product", and "Marijuana Retailer" and related uses, and shall consider adopting new Zoning Bylaws to address the impact and operation of Marijuana Establishments and Marijuana Retailers and related uses. Or pass any vote or take any action relative thereto.

FINCOM RECOMMENDATION: The Finance Committee recommends that the Town vote to amend Section 3.1.6(C) to Chapter 282 of the Town of Ashland Bylaw as set forth in the article.

MOTION: That the Town amend Section 3. 1. 6(C) to Chapter 282 of the Town of Ashland Bylaw, entitled "Temporary Moratorium" to extend the moratorium from July 1, 2018 to December 31, 2018 as follows.

For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for "Marijuana", "Marijuana Establishment", "Marijuana Product", and "Marijuana Retailer". The moratorium shall be in effect through ~~July 1, 2018~~ **December 31, 2018**. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of marijuana in the Town, consider the Cannabis Control Commission regulations regarding Marijuana, "Marijuana Establishment", "Marijuana Product", and "Marijuana Retailer" and related uses, and shall consider adopting new Zoning Bylaws to address the impact and operation of Marijuana Establishments and Marijuana Retailers and related uses.

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.