

The following is a list of warrant articles and the recommendations of the Board of Selectmen and the Advisory Board for the May 2, 2009 Annual Town Meeting.

		Selectmen	Advisory	Tax Rate Impact
Art. 1	Reports of Town Officers and Committees	YES	YES	
Art. 2	FY10 Budget	YES	YES	
Art. 3	Norfolk County Agricultural High School student tuition	YES	YES	
Art. 4	Prior year bills (FY09)	YES	YES	
Art. 5	Light Department PILOT payment	YES	YES	
Art. 6	Tax Anticipation Note Authority for Treasurer	YES	YES	
Art. 7	Compensating Balance Authority for Treasurer	YES	YES	
Art. 8	Authority for BOS to Contract with Mass. Highway	YES	YES	
Art. 9	Authority to Expend Ch. 90 Road Repair Money	YES	YES	
Art. 10	Road repair program	YES		\$.32
Art. 11	Revolving fund for disposal of hazardous materials	YES	YES	
Art. 12	Revolving fund for the purpose of defraying all costs associated with animal control services	YES	YES	
Art. 13	Revolving fund for the purpose of trash removal established from trash tag receipts	YES	YES	
Art. 14	Offset Receipt Account for Waterways Improvement Fund	YES	YES	
Art. 15	Offset Receipt Account for Building Demolition	YES	YES	
Art. 16	Appropriation for Assessor's Revaluation	YES	YES	
Art. 17	Appropriation for Legal/Other Expenses re: Delinquent Tax Collection	YES	YES	
Art. 18	Borrowing for Town-Owned Dams Inspections and Emergency Action Plan Mandated by the State	YES		
Art. 19	Transfer of Funds from FEMA and MEMA due to Ice Storm – Municipal Light Department	YES		
Art. 20	Transfer of Cushing Academy Trust Fund Income	YES	YES	
Art. 21	To Establish an Agricultural Commission	YES	YES	
Art. 22	To Rescind \$60,000 Authorization from Article 7 STM 11/13/08	YES	YES	
Art. 23	Citizens Petition to Amend Non-Union Personnel By-Law Section 9.21			
Art. 24	To Amend Zoning By-Law re: Village Center Zoning District	YES		
Art. 25	AWRSD Operating Budget Override			\$.23
Art. 26	Revolving Account for Farmer's Market	YES		
Art. 27	STRAP Grant Acceptance	YES		
Art. 28	Transfer of funds to Stabilization Fund	YES	YES	
Art. 29	SAFER Grant for Fire Department			\$.13
	Total increase for tax rate if all passes:			\$.68

Current Tax Rate for FY'09 is \$ 13.88

PROCEEDINGS OF ANNUAL TOWN MEETING
HELD ON MAY 2, 2009

PURSUANT TO THE FOREGOING WARRANT, THE LEGAL VOTERS OF THE TOWN OF ASHBURNHAM MET AT ASHBURNHAM TOWN HALL MEETING ROOM, 32 MAIN STREET, ASHBURNHAM ON MAY 2, 2009. MODERATOR DONALD “JEFF” LAWRENCE PRESIDED AT THE MEETING WHICH WAS CALLED TO ORDER AT 10:02 WITH A QUORUM PRESENT. A MOMENT OF SILENCE WAS OBSERVED FOR ROBERT GOULD, JOSEPH LAFFERTY, VICTOR “BILL” DEVECIS, FRANKLIN STOUT, RAYMOND LESLIE, JAMES F. BRAKS, ROBERT HEINBOKEL, AND WILLIAM BRENNAN, JR. THEY WERE REMEMBERED FOR THEIR MANY CONTRIBUTIONS TO THE TOWN OF ASHBURNHAM. THE VETERANS PRESENT AT THE MEETING WERE RECOGNIZED. ALSO, A MOMENT OF SILENCE WAS HELD FOR ALL THE SERVICE MEN AND WOMEN WHO ARE PROTECTING OUR COUNTRY. DOUGLAS BRIGGS, OUR NEW TOWN ADMINSTRATOR AND MICHAEL ZAPANTIS WERE INTRODUCED BY THE MODERATOR. CHRISTOPHER GAGNON WAS RECOGNIZED FOR HIS THREE YEARS OF SERVICE ON THE BOARD OF SELECTMEN. AT 10:25 A.M. A MOTION WAS MADE TO RECESS THE ANNUAL TOWN MEETING IN ORDER TO BEGIN THE SPECIAL TOWN MEETING. THE SPECIAL TOWN MEETING BEGAN AT 10:26 A.M. THE SPECIAL TOWN MEETING ADJOURNED AT 10:36 A.M. THE ANNUAL TOWN MEETING BEGAN AT 10:37 A.M.

ARTICLE 1: To accept the reports of several town officers and all outstanding committees, or act in relation thereto. *(Requested by the Board of Selectmen)*

SELECTMEN RECOMMEND: YES ADVISORY RECOMMEND: YES TAX RATE IMPACT: N/A

ARTICLE 1 VOTED: On motion of Jonathan Dennehy, it was voted to receive the reports of several town officers and all outstanding committees.

Unanimous “YES”

ARTICLE 2: To see if the Town will vote to raise and appropriate and/or appropriate by transfer from available funds such sums of money as may be necessary to defray the expenses of the Town for the fiscal year commencing July 1, 2009 and to set the salaries of elected officials; or act in relation thereto. *(Requested by the Board of Selectmen and Advisory Board)*

SELECTMEN RECOMMEND: YES ADVISORY RECOMMEND: YES TAX RATE IMPACT: N/A

LINE	DEPARTMENT	FY08 SPENT	FY09 BUDGET	FY10 TOWN ADMINISTRATOR RECOMMEND	FY10 ADVISORY BOARD RECOMMEND
1	Moderator	\$ 100	\$ 100	\$ 100	\$ 100
2	Board of Selectmen	9,412	9,261	9,300	9,300
3	Town Administrator	175,013	150,953	140,000	140,000
4	Advisory Board	444	51,455	150,000	150,000
5	Town Accountant	49,657	56,278	75,000	75,000
6	Board of Assessors	57,868	68,059	70,000	70,000
7	Treasurer	92,894	146,641	88,500	88,500
8	Tax Collector	63,260	64,937	66,600	66,600
9	Town Clerk	48,389	52,599	45,300	45,300
10	Land Use	90,120	87,040	20,000	20,000
11	Town Hall	38,006	51,825	55,000	55,000
12	VMS Bldg.	32,313	11,000	15,000	15,000
13	Non-Departmental	159,964	148,083	155,000	155,000
14	Police, Emergency Dispatch & Public Safe	986,047	1,197,364	1,224,000	1,224,000
16	Fire	484,797	523,411	533,000	533,000
17	Inspections	39,610	33,588	39,000	39,000
18	Dog Officer	22,315	24,851	24,851	24,851
19	Monty Tech	377,261	387,776	332,795	332,795
20	Ash-West Regional School District	6,163,238	6,483,185	6,521,291	6,521,291
21	DPW	740,536	645,076	645,000	645,000
22	Snow and Ice	299,682	180,000	175,000	175,000
23	Board of Health	16,305	18,545	18,000	18,000

24	Conservation Commission	43,213	50,487	47,000	27,000
25	Council on Aging	42,535	44,318	43,000	43,000
26	Veterans' Services	5,828	10,687	10,600	10,600
27	Library	210,166	194,197	194,000	194,000
28	Historical Commission	124	500	500	500
29	Debt Service	317,555	691,122	983,625	983,625
30	Employee Ins. Benefits	858,001	948,823	1,021,000	1,021,000
31	Water Fund	597,013	676,919	540,000	540,000
32	Sewer Fund	870,934	1,001,618	835,000	835,000
	ARTICLE 2 TOTAL	\$12,892,599	\$14,010,698	\$14,077,462	\$14,057,462

Setting of Elected Salaries under Article 2:

- a. Town Moderator: \$100
- b. Board of Selectmen: Chairman - \$1,300; Clerk - \$1,100; Member - \$1,100
- c. Town Clerk: \$39,270
- d. Board of Health: \$140 per member

ARTICLE 2 VOTED: On motion of Bill Johnson, it was voted to raise and appropriate the sum of \$14,057,462 dollars for the Departments and purposes noted in the warrant, inclusive of \$540,000 dollars for the Water Enterprise and \$835,000 dollars for the Sewer Enterprise and to meet the appropriation, the sum of \$12,470,749.12 be raised and appropriated, that \$662,705 dollars be raised from Water Enterprise Revenue, that \$786,273 dollars be raised from Sewer Enterprise Revenue and \$198,727 dollars from Sewer Enterprise Retained Earnings, that \$140,000 dollars be transferred from Light Department Receipts, that \$25,854 be transferred from Septic Repair Loan Assessment Program, that \$14,000 dollars be transferred from the Whitney Park 40B receipts for land use purposes, and that \$79,000 dollars be transferred from the Cushing Donation account for Public Safety Building Debt Service.

LINE	DEPARTMENT	FY10 ADVISORY BOARD RECOMMEND
1	Moderator	\$ 100
2	Board of Selectmen	9,300
3	Town Administrator	140,000
4	Advisory Board	150,000
5	Town Accountant	75,000
6	Board of Assessors	70,000
7	Treasurer	88,500
8	Tax Collector	66,600
9	Town Clerk	45,300
10	Land Use	20,000
11	Town Hall	55,000
12	VMS Bldg.	15,000
13	Non-Departmental	155,000
14	Police, Emergency Dispatch & Public Safe	1,224,000
16	Fire	533,000
17	Inspections	39,000
18	Dog Officer	24,851
19	Monty Tech	332,795
20	Ash-West Regional School District	6,521,291
21	DPW	645,000
22	Snow and Ice	175,000
23	Board of Health	18,000
24	Conservation Commission	27,000
25	Council on Aging	43,000
26	Veterans' Services	10,600
27	Library	194,000
28	Historical Commission	500
29	Debt Service	983,625
30	Employee Ins. Benefits	1,021,000
31	Water Fund	540,000
32	Sewer Fund	835,000
	ARTICLE 2 TOTAL	\$14,057,462

Setting of Elected Salaries under Article 2:

- a. Town Moderator: \$100
- b. Board of Selectmen: Chairman - \$1,300; Clerk - \$1,100; Member - \$1,100
- c. Town Clerk: \$39,270
- d. Board of Health: \$140 per member

Majority “YES”

ARTICLE 3: To see if the Town will vote to raise and appropriate, or appropriate by transfer from available funds, a sum of money to pay tuition costs for an Ashburnham student to attend the Norfolk County Agricultural High School, or act in relation thereto. *(Requested by the Town Administrator)*

SELECTMEN RECOMMEND: YES ADVISORY RECOMMEND: YES TAX RATE IMPACT: N/A

ARTICLE 3 VOTED: On motion of Margaret Whitney, it was voted to raise and appropriate the sum of \$20,000 to pay tuition costs for an Ashburnham student to attend the Norfolk County Agricultural High School.

Majority “YES”

ARTICLE 4: To see if the Town will vote to appropriate by transfer from available funds a sum of money to pay bills incurred in a prior fiscal year, or act in relation thereto. *(Requested by the Town Administrator)*

SELECTMEN RECOMMEND: YES ADVISORY RECOMMEND: YES TAX RATE IMPACT: N/A

ARTICLE 4 VOTED: On motion of Jonathan Dennehy, it was voted to PASS OVER this article per recommendation of Town Attorney.

Unanimous “YES”

ARTICLE 5: To see if the Town will vote to authorize the transfer of \$40,000 from any excess with Chapter 164 of the General Laws of the Commonwealth, or act in relation thereto. *(Requested by the Municipal Light Department)*

SELECTMEN RECOMMEND: YES ADVISORY RECOMMEND: YES TAX RATE IMPACT: N/A

ARTICLE 5 VOTED: On motion of George Ainsleigh, it was voted to authorize the transfer of \$40,000 from any excess in 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.

Unanimous “YES”

ARTICLE 6: To see if the Town will vote to authorize the Town Treasurer, 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, 2009, 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)*

SELECTMEN RECOMMEND: YES ADVISORY RECOMMEND: YES TAX RATE IMPACT: N/A

ARTICLE 6 VOTED: On motion of Margaret Whitney, it was voted to authorize the Town Treasurer, 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, 2009, 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.

Unanimous “YES”

ARTICLE 7: To see if the Town will vote to authorize the Town Treasurer to enter into a compensating balance agreement or agreements for Fiscal Year 2010 pursuant to Chapter 44, Section 53F of the General Laws, or act in relation thereto. *(Requested by the Town Treasurer)*

SELECTMEN RECOMMEND: YES ADVISORY RECOMMEND: YES TAX RATE IMPACT: N/A

ARTICLE 7 VOTED: On motion of Jonathan Dennehy, it was voted to authorize the Town Treasurer to enter into a compensating balance agreement or agreements for Fiscal Year 2010 pursuant to Chapter 44, Section 53F of the General Laws.

Unanimous “YES”

ARTICLE 8: 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)*

SELECTMEN RECOMMEND: YES ADVISORY RECOMMEND: YES TAX RATE IMPACT: N/A

ARTICLE 8 VOTED: On motion of Edward Vitone Jr., it was voted 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.

Unanimous “YES”

ARTICLE 9: To see if the Town will vote to appropriate by transfer from available funds a sum of money if funds become available from the Mass. Highway Department Chapter 90 bond issue proceeds to be used by the Highway Department for the repair and maintenance of town roads in conformance with the Massachusetts General Laws, or act in relation thereto. *(Requested by DPW Director and Town Administrator)*

SELECTMEN RECOMMEND: YES ADVISORY RECOMMEND: YES TAX RATE IMPACT: N/A

ARTICLE 9 VOTED: On motion of Edward Vitone Jr., it was voted to appropriate the sum of \$262,220 from the Mass. Highway Department Chapter 90 bond issue proceeds to be used by the Highway Department for the repair and maintenance of town roads and for the purchase of qualifying equipment or vehicles, and to authorize the use of leasing for a period of three years, in connection with the purposes of this article, all in conformance with the Massachusetts General Laws.

Unanimous “YES”

ARTICLE 10: To see if the Town will vote to raise and appropriate the sum of \$1,800,000 for the repair and reconstruction of town roads and sidewalks with permanent pavement of a lasting character including but not limited to any and all engineering and inspection fees, to be spent in accordance with the Town’s road improvement program, provided that no funds be spent and bonds or notes be issued unless the Town has voted at an election to exempt this expenditure from the provisions of Proposition 2½, so called, or act in relation thereto. *(Requested by the DPW Director and Town Administrator)*

SELECTMEN RECOMMEND: YES ADVISORY RECOMMEND: YES TAX RATE IMPACT: \$.32

ARTICLE 10 VOTED: On motion of Edward Vitone Jr., it was voted to raise and appropriate by borrowing the sum of \$1,800,000 for the repair and reconstruction of town roads and sidewalks with permanent pavement of a lasting character including but not limited to any and all engineering and inspection fees, to be spent in accordance with the Town’s road improvement program, provided that no funds be spent and no bonds or notes be issued unless the Town has voted at an election to exempt this expenditure from the provisions of Proposition 2½, so called, by a “Debt Exclusion”.

2/3 Majority “YES”

ARTICLE 11. To see if the Town will vote to authorize a revolving fund, in accordance with G.L. c. 44, 53E½, to receive receipts collected as a result of charges to responsible parties for the disposal of hazardous materials pursuant to G.L. c. 21E, Sec. 4; said funds to be expended by the Fire Chief without further appropriation for the disposal of hazardous materials; said

expenditures not to exceed \$15,000 unless an increase in such limitation is approved by the Board of Selectmen; or act in relation thereto. *(Requested by the Fire Department)*

SELECTMEN RECOMMEND: YES ADVISORY RECOMMEND: YES TAX RATE IMPACT: N/A

ARTICLE 11 VOTED: On motion of Jonathan Dennehy, it was voted to authorize a revolving fund, in accordance with G.L. c. 44, 53E½, to receive receipts collected as a result of charges to responsible parties for the disposal of hazardous materials pursuant to G.L. c. 21E, Sec. 4; said funds to be expended by the Fire Chief without further appropriation for the disposal of hazardous materials; said expenditures not to exceed \$15,000 unless an increase in such limitation is approved by the Board of Selectmen.

Majority “YES”

ARTICLE 12. To see if the Town will vote to authorize a revolving fund, in accordance with G.L. c. 44, 53E½, to be expended by the Police Chief for the purpose of defraying all costs associated with animal control services; said fund to be established from impounding and reclaiming fee receipts; said expenditures not to exceed \$10,000, unless an increase in such limitation is approved by the Board of Selectmen, or act in relation thereto. *(Requested by the Police Chief)*

SELECTMEN RECOMMEND: YES ADVISORY RECOMMEND: YES TAX RATE IMPACT: N/A

ARTICLE 12 VOTED: On motion of Margaret Whitney, it was voted to authorize a revolving fund, in accordance with G.L. c. 44, 53E½, and that said funds be expended by the Police Chief for the purpose of defraying all costs associated with animal control services; said fund to be established from impounding and reclaiming fee receipts; said expenditures not to exceed \$10,000, unless an increase in such limitation is approved by the Board of Selectmen.

Majority “YES”

ARTICLE 13. To see if the Town will vote to authorize a revolving fund, in accordance with G.L. c. 44, 53E½, to be expended by the DPW Director, for the purpose of trash removal, (MSW) from the transfer station; said fund to be established from trash tag receipts; said expenditures not to exceed \$50,000 unless an increase in such limitation is approved by the Board of Selectmen or act in relation thereto. *(Requested by the DPW Director)*

SELECTMEN RECOMMEND: YES ADVISORY RECOMMEND: YES TAX RATE IMPACT: N/A

ARTICLE 13 VOTED: On motion of Margaret Whitney, it was voted to authorize a revolving fund, in accordance with G.L. c. 44, 53E½, to be expended by the DPW Director, for the purpose of trash removal, (MSW) from the transfer station; said fund to be established from trash tag receipts; said expenditures not to exceed \$50,000 unless an increase in such limitation is approved by the Board of Selectmen.

Majority “YES”

ARTICLE 14: To see if the Town will vote to transfer the sum of \$3,500 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)*

SELECTMEN RECOMMEND: YES ADVISORY RECOMMEND: YES TAX RATE IMPACT: N/A

ARTICLE 14 VOTED: On motion of Jonathan Dennehy, it was voted to transfer the sum of \$3,500 from the Waterways Improvement Fund for the purpose of waterway improvement maintenance and safety.

Unanimous “YES”

ARTICLE 15: To see if the Town will vote to authorize a Revolving Fund, in accordance with G.L. c. 44, Sec. 53E ½, to be expended by the Town Administrator, for the purpose of demolishing, removing, securing or otherwise remedying conditions on real property determined to be unsafe or dangerous under G.L. c. 143, Sec. 6, et. seq. or G.L. c. 139, Sec. 3A, including the costs of engineering and legal services related thereto; said fund to be established from money recovered from demolition liens; said expenditures not to exceed \$10,000 unless an

increase in such limitation is approved by the Board of Selectmen, or act in relation thereto. *(Requested by the Board of Selectmen)*

SELECTMEN RECOMMEND: YES ADVISORY RECOMMEND: YES TAX RATE IMPACT: N/A

ARTICLE 15 VOTED: On motion of Jonathan Dennehy, it was voted to authorize a revolving fund, in accordance with G.L. c. 44, Sec. 53E ½, to be expended by the Town Administrator, for the purpose of demolishing, removing, securing or otherwise remedying conditions on real property determined to be unsafe or dangerous under G.L. c. 143, Sec. 6, et. seq. or G.L. c. 139, Sec. 3A, including the costs of engineering and legal services related thereto; said fund to be established from money recovered from demolition liens; said expenditures not to exceed \$10,000 unless an increase in such limitation is approved by the Board of Selectmen.

Majority “YES”

ARTICLE 16: To see if the Town will vote to raise and appropriate or appropriate by transfer from available funds a sum of money for the revaluation of real estate and personal property in the town, including the hiring of consultants or others for the purposes of conducting property valuation updates, building permit inspections, and measurements and valuation of property, and for all expenses related thereto, or act in relation thereto. *(Requested by the Board of Assessors)*

SELECTMEN RECOMMEND: YES ADVISORY RECOMMEND: YES TAX RATE IMPACT: N/A

ARTICLE 16 VOTED: On motion of Margaret Whitney, it was voted to appropriate by transfer from the General Fund the sum of \$5,000 for the revaluation of real estate and personal property in the town, including the hiring of consultants or others for the purposes of conducting property valuation updates, building permit inspections, and measurements and valuation of property, and for all expenses related thereto.

Majority “YES”

ARTICLE 17: To see if the Town will vote to raise and appropriate or appropriate by transfer from available funds a sum of money to pay for legal and other professional services, as well as all other reasonable related expenses, in connection with the collection of certain delinquent taxes owed to the Town, or act in relation thereto. *(Requested by the Town Administrator)*

SELECTMEN RECOMMEND: YES ADVISORY RECOMMEND: YES TAX RATE IMPACT: N/A

ARTICLE 17 VOTED: On motion of Margaret Whitney, it was voted to PASS OVER this article.

Majority “YES”

ARTICLE 18: To see if the Town will vote to raise and appropriate by borrowing, the sum of \$40,000 for the inspection and emergency action plan for the four Town-owned dams as mandated by the State, or act in relation thereto. *(Requested by the Town Administrator and the Board of Selectmen)*

SELECTMEN RECOMMEND: YES ADVISORY RECOMMEND: YES TAX RATE IMPACT: N/A

ARTICLE 18 VOTED: On motion of Jonathan Dennehy, it was voted to raise and appropriate by borrowing, the sum of \$40,000 for the inspection and emergency action plan for the four Town-owned dams as mandated by the state.

2/3 Majority “YES”

ARTICLE 19: To see if the Town will vote to appropriate by transfer from FEMA and MEMA funds received by the Town for costs associated with the December 11, 2008 ice storm, if and when such funds become available to the Ashburnham Municipal Light Department for its proportional share of said costs incurred, or act in relation thereto. *(Requested by Municipal Light Department)*

SELECTMEN RECOMMEND: YES ADVISORY RECOMMEND: YES TAX RATE IMPACT: N/A

ARTICLE 19 VOTED: On motion of Margaret Whitney, it was voted to appropriate by transfer from FEMA and MEMA funds received by the Town for costs associated with the December 11, 2008 ice storm, if and when such funds become available to the Ashburnham Municipal Light Department for its proportional share of said costs incurred.

Unanimous “YES”

ARTICLE 20: To see if the Town will vote to authorize the transfer of trust fund income in the amount of \$41,448 from the Cushing Academy Trust Fund to pay for the fiscal year 2010 secondary school expenses, or act in relation thereto. *(Requested by Town Administrator)*

SELECTMEN RECOMMEND: YES ADVISORY RECOMMEND: YES TAX RATE IMPACT: N/A

ARTICLE 20 VOTED: On motion of Edward Vitone Jr., it was voted to authorize the transfer of trust fund income in the amount of \$41,488 from the Cushing Academy Trust Fund to pay for the fiscal year 2010 secondary school expenses.

Unanimous “YES”

ARTICLE 21: To see if the Town will vote to establish an Agricultural Commission to represent the Ashburnham agricultural community.

Said Commission shall serve as facilitators for encouraging the pursuit of agriculture in Ashburnham; shall promote agricultural-based economic opportunities in Town; act as mediators, advocates, educators, and/or negotiators on farming and forestry issues, shall work for preservation of prime agricultural and forestry lands; and shall pursue all initiatives appropriate to creating a sustainable agricultural community.

The Commission shall consist of five members appointed by the Board of Selectmen. The Commission shall consist of a minimum of three members who derive income from farming, forestry or agricultural-based enterprises in Ashburnham and another two members who are interested in farming. Three members will be appointed for a term of two years and three years thereafter. Up to three alternates may also be appointed by the Board of Selectmen, each for one-year terms.

The appointing authority shall fill a vacancy based on the unexpired term of the vacancy or to maintain the cycle of appointments, based on recommendations of the Commission.

1. Appointing Authority: Board of Selectmen
2. Establish number of members of Commission: 5 plus 3 alternates
3. Establish terms of service: staggered, see article
4. Establish whether members must be Town residents: Yes
5. Method for filling vacancies: Board of Selectmen
6. Purpose of the Commission: Promote Agricultural-based economic opportunities; revitalize and preserve the Ashburnham agricultural industry; and encourage the pursuit of agriculture including forestry as a lifestyle.

Or act in relation thereto. *(Requested by the Ashburnham Conservation Trust)*

SELECTMEN RECOMMEND: YES ADVISORY RECOMMEND: YES TAX RATE IMPACT: N/A

ARTICLE 21 VOTED: On motion of Jonathan Dennehy, it was voted to establish an Agricultural Commission to represent the Ashburnham agricultural community.

Said Commission shall serve as facilitators for encouraging the pursuit of agriculture in Ashburnham; shall promote agricultural-based economic opportunities in Town; act as mediators, advocates, educators, and/or negotiators on farming and forestry issues, shall work for preservation of prime agricultural and forestry lands; and shall pursue all initiatives appropriate to creating a sustainable agricultural community.

The Commission shall consist of five members appointed by the Board of Selectmen. The Commission shall consist of a minimum of three members who derive income from farming, forestry or agricultural-based enterprises in Ashburnham and another two members who are interested in farming. Three members will be appointed for a term of two years and three years thereafter. Up to three alternates may also be appointed by the Board of Selectmen, each for one-year terms.

The appointing authority shall fill a vacancy based on the unexpired term of the vacancy or to maintain the cycle of appointments, based on recommendations of the Commission.

1. Appointing Authority: Board of Selectmen
2. Establish number of members of Commission: 5 plus 3 alternates
3. Establish terms of service: staggered, see article
4. Establish whether members must be Town residents: Yes
5. Method for filling vacancies: Board of Selectmen
6. Purpose of the Commission: Promote Agricultural-based economic opportunities; revitalize and preserve the Ashburnham agricultural industry; and encourage the pursuit of agriculture including forestry as a lifestyle.

Unanimous “YES”

ARTICLE 22: To see if the Town will vote to rescind the \$60,000 authorization to expend funds from the so-called Chapter 90 fund, previously approved under Article 7 of the Special Town Meeting dated November 13, 2008 for the purchase of a front-end loader for the DPW, or act in relation thereto. *(Requested by the Town Administrator)*

SELECTMEN RECOMMEND: YES ADVISORY RECOMMEND: YES TAX RATE IMPACT: N/A

ARTICLE 22 VOTED: On motion of Margaret Whitney, it was voted to rescind the \$60,000 authorization to expend funds from the so-called Chapter 90 fund, previously approved under Article 7 of the Special Town Meeting dated November 13, 2008 for the purchase of a front-end loader for the DPW.

Unanimous “YES”

ARTICLE 23: To see if the Town will vote to amend the Non-Union Personnel By-Law, Section 9.21, by striking the word “separation” and substituting the words “retirement or death”, or act in relation thereto. *(Requested by Citizens Petition)*

SELECTMEN RECOMMEND: NO ADVISORY RECOMMEND: YES TAX RATE IMPACT: N/A
POSITION

ARTICLE 23 VOTED: On motion of William Nolan III, it was voted to amend the Non-Union Personnel By-Law, Section 9.21, by striking the word “separation” and substituting the words “retirement or death”.

Majority “YES”

ARTICLE 24. To see if the Town will vote to amend the Town of Ashburnham’s zoning map entitled “Zoning Map of Ashburnham, Massachusetts”, dated August 27, 2007, and on file as subsequently amended, and referenced in Section 2.21 of the Town’s Zoning Bylaws by deleting the VC Zoning District and creating a New VC-C (Village Center – Commercial) and VC-R (Village Center – Residential) Zoning District and portions of the old VC Zoning District shall be rezoned RA (Residential - A).And, further to amend the Ashburnham Zoning Bylaw, sections 1.5, Definitions; 2.1, Types of Districts; 2.2, Location of Districts; 3.2, Schedule of Use Regulations; 4.2, Schedule of Dimensional Regulations (Table 1), 5.12.3 Adult Entertainment Overlay District, and adding a new section 3.35 Village Center Special Conditions, as follows, or act in relation thereto. *(Requested by Village Center Zoning District Study Committee and the Planning Board)*

NOTE: all additions are noted in ***bold and italicized*** text. Deletions or alterations to existing text are shown as ~~crossed-out~~ text.

1.5 Definitions

In this By-Law, the following terms shall have the following meanings unless a contrary meaning is required by the context or is specifically prescribed.

Seasonal Farm Stand Non-exempt - Facility for the sale of produce, wine and dairy products on property non-exempted by M.G.L. Chapter 40A, Section 3, operated on a non year round basis.

Pushcart – any wagon, cart, trailer or similar wheeled container, not a self-propelled “motor vehicle” as defined in M.G.L., Chapter 90, Section 1, from which food or beverage is offered for sale to the public

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
- ~~V-C Village Center~~
- VC-C Village Center Commercial*
- VC-R Village Center Residential*
- I Industrial
- W Wetland and Watershed Protection
- WSP Water Supply Protection (Overlay) District
- 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 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 which fall 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, ~~V-C~~, *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 2, 2009, 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.

~~The Village Center District is the area described as follows:~~

~~**South of Main Street:** The area bounded by Pleasant Street, Puffer/Academy Street, Maple Avenue and Main Street; Main Street from Lawrence Street to Corey Hill Road 300 feet on either side of the road; Main Street from Maple Avenue to River Styx Road 300 feet on either side of the road.~~

~~**North of Main Street:** The area bounded by Lawrence Street, Park Street, Memorial Drive and Main Street; Water Street from Main Street to Cotton Mill Dam 300 feet on either side of the road.~~

SECTION 3. USE REGULATIONS

3.1 Basic Requirements

No building, structure, or land shall be used for any purpose or in any manner other than as permitted and set forth in Section 3.2, Schedule of Use Regulations, of this By-Law and in accordance with the following notation:

- Y (Yes) - User permitted as a matter of right.
- Sp (Special Permit) - Use allowed as an exception under Special Permit by the Board of Appeals *or Planning Board* as provided hereafter.
- N (No) - Use prohibited.

Uses permitted as a matter of right and uses allowed by the Board of Appeals shall be in conformity with all dimensional requirements, off-street parking requirements, and any other pertinent requirements of this By-Law.

The Planning Board is designated as the Special Permit Granting Authority (SPGA) for all Special Permits requiring Site Plan Review under section 5.10 of this bylaw.

The Zoning Board of Appeals is designated as the Special Permit Granting Authority (SPGA) for all Special Permits that also require a variance from the Zoning Board of Appeals.

3.2 Schedule of Use Regulations

Use	R-A	R-B	G-B	LI-A	LI-B	B	VC	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	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y

Use	R-A	R-B	G-B	LI-A	LI-B	B	VC	<i>VC-C</i>	<i>VC-R</i>	I	W	WSP
other religious institutions.												
b. 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	Y
c. Colleges or junior colleges and buildings accessory thereto.	Y	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	Y
e. Library, Museum or civic center.	SP	SP	SP	N	N	SP	Y	Y	Y	N	N	N
f. Public buildings and premises for government use.	SP Y	SP Y	SP Y	SP Y	SP Y	Y	Y	Y	Y	SP Y	SP Y	SP Y
g. Public utility buildings and structures.	SP Y	SP Y	SP Y	Y	Y	Y	Y	Y	Y	Y	SP Y	SP Y
h. Hospital, sanitarium, nursing, rest or convalescent home, charitable institution or other non-correctional use.	SP	SP	N	N	N	Y	SP	SP	N	N	N	N
i. Flood control or water supply use.	Y	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	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	Y
l. Cemetery.	SP	SP	SP	N	N	N	SP	N	N	N	N	N
m. Road and/or railroad.	Y	Y	SP	Y	Y	Y	Y	Y	Y	Y	SP	SP
3.22 Residence												
a. Single-family detached dwelling other than a	Y	Y	Y	N	N	SP	SP	N	Y	SP	N	Y

Use	R-A	R-B	G-B	LI-A	LI-B	B	VC	<i>VC-C</i>	<i>VC-R</i>	I	W	WSP
mobile home.												
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	SP	<i>Y</i>	<i>SP</i>	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	<i>N</i>	<i>N</i>	SP	N	SP
d. Two (2) family or semi-detached dwelling.	SP	SP	N	N	N	SP	N	<i>N</i>	<i>SP</i>	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	<i>N</i>	<i>N</i>	N	N	N
f. Family type campground.	N	SP	SP	N	N	N	N	<i>N</i>	<i>N</i>	N	N	N
g. Mobile home used as a dwelling within a mobile home park.	N	Y	N	N	N	N	N	<i>N</i>	<i>N</i>	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	<i>SP</i>	<i>SP</i>	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	<i>Y</i>	<i>Y</i>	Y	N	SP
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	<i>Y</i>	<i>Y</i>	SP	N	SP
k. Accessory use, including storage of a recreation	Y	Y	Y	Y	Y	Y	Y	<i>Y</i>	<i>Y</i>	Y	SP	SP

Use	R-A	R-B	G-B	LI-A	LI-B	B	VC	VC-C	VC-R	I	W	WSP
(5) or larger												
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.	SP	SP	SP	Y	Y	SP	SP	N	N	Y	Y	SP
Parcels less than five (5) acres	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	SP
Parcels of five (5) acres or larger												
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	Y	Y	SP
<i>d. Seasonal Farm Stand, non-exempt</i>	<i>SP</i>	<i>SP</i>	<i>SP</i>	<i>SP</i>	<i>SP</i>	<i>SP</i>	<i>-</i>	<i>N</i>	<i>N</i>	<i>SP</i>	<i>N</i>	<i>N</i>
3.24 Business												
a. Retail store distributing merchandise to the general public.	N	N	SP	Y	Y	Y	Y	Y	<i>SP</i>	SP	N	N
a.(1) Adult Entertainment Establishments, as defined in Section 5.12	SP	SP	SP	SP	SP	SP	SP	N	N	SP	SP	SP
b. Craft, consumer, professional, <i>personal</i> or commercial service establishment dealing directly with the general public.	N	N	SP	Y	Y	Y	Y	Y	Y	SP	N	N
c. Office or agency for non-resident business or professional use.	SP	N	Y	Y	Y	Y	Y	Y	Y	SP	N	N
d. Bank or other financial institution.	N	N	N	Y	Y	Y	Y	Y	N	SP	N	N
<i>e. Drive-up bank or other financial institution.</i>	<i>N</i>	<i>N</i>	<i>N</i>	<i>SP</i>	<i>SP</i>	<i>SP</i>	<i>-</i>	<i>SP</i>	<i>N</i>	<i>SP</i>	<i>N</i>	<i>N</i>
f. Restaurant, <i>tavern</i> or other establishment providing food and beverage within a building.	SP	SP	SP	Y	Y	Y	Y	Y	<i>SP</i>	SP	N	N

Use	R-A	R-B	G-B	LI-A	LI-B	B	VC	VC-C	VC-R	I	W	WSP
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	Y	SP	N	N	N	N
i. Pushcart food vendor	N	N	N	N	N	Y	N	Y	N	N	N	N
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	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	SP	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	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	N	SP	N	N
o. Commercial greenhouse.	SP	Y	SP	Y	Y	SP	SP	N	SP	SP	N	N
p. Undertaking establishment or funeral home.	SP	N	N	SP	SP	Y	Y	SP	SP	N	N	N
q. Animal or veterinary hospital.	N	SP	N	Y	Y	SP	N	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	N	SP	N	N
s. Drive-in or open-air	N	N	SP	SP	SP	SP	SP	SP	SP	SP	N	N

Use	R-A	R-B	G-B	LI-A	LI-B	B	VC	VC-C	VC-R	I	W	WSP
business other than a restaurant and appurtenant buildings or structures.												
t. Storage of construction equipment and building material.	SP	SP	N	Y	Y	SP	SP	<i>N</i>	<i>N</i>	Y	N	N
u. Bed & Breakfast, but not including a hotel, motel or overnight cabins.	SP	SP	SP	SP	SP	SP	SP	<i>SP</i>	<i>SP</i>	N	N	N
v. Hotel, motel, or overnight cabins.	N	SP	SP	SP	SP	Y	Y	<i>SP</i>	<i>SP</i>	N	N	N
w. Commercial indoor amusement or recreation place, or place of assembly. <i>A maximum of two movie screens shall be allowed in the VC-C District.</i>	N	N	N	SP	SP	SP	SP	<i>SP</i>	<i>N</i>	N	N	N
x. Commercial outdoor amusement or recreation place not including an outdoor movie theatre.	N	N	SP	SP	SP	SP	SP	<i>N</i>	<i>N</i>	N	N	N
y. Wireless Communication Facilities & Towers.	SP	SP	SP	SP	SP	SP	SP	<i>SP</i>	<i>SP</i>	SP	SP	N
z. Commercial sale of domestic pets other than dogs & cats.	N	N	SP	SP	SP	Y	Y	-	-	N	N	N
z. Self-Storage Facilities. With No outdoor storage shall be allowed.	N	N	N	SP	SP	SP	N	<i>N</i>	<i>N</i>	SP	N	N
<i>aa. Art Galleries</i>	<i>Y</i>	<i>Y</i>	<i>Y</i>	<i>Y</i>	<i>Y</i>	<i>Y</i>	-	<i>Y</i>	<i>Y</i>	<i>Y</i>	<i>N</i>	<i>N</i>
<i>bb. Outdoor Farmers Market</i>	<i>Y</i>	<i>Y</i>	<i>Y</i>	<i>Y</i>	<i>Y</i>	<i>Y</i>	-	<i>Y</i>	<i>Y</i>	<i>Y</i>	<i>N</i>	<i>N</i>
3.25 Wholesale and Industry												
a. Freight and terminal or storage warehouse.	N	N	N	Y	Y	N	N	<i>N</i>	<i>N</i>	Y	N	N
b. Wholesale warehouse including office or showroom facilities.	N	N	N	Y	Y	N	N	<i>N</i>	<i>N</i>	Y	N	N
c. Passenger station.	N	N	N	SP	SP	Y	Y	<i>Y</i>	<i>N</i>	SP	N	N
d. Airport or heliport.	N	SP	N	SP	SP	N	N	<i>N</i>	<i>N</i>	SP	N	N
e. Light industrial use including manufacturing, processing,	N	N	N	Y	Y	SP	N	<i>N</i>	<i>N</i>	Y	N	N

Use	R-A	R-B	G-B	LI-A	LI-B	B	VC	VC-C	VC-R	I	W	WSP
fabrication, assembly, packaging and storage.												
f. Excavation, processing and storage of soil, loam, sand, gravel, rock and other mineral deposits.	N	SP	N	SP	SP	N	N	N	N	SP	SP	SP
g. Reclamation, processing, storage and sale of scrap materials.	N	N	N	Y	SP	N	N	N	N	Y	N	N
h. Light industrial use including research and development within a building.	SP	N	N	Y	Y	SP	SP	-	-	Y	N	N
3.26 Scientific Research and Development												
a. Activities connected with scientific research or scientific development or related production.	SP	SP	N	Y	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	Y	SP	SP	Y	N	SP

Proposed new Special Conditions under Section 3 for the Village Center

Section 3.35– Village Center

- a. ***Retail operations with more than ten thousand (10,000) square feet of gross floor area on any individual floor shall be prohibited in the Village Center - Commercial and Village Center-Residential Zoning Districts.***
- b. ***More than one principle building shall be allowed on any lot located in the Village Center - Commercial and Village Center - Residential Zoning Districts, subject to issuance of a Special Permit by the Planning Board that such buildings would be in keeping with the purpose of the Village Center Zoning District(s), per Section 2.1 of the Zoning Bylaw, and the following findings:***
 - 1. ***No principal building shall be located in relation to another principal building on the same lot, or on adjacent lot, so as to cause danger from fire;***
 - 2. ***All principal buildings on the lot shall be served by access ways suitable for fire, police, and emergency vehicles;***
 - 3. ***All of the multiple principal buildings on the same lot shall be accessible via pedestrian walkways connected to the required parking for the premises, and to each principal building.***

The Adult Entertainment Overlay District is established over all the zoning districts of the Town of Ashburnham, *except for the Village Center – Commercial and Village Center – Residential zoning districts*. The Adult Entertainment Overlay District use regulations shall be as herein described in the Adult Entertainment District.

TABLE 1

4.2 SCHEDULE OF DIMENSIONAL REGULATIONS

(4) District	Minimum Lot Dimension		Minimum Yard Dimensions (3) (feet)			Maximum Building Height (stories)	Maximum Building Height (feet)	Maximum Lot Coverage (%)
	Area (sq. ft.)	Frontage (feet)	Front	Side	Rear			
* R-A	*45,000	*150	20	10	10	2 ½	35	25
**R-B	**60,000	*200	40	25	25	2½	35	20
G-B	60,000	200	40	25	25	2½	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
V-C	25,000 (6)	125	20 (5)	10	10	3	40	50
VC-C	0	20	0 (5)	0	0	3	40	50
VC-R	10,000	75	20	10	10	2 1/2	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) 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) Includes accessory buildings.

(5) 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 ~~thirty (30)~~ 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.

~~(b) A minimum of 80 per cent of the front yard shall be landscaped open space; excluding, in the opinion of the Zoning Board of Appeals, that access is limited due to the grade of level being greater than ten percent (10%).~~

~~(e) The Zoning Board may, by special permit, reduce the required size of a front yard setback in the V-C District.~~

~~(6) The minimum lot area for assisted elderly or supportive housing developments shall be 12,000 square feet or 1,000 square feet multiplied by the number of sleeping rooms, whichever is greater.~~

*EFFECTIVE DATE Minimum Lot Dimensions
Boston, Massachusetts

July 19, 1973

The foregoing amendment to Zoning By-Laws adopted under Article 10 is hereby approved.

Robert H. Quinn, Attorney General

** Minimum Lot Dimensions Amended – July 1, 1986, - Francis X. Bellotti, Attorney General

Explanation:

The Village Center Zoning District Study Committee was appointed for the purpose of studying the Village Center Zoning District (VCZD) and making recommendations for changes. As you may know, the Committee was formed by the November 15, 2007 Special Town Meeting. The current VCZD covers the area from the intersection of Main Street and River Styx Road running north on Main Street through the center of town to the intersection of Corey Hill Road, Lashua Road and Winchendon Road. The Village Center District also runs north along Water Street and includes the entire downtown area including portions of Chapel Street, Lawrence Street, Pleasant Street, Puffer Street, Maple Avenue, River Street and the surrounding areas.

The Committee was charged with looking at the Village Center District to see if changes could be made to the district to accomplish the following goals:

- Preserving the historical nature of our downtown
- Blending residential and residential “friendly” commercial uses within the zoning district
- Streamlining the permitting process

As part of our work, the Committee members have taken walking tours throughout the Village Center District making note of the unique features of each house and lot. We examined the existing Zoning Bylaw and the procedures for developing land in the district. We also looked at other communities’ bylaws for innovative ideas.

As a result of the Committee’s multi-year study, we have decided to separate the “old” Village Center District into two new distinct zoning districts: the Village Center Commercial District and the Village Center Residential District. These two districts are closely tailored to the layout of the neighborhoods. We propose to change the Zoning Map, the Table of Uses, the Dimensional Requirements within each district and the permitting procedure for developing parcels within these districts.

SELECTMEN RECOMMEND: YES ADVISORY RECOMMEND: YES TAX RATE IMPACT: N/A
PLANNING BD RECOMMEND: YES

ARTICLE 24 VOTED: On motion of John McMillan, it was voted to amend the Town Zoning Map entitled “Zoning Map of Ashburnham, Massachusetts”, dated August 27, 2007, and on file as subsequently amended, and referenced in Section 2.21 of the Town’s Zoning Bylaws by deleting the VC Zoning District and creating a New VC-C(Village Center-Commercial) and VC-R(Village Center-Residential) Zoning District and portions of the old VC Zoning District shall be rezoned RA(Residential-A). And further to amend the Ashburnham Zoning Bylaw, sections 1.5 Definitions: 2.1, Types of Districts; 2.2, Location of Districts; 3.2 Schedule of Use Regulations; 4.2, Schedule of Dimensional Regulations (Table 1), 5.12.3 Adult Entertainment Overlay District, and adding a new section 3.35 Village Center Special Conditions, as follows.

Amendment: On motion of John MacMillan, it was voted to amend Article 24 by amending the zoning map referenced in said article to include in the proposed Village Center Commercial District (VC-C), the parcels currently in the existing Village Center District on Main Street, east of River and Maple Streets, on Water Street North of Chapel and Mill Streets and to include those parcels on River Styx Road proposed to be Village Center-Residential, and to exclude parcels on Holden Street partially in the existing Village Center District as shown on the attached map.

1.5 Definitions

In this By-Law, the following terms shall have the following meanings unless a contrary meaning is required by the context or is specifically prescribed.

Seasonal Farm Stand Non-exempt - Facility for the sale of produce, wine and dairy products on property non-exempted by M.G.L. Chapter 40A, Section 3, operated on a non year round basis.

Pushcart – any wagon, cart, trailer or similar wheeled container, not a self-propelled “motor vehicle” as defined in M.G.L., Chapter 90, Section 1, from which food or beverage is offered for sale to the public

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
- 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 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 which fall 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.

Use	R-A	R-B	G-B	LI-A	LI-B	B	VC-C	VC-R	I	W	WSP
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
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 semi-detached 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)	Y	Y	N	N	N	SP	SP	SP	SP	N	SP

Use	R-A	R-B	G-B	LI-A	LI-B	B	VC-C	VC-R	I	W	WSP
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	Y	SP
Parcels of five (5) acres or larger	Y	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	Y	SP
d. Seasonal Farm Stand, non-exempt	SP	SP	SP	SP	SP	SP	N	N	SP	N	N
3.25 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 non-resident 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
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

Use	R-A	R-B	G-B	LI-A	LI-B	B	VC-C	VC-R	I	W	WSP
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
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
a. Self-Storage Facilities. With no outdoor storage allowed.	N	N	N	SP	SP	SP	N	N	SP	N	N
b. Art Galleries	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N
c. 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

Use	R-A	R-B	G-B	LI-A	LI-B	B	VC-C	VC-R	I	W	WSP
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											
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

Section 3.35– Village Center

- a. Retail operations with more than ten thousand (10,000) square feet of gross floor area on any individual floor shall be prohibited in the Village Center - Commercial and Village Center-Residential Zoning Districts.
- b. More than one principle building shall be allowed on any lot located in the Village Center - Commercial and Village Center - Residential Zoning Districts, subject to issuance of a Special Permit by the Planning Board that such buildings would be in keeping with the purpose of the Village Center Zoning District(s), per Section 2.1 of the Zoning Bylaw, and the following findings:
 1. No principal building shall be located in relation to another principal building on the same lot, or on adjacent lot, so as to cause danger from fire;
 2. All principal buildings on the lot shall be served by access ways suitable for fire, police, and emergency vehicles;
 3. All of the multiple principal buildings on the same lot shall be accessible via pedestrian walkways connected to the required parking for the premises, and to each principal building.

5.12.3 Adult Entertainment Overlay District

The Adult Entertainment Overlay District is established over all the zoning districts of the Town of Ashburnham, except for the Village Center – Commercial and Village Center – Residential zoning districts. The Adult Entertainment Overlay District use regulations shall be as herein described in the Adult Entertainment District.

TABLE 1

4.3 SCHEDULE OF DIMENSIONAL REGULATIONS

(4) District	Minimum Lot Dimension		Minimum Yard Dimensions (3)			Maximum Building Height		Maximum Lot Coverage (%)
	Area (sq. ft.)	Frontage (feet)	Front	Side (feet)	Rear	(stories)	(feet)	
* R-A	*45,000	*150	20	10	10	2 ½	35	25
**R-B	**60,000	*200	40	25	25	2½	35	20
G-B	60,000	200	40	25	25	2½	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	0 (5)	0	0	3	40	50
VC-R	10,000	75	20	10	10	2 1/2	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) 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) Includes accessory buildings.
- (5) 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.

*EFFECTIVE DATE Minimum Lot Dimensions
Boston, Massachusetts

July 19, 1973

The foregoing amendment to Zoning By-Laws adopted under Article 10 is hereby approved.
Robert H. Quinn, Attorney General

** Minimum Lot Dimensions Amended – July 1, 1986, - Francis X. Bellotti, Attorney General

2/3 Majority “YES”

ARTICLE 25: To see if the Town will vote to raise and appropriate the sum of \$264,084 to be added to the sum in line 20 of the budget approved under Article 2 for the Ashburnham-Westminster Regional School District, provided that no funds shall be spent and no bonds shall be issued unless the Town has voted at an election to exempt this expenditure from the provisions of Proposition 2½, so called, and further provided that the Town of Westminster

also votes to approve and fund its proportional share of such additional appropriation, or act in relation thereto. *(Requested by the Ashburnham-Westminster Regional School Committee)*

SELECTMEN RECOMMEND: YES ADVISORY RECOMMEND: YES TAX RATE IMPACT: .23

ARTICLE 25 VOTED: On motion of David Christianson, Jr., it was voted to raise and appropriate the sum of \$156,849 to be added to the sum in line 20 of the budget approved under Article 2 for the Ashburnham-Westminster Regional School District, provided that no funds shall be spent and no bonds shall be issued unless the Town has voted at an election to exempt this expenditure from the provisions of Proposition 2 ½, so called, and further provided that the Town of Westminster also votes to approve and fund its proportional share of such additional appropriation.

Majority “YES”

ARTICLE 26: To see if the Town will vote to authorize a revolving fund, in accordance with G.L. c. 44, Sec. 53E½, to be expended by the Agricultural Committee, for the purpose of a Farmer’s Market, said fund to be established from administrative and event fees, said expenditures not to exceed \$5,000 unless an increase in such limitation is approved by the Board of Selectmen, or act in relation thereto. *(Requested by the DPW Director)*

SELECTMEN RECOMMEND: YES ADVISORY RECOMMEND: YES TAX RATE IMPACT: N/A

ARTICLE 26 VOTED: On motion of Jonathan Dennehy, it was voted to authorize a revolving fund, in accordance with G.L. c. 44, Sec. 53E½, to be expended by the Agricultural Commission, for the purpose of a Farmer’s Market, said fund to be established from administrative and event fees, said expenditures not to exceed \$5,000 unless an increase in such limitation is approved by the Board of Selectmen.

Majority “YES”

ARTICLE 27: To authorize the Board of Selectmen and/or the DPW Director to apply for and accept the State STRAP grant for the paving of Rindge Turnpike Road, or act in relation thereto. *(Requested by the DPW Director)*

SELECTMEN RECOMMEND: YES ADVISORY RECOMMEND: YES TAX RATE IMPACT: N/A

ARTICLE 27 VOTED: On motion of Edward Vitone Jr., it was voted to authorize the Board of Selectmen and/or the DPW Director to accept the State STRAP grant if awarded for the paving of Rindge Turnpike Road.

Unanimous “YES”

ARTICLE 28: To see if the Town will vote to raise and appropriate or transfer from available funds, the sum of \$25,000 to the Stabilization Fund, or act in relation thereto. *(Requested by the Town Administrator)*

SELECTMEN RECOMMEND: YES ADVISORY RECOMMEND: YES TAX RATE IMPACT: N/A

ARTICLE 28 VOTED: On motion of Jonathan Dennehy, it was voted to raise and appropriate and to transfer the sum of \$25,000 to the Stabilization Fund.

Majority “YES”

ARTICLE 29: To see if the Town will vote to accept the Staffing for Adequate Emergency Response (SAFER) grant awarded to the Town providing for the hiring of three firefighter/paramedics, and further to raise and appropriate or appropriate by transfer of available funds, any sums necessary to meet the Town’s grant match, if any, for FY10, provided that no funds be spent unless the Town has voted at an election to exempt this expenditure from the provisions of Proposition 2½, so called, or act in relation thereto. *(Requested by the Fire Department)*

SELECTMEN RECOMMEND: NO ADVISORY RECOMMEND: YES TAX RATE IMPACT: .13

ARTICLE 29 VOTED: On the motion of Edward Vitone, Jr., it was voted to accept the Staffing for Adequate Emergency Response (SAFER) grant awarded to the Town providing for

the hiring of three firefighter/paramedics, the sum of \$90,000 to meet the Town's grant match, if any, for FY10, provided that no funds be spent unless the Town has voted at an election to exempt this expenditure from the provisions of Proposition 2 ½, so called.

2/3 Majority "YES"

Meeting adjourned at 2:45 P.M.

Respectfully submitted,
Linda A. Ramsdell
Town Clerk