



**TOWN OF ASHBURNHAM
ANNUAL TOWN MEETING
WARRANT ARTICLES**

*Tuesday, May 03, 2022
7:00 p.m.
Oakmont Regional High School Auditorium
9 Oakmont Drive
Ashburnham, MA 01430*

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<u>Consent</u>	<u>Amount of Article</u>
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- | | |
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| 2. Admin – Authorize Pilot Payment | - |
| 3. Admin – Authorize Treasurer / Collector to borrow | - |
| 4. Admin – Authorize TA to contract with Mass Highway | - |
| 5. Admin – Appropriate Chapter 90 funds | - |
| 6. Admin – Transfer from Waterways Improvement Fund to Ashburnham Lakes | - |

Finances

- | | |
|---|--------------|
| 7. FY23 Budget – Revolving Fund Amounts (RAD, Fire Alarm Fees, AEDC Banner) | \$45,000 |
| 8. FY23 Budget – Water Enterprise Fund | \$813,002 |
| 9. FY23 Budget – Sewer Enterprise Fund | \$809,849 |
| 10. FY23 Budget – General Operating Budget | \$18,811,925 |
| 11. FY23 Budget – From Operating Budget for Capital Projects | \$114,999 |
| 12. FY22 Budget – From Free Cash for Snow and Ice | \$150,000 |
| 13. FY22 Budget – From Free Cash for Veterans Benefits | \$35,000 |
| 14. FY22 Budget – From Free Cash for Capital Voting Machines | \$14,000 |
| 15. FY22 Budget – From Free Cash for Capital Animal Control Vehicles | \$11,261 |
| 16. FY22 Budget – From Free Cash for Stabilization | \$85,000 |
| 17. FY22 Budget – From Free Cash for Other Post-Employment Benefits (OPEB) | \$42,500 |
| 18. FY23 Budget – From Free Cash for AWRSD Capital | \$160,157 |
| 19. FY22 Budget – From Free Cash for Benefits Health Insurance | \$40,000 |
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| 21. FY22 Budget – Allow Third Party Lease | \$0 |
| 22. FY22 Budget – Dispose of old ladder truck | \$0 |
| 23. FY22 Budget – Conservation Restriction Russell Hill Rd | \$0 |

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24. Admin – Zoning Change
25. Admin – General Bylaws Amendment Renumbering and Recodifying
26. Admin – Zoning Bylaws Amendment Renumbering and Recodifying
27. Admin – Change the terms of the Planning Board Members from 5 to 3 years

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- | | |
|---|-----------|
| 28. Admin – Change Parks and Recreation From Appointed to Elected | - |
| 29. Admin – Change Town Charter for seven member Parks and Recreation Commission | - |
| 30. Admin – Winchester Park Land Restriction | - |
| 31. Admin – Change Winchester Parks jurisdiction from Select Board to Parks and Recreation Commission | - |
| 32. FY23 Budget – Appropriate \$300,000 to Parks and Recreation for Equipment | \$300,000 |

**ANNUAL TOWN MEETING WARRANT
TOWN OF ASHBURNHAM
COMMONWEALTH OF MASSACHUSETTS**

WORCESTER, SS

TO THE CONSTABLES OF THE TOWN OF ASHBURNHAM, IN WORCESTER COUNTY,
GREETINGS:

IN THE NAME OF THE COMMONWEALTH OF MASSACHUSETTS, YOU ARE HEREBY
DIRECTED TO NOTIFY AND WARN THE INHABITANTS OF SAID TOWN QUALIFIED
TO VOTE IN ELECTIONS AND TOWN AFFAIRS TO MEET AT OAKMONT REGIONAL
HIGH SCHOOL AUDITORIUM, 9 OAKMONT DRIVE, ASHBURNHAM, MA ON

**TUESDAY, THE FORTH OF MAY 2021
BEGINNING AT 7:00 P.M.**

THEN AND THERE TO VOTE ON THE FOLLOWING ARTICLES AND RESOLUTIONS:

ARTICLE 1

To accept the reports of several town officers and all outstanding committees, or act in
relation thereto. *(Requested by the Select Board)*

Brief Explanation: *Annual article to accept the reports of Town officials and
boards.*

ARTICLE 2

To see if the Town will vote to authorize a PILOT payment based on the annual kilowatt
sales of the Light Department multiplied by a per kilowatt value from the Municipal Light
Plant Funds, to the town treasury, as authorized by its Light Board in accordance with
Chapter 164 of the General Laws of the Commonwealth, or act in relation thereto.
(Requested by the Municipal Light Department)

Brief Explanation: *The PILOT agreement is tied to the Pilot payment in the
annual kilowatt sales of the light department multiplied by a per kilowatt value.
This was put in place for FY13 to ease the calculation and establish a standard
process for future years. In FY23 it is estimated we will receive \$65,000.*

ARTICLE 3

To see if the Town will vote to authorize the Town Treasurer/Collector, with the approval of the Board of Selectmen, to borrow money from time to time in anticipation of the revenue of the financial year beginning July 1, 2022, in accordance with the provisions of the Massachusetts General Laws, Chapter 44, Section 4, and to issue a note or notes as may be given for a period of less than one year in accordance with the Massachusetts General Laws, Chapter 44, Section 17, or act in relation thereto. *(Requested by the Town Treasurer/Collector)*

Brief Explanation: *Allows the Treasurer to temporarily borrow operating funds for the Town to ensure payments are done in a timely manner. The Treasurer can only borrow that amount which is expected to be received.*

ARTICLE 4

To see if the Town will vote to authorize the Town Administrator to enter into a contract or contracts with the Massachusetts Highway Department for the construction and maintenance of town roads in conformance with the Massachusetts General Laws, or act in relation thereto. *(Requested by the Town Administrator)*

Brief Explanation: *This article allows the Town Administrator to contract with the State to do road repairs in Ashburnham. This article does not approve any specific project/road, but rather provides the delegation of authority to allow the TA to enter into a contract with the State.*

ARTICLE 5

To see if the Town will vote to appropriate all funds which become available in the Fiscal Year 2023 from the Commonwealth of Massachusetts Department of Highways, Chapter 90 Bond Issue proceeds, to be used by the DPW for the repair and maintenance of town roads in conformance with Massachusetts General Laws, or act in relation thereto. *(Requested by the Town Administrator)*

Brief Explanation: *This annual article allows the Town to expend its Chapter 90 state funds. For fiscal year 2023 the amount of those funds is estimated to be \$341,939.*

ARTICLE 6

To see if the Town will vote to transfer a sum of money not to exceed \$1,500 from the Waterways Improvement Fund for the purpose of waterway improvement, maintenance, and safety, or act in relation thereto. *(Requested by the Ashburnham Lakes Coalition)*

Brief Explanation: *The Waterways Improvement Fund is funded by a portion of the boat excise tax to be used for waterways maintenance, access, law enforcement or fire prevention. The Ashburnham Lakes Coalition has been given*

the charge of recommending the use of these monies to the Board of Selectmen who then approve or disapprove expenditures. In the past these monies have been used for Police boat patrols, lifesaving courses, purchase of a Police boat and other water related expenditures.

ARTICLE 7

To see what spending limits the Town will establish for revolving accounts established pursuant to Chapter 44, section 53E½ of the Massachusetts General Laws and Ashburnham General Bylaws for Fiscal Year 2023; or take any other action related thereto.

Revolving Fund	Spending Limit
RAD Program	\$15,000
Fire Alarm & Communications	\$20,000
Economic Development Banner Program	\$10,000

Brief Explanation: *Now that the revolving funds are established, the limits to what can be collected in each fund and expended is an annual requirement.*

ARTICLE 8

To see if the Town will vote to raise and appropriate the sum of **\$813,002** to operate the Water Department for the fiscal year beginning July 1, 2022, or act in relation thereto. *(Requested by the Town Administrator)*

Salaries	90,001
Expenses	155,351
Water Filtration Plant	320,000
Debt Service	121,631
Indirect Costs	<u>126,019</u>
	\$ 813,002

Brief Explanation: *The FY23 expenses reduced 2.77% over FY22. Indirect costs decreased. Operates as an Enterprise Fund.*

ARTICLE 9

To see if the Town will vote to raise and appropriate the sum of **\$809,849** to operate the Sewer Department for fiscal year beginning July 1, 2022, or act in relation thereto. *(Requested by the Town Administrator)*

Salaries	52,001
Expenses	196,171
Service Charges Gardner	450,000
Debt Service	-
Indirect Costs	<u>111,677</u>
	\$ 809,849

Brief Explanation: *The FY23 Sewer Budget expenses increased by 2.25% over FY22. Indirect costs decreased. Operates as an Enterprise Fund.*

ARTICLE 10 FY23 ANNUAL OPERATING BUDGET

To see if the Town will vote to raise and appropriate the sum of **\$18,811,925** to defray the expenses of the Town for the fiscal year commencing July 1, 2022, and to set the salaries of elected officials as set forth below, and to transfer from available funds:

\$1,000 from Cushing Academy Trust Fund for secondary school expenses;

\$16,459 from special assessments Title V Receipts Account to pay principal and interest on notes payable to the Water Pollution Abatement Trust;

\$62,907 from Reserve for Amortization Bond Premium, or act in relation thereto.

(Requested by the Select Board and Advisory Board)

Line	Department Category	FY22 Budget	FY23 Budget
1	Moderator	\$ 100	\$ 100
2	Board of Selectmen	\$ 33,125	\$ 43,135
3	Town Administrator	\$ 277,745	\$ 288,075
4	Advisory Board	\$ 500	\$ 500
5	Reserve Fund	\$ 50,000	\$ 50,000
6	Town Accountant	\$ 112,700	\$ 116,200
7	Board of Assessors	\$ 121,425	\$ 127,545
8	Treasurer/Collector	\$ 171,305	\$ 173,630
9	Tax Title	\$ 17,500	\$ 20,000
10	IT Expenses	\$ 194,850	\$ 203,100
11	Town Clerk	\$ 55,830	\$ 63,420
12	Land Use	\$ 172,605	\$ 177,725
13	Town Buildings	\$ 226,225	\$ 257,865
14	Non-Departmental	\$ 116,650	\$ 119,830
15	Police	\$ 1,666,935	\$ 1,733,535
16	Emergency Dispatch	\$ 314,740	\$ 325,110
17	Fire	\$ 843,630	\$ 925,365
18	Animal Control	\$ 35,690	\$ 36,640
19	Monty Tech	\$ 589,095	\$ 576,224
20	AWRSD	\$ 8,083,770	\$ 8,070,155
21	DPW	\$ 1,090,570	\$ 1,129,791
22	Snow & Ice	\$ 230,000	\$ 230,000
23	Board of Health	\$ 23,580	\$ 28,735
24	Conservation Commission	\$ 27,960	\$ 39,330
25	Council on Aging	\$ 35,470	\$ 40,150
26	Open Space Committee	\$ 1,275	\$ 1,275
27	Veterans' Services	\$ 83,185	\$ 120,000
28	Agricultural Commission	\$ 1,000	\$ 1,000
29	Community Events & Playground (Former P & R)	\$ 21,500	\$ 29,600
30	Library	\$ 242,265	\$ 252,830

31 Historical Commission	\$ 1,250	\$ 1,250
32 Cultural Council	\$ -	\$ 5,000
33 Debt Service	\$ 1,653,705	\$ 1,599,055
34 Employee Ins. Benefits	\$ 1,847,367	\$ 2,025,755
Total Operating	\$ 18,343,547	\$ 18,811,925

Setting of Elected Salaries under Article 10:

- a. Town Moderator: \$100
- b. Select Board: Chairman - \$1,300; Clerk - \$1,100; Member - \$1,100

Brief Explanation: Annual operating budget article as noted represents a 2.55% increase over the FY22 budget. The revenues also cover the capital items in the next article. The revenues to offset the cost of the proposed budget come from the following sources:

REVENUES	FY23- EST
Property Tax Levy	
Prior Yr Levy Limit	14,035,473
2 1/2 % Increase	350,887
New Growth	125,000
Debt Service Override-School	1,154,740
Debt Service Override-Municipal	510,689
Other	0
less overlay	(150,000)
Levy Total	16,026,789
State Aid	1,070,281
Local Receipts Revenue and Transfers In	1,984,991
Total Revenue:	19,082,061

ARTICLE 11

To see if the Town will vote to raise and appropriate from available funds the sum of **\$114,999** to fund the recommendation of the Capital Planning Committee to include the following:

Line	Item	Amount
1	Volvo Loader 5 th of 5-year payments	\$39,999
2	Road Repair and Maintenance	\$75,000
		\$ 114,999

or act in relation thereto. (Requested by the Town Administrator)

Brief Explanation: *The capital article is limited to the required articles, which due to financial commitments and imminent departmental need to be addressed at Annual Town Meeting.*

ARTICLE 12

To see if the town will vote to transfer from Free Cash the sum of \$150,000 to the Snow and Ice Account (#0010-423-5400-0000), or act in relation thereto: (Requested by the Town Administrator)

Brief Explanation: *The \$150,000 is for the deficit amount in snow and ice this fiscal year.*

ARTICLE 13

To see if the town will vote to transfer from Free Cash the sum of \$35,000 to the Veterans Benefits Account (#0010-543-5770-0000), or act in relation thereto: (Requested by the Town Administrator)

Brief Explanation: *The \$35,000 is to cover the expenses for Veterans Benefits this fiscal year.*

ARTICLE 14

To see if the town will vote to transfer from Free Cash the sum of \$14,000 to purchase two Voting Machines Capital Account, or act in relation thereto: (Requested by the Town Administrator)

Brief Explanation: *The \$14,000 is to replace two voting machines and to be better functioning with the two new precincts requirement.*

ARTICLE 15

To see if the town will vote to transfer from Free Cash the sum of \$11,261 to purchase two Vehicles for the Municipal Agreement for Animal Control, or act in relation thereto:
(Requested by the Town Administrator)

Brief Explanation: *The \$11,261 is the town's share (16%) to replace two animal control pick-up trucks in the amount of \$5,495 and \$5,766 respectively per the inter-municipal agreement with Gardner, Westminster, and Hubbardston.*

ARTICLE 16

To see if the town will vote to transfer from Free Cash the sum of \$85,000 to the Stabilization Account (#8600-000-3590-0000), or act in relation thereto: (Requested by the Town Administrator)

Brief Explanation: *The \$85,000 to Stabilization will better prepare the town for the future needs. Total amount would be \$512,364 (\$427,364 + \$85,000)*

ARTICLE 17

To see if the town will vote to transfer from Free Cash the sum of \$42,500 to the Other Post Employee Benefits Account (OPEB), or act in relation thereto: (Requested by the Town Administrator)

Brief Explanation: *The \$42,500 will be used to reduce the future liability.*

ARTICLE 18

To see if the town will vote to transfer from Free Cash the sum of \$160,157 to the AWRSD Capital Account to be spent for the following capital equipment and/or projects, including related incidental costs to the School Capital Account, or act in relation thereto: (Requested by the Town Administrator)

<u>Line</u>	<u>Description</u>	<u>Amount</u>
1	District Wide Special Education Van	\$ 22,977
2	District Wide Security System Phase III	\$ 45,955
3	Oakmont Fire Alarm Update	\$ 46,316
4	Oakmont Bathroom Partition	\$ 9,981
5	Overlook Floor Replacement Hallways	\$ 16,115

6	Overlook Repaving	\$ 13,813
7	JR Briggs Sidewalk Repair	<u>\$ 5,000</u>
	Total	<u>\$160,157</u>

Brief Explanation: *The AWRSD capital article is to cover the requested FY23 capital needs of the school district.*

ARTICLE 19

To see if the town will vote to transfer from Free Cash the sum of \$40,000 to the Benefits Health Insurance Account (#0010-914-5171-0000), or act in relation thereto: (Requested by the Town Administrator)

Brief Explanation: *The \$40,000 is to cover the expenses for Benefits for Health Insurance this fiscal year.*

ARTICLE 20

To see if the town will vote to transfer from Free Cash the sum of \$100,000 to the Highway Repairs and Maintenance Account (#0010-420-5240-0000), or act in relation thereto: (Requested by the Town Administrator)

Brief Explanation: *The \$100,000 is to cover the expenses for Road Repairs and Maintenance this fiscal year.*

ARTICLE 21

To see if the town will vote to authorize a lease purchase financing agreement pursuant to Chapter 44, Section 21C of the General Laws for the acquisition of a Rosenbauer Viper Arial Ladder Truck (purchase price \$916,766 excluding interest)(“Vehicle”) for a term not to exceed ten (10) years, and to authorize the Town Administrator to enter into such financing agreement for this Vehicle on behalf of the town, an appropriation for the first year payment in the amount of \$110,000 having been approved under Article 6 of the December 7, 2021, special town meeting, said lease purchase financing agreement for this Vehicle also having been

recommended, and the useful life of this Vehicle having been determined to be not less than ten (10) years, by a vote of the Select Board at a meeting held on April 13, 2022, or act in relation thereto: (Requested by the Town Administrator)

Brief Explanation: *This vote authorizes the town under Chapter 44, Section 21C of the General Laws to enter into a tax-exempt lease purchase agreement with a third-party financier and make payments over 10 years.*

ARTICLE 22

To see if the town will vote to authorize the Select Board to sell, trade or otherwise dispose of the 1983 Mack Model CF686FA with 110 ft ladder truck in the best interest of the town, or act in relation thereto: (Requested by the Town Administrator)

Brief Explanation: *To vote allows the SB to dispose of the 1983 Mack ladder truck with 105,940 miles which is no longer in service to the town.*

ARTICLE 23

To see if the Town will vote to raise and appropriate by borrowing pursuant to G.L. c. 44, Section 7 and/or 8 or otherwise as authorized by law, a sum of money [not to exceed Three Hundred and Ten Thousand Dollars (\$310,000.00) Dollars,] to acquire two (2) Conservation Restrictions by purchase or otherwise as provided by law, including but not limited to any and all engineering, legal and other costs related to such acquisition (“related costs”) for such Conservation Restrictions, in two (2) properties together with any buildings thereon, known as 1) the Vitone Conservation Restriction consisting of 34.9 acres, more or less, as shown on a map entitled “Vitone Assessors Map showing Exclusion dated April, 2022” [on file in the town clerk’s office] and being the land described in a deed dated October 31, 2008 and recorded in the Worcester County North District Registry of Deeds at Book 6822, Page 0131, and a portion of the land described in a deed dated June 9, 2021 and recorded in the Worcester County North District Registry of Deeds at Book 10002 Page 0231 and 2) the Pollastri Conservation Restriction consisting of 2.7 acres more or less, as shown on a map entitled “Pollastri Assessors Map with Exclusion dated April 2022” [on file in the town clerk’s office] and being a portion of the land described in a deed dated August 25, 1976, and recorded in the Worcester County North District Registry of Deeds at Book 1166, Page 0083; [both properties located on Russell Hill Road] in the Town of Ashburnham, to be managed and controlled by the Ashburnham Conservation Commission pursuant to the provisions of G.L. c. 40, Section 8C, as it may be hereinafter amended, to authorize the Conservation Commission and/or the Selectmen to apply for, accept and expend any and all grants, and/or reimbursement funds available for such acquisition, including but not limited to any reimbursement pursuant to G.L. c. 132A, Section 11, and to authorize the Conservation Commission and/or the Selectmen to enter into any agreements necessary to facilitate this purchase including but not limited to agreements with the Executive Office of Energy and Environmental Affairs, Division of Conservation Services, the

Massachusetts Department of Conservation and Recreation, and the North County Land Trust, Inc. and to execute any and all instruments as may be necessary on behalf of the town to affect said purchase; acquisition of said Conservation Restrictions is contingent upon the town being awarded a grant under the “Massachusetts Local Acquisition for Natural Diversity” grant program in an amount sufficient to provide one hundred (100%) percent reimbursement of the total amount of these acquisitions, including but not limited to all related costs, or act in relation thereto.

Brief Explanation: This vote will permit the town to place a conservation restriction on two parcels on Russell Hill Road

ARTICLE 24

To see if the town will vote to amend the town’s Zoning Bylaws, Section 3.3 Special Conditions: Wetlands and Watershed Protection District & Water Supply Protection District and corresponding amendments in Section 2. Use Districts, Section 3.2 Schedule of Use Regulations, Section 4. 2 Schedule of Dimensional Regulations, and the Zoning Map, as set forth below:

Bold/Underlined/Italic is NEW
~~Highlighted/Strikeout~~ is DELETION

SECTION 2. USE DISTRICTS

2.1 Types of Districts

For the purpose of this By-Law the Town of Ashburnham is hereby divided into the following districts:

R-A Residential

R-B Residential

B Business

VC-C Village Center Commercial

VC-R Village Center Residential

I Industrial

~~W—Wetland and Watershed Protection~~

WSP Water Supply Protection (Overlay) District (see below)

F Flood Plain District

LI-A Light Industrial

LI-B Light Industrial

G-B Green Business

The Village Center Commercial (VC-C) and Village Center Residential (VC-R) Districts are intended to foster appropriate reuse of existing structures and new construction within the downtown area in harmony with the historic character and dense development pattern of the downtown.

The Water Supply Protection District is an overlay district encompassing all lands within the Town of Ashburnham, lying within the watershed of the Upper Naukeag Lake Reservoir, which now ~~provides~~ serves as a public water supply. This overlay district is superimposed on the zoning districts and shall apply to all new construction, reconstruction, or expansion of existing buildings and/or expanded uses. Applicable activities or uses within the Water Supply Protection District must comply with the requirements of this district as well as with the underlying zoning. All regulations of the Town of Ashburnham Zoning By-Laws shall remain in effect.

The LI-A and LI-B Light Industrial districts shall include light manufacturing, retail, business, and office as allowed in the Schedule of Use Regulations. The purpose of this district is to provide areas for industrial and commercial uses in an open setting that will not have objectionable influences on adjacent residential and commercial districts and are not dangerous by reason of fire or explosion, nor injurious or detrimental to the neighborhood by reason of dust, odor, fumes, wastes, smoke, glare, noise, vibration or other noxious or objectionable feature as measured at the nearest property line.

The Green Business is intended to foster businesses that will support tourism and passive and outdoor recreation while preserving the natural beauty and ecological significance of the area.

2.2 Location of Districts

2.21 Districts R-A, R-B, B, VC-C, VC-R, I, G-B, LI-A, LI-B, ~~W~~ and WSP are located and bounded as shown on a map entitled "Zoning Map of Ashburnham, Massachusetts", dated ~~May 2009~~ MONTH/YEAR and on file as subsequently amended in the offices of the Town Clerk and the Zoning Enforcement Officer.

G-B: Route 119 from the Ashby town line to the New Hampshire state line 2000 feet on either side of the road, excluding the existing business district already designated at Route 119 and Route 101, as depicted on the map referenced above.

LI-A: Light industrial use from South Pleasant Street to the Gardner line on the south side of Route 101 and southwest of the railroad bed on the north side of Route 101 overlaying the already established industrial zone, but excluding any residentially zoned parcels in this area, as depicted on the zoning map.

LI-B: Light industrial use along Route 12, starting 1000 feet beyond Hunter Avenue on the north side of Route 12 and continuing along Route 12 to the Winchendon town line and on the south side of Route 12 as depicted on the map referenced above.

- 2.22 ~~The WSP District is located and bounded as shown on a map entitled “Watershed Boundary for Public Water Supply”, Ashburnham, MA prepared by the Office of the Planning Coordinator, City of Fitchburg, for the Montachusett Regional Planning Commission, dated November, 1992, and on file with in the offices of the Town Clerk, Zoning Enforcement Officer and the Water Department in the Town of Ashburnham.~~

The Water Supply Protection (WSP) Overlay District includes all lands within the Town of Ashburnham lying within the watershed of the Upper Naukeag Lake reservoir, a public water supply. The WSP Overlay District is located and bounded as shown on maps on file with the Zoning Enforcement Officer, entitled “Zoning Map of Ashburnham, Massachusetts” dated MONTH/YEAR, and the “Water Supply Protection Overlay District Map” dated MONTH/YEAR which is based on the 2018 US Geological Survey (USGS) US Topo 7.5 Minute Series Topographic Map for Ashburnham Quadrangle.

- 2.23 The Flood Plain District is hereby established as an overlay district. The underlying permitted uses are allowed provided that they meet the Flood Plain District additional requirements as well as those contained in the Massachusetts State Building Code dealing with construction in flood plains. The Flood Plain District includes all special flood hazard areas designated as Zone A, A1-19 on the Ashburnham Flood Insurance Rate Maps (FIRM) and the Flood Boundary and Floodway Maps dated June 15, 1984 on file with the Town Clerk, Planning Board and **Zoning Enforcement Officer**. Where the above maps are inadequate for the detail required, detailed Flood Plain plans shall be prepared by a registered professional engineer with costs to be borne by the applicant. These maps, as well as the Flood Insurance Study of Ashburnham are incorporated herein by reference.

- 2.24 The Zoning Map, Water Supply Protection **Overlay District**, ~~Watershed Boundary~~ Map, Flood Insurance Rate Maps, and Flood Boundary and

Floodway Maps, with all explanatory matter thereon, are hereby made part of this By-Law.

2.25 Boundary Identification

- a. Where a boundary is shown as following a street, railroad, or utility, the boundary shall be the center line thereof, unless otherwise indicated.
- b. Where a boundary is shown outside of a street, railroad, or utility and approximately parallel thereto, the boundary shall be deemed parallel to the nearest line thereof, and the figure placed on the zoning map between the boundary and such line shall be the distance in feet between them, as measured at a right angle from such line unless otherwise indicated.
- c. Where a boundary is shown as following a watercourse, the boundary shall coincide with the center line thereof as said line existed at the date of the Zoning Map.
- ~~d. Where a boundary shall include a numerical figure followed by the letters, M.S.L., it is at that number of feet above Mean Sea Level. The basic source for determining such a line shall be the United States Geological Survey as interpreted by the Zoning Enforcement Officer or subsequent field surveys.~~
- d. Where the location of a boundary is otherwise uncertain, Zoning Enforcement *Officer* shall determine its position in accordance with the distance in feet from other lines or bounds as given on the Town of Ashburnham Zoning Map and good engineering practice. Where the bounds of the Water Supply Protection District, as referenced in Section 2.22, are in doubt or dispute, the burden of proof shall be upon the owner(s) of the land in question, who may engage a registered professional engineer/professional registered land surveyor to determine more accurately the location and extent of watershed lands. The ~~boundary~~ final determination of a boundary, however, shall be made by the Zoning Enforcement Officer. Any and all fees shall be at the owner's expense.
- ~~f.e.~~ Where a district boundary ~~other than a Wetland and Watershed Protection District boundary~~ divides a lot, a use permitted as a matter of right or by exception in the less restricted district may be extended not more than fifty (50) feet into the more restricted portion of the lot.
- ~~g.~~ The Water Supply Protection District is herein established to include all lands within the Town of Ashburnham, lying within the watershed of the Upper Naukeag Lake reservoir, which now

~~provides public water supply. The map entitled “Water Supply Protection District, Town of Ashburnham,” on file with the Town Clerk and Water Commission, delineates the boundaries of the district.~~

SECTION 3. USE REGULATIONS

3.2 Schedule of Use Regulations

Use	R-A	R-B	G-B	LI-A	LI-B	B	VC-C	VC-R	I	W	WSP
3.21 Public, Semi Public and Institutional											
a. Church or other place of worship, parish house, rectory, convent, and other religious institutions.	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
b. Schools, public, private, religious, sectarian, or denomination.	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
c. Colleges or junior colleges and buildings accessory thereto.	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
d. Nursery school or other use for the care of children or a privately organized camp.	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
e. Library, Museum or civic center.	SP	SP	SP	N	N	SP	Y	Y	N	N	N
f. Public buildings and premises for government use.	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
g. Public utility buildings and structures.	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
h. Hospital, sanitarium, nursing, rest or convalescent home, charitable institution or other non-correctional use.	SP	SP	N	N	N	Y	SP	N	N	N	N
i. Flood control or water supply use.	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
j. Country or tennis club, or other non-profit social, civic, or recreational lodge or club, but not including any use, the principal activity of which is one customarily conducted as a business.	SP	SP	SP	N	SP	SP	SP	N	SP	SP	SP
k. Conservation or preservation of land or water-bodies in an essentially natural condition.	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
l. Cemetery.	SP	SP	SP	N	N	N	N	N	N	N	N
m. Road and/or railroad.	Y	Y	SP	Y	Y	Y	Y	Y	Y	SP	SP
Use	R-A	R-B	G-B	LI-A	LI-B	B	VC-C	VC-R	I	W	WSP
3.22 Residence											

a. Single-family detached dwelling other than a mobile home.	Y	Y	Y	N	N	SP	N	Y	SP	N	Y
b. Conversion of a single-family dwelling existing prior to the adoption of this By-Law to accommodate not more than two (2) families.	SP	SP	SP	SP	SP	SP	Y	SP	SP	N	SP
c. Cellar hole or basement area used as a dwelling for not more than two (2) years.	Y	Y	N	N	N	N	N	N	SP	N	SP
d. Two (2) family or semidetached dwelling.	SP	SP	N	N	N	SP	N	SP	SP	N	SP
e. Mobile home park not including mobile home sales except to renters of lots within the park.	N	SP	N	N	N	N	N	N	N	N	N
f. Family type campground.	N	SP	SP	N	N	N	N	N	N	N	N
g. Mobile home used as a dwelling within a mobile home park.	N	Y	N	N	N	N	N	N	N	N	N
h. Renting of one (1) or two (2) rooms with or without the furnishing of board by a resident family to not more than three (3) non-transient persons.	Y	Y	N	N	N	SP	SP	SP	SP	N	SP
i. Professional office or studio of a resident physician, dentist, attorney, architect, artist, musician, engineer, or other member of a recognized profession.	Y	Y	Y	SP	SP	Y	Y	Y	Y	N	SP

Use	R-A	R-B	G-B	LI-A	LI-B	B	VC-C	VC-R	I	W	WSP
j. Customary home occupation conducted on the premises by a resident of the premises provided that not more than one (1) full-time employee, or equivalent thereof, excluding immediate family, is employed therein in connection with such use and that there is no exterior storage of material or equipment and no display of products visible from the street.	Y	Y	Y	SP	SP	Y	Y	Y	SP	N	SP
k. Accessory use.	Y	Y	Y	Y	Y	Y	Y	Y	Y	SP	SP
l. Assisted Elderly or Supportive Housing.	SP	SP	N	N	N	SP	SP	SP	N	N	N
m. Accessory Dwelling Unit within an existing or new owner-occupied, singlefamily dwelling when the conditions outlined in §5.16.3, a, 1-9 have been met.	SP	SP	SP	N	N	N	SP	SP	N	N	N
n. Accessory Dwelling Unit in a detached structure on a singlefamily home lot only when the conditions outlined in §5.16.3, a, 1-9 have been met.	SP	SP	SP	N	N	N	SP	SP	N	N	N
o. Multi-Family Dwellings above non-residential use (up to 3 dwelling units).	N	N	N	N	N	Y	Y	N	N	N	N
p. Multi-Family Dwellings above non-residential use (4 or more dwelling units)	N	N	N	N	N	SP	SP	N	N	N	N
q. Three-Family Homes (Except as allowed under section 5.13, Open Space Residential Development)	N	N	N	N	N	N	SP	N	N	N	N

Use	R-A	R-B	G-B	LI-A	LI-B	B	VC-C	VC-R	I	W	WSP
r. Multi-Family Dwellings (4 or more dwellings, except as allowed under section 5.13, Open Space Residential Development).	N	N	N	N	N	N	SP	N	N	N	N
3.23 Agriculture											
a. Farm-Including cultivation and tillage of the soil; the production, cultivation, growing, harvesting, and preparation for market or storage of any agricultural, floricultural, or horticultural commodities; the keeping of bees; and forestry or lumbering operations.											
Parcels less than five (5) acres	SP	SP	SP	Y	Y	SP	N	N	Y	¥	SP
Parcels of five acres (5) or larger	Y	Y	Y	Y	Y	Y	Y	Y	Y	¥	SP
b. Farm – Including dairying, the raising, breeding, keeping and preparing for market or storage of livestock, cattle, poultry, swine, and other domesticated animals used for food purposes, and fur-bearing animals.											
Parcels less than five (5) acres	SP	SP	SP	Y	Y	SP	N	N	Y	¥	SP
Parcels of five (5) acres or larger	Y	Y	Y	Y	Y	Y	Y	Y	Y	¥	SP
c. Sales room or stand for the display or sale of agricultural or horticultural products, the major portion of which is grown or produced on the premises by a resident proprietor.	Y	Y	Y	Y	Y	Y	Y	Y	Y	¥	SP
Use	R-A	R-B	G-B	LI-A	LI-B	B	VC-C	VC-R	I	W	WSP
d. Seasonal Farm Stand, nonexempt.	SP	SP	SP	SP	SP	SP	N	N	SP	N	N

3.24 Business												
a. Retail store distributing merchandise to the general public.	N	N	SP	Y	Y	Y	Y	SP	SP	N	N	
a.(1) Adult Entertainment Establishments, as defined in Section 5.12	SP	SP	SP	SP	SP	SP	N	N	SP	SP	SP	
b. Craft, consumer, professional, personal or commercial service establishment dealing directly with the general public.	N	N	SP	Y	Y	Y	Y	Y	SP	N	N	
c. Office or agency for nonresident business or professional use.	SP	N	Y	Y	Y	Y	Y	Y	SP	N	N	
d. Bank or other financial institution.	N	N	N	Y	Y	Y	Y	N	SP	N	N	
e. Drive-up bank or other financial institution.	N	N	N	SP	SP	SP	SP	N	SP	N	N	
f. Restaurant, tavern or other establishment providing food and beverage within a building.	SP	SP	SP	Y	Y	Y	Y	SP	SP	N	N	
g. Outdoor seating associated with restaurants, taverns or other establishment providing food or beverage (Subject to applicable licensing requirements).	SP	SP	SP	Y	Y	Y	Y	N	SP	N	N	
h. Restaurant or other establishment providing food, beverages, and live entertainment within a building.	N	N	SP	SP	SP	SP	SP	N	N	N	N	
i. Pushcart food vendor	N	N	N	N	N	Y	Y	N	N	N	N	

Use	R-A	R-B	G-B	LI-A	LI-B	B	VC-C	VC-R	I	W	WSP
j. Drive-in or open-air restaurant or other establishment providing food and beverages with no live or mechanical entertainment. No drive-through restaurants allowed in VC-C District	N	SP	SP	Y	Y	SP	SP	N	SP	N	N
k. Sales facility for motor vehicles, trailers, mobile homes, boats, farm implements or machinery with repair services and storage permitted.	N	N	N	SP	SP	Y	N	N	SP	N	N
l. Service station and/or repair garage for motor vehicles, not including auto body, welding or soldering shop.	N	N	SP	Y	Y	SP	N	N	SP	N	N
m. Gas station with convenience store	N	N	SP	Y	Y	SP	N	N	SP	N	N
n. Auto body, welding or soldering shop.	N	N	N	SP	SP	SP	N	N	SP	N	N
o. Commercial greenhouse.	SP	Y	SP	Y	Y	SP	N	SP	SP	N	N
p. Undertaking establishment or funeral home.	SP	N	N	SP	SP	Y	SP	SP	N	N	N
q. Animal or veterinary hospital.	N	SP	N	Y	Y	SP	N	N	N	N	N
r. Commercial sale, care, breeding or boarding of dogs, cats, or other domestic pets.	SP	SP	SP	SP	SP	Y	N	N	SP	N	N
s. Drive-in or open-air business other than a restaurant and appurtenant buildings or structures.	N	N	SP	SP	SP	SP	SP	SP	N	N	N
t. Storage of construction equipment and building material.	SP	SP	N	Y	Y	SP	N	N	Y	N	N
u. Bed & Breakfast	SP	SP	SP	SP	SP	SP	SP	SP	N	N	N
v. Hotel, motel, or overnight cabins.	N	SP	SP	SP	SP	Y	SP	SP	N	N	N

Use	R-A	R-B	G-B	LI-A	LI-B	B	VC-C	VC-R	I	W	WSP
w. Commercial indoor amusement or recreation place, or place of assembly. A maximum of two movie screens shall be allowed in the VC-C District.	N	N	N	SP	SP	SP	SP	N	N	N	N
x. Commercial outdoor amusement or recreation place not including an outdoor movie theatre.	N	N	SP	SP	SP	SP	N	N	N	N	N
y. Wireless Communication Facilities & Towers.	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	N
z. Self-Storage Facilities. With no outdoor storage allowed.	N	N	N	SP	SP	SP	N	N	SP	N	N
aa. Art Galleries	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N
bb. Outdoor Farmers Market	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N
3.25 Wholesale and Industry											
a. Freight and terminal or storage warehouse.	N	N	N	Y	Y	N	N	N	Y	N	N
b. Wholesale warehouse including office or showroom facilities.	N	N	N	Y	Y	N	N	N	Y	N	N
c. Passenger station.	N	N	N	SP	SP	Y	Y	N	SP	N	N
d. Airport or heliport.	N	SP	N	SP	SP	N	N	N	SP	N	N
e. Light industrial use including manufacturing, processing, fabrication, assembly, packaging and storage.	N	N	N	Y	Y	SP	N	N	Y	N	N
f. Excavation, processing and storage of soil, loam, sand, gravel, rock and other mineral deposits.	N	SP	N	SP	SP	N	N	N	SP	SP	SP
g. Reclamation, processing, storage and sale of scrap materials.	N	N	N	Y	SP	N	N	N	Y	N	N
3.26 Scientific Research and Development											

Use	R-A	R-B	G-B	LI-A	LI-B	B	VC-C	VC-R	I	W	WSP
a. Activities connected with scientific research or scientific development or related production.	SP	SP	N	Y	Y	Y	SP	SP	Y	N	SP
b. Accessory use necessary in connection with scientific research, scientific development, or related production.	SP	SP	N	Y	Y	Y	SP	SP	Y	N	SP
3.27 Wind Energy Facilities											
a. Large Wind Energy Facilities, only when the requirements and conditions of §5.17 have been met.	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP
b. Small Wind Energy Systems. * Allowed by-right (Y) only when the criteria and requirements of §5.18 have been met. Otherwise such systems shall be allowed only by a Special Permit, per §5.18.3(B).	Y*	Y*	Y*	Y*	Y*	Y*	Y*	Y*	Y*	Y*	Y*

3.3 Special Conditions

~~3.31 Prohibited Uses in the Wetlands and Watershed Protection District and the Water Supply Protection District:~~

- ~~a. Solid waste landfills, dumps, auto recycling, auto graveyards, junk and salvage yards, landfilling or storage of sludge and septage, with the exception of the disposal of brush or stumps;~~
- ~~b. Outdoor storage of salt, de-icing materials, pesticides, or herbicides;~~
- ~~c. Stockpiling and disposal of snow or ice removed from highways and streets located outside of the Water Supply Protection District or the Wetlands and Watershed District that contain sodium chloride, calcium chloride, chemically treated abrasives or other chemicals used for snow and ice removal;~~
- ~~d. Dumping or disposal on the ground, in water bodies, or in residential septic systems of any toxic chemical, including but not limited to septic systems cleaners which contain toxic chemicals such as methylene chloride and 1,1,1-trichloroethane, or other household hazardous wastes. (See list of prohibited chemicals at the Board of Health office);~~

~~e. Wastewater treatment works subject to 314 CMR 5.00 (those works which discharge over 15,000 gallons per day to the ground), except the following:~~

- ~~1.) The replacement or repair of an existing system(s) or of an existing subsurface sewage disposal system with wastewater treatment works, which will not result in an increase in design capacity greater than the design capacity of the existing system(s);~~
- ~~2.) Treatment works approved by Mass. Department of Environmental Protection and designed in accordance with 314 CRM 5.00 for the treatment of contaminated ground or surface waters;~~

~~f. Storage of liquid petroleum products of any kind, except for storage which is incidental to:~~

- ~~1.) Normal household use and outdoor maintenance or the heating of a structure;~~
- ~~2.) Emergency generators required by statute, rule or regulation, or;~~
- ~~3.) Waste oil retention facilities required by M.G.L. C.21, S.52A, and;~~
- ~~4.) Treatment works approved by Mass. Department of Environmental Protection and designed in accordance with 314 CMR 5.00 for the treatment of contaminated ground or surface waters;~~

~~Provided that such storage shall be in a free standing, above ground container, within a diked, impermeable area sufficient to contain the volume of the tank plus 10% to prevent spills or leaks from reaching groundwater, and provided that the storage tank and piping must comply with all applicable provisions of 527 CMR 9.00 Massachusetts Board of Fire Prevention regulations.~~

~~g. Uses, not agricultural, which generate, use, treat, process, store, or dispose of hazardous wastes, except for the following:~~

- ~~1.) Very small quantity generators of hazardous waste, as defined by 310 CMR 30.00 which generate less than 100 kilograms or less than 27 gallons of hazardous waste per month may be allowed by Special Permit;~~
- ~~2.) Household hazardous waste collection centers or events operated pursuant to 310 CMR 30.390;~~
- ~~3.) Waste oil retention facilities required by M.G.L. C.21, S. 52A, and;~~

- ~~4.) Treatment works approved by Mass. Department of Environmental Protection and designed in accordance with 314 CMR 5.00 for the treatment of contaminated ground or surface waters;~~
- ~~h. Individual sewage disposal systems that are designed to receive more than 100 gallons of sewage per quarter acre per day or 440 gallons of sewage per acre per day, whichever is greater, provided that:

 - ~~1.) The replacement or repair of an existing system, which will not result in an increase in design capacity above the original design, shall be exempted~~
 - ~~2.) In calculating the maximum sewage disposal system density, it shall be assumed that each residential bedroom will generate 110 gallons of sewage;~~
 - ~~3.) Maximum sewage disposal system density shall be calculated on an individual per lot basis (i.e. a 3 bedroom house generates 330 gallons of sewage per day requiring a 1/2 acre minimum lot area);~~
 - ~~4.) In addition to meeting the standards above, all lots shall also conform to any applicable minimum lot size requirements contained in the Town of Ashburnham Zoning By-Law.~~~~

~~3.32 Prohibited Uses in the Wetlands and Watershed Protection District~~

~~No building or structure intended for human occupancy shall be constructed. Continuation, alteration, extension, restoration and abandonment shall be as provided in Section 1.3, Non-Conforming Uses and 1.4, Non-Conforming Buildings and Structures.~~

~~3.33 Special Conditions in the Wetlands and Watershed Protection District and the Water Supply Protection District.~~

- ~~a. Sodium chloride for ice control shall be used at the minimum salt to sand ration which is consistent with highway public safety requirements, and its use shall be eliminated on roads which may be closed to the public in winter.~~
- ~~b. The storage of sodium chloride, calcium chloride, chemically treated abrasives or other chemicals used for the removal of ice and snow shall be covered and located on a paved surface with berms, or within a structure designed to prevent the generation and escape of contaminated run-off.~~
- ~~c. Fertilizers, pesticides, herbicides, lawn care chemicals, or other leachable materials shall be used in accordance with the Lawn Care Regulations of the Massachusetts Pesticide Board, 333 CMR 10.03 as amended, with~~

manufacturer's label instructions and all other necessary precautions to minimize adverse impacts on surface and groundwater.

- d. ~~The storage of commercial fertilizers and soil conditioners shall be within structures designed to prevent the generation and escape of contaminated run-off or leachate.~~
- e. ~~To the extent feasible, all new permanent animal manure storage areas shall be covered and/or contained to prevent the generation and escape of contaminated runoff or leachate.~~
- f. ~~All liquid hazardous materials, as defined in M.G.L. Chapter 21E, must be stored either in a free-standing container within a building, or in a free-standing container above ground level with protection to contain a spill the size of the container's total storage capacity.~~
- g. ~~To the extent feasible, run-off from impervious surfaces shall be recharged on the site by being diverted toward areas covered with vegetation for surface infiltration. Such run-off shall not be discharged directly to surface water bodies. Dry wells shall be used only where other methods are infeasible, and shall be preceded by oil, grease, and sediment traps to facilitate removal of contamination. All recharge areas shall be permanently maintained in full working order by the owner.~~
- h. ~~A Special Permit shall be required for the rendering impervious of more than 15%, or 2,500 square feet of any lot, provided that a system for artificial recharge of precipitation to groundwater is developed, which shall not result in degradation of groundwater.~~

3.3 Prohibited Uses in the Water Supply Protection District.

3.3.1 The following land uses are hereby prohibited in the Water Supply Protection District on: (i) the land area between the Surface Water Source and the upper boundary of the Bank; (ii) the land area within a 400 foot lateral distance from the upper boundary of the Bank of a Class A Surface Water Source, as defined in 314 CMR 4.05(3)(a): Class A; and (iii) the land area within a 200 foot lateral distance from the upper boundary of the Bank of a Tributary or associated Surface Water body, defined as "Zone A" in 310 CMR 22.02 and in accordance with 310 CMR 22.20B (2) and 310 CMR 22.20C of the Massachusetts Drinking Water Regulation as amended from time to time:

(a) All underground storage tanks;

(b) Above-ground storage of liquid hazardous material as defined in M.G.L. c. 21E, or liquid propane or liquid petroleum products, except as follows:

1. The storage is incidental to:

a. normal household use, outdoor maintenance, or the heating of a structure;

b. use of emergency generators;

c. a response action conducted or performed in accordance with M.G.L. c. 21E and 310 CMR 40.000: Massachusetts Contingency Plan and which is exempt from a ground water discharge permit pursuant to 314 CMR 5.05(14); and

2. The storage is either in container(s) or above-ground tank(s) within a building, or outdoors in covered container(s) or above-ground tank(s) in an area that has a containment system designed and operated to hold either 10% of the total possible storage capacity of all containers, or 110% of the largest container's storage capacity, whichever is greater. However, these storage requirements do not apply to the replacement of existing tanks or systems for the keeping, dispensing or storing of gasoline provided the replacement is performed in accordance with applicable state and local requirements;

(c) Treatment or disposal works subject to 314 CMR 3.00: Surface Water Discharge Permit Program or 5.00: Ground Water Discharge Permit Program, except the following:

1. the replacement or repair of an existing treatment or disposal works that will not result in a design capacity greater than the design capacity of the existing treatment or disposal works;

2. treatment or disposal works for sanitary sewage if necessary to treat existing sanitary sewage discharges in non-compliance with 310 CMR 15.000: The State Environmental Code, Title 5: Standard Requirements for the Siting, Construction, Inspection, Upgrade and Expansion of On-site Sewage Treatment and Disposal Systems and for the Transport and Disposal of Septage, provided the facility owner demonstrates to the Department's satisfaction that there are no feasible siting locations outside of the Zone A. Any such facility shall be permitted in accordance with 314 CMR 5.00: Ground Water Discharge Permit Program and shall be required to disinfect the effluent. The Department may also require the facility to provide a higher level of treatment prior to discharge;

3. treatment works approved by the Department designed for the treatment of contaminated ground or surface waters and operated in compliance with 314 CMR 5.05(3) or (13).

4. discharge by public water system of waters incidental to water treatment processes.

(d) facilities that, through their acts or processes, generate, treat, store or dispose of hazardous waste that are subject to M.G.L. c. 21C and 310 CMR 30.000: Hazardous Waste, except for the following:

1. very small quantity generators, as defined by 310 CMR 30.000: Hazardous Waste;

2. treatment works approved by the Department designed in accordance with 314 CMR 5.00: Ground Water Discharge Permit Program for the treatment of contaminated ground or surface waters;

(e) sand and gravel excavation operations;

(f) uncovered or uncontained storage of fertilizers;

- (g) uncovered or uncontained storage of road or parking lot de-icing and sanding materials;
- (h) storage or disposal of snow or ice, removed from highways and streets outside the Zone A, that contains deicing chemicals;
- (i) uncovered or uncontained storage of manure;
- (j) junk and salvage operations;
- (k) motor vehicle repair operations;
- (l) cemeteries (human and animal) and mausoleums;
- (m) solid waste combustion facilities or handling facilities as defined at 310 CMR 16.00: Site Assignment Regulations for Solid Waste Facilities;
- and
- (n) commercial outdoor washing of vehicles, commercial car washes.

3.3.2 Land uses that result in the rendering impervious of more than 15%, or more than 20% with artificial recharge, or 2500 square feet of any lot, whichever is greater.,

3.3.3 Definitions

The following definitions shall be applicable to the WSP (Overlay) District:

Bank – Bank means the portion of the land surface which normally abuts and confines a water body; it lies between a water body and a bordering vegetated wetland and adjacent flood plain, or in the absence of these, it lies between a water body and an upland; the upper boundary of a Bank is the first observable break in the slope or the mean annual flood level, whichever is lower; the lower boundary of a Bank is the mean annual low flow level.

Class A Water Source - those Inland Waters so designated pursuant to 314 CMR 4.06; including, without limitation, 314 CMR 4.06(1)(d)1. and (4) as public water supplies and their tributaries; certain wetlands designated in 314 CMR 4.06(2); certain reservoirs designated in 314 CMR 4.06(3); and certain surface waters designated in 314 CMR 4.06(6)(b).

Surface Water - all water that is open to the atmosphere and subject to surface runoff.

Surface Water Source - any lake, pond, reservoir, river, stream or impoundment designated as a public water supply in 314 CMR 4.00: Massachusetts Surface Water Quality Standards.

Tributary - any body of running, or intermittently running, water which moves in a definite channel, naturally or artificially created, in the ground due to a hydraulic gradient, and which ultimately flows into a Class A Surface Water Source, as defined in 314 CMR 4.05(3)(a): Class A.

Zone A - (a) the land area between the Surface Water Source and the upper boundary of the Bank; (b) the land area within a 400-foot lateral distance from the upper boundary of the Bank of a Class A Surface Water Source, as defined in 314 CMR 4.05(3)(a): Class A; and (c) the land area within a 200-foot lateral distance from the upper boundary of the Bank of a Tributary or associated Surface Water body.

TABLE 1

4.2 SCHEDULE OF DIMENSIONAL REGULATIONS

(4) District (3)	Minimum Lot Dimension		Minimum Yard Dimensions (3) (feet) ⁽¹⁾			Maximum Building Height		Maximum Lot Coverage ⁽²⁾
	Area (sq. ft.)	Frontage (feet)	Front	Side	Rear	(stories)	(feet)	(%) (3)
* R-A	*45,000	*150	20	10	10	2 ½	35	25
**R-B	**60,000	*200	4	25	25	2 ½	35	20
G-B	60,000	200	40	25	25	2 ½	40	20
LI-A	60,000	150	40	25	25	3	40	40
LI-B	60,000	150	40	25	25	3	40	40
*B	*25,000	*125	20	10	10	3	40	40
VC-C	0	20	(3)	0	0	3	40	50
VC-R	10,000	75	20	10	10	2 ½	35	50
I	60,000	150	40	25	25	3	40	30
W	(1)	(2)		(2)		(2)		(2)

**WSP **90,000

(1) — The portion of any lot in the Wetland and Watershed Protection District may be used to meet the area and yard requirements for the Residential District in which the remainder of the lot is situated provided not less than twenty thousand (20,000) square feet of said lot is outside the Wetland and Watershed Protection District. Land in the Wetland and Watershed Protection District may not be used to meet area requirements in the Business and Industrial Districts.

(2) — Not applicable.

(3) — (1) The yards defined herein shall, except for customary walks and driveways, be kept open and/or landscaped and shall not be used for the

parking or storage of automobiles, trucks, recreational vehicles, trailers and boats.

~~(4)~~ (2) Includes accessory buildings.

~~(5)~~ (3) In the Village Center Commercial District (VC-C), the following additional front yard provisions shall apply:

- a. The maximum front yard setback permitted shall be twenty (20) feet.
- b. The Planning Board may, by Special Permit increase the required size of a front yard setback in the Village Center Commercial (VC-C) and Village Center Residential (VC-R) Districts:

or act in relation thereto. (Requested by the Planning Board and Conservation Commission)

Brief Explanation: *Approval of this zoning bylaw change will eliminate the Wetlands and Watershed Protection (W) district which was arbitrarily defined, difficult to implement and no longer contributed to the protection of wetlands and watersheds following enactment of the MA Wetlands Protection Act administered by the Conservation Commission. Approval of this bylaw change also will bring the Water Supply Protection district rules into compliance with the state's water management and drinking water regulations as mandated by DEP. This will also approve the corresponding changes to the zoning map.*

ARTICLE 25

To see if the town will vote to renumber and recaption the General Bylaws of the Town by (a) assigning a chapter number to each of the General Bylaws; (b) renumbering each section of each bylaw accordingly; (c) inserting chapter, article and section titles; and (d) updating internal references to reflect the new numbering system, all as set forth in the document on file in the Office of the Town Clerk entitled "Code of the Town of Ashburnham, Massachusetts," dated March 31, 2022, prepared by General Code, LLC, or act in relation thereto: (Requested by the Select Board)

Brief Explanation: *Approval of the renumbering and recaptioning of the bylaws is the first step in preparing the town's bylaws for publication as the "Code of the Town of Ashburnham," modernizing and standardizing the format of the town's bylaws. Such standardization makes it easier to access and update the bylaws going forward. General Code has applied the following style conventions to the current text.:*

- *Capitalization. A uniform system of capitalization was imposed by, for example, consistently capitalizing "Town" when referring to the Town of Ashburnham.*
- *Numbers. A uniform system of number citations was imposed so that numbers one through nine are written out in text format; 10 and above, fractions and decimals appear in numeric format.*
- *Statutory Citations. Massachusetts General Laws are cited in the following format: MGL c. ___, § ___.*
- *"Bylaw." All instances of "by-law" are changed to "bylaw."*
- *Punctuation has been made consistent throughout the chapters.*

No substantive changes have been made.

ARTICLE 26

To see if the Town will vote to renumber and recaption the Zoning Bylaw of the Town by (a) designating the Zoning Bylaw as Chapter 250 of the new Town Code; (b) renumbering each section of the Zoning Bylaw accordingly; (c) inserting section titles therein; and (d) updating internal references to reflect the new numbering system, all as set forth in the document on file in the office of the Town Clerk entitled “Code of the Town of Ashburnham, Massachusetts,” dated March 31, 2022, prepared by General Code, LLC, or act in relation thereto. (Requested by the Select Board)

Brief Explanation: *Same as above.*

ARTICLE 27

To see if the town will vote to rescind so much of the vote under Article 11 of the March 1, 1954 town meeting as established five year terms of office for planning board members pursuant to G.L. chapter 41, § 81A, and further to determine that the terms of office for planning board members shall hereinafter be three years and be implemented as follows: commencing with the next annual town election in 2023, and at each subsequent annual town election up to and including the annual town election in 2026, the town shall elect one planning board member for a term of three years, and in 2027 the town shall elect two planning board members for terms of three years; thereafter the town shall elect planning board members for terms of three years in accordance with the provisions of the statute, or act in relation thereto. (Requested by the Planning Board)

Brief Explanation: *This change institutes a phasing out of the current five-year term for planning board members and begins phasing in three-year terms for this board. Starting in 2023, and in every year until 2026, one planning board member will be elected to a three-year term, ending 4 of the five-year terms. In 2027, two members will be elected to three-year terms – filling the office left open by the expiration of the last five-year term which commences this year and filling the three-year term that will commence in 2024. Thereafter, as terms end, they will be for three years and filled in accordance with the applicable statute.*

ARTICLE 28

To see if the town will vote to authorize the Select Board to petition the Massachusetts General Court Council for special legislation, to amend the Town Charter as set forth below, Additions – BOLD, Omissions – Strike Through

Be it enacted as follows:

Notwithstanding the provisions of section two of chapter forty-five of the General Laws, there is hereby established in said town an Elected Parks and Recreation Commission which shall consist of seven members, each of whom shall be elected by ballot at annual town election for a term of three years. The initial members of said Commission shall be current sitting members of the Parks and Recreation and of the Community Events and Playground Committee in existence immediately prior to the effective date of this act and they shall continue to serve the remainder of their term. Members will be elected by statute and by ballot for the term of three years. All vacancies shall be filled by majority vote of the Commission until the next Annual Election at which time they must follow statute for ballot vote for a term of three years. Said Commission shall be a policy-making board responsible for overseeing the management and maintenance of Town owned parks, playgrounds, fields, and related facilities, and for providing activities for children and adults with varying interests and physical abilities. It shall establish suitable policies and guidelines relating to the program it shall offer, and the use, maintenance, and improvement of the facilities under its oversight. The Commission shall have all the powers and duties granted by the various provisions of the General Laws relative to park commissions and recreation commissions, except insofar as the same may be inconsistent with the provisions of this Act.

Or take any other action related thereto.

TOWN CHARTER AMENDMENTS

Section 12. Upon the expiration of the term of the town clerk in office on the effective date of this act, or if such office shall become vacant before the expiration of such term, the town administrator shall appoint the town clerk with the approval of the board of selectmen. The town administrator shall appoint, with the approval of the board of selectmen, the town treasurer, the tax collector, the assessors, the commission of trust funds, the industrial commission, the energy conservation and fuel allocation board, the council on aging, the conservation commission, the board of registrars, the zoning board of appeals, the election officials, ~~the parks and recreation commission~~, and all other town officials whose appointment or election is not specifically provided for in this section. Unless otherwise specified by general or special law, members of all boards, commissions, committees and councils appointed by the town administrator shall be appointed for a specific term of office, not to exceed 5 years, provided, however, that for each such board, commission, committee and council, the term of at least 1 member shall expire each year. The town administrator shall appoint and may remove, subject to the approval of the board of selectmen and to chapter 31 of the General Laws, department heads, officers and subordinates and employees for whom no other method of appointment is provided in this charter. The town administrator's evaluations of all department heads shall be approved by the board of selectmen.

Section 13. The registered voters of the town of Ashburnham shall, in accordance with applicable law, town by-law and vote of the town, continue to elect the following: (a) the moderator; (b) the board of selectmen; (c) the regional school committee members; (d) the planning board; (e) the board of

health; (f) the library trustees; and (g) the municipal light board; **(h) the parks and recreation commission.**

Brief Explanation: *Citizens Petition.*

ARTICLE 29

To see if the town will vote to change the Parks and Recreation from an Appointed Commission as stated in the Town Charter to a 7 Member Elected Commission:

Brief Explanation: *Citizens Petition.*

ARTICLE 30

To see if the town will vote to have the Select Board instruct Town Council to determine once and for all if there are any land restrictions on any of the existing parcels that make up Winchester Park. All findings, including previous research results and correspondence to be submitted directly to the Parks and Recreation Commission by Town Council by June 30, 2022. Passing of this article may have minimal monetary impact considering General Laws are clear and for the fact that Town Council has researched this same topic many times over the years in addition to this past Fall/Winter.

Brief Explanation: *Citizens Petition.*

ARTICLE 31

To see if the town will vote as acknowledgement of Massachusetts General Laws Ch. 45 sec 5 that town owned land used for parks and recreation purposes including but not limited to the following parcels of land are under the authority and jurisdiction of the Parks and Recreation Commission. Ownership remaining with the Citizens of the town.

32 Main Street – Winchester Park – GIS Map 62 lot 51
2 & 12 River Street – Bresnahan Pool – GIS Map 62 lot 72
South Main Street – Sweeney Memorial Playground – GIS Map 58 lot 111

Brief Explanation: *Citizens Petition.*

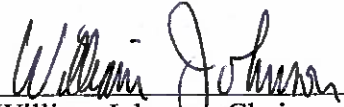
ARTICLE 32

To see if the town will vote to appropriate \$300,000 to the Parks and recreation Commission and/or the Community Events and Playground Committee for major improvements to dilapidated Sweeney Memorial Playground and Winchester Playground.

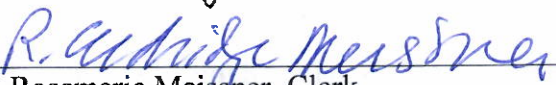
Brief Explanation: *Citizens Petition.*

And you are hereby directed to serve this warrant in accordance with the provisions of Section 3, Chapter II of the Town By-Laws by posting attested copies thereof as therein provided.

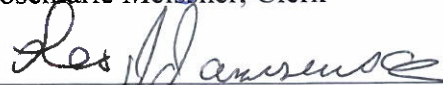
Hereof fail not and make do return of this Warrant with your doings thereon, to the Town Clerk on or before the said day and hour of meeting.



William Johnson, Chairman

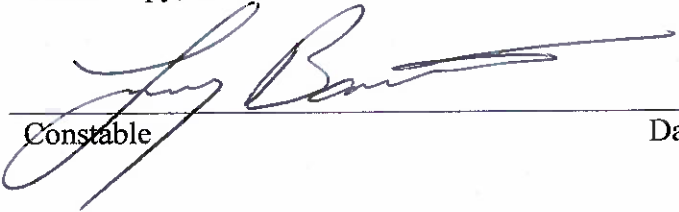


Rosemarie Meissner, Clerk



Leo Janssens II, Member

A True Copy, Attest:



Constable

Date 4/21/22